

Nature, Feminism, and Flourishing: Human Nature and the Feminist Ethics of Flourishing

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NATURE, FEMINISM, AND FLOURISHING:
HUMAN NATURE AND THE FEMINIST
ETHICS OF FLOURISHING

by

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ABSTRACT
NATURE, FEMINISM, AND FLOURISHING:
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Celeste D. Harvey

Marquette University, 2016

This dissertation examines the viability of a feminist ethic of flourishing. The possibility of a eudaimonist, or flourishing-based, ethic adapted for the needs of feminist ethics and politics has recently been raised by a number of feminist moral philosophers. However, in these discussions, the degree to which an ethic of flourishing requires a substantive conception of human nature has not been adequately addressed. Flourishing-based ethical theories appear to require a substantive account of the kind of thing whose flourishing is to be promoted, while contemporary academic feminism is characterized by a strong suspicion toward claims about human nature.

Chapter one situates this problem in the current literature and reframes feminist anti-essentialist objections to nature claims. Chapter two analyzes three historically influential exemplars of the ethics of flourishing: Aristotle, Hume, and Marx. Employing the analytic categories developed in chapter two, chapters three through five assess the work of Rosalind Hursthouse, Martha Nussbaum, and Lisa Tessman for their adequacy to serve as the basis of a feminist ethic of flourishing. I argue that each has something of value to offer and yet each is problematic when it comes to how they appeal (or fail to appeal) to human nature.

The central argument of this dissertation is that, properly understood, a theory of human nature can be a critical resource for a feminist ethic of flourishing. As such, feminist moral philosophers who would condemn oppression, gender-based subordination, and other injustices by appealing to an ideal of flourishing that is being denied or cut off, would benefit from greater attention to the assumptions about human nature that such theories of flourishing entail. On the view defended here, a normative conception of human nature is a necessary methodological element of a flourishing-based ethical theory that illuminates the reasons one has in support of a particular vision of flourishing. While I leave open the question of how such a conception of human nature could be objectively justified, this dissertation argues that a theory of human nature can serve as a normative resource for feminist moral criticism within a flourishing-based ethical framework.

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CHAPTER 1

FEMINISM AND THE ETHICS OF FLOURISHING

1. Status of the Question: Feminist Moral Philosophy, the Ethics of Flourishing, and Human Nature

A number of feminist moral philosophers have, in recent years, appealed to flourishing-based ethical frameworks as the basis for a feminist moral analysis and critique of oppression and injustice. By “flourishing-based ethical framework,” I mean any moral perspective that either takes the flourishing or well-being of the agent as the goal of ethics and starting point of moral reflection (as the ancient eudaimonists do), or uses the notion of flourishing or well-being as a standard from which to criticize or endorse specific practices, norms, rules or forms of life.¹ We might also describe such a moral perspective as an “ethic of flourishing.” I’ll use the phrases “flourishing-based ethical perspective” and “ethic of flourishing” interchangeably.² Feminist philosophers in this vein include Lisa Tessman, Nancy Snow, Martha Nussbaum, Ruth Groenhout, and

¹ For reasons I explain later, I’m setting to the side what could be considered a form of flourishing-based ethic: welfare, hedonic, or desire/preference-satisfaction based forms of consequentialism. These are not the kind of flourishing-based ethic I am interested in here, and they do not capture what the feminists I reference below are attempting to revive for feminist purposes.

² Is an ethic of flourishing a “moral theory”? Some philosophers have reserved the term “moral theory” for theories with a highly specific form and structure. For a good discussion of this, see Margaret Urban Walker, *Moral Understandings: A Feminist Study in Ethics*, 2nd ed. (Oxford: Oxford University Press, 2007). See also, Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999). For an insightful discussion of whether or not any of the ancient ethical theories count as “moral theories” in this technical sense, see the introduction to Julia Annas’s *The Morality of Happiness* (New York: Oxford University Press, 1993). An ethic of flourishing (and the ethics of Aristotle in particular) has been attractive to some philosophers (feminist and otherwise) as an instance of “anti-theory.” I am agnostic regarding these debates. This dissertation indirectly raises meta-ethical questions about moral theory, what a moral theory is, what a moral theory is supposed to be, and whether what I refer to as an “ethic of flourishing” counts. I will sometimes refer to flourishing-based accounts as “moral theories,” or to philosophers offering flourishing-based accounts as “moral theorists,” because doing so is less cumbersome than trying to work my way around that phrase, but I do not intend this in a technical sense. For the purposes of this dissertation, I leave all these questions open and put them to the side in what follows.

Chris Cuomo.³ Rosalind Hursthouse is another recent philosopher to have developed a normative perspective centered on the end of human flourishing, and though not working explicitly as a feminist, her work is relevant in this regard since she clearly wants her perspective to be consistent with feminist principles.⁴

Lisa Tessman, Nancy Snow, and Rosalind Hursthouse each draw on the tradition of Aristotelian virtue ethics and, in the course of so doing, have advanced various forms of Aristotelian eudaimonism.⁵ Martha Nussbaum's well-known 'capabilities approach' has drawn quite freely on the Aristotelian tradition, but her normative perspective is equally influenced by Marx and the enlightenment tradition of human rights and human dignity. For Nussbaum, human rights are best grounded in a notion of human dignity, which she sees as being realized in and through the exercise of human capabilities that enable human flourishing.⁶ Ruth Groenhout has advanced a form of care ethics centered on the notion of flourishing, and she is explicit that human flourishing is connected to the full development of human capacities and the perfection of human nature.⁷ Both Groenhout and Nussbaum can be thought of as giving objective well-being theories of flourishing in which an account of human nature and the development of certain tendencies of human nature are central. For this reason, one might say they offer

³ Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (New York: Oxford University Press, 2005); Nancy Snow, "Virtue and Flourishing," *Journal of Social Philosophy* 39, no. 2 (2008); Martha Nussbaum, "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," *Political Theory* 20, no. 2 (1992); *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000); *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: The Belknap Press of Harvard University Press, 2006); Ruth Groenhout, *Connected Lives: Human Nature and an Ethics of Care* (Lanham, MD: Rowman and Littlefield, 2004); Chris Cuomo, *Feminism and Ecological Communities: An Ethic of Flourishing* (New York: Routledge, 1998).

⁴ Hursthouse, *On Virtue Ethics*.

⁵ Tessman, *Burdened Virtues*; Nancy Snow, "Virtue and the Oppression of Women," in *Feminist Moral Philosophy*, ed. Samantha Brennan (Calgary, Alberta, CA: University of Calgary Press, 2002); Hursthouse, *On Virtue Ethics*.

⁶ Nussbaum, "Human Functioning"; *Women and Human Development*; *Frontiers of Justice*.

⁷ Groenhout, *Connected Lives*, 1-7, 21.

‘perfectionist’ theories of flourishing.⁸ In a quite different tradition of normative ethics, Chris Cuomo has developed a feminist ecological ethic of flourishing and has done so explicitly with the goal of “establishing a basis for rejecting oppression.”⁹

The central problem this dissertation seeks to address is the tension created by the fact that the most well-known ethics of flourishing—Aristotle’s—relies quite explicitly on an account of human nature, and contemporary feminists generally turn to Aristotle when putting forward their own flourishing-based ethical frameworks. But appealing to human nature is problematic for a number of reasons within feminist moral philosophy, and the degree to which a flourishing-based ethic is either possible or desirable independent of an account of human nature has not been systematically addressed by feminist scholars seeking to retrieve a flourishing-based ethic.

Nancy Snow and Ruth Groenhout recognize both the need an ethic of flourishing has for an account of human nature and the problem such a need presents for feminists, but neither addresses the problem in depth.¹⁰ Martha Nussbaum has argued that a conception of a universally shared human nature is important for feminist ethics and politics over and against post-modern feminist objections to essentialist definitions of human nature,¹¹ but she has not addressed the epistemological problems I identify here as constituting a central source of feminist resistance to appeals to human nature. This

⁸ For treatments of Nussbaum as a perfectionist, see Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1996); see also Kimberly Yuracko, *Perfectionism and Contemporary Feminist Values* (Bloomington: Indiana University Press, 2003). In my estimation, the label of “perfectionism” is in some ways misleading when applied to Nussbaum since her normative proposal is limited to support for capabilities and not actual functionings. In addition, “perfectionism” implies that the ideal goal is perfect functioning, whereas for Nussbaum, the ideal is positive freedom to function.

⁹ Cuomo, *Feminism and Ecological Communities*. Cited in Sarah Hoagland, “Engaged Moral Agency,” *Ethics and the Environment* 4, no. 1 (1999): 91.

¹⁰ Snow, “Virtue and the Oppression of Women,” 46-47; Groenhout, *Connected Lives*, chaps. 1-2, see esp. pp. 7-14.

¹¹ Nussbaum, “Human Functioning.”

leaves her approach open to these epistemological objections.¹² Finally, Lisa Tessman represents a quite different position on the spectrum of feminists who have adopted an ethic of flourishing. While the rest give at least a nod to the need for a conception of human nature, Tessman advocates for a flourishing-based ethic but seems to reject as spurious any attempt to support that account through an appeal to human nature.¹³

To recap, some feminists working with an ethic of flourishing, such as Snow and Groenhout, recognize that human nature, although problematic from a feminist perspective, is important (maybe because inescapable). Others, such as Nussbaum, argue that feminists need to endorse an account of human nature in order to advance and defend feminist aims, but they do not address a major source of feminist skepticism toward the appeal to human nature.¹⁴ Finally, feminist philosophers like Tessman appeal to an ethic of flourishing but do not address the problem human nature presents for a feminist ethic of flourishing.

Feminist philosophers hold a complex and multi-directional skepticism toward appeals to human nature. They have as many reasons to question its relevance as any other moral philosopher, but their skepticism is also rooted in the history of feminist theory and criticism itself. To address these objections, I give an analysis of this history

¹² I discuss this below, but I see these epistemological objections as being raised by Alison Jaggar, “Reasoning About Well-Being: Nussbaum’s Method of Justifying the Capabilities,” *The Journal of Political Philosophy* 14, no. 3 (2006); Susan Moller Okin, “Poverty, Well-Being and Gender: What Counts, Who’s Heard?” *Philosophy and Public Affairs* 31, no. 3 (2003); and Brooke Ackerly, *Political Theory and Feminist Social Criticism* (Cambridge: Cambridge University Press, 2000).

¹³ Her position is somewhat more complicated in *Burdened Virtues*, but when arguing that moral facts and practices should be understood as a product of political contestation, Tessman says, “If on the other hand moral facts are taken to be true or false independent of actual, situated human practices—whether descending from God or existing in a noumenal realm accessible through pure reason or even determined by the *telos* of humans as a natural kind—then the political struggle over ethical values degenerates into a contest to show who has gotten the independently existing moral facts right.” Lisa Tessman, ed. *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal* (Dordrecht, Netherlands: Springer, 2009), xv.

¹⁴ For another author who, like Nussbaum, argues that feminists need to endorse an account of human nature, cf. Yuracko, *Perfectionism and Contemporary Feminist Values*.

and argue that, rather than eschew reliance on human nature, taking this history seriously means giving greater attention to the various ways human nature can function within normative moral theory and to how it can sustain our ethical thought. This dissertation aims to take the history of feminist criticism seriously and thereby respond to these objections.

2. The Ethics of Flourishing

This dissertation seeks to defend the thesis that a theory of human nature is indispensable in a flourishing-based ethical theory and, furthermore, that it can be a critical resource for feminist moral philosophers employing an ethic of flourishing. Rather than try to avoid this controversial subject, we need to give much more attention to our vision of human nature, how it sustains our ethical thought and how it can function normatively within a flourishing-based ethical theory. Theories of human nature are regarded by many feminist philosophers as a principal theoretical source of women's oppression—a far cry from a critical resource for defending a feminist analysis of oppression and positive vision of flourishing. Human nature can be a critical resource insofar as it can help articulate the available reasons in support of a feminist vision of full human flourishing. Beyond that, human nature is an important self-critical tool that can help us reflect on and clarify our own ethical outlook, especially in testing those elements of our ethical perspective which we suspect rest on mere convention and have little or no backing when we take a wider perspective.

Some of the deepest insecurities of Western feminists pertain to a legacy of Western cultural imperialism—a history of those with the power to do so imposing

culturally specific Western values as universally normative. Conscious that we (Western feminists) continue to hold disproportionate power—including the power to articulate and defend our own positions in the academy and, in certain cases, impose our moral vision through influence on policy-making—these insecurities have fostered a paralyzing form of moral relativism in certain feminist quarters.¹⁵ Nevertheless, many feminist activists, political theorists, and moral philosophers continue to critique practices and norms they see as harmful to women and articulate these critiques in such a way that their validity extends beyond concurrent personal preferences shaped by liberal cultural values, mere cultural convention, or—possibly worse—our own power to advance them. A flourishing-based ethical perspective provides a way forward in this regard.

2.1 What Is a Flourishing-Based Ethical Perspective?

A flourishing-based ethic is, first and foremost, a distinctive stance on the nature of moral justification. It asserts that moral justification, in the final instance, hinges on the connection (of the act, rule, virtue, institution or practice) to human flourishing. An ethical theory based on an account of flourishing can accept the intuitive significance of norms and rules for human life, but when we ask why we ought to follow this rule or that norm, the reasons offered will make reference to some significant form of human flourishing these rules promote or protect. Hence, moral justification within a flourishing-based framework is a matter of conducing to or being constitutive of human flourishing.

To simply say that the end of a flourishing-based ethic is ‘human flourishing’ elides an important distinction: Is the scope of concern universal? Is the flourishing of

¹⁵ I’m thinking here of instances such as the one retold by Martha Nussbaum in the introduction to *Women and Human Development*.

every human being at issue? Or is it *my flourishing as a human being* that is at issue? The ancient eudaimonists deal with this question in different ways. Aristotle gives an account of the concern we have for the good of our friends as a part of our own good, but is apparently uncompelled by the ideal of concern for humanity as such. The Stoics, on the other hand, motivate ethical concern for others by starting from the point of the agent's concern for her own flourishing and then widening the scope of the agent's motives by showing how her own well-being is connected to that of others.¹⁶ It is a matter of debate whether this kind of argument can motivate universal human concern. Likewise it is a matter of debate whether, using such a strategy, one can motivate distinctively 'moral' concern—non-instrumental concern for the other for their own sake.

Another strategy for motivating universal moral concern is that employed by Martha Nussbaum, who appeals to the notion of equal human dignity and argues on that basis that the object of concern—'human flourishing'—must be universal in scope. This solution presents a motivational obstacle since it seems the agent could be unmoved by the appeal to the dignity of others. (Flourishing-based ethical theories are not alone in facing this challenge to give an account of the motive to universal moral concern. Deontological and utilitarian moral theories face a parallel challenge to explain the source of motivation to universal human concern or to justify a more limited scope of moral concern.)

However this question is answered, I take it to be the responsibility of particular flourishing-based accounts to resolve. Whether a theory has the resources to account for and justify universal moral concern is an open and an important question. This will not be the focus of my concern here, but it is the responsibility of each flourishing-based ethic to

¹⁶ Annas, *The Morality of Happiness*, see esp. Section III, "The Good Life and the Good Lives of Others."

show how such a high moral demand is justified and how it can be motivated, and this is one basis for distinction between the various accounts.

Another relevant question: What is meant by “flourishing”? Etymologically, this word connotes the flowering of a tree or plant, and it can be applied to all biological organisms insofar as they exhibit health and vigor. Someone might object that to specify the end of ethics and the object of human action as flourishing is overly restrictive and reductionistic; the good of human life cannot be reduced to health and/or good biological functioning. To base moral judgments on this standard alone is therefore inadequate because there are many other values relevant to human life and many other goods at which human beings aim.

Some philosophers who have adopted a flourishing-based ethic do indeed restrict their concept of flourishing in such a way as to identify it with healthy functioning. This is Groenhout’s concept of flourishing, for instance, and though Hursthouse has a somewhat expanded notion of what health is for social animals, arguably healthy functioning as gauged by biologists and ethologists is the primary referent of flourishing for Hursthouse. Others take a more expansive view of flourishing and identify it with some objective state of well-being that can include not only physical, but social, emotional, and spiritual well-being. For instance, Snow and Nussbaum both include discussions of these realms of human life in their analysis of what makes for flourishing.

For my purposes, I leave the specification of what ‘flourishing’ entails open. Though the word has an etymological connection to the idea of healthy functioning, I do not constrain it to that. I will assume here that it can signify a much more expansive

concept of the human good, and that what it signifies is a matter for each theory to specify.

While there are many issues—including the specifics of flourishing and the scope of moral concern—that remain to be specified by particular accounts, flourishing-based ethics can in general be described as *consequentialist* (as opposed to *proceduralist*) because they are *outcome-oriented*.¹⁷ That being said, the outcome that matters is the flourishing of a *whole life* as opposed to the outcome of some smaller, artificially demarcated time-slice or particular act.

Flourishing-based ethics involve a distinctive theory of moral motivation. Unlike many of the modern moral theories, flourishing-based ethics assume it is appropriate for the agent to strive for her own flourishing, and that the agent's desire to live a good, meaningful, healthy, successful, happy—in short—'flourishing' life is an appropriate motive for both the moral philosopher and the agent herself to call upon in the course of practical reasoning.¹⁸ Flourishing-based ethics entail a distinctive answer to what Christine Korsgaard calls "the question of normativity."

The normative question is a first-person question that arises for the moral agent who must actually do what morality says. When you want to know what a philosopher's theory of normativity is, you must place yourself in the position of an *agent* on whom morality is making a difficult claim. You then ask the philosopher: must I really do this? Why must I do it? And his answer is his answer to the normative question.¹⁹

¹⁷ Cf. David L. Norton, "Is 'Flourishing' a True Alternative Ethics?" *Reason Papers* 10 (1985). Norton also describes flourishing-based ethics as consequentialist.

¹⁸ It should be noted that there are many potential variants of flourishing-based ethics, depending on how one cashes out flourishing (and especially whether "flourishing" consists in something that could be maximized) and depending on the point at which concern for one's own flourishing is seen as appropriately entering into one's reasoning.

¹⁹ Christine Korsgaard, *The Sources of Normativity*, ed. Onora O'Neill (Cambridge: Cambridge University Press, 1996), 16.

An ethic of flourishing offers us an answer to the question “How should I live?” Let us take Aristotle as a paradigm of the ethics of flourishing. Aristotle’s answer to this question is, roughly, “You should live the life of virtue.” But virtue is difficult and taxing. In addition to being difficult to acquire, the virtues can make our lives harder in some ways, since once we have become sensitive to the requirements of justice, generosity, friendship, honesty, and so on, it is not so easy to do what we want in the moment and live how we want. Given these difficulties, an agent may wonder, “Why should I cultivate the virtues?” Aristotle’s answer (again, roughly) will be “Because you cannot flourish if you do not; you cannot live a successful, worthwhile or truly good life if you do not.” This, then, is his response to the normative question. (And he might go on to say something like, “Yes, I recognize that the virtues will sometimes interfere with the satisfaction of your desires—especially as they are right now—but despite how things look from here, a truly good life will depend upon the virtues.”)

A theory of human nature becomes a crucial resource for any ethic of flourishing when responding to the normative question. While the normative question is answered by an appeal to the good of flourishing, in order to articulate the *reasons* one cannot truly live well without doing as the theory prescribes, the theory will need recourse to an account of what it is about me and the kind of thing I am that makes this good for me. If I accept the account I am given about the kind of thing I am and why this is good for me, I also acquire a set of reasons to do what I am being asked to do—even if it is difficult or painful—because I see that it is, in another sense, good for me.

One of the central claims of this dissertation is that a robustly evaluative conception of human nature is indispensable for an adequately normative ethic of

flourishing. By “adequately normative,” I mean the theory must be able to answer the normativity question. It must be able to give the agent to whom it is addressed reason to act or live as the theory prescribes. What I will call ‘teleological’ conceptions of human nature can do this because they articulate certain ways of being human as worthy of our pursuit, because “fulfilling,” or “healthy” or “dignified” and these ways of being human are made intelligible as good when contrasted with the response that results from their absence, which is “frustrating” or “stunting” or “alienating” (all of these can be opposed to “fulfilling”) or “damaging” or “unhealthy” (as opposed to “healthy”) or “dehumanizing” (as opposed to “dignified”). These theories are then able to articulate what is *good for* the agent in living this way.

There is another way a theory of human nature provides reasons to agents who wonder if they really must do what they are being told they must do (and so responds to the normative question). An ethic of flourishing will articulate ideals of human life. The higher the aspiration, the more important it is to be able to show that, while high, these ideals are still realistic possibilities. So, let us assume the Possibility Thesis (P) as a limiting condition on any theory of flourishing.

P: If a theory of flourishing prescribes that which is beyond what human beings are (generally) capable of, then it is disqualified as a universal moral ideal.

This restricting assumption is based on the broadly accepted principle that “ought implies can.” This means that what a theory prescribes must, in general, be possible for beings such as we are. But what is, in general, possible for human beings is neither obvious nor straightforward. This is (in part) what debates about human nature are

about.²⁰ Because an ethic of flourishing cannot avoid making some assumptions about what is possible and what is (generally speaking) not, an ethic of flourishing will not be able to avoid some theory of human nature, thereby taking a stance on what is possible and what are the limits of human nature.

Once these stances (on what is good for us and what is possible) are made articulate, they also provide an agent with reasons to act and live as the theory prescribes. In this way, a theory of human nature affects the normativity of an ethic of flourishing because it affects one's judgments as to the reasonableness of the ideals of the ethic. From the first-person perspective, if one judges the ideals of the ethic as unreasonable, given what human beings are like, the theory will lose its reason-giving force for that person.²¹

Because of this, a theory of human nature is important for answering the normativity question whether or not what I will call 'the objectivity question' has been settled. The objectivity question is, in short: Is it true? This is a fundamental question. If

²⁰ The obvious and straightforward answers one can give to the question of what is possible for human beings and what is not rarely serve to effectively settle ethical disagreements because the disagreements are generally not about what is straightforward and uncontroversial. To give a few of the controversial examples: Is it possible to instill a stable motivation to act for the common good in the way a socialist system requires, or is it only possible to harness our self-interested motives to serve the common good indirectly? Is temperance with respect to sexual appetites possible, or is it only possible to control our sexual appetites through a painful form of self-control? (This latter example is developed by Hursthouse in *On Virtue Ethics*.)

²¹ To my knowledge, no one distinguishes flourishing-based ethics in quite this way as a stance on 1) the nature of moral justification that is consequentialist as opposed to proceduralist, 2) focused on the good of a whole life, and 3) offering a distinctive answer to the question of normativity. This is a result of my own attempts to make sense of the distinctives of a flourishing-based approach—though this has been heavily influenced by Julia Annas's work on the structure of ancient eudaimonism in *The Morality of Happiness*. I think it is at least the case that many authors take the third point to be central to a flourishing-based ethic, which many authors identify with eudaimonism. It is widely assumed that eudaimonism involves a commitment to either the 'necessity of virtue' thesis or to the stronger 'sufficiency of virtue' thesis. These are sophisticated ancient doctrines that answer the normativity question. A number of contemporary philosophers so closely identify eudaimonism with these doctrines that they take the plausibility of eudaimonism to depend on the plausibility of either the 'necessity of virtue' thesis or the 'sufficiency of virtue' thesis. Cf. Marilyn Friedman, "Feminist Virtue Ethics, Happiness, and Moral Luck," *Hypatia* 24, no. 1 (2009); also Snow, "Virtue and Flourishing."

there is no reason to think the theory of human nature relied upon by an ethic of flourishing is true, there will be little motive to live by the ideals it sets. There must be *some* reason for thinking this account is true. However, whether this can be demonstrated “objectively” or not and what would be required to do so—given the complex character of claims about human nature—is difficult to say.

In the chapters to follow, I will argue that a feminist ethic of flourishing needs a theory of human nature of a particular kind, and that the benefit of embracing such an account of human nature is that it provides resources for analyzing and articulating the harm of oppression. But, as I argue, a theory of human nature serves as a resource primarily in response to the normativity question. I have little to say about the objectivity question. If the benefit to be derived from a theory of human nature was that it gave feminists grounds for the claim that their conception of flourishing was “objectively valid” *given these facts about human nature*, then the objectivity of the account of human nature would need to be the central concern. This, it seems to me, is the role most philosophers expect a theory of human nature to play. The expectation is that human nature will enter the theory as the objective ground upon which normative moral judgments can be justified. Louise Antony, whose position I will say more about in chapter two, articulates compelling reasons for thinking that—as it is standardly understood—appealing to a theory of human nature to demonstrate the objective validity of normative moral judgments is a non-starter. Setting the question of objectivity aside, I will argue that a theory of human nature is, for other reasons, indispensable to an ethic of flourishing.

In the next section, I outline the features of a flourishing-based ethic that make it particularly attractive as a resource for feminist moral philosophy.

2.2 The Attractions of a Flourishing-Based Ethic for Feminist Moral Philosophy

An ethic of flourishing can incorporate many elements that make it attractive for feminist ethics and politics. Flourishing can name the kind of life for women that feminist moral philosophy envisions and feminist politics seeks to realize. Implicit in any moral or political critique is a vision of the good that is not being realized, and, in at least a general way, flourishing names the good envisioned for human life. An ethic of flourishing can make this positive vision explicit, and in doing so make clear the ground for criticism of the harms suffered by women in contexts of injustice and oppression.

A connected benefit of a flourishing-based ethical framework is that it provides an intuitively obvious place for an account of oppression. The notion of oppression does not have to be “tacked on” to the theory; it can have a central and significant place in the moral framework. A flourishing-based ethical framework provides resources for articulating the harm of oppression as we articulate what flourishing is and how oppression interferes with the agent’s flourishing. Nancy Snow connects these ideas when she discusses oppression.

Oppression is personal and political. It takes many forms. It excludes persons from full and equal participation in public life, imposes economic burdens and restrictions, curtails personal choices, stunts growth and the development of talents and abilities, and, perhaps worst of all, is psychologically internalized so that victims of oppression lose a healthy sense of self. In short, it forecloses possibilities for human flourishing.²²

²² Snow, “Virtue and the Oppression of Women,” 34.

And Lisa Tessman argues that the concept of flourishing is significant in that it allows feminists to “portray oppression as a set of barriers to flourishing and think about political resistance as a way of eradicating these barriers and enabling flourishing.”²³ If flourishing is taken as the goal, oppression can signify the systematic barriers to flourishing that exist for certain kinds of people—sexist oppression being that which interferes with the flourishing of women by virtue of their being women.

Finally, Lisa Tessman argues that an ethic of flourishing “assumes that the pursuit of flourishing—qualified in certain ways and especially by the requirement that one develop and maintain the virtues—is morally praiseworthy.”²⁴ From the perspective of moral psychology, this is a powerful starting point from which to resist oppression, which often maintains itself by co-opting the agent herself into believing that her well-being is insignificant and that the pursuit of her own well-being is morally inappropriate. Feminism embodies a fundamental commitment to the moral worth and well-being of women, and a flourishing-based ethic puts the agent’s pursuit of well-being center stage.

Before I go on to discuss the problem that an appeal to human nature presents for feminist moral philosophy, I would like to pause to say something about why, in the context of this dissertation, I am using the language of a feminist “ethic of flourishing” rather than of a feminist eudaimonism. Flourishing-based ethics are often referred to as “eudaimonistic,” and almost all of the feminists discussed above who are working with what I call a flourishing-based ethical perspective use the term “eudaimonism” to describe their own position and discuss this subject matter.²⁵ They do so, I believe, because they are generally working out of a Neo-Aristotelian framework, and Aristotle

²³ Tessman, *Burdened Virtues*, 3.

²⁴ *Ibid.*, 3.

²⁵ This includes Tessman, Snow, and Hursthouse. Nussbaum is the notable exception.

was a eudaimonist. But the eudaimonist framework that Aristotle employed was a highly developed ethical theory, and modern philosophers are not, for the most part, adopting an entire eudaimonist ethical theory, but select elements of it.

Eudaimonism as a theoretical alternative to the modern moral theories of consequentialism and deontology has been relatively neglected, not only by feminists, but by moral philosophers more generally, and there is no standard characterization of what eudaimonism as a theoretical stance in contemporary moral philosophy entails. As a result, different philosophers adopt different elements of the classical eudaimonist framework and therefore define eudaimonism in different ways. Many contemporary philosophers who discuss eudaimonism are working from within a Neo-Aristotelian virtue ethical framework and will define eudaimonism in virtue ethical terms.²⁶ Some have identified eudaimonism with either the necessity of virtue thesis or the even stronger sufficiency of virtue thesis.²⁷ In contrast to both of these, William Prior defines eudaimonism as a thesis on the nature of moral value, that “the fundamental intrinsic value in ethics is the human good.”²⁸ Philippa Foot, a very influential figure in this conversation, holds that eudaimonism is the view that “humanity’s good can be thought of as happiness, and yet in such a way that combining it with wickedness is a priori ruled out.”²⁹ In contrast to Foot, William Nelson, following Julia Annas, takes eudaimonistic moral theory to be not a conceptual thesis in ethics, but a commitment to a certain starting point for ethical reflection. For Annas and Nelson, ethical reflection in a

²⁶ Tessman, *Burdened Virtues*, 3; Snow, “Virtue and Flourishing.”

²⁷ Marilyn Friedman identifies the eudaimonist commitment with a commitment to the necessity of virtue thesis and argues that eudaimonism is untenable on that basis. The necessity of virtue thesis says that virtue is necessary for eudaimonia. The most notable representative of this perspective is Aristotle. The sufficiency of virtue thesis holds that virtue is sufficient for eudaimonia. Socrates and the Stoics are the most notable defenders of the sufficiency of virtue. Friedman, “Feminist Virtue Ethics.”

²⁸ William Prior, “Eudaimonism and Virtue,” *Journal of Value Inquiry* 35, no. 3 (2001): 325.

²⁹ Philippa Foot, *Natural Goodness* (Oxford: Clarendon Press, 2001), 96.

eudaimonist framework begins with the first-person question: “How should I live?”³⁰

Limited as this survey of the contemporary discussion of eudaimonism is, I think it shows with sufficient clarity that there is, as of yet, no consensus in the literature on how eudaimonism should be characterized.

For all the ancient moral theorists, ‘eudaimonia’ names the agent’s final end in life.³¹ For Plato, Aristotle, the Stoics, and the Epicureans, ‘eudaimonia,’ which we translate as “happiness,” “well-being,” or “flourishing,” was recognized as the agent’s ultimate (final) end, and the purpose of ethical theory was to refine and articulate the content of this goal to help the reflective individual live a life that could genuinely be regarded as ‘eudaimon.’ Philosophy’s role in this was to help the individual think critically in order to weed out the merely conventional beliefs about eudaimonia and thereby give the agent the benefit of rational conviction regarding the way of life he or she was choosing to live.³²

The most developed study of the structure of ancient eudaimonist ethical theories is Julia Annas’ work, *The Morality of Happiness*. In that work and subsequent articles,³³ Annas articulates and analyzes the central features of ancient eudaimonist moral theories. I will note here only those features that make eudaimonism (as the ancients understood it) difficult for contemporary persons.

One of the key elements of ancient eudaimonism, on Annas’ view, is dependence on a theory of human nature. Human nature entered into all ancient eudaimonisms, albeit

³⁰ Annas, *The Morality of Happiness*, 27; William Nelson, “Eudaimonism and Justice,” *Southwest Philosophy Review* 12, no. 1 (1996): 247.

³¹ Except that of the Cyreniacs, who reject the goal of flourishing and instead argue that one should always pursue the most immediate experience of pleasure. This leaves so little room for other-regarding motives that it is hard for contemporary persons to count this as moral theory at all. Annas, *The Morality of Happiness*, 426.

³² *Ibid.*, 27-28.

³³ Annas, “Virtue and Eudaimonism,” *Social Philosophy and Policy* 15, no. 1 (1998).

in different ways, but contemporary philosophers hoping to rehabilitate eudaimonism for contemporary moral philosophy—feminist or not—have not explored the implications of this fact. The pre-theoretical understanding of the terms ‘virtue’ and ‘happiness’ that modern persons (philosophers included) hold also presents a problem. Virtue and happiness are the central notions of ancient ethics, but they meant importantly different things to ancient persons. It is not clear, in Annas’ mind at least, that ancient eudaimonism can be rehabilitated using the language of virtue and happiness, at least in part because the terms for us are rigid and do not admit of much redefining. Even if we could define the words technically in the context of a philosophically sophisticated eudaimonist theory, it would change the nature of eudaimonist ethics, which began for the ancients with pre-reflective common-sense notions, the desire for eudaimonia, and the conviction that the ‘virtuous’ person is an excellent person.

While contemporary philosophers are certainly free to develop a eudaimonistic ethical theory the ancients would not recognize, I think it best to reserve this term for theories that are at least roughly of the form and structure observed by the ancients. If we do not, we risk moving too quickly to the conclusion that eudaimonism is a non-starter for contemporary moral philosophy.³⁴ For all of these reasons, I regard it as unwise to equate a flourishing-based ethic with eudaimonism. Eudaimonism, on my view, is rather better understood as one distinct form of a flourishing-based ethic. In *On Virtue Ethics*, Rosalind Hursthouse has made significant strides in this regard, making eudaimonism a

³⁴ While her essay still presents a serious challenge for eudaimonist virtue ethics, I believe this is part of what is going on in Marilyn Friedman’s essay “Feminist Virtue Ethics.” She relies on a fairly intuitive modern conception of happiness as pleasant or pleasurable states of affairs and therefore finds the thesis that happiness is impossible without virtue implausible. One notable aspect of this essay is the way the article is framed (and titled) in terms of virtue ethics, but is really about the eudaimonist thesis that virtue is necessary for happiness.

full-fledged, recognizable alternative to the dominant modern moral theories, but I take it to be an open question what commitments contemporary eudaimonism will entail. If the eudaimonist perspective continues to elicit interest, there will undoubtedly be many contemporary eudaimonisms, just as there were many ancient eudaimonisms. In keeping with this conviction, eudaimonism as I will use it here refers to one form of flourishing-based ethics, one that takes eudaimonia (however understood) to be the goal of ethics and the starting point of ethical reflection, but can be developed from there in a number of ways depending on how the relationship between nature and reason is understood, the weight one gives to what Aristotle calls “external goods,” and one’s intuitions surrounding issues of moral luck.

In the remainder of this chapter, I will lay out the problem human nature presents for a feminist ethic of flourishing given the history of feminist scholarship and criticism on this topic. I will offer a distinctive interpretation of the history and the problem it raises and suggest how I think this problem ought to be understood. For the purposes of this dissertation, this will establish the parameters of the problem of human nature for a feminist ethic of flourishing.

2.3 The Feminist Critique of Appeals to Human Nature

Feminist philosophers have repeatedly challenged moral and political theories that make appeal to the purportedly universal facts of human nature. They have built a robust critique of the history of Western philosophy that points out the ways that conceptions of human nature and “woman’s nature” have been used to deny women full moral standing and equal political rights or otherwise de-value concerns and tasks associated with

women.³⁵ Feminists have repeatedly revealed philosophical conceptions of human nature as male-biased. This has especially affected philosophical accounts of the uniquely human capacities, such as reason and moral agency. Feminists have argued that these male-biased theories function to sustain and legitimate hierarchical relationships between the sexes as well as women's exclusion from significant forms of political participation. In this way, feminist theorists have made a strong case that philosophical theory—specifically our philosophical conception of human nature—has been a significant source of women's subordination and oppression.

The examples are too numerous to mention them all, but allow me to outline a few exemplary cases where feminists have charged purportedly universal theories of human nature with male bias. Nancy Tuana calls attention to the fact that Aristotle regarded woman as a “misbegotten man.” He argued that her insufficient powers of reason made her unfit to govern herself and that she must, therefore, be governed by someone with the appropriate powers of reason—namely, a man.³⁶

³⁵ Jean Bethke Elshtain, *Public Man, Private Woman: Women in Social and Political Thought* (Princeton, NJ: Princeton University Press, 1981); Anne Fausto-Sterling, *Myths of Gender: Biological Theories About Women and Men* (New York: Basic Books, 1985); Moira Gatens, *Feminism and Philosophy: Perspectives on Difference and Equality* (Cambridge, England: Polity, 1991); Sarah Blaffer Hrdy, *The Woman That Never Evolved* (Cambridge, MA: Harvard University Press, 1981); Mary Broidy Mahowald, *Philosophy of Woman: Classical to Current Concepts* (Indianapolis: Hackett, 1978); Andrea Nye, *Feminist Theory and the Philosophies of Man* (New York: Routledge, 1988); Susan Moller Okin, *Women in Western Political Thought* (Princeton, NJ: Princeton University Press, 1979); Nancy Tuana, *The Less Noble Sex: Scientific, Religious, and Philosophical Conceptions of Woman's Nature* (Bloomington: Indiana University Press, 1993).

³⁶ Aristotle regards woman as a “misbegotten man” not only because she is missing a significant external member, but because her capacity for reason appears to him to be impaired. He offers a pseudo-scientific hypothesis that this is because, lacking sufficient heat at conception, the female embryo failed to fully inscribe the human form. In general, the cause of women's inferiority, smaller physical size, impaired reason, and subsequent character flaws are—according to Aristotle—due to this lack of heat. Whether there is a cause of her insufficient heat or whether insufficient heat is constitutive of what it is to be female, Aristotle does not say. But because the principle of “heat” is what “concocts” the bodily matter and enables it to develop completely (i.e., attain its own form of perfection), the degree of heat an organism possesses is directly correlated to the degree of perfection it is able to attain. And it is because woman is possessed of an inferior reason that she cannot rule herself and must instead be ruled by another both in the polis and in private life. Tuana, *The Less Noble Sex*, 18-19.

Genevieve Lloyd argues that Descartes' ideal knower is in fact a gendered knower: "the man of reason." Even though Descartes affirms that women and men are equally possessed of the "natural light of reason," because the training and exercise of reason requires transcendence of the body and its demands (along with a certain amount of leisure), the social situation of the ideal knower is in fact that of a man. If a woman behaves according to her prescribed gender role, she will, as a rule, be unable to satisfy the requirements of the ideal knower because her socially prescribed role in providing for and attending to the bodily needs of her family and community will keep her mentally and physical preoccupied.³⁷

For Kant, moral agency is a matter of acting for the sake of duty, which he sees as a matter of acting for the sake of the moral law as delivered by reason. When we act on the basis of the deliverances of reason, we are capable of self-determination rather than determination by the laws of causal necessity governing the empirical world. Acting on the basis of inclination (e.g., emotional sympathy or desire) is acting in response to causal stimuli from the empirical world, so it cannot be regarded as freely determined action. Acting from inclination is, for that reason, incompatible with full moral agency. As Kant would say, such action is heteronomous as opposed to autonomous. Women, who have characteristically been associated with the emotional life and its partialities (particularly for family, friends, and relatives), have been regarded as unable to control their emotions and desires sufficiently to engage in dispassionate and self-determining acts of reason.

³⁷ Genevieve Lloyd, *The Man of Reason: "Male" and "Female" in Western Philosophy* (Minneapolis: University of Minnesota Press, 1984), 48-49.

But if women are understood to be governed by their emotions, they cannot be full moral agents on Kant's view.³⁸

Rousseau, who also takes moral agency to be a matter of acting for the sake of duty, is explicit about the implication of this view of moral agency for women. Because women are, on his view, guided by emotion and desire in a way that interferes with the governance of reason, Rousseau concludes that women must “never cease to be subjected either to a man or to the judgments of men and they are never permitted to put themselves above these judgments.”³⁹ Philosophical reasoning like this rationalized the social and legal subordination of women and legal practices such as coverture—the “covering” of women under the legal identity of their husband in marriage—as well as prohibitions against voting rights for women, not to mention innumerable everyday instances of bias against women that passed as “common sense” about what women were capable or not capable of doing.

A significant theme emerges from the history of feminist scholarship critiquing the canon on this point: The problem is not simply with the philosopher's misunderstanding of women and their capacities, but with the conception of humanity itself being employed. The conception has been revealed time and time again to be male-biased in its very construction. The ideal of human nature functioning in Western philosophical theory has been biased by being implicitly a masculine ideal. Aristotle took

³⁸ Lawrence Blum writes that on Kant's view, women were “generally incapable of deep thought and of sustained mental activity against obstacles. . . . Women [were] essentially incapable of acting otherwise than in accordance with their immediate inclinations and feelings. They [were] unable to adhere to moral principles of action and [could not] acknowledge any moral constraint on doing what pleases them.”

Lawrence Blum, “Kant's and Hegel's Moral Rationalism: A Feminist Perspective,” *Canadian Journal of Philosophy* 12, no. 2 (1982): 290. Cited in Alison Jaggar, “Feminist Ethics: Projects, Problems and Prospects,” in *Feminist Ethics*, ed. Claudia Card (Lawrence: University of Kansas Press, 1991), 101, fn. 3.

³⁹ Jean Jacques Rousseau, *Emile, or, On Education*, trans. Allen Bloom (New York: Basic Books, 1979), Bk V, p. 370; cited in Tuana, *The Less Noble Sex*, 84.

the male form of being human as the ideal of humanity, and on that basis, judged that women were defective, malformed, “misbegotten” men. Kant and Rousseau took a characteristically masculine form of reasoning as the ideal of impartial rationality, and therefore took characteristically feminine forms of reasoning attuned to feelings and special relationships of dependence to be defective forms of human reasoning. The problem feminists have identified is not just that these philosophers had mistaken views of women’s capacities and nature (though that was often true), but that they employed false conceptions of what it is to be a human being—conceptions that implicitly took men’s experience or masculine modes of being as the ideal of what it is to be human.

Beyond the historical critiques feminist theorists have built, feminist philosophers have extended the critique in ways that transform the force of the critique from a methodological cautionary (suggesting we need to be careful that theories that purport to be universally representative really are and do not encode gender-biased concepts) to a methodological maxim to avoid universalizing, or “essentializing,” readings of persons or classes of persons altogether. In what became known as the “difference critique,” white feminists were forced to recognize that it was not only sexist male philosophers who were susceptible to theoretical problems in representation.

In the 1960s and ’70s, cultural feminists undertook the project of attempting to theorize woman sans sexism. The effect was a sort of transvaluation of values insofar as cultural feminists valorized those qualities traditionally assigned to women such as intuition, emotion, empathy, and the capacity for giving life and care. These characteristics were taken to signify a unique and valuable feminine difference.⁴⁰ These

⁴⁰ As a theoretical stance, this position is also known as “difference feminism,” in contrast to “equality feminism” (which describes the classical liberal feminist position). Difference feminists see in equality

“feminine virtues,” all of which had at one time or another been represented as the source of women’s (necessarily) second class status, were proposed if not as the source of women’s superiority, then at least as the source of their equality. One of the fruits of this emphasis on a unique and valuable feminine difference was the ethics of care.⁴¹

However, not all feminists were persuaded by the cultural feminist accounts of the origin of women’s differences from men. For one, cultural feminism often explained women’s differences from men in terms of female biology, especially in the capacity to give life by bearing children. While cultural feminists valorized this capacity, some worried it re-introduced a new form of essentialism. Having mastered the skills of unmasking sexist forms of essentialism in the tradition, feminists in the social-constructionist camp turned those arguments against essentialism inward and argued that cultural feminism was reproducing another pernicious form of essentialism. Social-constructionist feminists argued that cultural feminists who appealed to an essential feminine nature (often understood as biological in origin) were misguided. Gender was a social construct with a merely contingent link to the facts of biology: Sex was a matter of biology; gender was the social significance of sex. The implication of the social constructionist position, as many understood it, was that women’s roles and social identities were open to intentional, progressive change, whereas cultural feminism was

feminism a capitulation to masculine ideals of being human and an attempt to make women equal to men by inculcating in them the masculine virtues.

⁴¹ For early contributions to care ethics that stress ways of thinking culturally associated with women or women’s roles, see Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982); Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984); Sara Ruddick, *Maternal Thinking* (Boston, MA: Beacon Press, 1989).

simply valorizing women's biological determinism.⁴² Social constructionists saw this as denying women freedom to choose and self-create and serving to reinforce traditional forms of women's subordination. In this way, social constructionist feminists took a stand for anti-essentialist feminist theory.

The social constructionists argued by contrast that being a woman was a matter of occupying a certain social role (e.g., potential sexual partner for men, wife, or mother) or sharing in a certain social experience (e.g., oppression under patriarchy). Social constructionist social and political theory emphasized commonalities among women on the basis of their social experience of subordination under institutional patriarchy. However, over time, even some social constructionist accounts of women's identity and oppression came to be seen as ultimately relying on essentialist assumptions insofar as they implicitly took the experience of white, middle-class women as paradigmatic of women as a class.

In the 1980s, lesbian feminists and feminists of color raised the charge of essentialism in what became known as "the difference critique." Therein they charged that the "Woman" represented as the subject of social constructionist theorizing was in fact a white, middle-class woman—a woman who ultimately reflected the social position of the theorizers and not all women as it purported.⁴³ And, in the same way that falsely universal and male-biased ideals of human nature served to privilege the values, needs, and concerns of the men doing the theorizing in the canon, so the ideals of Woman advanced by prominent feminist thinkers of the 1960s and '70s advanced the values,

⁴² For a very insightful discussion of the cultural (or "radical") feminist position on the nature of gender and the sources of women's oppression as rooted in women's biology, see Alison Jaggar, *Feminist Politics and Human Nature* (Totowa, NJ: Rowman and Littlefield, 1988), chap. 5.

⁴³ For example, bell hooks, *Ain't I a Woman: Black Women and Feminism* (Boston: South End Press, 1981).

needs and concerns of the white, middle-class women responsible for that theorizing, although this occurred under the guise of advancing concerns universal to women as such. Alison Jaggar describes the irony inherent in the way the terms of the difference critique paralleled the older feminist critique leveled at male-biased theories of human nature:

The so-called “problem of difference” came to be conceived of less as a problem between women and men than as a (cluster of) problem(s) between women and women. Ironically, the very feminists who had challenged men’s presumption in speaking for women now were told that they themselves were presuming too much when *they* claimed to speak for women.⁴⁴

Cultural feminists argued that differences between men and women were fundamental but did not make feminine modes of being any less valuable or any less human.⁴⁵ Black and Latina feminists saw that differences between women were equally fundamental, and that the social positions that produced these differences must also be recognized as equally legitimate ways of being a woman.

Through the writings of black, Latina, lesbian, and third-world feminists, many white feminists came to recognize that in their own attempts to theorize about women in a way that was non-sexist, they had unwittingly put forward theories that represented what it was to be a white, heterosexual, middle-class woman. In doing so, they obscured the lived reality and concerns of women of other races, classes, sexualities, and global positions and implicitly privileged the lives and concerns of those women who more closely approximated the theoretical ideal based on white women’s experience. Clearly,

⁴⁴ Alison Jaggar, “Taking Consent Seriously: Feminist Practical Ethics and Actual Moral Dialogue,” in *Applied Ethics: A Reader*, ed. Earl R. Winkler and Jerrold R. Coombs (Oxford: Blackwell, 1993), 75.

⁴⁵ This is what inclined some (though by no means all) cultural feminists toward the ideal of androgyny: the idea that the ideal human being would possess the best virtues of both femininity and masculinity. See Jaggar, chap. 5 in *Feminist Politics and Human Nature*.

the theoretical challenge involved in articulating a theory of gender differences was not resolved by simply including women's perspectives or experiences in the process of theorizing the concept of woman. Even when women's voices were included in the formulation of the ideal, the problem reasserted itself at a new level, in respect of class, race, or sexuality. For those who believed they were guilty as charged, it appeared there was some non-contingent relation between who does the representing and who gets represented in theory. Elizabeth Spelman captured the heart of the difference critique in her acerbic observation: "How lovely: the many turn out to be one, and the one that they are is me."⁴⁶

Coming to terms with this led many to conclude that the problem was not simply that the men doing the theorizing had been sexist, because white feminists theorizing about women reproduced essentially the same problem. Margaret Walker describes this history of feminist criticism as ultimately revealing an underlying Problem of Representation:

[C]laims to theorize "women's" experiences, or to represent what "women's" voices say have foundered on the same epistemological challenge feminists direct at nonfeminist views. Not all women recognize the voice or experience theorized as theirs. [. . .] Feminists have had to struggle and negotiate over who is representing whom, why and with what authority. Feminists continue to learn in hard ways that claims to represent are weighty and dangerous, often not only epistemically dubious but morally indefensible.⁴⁷

Feminist theorists have identified a consistent pattern whereby, despite the pretention to represent descriptively and universally, the theories actually reflect the form of life and ideals of those doing the theorizing. In naming the Problem of Representation,

⁴⁶ Elizabeth V. Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (Boston: Beacon Press, 1988), 159.

⁴⁷ Walker, *Moral Understandings*, 63.

feminists have identified two problems. First, in advancing philosophical accounts of various phenomena (e.g., rational agency, autonomy, human nature), philosophers have often passed off their normative ideals under the guise of descriptive analysis. Second, feminists have found a predictable relationship between the ideals embedded in these descriptions and the faces behind the ideals.

As a result of this history, postmodern feminists are not the only camp within feminist theory to be generally skeptical of ‘essentialist’ theories that rely on universalizing assumptions regarding the essence or nature of what it is to be a certain kind of person—whether that is women’s essence, humanity’s in general, or that of some other class (African-American women, third-world women, etc.). Though postmodern feminists frequently voice such opposition and concern, the skepticism is seeded much more broadly within feminist theory because of the history of feminist theory itself.⁴⁸

The feminist debates over essentialism suggest several take-aways: First, independent of one’s philosophical stance on the epistemological/metaphysical issue of realism vs. anti-realism, one’s theory of gender difference and account of the concept of woman could be fraught with problems of representation. Metaphysically anti-realist

⁴⁸ My reading of the history of the essentialism/anti-essentialism debates within feminist theory is widely held and often repeated. In addition to the theorists cited in the discussion, see Nancy Fraser and Linda Nicholson, “Social Criticism without Philosophy: An Encounter between Feminism and Postmodernism,” *Social Text* 21 (1989); Bonnie Mann, “World Alienation in Feminist Thought: The Sublime Epistemology of Emphatic Anti-Essentialism,” *Ethics and the Environment* 10, no. 2 (2005); Alison Stone, “Essentialism and Anti-Essentialism in Feminist Philosophy,” *Journal of Moral Philosophy* 1, no. 2 (2004). For a critique of Fraser and Nicholson (1989) and this general way of casting the history, see Marilyn Frye, “Ethnocentrism/Essentialism: the Failure of the Ontological Cure,” in *Is Academic Feminism Dead?: Theory in Practice*, ed. The Social Justice Group at The Center for Advanced Feminist Studies at the University of Minnesota (New York: New York University Press, 2000). Regarding Frye’s criticisms of Fraser and Nicholson, it is important to emphasize that the difference critique is internal to feminist theory. The difference critique was leveled at certain feminist theorists (who tended to inhabit dominant social positions vis-à-vis race and sexuality) by other feminist theorists (who tended not to inhabit such positions). There is a way of telling this history that makes it, as Frye says, ethnocentric. I do not believe I have told the history that way (as she criticizes Fraser and Nicholson for doing), and I take her essay as a reminder that the controversy is properly understood as a debate internal to feminist theory, not as one in which some outsiders were criticizing the “real” feminist theorists.

positions, such as social-constructionism, have proven just as susceptible to the problem of representation as realist positions, whether metaphysical or biological. Social-constructionism doesn't render one immune to these philosophical problems.

As a case in point, some social constructionist, anti-essentialist feminists tried to respond to the problems of overly broad theoretical generalizations about 'women' by giving greater attention to the differences between various kinds of women based on social, economic, and racial location. Rather than speaking of 'Woman,' they argued one ought to speak of specific kinds of women, i.e., Anglo-American lesbian women, black heterosexual women, and working-class Latina women, etc. While this solution strove to remedy over-hasty generalizations about women, women's needs, and women's oppression, it was not clearly an anti-essentialist solution, since, by sub-dividing the subject of feminist discourse into multiple identities, it seemed to presuppose that each new category was possessed of "its own unique interior composition or metaphysical core."⁴⁹ Thus this new "solution" to the problem of essentializing discourses about women seemed to be itself another form of essentialism. As Diana Fuss wrote of these avowedly constructionist strategies, "essentialism is essential to social constructionism."⁵⁰ Even the self-consciously social constructionist analysis of highly specific categories was open to the charge of essentializing.

Theoretical problems of representation have not been clearly distinguished from issues of metaphysics in the literature analyzing and criticizing essentialism. I believe it is best to set aside the question of what metaphysics underlies our theoretical representation and focus on the theoretical issue. Because the problems criticized as "essentialism"

⁴⁹ Diana Fuss, *Essentially Speaking: Feminism, Nature and Difference* (New York: Routledge, 1989), 20.

⁵⁰ *Ibid.*, 1.

arose in theories that were avowedly constructionist as well as in those that were realist, there is good reason to think that the problem is not, at root, a metaphysical one. I believe the heart of the problem is not, fundamentally, one of bad essentialist metaphysics, but a problem of theoretical representation.

However, if metaphysical essentialism is not what is at stake in the feminist debates over essentialism, then why have so many theorists drawn the conclusion that the problem was precisely with lingering vestiges of metaphysical essentialism? In part, this seems to have happened because anti-essentialist critics frequently framed their critiques as a matter of unmasking the covertly metaphysical essence underlying the so-called “essentialist” analysis. However, I agree with Cressida Heyes’s assessment that in much of the literature,

The insinuation that metaphysical essentialism is at stake . . . serves a rhetorical function within feminist theory, allowing the work of certain authors to be dismissed on the basis of more sweeping criticisms than should properly be allowed. Because metaphysical essentialism is an untenable position for almost all feminists with regard to gender, eliding the distinction between this form of essentialism and others gives false weight to charges of “essentialism”. . . .⁵¹

What has often been at issue is a kind of methodological essentialism—how we should represent diverse subjects as *the* subject of ethical and political theory—but this has often been obscured by critiques that draw their force from the implication that metaphysical essentialism is at stake. Other legitimate philosophical reasons for adopting a metaphysically anti-realist position exist, but the feminist critique of essentialism as politically dangerous and exclusionary do not speak either for or against metaphysical realism or anti-realism about essences or natures—whether women’s, humanity’s, or that

⁵¹ Cressida Jane Heyes, “‘Back to the Rough Ground!’: Wittgenstein, Essentialism and Feminist Methods” (Ph.D. diss., McGill University, 1997), 22.

of any other group. While concern over essentialism has quite often signified a legitimate and important political concern about social exclusion and the dangers of oppression consequent upon such exclusion, it equally often obscured the solution to this problem by associating these pernicious effects with bad metaphysics. Given that even “good” (i.e., social constructionist) metaphysics are susceptible to problems of representation and didn’t solve the problem, eliminating “bad” metaphysics cannot be the proper solution.

Second, anti-essentialism presented a number of theoretical and political challenges of its own. Alison Stone has outlined the way anti-essentialism called into question both feminist social critique and feminist activism directed at political change. Women constitute the subject of feminist social criticism, but anti-essentialism “cast doubt on the project of conceptualizing women as a group.”⁵² Furthermore, without the presumption of a shared group identity, feminist politics was in danger because women could not “be expected to mobilize around any concern at their common situation, or around any shared political identity or allegiance.”⁵³

Recognizing the implications of anti-essentialism for feminist social criticism and political activism, some anti-essentialist theorists responded by adopting ‘strategic essentialism,’ which rejects essentialism as a true description of social reality. Rather, it accepts the necessity of essentializing claims in politics and advocates for anti-essentialist feminists to “continue to act *as if* essentialism were true, so as to encourage a shared identification among women that enables them to engage in collective action.”⁵⁴ At the

⁵² Iris Marion Young, “Gender as Seriality: Thinking about Women as a Social Collective,” *Signs* 19, no. 3 (1994): 713; cited in Stone, “Essentialism and Anti-Essentialism,” 141.

⁵³ Stone, “Essentialism and Anti-Essentialism,” 141.

⁵⁴ *Ibid.*, 142. The term “strategic essentialism” was coined by Gayatri Spivak in Elizabeth Gross, “Feminism, Criticism and the Institution: An Interview with Gayatri Chakravorty Spivak,” *Thesis Eleven* 10/11 (1985). Spivak says she makes use of essentialist categories as a strategy for engaging her sexist adversaries who think in essentialist terms. She suggests that a feminist deconstructionist will have to

extreme, strategic essentialists suggest essentialism is necessary as a political strategy, even though it is false and justified purely by its political efficacy. Strategic essentialism as a solution to the theoretical crisis in anti-essentialist feminist theory is not very convincing. As Alison Stone argues, there is little reason to think an effective political strategy for resisting women's oppression can be built on the basis of a fiction. If women do not exist as a unified group, then there is little reason to think that acting as if they did would be effective at combatting the challenges women as a group supposedly face.

Alternatively, strategic essentialists may maintain that essentialism is descriptively false, but women's social experience is structured by social institutions that operate as if essentialism were true. So, despite being false, it can be politically effective to act as if women share a homogeneous social experience. But this analysis faces a problem: It must either accept that women's social experience is diverse or that there is something essentially common due not to their being women but rather to their all being treated as women by basic social institutions. Stone argues that this form of strategic essentialism is fundamentally unstable because it attempts

to resuscitate essentialism by arguing that it can take a merely political and non-descriptive form. But . . . one cannot defend essentialism on strategic grounds without first showing that there is a homogenous set of essentialist assumptions that exerts a coherent influence on women's social experience—which amounts to defending essentialism on descriptive grounds (as well).⁵⁵

Stone's criticisms are compelling. As a response to the problems that anti-essentialism created for feminist politics and social criticism, strategic essentialism is not

choose between maintaining one's "theoretical purity" (i.e., being a thoroughly consistent anti-essentialist) and engaging in the political fray.

⁵⁵ Stone, "Essentialism and Anti-Essentialism," 143-44.

a very satisfying solution.⁵⁶ I concur with the concern of “anti-anti-essentialists”⁵⁷ that feminist theory cannot suffice without some level of universalizing discourse or—what amounts to the same thing—essentializing. The counsel to avoid universalizing discourses was tantamount to advocating that feminists quit the practice of engaging in social criticism on behalf of women, and stop trying to organize women around political issues relevant to their lives.

While the heated debates over essentialism have subsided, it is not clear that the theoretical question of how to represent the subject of feminist discourse was ever satisfactorily resolved, and questions about how to engage in responsible representation in social and political theory remain. In the following chapters, I will argue that an evaluative conception of human nature is theoretically indispensable in a flourishing-based moral theory. My position might be understood as a form of self-conscious essentialism, but at this juncture, I believe the important questions at stake are really about responsible representation, not whether or not one’s theory is essentializing. The analytical usefulness of that term has been spent. Responsible representation is advanced through transparency about the nature and function of theoretical representations of the subject of moral and political theory—whether it be women or human beings as such.

⁵⁶ Emily S. Lee, “The Epistemology of the Question of Authenticity, in Place of Strategic Essentialism,” *Hypatia* 26, no. 2 (2011). One reason it is not a very satisfying response is that it is a merely personal solution for those who recognize and want to self-consciously resist the identity lens through which others see them.

⁵⁷ Stone classifies Naomi Schor as an anti-anti-essentialist—a theorist who takes issue with the vigilant policing of “essentialism” by anti-essentialists. See Naomi Schor, “This Essentialism Which Is Not One: Coming to Grips with Irigaray,” in *The Essential Difference*, ed. Naomi Schor and Elizabeth Weed (Bloomington: Indiana University Press, 1994). Cressida Heyes describes herself as an anti-anti-essentialist. See Heyes, “ ‘Back to the Rough Ground!’ ” Anti-anti-essentialists differ from straightforward essentialists in continuing to think that belief in a set of “shared social characteristics common to all women” is problematic. “Rather, anti-anti-essentialists have tended to defend essentialism by arguing that it can take multiple forms, some more complex and subtle—and defensible—than its familiar ones.” Stone, “Essentialism and Anti-Essentialism,” 142.

An added benefit of moving the discussion away from essentialism toward methodological issues of theoretical representation is that it shifts the emphasis of the problem away from the ambiguities inherent in the debate over essentialism. This debate was sometimes over forms of representation and sometimes a proxy for metaphysical debate on the part of theorists intent on rooting out the last vestiges of a languishing but live inheritance from a philosophical worldview premised on an ontology of substance.⁵⁸

Rather than revealing a metaphysical problem, the anti-essentialist debates are better understood as revealing the theoretical problem of representation. As witnessed by the essentialist/anti-essentialist debate, feminist theory is shaped by a fundamental moral concern about the power theoretical representations of the subject in ethical and political theory have to affect people's lives—whether those representations are of women or human beings. Feminists have demonstrated persistent concern over the ways theoretical assumptions about the nature of the subject affect the lives of the most socially marginalized or powerless, and they have developed a growing insight that the realities of these kinds of lives tend to be obscured by mainstream moral and political theory. Still, theory is impossible without some level of abstract theoretical representation of the subject. Thus, assuming feminists are not required to abstain from giving theoretical attention to the social and political realities of human life, the important question cannot be *whether* but *how* those engaged in theoretical work should represent the subject of ethical and political theory and how it can be done in a morally responsible way.⁵⁹

⁵⁸ Charlotte Witt argues that the charge of essentialism in feminist literature has at least four distinct senses. Witt, "Anti-Essentialism in Feminist Theory," *Philosophical Topics* 23, no. 2 (1995). Cressida Heyes likewise identifies four different senses in which an analysis can be "essentialist:" metaphysical, biological, linguistic, and methodological. " 'Back to the Rough Ground!' "

⁵⁹ My questions here about how representations of human nature function theoretically within a flourishing-based ethic are analogous to the questions being raised by those advocating for "nonideal theory." See Charles W. Mills, " 'Ideal Theory' as Ideology," *Hypatia* 20, no. 3 (2005); Onora O'Neill, "Abstraction,

If this analysis is correct, then the appropriate questions regarding the reliance of a flourishing-based ethic on a conception of human nature will address the nature and methodology appropriate to theoretical representation of human nature; how representations of various types function theoretically; and how these representations can be put to liberatory purposes that help realize a more just world for all.

Whether ‘human nature’ is a substance in a metaphysically robust sense or a philosophical construct, I will leave to the side. Some think realism is the only way to make sense of truth claims in any arena. For my purposes here, I will assume the debate is still out on that question. I do not think we can do without a conception of human nature in ethics and politics, but it is not up to us to determine what human nature is. While this rules out certain positions, neither of these assumptions presupposes an answer to the question of whether we need recourse to a form of moral realism (where facts about human nature would count as moral facts) or whether some sort of constructivism is sufficient (in which case, the moral facts about human nature would be understood as constructs).

Idealization and Ideology in Ethics,” *Royal Institute of Philosophy Supplement* 22 (1987); Tessman, ed. *Feminist Ethics*. Despite the lack of clarity in the conversation about ideal vs. non-ideal theory over what exactly “idealization” in theory involves, the critical attention to the method and function of representation in theory has helped me see a different and potentially more promising response to anti-essentialist anxieties inspired by the history of feminist theory and criticism. O’Neill, Mills, and Tessman all agree that some level of abstract representation is unavoidable in theory, and that with this comes the inevitable fact that our representations will fail to represent perfectly because reality will always outstrip our capacity for representation. Nevertheless, there are better and worse ways of representing. All three emphasize the ways our theoretical representations can collude with ideological understandings of the world to reinforce and perpetuate unjust social hierarchies by giving expression and theoretical validity to dominant understandings of persons, roles, and institutions, and naturalizing the benefits accruing to the persons whose lives more closely approximate these representations. I take it that feminist critique of the history of appeals to human nature and women’s nature in the Western philosophical tradition is, in one sense, just this criticism: Appeals to human nature have been ideological in the sense nonideal theory is concerned with. These appeals have functioned to reinforce the power and privilege of men over women, of white women over women of color, etc.

3. Outline of the Chapters

The central argument of this dissertation is that human nature can be a critical resource for feminist moral philosophy functioning within a flourishing-based framework. The first point to be established is that flourishing-based ethical theories need an account of human nature. To be adequately normative, a flourishing-based ethical theory needs a robustly normative account of human nature. Feminist moral philosophers might wonder why they ought to bother with articulating and explicating their conception of human nature, given the difficulty and controversy involved in such an endeavor. I make a positive case for including reflection on human nature as a constituent aspect of our reflection on the nature of human flourishing by showing what is missing in approaches that try to evade such considerations. (I do this especially in chapters two, four and five.) I argue that a feminist ethic of flourishing (such as that provided by Lisa Tessman) can be strengthened by including a space for reflection on human nature. In the course of the argument, I advance an account of the proper relationship between human nature claims and an ethic of flourishing. This is articulated in the final chapter.

The first task is to understand more clearly how conceptions of human nature can function to inform a flourishing-based ethical theory. This will be the topic of chapter two, for human nature can be brought to bear on a flourishing-based ethical theory in multiple ways, and these are importantly related to the way nature in general is understood. As such, in chapter two I proceed by taking a step back from the question of the representation of human nature and ask about the representation of nature in general, drawing a distinction between a ‘substantive conception of human nature’ and a ‘conception of nature in general’ that underlies a conception of human nature.

I argue that there are vastly different ways of representing nature in general, some of which are non-starters for ethical argument. I look at the way the concept of nature in general functions in the thought of Aristotle, Hume, and Marx. Marx and Aristotle are especially significant sources of inspiration for many feminists currently working with an ethic of flourishing. Hume, in contrast, is not a major source of inspiration for the ethics of flourishing, but he operates with the same conception of nature as those who are suspicious of appeals to nature. Louise Antony's arguments against making appeal to nature in ethics provide a particularly clear view of the problems that arise when one assumes a Humean view of nature in general.⁶⁰ As a result, it is important to look at the way nature is conceived on the Humean model and the challenges this presents to thinking that human nature might be relevant to ethics.

Following the historical analysis in chapter two, I turn to three contemporary figures working with a flourishing-based ethic: Rosalind Hursthouse, Martha Nussbaum, and Lisa Tessman. The goal is to assess these contemporary ethics of flourishing in order to develop a sound basis for a feminist ethic of flourishing.

In chapter three, I examine the flourishing-based virtue ethics of Rosalind Hursthouse. I begin here because Hursthouse has done the most of the three to make explicit and defend the normative function of the appeal to nature in a flourishing-based ethic. As such, the discussion of Hursthouse serves as an introduction to what I take to be some of the major issues and potential confusions surrounding what the appeal to nature can properly be expected to provide and what it should not be expected to provide. For Hursthouse, the appeal to human nature is not a matter of justifying right action, but of

⁶⁰ Louise M. Antony, "Natures and Norms," *Ethics* 111, no. 1 (2000).

supporting the characterization of flourishing we use to identify the virtues appropriate to human life.

As I am interested in the methodological function of the appeal to human nature, Hursthouse's discussion of the argumentative limitation of the appeal to nature in ethics is instructive. Following John McDowell—but responding to a challenge framed by Bernard Williams—Hursthouse stakes out the position that human nature is relevant, not as a non-ethical foundation, but as part of an overall evaluative outlook on life, one piece of which is our view of human nature. She rejects the notion that the appeal to nature is intended to silence the moral skeptic or provide an absolute foundation for ethics. She instead argues that the appeal to human nature can offer rational support for one's views regarding flourishing and the virtues, despite the fact that it doesn't provide conclusive evidence “from a neutral point of view” (i.e., from the view of one with no particular ethical commitments).⁶¹ Likewise, I'll suggest that the appeal to human nature cannot be expected to silence the “moral sexist,” but it can give rational support for feminist views of flourishing.

I argue that while Hursthouse situates the appeal to human nature appropriately within a flourishing-based ethic and so gives the right methodological role to a theory of human nature, the substantive conception of human nature she endorses is not really strong enough for feminist purposes. For instance, on the assumption that both hierarchical and egalitarian gender relations are consistent with stable and functional forms of human sociality, on her view as it stands, it seems impossible to account for why a social collective characterized by gender equality would be morally superior to one

⁶¹ Hursthouse, *On Virtue Ethics*, Part III but see esp. 193.

strongly characterized by gender hierarchy. A feminist ethic of flourishing that follows Hursthouse's lead will need a "thicker" account of the proper ends of human nature.

In chapter four, Martha Nussbaum's capabilities approach is the subject of discussion. In her thought, we see the influence of both Aristotle and Marx. The tradition of Marxist thinking with the most evident influence in Nussbaum's writing is that which appeals to the value of full human development to marshal an ethical critique of systems that stunt or inhibit this value. Nussbaum's account of human flourishing is implicit in the list of human capabilities she argues deserve protection as constitutive of a dignified human life. This chapter brings together the two major themes of the dissertation: feminist objections to human nature claims stemming from the problem of representation, and concern for the proper methodological role of appeals to human nature in a flourishing-based framework. I will argue that Nussbaum's account of human nature is substantive enough to defend the liberal vision of flourishing to which she is committed, but she is ambiguous about the status of her appeal to nature. Thus, at times, she misrepresents the role of the appeal to nature.

In chapter five, I turn to Lisa Tessman's work in *Burdened Virtues*. Tessman offers a significantly different flourishing-based ethical framework from Nussbaum's and Hursthouse's. Tessman's explicit aim is to use a eudaimonist moral theory to analyze the moral harms inflicted by oppression. Her method is unorthodox in that she resists arguing for a full account of flourishing. Instead, she appeals to the vision of flourishing she finds implicit in the projects of political resistance carried on by communities of activists committed to resisting oppression. In Tessman's account, human nature plays quite a limited role. Her goal appears to be to avoid controversial questions of human nature, but

I argue that embracing the conception of human nature that is already implicit in her account of the burdened virtues would bolster her case that the ‘burdened virtues’ constitute a moral harm of oppression. In this way, I argue that a theory of human nature can be a critical resource for analyzing and defending an account of the harm of oppression.

In the sixth and final chapter, I review the ground covered in the body of the dissertation and elaborate on the proper role human nature has in a flourishing-based ethical theory. I focus especially on the limitations of an appeal to human nature and suggest that the theories of human nature informing an ethic of flourishing may profitably be understood as “essentially contested.” While I discuss this possibility briefly, an in-depth study of the topic will have to wait for another time.

Before I conclude this chapter, I need to address some relevant issues and questions that I will not be able to deal with in any depth in the context of this dissertation, and I want to conclude with a short excursus on feminist moral philosophy and how this dissertation can be situated within the field of feminist moral philosophy.

4. Boundaries of the Study

I cannot take up any of the general philosophical objections to a flourishing-based ethical theory here. There are important philosophical objections to flourishing-based ethical frameworks as moral theories at all on the grounds that they are “egoistic” and cannot account for the especially stringent nature of a moral obligation. These objections owe especially to Kant,⁶² though others feel similarly.⁶³ I limit myself to the unique

⁶² For one possible response to these objections, see Mary Hayden, “Rediscovering Eudaimonistic Teleology,” *Monist* 75, no. 1 (1992).

concerns that arise from the feminist project of appropriating this moral framework. These objections stem from the history of feminist critiques of essentialism and are related to the problem of representation as laid out here.

While I examine a variety of flourishing-based ethics, I do not address the possibility of a “subjectivist” ethic of flourishing, that is, a theory which defines flourishing by reference to desire-satisfaction or preference-satisfaction. This decision means that I exclude from the parameters of this discussion a whole school of thought about flourishing, a school sometimes referred to as the “subjective welfare approach” to flourishing. At least on the face of it, subjective welfarists seek to give an account of flourishing relatively independent of human nature. However, desire- and preference-satisfaction-based accounts of flourishing seem to face an insurmountable objection with regard to the problem of preference adaptation. This is particularly problematic in regards to oppression, since oppression tends to systematically limit the scope of one’s life possibilities. Whether the problem of preference adaptation is decisive against preference-based accounts is a subject of intense debate that I do not have time or space to consider here.

5. Coda: Feminist Moral Philosophy

Feminist moral philosophy has developed significant critiques of the standard-bearing ethical and political theories of the Western philosophical tradition, showing how they suffer from gender and other bias. Following a period of intense scrutiny and

⁶³ Thomas Atwater, “Marx and a Credible Form of Eudaimonism,” *Southwest Philosophy Review* 1 (1984). Atwater focuses on flourishing-based ethical theories that take the perfection of a specific set of capacities as constitutive of flourishing. Although the way he defends Marx is ultimately unconvincing, he tries to respond to the objection that no matter which capacities one names as constitutive of human flourishing, the selection of these as opposed to others will be arbitrary.

criticism, feminist philosophers have also re-envisioned and recast these theories in ways that make them more amenable to feminist purposes and less susceptible to these criticisms.⁶⁴ This project sits in the space created by the flowering of feminist theory as both critique and reformulation, and it aims to carry this tradition forward in rethinking flourishing-based ethics for feminist purposes.

This dissertation is a work in feminist ethics, or perhaps, since “feminist ethics” is still so often identified with the ethics of care or as a subset of applied ethics, it would be better to call it a work in feminist moral philosophy. It takes up an age-old question within moral philosophy—the relationship between human nature and ethics—and examines that question in light of the theoretical concerns articulated within feminist theory. Of the study of feminist ethics, Margaret Walker has said:

“[F]eminist ethics” is more like Kantian, Aristotelian, or utilitarian ethics than it is like, say, environmental ethics or biomedical ethics. It is not a subject matter but a method of approach with certain prior convictions about human agency, knowledge and society. I see feminist ethics as one such approach within moral philosophy conceived as the continuing

⁶⁴ Charles Mills observes that a similar process has also occurred with respect to “malestream” political theory, revising it in order to make it suitable for feminist purposes. See Mills, “‘Ideal Theory’ as Ideology.” Susan Moller Okin is critical of classical liberal political philosophy in certain ways. See Okin, *Women in Western Political Thought*. But she and many other feminist philosophers also see the liberal commitment to freedom and individual rights as a powerful resource with which to combat sexist oppression. See, for example, her *Justice, Gender and the Family* (New York: Basic Books, 1989); see also Amy R. Baehr, ed. *Varieties of Feminist Liberalism* (Lanham, MD: Rowman & Littlefield, 2004). Carol Pateman regards the social contract as fundamental to the sexual subordination of women. See Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988). But others have proposed using the social contract tradition for feminist purposes. For example, see Jean Hampton, “Feminist Contractarianism,” in *A Mind of One’s Own: Feminist Essays on Reason and Objectivity*, ed. Louise M. Antony and Charlotte Witt (Boulder, CO: Westview Press, 1993); also Ruth Sample, “Why Feminist Contractarianism?” *Journal of Social Philosophy* 33, no. 2 (2002). Similarly, Martha Nussbaum argues that even though some of the fundamental assumptions of the social contract need to be rethought to make the social contract theory work for women, the social contract is the strongest political theory in the Western canon. See Nussbaum, *Frontiers of Justice*. Lisa Tessman is quite clear about the inadequacies of Aristotle’s eudaimonist virtue ethics, and she proposes a number of modifications for the purposes of feminist theory in “Feminist Eudaimonism: Eudaimonism as Non-Ideal Theory,” in Tessman, *Feminist Ethics*. For further discussion of the ways Aristotle’s eudaimonism must be modified for feminist purposes, see *Burdened Virtues*, 7, 75-76.

project of exploring the form and content of answers to the question “how shall we live?”⁶⁵

I concur. Feminist ethics is more like Kantian, Aristotelian or utilitarian ethics than environmental ethics or biomedical ethics. Like those ethical theories, it requires certain assumptions as starting points—assumptions that have traditionally been discussed in terms of ‘human nature.’ For a variety of reasons (some of which are addressed above), some feminist theorists have been reluctant to commit themselves to a robust conception of human nature.⁶⁶ Feminist moral philosophers have the same philosophical reasons as any other moral philosopher to be skeptical of appeals to human nature, but they also have a distinct set of reasons arising out the history of feminist theory itself. I cannot defend against the other reasons philosophers have wished to avoid reliance on claims about human nature. My goal here is to address what I see as distinctively feminist objections to appeals to human nature within ethics. As such, I will limit myself to the concerns I understand to arise out of the history of feminist inquiry and debate outlined in this chapter, culminating in the questions and concerns that I will call, following Margaret Walker, the Problem of Representation.

Careful articulation and examination of the grounds upon which feminist moral philosophy can defend its claims regarding the oppression of women is important because feminists must ultimately rely on ethical arguments to defend the rightness of their practical and political goals. Amy Baehr notes that “One weakness of much feminist political theory is that it does not directly address the question of its normative

⁶⁵ Walker, *Moral Understandings*, viii.

⁶⁶ This applies to some, but by no means all. For feminist theory that has staked out an explicit position on issues of human nature, see Groenhout, *Connected Lives*; Jaggar, *Feminist Politics and Human Nature*; Nussbaum, “Human Functioning”; *Women and Human Development*; and Snow, “Virtue and the Oppression of Women.”

foundation.”⁶⁷ This dissertation seeks to provide resources for the remedy of that problem by advancing the conversation among feminists about the possible normative resources available in an articulated conception of human nature. That being said, “foundations” might not be the right word here because I do not ultimately see human nature as the objective ground, or foundation, from which ethics can be derived. Human nature on my view is, rather, more like a resource from which we draw. Like many of our natural resources, it must be used carefully. It can be abused, misused, and put to use in detrimental ways. It can also be neglected to the point of becoming a wasteland—so neglected that it no longer has the power to nourish what it once sustained. But if used with care, stewarded as we steward the land, human nature is a conceptual resource that can nourish our thought, providing us with a moral source from which to draw inspiration and grounds upon which we can articulate a vision of a good human life.

⁶⁷ Baehr, ed. *Varieties of Feminist Liberalism*, 13.

CHAPTER 2

NATURE AND FLOURISHING IN THE THOUGHT OF ARISTOTLE, HUME, AND MARX

1. Introduction

In the previous chapter, I gave the outlines of a problem in contemporary feminist moral philosophy: In the process of re-appropriating the ethics of flourishing, there has not been sufficient attention paid to the degree to which such an ethical framework implies or depends upon a robust theory of human nature. I also argued that although the essentialism/anti-essentialism debate in feminist theory is often taken as a debate delimiting the bounds of acceptable feminist metaphysics, it may be more usefully understood as pointing out certain problems of theoretical representation. If the problem is a *lack* of transparency about the status of claims about human nature, the solution I propose is *transparency* about the status of our claims about human nature.

This chapter examines Aristotle, Hume, and Marx for their significance as exponents of a flourishing-based ethic. My concerns in this chapter are methodological: What function does a conception of human nature play in articulating and justifying normative moral claims within a flourishing-based ethic? In order to focus on methodological questions, I distinguish the substantive conception of human nature—that is the particular content of the account of human nature—from the conception of nature in general. I'll explain this distinction more fully below, but what emerges from this analysis is a distinction between different ways of representing nature in general, either as teleological (Aristotle and the early Marx) or as empirical (Hume and the later Marx). I conclude that a teleological conception of nature in general provides a flourishing-based

ethic with a source of normativity that is unavailable given an empirical conception of nature in general, but the teleological conception is much more epistemologically contentious than the empirical conception, and it does not “ground” (i.e., provide an objective justification in a value neutral realm independent of the ethical theory) the normative claims of the theory in the way it is sometimes expected that claims about human nature will. As we will see in the course of examining the normative moral criticisms leveled by Hume and Marx, the normative force of their claims implicitly relies upon a teleological conception of human nature.

In “‘Human Nature’ and Its Role in Feminist Theory,” Louise Antony argues that “feminist theory needs an appeal to a universal human nature in order to articulate and defend its critical claims about the damage done to women under patriarchy, and also to ground its vision of equitable and sustaining human relationships.”¹ Notions of ‘damage’ and ‘harm’ presuppose a positive conception of what flourishing is and what is good for human beings. If it is the flourishing of human beings as such that is morally relevant, then positive conceptions of what it is to be human and to flourish as a human being are important for providing a standard by which to criticize treatment that cuts off or denies this possibility to women. Two years later, in her article “Nature and Norms,” Antony reverses her position, and in the course of criticizing Martha Nussbaum’s capabilities approach, argues that the attempt to ground ethics in human nature is misguided and doomed to fail. In this later article, Antony maintains, “The fact—if it is one—that such human universals as exist are due to our *nature* as human beings is itself of no ethical

¹ Louise M. Antony, “‘Human Nature’ and Its Role in Feminist Theory,” in *Philosophy in a Feminist Voice: Critiques and Reconstructions*, ed. Janet A. Kourany (Princeton, NJ: Princeton University Press, 1998), 67.

importance.”² Antony reasons as follows: Persuasive arguments from nature will represent what is “true by nature” as “a matter of simple observation or an uncontroversial finding from a neutral science,” and this entails a conception of nature that is modally and normatively flat where nature signifies either what is “independent of human agency” or “statistically normal” or even “part of our genetic endowment.”³ But, Antony points out, if the appeal to nature is to be rhetorically effective in ethical argument, the notion of nature at work must somehow also preserve the normative import that the term ‘nature’ carries, and these two goals are at cross purposes.⁴

I agree with Antony’s analysis of the problem with appeals to a normatively flat concept of nature. Without additional premises, the recognition that certain human universals exist that are a function of our genetic endowment or are statistically normal is of no ethical importance. These universals must be seen as good or bad according to some standard of evaluation if they are to be understood as ethically significant. However, there may still be an important role for appeals to nature in ethics. Rather than reject the use of the concept of nature in ethical argument, I think we ought to reject Antony’s first assumption—that the conception of nature we need in order to “ground” feminist ethics is an “empirical”—or, as she puts it, “normatively flat”—conception of nature. Antony’s concern is that only empirical conceptions of human nature will ultimately be persuasive in ethical argument. The reasons an appeal to human nature can provide may not be able to persuade convinced members of “the opposition” (whoever that is), but there are few arguments that can do that, and the reasons a theory of human nature can be used to articulate may be important, even if they cannot decisively sway

² “Natures and Norms,” *Ethics* 111, no. 1 (2000): 12.

³ *Ibid.*, 13.

⁴ *Ibid.*, 13.

opinion. One of the upshots of this chapter is that a feminist ethic of flourishing need not accept Antony's first assumption, and, instead, feminist ethicists working to develop an ethic of flourishing ought to begin by assuming that a conception of human nature that is relevant to the ethics of flourishing will be an evaluative one with normative significance by virtue of the fact that it draws qualitative distinctions between possible ends of human life. What I identify as a 'teleological concept of nature in general' does precisely this. Teleological conceptions of human nature will not be uncontroversial, but these evaluative interpretations of human life are inescapable in a flourishing-based ethic, and acknowledging them allows us to be articulate about an important set of reasons we have to endorse a particular vision of flourishing.

Throughout this chapter, I'll refer to conceptions of nature that aspire to be purely descriptive the way Antony describes as "empirical" conceptions of nature. Their "purity" as descriptive can be gauged by the degree to which they avoid invoking evaluative or normatively-loaded concepts. Thus, the "empirical" and "purely descriptive" will be, by definition, opposed to the evaluative and normative.⁵ If judgments about human nature are to be relevant to ethics—and, in particular, if they are

⁵ It should be noted that such a notion of the "empirical" functions as a normative ideal in the most straightforward sense. Insofar as any description that purports to be empirical in this sense can be shown to encode a set of ethical values or come from a particular moral perspective, it will suffer a demotion because it does not meet the standards of the empirical. Because of this, the very notion of the empirical here is, in a certain respect, normative: it carries with it certain standards.

It might seem counter-productive to accept at the outset the distinction between description and evaluation, fact and norm, and especially so since the retrieval of neo-Aristotelian virtue ethics has proceeded in tandem with a rejection of a strong separation between the two. The seminal article in this respect is G. E. M. Anscombe, "Modern Moral Philosophy," in *Virtue Ethics*, ed. Roger Crisp and Michael Slote (Oxford: Oxford University Press, 1997). Still, the distinction is an important one because it is widely assumed (as, for instance, by Antony). And as I understand it, the position that has emerged from the neo-Aristotelian camp is not that there is no distinction to be drawn between descriptions of fact and statements of value, but that it is wrong to assume that values are totally extrinsic to the natural world. Michael Thompson, for instance, argues that there are standards of evaluation inherent to natural living organisms. Michael Thompson, "The Representation of Life," in *Virtues and Reasons*, ed. Rosalind Hursthouse, Gavin Lawrence, and Warren Quinn (Oxford: Clarendon Press, 2002). See also John McDowell, "Two Sorts of Naturalism," in *Mind, Value and Reality* (Cambridge, MA: Harvard University Press, 1998).

to be relevant to a flourishing-based feminist ethic—they will need to be formed by a set of evaluations. These evaluations come in the form of judgments that discriminate between proper and improper ends of human life, and, consequently, make possible a set of discriminations regarding a host of other things in human life, primary among them being human needs and desires. I'll refer to accounts of human nature that encode such evaluative judgments as 'teleological' because they are based on a set of judgments that draw distinctions of worth between possible ends of human life.

The body of this chapter offers a schematized survey of the way three different conceptions of human nature have functioned to inform three historically prominent flourishing-based ethical theories: those of Aristotle, Hume, and Marx. The goal here will be to begin building the categories that will be used later on in the dissertation to discuss and evaluate the thought of Rosalind Hursthouse, Martha Nussbaum, and Lisa Tessman. While Aristotle is a natural figure to focus attention on in this regard, I have chosen to focus on Hume and Marx because they offer forms of a flourishing-based ethic which are substantially different from Aristotle's, so they can show how a flourishing-based ethic might take a different form from that of classical eudaimonism, modeled by Aristotle.⁶ My attention will be devoted especially to the role human nature plays in supporting their visions of flourishing and the moral critiques they can legitimately defend in light of that conception of human nature. Aristotle, Hume, and Marx offer distinctive approaches to this question and are illustrative of influential ways of understanding the significance of human nature for a flourishing-based ethic. While I will ground my discussion in the

⁶ For other scholars who read Hume as offering an ethics of flourishing, see Jennifer Herdt, *Religion and Faction in Hume's Moral Philosophy* (Cambridge: Cambridge University Press, 1997). For Marx, see Thomas Atwater, "Marx and a Credible Form of Eudaimonism," *Southwest Philosophy Review* 1 (1984); Hilliard Aronovitch, "Marxian Morality," *Canadian Journal of Philosophy* 10 (1980); and Alan Nasser, "Marx's Ethical Anthropology," *Philosophy and Phenomenological Research* 35 (1975).

writings of these three figures and note as I go along some of the more important interpretive controversies, I cannot take up in any serious way the complicated matters of historical interpretation surrounding each figure—of which there are many. Instead, I suggest we understand them as “ideal types.” As such, each of these figures will serve as representatives of how a distinctive way of thinking about human nature might inform a flourishing-based ethical theory.

After laying out the basic outline of each figure’s theory of human nature, I will give a short analysis, the goal of which will be to identify the *substantive conception of human nature* and the *general concept of nature* that undergird their ethical thought. What I am here calling a “substantive conception of human nature” would, within the wider philosophical discourse, probably be thought of simply as the content of the philosopher’s theory of human nature. However, in order to get clarity in this conversation, we need a way to distinguish the content of their account of human nature from the way they conceive of nature in general, which, in the wider philosophical discourse, would likewise be thought of as part of the philosopher’s theory of human nature.

By “general concept of nature,” I don’t mean their view of the environment or their ecology. Rather, I am referring to what Aristotle would call an “essence.” I favor the phrase “general concept of nature” because “essence” so connotes what Aristotle meant by that term that it pollutes our attempt to understand alternative ways of thinking about natures. To the extent Marx thinks essences exist, they are not Aristotle’s essences, and Hume definitely does not accept the real existence of Aristotelian essences. But both Marx and Hume have a general concept of nature that undergirds and informs how they

think about human nature—or so I will argue. Hence it is with the singular aim of conceptual clarity that I suggest thinking in terms of a *substantive conception of human nature*, and distinguishing this from the *general concept of nature*. The way I draw this distinction, it should be possible, in principle, to identify both of these aspects within any philosophical theory of human nature. In principle, any theory of human nature will have both a substantive conception of human nature and a general concept of nature that undergirds and shapes thinking about human nature and its significance for moral philosophy.

In the conclusion of this chapter, I summarize the main functional differences—not between these figures’ substantive conceptions of nature, but between their competing general concepts of nature. This chapter has two goals: First, through an analysis of Aristotle, Marx, and Hume, to formulate a set of categories that can be used to evaluate the role a theory of human nature is playing within an ethic of flourishing. These will then be used to evaluate contemporary versions of the ethics of flourishing in later chapters. The second goal is to motivate the case for a teleological conception of human nature in a flourishing-based ethical theory. This chapter argues that a teleological conception of human nature is indispensable for an adequately normative theory of flourishing.

2. Aristotle

Ethical reflection, on Aristotle’s understanding of it, begins with a very general question: “How should I live?” What we all want in life, ultimately, says Aristotle, is *eudaimonia*, and the question is really *how* to attain this. Eudaimonia is commonly

translated either as “happiness,” “well-being” or “flourishing.” Happiness is, for a number of reasons, the better English translation, but in saying this, we must bear in mind that eudaimonia is best thought of as a concept that expresses something like “true happiness.”⁷ For Aristotle, the purpose of both politics and ethics is to make genuinely good, happy lives possible, and “political science” is the field of study devoted to acquiring knowledge of how we ought to live in order to attain this goal.⁸

True happiness for human beings, according to Aristotle, can only be found in the life of virtue. He argues for this conclusion by appealing to human nature—to the *ergon* (the characteristic activity or “function”) of a human being. Thus, in his argument for the human function, as in several other places, nature enters into Aristotle’s arguments as a normative concept, where what is “natural” is understood as providing a standard for human life. We can say that ethical argument involves an “appeal to nature,” when one

⁷ In classifying eudaimonist ethics as a kind of ‘ethics of flourishing, I am obviously privileging the concept of flourishing, but ‘flourishing’ is a technical or philosophical term, whereas ‘eudaimonia’ and the English word ‘happiness’ are words at home in commonsense and everyday parlance. This is one of the reasons ‘happiness’ is a better translation, but there are several points to keep in mind. First, translating eudaimonia as ‘happiness’ can be misleading since in English ‘happiness’ is closely associated with the idea of pleasure, a subjectively felt state about which we usually take the individual’s opinion to be decisive, whereas eudaimonia implies a state of well-being about which one could be mistaken. One can think one is living a good life and be self-deceived or misguided. However, (and this is the second point) ‘well-being’ is awkward because there is no adjectival form of well-being in English, and this creates translation difficulties. Third, common usage of ‘happiness’ permits the application of the concept for even short-lived periods of time. In contrast, the intuitive extension of ‘eudaimonia’ concerns one’s life as a whole. Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993), 43-46; “Virtue and Eudaimonism,” *Social Philosophy and Policy* 15, no. 1 (1998). When we consider a complete life as the referent of eudaimonia, the concept of ‘success’ (as in ‘a successful life’) has some important conceptual similarities to ‘eudaimonia.’ Hutchinson’s discussion of Aristotle’s ethics emphasizes this. D.S. Hutchinson, “Ethics,” in *The Cambridge Companion to Aristotle*, ed. Jonathan Barnes (Cambridge: Cambridge University Press, 1995).

⁸ Politics aims at living well, and ethics is, according to Aristotle, a subset of politics. Aristotle, *Nicomachean Ethics*, ed. Terence Irwin, 2nd ed. (Indianapolis, IN: Hackett, 1999), 1095a14021, 1094b11-12. [Hereafter cited as *EN*.] Political science is, according to Aristotle, the field of inquiry devoted to knowledge of what is good and to the actions that most reliably produce this. The goal of political science is a practical one: to produce the highest good achievable in action, i.e., happiness (*EN* 1095a14-19). In the strict sense, politics is not a science because a true “science” or knowledge (*epistēmē*) of a subject is the result of a demonstration based on deductive inference in which the premises serve to explain the conclusion and the conclusion holds universally. Terence Irwin, *Introduction, Notes, and Glossary*, in *Aristotle: Nicomachean Ethics* (Indianapolis: Hackett, 1999), 343, 347. Political science, in contrast, can only give us guidelines that hold usually or for the most part (*EN* 1094b12-27).

argues that because some aim or practice is natural for us, we should act in accordance with it, and this is how Aristotle often argues.⁹

While there are important instances in which Aristotle appeals to nature as a norm in ethical argument, interestingly, Aristotle’s ethical writings do not uniformly appeal to what is “natural” as a standard for human behavior. Sometimes Aristotle takes nature as something that needs shaping and further development to be improved.¹⁰ In this sense, nature is not functioning as a standard. This suggests there are two different senses of nature in Aristotle’s thought. In what follows, I review select texts that illuminate these two different senses of nature. That there are two senses of nature in Aristotle’s ethical writings is well-recognized by Aristotle scholars. There is less consensus on how these two senses—once distinguished—are to be related, but the broad outlines of the differences are clear. My own understanding is heavily informed by the work of Julia Annas and Fred Miller, and I follow Annas in using the terms ‘mere nature’ and ‘nature proper’ to distinguish between the two senses of nature we find at work in Aristotle’s thought.¹¹

For our purposes here, what is most important is the concept of nature proper, which sets the stage for an understanding of a teleological conception of nature in general. As we will see, the ethical appeal to nature is an appeal to nature proper and not to mere nature. There are a number of philosophical and exegetical difficulties that arise when we begin to interpret Aristotle as employing two different senses of nature in

⁹ Julia Annas, “Ethical Arguments from Nature: Aristotle and After,” in *Beiträge zur antiken Philosophie: festschrift für Wolfgang Kullman* ed. Hans-Christian Günther and Antonios Rengakos (Stuttgart: Franz Steiner, 1997).

¹⁰ Aristotle, *EN* 1103a15-19; 1144a2-26; 1118b9-19.

¹¹ My own analysis of nature proper diverges from Annas’s, and I will footnote these differences as the discussion progresses, but for the sake of time and space, I have avoided belaboring these points in the body of text.

ethical argument. My purpose is not to resolve these difficulties, but rather to highlight that nature proper is distinct from mere nature (whether Aristotle himself understood them to be distinct or not) and that Aristotle's appeal to nature in ethical argument is an appeal to nature proper. Nature proper provides an evaluative understanding of our nature. It encodes judgments about the proper development of our form of life and what is good for us. While it purports to be a true description of the way things are, it clearly involves taking an interpretive lens on the human condition. When nature enters into Aristotle's ethical writings as an ideal that sets a norm for human life—and not simply as a starting point we can improve upon or as a constraint we must accommodate in some way or other or—it is nature proper to which Aristotle is appealing rather than mere nature.

In the terminology of this study, nature proper expresses a teleological conception of nature in general. A teleological concept of nature in general is important because it distinguishes which outcomes of human life are “fulfillments” and which are not, and thereby what our genuine needs are and which desires we ought to endorse in the pursuit of flourishing. If nature is going to enter into a flourishing-based ethic as a normative concept that is more than a directiveless constraint we must accept and accommodate (in some way or other), I take it that it will have to be something like Aristotle's concept of nature proper and not mere nature that is entailed. The following discussion is devoted to clarifying the distinction between these two senses of nature.

The validity of taking nature as a normative standard against which to judge human practices and goals depends entirely on what is meant by “natural.” Therefore, in order to evaluate the role nature plays in Aristotle's ethical arguments, we must first

consider how Aristotle uses the term and clarify the meaning of “nature” as it appears when Aristotle invokes it as a norm. If by “natural” Aristotle simply means what happens usually and for the most part—or what is statistically “normal” or common—Aristotle’s appeal to nature will be open to devastating objections because, unfortunately, many things in human life that are usual and common are evidently unjust. In that case, on moral grounds, we should reject Aristotle’s appeal to nature in ethical argument as an untrustworthy source of guidance for ethical goals and aims. Despite Aristotle’s identification of nature with what happens “always or for the most part” in the *Physics*,¹² there are good reasons to believe that when Aristotle appeals to nature as a standard for human aims and action, he is not simply taking what is natural to be what is ‘usual,’ ‘statistically normal,’ or ‘commonly the case.’ As I will argue, the concept of nature in Aristotle’s thought provides a stronger basis for normative moral claims because it names what is *good for* the thing in question, encoding a distinction between what happens in the course of life (even quite typically or predictably), and what would be ideal for the realization and full flowering of a thing’s potential. Naming what is ‘natural’ in this sense also names what is good for the thing. But even if, in the course of ethical argument, Aristotle himself mistakenly conflates the normative sense of nature with what happens always or for the most part,¹³ the normative concept of nature in Aristotle does not depend on this conflation.

¹² Aristotle, *Physics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols., vol. 1 (Princeton, NJ: Princeton University Press, 1984), 197a30; 198b34-35; 199b14-18; 199b25-26. [Hereafter cited as *Phys.*]

¹³ As Annas argues he does in *Politics* Book I. Annas, “Ethical Arguments from Nature.”

2.1 Two Senses of Nature: Mere Nature and Nature Proper

As a number of scholars have observed, and this brief discussion has already highlighted, there are two quite different senses of nature at work in Aristotle's philosophical thought.¹⁴ In what follows, I will show, exegetically, the basis for the claim that there are two distinct senses of nature in Aristotle, but let me say in brief the main differences between these two senses. Following Annas, I think we can best understand these two different senses of nature as corresponding to two different functions for the concept. In one sense, Aristotle uses 'nature' to refer to the material starting points of human life. Nature is thought of as providing the "raw materials" of human life in terms of inclinations, aversions, powers, potentials, and limitations. These starting points can be developed or stifled, but even in those cases where we cannot change them, they can often be accommodated in a number of different ways. Constructing the best kind of life out of what nature offers depends on giving these raw materials the proper treatment. I'll call nature in this sense 'mere nature.' In another sense, Aristotle uses 'nature' to refer to the end of a complete process of development in those things which possess an internal

¹⁴ Terence Irwin simply calls them 'nature #1' and 'nature #2'. These two must be understood as distinct since, as he notes, some but not all of the potentials given as a part of nature #1 will be included in nature #2. Irwin, *Introduction, Notes, and Glossary*, 339-340. Fred Miller also distinguishes between two senses of nature—what he calls the 'strict sense' of nature and the 'extended sense'. As will become clear in the discussion that follows, I do not think the way Miller draws the distinction is philosophically adequate, nevertheless, Miller is another scholar who has seen the need to distinguish two different senses of nature in Aristotle's philosophy. According to Miller, Aristotle's analysis of nature in the strict sense is given in *Physics* II, i where a thing is said to exist by nature "if and only if, it has a nature, in the sense of a source or causes of moving or being at rest, which is internal to it as such" (Miller 1995, 37). According to Miller, in the extended sense anything can be regarded as "natural" if it "has as its function the promotion of an organism's natural ends and it results, in whole or in part, from the organism's natural capacities and impulses" (Miller 1995, 41). As with Annas's concept of nature proper, Miller's extended sense of nature "serves as a standard of value" because it identifies what it is when it is perfected (Miller 1995, 45). However, a problem arises on Miller's reading. Carving up the concept of nature in this way leaves Miller's reading without any name for the sense of nature that is independent of human choice and can be set in opposition to reason and habit, and this is an important category, since for Aristotle we make use of reason and habit to improve what nature has provided. Fred D. Miller, Jr., *Nature, Justice and Rights in Aristotle's Politics* (Oxford: Clarendon Press, 1995), 60-61.

principle of development. The nature of a thing, according to Aristotle, is shown through the proper actualization of its innate potentials, and thus ‘nature’ indicates an *ideal*: a state of complete and proper development, consistent with a thing’s flourishing. I’ll call nature in this sense, ‘nature proper.’¹⁵

While I believe that drawing this distinction has value for Aristotle scholarship, it also has a wider significance because this feature of Aristotle’s thought is taken up—and the puzzles it creates are replicated—in Aristotelian moral philosophy more broadly. This distinction between mere nature and nature proper is transmuted and transmitted with the Aristotelian tradition, such that something similar can be found even in contemporary Aristotelians. The Aristotelian starting point on human nature is that human beings are rational animals. Rationality is definitive of our nature, and Aristotelians take reason and the use of reason to be “natural” for us. Yet, when it comes to ethics and normative questions, a distinction will be drawn between the authority of our nature and the authority of reason. For example, John McDowell challenges the idea that nature can have any normative authority over rational beings. In McDowell’s thinking, reason is authoritative for rational animals, not nature.¹⁶ However, by Aristotelian lights, reason is the definitive mark of human nature. The ambiguity in the concept of nature allows reason to be both “natural” *and at the same time* an authority independent of our nature.¹⁷

¹⁵ Cf. Annas, *The Morality of Happiness*, 142-158.

¹⁶ McDowell, “Two Sorts of Naturalism.”

¹⁷ Micah Lott, “Why Be a Good Human Being? Natural Goodness, Reason, and the Authority of Human Nature,” *Philosophia* 42 (2014).

2.1.1 Mere Nature

Aristotle's use nature leaves conceptual space for the judgment that there are things that are 'natural' and yet in need of improvement, which is to say, they are not good. Even though (as I will discuss below) there is a normative sense of nature in Aristotle, the simple identification of a characteristic or quality as 'natural' does not automatically imply that it is therefore good. We can call the aspects of our constitution in need of improvement, aspects of 'mere nature.'

We can find references to nature in the sense of mere nature in Aristotle's discussion of the conditions of moral praise and blame and in the distinction he makes between natural and full virtue.¹⁸

Aristotle clearly recognizes that certain aspects of human constitution obtain independent of human choice and agency, and he attributes some of these to nature.¹⁹ Aristotle opposes what is natural, or 'by nature,' to what is voluntary and 'up to us.' While we are properly held responsible for things that are up to us, we are not morally responsible for things that are due to nature. Thus, Aristotle observes that

we never censure someone if nature causes his ugliness; but if his lack of training causes it, we do censure him. The same is true for weakness or maiming; for everyone would pity someone, not reproach him, if he were blind by nature or because of a disease or wound, but would censure him if his heavy drinking or some other form of intemperance made him blind.²⁰

This suggests that Aristotle regards that which is 'by nature' as both involuntary and intractable. What is due to nature is not only not a product of human choice—

¹⁸ This is not intended as an exhaustive catalogue of references to mere nature, just a few exemplary instances.

¹⁹ Only some of what is independent of human choice is attributed to nature; some is considered due to chance. Aristotle, *Phys.* 196b10-16; 199b19-26.

²⁰ Aristotle, *EN* 1114a23-31.

Aristotle implies that what is due to nature is impervious to change through voluntary action, which is why we are not morally responsible for what is due to nature.

Appealing to the same principles, Aristotle elsewhere reasons that since the virtues can be brought about through habituation, we are right to hold one another responsible for their acquisition, and the virtues, therefore, cannot be regarded as a product of nature.

[I]t is clear that none of the virtues of character arises in us naturally. For if something is by nature in one condition, habituation cannot bring it into another condition. A stone, for instance, by nature moves downwards, and habituation could not make it move upwards, not even if you threw it up ten thousand times to habituate it; nor could habituation make fire move downwards, or bring anything that is by nature in one condition into another condition.²¹

Again, Aristotle implies that nature is an intractable principle. Things due to nature are not open to being made otherwise through human agency. Thus, he cites the stone which, even if it is thrown up into the air a thousand times, falls back to earth. In contrast, he thinks the virtues can be developed through intentional human action, and thus Aristotle reasons that they are not due to nature.

Aristotle thinks (quite reasonably) that some aspects of human constitution are outside our power to control by voluntary acts of choice,²² and he attributes these aspects

²¹ *EN* 1103 a19-24, cf. 1179b20-32.

²² Through the development of modern technology, many aspects of what is due to nature that would have been intractable in Aristotle's time are no longer outside of our power to control or change. For example, many diseases and disabling conditions (such as blindness or cleft palate) would have been completely beyond the power of people in Aristotle's day to change, but they are now within our power to change and remedy. I do not take the fact that technology has narrowed the bounds of what is intractable in nature to discount the validity of Aristotle's general point. First, there are still some things due to nature that we cannot change, but must simply accept and do our best to accommodate. Second, even in cases where technology gives us the power to change things formerly intractable, producing change via technology does not make the individual any more morally responsible for what is due to nature. For example, take the person blind from birth who can now be given sight through surgery. Even if a person can now choose to have blindness corrected through surgery, the person is neither blameworthy for having been blind, nor would she be praiseworthy for no longer being blind. She might be praiseworthy for overcoming her fear of the surgery, or for having taken other voluntary steps to make the surgery possible, but the philosophical

of our constitution to nature. Where nature is intractable, Aristotle sees nature as a limiting force in human life and a constraint on rational action. We are not morally responsible for what belongs to mere nature, but if we hope to flourish, we must accommodate it as best we are able—sometimes simply bearing with it²³—since it is not amenable to being made otherwise.

But Aristotle does not *always* assume that what is natural is intractable.

Sometimes, Aristotle uses nature to indicate aspects of our given constitution that are what they are independent of human choice, but they are malleable, and Aristotle regards it as up to us what we do with what nature has provided. So Aristotle will say there are “three things that make men [sic] good and excellent; these are nature, habit and reason.”²⁴ He explains the inclusion of nature by saying, “In the first place, everyone must be born a man [sic] and not some other animal; so, too, he must have a certain character, both of body and soul.”²⁵ This suggests that nature is a pre-condition of virtue because nature provides the faculties and capacities needed for developing the virtues. However, even though possessing the right material constitution—for example, being rational, being sensitive to pleasure and pain, and honor and shame—is a pre-condition for developing the virtues, Aristotle regards the virtues themselves as principally a

point remains valid. I’ll discuss the relevance of ‘force’ below, but the surgery is like a permanent application of force to the functioning of the eye. For the individual, receiving surgery is not voluntary in the way that would make it praiseworthy or blameworthy. What technology really does change is the status of our moral responsibility vis-à-vis others we can help by making technology available. But the difference is that here technology puts helping into the realm of the voluntary where it used to be beyond our power to help.

²³ Aristotle, *EN* 1149b5-7. In this passage, being “natural” (and intractable) is taken as grounds for excuse. Aristotle says, “Further, it is more pardonable to follow natural desires, since it is also more pardonable to follow those natural appetites that are common to everyone and to the extent that they are common.” The idea is that following our nature in this area is leading us wrong, but since it is difficult to resist doing what comes naturally—even though we should—there should be less condemnation for those who go wrong in this way.

²⁴ *Politics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols., vol. 2 (Princeton, NJ: Princeton University Press, 1984), 1332a39-40; c.f. 1334b6-7 (hereafter cited as *Pol.*).

²⁵ *Ibid.*, 1332a40-41.

product of proper habituation and the development of reason, *not* a product of nature.²⁶

Nature may provide the materials, but reason and habituation provide the proper guidance so that the malleable elements in our nature develop in the right sorts of ways, which is to say, ways that accord with virtue.

Perhaps the clearest and most instructive example of this malleable element of nature in Aristotle's ethical writings is the case of natural virtue. In considering how we acquire virtue, Aristotle observes that some people are apparently born possessing the virtues. For instance, some are said to be naturally courageous, while others exhibit a natural generosity. He calls these states "natural virtues." However, he denies that the states of character essential for happiness are acquired by nature. Possessing natural virtue is not what makes for the best kind of life. Because it lacks the necessary understanding, natural virtue may, in certain circumstances, actually be harmful and contrary to happiness.²⁷ Natural virtue is not, therefore, the norm of character, but rather simply a disposition we are born with that is susceptible to development in various directions.

While certain people possess natural virtue from birth, 'full virtue,' by contrast, requires a firm basis in good habits and teaching. Full virtue depends upon habituation to cultivate one's sense of pleasure and pain at the right sorts of things,²⁸ as well as practical wisdom, which only comes about with experience and the development of reason.²⁹

Happiness and success in life depend on the acquisition of prudence and full virtue.³⁰ We

²⁶ Aristotle, *EN* 1103 a19-24.

²⁷ *Ibid.*, 1144b1-1145a6. "For both children and brutes have the natural dispositions to these qualities, but without thought these are evidently harmful."

²⁸ *Ibid.*, 1104b9-1105a7.

²⁹ Aristotle, *EN* 1143b14.

³⁰ *Ibid.*, 1144b2-1145a6.

may be born with certain ‘natural’ traits which are qualitatively similar to the virtues, but despite being ‘natural,’ Aristotle does not take them to be the norm of virtuous character or the controlling feature of happiness. In the *Eudemian Ethics*, Aristotle comments that there are “two marks by which we define the natural—it is either that which is found with us as soon as we are born, or that which comes to us if growth is allowed to proceed regularly.”³¹ Natural virtue is natural in the first sense—being something certain people are just born with—but it is not rigid or intractable. These dispositions are malleable and can be developed into full virtue if formed in the right ways.

The picture we have so far of Aristotle’s thinking about the role of human nature is this: Nature is a set of “raw materials” out of which we must build our life. Some of these are intractable and must simply be accommodated. (Depending on what it is, there may be multiple ways of accommodating our nature.) Others are more malleable, but need the proper shaping by reason and habit to become excellent and contribute to the best kind of life. Nature in this respect is subject neither to praise nor blame, but it might be in need of improvement. We can call nature in this sense ‘mere nature.’ It simply names the starting points of human life. Aristotle does not take nature in the sense of mere nature to be establishing normative standards for human conduct or development. As Julia Annas observes, mere nature “is what we start from, but hardly serves as an ethical guide of any kind.”³² It seems to be Aristotle’s position that the normative standard for how we ought to deal with the raw materials provided by our nature is a matter for reason to determine, since “nature on its own can be developed either for the

³¹ *Eudemian Ethics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols., vol. 2 (Princeton, NJ: Princeton University Press, 1984), 1224b32-34 (hereafter cited as *EE*).

³² Annas, *The Morality of Happiness*, 143.

better or for the worse, so that it is up to humans to make use of their reason to control their nature by means of habit.”³³

If we think about human nature as providing the raw materials of human life, we can use an instructive analogy to art to make sense of the ways in which nature can function both as a limit, or constraint, on rational action and, at the same time, a set of potentials susceptible to development in different directions. In every art, the media of the art—whether sound, paint on a canvas, stone, or a found object—both holds potential and sets limits on possibilities for creative expression. Success depends on understanding and working within these limits, and on working with, rather than against, the potentials internal to the media. This can involve playing creatively with its boundaries, and great artists often push the boundaries beyond what was formerly conceived to be possible. When we think of human nature as providing the raw materials of human life—as Aristotle does when considering aspects of mere nature—it is reasonable to think that success in life, too, depends (not only on this, but at a minimum) on doing what is in one’s power to make the best out of “what nature has provided,” and this depends on development of the potentials of one’s nature as well as a healthy respect for the limits of what is possible.

One possible concern with using mere nature as a category for ethical analysis is that it will obscure individuality and difference in human life. However, there is no reason that accepting mere nature as a category of philosophical and ethical analysis needs to be opposed to common-sense facts of individuality and difference. Thinking about mere nature and what this entails can serve (at least) two very different purposes. First, it can be done as a matter of private reflection. In order to gain personal insight, one

³³ Annas, *The Morality of Happiness*, 143.

might ask about one's own basic dispositions and tendencies, asking which are experienced as entrenched and intractable and which might be molded differently in order to better cope with the world (e.g., a quick temper, a too-tender spirit, a physical disability, etc.). Either way, though, it is essential to first identify the "starting points"—one's basic dispositions and orientations. What is a 'given' part of mere nature for one individual might be quite different from that of another.³⁴

However, for the purposes of setting public policy with the aim of making flourishing lives widely available, one's assumptions about mere nature are going to need to be generalizations that hold true for the most part, even if not universally. At this level some differences will almost certainly be obscured, but I don't regard this as a decisive objection against the use of mere nature as a category for analysis. Law and public policy must be generalizable and hold good for the majority of cases, so one must have a generalizable account of what can be expected of people and what must simply be accommodated. This is what mere nature expresses.³⁵

Returning to the discussion of Aristotle, in one sense—the sense we have called 'mere nature'—nature is simply the raw materials of human life. But Aristotle has another sense of nature, according to which what is 'natural' for us is what is *good for us*.

³⁴ "Personality tests" (such as the Myers-Briggs scale, the Enneagram) are contemporary ways of naming the psychological elements of mere nature. The more sophisticated uses of personality testing recognize that identifying and naming one's own natural psychological inclinations can be useful for coming to terms with what's intractable in one's own psychological profile, but also for becoming conscious about the areas of life that are especially challenging because of these natural inclinations, areas in which "self-work" might help one to lead a better life.

³⁵ It is interesting to think about the ways debates in social philosophy and politics can be read as turning on different readings of 'mere nature' by "conservatives" and "progressives." For example, social conservatives often take human selfishness to be intractable, but sexuality to be malleable, as long as the right social sanctions are put in place. Socially liberal progressives, on the other hand, often take human selfishness to be a function of bad socialization (sometimes hypothesizing that capitalist market relations are the root of the problem), while our sexual drives are seen as intractable. As a consequence, liberal-minded social policy often proposes accommodating the fact that (generally) sexually mature human beings will be sexually active by simply encouraging them to have "safe sex."

Nature in the sense of nature proper shows up in Aristotle's famous function argument and in his argument that the polis is the natural form of human association.

2.1.2 Nature Proper

Traditionally, Aristotle's "human function argument" has been interpreted as involving an appeal to the proper development of human nature, arguing that a *good* human being is one who acts to achieve the end proper to her nature.³⁶ Aristotle identifies the "natural end" for a human being as the excellent use of reason, i.e., the virtues. Similarly, Aristotle argues that the polis is the natural form of human association, the implication clearly being that the polis is best *because* it is natural.³⁷ Aristotle thus holds that both virtue and life in the polis are "natural" for us, but by this he does not mean that virtue and life in the polis are the starting points of human life that we need to improve upon. He clearly means that virtue and life in the polis are *ideal* for human beings. Nature, in this stronger sense, expresses what is ideal for human life.

Julia Annas argues that the model for understanding this stronger sense of nature, which Aristotle then extends to ethical argument, is provided by his analysis of nature in *Physics II*. There, Aristotle distinguishes between different types of causes, and he distinguishes the products of nature from the products of art by the fact that the products of nature have an internal principle of changing and not changing: "Nature is a kind of principle and cause of changing and not changing in the thing whose nature it primarily is, in its own right and not accidentally."³⁸ The products of art, on the other hand, "have

³⁶ Annas, *The Morality of Happiness*, 144.

³⁷ Aristotle, *Pol.* 1252b28-1253a1.

³⁸ Aristotle, *Phys.* 192 b 21-23.

no innate impulse to change.”³⁹ Rather, any changes we observe are brought about by a principle external to the thing itself. Aristotle goes on to identify the nature of particular things with this internal principle of development that tends toward the final end or completed form proper to a thing of that kind. Reasoning that the nature of a thing is known best by identifying the end-point of this process, Aristotle argues that, “Nature is an end (*telos*), since what we say the nature of each this is, is what it is when its coming-into-being is completed.”⁴⁰

Regarding Aristotle’s distinction between the products of nature and the products of art, Annas observes that “The obvious antithesis to nature so understood is *force*; forced movement is brought about by other things impinging on a thing in such a way as to overrule the internal sources of change which operate in this thing itself. Aristotle’s *Physics* puts to extensive use this idea of the fundamental contrast between natural and forced behavior.”⁴¹ Indeed, we see this contrast between natural and forced behavior show up again when Aristotle distinguishes nature from chance. Some of Aristotle’s interlocutors apparently wanted to attribute those things that come about independent of human agency in the natural world simply to chance and not to nature as a distinct principle. Aristotle acknowledges that chance is a possible cause in addition to nature and art,⁴² but insists that nature is a principle distinct from chance. According to Aristotle, we know this is true because what happens by nature comes about in the same way “always or for the most part,”⁴³ and when nature is the cause “always the tendency in each is

³⁹ Aristotle, *Phys.* 192b18-19.

⁴⁰ *Pol.* 1252 b 32-33; quoted in Annas, *The Morality of Happiness*, 146.

⁴¹ *The Morality of Happiness*, 145.

⁴² Aristotle, *Phys.* 196b14-16.

⁴³ *Ibid.*, 199b25; cf. 198b35, 197a19-20; also *EE*, 1247a31-32.

towards the same end, if there is no impediment,”⁴⁴ but this is never true of chance. What happens by chance is random.⁴⁵ Aristotle defends the thesis that nature is an internally directed principle of change that—*absent interference and external force*—will operate toward an end: the complete or ‘perfect’ form of a thing of a given kind. He invokes it in order to contrast nature with both art and chance.⁴⁶

⁴⁴ Aristotle, *Phys.* 199b18-19; cf. 199b26.

⁴⁵ *Ibid.*, 197a19-32; 196b10-16.

⁴⁶ In explicating Aristotle’s ethical appeal to nature as an appeal to what is ‘natural’ as defined in the *Physics*, I believe that Annas places too much emphasis on the idea that nature is a principle that operates in the same way “usually and for the most part” and does not adequately attend to the fact that this catchphrase formula is consistently used, not simply to identify what is ‘natural,’ but as a specific way of countering the thesis that the phenomenon in question is simply due to chance. When this phrase “always or for the most part” turns up in the *Physics*, it is consistently used as a contrast to chance (*Phys.* 197a30; 198b34-35; 199b14-18; 199b25-26). It is the same when it turns up in ethical argument (*EE* 1247a31-32). Furthermore, the full formula is “usually and for the most part, so long as there is no interference,” and this mitigates against the idea that for Aristotle, what is ‘natural’ in the *Physics II* sense of nature is to be identified with what happens normally, statistically speaking. What this means for our interpretation of Aristotle’s ethical arguments involving nature proper is that, when Aristotle extends the *Physics II* notion of nature to ethical argument, he is not simply appealing to what is usually or commonly the case in human life as a standard for what should be.

Annas interprets Aristotle’s arguments in *Politics I* that the polis and slavery are natural social institutions to be, essentially, based on the idea that these social institutions are natural because they arise usually and for the most part in human life. She believes that because of their ubiquity, Aristotle has a hard time resisting the thought that they are natural and therefore appropriate and justified. Aristotle may be relying, as Annas claims, on the supposition that given the ubiquity of these institutions in Greek life, they must have some basis in human nature, but his arguments clearly invoke the idea that these arrangements are *for the best* because they make the best kind of life possible. Annas recognizes that Aristotle’s argument against “unnatural” ways of making money entails an appeal to an ideal of what is best, which is in open conflict with common economic practice. In *Pol. I*, Aristotle is actually arguing against the common and usual way of making money. He regards what was, as a matter of fact, quite common and usual to be “unnatural,” and so Annas argues that this makes the money-making argument distinct from the other two arguments in *Pol. I*. Despite the fact that slavery and the polis were commonplace and Aristotle’s economic ideal was not, I think there is more continuity between the three arguments than Annas recognizes, and all three arguments involve an appeal to Aristotle’s own conception of what is best, given human nature. Annas, *The Morality of Happiness*, 146-158; See also “Ethical Arguments from Nature.”

While I agree with Annas that ‘nature proper’ should be understood via the *Physics II* analysis of nature, I think the *Physics* account of nature is thoroughly normative, and judgments about what is natural must be made in light of a judgment about what ought to happen and the course that development ought to take. Aristotle thinks that what ought to happen usually will *if nothing interferes*. Aristotle’s appeal to nature, then, is not simply an appeal to what happens usually or commonly, statistically speaking. Aristotle assumes that if natural processes unfold as they ought to without interference, then they will culminate in the natural end of the thing in question, which is the best state for the thing to be in (*Phys.* 194a28-33). While this account of nature is certainly open to objections (and I discuss some of the difficulties in the text below), it is not open to the one important and devastating objection mentioned at the outset of this chapter, which is that if the appeal to nature is simply an appeal to what is usual or common, it is an intrinsically unreliable guide to ethical aims and objectives, since what is usual or common in human life is not infrequently also unjust.

More than anything else, Aristotle's philosophy of nature is defined by his insistence that the nature of a thing should be identified *not* with the efficient cause nor with the matter of the thing, but with the form and the *telos*—the final endpoint of the process of change. Aristotle argues that “what each thing is when fully developed, we call its nature,”⁴⁷ and “a thing is more properly said to be what it is when it exists in actuality than when it exists potentially.”⁴⁸ Thus, the fully realized form is the true nature of the thing, and, according to Aristotle, “nature is the end or that for the sake of which. For if a thing undergoes a continuous change toward some end, that last stage is actually that for the sake of which.”⁴⁹ In saying this, he does not mean that whatever comes last, temporally speaking, is the end. Rather, only “that which is best” can “claim to be an end.”⁵⁰ Thus, the “natural” process of development, understood in light of *Physics II*, is the one that leads to the fully actualized, ideal form of the thing in question. Aristotle conceives of nature as operating regularly to bring about the thing's “natural end” (in classical terms, the “perfection” of its natural capacities), but nature can only be expected to operate this way given a crucial caveat: only if there is no impediment or external inference. His concept of an “impediment” or “external interference” is whatever prevents the thing from realizing its full form and perfected state of being—whatever is ideal for it. Thus, the account of a thing's natural ends is thoroughly normative, informed by a conception of what the ideal *would be* for this kind of thing given the proper inputs and absent interfering forces.

⁴⁷ Aristotle, *Pol.* 1252b32-33.

⁴⁸ Aristotle, *Phys.* 193b7-8.

⁴⁹ *Ibid.*, 194a29-31.

⁵⁰ *Ibid.*, 194a33; *Pol.* 1253a1.

In light of his account of nature as an internal principle of change oriented toward an end, which is not simply the last point in a temporal sequence of events, but that which is best for a thing of this kind, the sense in which the excellent use of reason is natural and, *because it is natural*, understood to express a standard for human life can be made clear.

Aristotle argues that human beings are rational animals, living beings whose defining characteristic is their capacity for rational activity. It is reason that distinguishes a human form of life from other forms of life—such as that of plants and non-human animals—and it is the use of reason that elevates human life, making it fine and noble and capable of participation in the divine.⁵¹ To be human is to live a life defined by this capacity, and a good human being is one who exercises this capacity well, or “virtuously.” Aristotle famously argues this by appealing to the idea that human beings have an *ergon*, or characteristic function, so just as we say of other things with a characteristic function that the excellent performance of that function makes for a good thing of its kind, so it is with the human being. A pen is good if it writes and writes well. Likewise, eyes are good if they see and see well. And a flute player is good if she plays the flute well. In each of these cases, the thing in question has a characteristic activity, and it is the excellent performance of this activity that guides our judgment. The object might be useful for other purposes or the person may have other roles, but a pen’s goodness is judged based on how well it writes, not on how well it holds back my long hair or slices through packaging tape. In the role of a flute player, a person is good if she plays the flute well. Aristotle identifies the human function—the characteristic human

⁵¹Aristotle, *EN* 1177b20-1178a8; Hutchinson, “Ethics,” 196.

activity—with the activity of reason and concludes that a good human being is one who exercises his or her reason virtuously.⁵²

Because rationality is, for Aristotle, the form and essence of the human being, the appeal to rational activity as the human function constitutes an appeal to human nature. Aristotle argues that the human natural end is realized in the life of virtue, which is an ongoing activity and not a static state, and that the attainment of this end constitutes human fulfillment—our “perfection” in the actualization of our nature.⁵³ Given Aristotle’s account of human nature as essentially rational, Aristotle argues that virtue is the final end of a being with a rational nature: “The human good proves to be activity of the soul in accord with virtue.”⁵⁴

Understood in light of Book II of the *Physics*, Aristotle’s claim in the *Nicomachean Ethics* that reason is the function of the human being and the good human being is one who uses reason well clearly implies that full virtue is “natural” not because

⁵² Aristotle, *EN* 1098a 8-14. The thought that in identifying reason as the essential characteristic of human life, Aristotle must be picking out the characteristic he sees as ‘peculiarly’ or ‘uniquely’ human has occasioned much confusion and skepticism about this argument. (See, for example, Bernard Williams, *Morality: An Introduction to Ethics* (New York: Harper and Row, 1972), 64. Irwin offers a sympathetic and compelling explanation of Aristotle’s claim on this point: “When Aristotle seeks to identify the ‘special’ human function, he is not trying to identify one specific activity that is peculiar to human beings. (If that were his aim, why pick on reasoning? Why not mention the use of cosmetics, the building of skyscrapers, the use of weapons of mass destruction?) He is trying to identify the type of activity that is essential to human beings, as distinct from other living creatures.” Irwin, *Introduction, Notes, and Glossary*, 184 note to §13.

⁵³ It is worth emphasizing two things at this point: First, realizing our natural end is not like realizing a goal which, once achieved, leaves a person with nothing to do. Rather, virtue is a way of being, like being healthy; it cannot be completed, but must be ongoing. In the ancient scholarship, this point is emphasized by those who insist that the human good is a ‘telos’ not a ‘skopos.’ (Aristotle himself observes no distinction between these terms and uses them interchangeably.) Both terms indicate the end or goal at which one aims, but the difference can be illustrated with an analogy from archery. The archer aims at the target. The target is the end or goal, the *skopos*, of the archer’s act. But *the hitting of the target* is the archer’s *telos*. In the same way that the objective of the archer consists in the doing, so the end of human life consists in the living. Annas, *The Morality of Happiness*, 34. Second, in using the classical language of ‘perfection,’ I want to be clear that striving toward ‘perfection’ in this technical sense does not mean one is a ‘perfectionist,’ striving for an unrealistically high ideal. ‘Perfection,’ in the classical sense, is supposed to be precisely the ideal state of being that it is realistic for a being of this sort to aim at. Human ‘perfection’ is therefore conditioned by concrete limitations, the limitations of mere nature.

⁵⁴ Aristotle, *EN* 1098 a16-17.

it is common or usual or inborn, but because it is the natural end of human nature. This way of being “natural” for us is quite different from the way natural virtue was said to be “natural” for us. The claim that full virtue is “natural” is strongly normative. It requires taking a normative perspective on the complete process of development and distinguishing proper contributions to development from external interferences with development. For Aristotle, full virtue will result if development proceeds as it *ought to*—if we receive the *right* teaching and the *proper* kinds of habituation and nothing *adverse* interferes.

Similar to the function argument, Aristotle’s argument in *Politics I* that the polis is the natural form of human association can be understood as invoking a claim about nature proper. Fred Miller argues that Aristotle considers the polis “natural” for human beings, not because it possesses its own internal principle of development like a biological organism, but because it promotes the human “natural end”—the fullest state of human development.⁵⁵ According to Miller, “The polis arises out of human nature (in the strict sense) and is also necessary for the fulfillment of human nature (in the sense of an end).”⁵⁶

There are (at least) two ways the polis qualifies as natural. First, for Aristotle, our natural end is not bare survival, but flourishing, which is a state of “self-sufficiency.” By

⁵⁵ Miller, *Nature, Justice and Rights in Aristotle’s Politics*, 37-40, 53-56. Because Aristotle gives a developmental account of the existence of the *polis* as the outcome of a process of growth from smaller forms of human association, some scholars have claimed Aristotle must be assuming that the *polis* itself has a nature, i.e., an internal principle of change, making it akin to a biological organism. Miller gives good reason for rejecting this interpretation. On Miller’s interpretation, the polis is natural not in the sense of *having* a nature but rather in the sense of *being a product of* human nature. It is both a product of innate human impulses and a condition of the fulfillment of human nature. For standard objections to Aristotle’s account of the polis as natural, see C. C. W. Taylor, “Politics,” in *The Cambridge Companion to Aristotle*, ed. Jonathan Barnes (Cambridge: Cambridge University Press, 1995).

⁵⁶ Miller, *Nature, Justice and Rights in Aristotle’s Politics*, 45. The parenthetical remarks indicate the two senses of nature identified by Miller. Like Annas, he laments Aristotle’s failure to explicitly distinguish the two senses, noting that it has been a source of misunderstanding.

calling a person self-sufficient, Aristotle does not mean that one is capable of “going it alone” Robinson Crusoe-style with no need of other people.⁵⁷ Rather, to be self-sufficient is to possess everything needed for a truly good life. One who is self-sufficient is “lacking in nothing.” It is only in the polis that Aristotle thinks we achieve a life of self-sufficiency. While human beings can survive in family groups that meet our everyday wants and can have “something more than the supply of daily needs” met in the village, we can only achieve self-sufficiency through the wider association of the polis.⁵⁸ Here we can imagine Aristotle is thinking of the external goods necessary to get one past the point of eking out a meager existence day to day. In the *Republic*, Glaucon mocks Socrates’s first city as a city “fit for pigs.” Addressing this criticism compelled Socrates to expand the city and introduce entirely new classes of artisans and farmers (and warriors) to provide the “relishes” and comforts that Glaucon seemed to believe a good life *for human beings* demanded.⁵⁹ Like Glaucon, Aristotle thinks the good life for a human being depends on the relishes and comforts that can only be provided through differentiation of tasks and a widened network of cooperation for mutual benefit.

Second, the polis is an association ruled by law rather than the will of an individual (as Aristotle imagines the family and the village are), and law is, according to Aristotle, essential for cultivating virtues in the young and maintaining them in the mature.⁶⁰ Additionally, there is in Aristotle’s view a special class of political virtues that can only be cultivated in a polis, where citizens take turns ruling and being ruled in turn

⁵⁷ Aristotle, *EN* 1097b9-12; Annas, *The Morality of Happiness*, 41.

⁵⁸ Is it just definitional of the *polis* that it enables a life of self-sufficiency? “When several villages are united in a single community, perfect and large enough to be nearly or quite self-sufficing, the state [*polis*] comes into existence, originating in the bare needs of life, and continuing in existence for the sake of the good life.” Aristotle, *Pol.* 1252b28-30.

⁵⁹ Plato, *Republic*, in *Complete Works*, ed. John M. Cooper (Indianapolis: Hackett, 1997), 372c-373d.

⁶⁰ Aristotle, *EN* 1179b31-1180a5.

in “a community of equals, aiming at the best life possible”⁶¹. If the acquisition of external goods and political virtues are as Aristotle presents them—genuine fulfillments of human nature and requirements of human perfection and happiness—then the polis will be the natural form of human association because it is what promotes full human development. As Julia Annas says, “That the state is a natural form of community, then, amounts to the claim that it is the form of community in which people’s needs are most fully met and their interests best ensured.”⁶²

This discussion has been devoted to explaining and defending the claim that there is a plural conception of nature operative in Aristotle’s moral philosophy. We’ve called the two sides of Aristotle’s concept of nature ‘mere nature’ and ‘nature proper.’ Both mere nature and nature proper will be significant for one’s judgments about flourishing and how it can be achieved, but Annas describes nature proper as a “stronger” sense of nature because, in articulating an ideal of ethical development, it carries significant normative weight for judgments about how we ought to develop or work to accommodate mere nature. It is nature proper, not mere nature, which guides how we ought to deal with our limitations and deal with our potentials, but the way we understand the basic possibilities and limitations set by mere nature has implications for what we think the full or proper actualization of human potentials will look like. Mere nature will be important for ethical reflection because it expresses our sense of what creatures like us are capable of, but nature proper expresses the standard of what is good for us to do and become.

Aristotle is not explicit about the distinction between mere nature and nature proper. It is unclear if he even sees he is using the concept in these two different ways,

⁶¹ Aristotle, *Pol.* 1328a36-37.

⁶² Annas, *The Morality of Happiness*, 152.

but the distinction is at the root of an ambiguity that is characteristically Aristotelian. Aristotle and his followers will very typically oppose nature to reason and habit—nature (in the sense of mere nature) being understood as something in need of correction and improvement—but then, at the same time, consider the workings of human rationality and the acquisition of habit “natural” (in the sense of nature proper) for us and normative because it is good for us.⁶³

Despite his own failure to recognize the concept of nature at work in his moral philosophy as ambiguous, it seems clear that we must read into Aristotle something like these two different senses of nature. Nature in one sense (mere nature) identifies the “raw materials” of human life—the starting points and potentials of human development where these potentials also set constraints on what is possible—while nature in another sense (nature proper) names an ideal because it names the endpoint to be realized through an appropriate process of development. In human beings, nature can name an ethical ideal because it can name the proper development of a *rational nature*, which involves our power of choice and therefore makes us subject to ethical evaluation. In extending the concept of nature proper to ethical argument, Aristotle renders the *telos* of the change an ideal of ethical development. Thus, we find in Aristotle a conceptual model for conceiving of virtue as natural in the sense that full virtue is the ideal end of human *moral* development.

⁶³ Annas gives a nice example from Alexander of Aphrodisias who, as a good Aristotelian, contrasts nature with human rationality and at the same time considers the workings of human rationality to be natural. *The Morality of Happiness*, 147-48.

2.2 The General Concept of Nature and the Substantive Conception of Human Nature in Aristotle

At this point I want to distinguish Aristotle's general concept of nature (which is not a single concept but plural) from the particularities of Aristotle's understanding of mere nature and nature proper. These particularities fill out the substance of his account of human nature, which I will refer to as the 'substantive conception of human nature,' which is distinct from his concept of nature in general. Given the teleological structure of nature proper, I will refer to Aristotle's concept of nature in general as "teleological" from this point forward.

This is a quite abstract way of conceptualizing Aristotle's complete account of human nature, which seamlessly weds together a conception of nature in general with particular substantive judgments about the potentials, limitations, and ideals of human life. But understanding the methodological function of the general concept of nature at work in Aristotle's flourishing-based ethic is, I believe, central to grasping how claims about human nature can function as a source of normativity in a flourishing-based ethical theory. (In Hume—as we will see in the next section—the concept of nature in general is different, and this requires that Hume provide an alternative source of normativity in the general point of view.) It might help to think of the relationship of the general concept of nature to the substantive conception of human nature as one of form to matter. I do not intend by these terms to invoke the technicalities of Aristotle's doctrine of form and matter, but simply to provide an intuitive way of picturing the distinction I am drawing. The point is that similar conceptions of the substantive characteristics of human life—its starting points, limits, and ideals (the "matter," so to speak)—can be formed by different concepts of nature in general (the "form," so to speak). Where Aristotle's concept of

nature in general is teleological, Hume's is "empirical" (I will clarify this further in the next section). Conversely, we might have very different substantive characterizations of human life while holding a similar set of assumptions about nature in general. What is distinctive about Aristotle's concept of nature in general is that, by virtue of its judgments about nature proper, it is teleological.

It is useful to distinguish the concept of nature in general from the substantive conception of human nature. One can imagine agreeing with Aristotle that ethical analysis needs concepts that function as Aristotle's concept of nature in general does—providing an account of the starting points of human life (mere nature) as well as an account of what would best satisfy our needs and fulfill our potentials for a full human life (nature proper). And yet, one might nevertheless disagree with Aristotle about the proper account of those starting points (i.e., what precisely is intractable and what is malleable, given the right upbringing), or about the proper specification of our natural end, and hence what our true needs and interests are. In this way, one could take from Aristotle the general concept of nature, but revise or even substantially reject the substantive conception of human nature he endorses.

How should we characterize Aristotle's substantive conception of human nature? It can rightly be characterized using the classical definition: for Aristotle, human beings are rational animals. Rationality is the defining capacity of human life, and at the same time, the cultivation of a rational form of life is also aspirational. To be rational expresses an ideal of nature proper in which the full development of our rational nature issues in the moral and intellectual virtues that order our passions and shape our lives.

If we emphasize Aristotle's account of the human good as found in the *Nicomachean Ethics* and stemming out of the function argument, the ideal of human flourishing that Aristotle offers is quite attractive. The moral and intellectual virtues he articulates are (for the most part) widely accessible, and, as such, appear to be a viable candidate for an account of *human* flourishing. But competing strands exist in Aristotle's ethical thought. In the *Politics*, Aristotle gives a more specific (and parochial) account of the best kind of life for a human being. The ideal of human life depicted in the *Politics* is not one which is widely available. In the *Politics*, the highest of human virtues are virtues of political rule and theoretical activity, and these are tied to concrete activities and a form of life only available to the elite.

It is important to acknowledge that Aristotle's full account of the good life (provided in the *Politics*) assumes that different kinds of persons will have different kinds of functions, which is reflective of a general hierarchy regarding the worth of different kinds of human beings. On Aristotle's view, only the best kind of people will lead or be capable of leading the best kind of life. The best kinds of people are those in whom reason and unqualified virtue predominate, but for Aristotle, unqualified virtue belongs to the citizen and ruler who can lead a "masculine, noble and leisured" life.⁶⁴ The activities of politics and contemplation depend on a culture that makes leisure (for some) possible, and Aristotle seems to take this as justification enough for organizing society so that the best kind of life will be available to those most capable of leading it (i.e., male citizens). As such, Aristotle treats the lives of women, slaves, and free but wage-dependent artisans as mere instruments for providing a life of leisure for free, male citizens. Aristotle's ideal

⁶⁴ Susan Moller Okin, "Women's Place and Nature in a Functionalist World," in *Women in Western Political Thought* (Princeton, NJ: Princeton University Press, 1979), 88.

of a life of unqualified virtue exercised in politics and the life of philosophical contemplation does not apply to women, slaves, or free but wage-dependent artisans, all of whom, Aristotle argues, lack either the rational capacity or the leisure necessary to pursue the good life.⁶⁵ While Aristotle affirms that every sphere of human life contains specific virtues,⁶⁶ the best and most noble (Aristotle sometimes says “divine”) virtues are those that employ that which is best in us to the highest degree possible. Making a life of leisure—in which such virtues can be employed—possible for some will require that many others supply and attend to the daily necessities of the leisure class. Given the needs and limitations of human beings, Aristotle’s is not an ideal that could be made widely available even in principle. He embraces the conclusion that achieving this end necessitates a subgroup to provide the material conditions of its achievement without so much as questioning its validity as an account of *human* excellence. He argues instead that nature has made some people fit to fulfill this need.⁶⁷

If we take Aristotle’s conception of human nature from the *Politics* and read it in the way I have described above, then a principled commitment to the moral worth and equal dignity of persons will lead us to reject Aristotle’s conception of the human good, the realization of which depends on the involuntary subordination of some so that others

⁶⁵ If the argument is not circular, there is certainly a strong appearance of circularity: the best kind of life requires sufficient leisure for politics and contemplation. Women, slaves, and artisans are functionally indispensable for the best kind of life; therefore, nature must have made people to fulfill these roles. Aristotle argues that the subordination of women and the social institution of slavery are natural. Women and slaves lack the virtues of political activity and contemplation because they lack either the leisure or the rational capacity to engage in these kinds of activities. Hence it appears that Aristotle discovers that the best kind of life requires a certain class of people, assigns certain classes of people to fill these roles, then judges that excluding them from the best kind of life is justified since they lack the basic conditions of participation. Okin, “Women’s Place and Nature in a Functionalist World.”

⁶⁶ Aristotle, *Pol.* 1259b18-1260b20.

⁶⁷ *Ibid.*, 1252b1-5; 1254a18-1255a1; 1256b23-25. This is one possible reading of the implications of Aristotle’s conception of the human good. Although I do not find it particularly persuasive, Marcia Homiak defends Aristotle’s account of the human good against the charge that it is inherently exploitative. See Marcia Homiak, “Feminism and Aristotle’s Rational Ideal,” in *A Mind of One’s Own: Feminist Essays on Reason and Objectivity*, ed. Louise M. Antony and Charlotte Witt (Boulder, CO: Westview Press, 1993).

may lead the good life. But rejecting this substantive conception of human nature and its concomitant conception of human flourishing is consistent with taking from Aristotle a conception of nature in general that is teleological in form.

I have already provided a general account of the outlines of Aristotle's teleological concept of nature in general that includes two functions for the concept of nature, which we've expressed as mere nature and nature proper. Here I want to make a few specific remarks about the normative implications of a teleological concept of nature in general and remark on the philosophical difficulties as well as the potential significance for a feminist ethic of flourishing.

While mere nature carries normative implications by setting constraints we must work with and not against if we hope to flourish, the constraints established by mere nature turn out to be relatively weak. The human species is amongst the most flexible, inventive, and adaptive of species, and this means human beings can actualize their unique potentials and accommodate psychological and physical needs in a wide variety of ways. Mere nature demands accommodation, but in the human case it also makes possible a wide variety of accommodations. Mere nature neither dictates how it should be accommodated nor defines the ideal in terms of what is best if we hope to live well and flourish.

Nature proper, on the other hand, identifies not merely a set of raw materials, more or less malleable, out of which we must construct our lives, but the direction in which the ideal development of these materials leads. Nature in the sense of nature proper identifies not whatever happens to be the case, but the best and fullest state of development. Aristotle will often say of things with a nature that the end is that which

comes about usually or for the most part, *as long as nothing interferes*. Clearly then, what is natural in the sense of nature proper is strongly normative. Concepts of ‘proper development’ and ‘interference’ are strongly normative and intrinsic to judgments about nature proper. Identifying the end of nature proper depends on identifying what the proper process of development should be and the interfering causal factors that distort such a process.

Nature proper thus presupposes that we can, in fact, distinguish between natural and forced changes—between outcomes that are a product of interfering forces and outcomes that are not. As Julia Annas notes, this is no simple task, since every outcome is the product of some complex combination of factors, especially in human life.

Aristotle tries to draw the necessary distinction by distinguishing between internal and external forces. Natural developments are depicted as the product of internal causes, while external causes are forms of interference.⁶⁸ But this is crude and inadequate, particularly when it comes to human life, because so many external contributions are absolutely indispensable for proper human development—both biologically (i.e., a healthy environment, an adequate diet) and morally (i.e., early childhood discipline that establishes good habits, which are the foundation of full virtue). As such, it will often be far from clear which external causal factors should count as interference and which should count as a properly contributing factor, the *absence* of which we should count as a form of interference.⁶⁹ Still, even if Aristotle’s attempt to distinguish between natural and unnatural developments merely shifts the difficult questions to what should be considered

⁶⁸ Recall the discussion above, distinguishing between the products of nature and the products of artifice. Aristotle, *Phys.* 192b9-33; cf. Annas, *The Morality of Happiness*, 137, 145-146.

⁶⁹ In this regard, Aristotle’s basic division of internal/natural vs. external/interference seems to presuppose that ideal conditions for development obtain.

an external *interference* and what should be considered an external but appropriate *contributor* to an internally-directed process, the fundamental distinction between natural and forced change is a valuable tool for normative critique.

For example, in *The Subjection of Women*, John Stuart Mill describes the English woman in his day as “an eminently artificial thing—the result of forced repression in some directions, unnatural stimulation in others.” Women’s moral development resembles the growth of the tree where half has been “kept in a vapor bath and the other half in the snow.”⁷⁰ Mill’s point is that, given the social context, there is no reliable way to judge women’s true potential, nor their true nature, because we have no experience of how women’s development would proceed absent the pervasive social forces that distort the development of women’s (natural) capacities. His argument gains significant traction by invoking the idea that women’s present condition is the product of highly artificial forces. Implicit in his critique is the idea that this is not how they would be *naturally* if they were *free* to develop absent such distorting influences.

Arguments from nature have a history of being used to support unjust status quo arrangements, making skepticism about the appeal to nature warranted and worthy of careful scrutiny. But appealing to nature in opposition to artifice and force can function as a quite powerful, counter-conventional ideal—as it does in John Stuart Mill’s argument from *The Subjection of Women*—even if we have little idea of the circumstances that would be necessary for establishing any claims about the “true nature” of the persons in question.⁷¹ Like Mill, we may often need to remain agnostic or open to revising our claims about nature, but it is worth emphasizing that Mill’s argument

⁷⁰ J.S. Mill, *The Subjection of Women* (London 1869; repr., with an introduction and edited by Susan Moller Okin.), 22-23.

⁷¹ Annas, “Ethical Arguments from Nature.”

implicitly invokes the same distinction as Aristotle's. They share the assumption that there is a difference between natural developments and unnatural developments, between free and forced developments.

Returning to Aristotle, his teleological view of nature means that, for him, there is a proper process of development for human beings as *rational beings*. Beyond that, though, it is not clear that the proper process of development can be spelled out on the basis of nature alone, at least not on the basis of mere nature. Articulations of nature proper and what constitutes the proper ends of human nature are likely to be contested because they depend on qualitative judgments about what is good for creatures like us. This is itself an interpretive responsibility of reason. If we say that the proper process of development is to be specified by reason itself, then in some sense we will acknowledge a role for nature in determining how human life ought to be ordered. But this role will be played by nature proper, not mere nature. If we say that the proper process of development is to be specified by nature proper, because the development of a rational nature implies deliberation and choice, this does not take the matter out of the realm of human decision, as though rational nature were somehow "a foreign power, ordering our animal nature about from outside the natural world."⁷²

3. Hume

For Aristotle, what is natural functions as a source of normativity insofar as nature (what belongs to nature proper) signifies a proper end of development for beings of a certain kind. Hume rejects Aristotle's teleological perspective on nature in general, as that was developed by Christian ethicists such as Augustine and Aquinas and then by the

⁷² McDowell, "Two Sorts of Naturalism," §6.

modern natural lawyers and Enlightenment deists. Hume especially rejects the supernatural rendering of the human end embodied in these developments. In the thought of David Hume, we have a powerful response to the developments that grew out of Aristotle's philosophy.

What Hume embraces in place of this teleological concept of nature in general is a view of nature inspired by the Scientific Revolution of the seventeenth and eighteenth centuries, which advanced a new ideal of understanding. This new ideal of understanding sought to abstract from the particularities of the human perspective and from the view of the world colored by human sensibilities, including our sense of the significance of things for ourselves. It aimed thereby to achieve an understanding of the natural world totally independent of the colorations of human subjectivity.⁷³ This significance-free perspective on nature rendered what was once the basis of a relevant moral distinction irrelevant: to say that something is "natural" on Hume's view will not imply any evaluative judgment about how it ought ideally to be in light of what is good for it. I will call the conception of nature in general that Hume substitutes for the rejected teleological view of nature in general "empirical."⁷⁴

In place of a normative conception of human nature, Hume must provide an alternative source for making normative moral judgments of how we ought to be and how we ought to morally judge the various character traits human beings display. In place of a

⁷³ Charles Taylor, *Philosophical Papers: Human Agency and Language*, vol. 1 (Cambridge: Cambridge University Press, 1985), 2-3. Also *Sources of the Self* (Cambridge, MA: Harvard University Press, 1989), 34.

⁷⁴ Such a label is less than ideal because respect for empirically grounded study in general may bias contemporary persons in favor of such a view of human nature, but I'm at a loss for a more appropriate description. Equally unfortunate is that in order to argue against this conception, one has to argue against the supposedly more realistic "empirical" conception of nature, but precisely the question at stake between the "thinner" view of nature and the normatively saturated teleological view of nature is which account can, all things considered, best account for *all* the observed features of human life, including the realm of evaluation and normativity.

teleological conception of nature in general, Hume appeals to sympathy and “the general point of view” as the origin of moral distinctions and, thus, the origin of moral normativity.⁷⁵ The general point of view offers a normative perspective from which we can form our moral judgments. However, when we look at what is really required for Hume to substantiate his condemnation of the “monkish virtues,” we find that Hume needs the resources of a teleological conception of human nature. In order to justify his condemnation of the monkish virtues, Hume must in fact presuppose his own positive conception of what is truly good for human beings, given the kinds of beings we are.

My goal in what follows is not to defend an interpretation of the historical Hume, but rather to articulate a “Humean” alternative when it comes to conceptualizing the relationship between human nature and an ethics of flourishing.⁷⁶ Humeans differ on this

⁷⁵ Herdt, *Religion and Faction*, 78-81. In Hume’s language, sympathy exercised from out of the general point of view is the source of our “sentiment of approbation” and the “chief source of moral distinctions.” David Hume, *A Treatise of Human Nature*, 3 vols. (London: John Noon, 1739-1740; repr., from the original edition in three volumes and edited with an index by L.A. Selby-Bigge, 2nd ed.), 3.3.6.1-2; 618. [Hereafter cited as *THN*, followed by the book, part, section and paragraph numbers. Page references are to the Selby-Bigge edition.] I call this the ‘source of normativity’ in Hume’s account because the general point of view informs us about how we *ought* to make our moral judgments.

⁷⁶ There are a number of major controversies surrounding the basic interpretation of Hume’s moral philosophy. He has been read as a proto-utilitarian (Bentham, Mill, Sedgwick), as an emotivist (C.L. Stevenson), and as a moral sense theorist in the sentimentalist tradition (L.A. Selby-Bigge). His thought has been claimed as a resource for feminist moral philosophy (Annette Baier). Both Jennifer Herdt and Annette Baier, whose reading I am following, see Hume’s moral philosophy as animated predominantly by a concern for human flourishing in the here and now. Many camps would like to claim him, and in part it is a testament to the fertility (some might say “incoherence”) of his thought that all of these later movements have found ground in his writings to claim him as one of their own.

As if this were not enough controversy, there is an influential interpretive strand that rejects altogether the normative reading of Hume’s moral philosophy. According to these scholars, Hume’s moral philosophy is descriptive, not normative. His aims are to describe the way in which we make our moral judgments, not to justify bourgeois British morality. In this vein, Tom Beauchamp cites: Alfred Bouligny Glathe, *Hume’s Theory of the Passions and of Morals: A Study of Books 2 and 3 of the “Treatise”* (Berkeley: University of California Press, 1950), 153; Jonathan Kemp, *Ethical Naturalism: Hobbes and Hume* (London: Macmillan, 1970), 51-52; Terence Penelhum, *Hume* (New York: St. Martin’s Press, 1975), 131; J. L. Mackie, *Hume’s Moral Theory* (London: Routledge and Kegan Paul, 1980), 5-6; R. J. Fogelin, *Hume’s Skepticism in the “Treatise of Human Nature”* (London: Routledge and Kegan Paul, 1985), 139-145; Jean Hampton, “Does Hume Have an Instrumental Conception of Practical Reason?,” *Hume Studies* 21 (1970): 66ff; J. B. Schneewind, *The Invention of Autonomy* (Cambridge: Cambridge University Press, 1998), 361. See Tom L. Beauchamp, “The Sources of Normativity in Hume’s Moral Theory,” in *A Companion to Hume*, ed. Elizabeth S. Radcliffe (Malden, MA: Blackwell, 2008), 493. To this list we can add Michael Gill, *The*

issue, and I am taking the historical Hume as the basic source for this position. My understanding of the historical Hume is heavily indebted to Annette Baier, Jennifer Herdt and Michael Gill.

The Hume I represent here will be Baier and Herdt's in the sense that I take Hume to offer a normative account of moral judgment. Hume is not simply describing the perspective from which we *make* moral judgments, but the perspective from which we *should*. I believe Gill is right to argue that Hume's project aspires to be a descriptive one and not a normative one *with respect to human nature*. At least with respect to human nature, Hume wants simply to describe how we are. Given Hume's perspective on nature in general, what is natural cannot be the source of normativity in his moral theory. But with Herdt and Baier, I think there is a normative perspective to be found in Hume, and it comes from the 'general point of view.' When Hume categorizes the "monkish virtues" as vices, he is not simply describing how people judge these character traits. He is indicating how such traits ought to be judged. The perspective from which we ought to judge is a constructed, "artificial" point of view, as we shall see. The general point of

British Moralists on Human Nature and the Birth of Secular Ethics (Cambridge: Cambridge University Press, 2006).

It is not at all clear, though, that a scholarly consensus is emerging around the purely descriptive view of the text. A number of scholars—namely Annette Baier, Christine Korsgaard, and Tom Beauchamp—continue to defend a normative reading of Hume's moral philosophy. Annette Baier, *A Progress of Sentiments* (Cambridge, MA: Harvard University Press, 1991); Christine Korsgaard, *The Sources of Normativity*, ed. Onora O'Neill (Cambridge: Cambridge University Press, 1996); Beauchamp, "Sources."

In articulating Hume's moral philosophy, I will rely on what Hume has to say in both his earlier work in the *Treatise of Human Nature* and his later work in the *Enquiry Concerning the Principles of Morals*. While there are important differences and even some philosophical developments between these two works—for example, in name at least "the sense of Humanity" displaces the principle of sympathy—I will be attempting to avoid the details of these differences and instead focus on the general outline of Hume's position as we find it in both the *Treatise* and the *Enquiry*, assuming that these two works express a single consistent position, which is, of course, debatable. Generally, in this kind of situation, one would give priority to the later work, but I will give attention predominantly to the *Treatise* since it is there that Hume articulates the distinction between natural and artificial justice, and the way he draws and defends this distinction is important for understanding how he thinks about nature in general. While Hume's considered opinion on other matters may have changed between the *Treatise* and the *Enquiries*, there is no evidence that his views on nature in general changed.

view is not justified on the basis of its origin in human nature nor its role in bringing human nature to perfection, but on the basis of its utility in solving the conflicts of human social life.⁷⁷ However, this being said, the impartiality required by the general view drags in unacknowledged evaluative judgments about the “ends of man,” and hence an unacknowledged teleological conception of human nature, or so I shall argue. I turn now to a discussion of Hume’s moral philosophy and the philosophical problems to which it is a response.

3.1 The New “Science of Man”: Human Nature and the Problem of Self-Interest

In the introduction to *A Treatise of Human Nature*, Hume announces his intention to build a science of human nature on the model provided by “Lord Bacon” in the natural sciences.⁷⁸ He hoped thereby to emulate the great successes of the natural sciences in the moral sciences by adopting and adapting its “experimental” procedures.⁷⁹ Hume contends that he together with Locke, Shaftesbury, Mandeville, Hutcheson, and Butler “have begun to put the science of man on a new footing” by applying the methods of “experimental philosophy,” grounding their conclusions in experience, and limiting their philosophies to what experience can teach. It is only, he says, by “careful and exact experiments, and the observation of those particular effects, which result from its different circumstances and situations” that we can hope to come by any reliable “notion

⁷⁷ This means that in the final analysis, I part ways with Baier, who thinks the sentiments’ approval of themselves is sufficient to establish their normativity. If Hume is committed to the understanding of nature in general that I claim he is, then the reflective endorsement of the sentiments upon themselves is just another peculiar feature of their functioning. While such approval may very well be natural and it might effectively entrench our sentiments, neither of these facts can establish that we should endorse these feelings.

⁷⁸ Hume, *THN*, Introduction §7.

⁷⁹ Christopher J. Berry, “Science of Human Nature in the 18th Century,” in *Routledge Encyclopedia of Philosophy*, ed. E. Craig. (London: Routledge, 1998), <http://0-www.rep.routledge.com.libus.csd.mu.edu/article/DB039>. Accessed 3 Oct 2013.

of [the mind's] powers and qualities.”⁸⁰ According to Terence Penelhum: “To say there can be a science of the mental, as Hume sees the matter, is to say that what we think, feel, or will can be explained as the effect of a cause and the instance of a natural law. Human minds are not strangers in nature, but inextricably part of it.”⁸¹ This is indeed what we find at the heart of Hume’s moral philosophy in the *Treatise*: an attempt to set down the general rules—the governing “laws”—of our moral judgments and the necessary conditions under which they obtain in order to advance the “science of man.”

While the intellectual landscape of Hume’s day was being re-shaped by the new ideal of scientific understanding coming out of the natural sciences, moral philosophy was dominated by the theory of natural law. Hume’s moral philosophy can profitably be understood as a response to the problems of moral philosophy in the modern natural law tradition, which accepted the view that human nature is the foundation of morality but faced a new challenge in reconciling this with an understanding of human nature backed by the methods of the new science.⁸²

⁸⁰ Hume, *THN*, Introduction §8.

⁸¹ Terence Penelhum, “Hume’s Moral Psychology,” in *Cambridge Companion to Hume*, ed. David Fate Norton and Jacqueline Taylor (Cambridge: Cambridge University Press, 2008), 243.

⁸² Within the last forty years, there has been a robust inquiry into the question of the relationship of Hume’s moral philosophy to natural law theory. Pointing to Hume’s language and choice of subject matter, some have argued that though Hume changes the theory, his philosophy is essentially a continuation of the modern natural law tradition. Increasing familiarity with Hutcheson’s moral philosophy has helped make this case. See Duncan Forbes, *Hume’s Philosophical Politics* (Cambridge: Cambridge University Press, 1975); Knud Haakonssen, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge: Cambridge University Press, 1981); Stephen Buckle, *Natural Law and the Theory of Property: Grotius to Hume* (Oxford: Clarendon Press, 1991). Pauline Westerman distinguishes the different senses in which each of these scholars understands Hume to stand in the natural law tradition. “Hume and the Natural Lawyers: A Change of Landscape,” in *Hume and Hume’s Connections*, ed. M.A. Stewart and John P. Wright (Edinburgh: Edinburgh University Press, 1994), 83. To the contrary, others have argued, these similarities are merely superficial and to cast Hume as a natural lawyer is to emphasize a superficial similarity and miss the enormous sea-change his philosophy effects. According to this interpretation, Hume may be using some of the basic categories of the natural lawyers, but he abandons the essentials of natural law and places moral philosophy on completely different foundations. This is Pauline Westerman’s position in “Hume and the Natural Lawyers.” See also James W. Moore, “Natural Law and the Pyrrhonian Controversy,” in *Philosophy and Science in the Scottish Enlightenment*, ed. Peter Jones (Edinburgh: Edinburgh University Press, 1988). I cannot enter here into the complex question of Hume’s

Like the classical natural lawyers, such as Aquinas, modern natural lawyers such as Grotius and Pufendorf were intent on building a science of morals on the basis of the study of human nature.⁸³ “The modern natural lawyers, beginning with Grotius, emphasized the notion that the natural law governing human interactions in society can be derived from the salient features of human nature, which include both the tendency to pursue one’s own well-being and the inclination toward sociability.”⁸⁴ However, unlike the classical natural lawyers who maintained that the true good of the individual is fundamentally common and shared, the modern natural lawyers take it that human beings are fundamentally separate and self-interested. As such, the pursuit of one’s own well-being may or may not be a pursuit of the good. For the classical natural lawyers in the Christian tradition, pursuing the perfection of my nature is a way of pursuing the good. For the modern natural lawyers, the pursuit of individual well-being is increasingly understood as equivalent to the pursuit of self-interest.

For epistemological reasons, the view of human nature grounding the modern natural lawyers’ “science of morals” was under increasing pressure to be the view of human nature susceptible to study by the natural sciences: the view of nature as represented to us through its sensible qualities and stripped of any internal orientation to a good yet to be attained. That internal orientation had previously been expressed through a teleological conception of human nature. Empirical descriptions of human nature were

standing in relation to the modern natural law tradition, but I think we should understand him as sharing certain preoccupations of the natural lawyers, particularly, a concern with the fundamental problem of human conflict and war stemming out of our natural self-interest, along with a more limited vision of the ends of ethics as seeking a workable solution for this conflict. Similar to the modern natural lawyers, Hume is committed to an empirical conception of human nature and to offering an explanation of morality on the basis of the facts of human nature. Still, even if he shares these assumptions and goals, I do not take this alone to establish Hume as a natural law theorist, since the structure of justification in Hume’s moral philosophy is significantly different.

⁸³ Gill, *The British Moralists*, 150-153.

⁸⁴ Herdt, *Religion and Faction*, 17.

increasingly seen as both more “realistic” and more epistemically credible.⁸⁵ On the basis of a detailed psychological analysis, Hobbes argued that all human action is inevitably driven by self-interest.⁸⁶ For those who came after him, the insistence on a “realistic” description of human nature, in practical terms, meant our self-interestedness could not be ignored. What seems undeniable when looking at human beings simply on the basis of our commonly accessible, sensible experience is that we act to satisfy our interests. But the fundamentally self-interested characterization of human nature made it very difficult for modern natural law theorists to coherently defend the natural law hypothesis “that human nature is a starting-point for the discovery of fundamental moral principles.”⁸⁷ On the contrary, under the “realistic” Hobbesian description, human nature seems clearly inimical to morality.

Many moralists took Hobbes’ theory of human nature to imply a denial of the reality of virtue, and hence a denial of the reality of morality as such. For if what Hobbes said was true, then there could not be any truly virtuous actions because these require a virtuous motive, and Hobbes’ theory asserted that, at root, all our acts are self-interested.⁸⁸ While many after him sought to resist the apparent implications of Hobbes’ theory of human nature, no one after Hobbes could simply dismiss without addressing the drive of self-interest, which more and more seemed like an undeniable fact of human

⁸⁵ Westerman, “Hume and the Natural Lawyers,” 87.

⁸⁶ Thomas Hobbes, *Leviathan* (London: The Green Dragon, 1651; repr., Richard Tuck, ed.).

⁸⁷ Westerman, “Hume and the Natural Lawyers,” 87.

⁸⁸ Herdt, *Religion and Faction*, 30. During this period, Hobbes was taken to be a defender of the “selfish hypothesis” in morals, which held that all human behavior is motivated by self-interest. Whether or not this is accurate is now debated. See G. A. J. Rogers and Alan Ryan, eds., *Perspectives on Thomas Hobbes* (New York: Oxford University Press, 1989); cited by Herdt, *Religion and Faction*, 240, ftnt 36. Bernard Mandeville, on the other hand, argues explicitly against Francis Hutcheson that genuinely other-interested motives are mere appearance. Taken this way, the selfish hypothesis represented a form of moral anti-realism. See the extensive discussion of Mandeville in Gill, *The British Moralists*, 227ff.

nature.⁸⁹ Thus, the thinner, more “realistic” conception of our nature presented problems of its own.

Jennifer Herdt argues that it is possible to see the shift away from a teleological conception of nature and toward what we might call an “empirical” conception of nature beginning in the natural law theory of Grotius.

In Grotius the status of “natural” is ambiguous. Like the classical natural lawyers, Grotius thinks that we can derive moral guidance from the proper understanding of our nature, but he has a truncated understanding of human nature, since he no longer sees it as tending toward good as perfection. The older, teleological view of human nature was normatively saturated, unlike Grotius’ “thinner” view of human nature. In Hobbes’ writings, “natural” has become thoroughly secularized—“natural” is just the way things happen to be. . . . To talk about what is natural to human beings is neither to discuss our final end nor to pass judgment on our sinfulness. It is not to trumpet a call for transformation, but simply to make observations about the conditions in which we find ourselves.⁹⁰

The teleological conception of nature in general that Aquinas and the classical natural lawyers had argued from was, as Herdt puts it, “normatively saturated.” As I argued above, so was Aristotle’s. It carried with it an understanding of the good to be achieved through the realization of that thing’s proper end. Grotius’s view of nature in general (and Hobbes’s and much of the modern tradition after him) is “thinner” in that it is operating only on the basis of—so to speak—“what the eye can see,” whereas the classical natural lawyers (and Aristotle) took it that the evidence given by the senses was only half the story. Some of these characteristics, tendencies, and capacities human beings display are constitutive aspects of our final good, but this is not true of all of them.

⁸⁹ Cf. *The British Moralists*, see esp. chapters 2, 6, and 11. Gill makes a detailed study of the various attempts by the British moralists in the eighteenth century, especially the Cambridge Platonists, and the moral sense theorists, to argue against the thesis that all human behavior is fundamentally self-interested.

⁹⁰ Herdt, *Religion and Faction*, 21

There are serious advantages to working with this “thinner” empirical conception of nature in general. The thinner, end-shorn view of nature could avoid the seemingly endless and intractable debates that had arisen in light of a theological interpretation of our nature, and which concerned the degree of human fallenness and “corruption” of our nature—a debate which we seemed completely incapable of refereeing. On the empirical view of nature in general, what is “natural” can instead simply signify the way things happen to be. Hence, this more limited conception of nature can be useful as a way of avoiding the theological (and metaphysical) controversy embroiling the teleological conceptions of human nature.

Hume, it turns out, is acutely aware of these advantages. He makes this clear in a letter to Hutcheson in which he objects to Hutcheson’s own use of “nature” precisely because it is a teleological conception that assumes a final end yet to be attained.

I cannot agree to your sense of *Natural*. ‘Tis founded on final Causes; which is a Consideration, that appears to me pretty uncertain and unphilosophical. For pray, what is the End of Man? Is he created for Happiness or for Virtue? For this life or for the Next? For himself or for his Maker? Your Definition of *Natural* depends upon solving these Questions, which are endless, & quite wide of my Purpose.⁹¹

Hume is correct in his critique of Hutcheson. Hutcheson’s definition of ‘natural’ does indeed depend on final causes and taking a stand on the question of the human end, for Hutcheson is working with a teleological conception of nature. Like Aristotle and Aquinas, Hutcheson maintained that the goal of ethics was to help us achieve the perfection of our nature.

Hume was not alone in his rejection of a teleological conception of nature in general in favor of an empirical one, but the increasing insistence on a more “realistic”

⁹¹ David Hume, *The Letters of David Hume*, ed. J.Y.T Greig, vol. 1 (Oxford: Oxford University Press, 2011), 33; quoted in Gill, *The British Moralists*, 204.

and empirically grounded description of human nature was a double-edged sword. Seemingly requisite upon epistemological grounds, it proved wholly inadequate to the task of explaining morality as conceived by the natural law tradition. Specifically, it made all action appear to be motivated by self-interest in a way that undercut the natural lawyer's ability to account for what was *praiseworthy* about acting in accordance with one's nature. The empirical view of nature in general—framing as it does a description of ourselves encompassing not only that which is significant for our flourishing, but everything from the trivial to the morally repugnant—made the ancient ideal of striving to live in accordance with our nature appear absurd, if not downright morally reprehensible.

With this perspective, we can see why Hume felt his *Treatise* to be a real contribution to the “contemporary scene” in moral philosophy. In the *Treatise*, Hume puts forward a moral theory based on the principle of sympathy. In this principle, Hume takes himself to have identified a praiseworthy source of motivation in human nature. Furthermore, he provides an account of human nature and the operation of sympathy that he believes makes it fully consistent with the epistemological requirements of the new science. Making use of the principle of sympathy was not in itself novel, but Hume's account of sympathy eschewed the teleological conception of nature those before him had often invoked.⁹² Finally, in demonstrating that the principle of sympathy is as equally original to human nature as self-interest, Hume offered the necessary foundation for morals in human nature that it was increasingly clear the natural lawyers could not

⁹² For instance, Lord Shaftesbury, Francis Hutcheson, and the “Latitudinarian divines,” such as Isaac Barrow, Henry Grove, Joseph Butler, and Benjamin Whichcote. Herdt, *Religion and Faction*, 29-35.

provide with their “realistic,” but fundamentally self-interested, description of human nature.

3.2 Hume’s Moral Philosophy and the Solution of Sympathy

Hume maintains that any adequate explanation of morality must show how our moral judgments, such as they are, could have arisen given the facts of human nature, for “no action can be virtuous, or morally good, unless there be in human nature some motive to produce it.”⁹³ But since what moves us, Hume famously argues, is not reason but passion, or “sentiment,”⁹⁴ Hume’s moral philosophy essentially offers us an etiology—an account of the origins and causes—of moral judgment based on the sentiments.

What explains the distinction we draw between “virtue” and “vice”? Why do we label some character traits virtuous and others vicious? Hume thinks when we reflect on our experience of making moral judgments, we find that common to all those attributes we call *virtues*, is a feeling of pleasure at what is useful or agreeable either to ourselves or others, and common to all those attributes we call *vices*, is a feeling of pain in what is harmful and disagreeable either to ourselves or others. “Each of the passions and operations of the mind has a particular feeling, which must be either agreeable or disagreeable. The first is virtuous, the second vicious. This particular feeling constitutes the very nature of the passion,” according to Hume.⁹⁵ Given this account of the nature of

⁹³ Hume, *THN*, 3.2.1.7; 479.

⁹⁴ *Ibid.*, 3.1.1-2.

⁹⁵ *Ibid.*, 3.3.1.28; 590. There is a complex debate over how to interpret Hume’s position on the relationship of the passions to our moral judgments. According to Rachel Cohon, four major interpretations have significant textual support. See Rachel Cohon, “Hume’s Moral Philosophy,” ed. Edward N. Zalta, Fall 2010 ed., *The Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/archives/fall2010/entries/hume-moral/>. See, in particular, the sub-section “The

moral judgment, a question arises. While it is clear how we might take pleasure in, and therefore approve of, qualities that are agreeable and useful to ourselves since they bear a clear connection to our personal self-interest, how is it that our feelings extend to cover the benefits and harms suffered by others? We seem to approve of acts of benevolence and generosity whenever we witness them, whether their exercise is directly to our benefit or not, but why? And how is this possible? Hume's answer is "sympathy." Just as we have a natural tendency to care for our own self-interest and to seek pleasure and avoid pain whenever possible, we have a natural tendency to sympathize with the pleasures and pains of others. By "sympathy," Hume does not mean what we might initially suppose. As Norton and Norton explain,

Hume does not . . . think of sympathy as a particular feeling. The word, *sympathy*, does not there designate the feeling we have for a close friend who is bereaved or in serious trouble. Hume would call that feeling *pity* or *compassion*, while *sympathy* is his name for a means or principle of communication (2.3.6.8)—his name for a general ability of humans to know and to experience as their own the sentiments or opinions of others.⁹⁶

Hume introduces sympathy in Book II of the *Treatise* as a principle for the communication of sentiment,⁹⁷ and hypothesizes that sympathy operates on the basis of the imagination's propensity to convert ideas into impressions.⁹⁸ It is because of sympathy that when we see another person in pain, we cringe; conversely, when we enter a room full of laughter, we find our mood lifted. Hume argues that it is through the

Nature of Moral Judgment." For my purposes, I see no need to take a strong stand in this debate, but I have elected to use Hume's "constitutivist" language to express their relationship. See also Hume, *THN*, 3.1.2.3; 471.

⁹⁶ David Fate Norton and Mary J. Norton, "Editor's Introduction," in *David Hume: A Treatise of Human Nature* (Oxford: Oxford University Press, 2000), 155.

⁹⁷ Hume, *THN*, 2.1.11; 316.

⁹⁸ *Ibid.*, 2.3.6.8; 427.

entirely natural (meaning spontaneous and involuntary) operation of sympathy that we come to feel pained by what causes others pain and take pleasure in what pleases them.

One objection to Hume's appeal to sympathy as an explanation of our moral judgments is that if our moral judgments are based solely on sympathy as he claims, then our moral judgments should be prone to change from one situation to another.⁹⁹ For instance, I tend to sympathize more with some than with others depending on their relationship to myself, and, given the same kind of situation, I will sympathize more on some occasions than on others. But, so the objection runs, this is not how we make *moral* judgments. Our moral judgments are universal, and if an action is wrong, then it is always wrong, whether I feel displeasure at the act or not. Hume agrees that our moral judgments are universal in scope, but he argues that this is not inconsistent with the thesis that sympathy is the basis of these judgments.¹⁰⁰ The reason is that our moral judgments are not made *merely* on the basis of our own particular, partial point of view, but rather by entering into "some *steady* and *general* points of view,"¹⁰¹ and exercising our sympathy out of that perspective. This is the basis of Hume's account of "the general point of view,"¹⁰² and it is only by taking on the general point of view that our natural, limited

⁹⁹ Hume, *THN*, 3.3.1.14-15. Hume himself raises and responds to this objection.

¹⁰⁰ David Hume, *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals* (London: T. Cadell, 1777; repr., from the posthumous edition of 1777 with an introduction, table of contents, and index by L.A. Selby-Bigge, 2nd ed), 273-274. Hume appears to believe moral judgments reflect the differences that can arise from different points of view in different contexts, and also that moral judgments reflect what is pleasant or useful *universally* to all persons with a suitably impartial perspective. There is extensive debate over whether such a position amounts to a form of "universalism" that explains away moral differences as disagreements due to context, or a form of "relativism" that legitimates divergent moral judgments. Christopher J. Berry, "Hume's Universalism: The Science of Man and the Anthropological Point of View," *British Journal for the History of Philosophy* 15, no. 3 (2007).

¹⁰¹ Hume, *THN*, 3.3.1.15; 581-582.

¹⁰² Considerable debate surrounds the nature of the general point of view. Many have taken Hume to be advancing something akin to a contemporary theory of the "moral point of view," which is commonly characterized as the point of view of an ideal observer with full information and perfect disinterest. For a list of such scholars, see Geoffrey Sayre-McCord, "On Why Hume's 'General Point of View' Isn't Ideal—and Shouldn't Be," *Social Philosophy and Policy* 11, no. 1 (1994). Jennifer Herdt argues that despite its

sympathy widens into the extensive sympathy from which mature moral judgments are made.

In order to judge a particular behavior or character trait out of the general point of view, we must take the perspective of those most affected by the character trait or behavior in question, to see whether such a trait is agreeable or disagreeable, useful or harmful. But we must do so without entering into the person's own particular, self-interested sentiments, since judging from the perspective of those sentiments would be no better than judging from our own particular and self-interested perspective. Instead, we adopt their perspective, joined with the proper corrections for over-weening concern for one's own self-interest and whatever other biases tend to color our judgment. The general point of view is designed to yield the sentiment we *would* feel were we to enter sympathetically into such a refined and impartial point of view.¹⁰³

Hume divides the virtues into "natural virtues" and "artificial virtues," and while his initial account suggests that natural sympathy of itself is sufficient to ground our approval of at least the natural virtues, ultimately both natural and artificial virtues must be approved by an extensive sympathy exercised from the general point of view.¹⁰⁴ As Baier observes,

For Hume, all virtues, natural or artificial, get their status from the fact that these traits are ones we in fact welcome in human persons, once we have the relevant facts, take up a special impartial point of view, exercise

prevalence, this is not the appropriate way to characterize Hume's perspective, since what Hume describes is "not a perspective equally remote from all real perspectives, but rather an attempt to grasp the points of view of those most affected by a person's character or action." Herdt, *Religion and Faction*, 72. Annette Baier argues along similar lines that the general point of view "is not a 'view from nowhere'; it is a view from a common *human* viewpoint . . . It aims not at detachment from human concerns but at impartiality, and interpersonal agreement." Baier, *A Progress of Sentiments*, 250-251.

¹⁰³ Hume, *THN*, 3.3.1; 582, 591.

¹⁰⁴ Jennifer Herdt, *Putting on Virtue: The Legacy of the Splendid Vices* (Chicago: University of Chicago Press, 2008), 310.

our capacity for sympathy, correct its natural bias, and then finally let our reflective feelings pronounce judgment.¹⁰⁵

Successfully entering into others' sentiments and exercising our sympathy from the general point of view, Hume admits, takes "a great effort of imagination."¹⁰⁶ This kind of sympathy is, therefore, quite different from the natural sympathy that is an unreflective, spontaneous, and largely involuntary response induced by the imagination. The active extension of our sympathy through the adoption of the general point of view is something about which we must be intentional.

Hume's initial description of sympathy makes it appear akin to social contagion or emotional infection, passive and involuntary; however, when exercised from out of the general point of view, sympathy observes general rules that allow it to correct for various kinds of bias (for example, giving too much weight to one's own perspective). Hume's developed account of the general point of view requires recourse to a kind of sympathy that is much more conscious, intentional, and active than the sympathy he initially describes as a principle for the communication of sentiment. The sympathy entailed by the general point of view is more akin to a kind of sympathetic understanding that can be sought out and into which we can actively enter. Furthermore, by incorporating the observance of a set of general rules into the operation of sympathy exercised out of the general point of view, this kind of sympathy is not something that operates just as it should, spontaneously and naturally. Rather, it is an activity that we can do better or worse and about which we must be intentional.

I agree with Herdt that Hume's thinking about the principle of sympathy undergoes extensive revision not only between the *Treatise* and *Enquiry*, but within the

¹⁰⁵ Annette Baier, "Natural Virtues, Natural Vices," *Social Philosophy and Policy* 8 (1990): 25.

¹⁰⁶ Hume, *THN*, 386.

Treatise itself. And Hume must do this because our natural and rather limited sympathy based on the passive communication of sentiments is insufficient to overcome the conflicts of human social life. Natural sympathy is what we have for those close to us—parents, children, close relatives and friends—but it gets weaker the farther removed a person is from us. Furthermore, a totally passive form of sympathy leaves us vulnerable to the phenomenon of contagion, which can lead us to sympathize with vicious forms of mob mentality. As Herdt argues, when we enter into those general points of view from which we make trustworthy moral judgments, we must extend our sympathy and actively attempt to enter the point of view of those most affected by the person or character in question. Our judgments will never find the wide concurrence they require if our sympathy is not wide and extensive.

Morality, according to Hume, should be oriented toward happiness in this life, here and now. This is why Hume countenances wit and high-spiritedness alongside generosity, integrity, and moderation as virtues. We naturally find all of these agreeable both in ourselves and others when we survey them from the general point of view. Annette Baier notes how Hume “includes in his catalogue of virtues all and only the qualities of head, heart and expressive body that he believes we will agree do make a person a welcome fellow, whether in ‘that narrow circle, in which any person moves’ (T. 602) or in ‘the greater society or confederacy of mankind’ (E. 281).”¹⁰⁷ It is this perspective that ultimately leads him to speak so derisively of the “monkish virtues”—celibacy, fasting, penance, mortification, self-denial, humility, silence, and solitude. All of these, Hume thinks, make for a “gloomy,” “delirious,” and “dismal” character,¹⁰⁸

¹⁰⁷ Baier, *A Progress of Sentiments*, 219.

¹⁰⁸ Hume, *Enquiries*, 270.

hardly the ideal companion in any sphere of life. What is common to all of the “monkish virtues,” as Hume sees them, is that they devalue the genuine goods available in this life, despising physical pleasures as mere “sensual gratification,” healthy pride as “worldly vanity,” and good humor as “excessive gaiety.”¹⁰⁹ According to Hume, the common and usual course of the passions will lead us to find physical pleasure, pride in ourselves, and good humor in others agreeable and pleasant. Failing to find these things agreeable suggests a distortion of the natural course of the passions. These virtues of Christian asceticism reject the natural sources of pleasure and cultivate a detachment from the genuine goods of this world by instilling an excessive concern for a supposed good available in the next.¹¹⁰

3.3 The General Concept of Nature and the Substantive Conception of Human Nature in Hume

On Hume’s view, human nature is neither good nor evil. It is neither ultimately benevolent (as Francis Hutcheson argued) nor ultimately self-interested (as Thomas Hobbes argued). From the perspective of explaining morality, Hume believes sympathy

¹⁰⁹ On this last point, what Saint Basil the Great says is too illustrative not to quote: “Indulging in unrestrained and immoderate laughter is a sign of intemperance, of a want of control over one’s emotions, and of failure to repress the soul’s frivolity by a stern use of reason. It is not unbecoming, however, to give evidence of merriment of soul by a cheerful smile, if only to illustrate that which is written: ‘A glad heart maketh a cheerful countenance’; but raucous laughter and uncontrollable shaking of the body are not indicative of a well-regulated soul, or of personal dignity, or self-mastery. This kind of laughter Ecclesiastes also reprehends as especially subversive of firmness of soul in the words: ‘Laughter I counted error’. . . . Moreover, . . . so far as we know from the story of the Gospel, [the Lord] never laughed. On the contrary, He even pronounced those unhappy who are given to laughter.” Saint Basil the Great, “The Long Rules, Question 17,” in *Ancient Christian Commentary on Scripture: Old Testament*, ed. J. Robert Wright (Downers Grove, IL: InterVarsity Press, 2005), 207.

¹¹⁰ Herdt gives special attention to the moral danger Hume sees as inherent in adopting an artificial, religious life. One instructive instance: Hume contends that “even though superstition or enthusiasm should not put itself in direct opposition to morality; the very diverting of the attention, the raising up a new and frivolous species of merit, the preposterous distribution which it makes of praise and blame, must have the most pernicious consequences, and weaken extremely men’s attachment to the natural motives of justice and humanity.” David Hume, *Dialogues Concerning Natural Religion* (Indianapolis: Hackett Publishing Company, 1980), 84; cited in Herdt, *Religion and Faction*, 179.

is the indispensable principle of human nature, since it is the source of our distinctively *moral* approbation of the virtues, both natural and artificial. However, self-interest is equally important because it provides the motive to life in society and all the artificial virtues which are indispensable to that life. We might say that Hume's substantive conception of human nature takes us to be "Self-interested Sympathizers." Privileging self-interest and sympathy above the other equally original principles of our nature is, admittedly, an artificial simplification of his view,¹¹¹ but emphasizing these two principles brings out the contradiction that Hume finds inherent in human nature. On Hume's view, there is "some particle of the dove, kneaded into our frame, along with the elements of the wolf and serpent,"¹¹² and we misunderstand the human condition if we fail to acknowledge both. These are, according to Hume, both natural for us, being equally "original" principles of human nature.

Hume's conception of nature in general is, for lack of a better term, an "empirical" one. He sought to apply the methods of the natural sciences to the study of human nature and thereby enhance our understanding of human nature and its ultimate principles. What we can know about the nature of anything will be known through investigation, observation and discovery by the human senses. These are the methods of investigation appropriate to the natural sciences and what we think of as the empirical realm. Thus, when we say that on Hume's view we are "self-interested sympathizers," we are not identifying an ideal toward which we ought to strive, as we are when we say that

¹¹¹ "Original principles" of human nature, according to Hume, are ultimate, universal, and "primitive"—they form the ultimate basis of our explanations, but they themselves cannot be explained—and they exist in human nature prior to any socialization. Hume, *Enq.*, 219-220, fnt 1. In addition to sympathy and self-interest, Miriam McCormick notes the following as equally original principles of human nature: the aversion to pain, a propensity to form habits, a tendency to associate ideas, and a determination to make causal inferences. Miriam McCormick, "Hume on Natural Belief and Original Principles," *Hume Studies* 19, no. 1 (1993). We can also add "the natural appetite betwixt the sexes." Hume, *THN*, 3.2.2.4; 486.

¹¹² Hume, *Enq.*, 271.

for Aristotle we are “rational animals.” Hume’s underlying conception of nature in general means that the identification of our true nature and its ultimate principles simply informs us about what is the case, not what ought to be or how we ought to make use of this information.

Many scholars, Michael Gill among them, feel that the strength of Hume’s moral philosophy is due in no small part to his greater reliance on an empirical conception of human nature and his increased reliance on empirical observation to explain morality. However, the downside of this method is that the more one relies on strictly empirical observations to explain morality, the less one will be able to normatively justify what one sees by those same standards of observation. On an empirical conception of nature in general, the discovery that a given characteristic is ‘natural’ or a part of ‘human nature’ in and of itself carries no normative weight. If we are thinking of our nature in these terms, then Louise Antony, whom I quoted at the beginning of this chapter, is certainly correct and “the fact—if it is one—that such human universals as exist are due to our *nature* as human beings is itself of no ethical importance.”¹¹³ Some characteristics are natural and good, some are natural and bad. The identification of a characteristic as natural in this empirical sense is, in and of itself, of no normative significance.

This is a different conception of nature than that which Aristotle was working with, and the empirical conception of nature in general entails a strong distinction between facts and values, between nature and norm. For Hume, that a character trait or sentiment is natural or a part of human nature implies nothing about its moral status. There are character traits that are perfectly natural, but judged from the general point of view, perfectly vicious. There are “artificial” traits that are virtuous. Moreover, this

¹¹³ Antony, “Natures and Norms,” 12.

general point of view that we need in order to form reliable moral judgments is itself an artificial and humanly constructed viewpoint. Hume's view on nature in general makes the principles of human nature he identifies significant in *explaining* the phenomenon of morality in human life, but what is "natural" is now irrelevant to the *justification* of morality.

On Hume's view, human nature has a strictly explanatory relevance for moral philosophy. Human nature is the *causal* source of our sentiments pertaining to virtue and vice, so understanding human nature is significant for moral philosophy insofar as we want to explain the causes of the moral sentiments. But we cannot, on the basis of human nature, reason about an ideal end toward which our moral lives ought to be aimed. The normative justification for our moral practices, on Hume's account of morality, derives from the adoption of a practical perspective—a perspective which we adopt for the sake of achieving peace in society and harmony between differing view-points—a perspective he calls "the general point of view." Is the general point of view an adequate substitute for the discarded teleological perspective on human nature?

By his own standards, the successes of his project should be gauged by whether Hume's new "science of man" adheres to the epistemological standards set by the new Enlightenment ideal of scientific understanding. This requires that he disavow the teleological conception of human nature. In place of a normative account of human nature, Hume substitutes an empirical conception of nature in general and postulates that sympathy is the source of morally normative judgment and the basis of the distinctions we draw between virtue and vice.

However, it is not clear that Hume's avowed account of sympathy can substitute for the normative conception of human nature he sought to avoid. On the contrary, Hume's moral critique of the "monkish virtues"—which ought to be based on an impartial judgment from the general point of view—appears to presuppose a teleological account of the human end.

On the surface, the normative justification for the general point of view appears to rest on a straightforward appeal to what is necessary for human flourishing—specifically for concurrence in our moral judgments and peace in society. However, appealing to the general point of view in fact presupposes the normativity that Hume purports to be providing. What makes sympathy exercised out of the general point of view superior to natural sympathy is its impartiality. But the concept of impartiality is itself a normative concept: "What constitutes impartiality, if not the ability to give *due* weight to all of the various factors involved?"¹¹⁴

Presumably, from within a flourishing-based ethical theory, one would account for the legitimate interest each person takes in their own flourishing by giving greater weight to what people find agreeable and useful *for flourishing*, and lesser weight to other sorts of sentiments. If a person finds traits agreeable and useful that do not contribute either to their own or others' flourishing—for instance, the "monkish virtues"—there will be nothing improper about giving such sentiments less weight as we attempt to form a moral judgment that gives proper weight to the legitimate interests of all affected parties.

When Hume condemns the "monkish virtues" as vices on the grounds that "they serve to no manner of purpose; neither advance a man's fortunes in the world, nor render

¹¹⁴ Herdt, *Religion and Faction*, 79.

him a more valuable member of society; neither qualify him for the entertainment of company, nor increase his power of self-enjoyment,” we see that Hume himself has an account of the legitimate “ends of man” which he takes to be constitutive of true human flourishing. It is only in light of some such account that Hume can condemn the monkish virtues, for he transfers the “monkish virtues” to the column of the vices in manifest defiance of the actual sentiments of the many people throughout history that have found these traits quite useful. Many religious people have found these traits useful for drawing closer to God in this life and preparing one’s soul for life in the next.¹¹⁵ But Hume takes these to be totally spurious ends. Herdt is quite right when she concludes that Hume “cannot utterly avoid the sort of normative account of human nature which he rejects in Hutcheson as being dependent on ‘final causes.’ Instead, he must provide his own.”¹¹⁶

Hume’s avowed account of human nature rests on an empirical conception of nature in general. On the epistemological grounds that final causes cannot be known through sense experience, Hume tries to avoid making any postulations about the ends proper to human nature. But Hume’s own normative critique of ascetic Christianity depends on certain assumptions about the ends of human nature. His assumptions about what constitutes true human flourishing—for instance, that it is grounded in *this* world—and his judgment that the “monkish virtues” fail to contribute to this-worldly flourishing, underlie Hume’s judgment that such traits would never be felt as agreeable or useful by a genuinely impartial judge—i.e., a judge who was not biased by a spurious regard for other-worldly ends—from the general point of view.¹¹⁷

¹¹⁵ Cf. Rosalind Hursthouse, *On Virtue Ethics* (Oxford; New York: Oxford University Press, 1999), 243.

¹¹⁶ Herdt, *Religion and Faction*, 79.

¹¹⁷ Hume, *Enq.*, 270. Hume thinks that only those whose reason has been “prejudiced” by “the delusive glosses of superstition and false religion” would be inclined to judge ascetic practices agreeable. One might

The general point of view, which Hume proposes to substitute as the source of normativity in place of a teleological conception of human nature, cannot in fact replace the teleological conception of human nature that his predecessors had relied on. Hume's own moral judgment relegating the "monkish virtues" to the status of "vices" depends upon a conception of human nature which is teleological in form, a conception of human nature that takes our true end to be this-worldly and human flourishing to depend on a rejection of spurious other-worldly ends and the other-worldly virtues that go with them.

This chapter aims to articulate the function that a flourishing-based ethic needs a conception of human nature to fulfill in order to be adequately normative. Thus far, we have examined two ways human nature can function in relation to an ethic of flourishing. For Aristotle, there is a sense of nature (which we called "nature proper"), according to which what is natural provides a normative ideal. As the proper end of ethical development, virtue is both natural and normative. Virtue is our "natural end" and also the end toward which our moral development ought to progress. Still, just because a quality is "natural" does not necessarily imply that it is as it ought to be. Aristotle's concept of 'mere nature' leaves conceptual space for the judgment that there are things that are "natural" and yet in need of improvement.

object to the claim defended here—that Hume needs a teleological conception of human nature—by pointing to this explanation of why some people do not judge of the virtues and vices as they ought, what is effectively an "error theory" for the moral judgments of the religious. On this objection, Hume does not need to presuppose a positive, teleological account of human nature. All he needs to be able to do is explain why people make errors in their judgments for particular cases. Error theories in this arena are important ways of contending against competing perspectives. Having a plausible account of how and why one's opponent has gone wrong in their judgment is an important way of strengthening the plausibility of one's own position, but an error theory cannot substitute for the teleological judgments, in light of which some conclusions are regarded as faulty and need accounting for as such.

Understood teleologically, Hume's argument is that religion distorts (negatively interferes with) the operations of the passions of justice and humanity that ought to be allowed to operate unchecked. These are the "natural passions" that, if allowed to function naturally, would bring about greater unity and reduce the factionalism that interferes with peace in society.

In Hume, human nature has a different function. Hume appeals to the operations of sympathy to *explain* how our moral judgments are made, but his empirical conception of nature in general does not offer grounds for a judgment about how our judgments should be made. In place of an account of the ends of human nature, Hume substitutes a theory of the general point of view which is an “artificial,” or, as we might say, “socially-constructed,” point of view. But, as discussed, when it comes to the critique of the monkish virtues, Hume’s judgment against them invokes an unacknowledged teleological conception of human nature.

4. Marx

In the final section of this chapter, I analyze Marx’s concept of nature in general as that impacts his moral critique of capitalism. Implicit in the Marxian analysis of capitalism is a moral condemnation of capitalism for failing to meet the legitimate needs of human beings. Marx’s critique of capitalism rests on the conviction that any just or morally acceptable economic system must serve the well-being of all members of society, not only the well-being of the propertied few.¹¹⁸ Furthermore, it must not prioritize the needs of capital at the expense of the needs of human beings. The ideal is an economic system that distributes the benefits of social cooperation in accordance with the socialist motto: “From each according to his ability, to each according to his needs.”¹¹⁹

My focus in this discussion will be methodological rather than substantive. My purpose is not to challenge Marx’s ideal of social justice or his conception of human

¹¹⁸ This seems to presuppose a fundamental egalitarian regard. It is an important question, though one I set aside here, how any flourishing-based ethical framework—supported by a teleological conception of human nature or not—can justify and not merely presuppose this.

¹¹⁹ Karl Marx, *The German Ideology*, in *The Collected Works of Karl Marx and Frederick Engels*, 50 vols., vol. 5 (New York: International Publishers, 1975), 537.

nature per se, but to query his ability—in the terms of his own philosophy—to make sense of the normative significance of human needs in a way that substantiates his critique of capitalism for failing to meet legitimate human needs. Or, in other words, to give teeth to the claim that capitalism fails to meet the needs of human beings.

Throughout his writings, Marx identifies human needs with human nature. For Marx, human needs express and make manifest the essential characteristics of human nature. Marx's moral critique of capitalism hangs on his ability to distinguish legitimate from illegitimate human needs and thereby defend the claim that, in failing to meet the legitimate needs of human beings, capitalism is unjust.

Between his early “humanistic” writings and his later “scientific” writings, Marx's conception of human nature shifts from a teleological conception of human nature to an empirical one. The following discussion focuses attention on the two conceptions of human nature we find in Marx's writings and elaborates the impact this has on his moral critique of capitalism. I argue that Marx's critique of capitalism depends on the teleological conception of human nature, which we find in his early writings. When he moves away from this in his later writings and endorses a strictly empirical conception of human nature, he loses the resources needed to justify one of his central criticisms of capitalism—namely, in failing to meet human needs, capitalism unjustly harms human beings and should therefore be replaced by a socialist system that can meet such needs.

4.1 Human Nature and Human Needs in the Early Works

In his early “humanist” writings, Marx offers a critique of capitalism based on a vision of human flourishing. Authentic human flourishing is envisioned by Marx as the

highest state of human freedom: not merely *freedom from* the enslaving chains of capitalism, but also *freedom for* the full flowering of human potential brought about in and through engagement with the material world in productive activity, which is to say, through “labor.” Labor is the fundamental mechanism for meeting human needs. But, for Marx, not only is labor the means to meet our individual needs, it is also the way we actualize our social natures as we provide for the material needs of others.

In Marx’s view, labor and the needs satisfied by that labor are fundamental expressions of the human essence. Labor, for Marx, is not the drudgery we all do our best to avoid. The true meaning of labor is creative human activity. In labor, we express (or “make manifest”) our very selves. We make manifest our intelligence, our creativity, our imagination, and our technical skills through labor. The product of our labor is also an expression of our nature in that it is our idea, our imaginative capacity, and our technical skill objectified. Our products embody the capacity we have to transform the world in ways that meet our needs, and Marx calls such products “use-values.” Anything that satisfies a human need—social, psychological or material—has use value, and for Marx, “the need of an object is the most evident and irrefutable proof that the object belongs to *my* nature and that the existence of the object for me and its *property* are the property appropriate to my essence.”¹²⁰

In this way, Marx represents human needs as intimately revealing the human essence. Through the double meaning of “property,” Marx exploits the idea that the world under a capitalist mode of production is a world turned upside-down. When in reality, the product of my labor should be seen as belonging to me and my essential

¹²⁰ Karl Marx, “Notes of 1844,” in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett, 1994), 47.

nature, under capitalism, the product of my (wage-) labor is seen as belonging to another: the capitalist to whom I have sold my labor.

Under capitalism, labor takes on the unique form of wage-labor. This is the commodity form of labor, and it can be bought and sold in the market. This fundamentally changes the worker's relationship to his or her work, and because of this, Marx sees the institution of wage-labor as the root of the harms of capitalism, alienating us from our labor and thereby from our essential nature as working beings. Marx thinks that under these conditions, "The purpose and existence of labor have changed." Under capitalism,

The product is created as *value*, *exchange value*, and an *equivalent* and no longer because of its immediate personal relationship to the producer. The more varied production becomes . . . the more does his labor fall into the category of *wage-labor*, until it is eventually nothing but wage-labor and until it becomes entirely *incidental* and *unessential* whether the producer immediately enjoys and needs his product or whether the *activity*, the action of labor itself, is his self-satisfaction and the realization of his natural dispositions and spiritual aims.¹²¹

As wage-labor, it does not matter to the worker what kind of labor she performs because her work has become a mere means to a wage. No longer is the object of her labor the means for the satisfaction of her essential needs, and hence the means of life; instead, the wage has become the means of life. This critique of wage labor is the heart of Marx's critique of capitalist alienation. Through wage-labor, the worker is alienated from her labor and her product. As a result, she is alienated from herself (her essential nature as a productive being) and others (those to whom she should be connected through her labor, but is not).

¹²¹ Marx, "Notes of 1844," 48.

Marx's critique of capitalist wage-labor suggests that alienation is a travesty because human beings are essentially creative, working beings who are in fact only capable of authentic self-realization through the exercise of their productive capacities. Productive activity is fulfilling when done in a human way because it is an expression of what we most fundamentally are: active, conscious, free, social beings.¹²²

Praxis is a technical term we can use to signify this distinctive, multi-faceted view of human activity as *conscious, free, social, and productive*.¹²³ When we say that, for Marx, we are working beings, this must be understood in light of this multi-faceted notion of *praxis*. Not all work is an expression and realization of our true human nature, only that which is conscious, free, social, and productive. The capitalist economic system based on wage-labor and private property ought to be replaced by socialism because it cuts off access to truly human forms of flourishing by disrupting the social context in which the actualization of our nature as active, conscious, free, social beings is possible.

¹²² Marx offers his vision of humanized production in the following passage, where he emphasizes especially how production exemplifies our true nature as productive, social beings: "Let us suppose that we had carried out production as human beings. Each of us would have *in two ways affirmed* himself and the other person. 1) In my *production* I would have objectified my *individuality*, its *specific character*, and therefore enjoyed not only an individual *manifestation of my life* during the activity, but also when looking at the object I would have the individual pleasure of knowing my personality to be *objective, visible to the senses* and hence a power *beyond all doubt*. 2) In your enjoyment or use of my product I would have the *direct* enjoyment both of being conscious of having satisfied a *human need* by my work, that is, of having objectified *man's* essential nature, and of having thus created an object corresponding to the need of another *man's* essential nature. 3) I would have been for you the *mediator* between you and the species, and therefore would become recognised and felt by you yourself as a completion of your own essential nature and as a necessary part of yourself, and consequently would know myself to be confirmed both in your thought and your love. 4) In the individual expression of my life I would have directly created your expression of your life, and therefore in my individual activity I would have directly *confirmed and realised* my true nature, my *human nature*, my *communal nature*." *Comments on James Mill, Elements D'Economie Politique*, in *The Collected Works of Karl Marx and Friedrich Engels*, 50 vols., vol. 3 (New York: International Publishers, 1975), 227-228.

¹²³ Alison Jaggar, *Feminist Politics and Human Nature* (Totowa, NJ: Rowman and Littlefield, 1988), 54; this is likewise consistent with the analysis of Gajo Petrović, *Marx in the Mid-Twentieth Century* (Garden City, NY: Doubleday & Company Inc, 1967), 79; and William L McBride, *The Philosophy of Marx* (New York: St. Martin's Press, 1977), 84-91.

To summarize: the critique of capitalism found in Marx's early economic writings invokes a view of human nature as capable of fulfillment only through the realization of the human needs for freedom and praxis. The needs of human beings are defined with reference to these ends, and Marx's moral critique of capitalism is that it fails to meet the human need for freedom realized in and through conscious, free, social, and productive activity.¹²⁴

4.2 Human Nature and Human Needs in the Later Works

Before entering into the discussion of this section, which elaborates Marx's empirical conception of human nature and the extent to which this can be maintained alongside a normative critique of capitalism, I want to remind the reader that my primary concern here is not with the question of whether Marx is ultimately consistent or inconsistent, or whether his early and later writings can be made compatible. My concern is with the implications of these two very different conceptions of human nature for his moral critique of capitalism. Marx has special significance for this chapter because his philosophy shows quite clearly how different conceptions of human nature impact normative criticism from within a flourishing-based framework. As I will argue, the normative force of his criticism depends on holding onto the conception of human nature that he articulated in the early writings. That conception is predicated on a teleological

¹²⁴ There is a prominent interpretation of Marx according to which there is no such critique of capitalism to be found in Marx. See, for instance, "Marx on Right and Justice" in Allen W. Wood, *Karl Marx* (London: Routledge and Kegan Paul, 1981). I can't enter into this dispute here, but if one takes the position, as Wood does, that on Marx's view it is merely the case that socialism will abolish the present state of affairs under capitalism and not that socialism should, on moral grounds, abolish capitalism, it is hard to make sense of the need to raise the consciousness of the proletariat, organize, and advocate for revolution. (Cf. *Karl Marx*, 54.) If these are historical inevitabilities, then why the need for collective action? Whether Marx thought the overthrow of capitalism by socialism was inevitable or not, the continued staying power of capitalism suggests this view of history is false. Absent the conscious rejection of capitalism and collective endorsement of socialism, there is no reason to think socialism will prevail.

conception of human nature in general, according to which some ends are consistent with the fulfillment of human nature and some are not. We might agree or disagree with the substantive conception of human nature that he advances—i.e., that human beings are essentially working beings—while recognizing that without a concept of nature in general that is teleological in form, he lacks the resources to indict capitalism as having failed to satisfy the essential needs of human beings.

While Marx's view on nature in general changes in the later writings to an empirical conception, what remains the same in both the early and the later writings is the intimate connection between human nature and human needs. Needs are the manifestation of our nature, and Marx sees human need as revealing the human essence. This does not change. What *does* change between the early and the later works is how our needs are determined, and hence how human nature is constituted.

In *The Poverty of Philosophy*, Marx asserts that “all history is nothing but a continuous transformation of human nature.”¹²⁵ And then, in the sixth thesis of his *Theses on Feuerbach*, Marx claims that “the human essence is no abstraction inhering in the single individual. In its actuality it is the ensemble of social relationships.”¹²⁶ Both passages have often been cited as evidence that Marx denies the existence of a stable, trans-historical human essence, as traditionally understood, and instead embraces a “historicist” or “anti-essentialist” conception of human nature.¹²⁷

¹²⁵ Karl Marx, *The Poverty of Philosophy*, in *The Collected Works of Karl Marx and Frederick Engels*, 50 vols., vol. 6 (New York: International Publishers, 1975), 192.

¹²⁶ *Theses on Feuerbach*, in *Karl Marx: Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett, 1994), 100. Also CW vol. 6: 4.

¹²⁷ Norman Geras cites the following scholars as advancing anti-essentialist readings of Marx: Tom Bottomore, “Is There a Totalitarian View of Human Nature?,” *Social Research* 40, no. 3 (1973): 435. (In the special issue “Human Nature: a Re-evaluation”); Robert D. Cumming, “Is Man Still Man?,” *Social Research* 40, no. 3 (1973): 482. Eugene Kamenka, *The Ethical Foundations of Marxism* (London: Routledge and Kegan Paul, 1972); Louis Althusser, *For Marx*, trans. Ben Brewster (New York: Pantheon

Contrary to the classical view, which takes human nature to be universal and common across history, read as a historicist, Marx posits human nature as itself a historical product, historically contingent and determined by the given social mode of production in any epoch. In *The German Ideology*, Marx develops some of the fundamental premises of his theory of historical materialism, in which he relates changes in human history to changes in the dominant mode of production. According to Marx:

[T]he first premise of all human existence, and hence of all history . . . [is] that men must be able to live in order to be able “to make history.” . . . But life involves above all eating and drinking, shelter, clothing, and many other things. The first historical act is thus the production of the means to satisfy these needs, the production of material life itself. . . . The second point is that once a need is satisfied, which requires the action of satisfying

Books, 1969); Kate Soper, “Marxism, Materialism and Biology,” in *Issues in Marxist Philosophy*, ed. John Mepham and David-Hillel Ruben (Atlantic Highlands, NJ: Humanities Press, 1979); Colin Sumner, *Reading Ideologies: an Investigation into the Marxist Theory of Ideology and Law* (New York: Academic Press, 1979); Vernon Venable, *Human Nature: the Marxian View* (1945; repr., New York: Meridian Books, the World Publishing Co., 1966.). Norman Geras, *Marx and Human Nature: Refutation of a Legend* (London: Verso and NLB, 1983), 50-51.

While it is quite common to find scholars attributing to Marx an anti-essentialist or historicist theory of human nature, conceptually, it is quite challenging to articulate a coherent historicist theory of human nature. Saying “historicist theory of human nature” is something like an oxymoron because the concept of a nature implies trans-historical properties while a historicist theory of human nature seeks to articulate a theory of something which is forever changing. This inner tension in the concept creates fertile ground for scholarly debate over who has given a “historicist” reading of Marx. For example, Terry Eagleton finds in Sayers (1998) anti-essentialist reading of human nature in Marx that undercuts his claims to find a theory of human nature in Marx. Terry Eagleton, “Self-Realization, Ethics and Socialism,” *New Left Review* 237 (1999): 150-161. Sayers disputes this interpretation of his work in his unpublished “Marxism and Human Nature: A Reply to Terry Eagleton,” www.kent.ac.uk/secl/philosophy/articles/sayers/eagleton.pdf (accessed 3.18.2013). I agree with Eagleton’s assessment that Sayers’s attempt to maintain that “human beings are social beings through and through,” such that human “nature” is “simply a matter of social relations,” sits uneasily with his insistence that there are “permanent, trans-historical properties of humanity.” I agree with Eagleton that the historical features Sayers attributes to human nature are constantly threatening to “historicize away” the notion of human nature being asserted (“Self-Realization, Ethics and Socialism,” 151.) Likewise, Norman Geras argues that Sayers denies the existence of universal human characteristics, and hence denies the existence of human nature, but Sayers points out that Geras “simply assumes that the historical account of human nature must necessarily exclude the idea of universal characteristics” (Sayers, *Marxism and Human Nature*, 185). This kind of controversy is almost inevitable in any attempt to articulate a genuinely historicist conception of human nature.

To give one more example. I think Vernon Venable, for instance, can be read as an attempt to articulate a genuinely historicist account of the defining features of human life which is not a denial of human nature. He struggles mightily to give intelligible expression to the idea of a human nature that changes. As noted above, Norman Geras simply judges Venable’s work, like Sayers’s, to be “anti-essentialist” in the sense of denying the existence of human nature. I am not so sure. I consider it a great merit of Karsten Struhl’s reading of Marx that he manages to intelligibly articulate Marx’s historical concept of human nature without giving up on either its historical continuity or its historicity.

and the acquisition of the instrument for this purpose, new needs arise. The production of new needs is the first historical act.¹²⁸

In this passage, Marx initially identifies “the first historical act” with the production of the means for satisfying our biological needs. But in the process of working to meet our basic biological needs, which Marx calls “natural needs,”¹²⁹ we inevitably produce new needs for ourselves, since we need the tools and other means of production necessary for satisfying the original set of needs. Always conditioned by history, he calls these our “necessary needs.”¹³⁰ If we are to have clothing, we must have fabric, and if fabric, then a loom. If we are to have cotton for the fabric, then we also need the machinery to sow and harvest and spin that cotton, and so on and so on. Observe that Marx also calls the production of these new needs “the first historical act.”

Marx’s seemingly contradictory claims about “the first historical act” have occasioned much debate, but as Karsten Struhl argues, the best way to understand Marx here is to see these two phenomena—the production of the means to satisfy our needs and the production of new needs—as two aspects of the same process of productive activity: “Productive activity produces not only a product which can satisfy the original need but simultaneously new needs within the producers.”¹³¹ What this implies is that on Marx’s view, “the process by which we transform the material world is simultaneously a process

¹²⁸ Marx, *The German Ideology*, 42. Also SW, 115-116.

¹²⁹ Agnes Heller, *The Theory of Need in Marx* (New York: St. Martin’s Press, 1976), 31-34; Ian Fraser, *Hegel and Marx: the Concept of Need* (Edinburgh: Edinburgh University Press, 1998), 131.

¹³⁰ For discussion of the distinction between “natural” and “necessary” needs, see Heller, *The Theory of Need*, 31-34; and Fraser, *Hegel and Marx*, chapter 6. Fraser criticizes the subtler points of Heller’s interpretation of the difference between natural and necessary needs, but they agree on the basics of the distinction.

¹³¹ Karsten J. Struhl, “Socialism and Human Nature,” in *Taking Socialism Seriously*, ed. Anatole Anton and Richard Schmitt (Lanham, MD: Lexington Books, 2012), 118. Struhl is not alone in this reading of Marx. Ian Fraser likewise endorses this reading of the passage. *Hegel and Marx*, 139, nt 14.

by which we continually create within ourselves new needs, and, thus, can be said to change our nature.”¹³²

The picture we get of Marx’s view of human nature on this reading is one where human praxis and human need exist in a “feedback loop,” as it were, in which developments in the one are constantly driving developments in the other. On this reading, praxis is the source of Marx’s dynamic view of human nature. As praxis changes, so do human needs and human nature. At each new stage of development as human nature changes, new needs emerge as genuine requirements for the fulfillment of human nature.

This raises the question: which, if any, of the ‘necessary needs’ generated in a capitalist society are genuine needs, and which, if any, are distractions or (worse) obstacles to the pursuit of human flourishing? Marx cannot appeal to human nature and the ideal of human fulfillment, as he could in the early works, because human nature itself is determined by the needs created by the present mode of production—which is to say, by the current level of ‘necessary needs’—which is determined by the capitalist economy itself. Can Marx claim that capitalism fails to meet the needs of human beings? If the needs of human beings are determined by capitalism itself and he has no conception of the human with a nature that holds within it its own criteria for fulfillment, it is not clear Marx can condemn capitalism for failing to live up to the socialist motto of justice. What needs, pray tell, are not being met?

One route open to him would be to define authentic needs in terms of basic subsistence needs, but Marx is not willing to limit the scope of authentic needs to some

¹³² Struhl, “Socialism and Human Nature,” 118.

minimalist list of “basic” needs as the “primitivists” are prone to do. Marx sees developments of culture as at least potentially progressive, and he thinks it wrongheaded to excoriate every development of culture with the single-minded aim of getting “back to nature.”¹³³

A human being “as rich as possible in needs,” whose very needs constitute the “wealth” of socialist society, is an image Marx uses elsewhere to envision the ideal of human flourishing.¹³⁴ Becoming “rich in needs” requires the “many-sided” development of human nature, which is only possible in interaction with a sophisticated and highly developed culture. Human beings, on Marx’s view, can have legitimate needs for quite sophisticated cultural goods.

As beautiful as such a vision of human development is, it complicates the problem of whether Marx has any grounds for moral critique of capitalism because it is the very fact that capitalism excels in creating new needs that makes Marx unwilling to condemn capitalism in toto. For all of the harms it perpetrates on humankind, it is phenomenally effective at creating ever new and more sophisticated needs. In pursuit of the valorization of capital, capitalism inspires

the exploration of the earth in all directions, to discover new things of use as well as new useful qualities of the old . . . likewise the discovery, creation and satisfaction of new needs arising from society itself; the cultivation of all the qualities of the social human being, production of the same in a form as rich as possible in needs, because rich in qualities and relations—production of this being as the most total and universal possible

¹³³ Springborg highlights Marx’s opposition in this regard to “primitivists,” such as Rousseau and the Babouvists, who Marx castigates for advocating “the abstract negation of the entire world of culture and civilization, the regression to the *unnatural* simplicity of the *poor* and crude man who has few needs and who has not only failed to go beyond private property, but has not yet even reached it.” Marx, *The Collected Works of Karl Marx and Frederick Engels*, 50 vols. (New York: International Publishers, 1975), vol. 3: 295; quoted in Patricia Springborg, “Marx on Human and Inhuman Needs,” in *The Problem of Human Needs and the Critique of Civilization* (London: George Allen and Unwin, 1981), 94.

¹³⁴ Marx, *Economic and Philosophic Manuscripts of 1844*, in *The Collected Works of Karl Marx and Frederick Engels*, 50 vols., vol. 3 (New York: International Publishers, 1975), 304.

social product, for in order to take gratification in a many-sided way, he must be capable of many pleasures, hence cultured to a high degree—is likewise a condition of production founded on capital.¹³⁵

There is the suggestion in Marx's writing that inauthentic needs are those specific to a given historical epoch (those whose form fails to manifest in every epoch), but this is a feeble attempt to draw the necessary distinction. First, it would mean that we would only know which needs were inauthentic once socialism had undermined their material basis, and they had disappeared. This is problematic since it undercuts our ability to make any judgment, but it is not necessarily fatal. Sometimes it is only possible to see clearly in hindsight. Second—this is more problematic—distinguishing authentic from inauthentic needs based on whether they manifest in every epoch cuts against Marx's claim that human nature undergoes real change in history. If legitimate needs are those that manifest in some form in every epoch, then while the material objects that satisfy human needs may change form, human needs themselves do not really change from one era to another. This solution cuts against Marx's endorsement of cultural innovation as the progressive and more complete realization of human nature by implying that any development that actually generates a truly novel need has generated an "inauthentic" or "false need." It is entirely possible Marx himself recognized this response was insufficient, since he struck the material containing this distinction from the final published text.¹³⁶

In the final analysis, as Patricia Springborg notes, "Since socialism is a regime based on the satisfaction of genuine needs, Marx has to establish some criteria to

¹³⁵ *Grundrisse*, in *The Collected Works of Karl Marx and Frederick Engels*, 50 vols., vol. 28 (New York: International Publishers, 1975), 336; as translated and quoted in Springborg, "Marx on Human and Inhuman Needs," 102.

¹³⁶ Springborg, "Marx on Human and Inhuman Needs," 103-105.

differentiate needs other than simply what historical determination has produced.”¹³⁷

Marx’s philosophy of need and human nature in his later writings is inadequate for this task. In his later writings, needs *are determined historically* in response to the contingent developments of technology and praxis, and they must be “open to history to determine, because the proliferation of tomorrow’s needs, unforeseen today, constitutes the motor of progress.”¹³⁸ Marx’s theory of history implies that human need, and hence human nature, is a contingent product of history, changing with and determined by the given stage of historical development. In this case, unlike the understanding of human nature articulated in the early writings, there will be no grounds for distinguishing between authentic and inauthentic needs, and so on this view, human nature and its needs will not be capable of serving as a standard for the evaluation of the mode of social production because human needs will themselves be the product of the given mode of social production.¹³⁹

Just as with Hume’s conception of human nature, on Marx’s view, human needs are explanatorily relevant as the drivers of technological and historical progress, but they are not normatively relevant for making ethical judgments for or against a given form of social organization. There are, therefore, no reasons related to human nature that we can appeal to in order to make sense of the thought that capitalism creates “false needs” and socialism satisfies “true needs;” nor is there any basis for the value judgment implicit in such a claim. To the extent that Marx leaves human needs and, hence, human nature open

¹³⁷ Springborg, “Marx on Human and Inhuman Needs,” 104.

¹³⁸ *Ibid.*, 109.

¹³⁹ The problem for Marx, as I understand it, comes primarily from the commitment to the empirical conception of nature and not from the historicism. Karsten Struhl offers a compelling account of how Marx’s historicist conception of human nature could be reconciled with an account of human needs that are not simply determined by contingent forces of history. In the terminology employed here, Struhl is offering a historicist *and* teleological conception of human nature. See Struhl, “Socialism and Human Nature.”

to historical determination, he must give up his critique of capitalism for failing to meet human needs.¹⁴⁰

If human needs are to function as a normative category sufficient to ground Marx's ideal of social justice and subsequent critique of capitalism, Marx must embrace a conception of nature in general which is teleological as opposed to empirical. His emancipatory critique of capitalism depends on the assumption that human needs are not for whatever history has happened to produce, but rather that there are authentic and inauthentic needs and that authentic human needs in any age are for human freedom. On this view, needs constitute the ontological conditions of human fulfillment. Only on this basis can Marx say that capitalism ought to be overthrown by socialism because it is exploitative and that only socialism can create the conditions necessary for human emancipation, allowing as it does the free exercise of the totality of human potential. According to this latter reading, the normative justification and the moral superiority of socialism is grounded in the account of human flourishing, the details of which are elaborated by his conception of human beings as beings of praxis.

To summarize: Marx's capacity to distinguish legitimate (or authentic or true) needs from illegitimate (or inauthentic or false) needs is crucial to his moral critique of capitalism and to his ability to give substance to the ideal of social justice expressed in the socialist motto, "From each according to his ability, to each according to his needs."¹⁴¹ The practical implementation of this vision of social justice depends on a

¹⁴⁰ Another option that would seem to be available to Marx would be to ground his moral critique in a grand historical teleology (of the likes of Hegel) according to which historical change is interpreted as necessarily progressive, given the directionality of history.

¹⁴¹ Marx, *The German Ideology*, 537.

normative conception of needs, and by implication, a normative conception of human nature, given that Marx sees human needs as the essential expression of human nature.

To the extent that human needs and human nature are represented as empirically and contingently determined in history—that is, to the extent that Marx embraces an empirical conception of nature in general as defined in the previous discussion of Hume—human nature will fail to provide an adequate normative resource for Marx’s critique of capitalism. If human needs are determined in each era by the given social mode of production, then it is difficult to say that the needs produced in us by the capitalist system are inauthentic, illegitimate, or false in the way Marx’s earliest critique of capitalism implies.

5. Conclusion

By way of conclusion, what can we say about the way the differing general concepts of nature exemplified here in the thought of Aristotle, Hume, and Marx function to inform each figure’s thinking in ethics?

Nature has two distinct roles in Aristotle, and it functions in two distinct ways in ethical argument. As mere nature, it functions as a limit and a constraint on rational action. It also functions as the potentials we are given to work with that we can develop and cultivate through moral and other forms of education. As nature proper, nature functions as an ideal of ethical development. It is an explicitly normative notion insofar as it discriminates between correct and incorrect ways of cultivating the capacities and potentials provided by mere nature.

Hume's moral philosophy has a strikingly different focus from that which we saw in Aristotle. Whereas in Aristotle, the focus is on the nature of the human end, and the argument is that virtue constitutes the substance of that end, in Hume the focus is on explaining the origins of virtue as well as how we discriminate between virtue and vice in our moral judgments. Hume argues that through the operations of sympathy, human nature is the causal origin of our ideas of virtue and vice, and it is on the basis of the principles of human nature that the sentiments of virtue and vice are felt, particularly on the basis of our sympathy with others that we form our moral judgments. So whereas Aristotle was primarily concerned with what we are aiming at in life, Hume is primarily concerned with the efficient causes of our action—with the motivating “springs” of our actions and the “principles” in the sense of efficient causes of our actions and, consequently, our moral judgments.

For Hume, nature functions as the “ground” of morality in the sense that the original principles of our constitution function as the efficient causes of our moral sentiments. Hume thinks that if we are interested in understanding the moral life, we must necessarily take an interest in human nature, since ultimately any legitimate explanation will need to identify the source of our behavior or judgment in an empirically discernible principle of human nature. Hume appeals to the principle of sympathy exercised out of the general point of view to give a normative account of moral judgment. According to Hume, trustworthy moral judgments will reflect how all those affected by an action or character would regard it when judging from an impartial ‘general point of view.’ If useful and agreeable from this impartial general point of view, then the act or character will be deemed ‘virtuous,’ but if painful and disagreeable, then ‘vicious.’ While the

general point of view appears to provide a way for avoiding controversial assumptions about the proper ends of human life (and hence a teleological conception of human nature), I have argued that judgments from the general point of view cannot avoid some such assumptions. The impartiality that characterizes the general point of view requires that we have some sense of what weight to give to the various sentiments to be considered. And Hume can only disregard the sentiments of those who judge the monkish virtues useful, and thereby arrive at the judgment that the monkish virtues are in fact vices by taking a stand on the question of the human end. The monkish virtues are useful, but only for ends that Hume believes to be completely spurious. Hume's pronouncement against the monkish virtues suggests either that he failed to judge from the general point of view (which is why he failed to take into account the sentiments of those who judge the monkish virtues useful), or that in order to judge from the general point of view in cases where the sentiments are not all unanimous, we must know how to weigh conflicting sentiments. In the latter case, giving due consideration would entail a judgment about which sentiments reflect the legitimate interests of the parties involved, and I have argued that distinguishing between the legitimate and illegitimate interests of the parties depends upon a teleological conception of human nature.

In Marx's early humanist writings, we find a teleological concept of nature in general underlying Marx's claims about human flourishing. In the *Manuscripts of 1844*, Marx condemns capitalism as alienating. Human beings should find fulfillment in labor as they creatively work to meet their own needs and the needs of those around them, but capitalism transforms labor into a purely instrumental means to a wage workers must have in order to survive. As people then experience it, wage-labor becomes an alien force

in human life, and we actively seek to avoid it whenever possible, because it is felt as forced labor.¹⁴² Labor should be the realization of human freedom exercised in the satisfaction of a full range of human needs, leading to human flourishing. But wage-labor is represented by Marx as an external force interfering with the full flowering of the human potential for the free exercise of our conscious, creative, and social productive capacities.

In both early and late writings, Marx identifies human needs as an essential expression of human nature (inseparable from the labor that meets those needs). In the early writings, human needs are clearly depicted as being for that which contributes to human flourishing, but as Marx develops his theory of history, development of the social forces of production is propelled from stage to stage by felt need expressed as a demand for ever more sophisticated satisfactions. The drive to satisfy our needs creates in us new needs for the means of production necessary to meet these needs. Positing human needs as both the engine and product of historical change renders human nature a contingent product of the social forces of production. But if human needs are for whatever the current mode of social production has determined, then Marx cannot criticize capitalism for failing to meet the human need for free, conscious, social, and productive activity. Under capitalism, human beings have no such need, since human needs are for whatever capitalism has brought us to feel as a need: if we happen to be workers, then our need will be for a wage; if we are capitalists, then our need will be for the growth of capital. Marx predicts that the forces of capitalism will, as a matter of fact, lead to the implosion of capitalism as the masses are eventually deprived to the point where revolution becomes inevitable, but Marx's purely descriptive explanation of human nature in terms

¹⁴² Marx, *Economic and Philosophic Manuscripts*, 274.

of felt needs leaves him unable to criticize capitalism for failing to meet the needs of human beings, since human needs and human nature are determined by the forces of the now-current social mode of production. Marx's moral critique of capitalism requires the support of a teleological conception of human nature that holds that human nature is realized in free, conscious, social, productive activity. Our true needs are for those things (and, derivatively, for institutions like socialism) that will enable us to realize this end. Because in his later works he abandons this account of human nature for one constituted by the social forces of production themselves, Marx loses the grounds needed to criticize capitalism for its failure to meet human needs.

Whereas Hume describes human nature as the efficient-causal source of our moral sentiments, the later Marx provides an account of the efficient-causal forces that shape human nature. In both cases, the conception of nature in general is an empirical one, which prevents either one from drawing conclusions about how human life should be in contrast to how it is on the basis of considerations about our nature.

This analysis suggests that judgments about human nature that are relevant from the point of view of informing our normative judgments about human flourishing are going to take a distinctive form—what I've called here a teleological form—because they characteristically involve drawing a distinction between ends, character traits, or needs that constitute a fulfillment of human nature and those that do not.

In the course of her discussion of the appeal to nature in ancient ethics, Julia Annas makes the following observations about the appeal to nature proper as the goal or end of human development. These observations would apply equally well to what I'm calling a "teleological" view of nature in general:

It is obvious that this . . . use of nature presupposes two things. One is that we can in fact distinguish between the thing's or person's nature and outside influences that count as interferences with that nature. Plainly we cannot do this just by looking at what actually happens; everything a person does is a product of *some* combination of factors. We need to distinguish between what the person naturally does and what is done to him by way of interference. The second assumption is that we can distinguish between what forms an expression of a person's nature and what forms a corruption of it—between a natural and *unnatural* development

We can see at once that the notion of nature in this . . . sense is not a neutral, 'brute' fact; it is strongly normative. . . . For ancient ethics, the facts in question are neither simple nor obtainable by a quick glance; they are facts which take some finding and the discovery of which involves making evaluative distinctions.¹⁴³

A teleological conception of nature in general will, then, be strongly normative because it is based on a set of evaluative judgments about proper ends of development, in light of which some factors in that development could count as "interference" or "corruption."

In this chapter, I've argued that the kinds of claims about human nature that are normatively significant for a theory of flourishing will be "teleological" in form as opposed to "empirical." A teleological conception of human nature is formed by drawing distinctions between proper and improper ends, needs, or desires. As such, it offers an account of ends, needs, or desires that constitute a fulfillment or realization of our nature and distinguishes these from those that do not. By purging assumptions about which ends, needs, or desires contribute to the proper development and or fulfillment of human life, an empirical conception of nature in general eliminates the perspective necessary for supporting judgments about flourishing.

This argument is significant because (as we saw in the discussion of Louise Antony) this is not commonly recognized. Antony (along with many others) assumes that

¹⁴³ Annas, *The Morality of Happiness*, 137.

the kind of claim about nature that would be relevant to “grounding” ethical claims would be based on a view of nature in general that is “empirical” (like Hume’s). I have argued that this view is mistaken, because if we insist on the “empirical” view of nature in general, we’ll get the conclusion that Antony arrives at, which is that a theory of human nature is of little relevance for an ethic of flourishing.

As I previously acknowledged, the effect of embracing a teleological conception of human nature is that the appeal to human nature cannot plausibly be construed as an appeal to an uncontroversial fact or set of facts about which persons are likely to be agreed. While teleological conceptions of human nature articulate reasons in support of the theory of flourishing—as has been shown in detail in this chapter through the extended examination of the ethics of Aristotle, Hume, and Marx—they do not give uncontroversial reasons. But they are reasons that make sense of the account of flourishing and articulate what makes living like *this* good for us.

As I acknowledged in chapter one, it would, in principle, be possible to develop an ethic of flourishing that jettisons (or greatly diminishes) its dependence on a theory of human nature. While this is a possibility that deserves to be taken seriously—which I do in chapter five—I believe an articulate conception of human nature is a significant normative resource in a flourishing-based ethical framework. While I am not confident that giving a theoretical conception of human nature a central role in an ethics of flourishing will play a significant role in settling moral disagreements, I believe that articulating the conception of human nature that a theory of flourishing depends upon can make it clear where (at least some of) our deepest ethical disagreements reside.

Distinguishing between the possible ends of human life and arguing that some are fulfillments of our nature while others are distortions, stuntings, or maladaptations to nonideal environments is indispensable to a perspective that would maintain that we have natures which are well realized in some ways and not in others. It is this kind of claim that feminists need to be able to substantiate if they are to offer moral criticism in light of a standard of flourishing.¹⁴⁴ There is a pressing need to distinguish those developments, practices, rules, and norms that are a response to legitimate human needs and appropriately supportive of human capabilities and potentials from those practices, rules, and norms that do not serve legitimate human needs or which stifle or stunt potentials that are important for leading an unfrustrated and fulfilling life. Louise Antony hits on this aspect of the significance of an account of human nature for feminist moral philosophy when she asserts that

[some] conception of human flourishing, *grounded in assumptions about a shared set of capacities*, in fact lies behind feminism's protest against the treatment of women. . . . I take it to be feminism's position that women under patriarchy are systematically *dehumanized*—treated in way that prevent or impede the full development of their *human* capacities. Without a nonarbitrary background notion of human flourishing, the notion of damage makes no sense.¹⁴⁵

Our legitimate needs can be explained by pointing to those realizations of human life that are genuine fulfillments and forms of flourishing and distinguishing those from forms of life which are pseudo-satisfactions, or that distort or stunt our potential for a fully human form of flourishing.

Some feminists have characterized the central thrust of feminist criticism in a different light. Rather than characterizing feminist objections to patriarchy as a system

¹⁴⁴ Cf. *The Morality of Happiness*, 139.

¹⁴⁵ Antony, " 'Human Nature' and Its Role in Feminist Theory," 85. Emphasis mine

that stunts or distorts the capacity of women to flourish, they see feminism as bringing attention to the covert exercise of power in human life, particularly the exercise of power through the gender system.¹⁴⁶ Understood in this way, feminist ethics makes central relations of power and questions authority in the use of that power. Illegitimate power often rests on the use of coercive force, but the claim that a given phenomenon in human life is (despite appearances) merely a product of force implicitly assumes a contrast with what would come about absent the use of force, that is, “naturally.” Thus, distinguishing between natural and forced behavior may be an important, even indispensable, critical tool for feminist ethics whether feminism is understood as a defense of women’s full and equal claim to human flourishing or as a movement to reveal the illicit exercises of power in human life that operate via the gender system.

Being clear about the evaluative status of the conception of human nature that is needed for an ethic of flourishing may also go some way toward assuaging feminist concerns about moral theories that invoke a robust account of human nature. Flourishing-based ethics need a teleological theory of human nature. An empirical conception of human nature will not be able to play the role that a flourishing-based ethic requires. Being transparent about the status of the appeal to human nature means we eliminate one perpetual source of skepticism that comes from smuggling in evaluative premises under the guise of uncontroversial description. Recognizing that such evaluative distinctions are in play is a step toward making responsible use of theoretical representations of human nature in ethical argument.

¹⁴⁶ Margaret Urban Walker, “Seeing Power in Morality: a Proposal for Feminist Naturalism in Ethics,” in *Feminists Doing Ethics*, ed. Peggy DesAutels and Joanne Waugh (Lanham, MD: Rowman and Littlefield, 2001); Catharine MacKinnon, *Feminism Unmodified: Discourse on Life and Law* (Cambridge, MA: Harvard University Press, 1987), 147; Hilde Lindemann, *An Invitation to Feminist Ethics* (New York: McGraw Hill, 2006), 11.

In the following two chapters, I explore the strengths and weaknesses of two contemporary ethics of flourishing in light of the argument given here that a flourishing-based ethic needs a teleological (as opposed to empirical) conception of human nature. First, I consider the flourishing-based virtue ethics of Rosalind Hursthouse, followed by the human capabilities approach advanced by Martha Nussbaum. I argue that in appealing to a teleological conception of human nature, Hursthouse gives human nature the right methodological role in the ethic of flourishing she articulates. However, for feminist purposes, the substantive conception of human nature she endorses is not sufficiently robust to draw necessary evaluative distinctions between feminist and patriarchal understandings of the virtues. In contrast, through the capabilities list, Nussbaum articulates a substantive conception of human nature robust enough to support and make sense of the liberal, feminist vision of human flourishing she advances. However, Nussbaum wavers between an empirical and teleological concept of nature in general. At times, Nussbaum claims an epistemological status for the capabilities list that implies that it is an uncontroversial, quasi-empirical finding regarding what people universally agree to be valuable for human life. At other times, Nussbaum acknowledges that the capabilities list expresses an evaluative judgment about what full human development requires. As I have argued in this chapter, an ethic of flourishing needs a teleological rather than empirical concept of nature in general, in order to be adequately normative. In this way, I argue that both of these ethics of flourishing need to be modified—though in different respects—if they are to serve as the basis of a feminist ethic of flourishing.

CHAPTER 3

ROSALIND HURSTHOUSE'S EUDAIMONIST VIRTUE ETHICS AND THE PROBLEM OF THE BENEVOLENT PATRIARCH

Everyone who is taking the ethical naturalist line takes it as obvious that they are not pretending to derive ethical evaluations of human beings from an ethically neutral human biology, but are already thinking about human beings in an ethically structured way.¹

1. Introduction

The previous chapter argued that in respect to its conception of nature in general, any conception of human nature with normative significance for a flourishing-based ethical theory will need to be teleological in form. The ends marked out by a teleological conception of nature in general—whatever the substantive content of that conception may be—serve to distinguish in at least a minimal way between legitimate and illegitimate interests, desires, and needs. As I argued in the case of both Hume and the later Marx, in the absence of such a distinction, their conception of human nature is incapable of accounting for the distinction they need to be able to draw between legitimate and illegitimate interests, desires, or needs of individuals.

In this chapter, I turn to a contemporary flourishing-based ethic I believe satisfies this basic requirement that a flourishing-based ethic must employ a teleological conception of nature in general. Rosalind Hursthouse has developed a flourishing-based virtue ethic that aims to account for the virtues as states of character that reliably promote human flourishing. The framework of natural normativity she appeals to presupposes a form of biological teleology as operative in all living organisms, and the conception of

¹ Rosalind Hursthouse, "Human Nature and Aristotelian Virtue Ethics," *Royal Institute of Philosophy Supplement* 70 (2012): 174.

flourishing she employs is grounded “naturalistically” by appeal to that which is necessary for human beings to successfully pursue and realize the ends characteristic of our species-specific form of life. While Hursthouse has maintained that the ends associated with this account are epistemologically well-supported by the biological sciences, the full picture of the end internal to human nature that is required by this account is, I believe, more complex. The full picture entails an interpretation of human life that goes beyond what the natural sciences can license. In this chapter, I argue that Hursthouse requires the conceptual resources of a more “liberal” account of human nature, by which I mean an account that is not restricted by what the biological sciences can strictly license. I argue that feminists interested in the resources of Hursthouse’s general approach will require something yet more “liberal” if they hope to give a coherent feminist account of flourishing and the virtues constitutive of such flourishing. While I believe that the methodological role Hursthouse assigns to a theoretical conception of human nature in the context of a flourishing-based ethic is correct, Hursthouse’s substantive conception of human nature is not sufficiently robust to account for core feminist commitments as my discussion of Marilyn Friedman’s “Benevolent Patriarch” brings out.

I begin section two with a brief discussion of a challenge to any form of feminist eudaimonism posed by Marilyn Friedman. Showing the degree to which Hursthouse’s moral philosophy can provide resources to meet this challenge will, I believe, vividly illuminate the strengths and limitations of Hursthouse’s neo-Aristotelian eudaimonism. After laying out Friedman’s challenge, section three is devoted to exposition of the details of Hursthouse’s project and is organized by the three theses she calls “Plato’s

Requirements on the Virtues,” but I give special attention in section three to the conceptual background for this project in the work of Philippa Foot, whose ideas about the grammar of the word ‘good’ led her to the notion of natural normativity. In section four, I develop an analysis of the concept of human nature found in Hursthouse in terms of its role and function in the theory, making explicit what the theoretical place of the appeal to human nature is in this kind of theory and reviewing some of the points Hursthouse has made often enough about what the appeal to human nature is *not* intended to do. The theoretical role of human nature in the context of this unique form of eudaimonism is shown to be quite different than it is often assumed to be. This theoretical account of human nature is an ethically informed account, the upshot of which is that this account of human nature cannot be justified strictly on the basis of the biological sciences, and Hursthouse ultimately needs (and does, in fact, rely on) a conception of human nature that is more robust than it first appears. In section five, I argue that a minimally feminist eudaimonism would likewise require the resources of a more robust (and hence more controversial) conception of human nature to account for core feminist convictions about the virtues such as, for example, that patriarchal benevolence (the putative virtue of Friedman’s Benevolent Patriarch) is not a genuine virtue. As it stands, a feminist eudaimonist equipped with the theoretical framework Hursthouse provides would be incapable of defending such a conclusion, but the kind of modifications necessary to defend this conclusion are, I believe, fairly clear and the exercise demonstrates how a theoretical conception of human nature can serve as a resource for a feminist flourishing-based ethic.

2. Marilyn Friedman's Benevolent Patriarch and the Challenge for Feminist Eudaimonism

Marilyn Friedman argues that eudaimonist moral theory cannot advance the goals of feminism because the feminist eudaimonist will be committed to an untenable and implausible conjunction of premises.² The eudaimonist unites reflection on the good life to philosophical argument that moral virtue is necessarily a defining feature of any truly good life. According to Philippa Foot, the eudaimonist "suggestion is, then, that humanity's good can be thought of as happiness, and yet in such a way that combining it with wickedness is a priori ruled out."³ For feminists interested in utilizing a eudaimonist perspective, the challenge is to show how visions of success and happiness that passively accept or actively entail oppression and domination are misguided or false conceptions of happiness, because true happiness requires moral goodness.

However, Friedman maintains that the feminist eudaimonist will (by virtue of her feminism) be committed, first, to the supposition that the domination and oppression of women by men is morally vicious and, second (by virtue of her eudaimonism), to the thesis that "men who dominate or oppress women cannot flourish or be happy."⁴

However, as a counter-example to this thesis, Friedman presents us with the case of the Benevolent Patriarch. The Benevolent Patriarch is a

devoted family patriarch, a man who believes that men should be the heads of families because they are superior to women in such capacities as leadership and decision-making, and perhaps also because male leadership is required by religious norms. The benevolent patriarch does not love the women in his life as social equals to himself. However, he may harbor no

² Friedman represents her argument as an argument against virtue ethics (the title of the essay is "Feminist Virtue Ethics, Happiness, and Moral Luck"), but her objections only apply to eudaimonist forms of virtue ethics, and the problems stem not from theoretical reliance on virtues, but from the uniquely eudaimonist commitments. Thus, Friedman's arguments present problems for eudaimonism, not virtue ethics. In my presentation of her arguments, I have taken the liberty to represent her arguments as such.

³ Philippa Foot, *Natural Goodness* (Oxford: Clarendon Press, 2001), 96.

⁴ Marilyn Friedman, "Feminist Virtue Ethics, Happiness, and Moral Luck," *Hypatia* 24, no. 1 (2009): 33.

hostility toward them and may sincerely love them in the same way that any adult might love a young child who is dependent on his or her protection and guidance. For the patriarch, women are like children who will never fully grow up and who therefore require lifelong protection and guidance.⁵

Friedman does not say so, but we can even imagine the benevolent patriarch having a robust conception of women's dignity *as women*, that leads him to condemn practices and attitudes that he identifies as degrading or disrespectful to women. What he does not possess is a conception of women's dignity as a function of their equality. Women, for him, possess a form of dignity strongly colored by norms of gender and only fully realized in and through forms of gender-based subordination.

Friedman further argues there is no reason to believe the eudaimonist feminist's claim that, because he possesses a significant vice, the Benevolent Patriarch cannot be happy.

I believe the benevolent patriarch can plausibly flourish and be happy about his life overall despite his mistaken and derogatory beliefs about women. He can still flourish in today's world because he will probably not have much trouble finding a woman who is willing to be a full-time wife for him and who may do an excellent job as the full-time mother of their children. This man will probably be relieved of the burden of a two-career household, in which case he will be able to devote himself to success at work, thereby gaining sufficient income to ensure for his family a safe neighborhood to live in, good schools to attend, and all the other familiar middle-class privileges that will give his children (his sons, at any rate) an advantageous start in life. He may also have time to participate in the public life of his community, perhaps by running for office on the local school board.⁶

Friedman argues that the Benevolent Patriarch is quite likely to be personally successful and lead a happy life as gauged by common indicators of material success and personal satisfaction. All of this seems plausible enough. Friedman presents this

⁵ Friedman, "Feminist Virtue Ethics," 36.

⁶ Ibid.

argument not against any eudaimonist in particular, but rather against what she thinks any eudaimonist—by virtue of her commitment to the necessity of virtue thesis and her moral opposition to patriarchy in any form—must say in order to sustain her position.⁷ This raises an interesting question: can a feminist eudaimonist equipped with the conceptual framework articulated by Hursthouse rebut this charge? Alternatively, is Friedman right to think the eudaimonist cannot reject the possibility that the Benevolent Patriarch is primed to lead a happy, successful life? After a discussion of Hursthouse's unique form of eudaimonist moral philosophy, I return to this question in section five.

3. Contemporary Eudaimonism: Rosalind Hursthouse's Neo-Aristotelian Ethical Naturalism

In *On Virtue Ethics*, Rosalind Hursthouse defends a Neo-Aristotelian, flourishing-based virtue ethic.⁸ As I said in the introductory chapter, it is not clear that all “flourishing-based” ethics can or should be identified as “eudaimonistic,” but Hursthouse's arguably can for she commits herself to one of the central tenets of the ancient eudaimonists: the virtues benefit their possessor.⁹ Hursthouse argues that the virtues are character traits a human being needs for *eudaimonia*. To say this means that:

- 1) The virtues benefit their possessor. (They enable her to flourish, to be, and live a life that is, *eudaimon*.)

⁷ Friedman, "Feminist Virtue Ethics," 39 fn1.

⁸ Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999).

⁹ The claim that the virtues benefit their possessor has two classical formulations: one stronger, one weaker. The stronger formulation (advocated by Plato and the Stoics) says that the virtues benefit their possessor in being sufficient for *eudaimonia*. The virtuous person cannot fail to be *eudaimon*. The weaker formulation (advocated by Aristotle and his followers) says that the virtues benefit their possessor in that they are necessary for *eudaimonia*. No one can be *eudaimon* without the virtues, although they may also need other sorts of goods in addition to virtue. As I discuss below, Hursthouse endorses a eudaimonism that relates the virtues to flourishing in a way that defies the classical categories. According to Hursthouse, the virtues are neither necessary nor sufficient for flourishing.

- 2) The virtues make their possessor a good human being. (Human beings need the virtues in order to live well, to flourish *as* human beings, to live a characteristically good, *eudaimon*, human life.)
- 3) The above two features of the virtues are interrelated.¹⁰

Hursthouse develops these three theses, which she dubs “Plato’s requirements on the virtues,” to provide a framework within which a rational vindication of the virtues is possible: those character traits are genuine virtues that benefit their possessor and make her good *qua* human being. Hursthouse’s defense of the general claim that “the virtues are character traits that a human being needs for *eudaimonia*” is built up out of the argument for each of these sub-theses. Hence, it is worth pausing to review the arguments given in support of each of these claims.

3.1 “The Virtues Benefit Their Possessor”

Hursthouse offers a quite general, intuitive argument for the claim that the virtues benefit their possessor. Philosophers have often enough rejected as untenable the claim that developing the virtues is in each person’s best interest. A common argument against the thesis involves a thought experiment in which one tries to imagine successfully convincing whatever character one imagines to have a full range of vices—the gangster, drug baron, autocratic strongman, or Cruella de Vil-type¹¹—that, lacking the virtues, they cannot live truly happy lives. The consensus is that such an attempt would fail to convince the moral skeptic or truly wicked person that they are not truly happy, but since

¹⁰ Hursthouse, *On Virtue Ethics*, 167.

¹¹ Cruella de Vil is the villain of the novel *The Hundred and One Dalmatians*, later made popular by the Disney animated film adaptation, *101 Dalmatians*. The story centers on Cruella’s devilish designs for making a fur coat out of Pongo’s and Missis’s beloved litter of Dalmatian puppies. Dodie Smith, *The Hundred and One Dalmatians* (New York: The Viking Press, 1956).

these people generally believe themselves to be happy, and they evidently lack the virtues, the thesis is taken to be false.

In contrast to this approach, and following R.M. Hare, Hursthouse recommends looking at the debate from a different angle. Admitting we are unlikely to be able to convince the moral skeptic or thoroughly wicked character that the virtues are in their interest, she argues that, nevertheless, it is striking and significant that those we call “good parents”—those who really want the best for their children—give their children a moral education that encourages and attempts to nurture the virtues rather than their opposites. Though they may not be able to guarantee that the virtues will bring true happiness and success in life, if we look at what they do in the course of raising their children, few parents seem to believe that the virtues are irrelevant or that cultivating the vices will be just as good a bet if they want their children to live good and successful lives.¹² Prima facie, the way good parents typically try to raise their children suggests a widespread conviction that the virtues (on the whole) benefit their possessor, making their possessor fit to succeed and capable of dealing with the most predictable of life’s challenges. This suggests that people generally believe the virtues are necessary for a truly good life.

Despite this, Hursthouse maintains that the virtues are neither necessary nor sufficient for *eudaimonia*. Rather, she regards the virtues as our ‘best bet’ when it comes to dealing with the realities of human life and the vicissitudes of human fortune. In line with the ancient eudaimonists, Hursthouse maintains that “A virtue is a character trait a human being needs for *eudaimonia*, to flourish or live well,” but she interprets this claim as parallel to one’s doctor’s advice that if you want to preserve your health, you should

¹² Hursthouse, *On Virtue Ethics*, 174-176.

quit smoking and drink only in moderation.¹³ There is no guarantee that following the doctor's orders will bring one glowingly into old age. The doctor's advice is no foolproof assurance, but this is the only reliable bet. "The claim is that they are the only reliable bet—even though, it is agreed, I might be unlucky and, precisely because of my virtues, wind up dying early or with my life marred or ruined."¹⁴ While such tragedy can befall the virtuous, Hursthouse also thinks that it is quite possible that, on the other side, the vicious will just get lucky and, even without virtue, "flourish like the green bay tree." Thus, Hursthouse interprets the claim that "the virtues benefit their possessor" as the claim that the virtues are our most reliable bet for leading a successful and happy life. In any case, they are certainly more reliable than the life of vice, which "clearly carries its own risks."¹⁵

Hursthouse's argument that the virtues benefit their possessor by being the most reliable bet for one who wants to live a good and successful—*eudaimon*—life is an intuitive one. I call this an "intuitive" argument because the key concept on which the argument turns is left unspecified. The argument works with a common sense, intuitive conception of 'benefit' and the idea that flourishing is a benefit to the agent. The argument at this stage does not depend on any clarifications regarding the nature of "true benefit" or dislodging any misguided ideas a person might have about what will benefit and what will harm. This argument operates within the realm of common sense, even while it undermines a common line of philosophical argument by asking us to bring the assumptions we accept in the practical sphere of child-rearing into line with the assumptions we accept upon philosophical reflection.

¹³ Hursthouse, *On Virtue Ethics*, 167.

¹⁴ *Ibid.*, 172.

¹⁵ *Ibid.*, 174.

3.2 “The Virtues Make Their Possessor a Good Human Being”

The argument for the second thesis is more complex. It depends on a clarified conception of benefit arrived at through philosophical reflection. The claim that “a virtue is a character trait a human being needs for *eudaimonia*, to flourish or live well” is taken to imply not only that the virtues benefit their possessor (as explained above), but that “the virtues make their possessor a good human being.” At this stage in the argument, we begin to get a clarification and specification about the nature of the benefit that the virtues (most reliably) bring: the benefits of the virtues are benefits to us qua biological members of the human species. The argument for the second thesis introduces the unique form of naturalism to which Hursthouse is committed.

Following Philippa Foot, Hursthouse argues there is an important analogy between ethical evaluations of flourishing and biological evaluations of flourishing. In order to grasp the analogy, it helps to see how the evaluation of character traits—as virtues or vices—mirrors the evaluation of the biological aspects of ourselves. Character traits—understood as robust dispositions involving both reason and emotion—come to be understood as those aspects of ourselves that are appropriately subject to moral evaluation.

In order to argue for the second thesis, Hursthouse takes up a line of philosophical argument initially set out by Philippa Foot that aims to ground objective attributions of human moral goodness “naturalistically.” Ethical naturalism, broadly conceived, is the view that the claims of ethics about what one should do and be are ultimately justified by facts about human nature and the circumstances of human life. The variety of ethical

naturalism defended by Foot and Hursthouse conceives of human beings as part of a “natural, biological order of living things.”¹⁶ Ethical evaluation is made in light of what it is to be a good *human being*, i.e., a “flourishing” member of the human species, and ethical evaluations are understood in a way that makes them *structurally* identical to evaluations of other natural living things. This kind of ethical naturalism maintains that ethical evaluations are *analogous to* the evaluations of health and good function in plants and non-human animals.

Ethical naturalism of this sort has been developed most prominently by Elizabeth Anscombe, Philippa Foot, Michael Thompson, and Rosalind Hursthouse. The philosophical thesis common to these figures is that the conceptual use of species categories to identify living organisms implies a set of normative judgments that establish not only the bounds of species membership, but also standards for measuring well-being for particular members of the species. Thus, there is a kind of normativity within the natural world that is expressed in the norms of the form of life for the species, or in what is necessary for members of a given species to progress through the lifecycle in a species-typical fashion. Philippa Foot has called this “natural normativity.” Anscombe refers to these norms as “Aristotelian necessities,” while Thompson calls them “Aristotelian categoricals.”¹⁷

In his essay “The Representation of Life,” Michael Thompson articulates the conceptual and logical background of this perspective. He argues that our very ability to identify an individual *as an organism* of a certain species or *as engaged in certain life*

¹⁶ Hursthouse, *On Virtue Ethics*, 206.

¹⁷ Foot, *Natural Goodness*, 38; G. E. M. Anscombe, “On Promising and Its Justice, and Whether it Needs to be Respected in Foro Interno,” *Crítica: Revista Hispanoamericana de Filosofía*, 3 no. 7/8 (1969): 68ff; Michael Thompson, “The Representation of Life,” in *Virtues and Reasons*, ed. Rosalind Hursthouse, Gavin Lawrence, and Warren Quinn (Oxford: Clarendon Press, 2002): 267.

activities presupposes a set of normative judgments about the form of life (i.e., the ‘species’) of the organism.¹⁸ Thompson argues, “If a thing is alive, if it is an *organism*, then some particular vital operations and processes must go on in it from time to time—eating, budding out, breathing, walking, growing, thinking, photosynthesizing.”¹⁹ Yet our very ability to identify the life activities of the organism requires a prior identification of that which is characteristic of its form of life—the way(s) this kind of thing progresses through the life cycle—and this necessarily implicates a set of normative judgments with respect to the species, since what it is to be engaged in any one of those activities for any particular organism can only be identified in the wider context of its form of life.

John Hacker-Wright offers the very useful example of cellular division as a case in point. In a single-celled organism or bacteria, cell division is a form of reproduction, but in a multicellular organism, cell division is a form of organismic growth and maintenance. Cellular division is a different *kind* of activity in these different forms of life. What follows from this recognition is that “identifying an organism also involves taking a normative stance on what is going on in the organism. In situating the organism within the wider context of a form of life, we are situating the individual organism against a view of how creatures of that sort normally function.”²⁰ Hence, to look at any individual as a member of a species is to look at that individual from a normative perspective, according to the norms set by the form of life of which it is a member.²¹

¹⁸ The following interpretation of Thompson derives from John Hacker-Wright, who argues for this understanding of Thompson and offers a defense of Foot’s claims about natural normativity in light of it in John Hacker-Wright, “What Is Natural about Foot’s Ethical Naturalism?” *Ratio: An International Journal of Analytic Philosophy* 22, no. 3 (2009).

¹⁹ Thompson, “The Representation of Life,” 275; cited in John Hacker-Wright, “Human Nature, Personhood, Ethical Naturalism,” *Philosophy* 84 (2009): 311.

²⁰ Hacker-Wright, “Human Nature, Personhood, Ethical Naturalism,” 417.

²¹ Hursthouse acknowledges that species categories are “fuzzy” around the edges. To give an example, there may be times when it is not clear whether a given individual is a somewhat defective member of the

Facts about the organism's form of life constitute the basis of natural normativity. Whether one is a good (or conversely, defective) member of the species is determined by the way that members of the species characteristically pass through the various life stages. As such, the species norm sets standards for things such as development and behavior in the individual.

Foot argues that an analogous principle applies to the *ethical evaluation* of members of the human species. "To determine what is goodness and what defect of character, disposition and choice, we must consider what human good is, and how human beings live: in other words, what kind of a living thing a human being is."²² Of course, ethical evaluations do not pertain to physical growth and development, which are matters of health, but rather pertain to states and actions subject to choice and freedom, matters of human will. The analogy suggests that ethical evaluations have to do with those aspects of ourselves that are ethically relevant, which, from a virtue-theoretic standpoint, are the dispositions of character. Foot argues that we can evaluate good dispositions of character

species or a rather typical member of the dwarf sub-species. See Hursthouse, *On Virtue Ethics*, 203. Our judgments in these regards must be left subject to revision, and it is implausible to maintain that the distinction between species "announces itself to us" or is in some way self-evident. However, this neo-Aristotelian framework does, I think, depend on at least a moderate form of realism (the view that our best concepts *map* the intelligibility of the world, rather than *construct* it). If it could be shown that species/kind categories were nothing more than a function of human perspective or human interests, that would be a serious blow to this perspective. Hursthouse does not address the realist/anti-realist philosophical debate, but I think her answer to this question would be something akin to, "The biological sciences are our best attempt to understand the natural world of living organisms in a thorough and precise way, and the biological sciences employ species distinctions to do so. To the degree that the biological sciences give us an 'objective' account of the world, we have good reasons to consider species distinctions objective." However, she complicates this (hypothetical) response by conceding the following point: Hursthouse admits, "there is no unique way of dividing up the biological world and . . . different modes of classification are in part determined by different interests of ours." *On Virtue Ethics*, 202 fn15. It seems to me that our interests (e.g., our interest in understanding) can be part of what determines our modes of classification, but if our interests are all that guide the classification of living organisms by species, then Hursthouse cannot make the claim that "the truth of our evaluations of living things [which are ultimately based on species norms] does not depend in any way on my wants, interests, or values, nor indeed on 'ours'. They are, in the most straightforward sense of the term, 'objective'; indeed, given that botany, zoology, ethology, etc. are sciences, they are scientific." *On Virtue Ethics*, 202. (Emphasis mine.)

22 Foot, *Natural Goodness*, 51.

in the same way we evaluate good roots and good instincts in plants and animals: by whether and how they conduce to the characteristic flourishing of a member of that species. Whether a character trait is or is not a virtue, then, turns on its connection to the characteristic way human beings live and flourish.

Hursthouse adopts Foot's basic concept of natural normativity and with it the teleological perspective on living organisms. She also agrees with Foot that a good human being is one who exhibits those character traits necessary for flourishing as a human being. Furthermore, Hursthouse develops Foot's thesis by elaborating it in the terms of a systematic framework within which she aims to make the justification of individual virtues possible.²³ According to Hursthouse, a person counts as an *ethically* good human being insofar as the ethically relevant "aspects" of her constitution conduce to the characteristic ends of the human species and thereby enable her to flourish as a human being.

According to Hursthouse, we can identify in the natural world differing levels of complexity in living things, from plants to non-human animals to human beings. Amongst the most complex are social animals where Hursthouse argues that we find a confluence of four characteristic "aspects"—their (i) parts, (ii) operations, (iii) actions, and (iv) emotions and/or desires—conducing to four characteristic "ends": (1) individual survival, (2) continuance of the species, (3) characteristic enjoyments and freedom from pain, and (4) the good functioning of the social group.²⁴ The evaluation of any individual as a good member of its species turns on how well each of its species-characteristic

²³ This presentation emphasizes Hursthouse's intellectual debt to Foot, but their positions are not identical. Christopher Gowans's instructive essay details the points at which Hursthouse departs from Foot. Christopher W. Gowans, "Virtue and Nature," *Social Philosophy and Policy* 25, no. 1 (2008).

²⁴ Hursthouse, *On Virtue Ethics*, 200-201

aspects conduces to the achievement of its species-characteristic ends. In each case, Hursthouse emphasizes that how these ends are realized is as important as the achievement of the ends themselves. For example, not only must the actions of the individual conduce to the good functioning of the social group, but they must do so in a species-characteristic way. I will call this conceptual framework the “framework of natural normativity.”

She goes on to argue that something analogous is true for human beings as well, though when we arrive at the task of evaluating ourselves, Hursthouse maintains that we need to add a fifth “aspect” for evaluation, since we are not only social animals but also rational. Hence, human beings are subject to evaluation in light of a fifth aspect—(v) rationality—over and above the four we share with other social animals. The good functioning of human beings is categorically distinct from the good functioning of other highly intelligent social animals because our actions must contribute to the ends of our species in a “characteristically rational” way. Even though Hursthouse maintains that the *ends* characteristic of human flourishing are identical to those of other social animals, the *way* we pursue these ends is distinctive. A ‘characteristically rational’ way, Hursthouse specifies, is “any way which we can rightly see as good, as something we have reason to do.”²⁵ This means that the ultimate criterion for any character trait counting as a virtue is whether or not it contributes to the achievement of the specified ends of our species *and* does so in a way that we can see as a good way of achieving this end. Thus, the conception of practical rationality Hursthouse’s account requires is clearly substantive, as opposed to instrumental. What counts as “rational” (and, therefore, as potentially virtuous) will be more restricted than what is merely an effective way to realize the ends

²⁵ Hursthouse, *On Virtue Ethics*, 222, 232.

of our nature. Thus, the all-important question becomes ‘What ways can we legitimately see as good ways of pursuing these ends?’ I will return to this point in assessing the response to Friedman that seems available to Hursthouse.

In order to use the framework of natural normativity as a framework for understanding ethical evaluations, we need to separate out those aspects of ourselves—the parts, operations, actions, and reactions—which are merely physical (e.g., the dexterity of our hands and the regulation of our breathing and heart rate, our metabolic capacity and our reflexive reactions, and so forth). While these can certainly be crucial for human flourishing, evaluation of these things is a matter of health, not ethics. Moral evaluation—and the praise and blame that characteristically accompany it—presupposes the capacity for free choice made possible by our rationality.²⁶ Although this form of ethical naturalism attempts to connect our understanding of ethical evaluations to evaluations of good biological function by attending to the characteristic elements of human flourishing, it is important to emphasize that ethical evaluation remains distinct insofar as it is restricted to those aspects of ourselves that are in some meaningful sense “up to us.”²⁷ Ethical naturalists like Hursthouse are not attempting to reduce ethical evaluations to evaluations of good biological functioning as measured by physicians and veterinarians. What we are left with when we separate out those aspects of ourselves that

²⁶ John McDowell, “Two Sorts of Naturalism,” in *Mind, Value and Reality* (Cambridge, MA: Harvard University Press, 1998).

²⁷ There are, of course, some who deny that anything we do is “up to us” in the sense necessary to warrant the praise and blame, admiration and condemnation, characteristic of moral evaluation. See, for example, Ted Honderich, *How Free Are You?: The Determinism Problem* (Oxford: Oxford University Press, 1993); Saul Smilansky, *Free Will and Illusion* (Oxford: Clarendon Press, 2000); Galen Strawson, “The Impossibility of Moral Responsibility,” in *Free Will*, ed. Gary Watson (Oxford: Oxford University Press, 2003). The framework of natural normativity and this kind of ethical naturalism generally, presupposes (and does not, to my knowledge, argue for) a distinction between free and unfree choice and action. In presupposing that at least some of our choices and actions are made “freely” and that these are the ones susceptible to ethical evaluation, neo-Aristotelian ethical naturalisms are on par with other major meta-ethical theories.

are merely physical is notable. We have actions taken from reason; we have our emotions and desires (the ones that are not merely reactions to physical stimuli); and the (occasional) action taken because of those desires or emotions (the ones that are not merely physical).²⁸ These are all aspects of ourselves that enter into the exercise of the virtues as traditionally understood.

Character traits, as understood in the Aristotelian tradition, involve “a complex unity of one’s values, choices, desires, emotions, perceptions, interests, expectations, attitudes, sensibilities and actions” in a way that is deeply engrained and not subject to moment-by-moment voluntaristic changes.²⁹ A character trait typically involves a certain set of attitudes and emotions concerning a specific sphere of human concern.³⁰ However, in contrast to other kinds of personal traits or qualities, which can be fairly local in scope, a character trait is global in scope and shapes the agent’s actions and reactions in

²⁸ We would also seem to have the pure exercise of our reason, in ways practical and theoretical, and while we can fit practical reasoning into the realm of ethical evaluation as that is commonly understood, fitting theoretical reasoning into the scheme presents more difficulty. The exercise of theoretical reasoning is certainly something we can do well or poorly, but we do not typically think it makes us a good or bad human being, ethically speaking, and yet it is as free and “up to us” to do it well or poorly as anything else we do.

²⁹ Rosalind Hursthouse, “Virtue Ethics vs. Rule-Consequentialism: A Reply to Brad Hooker,” *Utilitas* 14, no. 1 (2002): 47. I recognize that the question of exactly how character traits ought to be characterized is debated. Character traits conceived of as emerging from “a complex unity of one’s values, choices, desires, emotions, perceptions, interests, expectations, attitudes, sensibilities and actions” are quite different from the reduced counterparts that often figure in other kinds of moral and psychological theories as thin dispositions to act in certain predictable ways. The characterization given here is the one endorsed by Hursthouse and by most other theorists working in the tradition of Aristotelian virtue ethics. Julia Annas details a number of ways in which the robust conception employed in the Aristotelian tradition (and in other ancient schools) can be reduced. “Virtue Ethics,” in *The Oxford Handbook of Ethical Theory*, ed. David Copp (Oxford: Oxford University Press, 2007), 528-532. To her list of ways that a character trait can be reduced, we can add that of situationist psychology, which reduces character traits from being dispositions that are global in scope to those that are quite specific and local. John Doris, “Persons, Situations, and Virtue Ethics,” *Nous* 32, no. 4 (1998); also *Lack of Character: Personality and Moral Behavior* (Cambridge: Cambridge University Press, 2002); and Gilbert Harman, “Moral Philosophy Meets Social Psychology: Virtue Ethics and the Fundamental Attribution Error,” *Proceedings of the Aristotelian Society* 99 (1999). See footnote 30 below for further discussion of situationism.

³⁰ Hursthouse, *On Virtue Ethics*, 10-12. For the argument that the virtues are sphere-bound character traits defined in part by their relationship to certain spheres of human life see Martha Nussbaum, “Non-relative Virtues: An Aristotelian Approach,” in *The Quality of Life*, ed. Martha C. Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993).

accordance with trait-characteristic reasons wherever the subject matter specific to the character trait comes into play.³¹

Furthermore, when we attribute a character trait as a virtue, we also attribute to the person the capacity to reason *well* about matters connected to that virtue, since each of “the virtues involves getting things right, for each involves *phronesis*, or practical wisdom, which is the ability to reason correctly about practical matters.”³² When we understand virtues as robust character traits, Hursthouse argues, the “concept of a virtue emerges as tailor-made to encapsulate a favourable evaluation of just those aspects which, according to the naturalism here outlined, are the ethically relevant ones.”³³

Thus, character traits emerge as the candidate “aspects” of ourselves that we properly look to when making *ethical* evaluations. Understood in light of the framework of natural normativity, if a character trait is a virtue (a good character trait), then it ought to conduce in a fairly regular sort of way to the ends of the human species, naturalistically understood: individual survival, continuance of the species, characteristic pleasures and freedom from pain, and the good functioning of the social group. When we look at the character traits we typically think of as virtues, does this seem to be the case? Hursthouse observes that “it has long been a commonplace that justice and fidelity to

³¹ Gilbert Harman “Moral Philosophy Meets Social Psychology: Virtue Ethics and the Fundamental Attribution Error;” and John Doris “Persons, Situations, and Virtue Ethics;” also Doris, *Lack of Character: Personality and Moral Behavior*, esp. chap. 4. Harman and Doris have argued that the evidence of social-psychological research suggests that character traits that are global in scope (as the virtues are supposed to be) do not exist. Human responses are predictably conditioned by the situation to which they are a response more than they are by our character trait. Rachana Kamtekar argues (compellingly) that the social-psychological research does not support the conclusion that global character traits do not exist. “Situationism and Virtue Ethics on the Content of Our Character,” *Ethics* 114 (2004). For more on the situationist debate, see also Nancy Snow, *Virtue as Social Intelligence: An Empirically Grounded Theory* (New York: Routledge, 2009); and Gopal Sreenivasan, “Errors about Errors: Virtue Theory and Trait Attribution,” *Mind* 111 (2002).

³² Hursthouse, *On Virtue Ethics*, 12.

³³ *Ibid.*, 208.

promises enable us to function *as* a social, cooperating group”³⁴ and that charity “directed to the young and helpless particularly serves the continuance of the species; directed more widely it serves the good functioning of the social group by fostering the individual survival, freedom from pain, and enjoyment of its members, and also by fostering its cohesion.”³⁵ Furthermore, without “honesty, generosity and loyalty we would miss out on one our greatest sources of characteristic enjoyment, namely loving relationships.”³⁶ Similar accounts can be given for courage and temperance.

Encouraged by the fact that we seem to be able to make sense of many of the virtues on the standard list by examining them in this light, Hursthouse concludes that we have good reason to think that the second of “Plato’s requirements on the virtues” is true: the virtues do make their possessor an *ethically good* human being, naturalistically understood, because they contribute to the species-characteristic ends of human life. Human beings seem to need the virtues in order to live well and to flourish *as* human beings, and to live characteristically good, *eudaimon*, human lives. The rational support for that claim is the argument provided by the framework of natural normativity that the virtues are character traits encapsulating just those aspects of ourselves—i.e., the ones that are rationally informed and subject to decision and choice—that are susceptible to distinctively moral evaluation. These aspects are “virtues” when they conduce in a characteristically rational way to the ends of a flourishing human being conceived in terms of individual survival, continuance of the species, characteristic pleasure and freedom from pain, and the good functioning of the social group.

³⁴ Hursthouse, *On Virtue Ethics*, 210.

³⁵ *Ibid.*, 209.

³⁶ *Ibid.*, 209.

As I noted at the outset of this section, this argument constitutes a clarification of the kind of benefit that the virtuous can expect to receive: the virtues benefit their possessor—the first thesis—but they benefit their possessor *qua* human being. The virtues bring about our flourishing *as human beings*—i.e., as members of a species with a species-specific form of life—and thereby make their possessors good human beings. This is how the first two features are inter-related, which is the third of “Plato’s requirements on the virtues.” The virtues benefit their possessor, but the benefit they bring makes their possessor a flourishing member of the human species.

3.3 “The First Two Theses Are Inter-Related” (Because Human Nature Is Harmonious)

That the first two theses are inter-related Hursthouse takes to imply not only what was explained above—that the benefit the virtues bring about is our flourishing as members of the human species—but also that the virtues can benefit us in this way because our nature is such that human flourishing is possible. While connecting the first two theses is important and clarifying the conception of benefit and relating human nature to a positive conception of flourishing is significant, it is Hursthouse’s conviction that we must presuppose a conception of human nature as harmonious that is most philosophically interesting and methodologically significant for revealing the role and function of human nature within this moral framework.

The third of “Plato’s requirements on the virtues” (which says that the first two theses are interrelated) is an essentially hermeneutic thesis. It requires that we interpret our nature—its aspects and ends—as (at least potentially) harmonious rather than as just “a mess,” the “ill-assorted *bricolage* of powers and instincts” that Bernard Williams

suggests may be our lot.³⁷ Looking at both the very general features of the human condition and the historical, evolutionary account of how human beings have come to be as they are, Williams has wondered whether anything like the kind of fulfillment imagined in the Aristotelian tradition is a plausible aim for human beings. The Aristotelian project presupposes that the essential requirements imposed by each of the fundamental human ends is compossible with the requirements imposed by each of the others, at least to the extent that making trade-offs to accommodate each of them is a reasonable and not a futile strategy. Consider, for example, one possible conflict between the ends of human flourishing as articulated by Hursthouse: the pleasure of the individual and the good functioning of the social group. One can imagine the case in which, given the circumstances of human life, one must be sacrificed to preserve the other. But if our flourishing depends *in a deep way* on both, then sacrificing either will represent not simply a *trade-off*, but rather a kind of *mutilation*—a sacrifice of something without which a good life cannot be lived.

Imagine, for example, that social conservatives are right when they argue that a functioning, stable society depends on the majority of that society's children being raised in stable two-parent families. In the absence of affordable and widely available birth control, this means society needs strong marriage relationships, low divorce rates, and low rates of reproduction outside of that context. But that, in turn, means placing heavy

³⁷ Bernard Williams, "Evolution, Ethics and the Representation Problem," in *Making Sense of Humanity* (Cambridge: Cambridge University Press, 1995), 109; "Replies," in *World, Mind, and Ethics*, ed. J.E.J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995), 199. Harmonious enough for flourishing to be possible *somehow*, at least some of the time. In saying that human nature is harmonious, I do not interpret Hursthouse as denying that real tensions can arise between the aspects and ends of our nature, or that these tensions will not sometimes require serious trade-offs. It seems clear that she would readily admit there are sometimes serious trade-offs that must be made between the ends of human life and the possible and desirable ways of achieving them in order to respect the essential requirements of the others. On tragic dilemmas, see Hursthouse, *On Virtue Ethics*, 63ff. Human nature could pretty clearly—in my mind, at least—be more harmonious than it is.

strictures on the ways people in that society express themselves sexually and pursue sexual pleasure. If the needs of a well-functioning and stable social group are compatible with the characteristic human pursuit of sexual pleasure, then the trade-off in terms of limiting the boundaries and the context under which such pleasure can legitimately be pursued may be reasonable. But if the strictures and taboos required to achieve this are not mere limitation, but rather are a repression of something essential, then the limits represent no mere trade-off but a cutting off—a mutilation—of a part of us that is *essential* for human flourishing. If the demands of these two ends are not compatible (and by hypothesis, they are not), then we might alternatively allow the free exercise of human sexuality and the pursuit of such a characteristic and (by hypothesis, essential) pleasure, but in this case, we will necessarily be cut off from a form of social functioning *equally* essential for human flourishing. This will represent a mutilation of a different sort, but a mutilation no less real and serious. The prospect that what is necessary for a minimally adequate form of flourishing could be impossible to realize because the ends of human nature are fundamentally incompatible presents the real possibility that, given what human nature is, human flourishing is an unrealistic, and hence unreasonable, aim.

Still, Hursthouse argues—I think plausibly—that the belief that flourishing is possible is an essential feature of the ethical outlook of even the most minimally virtuous, since taking flourishing as one’s goal—either for oneself or for others—requires one to believe flourishing is possible. Moreover, as Hursthouse perceptively points out, the thesis that human nature is harmonious is not an extra assumption that eudaimonism requires but which Kantianism and utilitarianism can do without. “[E]ven Kant and utilitarianism will be affected by this . . . since we cannot be required to adopt the

happiness of others as an end, or its maximization, if happiness comes only through astonishing luck.”³⁸ Both Kantians and utilitarians enjoin us to act in ways that promote the well-being and the happiness of others, but if our nature is such a mess that no course of action can reliably be expected to bring this about, then the possibility opens up that it does not really matter what I do, or what I intend. Rejecting the thesis that human nature is (potentially) harmonious has significant practical consequences.

If we really are, by nature, just a mess, then we are beings for whom no form of life is *likely* to prove satisfactory at *all*. Any individuals who flourish individually *and* socially are an extraordinary accident and so (please note) are those who flourish individually and anti-socially. Neither is *likely*, for given that we are just a mess, what is to be expected, what happens unless we are, individually, astonishingly lucky, is that we don’t flourish at all, notwithstanding our rationality and our desire to do so. [. . .] The belief that harmony *is* possible for human beings, that we have the virtues neither by nor contrary to nature, but are fitted by (our) nature to receive them, is, I think, an essential part of the ethical outlook even of the minimally virtuous—any of us who think that being right about ethics matters.³⁹

The thesis that human nature is harmonious underwrites the hope that taking flourishing as the aim of practical reason is reasonable and meaningful because flourishing is possible for creatures like us, and harmonizing these ends in ways that lead us to make trade-offs is the counsel of wisdom, not futility.

Whether we adopt an ethical outlook (i.e., take a general view of the world that holds that it is meaningful to strive for good lives and that such lives are systematically connected to morality in some way) or we accept a nihilistic or immoralist outlook (i.e., take the view that it is either pointless to strive to lead good lives—nihilism—or that immorality is just as, or even more likely to lead to the best kind of life possible for

³⁸ Hursthouse, *On Virtue Ethics*, 262.

³⁹ *Ibid.*, 261-262.

human beings) seems to depend on a certain understanding of our nature: that our nature is (or can be made) harmonious.

However, neither the view that human nature is ultimately ‘a mess,’ nor the view that human nature is harmonious seem (to me at least) to be necessitated by the empirical evidence or the anthropological record. There seems here to be a choice to make about how we will interpret the various impulses our nature gives rise to and what significance we will accord the various kinds of trade-offs necessitated by our finitude and the external circumstances of human life.⁴⁰ Sustaining an ethical outlook (as opposed to a nihilistic or immoralist outlook) depends on a certain understanding of our nature. But *this is an interpretation of our nature* and the interpretation is made necessary by our ethical outlook.⁴¹ So the argument is one that works from the perspective of asking about the presuppositions required to sustain an ethical outlook (as opposed to falling into nihilism or immoralism), and arguing that a certain interpretation of our nature is justified because it is necessary for sustaining an ethical outlook.

The conclusion we come to, then, is that human nature is relevant to our moral theorizing because the question of how we interpret our nature is directly related to our ability to give a reasonable account of our ethical outlook, whatever that may be. Insofar as any ethical outlook is defined by a persistent drive to live well ourselves and find a way of life that will enable others to do so, and our practical commitments embody the

⁴⁰ Simon Hope, “Neo-Aristotelian Social Justice: An Unanswered Question,” *Res Publica: A Journal of Legal and Social Philosophy* 19 (2013).

⁴¹ The ethical outlook of any person or group consists of many more substantive commitments and beliefs, and ethical outlooks differ in these respects. When I say that our ethical outlook requires us to adopt a certain understanding of our nature, I only mean that the very general elements of any ethical outlook—that it is meaningful to strive to live the best kind of human life, and that the best kind of life is non-accidentally connected to morality—must presuppose that human nature is harmonious.

hope that this is possible, this presupposes that flourishing is possible for creatures like us.⁴²

4. Analysis: The Concept of Human Nature and Its Function

What role can we see human nature playing in Hursthouse's unique form of ethical naturalism? Hursthouse gives extensive attention to this question in the sense of trying to make clear what the appeal to nature is *not* intended to do. The appeal to human nature, Hursthouse insists, is not intended to provide a value-neutral, extra-ethical foundation for ethics, and the conception of human nature to which she appeals is neither value-neutral nor extra-ethical, as the third thesis clearly reveals. Regarding what the appeal to human nature is intended to do, Hursthouse's position is more ambiguous, but there are a few things we can establish that are worth noting.

As previously discussed, one function played by the concept of human nature (qua concept of the human species) is to specify and clarify the concept of benefit which the theory invokes when it claims that the virtues benefit their possessor and enable her to flourish. Though Hursthouse's initial arguments employed a vague, intuitive conception of benefit, the theory ultimately draws on an account of what is involved in successfully progressing through the life cycle of our species in order to specify more precisely the kind of flourishing the virtues (by hypothesis) bring. An account of the ends of human

⁴² This whole discussion of what is presupposed by an ethical outlook in general has tried to be neutral on questions that Kantians, utilitarians, and eudaimonists disagree on, and here it may seem that my construal of the situation is not giving due regard to the Kantian objection to flourishing as a moral motive, but I think it is fair to describe Kantians as advancing a systematic account of what is necessary for leading the best kind of life possible insofar as the Kantian reason we should concern ourselves with the dictates of reason is (ultimately) that if we fail to do so, then we will fail to live a life worthy of the dignity of our humanity. The idea that we should strive to live lives worthy of the dignity of our humanity—and that this is the best or most noble kind of life we can lead—is a very Kantian one. And “the best or most noble kind of life we can lead” is precisely what the eudaimonist means by “flourishing.”

life qua members of the human species is crucial for this theory insofar as the theory takes its conception of flourishing from the idea of living successfully as members of a certain natural kind.

Another theoretical role played by the concept of human nature is that it serves to link the concepts of flourishing and virtue. It is the concept of human nature—the way the theory conceives of our species-specific form of life with certain ‘aspects’ being central and human life as a whole defined by the pursuit of individual survival, the continuance of the species, pleasure and the avoidance of pain, and the good functioning of our social group—that allows Hursthouse to defend the claim that the virtues are necessary for flourishing (because they are our “best bet”). As Simon Hope observes, human nature plays a very particular justificatory role in neo-Aristotelian ethical naturalisms. It does not justify specific moral practices or particular judgments, rather the conception of human nature answers the question, “Why think *these* thick moral concepts [i.e., the virtue terms we appeal to when making particular moral judgments] are the right ones?”⁴³ In this way, a conception of human nature as oriented toward certain abstract ends serves as one element of a complete theory that attempts to fit “our concepts of *virtue* and *good human being* and *excellence* and *defect in living things* (and a number of other concepts) together” in a way that yields “the best abstract understanding” of virtue and what it is to be a good human being.⁴⁴

Borrowing a phrase from Bernard Williams, Hursthouse has described neo-Aristotelian ethical naturalism with its intense reflection on human nature as a form of

⁴³ Hope, “Neo-Aristotelian Social Justice,” 168.

⁴⁴ Hursthouse, “Reply to Brad Hooker,” 51-52.

“coherentism with a hermeneutical agenda.”⁴⁵ This expression succinctly captures two very important aspects of the role of human nature in Hursthouse’s theory. First, I will explain how it is a form of “coherentism,” then I will discuss its “hermeneutical agenda.” When it comes to reflection on human nature, this means making a certain interpretation of our nature coherent with other ethical concepts and commitments.

Speaking again of Foot’s project, Hursthouse describes Foot’s broad endeavor as a coherentist project, the driving force of which was the demand for a consistent account of the word ‘good’ across ethical and non-ethical contexts. Foot’s project can be seen as a kind of coherentism insofar as she strove to give a consistent analysis of the word ‘good,’ and initially, “hardly anyone but her thought that they should work on getting their ethical and meta-ethical beliefs to cohere with a whole lot of other beliefs they had about good roots, good eyes, good cacti and so on, because they assumed those were irrelevant.”⁴⁶ When it came to language use, it was not clearly the case that the grammar of the word underwent a radical change depending on the context, but that was what the subjectivist, expressivist, and prescriptivist theories claimed.

The structure of Hursthouse’s account is coherentist in another sense as well. Rather than taking one concept—e.g., virtue or human nature—as basic or foundational and deriving other concepts from that as many modern moral theories do,⁴⁷ Hursthouse’s eudaimonism might be thought of as taking a number of distinct concepts as *primary*, but

⁴⁵ Hursthouse, “Human Nature and Aristotelian Virtue Ethics,” 175.

⁴⁶ *Ibid.*

⁴⁷ J. L. Mackie, “Can There Be a Right-based Moral Theory?” in *Midwest Studies in Philosophy: Studies in Ethical Theory*, ed. Peter French, Theodore Uehling, Jr., and Howard Wettstein (Morris, MN: University of Minnesota, Morris, 1978); cited in Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993), 7-8.

not basic.⁴⁸ A cluster of primary terms—i.e., virtue, flourishing, good human being—are appealed to in order to explain and elucidate the others, but it is not claimed that any can be reduced to or derived from any of the others. (Thus, it would be mistaken to read Hursthouse as positing the ends of human nature as fundamental values from which we can derive the virtues, which is what Brad Hooker takes her to be doing.⁴⁹) In both these ways, Hursthouse’s neo-Aristotelian eudaimonism can be seen as a kind of coherentism.

Why describe it as having a certain “hermeneutical agenda”? Hursthouse suggests that the view of ourselves employed by neo-Aristotelian naturalism is useful for dislodging certain entrenched Enlightenment views of ourselves as special sorts of beings—*persons*—which are quite set apart from the rest of the natural world. “[We] go for the [biological or animal] analogy [to moral evaluation] in part to curtail our hubristic tendency to think of ourselves in that inflated way. The analogy puts us firmly in our place as something distinctly less than that special.”⁵⁰ Thus, one of the intended effects of taking this perspective on ourselves—as members of the biological order of living things with ends continuous with those of other living organisms—is to lead us to think of ourselves and interpret our lives in a less hubristic way. So part of the hermeneutical agenda is to bring us to interpret our lives in a way to which we are not generally accustomed. (This links up with the coherentism because it is this interpretation of our lives that we are trying to make coherent with other important views we have, for instance, about the virtues, the word ‘good,’ and what it means to ‘flourish.’)

⁴⁸ See *The Morality of Happiness*, 7-10. Annas distinguishes between theories constructed out of a set of primary terms and theories constructed on the basis of a single basic, or foundational, concept.

⁴⁹ Brad Hooker, “The Collapse of Virtue Ethics,” *Utilitas* 14, no. 1 (2002). See Hursthouse’s reply in Hursthouse, “A Reply to Brad Hooker.”

⁵⁰ Hursthouse, “Human Nature and Aristotelian Virtue Ethics,” 178.

I believe Hursthouse's eudaimonism can be described as advancing a hermeneutical agenda in a different sense as well. Her eudaimonistic reflections on the presuppositions necessary for sustaining the practical engagement characteristic of any ethical outlook suggest a positive reason for modifying our views on human nature. Prior to thinking about the aspects and ends of human life and considering the way in which the virtues relate to these and these ends and aspects relate to one another, we may have seen no reason to regard our nature as either harmonious or disharmonious. But upon reflection, seeing the implications of these views for our practical engagement with the world—ethical, nihilistic, or immoralist—the consequence of not abandoning our ethical outlook seems to be that, on grounds of consistency, we need to adopt a view of our nature as harmonious.

To what extent is our conception of our nature a matter for hermeneutic considerations? That is, to what extent should we take the truth of our conception of human nature to be open to interpretation? Christopher Gill, writing on Cicero's eudaimonism, describes how

it is a premise of the whole account that a person's understanding what 'nature' means develops hand-in-hand with (and as part of) his moral development. [. . .] In this respect, Cicero's account of moral development, like Aristotle's account of the human function, appeals to the 'inside' view of the ethical agent for its intelligibility and plausibility, although it invites the agent to enlarge and develop his understanding of the world, or 'nature', from that ethical viewpoint.⁵¹

As Gill understands it, eudaimonist reflection in the ancient tradition invites the agent to enlarge and develop his or her understanding of 'nature' (and human nature in particular) from an ethical viewpoint. This is, methodologically, quite similar to the role

⁵¹ Christopher Gill, "The Human Being as an Ethical Norm," in *The Person and the Human Mind*, ed. Christopher Gill (Oxford: Clarendon Press, 1990), 148.

we see human nature being given by Hursthouse. I think this is an equally apt description of the line of thought we currently see Hursthouse developing. According to Hursthouse, “Everyone who is taking the Aristotelian naturalist line takes it as obvious that they are not pretending to derive ethical evaluations of human beings from an ethically neutral human biology, but are already thinking about human beings in an ethically structured way.”⁵² Thus, Hursthouse clearly denies that neo-Aristotelian ethical naturalism is trying to derive ethical evaluations from biological facts; however, her account of what neo-Aristotelian ethical naturalists *are doing* if they are not doing this is rather underdeveloped. I suggest we understand it along the line of reasoning described by Gill as characteristic of the ancient eudaimonists: in bringing nature to bear on our ethical thinking, we are at the same time invited to enlarge and develop our understanding of the world, including ‘nature’ and ‘human nature,’ from that ethical viewpoint. When we do so, the person’s understanding of human nature will properly change and develop in response to her moral development and as a function of her ethical outlook.

The implications of this way of thinking about appeals to human nature in moral reasoning are quite radical. If our concept of human nature is something that develops with our ethical understanding, then it makes just as much sense to speak of a mature understanding of human nature as it does to speak of a mature moral perspective. In this case, human nature is not going to enter into ethical theory as the “facts of the matter,” which can be specified independently of an ethical outlook, the truth of which will be clearly accessible to anyone, no matter their stage of moral development. Our interpretation of human nature will be shaped by an ethical outlook, *and properly so*.

⁵² Hursthouse, “Human Nature and Aristotelian Virtue Ethics,” 174.

To summarize, I have argued (following Hursthouse) that the shaping of one's conception of human nature by one's ethical outlook is reasonable on the basis of a very general commitment, which is likely to be common to any ethical outlook. Any ethical perspective which holds that it is meaningful to strive for good lives and that such lives are systematically connected to morality implicitly requires a conception of human nature as harmonious. But if this is correct—and Gill's description of the relationship between one's conception of human nature and one's ethical outlook is correct—then it is not only the very general outlines of an ethical outlook, but also the substantive commitments of an ethical outlook that will have implications for a person's conception of human nature (and vice versa).

Finally, allow me to put a point on the differences between Hursthouse's coherentist proposal and more common foundationalist assumptions about how human nature will inform ethical theory. The assumption of the foundationalist is that a conception of human nature, formed independent of ethical or evaluative considerations, will provide an objective, value-neutral basis upon which we can justify specific ethical judgments. (For example, Louise Antony, as I explained in chapter 2, argues against the appeal to human nature in ethics assuming that this is the role human nature would play if the appeal to human nature were successful.) Hursthouse's neo-Aristotelian ethical naturalism, by contrast, suggests that the conception of human nature does indeed "justify" certain ethical judgments (i.e., that it is worth our while to strive to live well and better), but the conception of our nature is not formed independently of our ethical reflection. Reflection on the ethical life as an attempt to lead the best kind of life possible given the human condition (which includes conditions beyond 'human nature') leads us

to adopt a certain understanding of our nature as the only one consistent with such an ethical endeavor, as discussed above.

This, however, raises the possibility that when it comes to giving a rational justification for individual virtues, the picture is more complicated than Hursthouse represents it. The conception of human nature relevant to justifying the virtues as constitutive elements of an ethical outlook will itself be shaped in some significant ways by that ethical outlook itself. While the thesis that human nature is harmonious is likely to be required by a number of ethical outlooks because it bears on a quite general commitment common to major ethical perspectives—whether Kantian, utilitarian or eudaimonist—even beyond this, substantive differences in ethical outlooks will have consequences for one’s view of human nature. In particular, in the same way one’s view of human nature (as just “a mess” or as “harmonious”) has implications for the ability to maintain an ethical outlook as opposed to an immoralist or nihilistic outlook, how one substantively characterizes the virtues may have implications for the substance of one’s conception of human nature and the ends characteristic of human flourishing.⁵³

Furthermore, every particular ethical outlook is, in part, a product shaped by the history and culture of a specific place and time. “Different local forms of life will understand ‘kindness’ or ‘loyalty’ or ‘justice’ in substantively different ways, with substantively different interconnections between these and other thick concepts, in the service of substantively different ends.”⁵⁴ Because of this, a very general or schematic account of human nature is not likely to be able to adjudicate disputes between the competing conceptions of the virtues associated with different ethical outlooks. It is

⁵³ This is a point Hursthouse acknowledges in her discussion of Hume and his rejection of the “monkish” virtues. *On Virtue Ethics*, 242.

⁵⁴ Hope, “Neo-Aristotelian Social Justice,” 170.

unclear whether the very general characterization of the ends of human nature to which Hursthouse appeals—based as they are on what can be justified by the biological and health sciences—could possibly judge between these culturally specific conceptions of the virtues. Human nature, in this framework, is supposed to help answer the question: Why think *these* virtues are the right ones? A more specific version of this question asks, “Why think this *description* of the virtue is the right one?” Assuming a Hursthousian framework, the theory’s capacity to answer this question will be directly related to the conception of human nature on which it can draw. I return to develop this point in detail in the following section, where I offer an analysis of the extent to which Hursthouse’s framework enables a feminist eudaimonist to respond to Marilyn Friedman’s case of the Benevolent Patriarch.

5. Responding to Friedman: The Prospects for a Feminist Eudaimonism

In light of this discussion of Hursthouse’s neo-Aristotelian eudaimonism, and in light of the previous analysis of the role of human nature in a theory of this sort, can this framework serve as the basis of a feminist eudaimonism? Marilyn Friedman has argued that eudaimonism is a non-starter for feminists, since as eudaimonists they will be committed to the claim that the virtues are necessary for flourishing, while as feminists they will be committed to the claim that a person like the Benevolent Patriarch possesses at least one serious vice, and yet, all appearances suggest that the Benevolent Patriarch is capable of flourishing and leading a good life. In this section, I develop the line of response made available by Hursthouse’s eudaimonist ethical naturalism. I will argue that Friedman’s general objection to feminist eudaimonism turns out to be misdirected when

raised against Hursthouse because Friedman simply assumes an intuitive conception of flourishing and this is not the *kind of flourishing* that Hursthouse claims the virtues bring about. However, Friedman's objection remains relevant. In order to really forestall the possibility that patriarchal benevolence is a morally legitimate form of benevolence, feminists operating out of Hursthouse's framework will need either a more robust account of practical rationality—in order to argue that this is not a “way which we can see as good”—or a more robust conception of the ends constitutive of human flourishing.

The first thing that must be established is that the beliefs, tendencies, emotional reactions, and attitudes of the Benevolent Patriarch constitute a character trait, and not some other kind of personal quality. As previously explained, character traits, as understood in the tradition of neo-Aristotelian virtue ethics, entail “a complex unity of one's values, choices, desires, emotions, perceptions, interests, expectations, attitudes, sensibilities and actions.”⁵⁵ I think it is plausible to imagine the Benevolent Patriarch possessing a robust character trait—call it ‘patriarchal benevolence’—with the complex intertwining of all these facets. Patriarchal benevolence would be a standing disposition to act benevolently—that is, a disposition with the intention to do good to others—in a way that is strongly shaped by beliefs and expectations related to gender. What Friedman describes can easily be imagined to be a form of benevolence conditioned by certain beliefs about women's systematic inferiority to men in regards to strength, intelligence, worldly competence, business acumen, and so on. (Of course, one could have all of these beliefs and just be a chauvinist, but that is not the case we are imagining here. What we are imagining in this case is a form of benevolence, not outright domination or exploitation in pursuit of self-interest.) To be a form of benevolence, the beliefs,

⁵⁵ Hursthouse, “Reply to Brad Hooker,” 47.

emotions, attitudes, and actions directed toward women must be consistent with an intention to benefit and not harm, but as patriarchal, this kind of benevolence would understand women's interests as conditioned by their need for special protection and tutelage in a range of areas. These beliefs are taken as reasons for men to be protective of women (e.g., because women are weak or childlike in their vulnerabilities), to assume positions of leadership and direction in decision-making (e.g., because women are not as competent to do so), but when doing so, to take the good of all into account.

This peculiar form of benevolence can also be plausibly imagined to involve a whole range of emotional reactions and attitudes to what it sees as improper reversals of appropriate gender hierarchy: anger at actions that take advantage of women's weakness or vulnerability, chaffing under the authority of women in the workplace, etc. On the presumption that benevolence is a character trait, I take it that a modified form of benevolence, conditioned by norms of gender hierarchy, can quite plausibly be construed as a character trait.

Granted that 'patriarchal benevolence' is a character trait, we are now in a position to examine this character trait using the framework of natural normativity. What we want to know is this: is patriarchal benevolence a virtue or a vice? The framework of natural normativity provides us with a set of criteria by which to evaluate character traits over which we have some question. A virtue, according to Hursthouse, is a character trait that (1) benefits its possessor and (2) makes its possessor a good human being. And, as discussed above, a good, flourishing human being in the sense employed in (2) is one who successfully pursues and attains the four naturalistically-defined ends of individual survival; the reproduction of the species; characteristic pleasures and the avoidance of

pain; and the good function of the social group. Additionally, a good human being will do so in a characteristically human way, which is to say a way that is rational and that its possessor can rightly see as good.

Before considering the possible ways in which a feminist equipped with Hursthouse's eudaimonist framework might reason about patriarchal benevolence, we should observe that, as it stands, Friedman's argument is not an argument against Hursthouse's form of eudaimonism because so-directed it trades on a homonymous use of the word 'flourishing.' At the intuitive level, there is no reason to think patriarchal benevolence (on the whole) will not benefit its possessor by enabling him to flourish in the ways Friedman suggested: the Benevolent Patriarch will be freer to devote himself to his career, and if he is successful, then he and his family will be able to live in a relatively safe neighborhood, experience the material and psychological benefits that follow, etc. However, as I explained above, Hursthouse does not ultimately endorse such an intuitive conception of benefit. Hence, when Friedman argues that the Benevolent Patriarch is entirely capable of leading a good life and "flourishing," this is no objection to Hursthouse's argument that human beings need the virtues in order to flourish or a counter-example to the assertion that patriarchal benevolence is a vice. For this is not the *kind of flourishing* that it is claimed the virtues produce or the vices inhibit.

Because the conception of benefit comes from the idea of what it is to successfully live the form of life specific to our species, the claim that 'the virtues benefit their possessor' and enable her to flourish cannot be debunked by pointing to instances in which the virtuous person (say, as a result of her virtue) is taken advantage of or (because she refuses to engage in bribery) loses out in a business deal that would have paid

handsome returns. Nor can it be debunked by pointing to a case like the Benevolent Patriarch, who accrues culturally significant symbols of success and “flourishes.” In both cases, the vicious (or the one who is at least not so virtuous) clearly “benefit” in a certain sense. But this is irrelevant, since this is not the kind of the benefit the eudaimonist claims the virtues characteristically bring. Taking Friedman’s argument as an argument against the (neo-Aristotelian) eudaimonist trades on a homonymous use of the word ‘flourishing’—it uses the same word but employs a different meaning. According to the neo-Aristotelian eudaimonist, the virtues benefit their possessor in the sense that they enable their possessor to flourish as a good human being by conducing to the achievement of the four naturalistically defined ends of the human species. But this is not the sense given to ‘flourishing’ by Friedman’s argument.

Even if Friedman’s argument is not an objection to a Hursthouseian eudaimonism as it stands, her argument still raises a potentially significant objection to feminist appropriations of Hursthouse’s eudaimonism if the framework as it stands would have to admit that patriarchal benevolence was a morally legitimate form of benevolence and, therefore, a virtue. Can feminists appeal to the framework of natural normativity to show that patriarchal benevolence is not a virtue? In order to argue this, the Hursthouseian might argue in one of three ways: First, she might argue that patriarchal benevolence fails to meet Plato’s requirements on the virtues, either (a) because it does not benefit its possessor or (b) because it does not enable its possessor to flourish by conducing to (one or more of) the four ends of the species, naturalistically defined. Second, she might argue that, as gender-specific, it does not constitute a *human* virtue. Third, she might argue that,

despite being conducive to the four ends, it fails to conduce to the four ends of the human species in a characteristically rational way.

With regard to the first line of argument: does patriarchal benevolence satisfy Plato's requirements on the virtues? In particular, does it benefit and enable its possessor to flourish by achieving the ends of the species? The anthropological records of human society will not decisively support the claim that patriarchal benevolence is incompatible with the four naturalistic ends. History bears witness to the much worse quality of outright patriarchal domination as quite pervasive in many human societies. These same societies nevertheless managed to function well enough for their individual members to survive and reproduce the species and create contexts in which characteristically human pleasures were available to many members in many realms of life (even if the pleasures of full autonomy and other forms of human excellence were denied to most women and many men). In light of this, it is implausible to think we can argue against patriarchal benevolence on the grounds that it undermines the achievement of the first three ends of human life essential for human flourishing, naturalistically understood.

It might be said that patriarchal benevolence undermines the fourth end (the good functioning of the social group), since it entails the suppression of the functioning of part of the group. However, as articulated by Hursthouse, "the good functioning of the social group" is measured by the degree to which the cooperative activity of the group sustains the other three ends. A group functions well, according to Hursthouse, when it enables "its members to live well (in the way characteristic of their species); that is, to foster their characteristic individual survival, their characteristic contribution to the continuance of the species and their characteristic freedom from pain and enjoyment of such things as it

is characteristic of their species to enjoy.”⁵⁶ As Hursthouse has developed the idea of the “good functioning of the social group,” there is no basis for claiming that members cannot be assigned significantly different functions in the collective pursuit of these four ends.

Might a feminist eudaimonist argue that a more egalitarian form of benevolence supports the good function of the social group in a way that is more efficient since all members are allowed to contribute on terms of equality? One can imagine endless debates between feminists and the partisans of patriarchy over which form of the virtue is “more efficient,” but there is no question that both are capable of maintaining relatively stable and long-lived forms of human society. Besides this, the claim that only those traits that bring about these four ends in a maximally efficient way are genuine virtues would make the theory far more determinant than Hursthouse seems to want. The benefit of making character traits the locus of moral assessment is that they leave space for different cultural expressions of the virtues. However, if, like charity, patriarchal benevolence can be seen as a virtue because “directed to the young and helpless [it] particularly serves the continuance of the species; directed more widely it serves the good functioning of the social group by fostering the individual survival, freedom from pain, and enjoyment of its members, and also by fostering its cohesion,” then the framework of natural normativity will be problematic when looked at from an ethically-informed feminist standpoint. It is problematic, not because it is too determinate, but because in allowing different cultural expressions of the virtues it fails to rule out enough.

Still, two other lines of argument remain open. Rather than argue about whether it is or is not a *virtuous* character trait, the feminist eudaimonist might argue that, whatever

⁵⁶ Hursthouse, *On Virtue Ethics*, 201.

it is, it is not a *human* character trait. It is a character trait the exercise of which is, by definition, restricted to half the human population. It is a character trait that women cannot possess, and by that measure alone it is not a candidate for *human virtue*. Human virtues are character traits that are, in principle, available to the whole of the human population, and patriarchal benevolence is, in principle, a character trait restricted to men. But this reply is unconvincing, for it simply begs the question of whether the *human virtues* (benevolence, for example) can take on specific modifications in respect of the different forms in which human beings come. Is there a form of benevolence appropriate for males and a form of benevolence appropriate to females of the species? These questions (authentic enough) show this reply to be a merely verbal solution. There is a substantive question at stake and the reply does not address that question.

That leaves us with one line of argument: patriarchal benevolence can contribute to the achievement of the four naturalistic ends, but it does not do so in a rational way—a way we can see as good. The virtues are not merely instrumentally effective means of achieving the naturalistically-defined ends of human life. To be a virtue, a character trait must conduce to those ends in a characteristically human way. Not only must the ends be characteristic and appropriate to our species, so must the means: a character trait that is a virtue will conduce to these ends in a rational way. Maybe patriarchal benevolence is akin to piety. If we look at the way piety tends to contribute to and reinforce other virtues and thereby support the ends characteristic of human flourishing, we might think that piety is, indeed, a virtue. If, however, we ask whether this is a rational way of achieving these ends, our answer about piety will depend on whether we think it is rational to engage in the sorts of activities pious people typically engage in—praying, going to

church (or the mosque or temple), spending time thinking about God, trying to honor and understand the will of God more fully. Whether it is rational seems to turn most vividly on whether one thinks God exists or not. If God does not, then doing these sorts of things—spending one’s time and energy in these ways—cannot be regarded as rational. On the other hand, if one thinks God does exist, then piety might indeed be rational. However, the framework of natural normativity has no resources to settle this dispute. It can only indicate the source of the dispute. Whether piety is a virtue or not turns on a metaphysical aspect of one’s ethical outlook: whether one thinks God exists or not.

In the same way that the framework of natural normativity cannot settle the dispute about piety, it may not be able to settle the dispute over patriarchal benevolence. The views about women held by the Benevolent Patriarch are part of an overall ethical outlook, and Hursthouse maintains that this kind of argument is only effective from *within* a shared ethical outlook. Hursthouse denies that the framework is intended to convince the moral skeptic (see Section 2.1), and Hursthouse may hold that the framework of natural normativity should not be expected. However, this gives the framework of natural normativity such severely limited argumentative and persuasive scope that one wonders if it isn’t too limited for feminist purposes. It does not appear to provide the necessary resources for ethical argument with those with whom one disagrees at the more basic level of ethical outlook. At most, it seems to provide us with resources for persuading one those who are already (fairly) virtuous and functioning with—what is from a feminist perspective—a well-formed and rationally well-founded ethical outlook.

At this point, Hursthouse’s naturalistic framework runs out of resources to adjudicate our deep ethical disagreements. There would seem to be two options available:

one is to argue from a fuller conception of human good, the other is to argue from a more developed account of rationality, as Hursthouse does in the case of piety, where what is rational turns on fundamental metaphysical truths.

Take the first alternative. Without getting into the specifics, feminists who believe patriarchal benevolence cannot be a legitimate form of benevolence need a conception of flourishing that can account for the fact that human relationships characterized by equality and mutual respect are *better* forms of human sociality—that the quality of human life shaped by such attitudes and actions is superior to one not so shaped. Independent of its instrumental efficacy toward extrinsic goods like individual survival, the reproduction of the species, characteristic pleasures and pains, and the good function of the social group, a life that achieves these things by inculcating character traits (such as patriarchal benevolence) that enshrine systemic forms of social hierarchy is less desirable than one that achieves them through character traits expressing the value of equality. It is not clear how a naturalistic conception of the ends of human flourishing, based strictly on what can be licensed by the biological and health sciences, could support such a conception of the human good.

The alternative strategy would pick up with Hursthouse's suggestive remark that a "rational" way is "any way that we can rightly see as good,"⁵⁷ and develop a conception of practical rationality substantive enough to provide grounds for the claim that patriarchal benevolence is not a way we can rightly see as good in our pursuit of human flourishing. It may be one way these ends can be achieved, but it is not a rational way. Here we require a substantive conception of practical reason. As discussed above, it will not do to appeal to a conception of rationality as instrumental means-ends reasoning

⁵⁷ Hursthouse, *On Virtue Ethics*, 222, 232.

because both hierarchical and egalitarian gender relations have proven themselves capable of sustaining these ends. Hursthouse's own schematic proposal that a "rational way" is a way that we "rightly see as good" clearly goes beyond a merely instrumental conception of practical reason (and is certainly a necessary condition). However, given all of the ethical disputes we can imagine will ultimately rest on a judgment about whether *this* form of the virtue or *that* form contributes to human flourishing in a way that we can rightly see as good, it is too thin an account of practical reason.

Both of these alternative responses strain the framework's exclusive reliance on naturalistic, quasi-scientific considerations. Feminists will need either a more expansive conception of flourishing or a more expansive conception of rationality in order to distinguish one kind of flourishing life from another. A thin account of rationality that merely assesses the instrumental efficacy of these means toward the naturalistically pre-defined end of flourishing is not enough to discriminate between patriarchal and egalitarian forms of benevolence—or probably to do quite a lot of other work that feminists want done by a moral theory.

While Hursthouse's thin account of the ends of human nature—based on what the biological and health sciences can license, and supplemented by consideration of the presuppositions of an ethical outlook—can take us some way toward an explanation and justification of the place of the virtues in human life, it cannot adjudicate more fine-grained disputes about the virtues insofar as these differ between ethical outlooks. Even still, the framework Hursthouse provides shows the way these disputes could be rationally argued, but the resources to do so are tied to a more developed account of human nature—an account that is going to be much more controversial than the rather

thin account licensed by the biological sciences and the very general presupposition common to any ethical outlook that human nature is harmonious.

CHAPTER 4

MARTHA NUSSBAUM, HUMAN NATURE, AND THE CAPABILITIES APPROACH

1. Introduction

This chapter brings together several of the major themes of this dissertation. The capabilities approach provides a prominent example of a feminist moral philosopher appropriating the ethics of flourishing to provide a theory of social justice that can address the obstacles to flourishing that women face. The capabilities approach, as advanced by Martha Nussbaum, seeks to articulate and defend a list of human capabilities, the minimal functioning of which each and every person must be able to choose in order to flourish as a human being. While I agree with her critics that the capabilities list is not as uncontroversial as she has sometimes claimed, I believe the virtue of Nussbaum's capabilities approach lies in the fact that it articulates and offers arguments for an account of human nature that can support and make sense of a liberal vision of human flourishing. Nussbaum's conception of human nature supports what is, in many ways, a deeply compelling and powerful vision of human flourishing.

By engaging with the criticisms of Brooke Ackerly, Susan Moller Okin, and Alison Jaggar, I will advance the argument of this dissertation that a feminist ethic of flourishing (such as the capabilities approach) needs a robustly normative conception of human nature which is, to use the language of chapter two, teleological. When Nussbaum distinguishes between human capabilities—defining some as essential for human flourishing and fulfillment and others as impediments to flourishing—she is invoking a teleological conception of human nature. I believe the criticisms of Ackerly, Okin, and

Jaggar can be understood as raising objections which are versions of the Problem of Representation (discussed in chapter one). Ackerly and Jaggar suggest that the solution to the problems plaguing Nussbaum's list of capabilities lies in the direction of a proceduralist moral epistemology. Against these critics, and with Nussbaum, I believe we cannot do without substantive moral reflection on our account of human nature, and I strongly suspect that no methodological proceduralism will allow us to avoid this. However, such a strong claim is beyond my ability to argue and beyond the scope of this chapter. In order to defend a more modest claim, I examine the resources available in Iris Marion Young's deliberation-based proceduralism, and I argue that underlying this proceduralism is an unacknowledged (and un-argued) commitment to a conception of human nature very similar to Nussbaum's. Showing how these commitments covertly enter into Young's proceduralism strongly suggests that Nussbaum is correct to think we cannot avoid substantive commitments about the nature of the human condition and the conditions of human fulfillment, and that, as difficult as it is, substantive argument on the nature of the human condition is unavoidably necessary.

While I defend Nussbaum's attempt to forge paths for substantive reasoning about human nature (and in my exposition I offer a novel, integrationist interpretation of her "substantive-good approach" to moral reasoning), I believe her critics are right to raise questions about the status of the capabilities list as a whole. Nussbaum is ambiguous at times about the status of the capabilities list and has sometimes claimed an epistemological status for the capabilities list that implies it is an uncontroversial, quasi-empirical finding about what people universally agree to be valuable about human life. Even if we grant such a questionable claim, if the capabilities list is the product of an

empirical investigation into what people generally believe to be valuable about human life, it is still not clear why we should preserve, protect, and promote these capabilities in the way the theory directs us to. Here, the distinction drawn in chapter two between teleological and empirical concepts of nature in general becomes relevant. The “thick vague theory of the good” expressed in the capabilities list clearly invokes a distinction between capabilities that contribute to the fulfillment of our nature (a life with “human dignity,” as Nussbaum says) and capabilities that do not (because they are either insignificant or incompatible with human flourishing). This puts the capabilities list as a description of human nature squarely within the ambit of teleological conceptions of human nature. However, once this is acknowledged, the contestable nature of this account comes to the fore.

This chapter will proceed as follows: In section two, I provide an original interpretation of the argumentative method Nussbaum has developed to argue for the capabilities list. In section three, I assess the criticisms of Brooke Ackerly, Susan Moller Okin, and Allison Jaggar, and argue that these can be understood as raising the Problem of Representation. Ackerly and Jaggar have proposed that the capabilities list could be more convincingly argued for on the basis of a deliberative procedure, so in section four I look at how Iris Marion Young’s proceduralist, discourse-based method of political justification might be put to use to provide an account of fundamental capabilities. In section five, I raise a further aspect of the Problem of Representation and argue that coming to terms with this means explicitly acknowledging that the capabilities approach depends upon a teleological conception of human nature.

2. The Capabilities Approach to Quality of Life and Fundamental Entitlements

Martha Nussbaum has advanced and defended a theory of basic human capabilities as a standard for gauging quality of life and establishing a universal set of norms with respect to civil, political, social, and economic entitlements.¹ As such, “the capabilities approach” is an approach to both human development and fundamental entitlements (or rights) based in claims of justice.² She argues that all people—simply by virtue of being human—are entitled to the things they need in order to live a “truly human life,” by which she means a life with basic human dignity. Nussbaum appeals to an intuitive concept of dignity in order to distinguish between those capabilities that have a legitimate claim to support and those that do not.³ In order to live a life with dignity,

¹ Martha Nussbaum, “Nature, Function and Capability: Aristotle on Political Distribution,” in *Oxford Studies in Ancient Philosophy*, ed. Julia Annas and Robert H. Grimm (New York: Oxford University Press, 1988); “Aristotelian Social Democracy,” in *Liberalism and the Good*, ed. Bruce Douglass, Gerald Mara, and Henry Richardson (New York: Routledge, 1990); “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism,” *Political Theory* 20, no. 2 (1992); “Aristotle on Human Nature and the Foundations of Ethics,” in *World, Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams*, ed. J. E. J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995); “Human Capabilities, Female Human Beings,” in *Women, Culture and Development*, ed. Martha C. Nussbaum and Jonathan Glover (Oxford: Clarendon Press, 1995); *Sex and Social Justice* (Oxford: Oxford University Press, 1999); *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000); *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: The Belknap Press of Harvard University Press, 2006); *Creating Capabilities: The Human Development Approach* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011). A similar theoretical approach has also been developed by Amartya Sen, and Nussbaum often credits Sen as a co-creator and advocate of the view, though their approaches have important differences. See, for example, Amartya Sen, *Development as Freedom* (New York: Knopf, 1999).

² As a theory of entitlements, this makes the capabilities approach distinct from, for example, Rawls’s theory of justice, which operates on the basis of a procedure by which entitlements are to be determined. John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University Press, 1971). Similarly, it differs from Robert Nozick’s theory, which makes entitlements not about being or doing, but about having. For Nozick, entitlements are fundamentally entitlements to the possession of things (i.e., external goods) and first and foremost to the possession of oneself. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). As a theory of quality of life, the capabilities approach is distinct in placing the emphasis on capabilities to do and to be, as opposed to GDP or self-reported subjective well-being.

³ Nussbaum calls this intuitive conception of dignity a “free-standing” moral idea. Nussbaum, *Women and Human Development*, 83. By this, she means it is not tied to “any particular set of metaphysical or epistemological foundations.” “Political Objectivity,” *New Literary History* 32 (2001): 887. The hope is that by employing a widely-accepted value-concept (such as dignity), but without endorsing any particular conception of that notion, persons committed to many different metaphysical understandings of that notion will be able to endorse the general claim and supply their own metaphysical background as the reason for

certain capabilities fundamental to human life must be respected. The capabilities Nussbaum advances as worthy of our respect include:

- Life
- Bodily Health
- Bodily Integrity
- Use of the Senses, Imagination, and Thought
- Emotions
- Practical Reason
- Affiliation
- Relationships to Other Species
- Play
- Political and Material Control Over One's Own Environment⁴

The ten items on the capabilities list are advanced at a high level of generality with the intention that this generality leaves room for multiple specifications and diverse cultural interpretations of each item. While Nussbaum wants to affirm that there is room for a reasonable degree of pluralism with regards to interpretations of the items on the list, she is equally adamant that the list be understood as fully universal: “The capabilities in question are held to be important for each and every citizen, in each and every nation, and each person is to be treated as an end.”⁵ Obviously, this is not an exhaustive list of human capabilities. It is a selective list that aims to capture those capabilities that are essential for flourishing in a fully human way, and is, for that reason, frequently

their endorsement. In this way the “overlapping consensus” Nussbaum believes we need as a matter of *political justification* will be more accessible.

⁴ Nussbaum, *Frontiers of Justice*, 76-78.

⁵ *Ibid.*, 78.

portrayed by Nussbaum as an *evaluative* and *normative* list based on an evaluative conception of human nature as capable of realizing a species-specific kind of dignity. The capabilities list is intended to articulate the necessary conditions of a *good* human life, and for this reason, Nussbaum has at times referred to the list as “the thick, vague theory of the good.”⁶

Nussbaum argues that the capabilities list, given suitable contextual specificity, can serve as a practical measure of social justice in any society by establishing a minimum standard above which every human being has the right to function should they so choose.⁷ She maintains that “the ‘basic capabilities’ of human beings are sources of moral claims wherever we find them: they exert a moral claim that they should be developed and given a life that is flourishing rather than stunted.”⁸ Conversely, “it is wrong when the flourishing of a creature is blocked by the harmful agency of another.”⁹ On these grounds, Nussbaum argues that wherever the threshold level for capability to function is not met, the claims of justice have not been met. This surprisingly bold assertion that the capabilities make a legitimate moral claim upon us lies at the heart of

⁶ Nussbaum, “Aristotelian Social Democracy,” 205; “Human Functioning,” 214; *Sex and Social Justice*, 318.

⁷ To make the capabilities approach consistent with liberal principles of respect for the individual and their right to lead their life in their own way and in accordance with their own judgments about the good, Nussbaum argues that the actual functionings associated with each capability need not be present—only the possibility to choose functioning. If an individual chooses to forgo functioning in a certain respect (as she suggests the Amish do with respect to political participation and many religious ascetics do with respect to nourishment), that does not mean their life is any less worthy or dignified. Intentionally forgoing functioning in a given area is held to be entirely consistent with the capabilities approach when this is chosen by the individual in their pursuit of the good as they understand it, since the capability to exercise thought and judge the nature of the good for oneself is one of the central capabilities (practical reason).

⁸ Nussbaum, *Frontiers of Justice*, 278. We find Nussbaum advancing this claim across her written work: “The basic intuition from which the capability approach starts, in the political arena, is that human capabilities exert a moral claim that they should be developed.” “Human Capabilities, Female Human Beings,” 88. Again elsewhere, “We believe that certain basic and central human endowments have a claim to be assisted in developing, and exert that claim on others, and especially, as Aristotle saw, on government.” *Sex and Social Justice*, 43.

⁹ Nussbaum, *Frontiers of Justice*, 349.

Nussbaum's insistence that failures of capabilities are failures of justice. The potential of each individual for a dignified existence, grounded in their standing as a member of the human species—with powerful and wonderful potentials that deserve to be protected and fostered—stands at the center of the capabilities approach, which seeks to articulate the baseline requirements of human dignity and flourishing wherever human life is found.

As a moral theory, the capabilities approach can usefully be understood as a two-stage theory. Nussbaum does not herself present the theory in this way—as having two distinct “stages”—but I think it is helpful to see it this way to keep the different parts of the theory separate.¹⁰ In the first stage, the capabilities approach generates a list of capabilities. For each item on the list, an argument must be given showing that a fully human form of life requires a minimum capability for functioning in that area, and that a life without a minimum level of capability in that area is a life unfit for a human being. To this end, Nussbaum has appealed to at least five different sorts of arguments to justify particular items' status on the list. The first four are (a) Aristotelian internalist-essentialist arguments, (b) literary arguments, (c) evidence from personal life narratives, and (d) evidence that preferences formed under appropriate conditions commonly concur with the internalist-essentialist and literary arguments. Each of the various kinds of arguments, or “approaches” as she has sometimes called them, aims to get at this idea of what a “truly human life”—a life with dignity—requires. Nussbaum also argues that it is important to bring the conclusions of these first four arguments together in (e) reflective

¹⁰ That they should be kept separate is clear from the fact that Nussbaum thinks a person can take issue with the list itself in terms of the contents (i.e., accepting that, in principle, a list of fundamental capabilities is the right approach, but thinking this is not the right list). Or one can take issue with the uses to which the list is being put (i.e., accepting the capabilities as an adequate account of fundamental entitlements, but rejecting them as metric for quality of life). Nussbaum comes close to breaking the theory down this way. *Women and Human Development*, 71.

equilibrium, and that demonstrating that these various arguments can be brought together to form a consistent list of capabilities is a significant form of justification for the capabilities list as a whole.¹¹ According to Nussbaum, the primary weight of epistemological justification rests on bringing these particular arguments—that a certain capability is a necessary constituent of a fully human form of life—together in reflective equilibrium. However, Nussbaum also believes that achieving an overlapping consensus (in the Rawlsian sense) on the list would provide a secondary form of epistemological justification.¹² A brief word about each of these kinds of arguments is in order.

2.1 Aristotelian Internalist-Essentialist Arguments

The Aristotelian internalist-essentialist approach appeals to a few intuitively powerful ideas related to kind membership and the concept of a “truly human life” to articulate the moral significance of certain human capabilities. The first idea is that without certain key capabilities, a life would not qualify as a *human* life at all. Nussbaum contends that “certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of a human life.”¹³ It is important to note and recognize the boundaries around what counts as a minimally human form of existence because if we are concerned, for instance, to establish metrics for a good human life, a life that is not even minimally human could

¹¹ Nussbaum makes it clearer that this is her intended methodology and that the coherence of the various arguments about what is necessary for a fully human form of life is the ultimate standard of justification when she responds to the criticisms of Susan Moller Okin. “On Hearing Women’s Voices: A Reply to Susan Okin,” *Philosophy and Public Affairs* 32 (2004): 196; Susan Moller Okin, “Poverty, Well-Being and Gender: What Counts, Who’s Heard?” *Philosophy and Public Affairs* 31, no. 3 (2003).

¹² Nussbaum, *Women and Human Development*, 76. As a matter of political justification, Nussbaum maintains that an overlapping consensus on the contents of the list is itself sufficient and that concurrence based on the specific arguments in each case is unnecessary. For a fuller discussion of what it means to achieve overlapping consensus that is political, not metaphysical, see “Political Objectivity, 887 ff.”

¹³ Nussbaum, *Women and Human Development*, 71-72.

not, perforce, be a *good human life*. The idea is that without certain key capabilities, a life can fail to qualify as a *human life* at all: “Some functions can fail to be present without threatening our sense that we have a human being on our hands; the absence of others seems to signal the end of a human life.”¹⁴ Nussbaum cites as examples the most severe forms of mental disability and senile dementia.¹⁵ But we can also think of voluntarily adopted forms of life that, on their face, appear to offer a viable path for human life, but are not actually coherent options for a fully human form of life. For example, it seems like one could pursue a life of simple pleasure without any rational reflection and still count this as a human life. However, following the line of reason Plato employs in the dialogue *Philebus*, Nussbaum argues that while it has the appearance of plausibility, ultimately the pursuit of pleasure without the rational capacity is incoherent. It would not really create for a life we would recognize as human, since by omitting reason one would also be omitting things such as the belief that one is enjoying oneself, the memory of pleasure, and the ability to calculate for future pleasure (21b6-c6).¹⁶ As Socrates says, what we would seem to have in this case is “not the life of a human being, but one belonging to some jellyfish” (21e6-8).¹⁷

A second way to get a handle on this idea is to attend to concepts of kind membership. The intuition at the heart of the capabilities approach is the idea that “there is something that it is to do these functions in a truly human way, not a merely animal way.”¹⁸ This “truly human way” expresses the dignity and worth of a human form of

¹⁴ Nussbaum, *Sex and Social Justice*, 39; *Frontiers of Justice*, 181.

¹⁵ Nussbaum, *Women and Human Development*, 73

¹⁶ Nussbaum, “Aristotle on Human Nature and the Foundations of Ethics,” 99.

¹⁷ *Ibid.*, 99

¹⁸ Nussbaum, *Women and Human Development*, 72. For essentially the same description of the capabilities approach, compare *Frontiers of Justice*, 74.

life.¹⁹ There is an intuitive divide between reduced (that is, “merely animal” or “dehumanized”) forms of existence on the one hand and expanded (that is, “super-human”) forms of existence on the other. Both of these contrast with “truly human” forms of life, and Nussbaum argues that there are stories and myths from many cultures and times that attempt to articulate the significance of these ideas. In so doing, they articulate the moral significance of kind membership. We’ve inherited stories of anthropomorphic creatures and divine beings that are humanoid, but not quite human for one reason or another. The reasons the beings in question—however close to us they may be in appearance—do not qualify as “human” reveal something important about the boundary between human and non-human forms of life and about what it is to live a “truly human” life with its unique capabilities and limitations. Internalist-essentialist arguments operate on the basis of these two central ideas: the idea that there are certain functions or capabilities, the absence of which signals a life which is no longer human in any meaningful sense, and the idea that a “truly human life” requires certain capabilities and is incompatible with others (such as divine immortality). While Nussbaum must believe that internalist-essentialist arguments could be made for each of the items on the capabilities list, she herself has only pursued the kind of lengthy and detailed arguments required to demonstrate this for two of them: practical reason and affiliation.²⁰

¹⁹ Nussbaum, *Women and Human Development*, 73.

²⁰ Nussbaum, “Nature, Function and Capability,” 179 ff; “Aristotelian Social Democracy,” 226 ff; “Human Functioning,” 214, 222 ff. For a provocative critique of the internalist essentialist method, see Simon Beck’s argument that thought experiments of this form can only disconfirm or call into question commonly held beliefs, and that they cannot confirm or offer positive evidence as Nussbaum needs them to. Simon Beck, “Martha Nussbaum and the Foundations of Ethics: Identity, Morality and Thought-Experiments,” *South African Journal of Philosophy* 28, no. 3 (2009).

2.2 Literary Arguments

A common sense of the tragic in human life forms the basis for another set of arguments for the central capabilities. Appealing to literary and dramatic depictions of tragedy, Nussbaum argues we can see in many different cultures and many different times a shared sense of tragedy at a human life cut short or a life with powerful potentials unrealized. Tragedy hinges on the idea that personal failings within or the forces of fate without can threaten the goods necessary for human flourishing and fulfilment. Because of this, tragedy can also express a vision of what counts as deprivation or as a mutilation of one's humanity. Insofar as we are able to resonate emotionally with the tragic tales of cultures far removed from our own, this reaction suggests a common sense of the significance of certain features of human life. The same powers of the person that moved the original authors of these stories are moving us as well: "Insofar as we are able to respond to tragic tales from other cultures, we show that this idea of human worth and agency crosses cultural boundaries."²¹ Tragedy reveals a common sense of the "human being as having worth as an end, a kind of awe-inspiring something that makes it horrible to see this person beaten down by the currents of chance—and wonderful, at the same time, to witness the way in which chance has not completely eclipsed the humanity of the person."²²

If we resonate with the moral phenomenology Nussbaum describes as characteristic of the experience of tragedy in life and art, we are also likely to find strong reasons grounded in humanity itself "for protecting that in persons that fills us with

²¹ Nussbaum, *Women and Human Development*, 73.

²² *Ibid.*

awe.”²³ As a way of distinguishing it from the so-called “narrative method,” which I discuss next, we might call these arguments invoking the experience of tragedy the “literary approach” to identifying the capabilities. If they draw on ancient folklore, literature and texts from the world’s wisdom traditions, both the internalist-essentialist and literary arguments offer methods by which to query a wide swath of human intuition about what is particularly important and central for human life.

2.3 Real-Life Narrative Arguments

In *Women and Human Development*, Nussbaum structures much of her discussion of the capabilities approach around the narrative of two women’s lives. This real-life narrative offers in-depth descriptions of the lives, struggles, challenges, and aspirations of two economically poor Indian women—Vasanti and Jayamma—she met during a period of field study in India. In the course of telling the story of these women’s lives, Nussbaum discusses the capabilities in terms of their concrete significance for the lives of these two women. Summing up the ways in which the various capabilities (or the lack thereof) have conditioned their lives, Nussbaum concludes that the application of the “capabilities framework, when used to evaluate these lives, does not appear to be an alien importation: it seems to square pretty well with the things these women are already thinking about . . . and want when they think about them.”²⁴ Though Nussbaum also admits that in some ways the “list goes beyond what the two women are currently

²³ Nussbaum, *Women and Human Development*, 73.

²⁴ *Ibid.*, 109.

thinking” since, for example, neither desire or value education for themselves in the way the list does.²⁵

Looking to the lived reality of two economically poor women—members of the demographic the list is centrally intended to serve—and what they say they want in terms of capabilities yields mixed results in terms of confirmation of the capabilities list. This brings us to a final method considered by Nussbaum for establishing the capabilities list: the empirical evidence that people actually desire certain capabilities. This method would ground the capabilities in actual expressed preferences or some suitably refined set of preferences (for instance, rational or informed preferences).

2.4 Evidence of Preferences

A good deal of *Women and Human Development* is devoted to the challenging question of what role the actual desires or preferences of people ought to have in determining which capabilities to place on the list. Nussbaum’s position on the significance of desire for the purpose of formulating the capabilities list has occasioned significant criticism, so I think it is worth saying a little more in detail on this point.

Preference-based or “subjective welfarist” theories of value begin from the premise that the satisfaction of preference is the ultimate source of value.²⁶ If preferences are the ultimate source of value, then the value of human capabilities would repose on their being so preferred. This initial statement of this theory, as I have given it here, is too

²⁵ Nussbaum, *Women and Human Development*, 109.

²⁶ There are differences between desires and preferences, and preference-satisfaction theories and desire-satisfaction theories, but I will disregard these differences, since as far as I can see, this discussion is not affected by the distinction. For a brief discussion of the relationship between desire and preference, see Timothy Schroeder, “Desire,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, <http://plato.stanford.edu/archives/sum2015/entries/desire/>.

crude because, as many advocates of the preference-based account of value openly recognize, the satisfaction of some preferences may constitute a disvalue to the subject—for example, the satisfaction of preferences that exist on the basis of misinformation. Subjects are frequently mistaken about information relevant to their preferences but assuming the subject has “informed” preferences, the source of value lies in the satisfaction of preferences, according to these theorists. Theorists who accept this line of reasoning take an informed-preference approach to value so it is not *all* preferences whose satisfaction is of value, but only the *informed* ones.²⁷

Procedural constraints on the formation of preferences are thought to be necessary by many advocates of subjective welfarism to address the problem of uninformed or irrational preferences (i.e., preferences for satisfactions that seem clearly to conflict with the agent’s own best interest). Nussbaum cites as representative Christopher Bliss, John Harsanyi, Richard Brandt, and Richard Posner.²⁸ While the satisfaction of preferences is still held to be the basic form of value, these defenders of the theory argue that the only preferences deserving of satisfaction are preferences formed under the proper conditions, for instance, those formed with full and accurate information,²⁹ or those formed freely and absent forces of intimidation, authority, or hierarchy.³⁰

²⁷ Such an epistemic criteria on preferences means that ‘truth’ itself is a value that is independent of people’s preferences, but in my opinion this is not the most problematic value that must constrain preferences, so for the sake of argument, we will admit the epistemic value of truth as unproblematic and turn to the other sorts of moral or ethical values that preference-based theories seem to require.

²⁸ Christopher Bliss, “Lifestyle and the Standard of Living,” in *The Quality of Life*, ed. Martha C. Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993); John C. Harsanyi, “Morality and the Theory of Rational Behavior,” in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982); Richard Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979); Richard Posner, *Overcoming Law* (Cambridge, MA: Harvard University Press, 1995).

²⁹ Bliss, “Lifestyle and the Standard of Living;” Harsanyi, “Morality and the Theory of Rational Behavior.” Cited in Nussbaum, *Women and Human Development*, 123-125.

³⁰ Brandt, *A Theory of the Good and the Right*. Cited in Nussbaum, *Women and Human Development*, 130.

In addition to misinformed preferences and coerced preferences, another serious challenge is the problem of adaptive preferences—those that have been shaped or created by oppressive social norms. Though preference-satisfaction continues to be influential as an account of value in economics and social choice theory, many of its advocates have recognized the complex problems of adaptive preferences and the need for a more sophisticated account of the kind of preferences that legitimately justify social policy. As such, these theorists recommend that legitimate preferences—preferences deserving satisfaction—be restricted to the class of preferences that have been formed in the right way and under the proper conditions (which each theorist specifies as he or she deems most defensible).

In light of these problems, Nussbaum argues that while these procedural modifications to subjective welfare accounts of value offer substantial improvements from a normative perspective, they remain problematic. In order to respond to these problems, the theorists invoke various kinds of procedural constraints, but the procedures themselves invoke substantive moral norms that are unjustifiable in terms of their own account of value. For example, Richard Brandt argues that we need to distinguish between people's expressed preferences and their true or rational preferences. He maintains rational preferences are those that would survive or be produced by a sustained process of "cognitive psychotherapy," defined as "value-free reflection" that "relies simply upon reflection on available information, without influence by prestige of someone, use of evaluative language, extrinsic reward or punishment, or use of artificially induced feeling-states like relaxation."³¹ But, as Nussbaum points out, "the

³¹ Brandt, *A Theory of the Good and the Right*, 113; cited in Nussbaum, *Women and Human Development*, 129.

absence of authority, intimidation, and hierarchy in the method . . . expresses values— independence, liberty, self-driven choice—that Brandt actually thinks very important.”³²

We can think of this problem as posing an “accounting challenge.” The procedural constraints each theorist places on the formation of preferences encode normative values such as reasonableness, independence, equality, and freedom, but these substantive procedural norms cannot themselves be justified simply on the basis of expressed preferences. A preference-based theory of value cannot “account” for the value of the norms that they propose are necessary for sifting legitimate preferences (those formed in a valid way, deserving satisfaction) from illegitimate preferences (those not so-formed). The upshot of what I have here called the accounting challenge is that the most sophisticated versions of procedurally-constrained, preference-based accounts of value require normative resources they cannot account for on the basis of their own theory of value.

If this analysis is correct, then procedurally constrained preference-based accounts of value require—although without recognizing it—some other source(s) of value. In light of this, Nussbaum argues the capabilities list cannot ultimately be grounded in preferences because preferences alone might be for capabilities that are harmful or unreasonable, entail the domination of others, or enable one’s own oppression (just to give a few clearly objectionable examples). Neither can the value of the capabilities list be grounded in a procedurally constrained form of subjective welfarism because these theories beg important questions about the value of the norms they require to differentiate between preferences. Therefore, we need an account of the value of the capabilities that is based on grounds independent of preferences. This seems correct to me.

³² Nussbaum, *Women and Human Development*, 130.

While Nussbaum is unwilling to allow preferences to settle questions of value, her stance on the epistemic value of preferences is complex. Nussbaum is clearly opposed to two extremes. On the one hand, she thinks it is wrong to give the facts of desire—even the facts of “informed desire” (desire that has been laundered in light of some set of normative criteria)—the last word. She argues that because desire is malleable and especially susceptible to social pressures and norms about, for example, what one can legitimately expect in life (or what a person of one’s social position can legitimately expect), actual desires are an unreliable guide to settling normative questions. On the other hand, she thinks it is wrong to entirely dismiss desire as untrustworthy. When she calls the substantive-good approach “non-Platonist,” this is what she is referring to: unlike Plato, she believes desire needs to be taken into consideration and given some weight, not just dismissed as untrustworthy and irrelevant to questions of normative justification, as the Platonist confidently does.³³ Desire is potentially misleading, but it also represents an authentic way of “reaching out for the apparent good,” and this should be taken seriously.³⁴ Her solution is to grant desire a heuristic role in the process of formulating the capabilities list, and to grant that procedurally-constrained forms of subjective welfarism offer valuable insight into the nature of the good, even if they do not offer an adequate account of the value of the norms their procedures require. Nussbaum appears to think that if we can give an independent account of the value of the norms that subjective welfarists require as constraints on the formation of preference, then the results of a procedurally constrained approach to preference-satisfaction can offer a valuable check on the conclusions that the capabilities theorist has argued for on other grounds

³³ Nussbaum, *Women and Human Development*, 117, 144.

³⁴ *Ibid.*, 147.

(i.e., what contributes to a “truly human” form of life). Nussbaum even calls a suitably norm-laden proceduralist approach to preferences an “essential complement” to the substantive-good approach, since through “a dialogue between the two, we gain confidence that we are on the right track.”³⁵ Though she rejects the idea that an appeal to people’s preferences can serve as a foundational form of justification for the capabilities list, when suitably refined by a norm-laden procedure, preferences have an ancillary role to play in questions of justification. Importantly, they should enter in as one data point in identifying the necessary constituents of a truly human form of life.

Because Nussbaum takes such a view of the place of preferences in justifying the capabilities list, the fact that Vasanti and Jayamma do not seem to value education (*for themselves*) does not count decisively against a list that includes education. In more recent writings and in response to the criticism that she did not take the evidence of Vasanti and Jayamma’s preferences seriously enough, Nussbaum appears to downgrade the status of these narratives, suggesting they are only heuristic devices meant to illuminate for the reader the real-life challenges facing the world’s poorest, and they are not intended to justify the list in any way.³⁶ But this concedes too much to the critic, and it is not clearly consistent with the role their stories should have, given what she says about the importance of attending to the evidence of desire in light of the best procedurally-constrained theories of preference-satisfaction. The real question at stake is whether Vasanti and Jayamma would desire education had their preferences been formed under the right circumstances.

³⁵ Nussbaum, *Women and Human Development*, 160.

³⁶ Okin, “Poverty, Well-Being and Gender,” 296; Nussbaum, “On Hearing Women's Voices,” 203-204.

2.5 Reflective Equilibrium

Finally, as a “framing method,”³⁷ Nussbaum has argued that each of these approaches to identifying the capabilities necessary for a truly human form of life should be brought together in “reflective equilibrium.” Following Rawls, Nussbaum endorses a coherentist approach to justification:

Justification rests upon the entire conception and how it fits in with and organizes our considered judgments in reflective equilibrium. . . .
[J]ustification is a matter of the mutual support of many considerations, of everything fitting together in one coherent view.³⁸

The capabilities approach endorses a holistic, coherentist approach to justification, which is put to work at the level of formulating the capabilities list as the theorist attempts to work out the basic principles of the theory. Do the powers and capacities that evoke an emotional response in tragedy cohere with those that seem centrally important when we reflect on the idea of a “truly human life”? Is this account consistent with what we generally find people striving after? If they’re striving for other sorts of capacities, can we account for this in a way that preserves the integrity of the basic idea? These and other sorts of questions bring the various kinds of arguments together in support of an account of the capabilities that are minimally necessary for a dignified form of human life.

³⁷ Nussbaum, “On Hearing Women’s Voices,” 196. In her reply to Okin’s criticisms, Nussbaum claims to have defended reflective equilibrium as a “framing method” (2004, 196) and she immediately cites *Women and Human Development*, pg. 148. However, there is some error here, since there is no reference to reflective equilibrium at this point in the text. A search of the text for other references to reflective equilibrium as a “framing method” turns up nothing. Looking back at the text, I think one can see how reflective equilibrium could be construed as a framing method for formulating the capabilities list in *WHD*, but (from what I can tell) she never calls it this, and *WHD* is far from clear that this is the intended relationship between all of these various methods. I’ve incorporated this claim into my interpretation, but it is not as though this was clear and Okin just missed it (or misread her).

³⁸ Rawls, *A Theory of Justice*, 579.

Thus, when formulating the capabilities list, intuitive arguments are offered in support of each item in order to support the claim that every individual has a justified claim to a minimum level of functioning in that area. As a matter of political justification, these intuitive arguments need only establish the list as the basis of an overlapping consensus.³⁹ With this overlapping consensus, we expect that there may be different reasons—stemming from differing religious and metaphysical outlooks—in support of the individual capabilities, or even different understandings of human dignity these capabilities are taken to express. By accepting many different conceptions of human dignity, Nussbaum is optimistic that people from many different perspective will be able to agree that no person should be forcibly kept from functioning in these areas (even though someone might think that all persons ought to choose not to function in some specific area), and that supporting each of these capabilities is centrally important for human flourishing and a life with dignity.⁴⁰

This integrative interpretation of Nussbaum’s method for justifying the capabilities approach is distinctive in the literature in seeing the various kinds of arguments—internalist essentialist, literary, narrative, and preference-based—as parts to be integrated through reflective equilibrium into a larger coherentist argument about the nature of the human good, which Nussbaum characterizes in terms of what is necessary

³⁹ This is a point on which Nussbaum has modified her views over time. Initially, Nussbaum sought to defend the claim that there was, in fact, already a broad cross-cultural consensus on the fundamental capabilities. This claim can be found as recently as Nussbaum, *Women and Human Development*, 76. In more recent work, she claims only that the list is a promising basis for an overlapping consensus, but she does not maintain that any such consensus exists at present. *Frontiers of Justice*, 163.

⁴⁰ There is a serious question here about the plausibility of accepting different conceptions of dignity as the basis of the overlapping consensus. It seems rather more plausible that different conceptions of human dignity will ramify into different concrete conceptions of the central capabilities. See *Women and Human Development*, 83, for the claim that “dignity” is a “free-standing” moral idea. Also *Frontiers of Justice*, 74, 370, where she classifies arguments relating the capabilities to the requirements of human dignity as “freestanding” moral arguments, then “Political Objectivity,” esp. sec. 4, where she explains what it means for a moral argument to be “freestanding.”

for a truly human life with distinctively human dignity. These various kinds of arguments support Nussbaum's claims about the nature of a "truly human" form of life and what human dignity requires, but the individual conclusions from each argument need to be checked for consistency with one another. They do not stand alone. This means, for example, that none of the internalist-essentialist arguments offer conclusive evidence that a given item belongs to the "thick vague conception of the good" articulated by the capabilities list. Our all-things-considered judgment that a given item on the list properly belongs depends on a whole series of considerations about how it fits in light of the totality of evidence available.

This means my interpretation differs significantly from that of Alison Jaggar, who interprets the various arguments as independent methods of justification Nussbaum has pursued and abandoned over the long course of revising and developing the view. Jaggar interprets the different methods as supplanting one another, with the development of new methods implying a rejection of earlier methods.⁴¹ It is definitely true that Nussbaum's method for justifying the capabilities list has developed over time, with the appeal to narratives based on actual women's lives, arguments from informed-desire, and the attempt to draw these arguments together in reflective equilibrium (alongside other considerations of life quality and social justice) coming much later than the internalist-essentialist and literary arguments about the concept of a truly human life. However, an integrated interpretation is more generous and fits better with Nussbaum's habitual practice of referencing older arguments in the course of advancing newer arguments.⁴²

Her most recent theoretical work on the capabilities approach, *Frontiers of Justice*, brings

⁴¹ Alison Jaggar, "Reasoning About Well-Being: Nussbaum's Method of Justifying the Capabilities," *The Journal of Political Philosophy* 14, no. 3 (2006).

⁴² In *FJ*, besides Rawls, Nussbaum probably cites herself more than anyone else.

the capabilities approach into conversation with contractarian approaches to social justice, and it relies heavily on older work, especially *Women and Human Development*.⁴³ But *WHD* (especially chapter one) is the most systematic exposition and synthesis of Nussbaum's earlier work on the capabilities approach. In it, Nussbaum asks her reader to attend to some of the very earliest arguments advancing the capabilities approach, particularly those provided in "Aristotle on Human Nature and the Foundations of Ethics," "Aristotelian Social Democracy," and "Human Functioning and Social Justice," which are cited repeatedly.⁴⁴ These are the most significant essays developing the internalist-essentialist approach to moral reasoning, and *WHD* provides a lens on those arguments as reasoning about substantive goods of human life. In *WHD*, all of this is supplemented with an articulated position on the role of desire in justification, on which no detailed stance had previously been taken.

Jaggar finds Nussbaum's new appeal in *WHD* to a "substantive-good approach" to moral reasoning particularly obscure. She criticizes the substantive-good approach as a method because it is not clearly distinguishable from the capabilities approach as a whole, and she thinks Nussbaum's claim to be using a substantive-good approach to moral reasoning simply obscures any attempt to get clear on the nature of the moral epistemology behind the capabilities approach: "This conflation obscures the distinction between substantive-good approaches in general and the capabilities approach in

⁴³ *FJ* isn't the most recent writing on the capabilities approach. In 2011, Nussbaum published a short work on the capabilities approach: *Creating Capabilities*. This is something like a practical guide to the capabilities approach for students and development workers interested in the capabilities approach. It adds little of anything new in terms of political or philosophical justification, although it treats new topics in a chapter on "Capabilities and Contemporary Issues" and gives a historical exposition of the important notion of human dignity in a way not found in any other work. Nussbaum, *Creating Capabilities: The Human Development Approach*, esp. chap. 7.

⁴⁴ Nussbaum, "Aristotle on Human Nature and the Foundations of Ethics;" "Aristotelian Social Democracy;" "Human Functioning."

particular, making it difficult to examine Nussbaum's moral epistemology separately from her substantive claims about the capabilities."⁴⁵ One plausible reason the substantive-good approach is not clearly distinguished from the capabilities approach is that Nussbaum does not intend the substantive-good approach as yet another method, different from what she has previously articulated, but rather as a characterization of the theoretical approach as a whole. Just as identifying Nussbaum's method of justification as "coherentist" offers a helpful characterization of the epistemology without introducing a new method as such, identifying the capabilities approach as a version of a substantive-good approach offers a useful characterization as a contrast with other broad forms of moral reasoning. For instance, although the capabilities approach is like utilitarianism in making claims about the nature of the good foundational, it is unlike most forms of utilitarianism insofar as it attempts to reason from a "thick," or substantive, characterization of the human good (as opposed to a "thin" account of the good conceived of as pleasure, or desire- or preference-satisfaction). A substantive-good approach can also be contrasted with proceduralist approaches to moral reasoning that focus on the formal conditions for decision procedures that can be understood as fair or reasonable. In contrast, the capabilities approach focuses argument directly on the substantive requirements of a dignified or *truly human* life. In describing the capabilities approach as a "substantive-good approach," it is best to understand Nussbaum as focusing attention on these broad differences between the capabilities approach and other theoretical alternatives. As a substantive-good approach, the capabilities approach argues from a thick characterization of the human good, and it argues immediately about how the human good is to be characterized rather than about the procedures by which a

⁴⁵ Jaggar, "Reasoning About Well-Being," 307.

minimally, or thinly, specified good might reliably be produced. While Jaggard is right then to see that the substantive-good approach Nussbaum claims to be employing has not been clearly distinguished from the capabilities approach, I do not see that this is, in itself, grounds for complaint.

Confirmation for my reading and the claim that there is a relationship of mutual support between older and newer approaches to arguing for the capabilities can be seen clearly in a more recent summary by Nussbaum of her preferred method for justifying the capabilities list. In this summary statement of her method, she explicitly links some of the oldest (internalist-essentialist) and newest (informed-desire) arguments in support of the approach. Nussbaum reiterates the method for generating the list—a set of questions that lead us to consider what is necessary for a “truly human” life, a life “worthy of the dignity of a human being”—and emphasizes that in compiling the final list, we need independent arguments for each item on the list and not simply a vague appeal to our personal intuitions about human dignity.⁴⁶ These arguments, together with the supporting evidence of what people tend to prefer under circumstances conducive to the formation of free and authentic preference, are brought together in support of the basic list of capabilities, and these are presented as the universal requirements of social justice.

We think about human dignity and what it requires. My approach does this in an Aristotelian/Marxian way, thinking about the prerequisites for living a life that is fully human rather than subhuman, a life worthy of the dignity of the human being. [. . .]

We now argue, moving through the various areas of human life in which political planning makes choices that influence people’s lives at a

⁴⁶ Here I want to make a concession to Okin and Jaggard, who both accuse Nussbaum of relying on a vague appeal to her own personal intuitions, and then her authority as an expert in the field to get away with this. I agree that there is some of this in the capabilities approach as it currently stands. Nussbaum has only provided the internalist-essentialist arguments for practical reason and sociability. She has not done this for the other eight items on the list. Their standing on the list relies on our willingness to go along with undefended supposition that such arguments could be provided for each one.

basic level, that this fully human life requires many things from the world: adequate nutrition, education of the faculties, protection of bodily integrity, liberty for speech and religious self-expression—and so forth. In each case, an intuitive argument must be made that life without a sufficient level of each of these entitlements is a life so reduced that it is not compatible with human dignity.

These arguments are based in a kind of freestanding reflective intuition, not on existing preferences. . . . Nonetheless. . . it is a good sign if these arguments converge with the deliverances of the best informed-desire approaches, those that build in informational and ethical constraints.⁴⁷

I began this exposition by describing the capabilities approach as having a two-stage character. In stage one, a list of fundamental capabilities must be generated. I've now described how that is done and the justification Nussbaum has provided in support of the list as a whole. My reading is integrative: it sees the various arguments given as mutually supporting parts of a whole. At stage two, the capabilities theorist applies the list of capabilities endorsed in stage one either to concrete questions of quality of life or to normative questions of social justice to articulate what is owed to each and every person as a matter of justice.

With this general characterization of the capabilities approach in place, I turn in the next section to some criticisms that have been raised against it. Specifically, I focus on criticisms of the arguments to which Nussbaum has appealed in the course of compiling the capabilities list. While it has been important for Nussbaum that the list be expressed in a fully universal way, critics have argued that the list does not represent universally what is important and central for flourishing for all people. Rather, it represents what is important for people like Nussbaum who are liberally minded and intellectually and artistically inclined. In what follows, I will argue that these theorists are

⁴⁷ Nussbaum, *Frontiers of Justice*, 278-279.

articulating a version of the Problem of Representation in their criticisms and showing how this problem affects the capabilities approach.

3. The Problem of Representation, Part One

Nussbaum's arguments in support of the capabilities list are intuitionist and coherentist, as I explained above. A number of Nussbaum's critics have argued that the intuitionistic method of justification employed by the capabilities approach is flawed and inadequate from a feminist perspective.⁴⁸ Alison Jaggar argues that, for the purpose of formulating a list of capabilities meant to define the threshold of a dignified human life, an adequate methodology must have some reasonable set of procedures in place to protect against the biases of the theorist herself about what constitutes a dignified form of human existence.⁴⁹ However, rather than protecting against the theorist's bias, the capabilities approach employs a method that may in fact legitimize the biases of the theorist by encouraging her to endorse her "deepest beliefs," i.e., her own deep-seated biases about the world. The implication of this criticism is that Nussbaum's intuitionism suffers from what I called in chapter one the "Problem of Representation." Jaggar gestures at discourse ethics as a possible procedural resource for providing a more adequate methodology for formulating a list of capabilities. Following up on Jaggar's suggestion, Chad Kleist recently argued that "discourse ethics as a method best grounds the capabilities approach as a genuinely universal moral theory."⁵⁰ Similarly, Brooke Ackerly argues that a central list of capabilities should be formulated on the basis of a

⁴⁸ Brooke Ackerly, *Political Theory and Feminist Social Criticism* (Cambridge: Cambridge University Press, 2000); Jaggar, "Reasoning About Well-Being;" Okin, "Poverty, Well-Being and Gender."

⁴⁹ Jaggar, "Reasoning About Well-Being."

⁵⁰ Chad Kleist, "A Discourse Ethics Defense of Nussbaum's Capabilities Theory," *Journal of Human Development and Capabilities* 14, no. 2 (2013): 279.

discourse with certain normative features.⁵¹ There are clear resources available in the tradition of feminist thought that Jaggard and Ackerly point to, since feminists working in the areas of discourse ethics and deliberative democracy have thought quite seriously and carefully about the normative constraints and procedures needed for deliberation to generate morally legitimate outcomes.⁵² However, with Nussbaum, I think proceduralism is an inadequate method for generating an account of foundational normative values (as the capabilities list is intended to do), because the procedure itself must presuppose substantive moral values if it is to be remotely plausible that the procedure will generate legitimate outcomes.

3.1 Brooke Ackerly

In *Political Theory and Feminist Social Criticism*, Brooke Ackerly advances what she calls “a Third World feminist theory of social criticism,” wherein she endorses a list of capabilities as a standard for social criticism. Ackerly regards the theoretical justification for a concrete capabilities list as compelling, arguing that “social criticism requires, among other things, universal standards by which to assess given local

⁵¹ Ackerly, *Political Theory and Feminist Social Criticism*.

⁵² Seyla Benhabib, “Liberal Dialogue Versus a Critical Theory of Discursive Legitimation,” in *Liberalism and the Moral Life*, ed. Nancy L. Rosenblum (Cambridge, MA: Harvard University Press, 1989); “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference: contesting the boundaries of the political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996); Nancy Fraser, “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy,” in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, MA: MIT Press, 1992); Jane Mansbridge, “Using Power/Fighting Power: The Polity,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996); Carol Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970); Anne Phillips, “Must Feminists Give Up on Liberal Democracy?” *Political Studies* 40, no. 1 (1992); Iris Marion Young, “Five Faces of Oppression,” in *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990); “Communication and the Other: Beyond Deliberative Democracy,” in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996); *Inclusion and Democracy* (Oxford: Oxford University Press, 2000).

practices.”⁵³ She argues that having such a list is important and that “Nussbaum offers a draft of such criteria.”⁵⁴

However, Ackerly questions both the content of Nussbaum’s capabilities list and the methodology behind it. Ackerly regards Nussbaum’s methodology of social criticism—appealing to the list as an independent and universal standard of minimum entitlements—as inadequate because Nussbaum does not incorporate a methodological check to guarantee that the proposals of the social critic represents the views of everyone. “The problem with [Nussbaum’s] method is that nothing requires that ‘we’—those who are doing the inquiry—consider how *all* people live or find something that *others* can live with.”⁵⁵ Nothing requires Nussbaum “to seek out *all* unfamiliar views or to take them seriously. Consequently, the inquiry is biased toward what is familiar to those doing the inquiry, be they the entire society or philosophers within it.”⁵⁶ She notes that the capabilities approach encourages the theorist “to find out what we deeply believe to be most important and indispensable.”⁵⁷ However, without any rigorous mechanism for validating the intersubjective validity of these judgments, Nussbaum’s methodology is liable to make misguided and inappropriate policy recommendations rooted in her own personal opinions rather than in what is universally regarded as indispensable for a dignified human life.⁵⁸ “The problem with the capability ethic,” says Ackerly, “is not that

⁵³ Ackerly, *Political Theory and Feminist Social Criticism*, 13.

⁵⁴ *Ibid.*, 13.

⁵⁵ *Ibid.*, 102.

⁵⁶ *Ibid.*, 102.

⁵⁷ *Ibid.*, 104.

⁵⁸ And Ackerly argues that Nussbaum, in fact, does this in the case of the Bangladesh Rural Advancement Committee (BRAC) literacy program, which she cites as an example that reveals “a flaw in Nussbaum’s methodology. Since the study Nussbaum cites, the adult literacy program has been phased out of most BRAC branches. . . . The village women and BRAC found credit to be a more effective means of promoting the economic stability of the poor and women’s empowerment, women’s health programming to be a better way to ensure that women live beyond their child-bearing years, and getting girls started in

Nussbaum's list embodies liberal values, but rather that Aristotle's method allows her to."⁵⁹ For Ackerly, the root problem is not that the capabilities list Nussbaum endorses embodies liberal values. Capabilities consistent with liberal values might very well figure in a list that Ackerly would accept as valid. The root problem she finds in Nussbaum's approach is that the *method* by which the list is produced does not put an adequate check on the influence of the theorist's own biases, nor does it guarantee the results of the inquiry are universally valid.

In this criticism, we see Ackerly raising a version of the Problem of Representation. Ackerly's concern is that in proffering a list of capabilities that purports to articulate the basic aspects of human nature—the actualization of which constitutes human flourishing—Nussbaum has not represented a vision of *human* flourishing, but rather a vision of flourishing uniquely attractive and suited to the kind of person Nussbaum herself is. This is a version of the Problem of Representation insofar as the accusation is essentially that the theorist has represented herself—and other persons like her—as the paradigm of humanity. Those who do not fit this mold will be aberrant.

In Ackerly's estimation, an intuitionism that seeks rational coherence amongst the totality of the theorist's beliefs is not adequate to protect against the fundamental and deeply held biases of the theorist. The capabilities approach is as likely to reinforce this bias as it is to challenge it. To correct for this, Ackerly argues that the social critic must promote and engage in dialogue that is maximally informed and fully inclusive.

There are two problems with Ackerly's proposed solution. She argues that a normative deliberative process must be fully inclusive. Full inclusivity, she supposes, will

school early to be a better way to promote female literacy." *Political Theory and Feminist Social Criticism*, 108.

⁵⁹ *Ibid.*, 105.

generate a more informed deliberation. A fully inclusive deliberation will be maximally informed since it will include the perspectives of all those affected by the outcome of the deliberation. Hence, she sees a fully inclusive deliberation as an epistemically superior method for generating the capabilities list. However, it seems that inclusion is neither necessary nor sufficient as a constraint on the deliberative process. It is not sufficient because (as Ackerly herself admits) some information can be misleading, and in such a case, more information would not necessarily lead to better deliberative outcomes. If this is the case, then “full” information is not sufficient to guarantee epistemically reliable deliberative outcomes, because the process would also need a constraint designed to filter out actively misleading information. Full inclusion is also not a necessary condition of normatively significant deliberation. Women-only consciousness-raising groups have often argued for the need for exclusion as a condition of epistemic reliability. Some deliberative processes might be more trustworthy if they are exclusive. Ackerly’s concern is legitimate, but her solution is problematic. I will put forward what I think is a more adequate response to the Problem of Representation in the final section.

3.2 Susan Moller Okin

As discussed above, in *Women and Human Development*, Nussbaum provides a narrative description of the lives of a number of economically impoverished women in the process of discussing the implications of the capabilities approach and demonstrating its real-world applicability. Susan Moller Okin objects to Nussbaum’s use of these narratives, arguing that Nussbaum’s use of the actual experience of economically impoverished women does not exemplify the “dialogue” with real women that Nussbaum

herself calls for.⁶⁰ Okin highlights the fact that in the entire study, Nussbaum only quotes each of these women directly once. The rest of what we know of them is filtered through Nussbaum's own language, understanding, and interpretation.⁶¹ Okin argues that—as a result of failing to enter into the requisite kind of dialogue with persons of different backgrounds—the capabilities approach is insufficiently attentive to what Brooke Ackerly calls “the silent voices”: the voices of actual women whose lives are shaped and whose perspectives are marginalized by circumstances of serious poverty, gender-based hierarchies, and oppression. As a result, Okin argues that although the capabilities approach purports to employ a list of basic capabilities reflecting a broad, cross-cultural consensus on the most significant capabilities for human life, the capabilities list in fact represents little more than the opinions and experience of the theorist behind it. Okin asks, “From where . . . does Nussbaum's list, her comprehensive account of the human capacities and functionings, come? . . . [It] seem[s] to draw more from the life of a highly educated, artistically inclined, self-consciously and voluntarily religious Western woman than from the lives of the women to whom she spoke in India.”⁶² Okin argues, furthermore, that a list of basic capabilities that is appropriately sensitive to the silent voices to which Ackerly draws attention would be much more basic, with items much less “fanciful.”⁶³

⁶⁰ In a failed attempt to head off precisely the kinds of objections Ackerly, Okin, and Jaggar raise, Nussbaum writes: “Universalist views, applied to women, are frequently suspected of being the projections of a male view onto women, or of the views of well-educated Western white women onto women of diverse backgrounds and cultures. I try to answer this concern through my method, which lets the voices of many women speak and which seeks collaboration with women and men from many different regions in the process of forming a view.” Nussbaum, *Sex and Social Justice*, 9.

⁶¹ One might reasonably think this would be the case whether or not Nussbaum had introduced more of their unfiltered speech into the text, given that she would be the one to determine what was to be recorded and what not.

⁶² Okin, “Poverty, Well-Being and Gender,” 296.

⁶³ *Ibid.*

Okin's critique raises two different issues. The first is an issue of method. Nussbaum has responded in part to Okin's criticism of her method by clarifying that she does not intend her use of narratives drawn from real life in *WHD* as an independent method of justification. She offers a sketch of the method of justification she endorses along the lines of what I described above in section two, and her response positions these narratives as one among several methods of reasoning that should be brought into reflective equilibrium. She says she intended the narratives to illuminate and make poignant the significance of the various capabilities on the list. However, in her reply to Okin, Nussbaum also re-casts the significance of Vasanti and Jayamma's stories as offering the kind of ancillary support she had earlier claimed procedurally constrained informed-desire approaches provide. She argues that both Vasanti and Jayamma are involved politically in groups whose deliberative structure fosters the formation and expression of normatively significant preferences.

Given that Vasanti, at least, is a participant in a group that deliberates in accordance with procedures that I describe in chapter 2 [of *WHD*] as characteristic of the best informed-desire approaches, and given that Jayamma is an active participant in the political culture of Kerala, which has related features, I am inclined to think that these examples, along with others taken from such groups, can also play . . . the modest partial role in justification that I assign to informed-desire approaches.⁶⁴

Even if we grant that these narratives offer concrete examples of people with desires that are trustworthy because, formed under appropriate conditions (i.e., in a political context devoted to collective deliberation and activism in which members' contributions are relatively equal and members receive information about the many kinds of life possibilities open to them), the weight Nussbaum's method actually assigns to such examples is minimal. Thus, Nussbaum's response avoids what appears to be the root

⁶⁴ Nussbaum, "On Hearing Women's Voices," 203.

issue: that Okin believes any list of basic capabilities should be grounded in what actual women say about their lives and what they say is significant to them. Giving Vasanti and Jayamma's stories the status of a "heuristic device" or that of an example of normatively significant informed-desires does not do that. Okin charges Nussbaum with mere lip service to the ideal of attending to what people with diverse perspectives actually believe is important. Instead, Okin accuses Nussbaum of relying on a form of intuitionism that functions to justify her own (idiosyncratic and possibly elitist) ideas about the nature of the human condition, human dignity, and the conditions of full human flourishing.

The second issue Okin raises concerns the content of the list. (As a matter of record, Okin is critical on a wide array of fronts. These two are simply the most relevant for our purposes here.) Okin believes that the capabilities list contains items that are far too "intellectualized" and "fanciful" to belong on a list of "basic capabilities." This is related to the first criticism insofar as Okin believes that, had Nussbaum given sufficient attention to what actual women in conditions of dire poverty and subject to serious gender-based oppression say that they want, the content of the list would have been much more basic—probably focused on bodily needs such as "being able to eat adequately and not to be beaten."⁶⁵ It is Okin's position that if we are going to promote a set of basic capabilities as the basis for a set of fundamental entitlements, then our list ought to be much more basic, more akin to the kinds of capabilities advanced by Amartya Sen or Brooke Ackeryly, since these are more likely to reflect what women in dire poverty actually say they want.⁶⁶ Again, I think we can see in Okin's criticism concerns about representation and an accusation that Nussbaum has represented herself—and other

⁶⁵ Okin, "Poverty, Well-Being and Gender," 296.

⁶⁶ *Ibid.*, 302.

persons like her—as the paradigm of humanity. Thus, Nussbaum has not articulated a universal ideal of human life, but an ideal that fits the lives of persons like herself.

The justification for respecting and prioritizing the actual expressed preferences of people is complex.⁶⁷ In her criticism of Nussbaum, Okin does nothing to contribute to the quite necessary discussion of the problems that beset the assertion that respect for persons demands respect for preferences as opposed, say, to respect for a constrained set of preferences or respect for individual rights, both of which are live alternatives for political liberals. Nussbaum, by contrast, has dealt with this problem at length in *WHD*, confronting head-on the problems of uninformed and adaptive preferences.⁶⁸ I will return to the methodological issue of the need for a method that incorporates genuine dialogue in the next section, since Okin’s criticism on this point is reiterated by Alison Jaggar.

3.3 Alison Jaggar

Finally, Alison Jaggar has endorsed both Ackerly’s and Okin’s criticisms, adding that Nussbaum’s flawed method of justification means the weight of justification must ultimately rest on an appeal to her own moral authority. Not having provided a method

⁶⁷ Nussbaum, *Women and Human Development*, chap. 2.

⁶⁸ Ironically, Okin’s own policy proposals to address what she sees as pressing issues of gender injustice in the family involve just this sort of disregard for expressed preferences where she judges issues of justice are at stake. In *Justice, Gender and the Family*, Okin argues that in households that practice a traditional division of labor between an employed breadwinner and an “unemployed” care-giver, half the breadwinner’s wages should be paid to the care-giving partner to recognize the contribution of that partner to the family economy and to prevent the worst forms of economic coercion that can take place under such conditions of economic power imbalance. In response to the argument that there are traditionally-minded women who prefer their husbands to have control over the finances, Okin says that women who do not desire this control are free to deposit their half into a mutual family account and go on as before. In order to protect women’s autonomy in a circumstance where it is likely to be undermined by the greater economic power of men, Okin makes essentially the same move as Nussbaum and elects to prioritize the protection of women’s autonomy even at the expense of their expressed preference. For both Nussbaum and Okin, individuals may neglect to make use of their rights, but as a matter of justice, their rights must be preserved whether they have a preference for justice in this arena or not. Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989).

that gives readers good reason to believe the capabilities list genuinely reflects the deepest and most secure beliefs of everyone regarding the most important capabilities for human flourishing, the capabilities approach offers us no reasons to accept the list as having wider validity than as a coherent expression of Nussbaum's own philosophical intuitions on the matter. Using the language of Jürgen Habermas, Jaggar calls the method "monological"—it can only be expected to reflect the reasoning of the theorist him- or herself. If the list is accepted, she concludes, it must be on the basis of the authority of its author. Jaggar maintains that in the end, "the non-Platonist substantive-good approach is simply a claim to privileged moral authority."⁶⁹ According to Jaggar,

The methodology of the non-platonist substantive-good approach is problematic in several overlapping respects. It runs the risk of exclusiveness because it fails to mandate that everyone should participate in developing the list of capabilities; instead, an unidentified "we" draw on the ideas of other vaguely identified "people." In addition, it is explicitly non-egalitarian: some people, the same unidentified "we," assume authority to decide whether or not those people's desires are "informed" or "corrupt" or "mistaken." . . . If other people agree with "us," "we" use their preferences as data supporting "our" list but, if they disagree, "we" reject their ideas as flawed data. They are "witnesses;" "we" are the judge. Justification still rest ultimately on "our" intuitions—not on those of everyone.⁷⁰

Because she believes the final judgment on the central capabilities rests with the theorist building the list, Jaggar argues that the method ultimately relies on the authority of the theorist to make the list. Thus, Jaggar argues that the methodology behind the capabilities approach is shaped by two morally problematic features: it is exclusive insofar as it does not require the resources of everyone's intuitions about the central capabilities, and it is non-egalitarian in encouraging the theorist to privilege his or her own moral judgment when it comes to determining which intuitions (of those others we have opted to consider) should be rejected and which endorsed. The result, Jaggar thinks,

⁶⁹ Jaggar, "Reasoning About Well-Being," 318.

⁷⁰ *Ibid.*, 318-19.

is a method of moral reasoning that privileges the perspective of the theorist and is thereby susceptible to the theorist representing her own partial and limited perspective as universally valid. The problem is not one of malicious intent. Even if the theorist should be well-intentioned and trying to form her judgments on the basis of the evidence, the method itself provides no protections against the excessive influence of the theorist's personal bias.

I submit that in these criticisms, Okin, Ackerly, and Jaggar are each independently identifying in Nussbaum's methodology the problem that was discussed in chapter one as the Problem of Representation. While Nussbaum purports to be representing universal features of the human condition in the form of capabilities that ought to be supported for each and every individual, her critics have argued that the list does not universally represent what is important for all lives. Rather, it represents (and the methodology allows it to represent) what is important for Nussbaum herself (or possibly for politically liberal-minded persons more generally). Though Nussbaum aspires to have formulated a genuinely cross-cultural and universally valid list (at least for the modern world), the contents of the list actually represent what is most significant for persons whose social situation reflects Nussbaum's own as a well-educated, wealthy, Western woman with plenty of inclination and leisure to pursue intellectualist pleasures.

What Jaggar and Ackerly both point to as a solution to this problem is a method with more fine-grained procedures for guaranteeing that the contributions of all are heard and given equal weight. Ackerly's own Third World theory of social criticism appeals to the resources of deliberative democratic theory, and in Jaggar's estimation, what is needed is some form of "morally-constrained proceduralism" designed to correct for the

sorts of flaws to which Nussbaum's method is susceptible.⁷¹ Jaggar gestures at the deliberation-based proceduralism developed in discourse ethics. Instituting a deliberation-based procedure for winnowing a list of basic capabilities would also seem to go some way toward satisfying Okin's demand that Nussbaum exhibit the dialogue with differently situated and especially poor women that she herself calls for in her method.

Nussbaum has already engaged with one kind of proceduralist theory of value as an alternative to the intuition-based theory of value that she defends. In *WHD*, Nussbaum engages with procedurally constrained, preference-based accounts of value and argues that the intuitionistic epistemology behind her favored theory of value is necessary to avoid the question-begging appeal to values other than preference-satisfaction that even the best procedurally constrained, preference-based accounts of value entail.⁷²

If Nussbaum's objective is that the beliefs of all should be represented in the formulation of the capabilities list such that it has an authentic claim to universality, then a discourse-based proceduralism will be stronger than the preference-based proceduralisms with which Nussbaum has engaged. For instance, a sufficiently inclusive discourse would have a verifiable claim to represent universally the capabilities that are believed important for a flourishing, fully human life. If, as Jürgen Habermas has argued, there are transcendental norms of discourse to which persons must be committed in order to engage in discourse at all, then there may be values (such as universal moral respect and egalitarian reciprocity) that come from the discourse itself and can be accounted for

⁷¹ Jaggar, "Reasoning About Well-Being," 319.

⁷² Nussbaum, *Women and Human Development*, chap. 2.

pragmatically.⁷³ In this way, there may be values that place moral constraints on preferences and have a valid justification, thereby avoiding the accounting challenge. Thus, discourse-based forms of proceduralism have some clear strengths over preference-based proceduralisms, and thereby present a stronger challenge to Nussbaum's arguments that adequate theories of quality of life and distributive justice depend upon the resources of an intuitionistic, substantive-good approach to moral reasoning. In the next section, I follow up on this alternative proposed by Ackerly and Jaggar and explore what a deliberations-based proceduralism has to offer the capabilities approach. For reasons of space and time, I focus on the thought of just one figure: Iris Marion Young. Her work on the requirements of normative deliberation is well-developed and has been influential in feminist political theory and beyond. Furthermore, she is vividly aware of and attentive to the real-world problems of moral and political justification for agents living in non-ideal conditions shaped by oppression and domination. Nussbaum's current position is, likewise, a response to such problems. She contends that feminists need a list of universal values by which to judge preferences precisely because she believes oppression has the power to shape consciousness and preferences in ways that reinforce oppression. Young is acutely concerned with the possible distorting effects of oppression and domination on the process of deliberation, and this leads her to defend strong substantive constraints on discourse as necessary conditions of normative legitimacy. This mutually shared starting point will make the comparison all the more fruitful. Nevertheless, I will argue that

⁷³ Here I follow Seyla Benhabib in seeing such moral principles as implicit in the rules Habermas identifies as presuppositions of rational discourse. See Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen, with an introduction by Thomas McCarthy, (Cambridge, MA: MIT Press, 1990), 89; Seyla Benhabib, "Afterword: Communicative Ethics and Current Controversies in Practical Philosophy" in *The Communicative Ethics Controversy*, ed. Seyla Benhabib and Fred Dallmayr, (Cambridge, MA: MIT Press, 1990), 337.

Young's deliberation-based theory of democratic process does not avoid the problem that leads Nussbaum to argue that we need substantive modes of reasoning about the nature of the human good, and that the best procedures implicitly rely on such an account of the good. We will find this to be just as true for Young's deliberation-based proceduralism as it was for the preference-based proceduralisms Nussbaum criticized in *WHD*. I will argue that Young's deliberative procedure suffers from the central problem Nussbaum identifies with preference-based proceduralisms, a problem which I call "the accounting challenge." Specifically, Young's deliberative procedures implicitly rely upon an account of central human capabilities reminiscent of the capabilities list Nussbaum advances. It is precisely because oppression and domination undermine these valuable capabilities that they constitute a harm.

4. Iris Marion Young on the Conditions of Normative Deliberation

Under what conditions can a decision arrived at collectively be considered normatively valid and binding? Different theories of democracy answer this question different ways.

For instance, aggregative theories of democracy (otherwise known as "pluralist" or "interest group pluralist") hold that decisions that express majoritarian opinion are valid because they express either the strongest or most widely held preferences of the group.⁷⁴ Deliberative theories of democracy, on the other hand, maintain that collective

⁷⁴ This is how Young describes the aggregative theory of democracy. Young, *Inclusion and Democracy*, 19-20. For further discussion and criticism of this model, the reader may find Young's references useful: Benjamin Barber, *Strong Democracy* (Berkeley: University of California Press, 1984), esp. 132-43; Thomas Christiano, *The Rule of the Many* (Boulder, CO: Westview Press, 1996), 133-150; John Dryzek, *Discursive Democracy* (Cambridge: Cambridge University Press, 1990), ch. 1; David Ingram, *Reason, History and Politics* (Albany: State University of New York Press, 1995), ch. 1; C.B. Macpherson, *The Life and Times of Liberal Democracy* (Oxford: Oxford University Press, 1977), ch. 4.

decision making under appropriate conditions can be construed as a collective form of practical reason, the outcome of which has a claim to reasonableness and, under the right conditions, can also claim strong normative validity. These are central questions for democratic theory, but answering such questions has a more general applicability for theories of procedural normativity.

A theory of practical reason based on a normatively valid process of collective deliberation might be able to provide an alternative method for formulating a list of central capabilities. Such a method would not be susceptible to the charge of “monologism,” and if it were sufficiently inclusive and representative, it would have a clear claim to represent what all people actually believe to be the most central and significant capabilities for human life. Such an account would provide a basis from which to build a genuinely universal list of capabilities that could serve as a neutral starting point for cross-cultural moral reasoning. This would be valuable since it is precisely what the capabilities approach seeks.

Building on the normative tradition of discourse ethics pioneered by Jürgen Habermas and Karl Otto-Apel, Iris Marion Young has argued that an agreed-upon outcome of a social process of deliberation can reasonably be regarded as just if the process is characterized by inclusivity, equality, reasonableness, and publicity.⁷⁵ According to Young, justice “is nothing other than what the members of an inclusive public of equal and reasonable citizens would agree to under these ideal circumstances.”⁷⁶ A brief word on each of these requirements is in order. Young interprets the norm of *inclusion* as requiring that all those affected by a given decision be

⁷⁵ Young, *Inclusion and Democracy*.

⁷⁶ *Ibid.*, 33.

included in the process of discussion and decision-making. As Young sees it, “inclusion allows for maximum expression of interests, opinions, and perspectives relevant to the problems or issues for which a public seeks solutions.”⁷⁷ *Equality* requires not only that all have a free and equal opportunity to speak, but that none of the participants “is in a position to coerce or threaten others into accepting certain proposals or outcomes.”⁷⁸ This is important, since only if the discourse is free from domination can participants “be confident that the results arise from good reasons rather than from fear or force or false consensus.”⁷⁹ Securing the participants’ confidence in the outcome as a product of good reasons suggests the need for a third norm: *reasonableness*. For Young, the norm of reasonableness is not so much about the content of the claims entered into the discourse as it is about the dispositions of the people engaged in the discourse:

To be reasonable is to be willing to change our opinions or preferences because others persuade us that our initial opinions or preferences, as they are relevant to the collective problems under discussion, are incorrect or inappropriate. Being open thus also refers to a disposition to listen to others, treat them with respect, make an effort to understand them by asking questions, and not judge them too quickly.⁸⁰

Finally, in regards to the *publicity* requirement, Young maintains that for an outcome to be regarded as just, the decision must be arrived at under conditions in which all speakers enter claims with the knowledge that they are speaking to a public to which they are answerable. Therefore, every claim must be entered in a way that “aims in its form and content to be understandable and acceptable” to all.⁸¹

⁷⁷ Young, *Inclusion and Democracy*, 23.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*, 24.

⁸⁰ *Ibid.*, 25.

⁸¹ *Ibid.*

I believe it is especially the requirement and specification of the publicity criterion that make Young's normative procedure dependent on an account of human nature—an account that is specifically characterized by a set of fundamental capabilities justice requires us to respect. We can uncover this conception of human nature and the fundamental capabilities that justice requires us to respect by unpacking the concept of publicity.

Publicity entails entering claims acceptable to all. According to Young, one of the conditions for acceptable claims is a compatibility with the fundamental claims of others based on justice:

Knowing that they are answerable to others, and that they are mutually committed to reaching agreement, means that each understand that his or her best interests will be served by aiming for a just result. Each is thus motivated to express her interests or preferences in terms that aim to persuade others that they are compatible with justice in this case, which is to say that they do not seek to ignore or cancel the legitimate interests of others.⁸²

This stipulation raises an important question: what constitutes the legitimate interests of public persons (i.e., persons entering public claims)? According to Young, legitimate interests are “generalizable” interests, which is to say interests that “others can recognize . . . as legitimate without denying their own legitimate claims to self-determination and self-development.”⁸³

By self-determination Young means “being able to participate in determining one's action and the condition of one's action.”⁸⁴ A person is therefore self-determining when they are free, particularly when they are free of conditions of domination. Young maintains that this freedom for self-determination cannot be understood simply as

⁸² Young, *Inclusion and Democracy*, 30.

⁸³ *Ibid.*, 30, fnt 23.

⁸⁴ *Ibid.*, 32.

“negative freedom”—freedom from the interference of particular others—but must include freedom from institutional relations of domination, meaning relations “that award differential power to some agents to constrain the choices and actions of others.”⁸⁵ This implies that individuals must be able to participate in making “the collective regulations designed to prevent domination.”⁸⁶ The capability for self-determination is one of the fundamental capabilities, then, that must be respected if the publicity norm is to be met and the outcomes of the discourse are to be regarded as morally legitimate and binding.

The other capability Young appeals to is the capability for self-development. Self-development requires that people are able to meet their “basic needs” for food, shelter, health care, and so on,⁸⁷ but Young is not willing to limit our legitimate interest in self-development to provisioning for basic needs. Young agrees with Amartya Sen that the value of self-development is to be thought of primarily in terms of capabilities—what people are able to do and to be:

As doers and actors, we seek to promote many values of social justice in addition to fairness in the distribution of goods: learning and using satisfying and expansive skills in socially recognized settings; participating in forming and running institutions, and receiving recognition for such participation; playing and communicating with others, and expressing our experience, feelings and perspective on social life in contexts where others can listen.⁸⁸

In this list, Young names some of the central capabilities of persons institutional oppression tends to undermine: the capability to learn; to use our skills in socially recognized settings and in a way that is satisfying; to play and communicate with others;

⁸⁵ Young, *Inclusion and Democracy*, 32.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Young, “Five Faces of Oppression,” 37.

and to express our experiences, feelings, and perspective on social life in a way that leads to others hearing us. Violating these capabilities would render the discourse illegitimate.

For Young, the legitimate interests of persons for self-determination and self-development define the basic requirements of social justice. Social justice has to do with “the institutional conditions for promoting self-development and self-determination of a society’s members.”⁸⁹ Institutional constraints on self-development constitute forms of oppression whereas institutional constraints on self-determination are understood as forms of domination.⁹⁰ These twin entitlements of persons to the institutional conditions necessary to satisfy their legitimate interests in self-development and self-determination establish the basic requirements of social justice, which all persons are entitled to as members of a just society. By incorporating these entitlements into the conditions of publicity—one of the conditions of normative deliberation—Young places a substantive constraint not only on the “form” of the claims entered into discourse (which is how she describes publicity), but the content of the claims entered. This has the effect of ruling out of bounds some actions or policies people might, as a matter of fact, believe they have an interest in—namely actions or policies that violate the rights of others to self-determination and self-development—in short, those which harm others unjustly.⁹¹ But this means Young has not defined justice in a strictly proceduralist way.

⁸⁹ Young, *Inclusion and Democracy*, 33.

⁹⁰ Young, “Five Faces of Oppression.”

⁹¹ The reader might wonder at this point if my characterization of Young’s position can be correct. On the one hand, I have represented Young as committed to a procedural conception of justice according to which “justice is nothing other than what the members of an inclusive public of equal and reasonable citizens would agree to under these ideal circumstances.” *Inclusion and Democracy*, 33. On the other hand, I have attributed to Young a stipulation on the conditions of the discourse requiring that the participants possess an independent conception of justice. The most generous interpretation I can give to this discrepancy is that Young believes participants enter the discourse with a minimal or vague conception of social justice in terms of self-determination and self-development, but they accept that just realizations of their own vague conception must be worked out in deliberation with others. My objection to Young (below) exploits the fact

Young's claims that all people are entitled to an equal opportunity to develop and exercise important capacities (self-development) and that all people should be free from systemic forms of domination (self-determination) function as the fundamental entitlements of persons. These are absolute prohibitions on injustice in Young's theory of social justice. For her, only interests which are compatible with the fundamental right of all to self-development and self-determination are legitimate. Otherwise put, only those interests that are compatible with these two basic requirements of justice may be entered into normatively legitimate deliberations.⁹²

Officially, according to Young, an agent (whether a person or a collective) "has an interest in whatever is necessary or desirable in order to realize the ends the agent has set."⁹³ However, as this discussion shows, the criterion of publicity—which says that we must see ourselves as answerable to others and therefore only enter claims others can, in principle, accept—rules out a subset of claims individuals might want to make on the basis of interests they perceive themselves as having. Interests that are incompatible with the legitimate claims of others to self-development and self-determination are illegitimate

that her account requires this independently defined conception of social justice: it is either so minimal that it cannot do the work her theory needs it to do (to prevent oppression and domination in the discourse) or it is covertly smuggling in a strong, independent conception of what is due to individuals based on a conception of human fulfilment or flourishing. I am not the only one to have observed what is (at least) a tension in Young's thought on this point. Ben Eggleston uses Rawls's technical language to make the same point. Employing the technical distinctions found in Rawls, Eggleston argues that Young's conception of justice wavers between "imperfect procedural justice" and "pure procedural justice." The justice of deliberative democracy is a form of imperfect procedural justice if the outcomes "can be seen to be just by their conformity to an independent specifiable conception of justice for outcomes." In contrast, the justice promoted by deliberative democracy is a form of pure procedural justice if the outcomes are defined as *ipso facto* just in virtue of their being the product of a process "with certain (purely procedural) virtues." Ben Eggleston, "Procedural Justice in Young's Inclusive Deliberative Democracy," *Journal of Social Philosophy* 35, no. 4 (2004): 545-546. Eggleston maintains that the tension in Young's theory would be best resolved by opting for the imperfect procedural account as this would leave most of what she says in other places intact, but he admits that this would not come without certain costs since it would require some revision of the substance of her theory.

⁹² Young, *Inclusion and Democracy*, 187.

⁹³ *Ibid.*, 134.

grounds upon which to make claims. Young is specific about the requirements of self-development and self-determination, and the way she spells them out reveals a conception of human nature characterized by a set of fundamental capabilities that must be respected: the capabilities to be self-determining; to participate in the process of collective self-regulation designed to prevent domination; to learn; to use our skills in socially recognized settings and in ways that are satisfying; to play and communicate with others; to express our experiences, feelings, and perspectives on social life; and to do so in a way that leads to others hearing us. As we can see, Young endorses a conception of human nature and its fulfillment that draws on a list of capabilities, and in her discussions of self-development and self-determination, the reader catches glimpses of the positive capabilities she takes to be significant.

Returning to the initial question that inspired this discussion of Young's deliberative theory of justice: Can the procedure she defends plausibly ground a normative conception of the human capabilities? If we adapted Young's theory of deliberation for this purpose, a legitimate list would be the product of collective deliberation characterized by inclusion, equality, reasonableness, and publicity. Because publicity entails respect for the rights of others to self-determination and self-development, and implicit within these ideals is a conception of central capabilities that must be respected, Young's account of normative deliberation could not justify a list of capabilities without being circular by virtue of presupposing a list of capabilities from the outset.

To summarize: my argument here has been that a deliberation-based proceduralism such as Young provides cannot substitute for substantive argument over

the capabilities list because the constraints she places on the procedure, which give its outcomes normative validity, are dependent on a prior account of the person as entitled to self-determination and self-development. Young understands self-determination and self-development in terms of essential capabilities. As was discussed above, self-determination entails the capability to participate in making “the collective regulations designed to prevent domination,”⁹⁴ while self-development entails such capabilities as “learning and using satisfying and expansive skills in socially recognized settings; participating in forming and running institutions and receiving recognition for such a participation; playing and communicating with others, and expressing our experience, feelings and perspective on social life.”⁹⁵ When this list is made explicit, there is clearly some common ground between Young and Nussbaum, who defends capabilities such as control over one’s political environment, being granted the social bases of self-respect (which is akin to the social recognition that Young thinks important), play, and use of one’s senses, imagination, and thought (under which Nussbaum includes things like communication of one’s own perspective and self-expression). Additionally, the five faces of oppression Young identifies—exploitation, marginalization, powerlessness, cultural imperialism, and violence—correspond in fairly obvious ways to central and significant capabilities, such as: being able to appropriate the benefits of the exercise of one’s own capabilities (which exploitation undermines);⁹⁶ “having a right to seek employment on an equal basis with others”⁹⁷ and exercise one’s capacities in a way that

⁹⁴ Young, *Inclusion and Democracy*, 32.

⁹⁵ Young, “Five Faces of Oppression,” 37.

⁹⁶ *Ibid.*, 49.

⁹⁷ Nussbaum, *Women and Human Development*, 80. Nussbaum includes “having a right to seek employment on an equal basis with others” and exercise of one’s capacities in way that brings recognition and self-respect under the capability she calls “material control over one’s environment.”

brings recognition and self-respect (both of which marginalization undermines);⁹⁸ and “being able to be secure against assault”⁹⁹ and the threat of assault (both of which violence undermines).¹⁰⁰

When Young incorporates publicity as a constraint on the discourse and requires that agents observe even this minimal standard of justice in entering claims, she invokes a conception of the person as a being with legitimate interests in their own well-being (which she articulates as freedom for self-development and self-determination). But because of this, we cannot use such a procedurally constrained form of discourse as a method for formulating a list of fundamental capabilities. The validity of the procedure itself depends on presupposing some such list, so to use such a process would be circular.

In this section, I raised and argued against the possibility of substituting a deliberation-based, proceduralist method of reasoning for Nussbaum’s own intuitionist method of reasoning about the capabilities. It is worth repeating, I think, that the issue at stake is one of methodology in moral epistemology, not in political legitimacy. An advocate of the capabilities approach could argue (and I am quite sympathetic to this) that a deliberation-based proceduralism is inadequate for formulating the capabilities list, while still leaving open that deliberation-based procedures may be the most just and wise processes to employ when it comes to implementation of the capabilities, given that the capabilities need to be interpreted and implemented in context-sensitive ways. The reason for this difference is that deliberation-based procedures only result in valid or just outcomes if the procedures constraining the deliberation are themselves just, and for this

⁹⁸ Young, “Five Faces of Oppression,” 53, 55.

⁹⁹ Nussbaum, *Women and Human Development*, 78. Nussbaum includes “being able to be secure against assault” and the threat of assault in the capability she calls “bodily integrity.”

¹⁰⁰ Young, “Five Faces of Oppression,” 62.

we need a prior account of human nature and the human good that cannot itself be provided by a value-neutral process of deliberation. This is another version of “the accounting challenge” we discussed above as affecting preference-based proceduralisms. Just as the preference-based forms of proceduralism Nussbaum interacts with in *WHD* face an “accounting challenge,” Young’s deliberation-based proceduralism would face the same challenge. The normative constraints on the procedure require an account of the human good which the procedure must respect, but for this reason it cannot be used to generate an account of the human good without begging the question in a fundamental way.

Now, this obviously does not show that there is no deliberation-based proceduralism that can avoid the accounting challenge. The source of the challenge for Young’s deliberative proceduralism is, arguably, that it is not rigorously proceduralist enough. It introduces an independent, albeit thin, conception of justice into the constraints placed on the procedure, and is therefore reliant on a set of independent intuitions about the requirements of justice rather than letting the procedure alone define what is just independent of intuition. Nevertheless, I believe considerations of this nature are an argument in favor of a form of moral reasoning that draws on evaluative intuitions about the human condition and the human good. In the context of the capabilities approach, this means substantive moral reasoning about the capabilities is still necessary.

Granting that some kind of substantive moral reasoning is needed, should feminists endorse the methods Nussbaum has advanced, or should these methods be set aside in light of the criticisms enumerated above? Her critics charge that the methods she employs do not do enough to reduce the influence of personal bias on the conclusions of

the list (see Ackerly and Okin), and that, because the moral epistemology behind the substantive good method is not clearly laid out, its validity cannot be assessed independent of the moral authority of the author (see Jaggar). In this chapter, I've provided an interpretation of Nussbaum's substantive-good intuitionism that aims to defend the approach against the charge that there are no clear lines of reasoning by which we can assess the list independent of its author's moral authority. There are independent arguments and I've argued that they are to be taken in conjunction and made coherent through a process of reflective equilibrium. As such, Nussbaum's intuitionism has a claim to transparency about where these intuitions of "ours" are coming from. This makes rational dispute over each of the items possible insofar as reasons for each item on the list are open to view and can be endorsed by reasonable people on the basis of their own judgment that they are good and sufficient reasons. This is sufficient to rebuff the charge that the items on the capability list finally depend on nothing more than the moral authority of the author of the list. The moral epistemology of the capabilities approach as articulated by Nussbaum cannot be dismissed as an appeal to her own moral authority.

Furthermore, I believe that the capabilities approach, grounded as it is in an account of core capabilities essential to human fulfillment has something valuable to offer. Nussbaum's capabilities list expresses an account of human fulfillment that is clearly at home in a liberal conception of value, the predominant features of which are a commitment to the individuality of the person and respect for autonomous choice. Nussbaum has articulated in a robust way what one kind of liberal position clearly presupposes to be of value in human life. Many political liberals, who share much in common with Nussbaum when it comes to the substance of their conclusions, have

preferred to reason toward these conclusions through procedural rather than substantive methods. Our discussion here has shown that a number of well-known proceduralist alternatives do not avoid presupposing the value of certain specific capabilities. However, rather than argue for them, these proceduralist alternatives simply presuppose the value of these capabilities. The capabilities approach as such, then, is no more contentious for its explicit stance on the value of a definite list that it advances as worthy of protection. Moreover, it has the virtue of being explicit about this and of offering arguments on this front. This is important for feminist moral theory, which has often failed to fully develop and make articulate the normative foundations required to defend practical moral and political positions.¹⁰¹ If feminists are going to employ a flourishing-based moral framework like the capabilities approach to articulate moral and political social criticism, the normative basis of this approach needs articulation and argument. As I've argued, a theory of human nature is an indispensable normative resource within such a moral theory. The feminist ethics of flourishing may need better arguments than those provided by Nussbaum's substantive-good approach, but it is unwise to reject a well-developed method of reasoning on such a difficult question as human nature without a better alternative to offer.

While I find much that is of value in Nussbaum's capabilities approach and I have defended her arguments for the capabilities, which are made in the context of an intuitionist moral epistemology, I have not gone so far as to argue for or endorse intuitionism as such. Feminist moral philosophers attentive to issues of moral epistemology have raised a number of objections to intuitionism. Some of these concerns almost undoubtedly motivate the criticisms discussed above. Especially concerning are

¹⁰¹ Baehr, *Varieties of Feminist Liberalism*, 13.

forms of intuitionism that rely heavily on an appeal to the “self-evidence” of the philosopher’s favored intuitions,¹⁰² and some objections against intuitionistic moral epistemologies are well-founded.¹⁰³ However, Nussbaum does not invoke self-evidence; she relies on a coherentist form of intuitionism which seeks to achieve “reflective equilibrium” between intuitions, considered judgments, and principles, and she offers arguments for the intuitions she appeals to, rendering them more akin to considered judgments. One of the inherent limitations to any coherentist approach to justification is that coherence is no guarantee of truth. At the limit, it is entirely conceivable that one could have a coherent set of false beliefs. Less dramatically, one might have a coherent set of true beliefs that was partial in some important respect, excluding certain true beliefs and so producing only a partial picture of the full reality in question. In advancing a list of central capabilities that deserve special protection, either one of these failings would be serious, since it would unjustifiably enshrine a partial and particular form of life as universally valid, possibly foreclosing other legitimate alternatives that cannot be squared within the account. Nevertheless, seeking coherence across a set of beliefs or intuitions one has other reasons for thinking true (or if that is too strong in some cases,

¹⁰² E.g., G. E. Moore, *Principia Ethica* (London: Cambridge University Press, 1903); W.D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930). For a feminist critique of Moore, see Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1993), 121. For an incisive review of feminist interventions in moral epistemology and a summary of feminist objections to major philosophical accounts of moral justification see Alison Jaggar, “Feminism in Ethics: Moral Justification,” in *The Cambridge Companion to Feminism in Philosophy*, ed. Miranda Fricker and Jennifer Hornsby (Cambridge: Cambridge University Press, 2000). For sympathetic analysis of the commitment to ‘self-evidence’ in Ross and others, see Robert Audi, “Moderate Intuitionism and the Epistemology of Moral Judgment,” *Ethical Theory and Moral Practice* 1 (1998).

¹⁰³ For example, finding shared intuitions depends in large part on shared experience, but where experience diverges—as it typically does between the privileged and the oppressed—intuitions, for example, about what is just or fair are not likely to be shared. Miranda Fricker has argued that the oppressed will characteristically suffer from a lack of epistemic credibility, and this will tend to justify dismissing their intuitions as anomalous. The oppressed then suffer not only social injustice, but what Fricker calls “epistemic injustice.” Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford: Oxford University Press, 2007).

then at least one has no good reason to think them false) is an epistemic virtue. It can serve to demonstrate consistency and fit, and, in that regard, can be the basis for greater epistemic confidence. Whatever its limitations (and there are serious limitations), a coherentist pursuit of reflective equilibrium is considerably less problematic than other forms of intuitionism feminists have rightly criticized.¹⁰⁴

5. The Problem of Representation, Part Two

While I am unwilling to dismiss the argumentative strategies Nussbaum has put forward, I think her critics are right to scrutinize the capabilities list and the status she has at various times claimed for it. Recall that the Problem of Representation has two sides. First, in advancing philosophical accounts of various phenomena in human life, moral philosophers have often passed off their normative ideals under the guise of descriptive analysis. Margaret Walker describes how this works:

The accounts they [i.e., some moral philosophers] produce of certain positions, postures, and lives often are given and taken as disinterested, indeed rationally critical, examinations of what moral agency, autonomy, or responsibility simply “are,” and what people and lives look like when they exhibit these. These accounts, however, are not just descriptions. They are idealizations and defenses (one might say, idealized defenses) of certain conceptions: They affirm these as terms which should govern our moral assessment of ourselves and others.¹⁰⁵

Articulations of “what it is to be human” are susceptible to the same ambiguity.

Second, (and it is this side of the critique that Ackerly and Jaggar have pressed) feminists have found a predictable relationship between the ideals embedded in these descriptions and the faces behind those ideals. The ideals very typically reflect the life and social

¹⁰⁴ Despite this, reflective equilibrium of the sort advocated by Rawls and Nussbaum has not escaped feminist criticism. See, for instance, Margaret Walker’s criticism in Margaret Urban Walker, *Moral Understandings: A Feminist Study in Ethics*, 2nd ed. (Oxford: Oxford University Press, 2007), 70-75.

¹⁰⁵ Walker, *Moral Understandings*, 139. For further discussion of this theme see pgs. 22-23, 60.

position of the philosopher. Ackerly and Jaggar have accused Nussbaum of advancing an account of human capabilities that does not really describe what is necessary for all people to flourish; rather, it describes the capabilities that are important for a woman of her own inclinations and social position to flourish. Jaggar argues that Nussbaum has given us little reason to accept this conception of human flourishing. To the contrary, I have argued that Nussbaum's argumentative strategy is valuable and that there are reasons given in defense of the capabilities on the list that can be assessed independently of the authority of their author. But insofar as the Problem of Representation encompasses the problem of passing off normative ideals under the guise of descriptive analysis, I think Nussbaum's critics would be right to be suspicious.

Part of what the Problem of Representation identifies is value judgments parading as neutral facts. If a flourishing-based ethic cannot do without a normative conception of human nature, then an important part of addressing feminist concerns about the Problem of Representation is being transparent about the nature of the claims being made. Nussbaum has vacillated between the idea that the answers to questions about what it is to be human capture our best self-understanding in a quasi-scientific sense, and the idea that the answers to these questions are fundamentally evaluative matters invoking judgments of significance about what makes for a *good* human life. For instance, Nussbaum has described the method behind the capabilities list as an "attempt to summarize empirical findings of a broad and ongoing cross-cultural inquiry."¹⁰⁶ However, in the same discussion, she also asserts that "because the account is evaluative from the start . . . it is called a conception of the good."¹⁰⁷

¹⁰⁶ Nussbaum, *Sex and Social Justice*, 39-40.

¹⁰⁷ *Ibid.*

In a similar way, in some of her earlier writing on the internalist-essentialist method, Nussbaum vacillates between the idea that the internalist-essentialist arguments capture our best self-understanding in a quasi-empirical sense, and the idea that the answers to internalist-essentialist questions are fundamentally evaluative matters invoking judgments of significance about what makes for a human life *properly* so-called, that is, a *truly human life*.¹⁰⁸

In more recent work,¹⁰⁹ she has taken to identifying the kind of life made possible by the freedom to exercise human capabilities as a life with “dignity,” an idea which expresses with much less ambiguity the fact that the capabilities list expresses an evaluative vision of what is necessary for a good human life.¹¹⁰ It is presumably the connection to flourishing (expressed in terms of a life with dignity) that makes the “moral claim” of capabilities to their own fulfillment worthy of our respect.¹¹¹ Self-destructive and harmful capabilities (e.g., for killing, brute-force domination, manipulation, and revenge) can also be described as capable of an existence that is “flourishing” as opposed to “stunted.” But in this case, Nussbaum thinks our legitimate refusal to respect these potentials rests on a judgment that they are inconsistent with human flourishing.

¹⁰⁸ Nussbaum, “Aristotle on Human Nature and the Foundations of Ethics;” “Human Capabilities, Female Human Beings,” 75.

¹⁰⁹ Circa “Political Animals: Luck, Love and Dignity,” *Metaphilosophy* 29, no. 4 (1998).

¹¹⁰ Although Claassen and Düwell’s proposed alternative to ground the capabilities approach in a transcendental argument on the conditions of human agency is valuable and would be worth developing further, they are misguided when they claim Nussbaum’s criterion for identifying the capabilities is a norm of ‘humanity’ in a strictly descriptive sense. Rutger Claassen and Marcus Düwell, “The Foundations of Capability Theory: Comparing Nussbaum and Gewirth,” *Ethical Theory and Moral Practice* 16 (2013). On this basis, they object that seriousness and aggressiveness (which do not make the capabilities list) are just as much human capabilities as play(fullness) and living with compassion for others (which do make Nussbaum’s capabilities list). I fully grant their criticism that Nussbaum’s appeal to dignity “is not theoretically clearly developed.” However, that is not sufficient to establish that Nussbaum’s criterion “merely generates anthropological observations.” “The Foundations of Capability Theory: Comparing Nussbaum and Gewirth,” 495 ftnt 3, 495, respectively.

¹¹¹ Nussbaum, *Frontiers of Justice*, 278.

The capabilities view refuses to extract norms directly from some facts about human nature. . . . [W]e must begin by evaluating the innate powers of human beings, asking which ones are the good ones, and the ones that are central to the notion of a decently flourishing human life, a life with human dignity. Thus not only evaluation but also ethical evaluation are put into the approach from the start. Many things that are found in human life are not on the capabilities list. The political conception does not have the job of fostering greed or making sure that crime and brutality get a chance to flourish, although these activities are surely based in human powers. The conception of flourishing is thoroughly evaluative and ethical; it holds that the frustration of certain tendencies is not only compatible with flourishing, but actually required by it.¹¹²

Here we see Nussbaum clearly taking the position that human flourishing consists not in the realization of all human potentials, but in the fulfillment of those that contribute to the end of human dignity. This stance entails a conception of human nature defined by a distinction between appropriate and valuable developments of our nature and harmful and destructive developments of our nature. I have tried to bring articulacy to convictions of this sort. This conviction that our nature must be understood as well-realized by some developments and not by others is one of the principle markers of a teleological conception of nature in general (see chapter two).

It is worth noting that when Nussbaum has been tempted to describe the contents of the capabilities list as an empirical finding, she has not been claiming that the capabilities list is a product of an inquiry into human nature as made through the natural or social sciences. She has, rather, claimed that the list is a product of empirical investigation into what people, in different times and different places, *have believed is valuable* about human life. However, even if we have an empirical finding about widespread evaluative judgments, such a discovery cannot put the capabilities list on the footing it requires. If this is all the capabilities list is, then it will not be able to play the

¹¹² Nussbaum, *Frontiers of Justice*, 366.

normative role the capabilities approach requires it to play. In terms of its normative significance, this argument for the capabilities list would put the capabilities list on par with Hume's appeal to sympathy. Just as Hume has a difficult time using the fact that we can (and often do) sympathize with others to explain why we should,¹¹³ Nussbaum's account will have difficulty explaining why the fact that many people around the world take these capabilities to be valuable implies that we should value and protect them. On the other hand, if the capabilities list is, rather, based on a set of judgments about which capabilities—amongst the many human beings possess—are a constitutive element of human fulfillment and flourishing, then we escape Hume's problem, and it is clear what normative ground Nussbaum has for privileging the capabilities on the list. The challenge with such a position is that the capabilities list can no longer be represented—as Nussbaum represents it at points—as an uncontroversial ground upon which most (if not all) persons are agreed.

If the account of human nature employed by the capabilities approach is now understood as thoroughly ethically informed (that is, as an evaluative account that distinguishes between human potentials on grounds of worth), then does Nussbaum still think the capabilities list—more than other universal moral ideals—can serve as a shared basis for cross-cultural moral reasoning? If so, is this because ethical ideals about human nature are somehow less contentious than ethical ideals about other subjects? If not, then what is the unique value of reasoning from an account of human nature and its potentials

¹¹³ Even if we take Annette Baier's more sophisticated theory of sympathy—according to which sympathy is normative because our moral sense (sympathy) reflectively approves of its own function—it is not clear why the reflective approval of sympathy for itself should lead us to regard sympathy as normative. This could be one of the peculiar operations of the mind akin to our irresistible tendency to believe in causation, which continues (irrationally) to compel belief in causation even after the proof that there is no rational basis for it.

for flourishing? I am persuaded that Nussbaum is right to acknowledge that the theory of the human nature employed in the capabilities approach is (*and must be*) an ethically informed account. Being transparent about this is an essential part of dealing with concerns about theoretical problems of representation. But, if this is the way we go, then it seems one must also articulate a different account of the benefits and reasons for advancing such a theory of human nature. Formerly, Nussbaum's reasoning was that such a theory of human nature could provide a neutral ground for moral reasoning upon which many people are agreed. If the capabilities list is articulating a theory of human nature that is thoroughly ethically informed, then it is implausible that the capabilities list should still be thought to provide such a neutral ground for moral reasoning.

One might be concerned at this point that the conception of human nature articulated by the capabilities approach does no more than give concrete and quite articulated expression to Nussbaum's own bias for liberal values. While the capabilities list is an evaluative list thoroughly informed by one kind of liberal humanism, it does more than simply re-express liberal values in a new sphere. Articulating the vision of human nature that makes liberal values plausible and appropriate for the human condition offers rational resource for a moral theory, and it makes the capabilities approach more articulate about the sources of its fundamental commitments. This is an epistemic advantage over other kinds of liberal political theories that presuppose the value of many of the same capabilities¹¹⁴ but lack articulacy about their significance in terms of the pursuit of flourishing.

¹¹⁴ As discussed above, Young and Nussbaum appear to share a commitment to protecting capabilities such as the person's ability to use their capabilities in socially recognized ways, being able to participate in forming and running basic social institutions, the ability to play, the ability to freely express one's own

6. Conclusion

I have argued that what Nussbaum calls the “substantive-good approach” incorporates various methods (such as the internalist-essential, literary, narrative, and procedurally-constrained, informed-desire approach) in order to argue in a substantive way about the nature of human fulfillment. On the basis of this integrationist interpretation of Nussbaum’s arguments for the capabilities list, I believe the form of intuitionism she offers makes the arguments in favor of these intuitions open to view and, hence, rationally disputable in a way for which her critics do not give the approach credit. Addressing the Problem of Representation that still plagues the capabilities approach requires clarifying the underlying conception of nature in general to which the capabilities approach is committed. Nussbaum has clarified that not all human capabilities deserve our support and respect—only those that contribute to realizing an end which she calls a “life with dignity.” This makes it clearer that she must be committed to a teleological conception of human nature. I have argued that being transparent about this is important for addressing the Problem of Representation. This ethically informed and evaluative conception of human nature will need to be understood as one aspect of the theory of flourishing to which it belongs. Nevertheless, the strength of Nussbaum’s capabilities list is that it brings articulacy to the foundational, normative commitments of her politically liberal vision of flourishing.

To this point, I have argued that a teleological conception of human nature is a necessary resource for a flourishing-based ethical theory, and that it serves as a resource

perspective on social life, and the ability to be secure against assault and the threat of assault. Young, “Five Faces of Oppression,” 49, 53, 55, 62; Nussbaum, *Women and Human Development*, 78-80.

in a quite different capacity than what is commonly assumed. It is commonly assumed that nature claims enter into a theory to ground the objective validity of normative claims in non-normative facts. However, I have argued that some nature claims are already normative and that these kinds of nature claims make clear a particularly important set of reasons we have to comply with the normative claims of the theory. This is how Nussbaum's capabilities list needs to be understood. In articulating the capabilities as the constitutive elements of a fully human, or "dignified," life, Nussbaum makes clear the reasons we have to protect and nourish these capacities. Her theory of human nature, articulated through the capabilities list, makes clear the reasons it is good for agents to live according to the liberal, feminist vision of flourishing she articulates.

In sum, I have argued (see chapter two) that flourishing-based ethics require a concept of nature in general that is teleological in form. It is an important methodological element in an adequately normative ethic of flourishing. On the basis of a normatively flat, "empirical" conception of human nature, flourishing-based ethical theories suffer from a serious kind of normative failure, failing to give agents adequate reasons to do or live as the theory prescribes. In this and the previous chapter, I looked at two quite different flourishing-based moral frameworks that I believe satisfy this basic requirement. In the case of Rosalind Hursthouse's neo-Aristotelian eudaimonism, I argued that while her appeal to human nature is properly situated within the theory, and Hursthouse recognizes that our conception of human nature is normatively-saturated from the start and shaped by an ethical perspective, the substantive conception of human nature employed by Hursthouse is ultimately too "thin" to satisfy the needs of a feminist eudaimonism. In the case of Martha Nussbaum's flourishing-based capabilities approach,

while the conception of human nature is adequately robust to sustain her politically liberal vision of flourishing, Nussbaum fails to recognize the deep way in which the conception of human nature to which she appeals is evaluative and shaped by the politically liberal values to which she is committed. Because of this, Nussbaum at times misconstrues the methodological role of human nature within a flourishing-based framework and represents her account of human nature as though it were an empirically discoverable matter of fact and something upon which we can expect broad agreement independent of other disagreements over values and the proper ends of human life. This ambiguity opens the capabilities approach to feminist criticism informed by an awareness of theoretical problems of representation. I believe that addressing the Problem of Representation as I've articulated it here depends upon an unambiguous acknowledgement of the evaluative nature of the capabilities list, thereby making transparent the nature and function of the appeal to nature within the flourishing-based framework of the capabilities approach.

CHAPTER 5

LISA TESSMAN'S BURDENED VIRTUES: HUMAN NATURE AS A CRITICAL RESOURCE

1. Introduction

The relationship of this chapter to the argument as a whole is quite different than the preceding. Lisa Tessman's work in *Burdened Virtues* presents an implicit challenge to the thesis defended here that a teleological conception of human nature is 1) necessary and 2) can be a critical resource for naming and criticizing oppression within a flourishing-based moral framework. While there are a number of feminist moral philosophers appropriating the insights of Aristotelian eudaimonism for feminist use and making inroads towards a distinctively feminist appropriation of a flourishing-based moral framework, there are few engagements as sustained and novel as Tessman's. She implies that one of the revisions feminists ought to make to Aristotle's eudaimonism is to avoid appealing to a theory of human nature to provide an account of flourishing. What she substitutes instead is an account of flourishing implicit in the goals of liberatory political communities. From this perspective, she argues, oppression inflicts a uniquely moral harm on its victims by making necessary a set of "burdened virtues." Substituting the account of flourishing implicit in the goals of liberatory movements is an interesting and provocative proposal, for it suggests a feminist flourishing-based framework might avoid altogether contentious claims about human nature. However, as I will argue, it is only given a specific conception of human nature that Tessman can defend her thesis that the eudaimonist moral framework reveals a distinctively moral harm of oppression.

Without the conception of human nature I identify as implicit in her perspective, Tessman cannot defend the claim that oppression puts agents in the double-bind she claims to name with the “burdened virtues.”

As I will demonstrate, Tessman’s claims about the burdened virtues are “cross-pressured,” susceptible to critique from two different directions. As such, her claims about the burdened virtues sit in an unstable space, open to rejection on the grounds that they are not truly “virtues” as well as on the grounds that they are not truly “burdensome.” The conception of human nature I claim to find underlying the concept makes it apparent why the burdened virtues are both “burdensome” and “virtues.” This is important since if either claim falls, then so does Tessman’s argument that a eudaimonist moral framework sheds light on the uniquely moral harms of oppression. Oppression would still, of course, interfere with many external conditions of flourishing, but it would not follow that oppression constitutes a unique harm to the moral, psychological conditions of flourishing. In addition to defending her claims about the moral harms of oppression, another benefit of embracing this conception of human nature is it would enable Tessman to defend against the charge that her eudaimonism collapses into a form of consequentialism. In this way, this chapter adds support to the argument of the dissertation as a whole by showing what benefit a feminist eudaimonist gains from endorsing a teleological conception of human nature.

My argument proceeds as follows: In section two, I lay out Tessman’s claim that there are virtues unique to contexts of oppression. She calls these the “burdened virtues.” Tessman has proposed revising Aristotle’s starting assumptions in order to make the eudaimonism he articulates useful for feminist analysis, and I give these points special

attention. In particular, I will show how she proposes to avoid reliance on controversial claims about human nature to defend her conception of flourishing. In section three, I explore the visions of flourishing articulated by Martin Luther King, Jr. and Malcolm X, taking them as public spokespersons of the liberatory movement to which Tessman appeals in order to have a working conception of flourishing. However, I argue there is not sufficient unanimity about the concept of flourishing within this movement to substantiate her claim that the character traits she calls “virtues” are genuine virtues. I argue that the visions of flourishing articulated by Martin Luther King, Jr. and Malcolm X diverge in ways significant enough that Tessman must actually argue out the points over which they differ in order to defend her claims about the burdened virtues. Independent of the undefended assumptions about flourishing upon which she relies, the character traits Tessman identifies as “burdened virtues” are either not “burdened” because not psychologically damaging (Malcolm X’s position) or not “virtuous” because not the ideal response (Martin Luther King’s position). In section four, I draw out the significance of this argument, and show how embracing the conception of human nature needed to sustain her claims about the burdened virtues strengthens Tessman’s case for having identified an overlooked moral harm of oppression.

2. Eudaimonist Virtue Ethics and Oppression

In *Burdened Virtues: Virtue Ethics for Liberatory Struggle*, Lisa Tessman brings the eudaimonist perspective—that the acquisition of the virtues and the pursuit of the good life are inseparable in human life—together with the moral demands of non-ideal theory—that ethical theory must attend to and illuminate the experience of the

oppressed.¹ Tessman turns to the tradition of virtue ethics in order to provide a fuller analysis of the moral states of selves under oppression, and she finds virtue ethics useful for this task because it is agent-centered and foregrounds questions of character. Tessman argues that by tying together the ideas of flourishing and moral goodness, a eudaimonist perspective reveals oppression to be not only an impediment to freedom (which it often is) but also an impediment to the attempt to become a morally good person, with the kind of character that enables full human flourishing. If oppression can be shown to interfere with good character, then eudaimonism will also provide a way of articulating the uniquely *moral* harms of oppression. Tessman argues oppression does, in fact, disrupt the relationship between virtue and flourishing by putting the agent in impossible situations in which the best possible response (given the circumstances) is cultivating character traits that undermine the psychological conditions of flourishing. She calls these traits “burdened virtues.”

In this way, Tessman argues a eudaimonist moral framework reveals another aspect of the “double-bind” oppression so characteristically entails. According to Marilyn Frye, the most characteristic feature of oppression is its tendency to create a double-bind, a situation in which “options are reduced to a very few and all of them expose one to penalty, censure or deprivation.”² As I will use the term—and I take this to be consistent with Tessman’s usage as well—oppression names systemic injustice that affects individuals, not as individuals per se, but as members of a group. As Marilyn Frye

¹ On ideal versus non-ideal theory in ethics, see Charles W. Mills, “‘Ideal Theory’ as Ideology,” *Hypatia* 20, no. 3 (2005); Onora O’Neill, “Abstraction, Idealization and Ideology in Ethics,” *Royal Institute of Philosophy Supplement* 22 (1987); Lisa Schwartzman, “Abstraction, Idealization, and Oppression,” *Metaphilosophy* 37, no. 5 (2006); and Lisa Tessman, “Feminist Eudaimonism: Eudaimonism as Non-Ideal Theory,” in *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal*, ed. Lisa Tessman (Dordrecht, Netherlands: Springer, 2009).

² Marilyn Frye, *The Politics of Reality* (Freedom, CA: The Crossing Press, 1983), 2.

observes in her classic analysis, “The root of the word ‘oppression’ is the element ‘press.’ . . . Something pressed is something caught between or among forces and barriers which are so related to each other that jointly they restrain, restrict or prevent the thing’s motion or mobility.”³ The experience of oppression is of “being caged in: all avenues, in every direction, are blocked or booby trapped.”⁴ This speaks to the systemic nature of the harm, but this systematic hemming in can come in a variety of forms. Iris Marion Young identifies the five “faces” of oppression as exploitation, marginalization, powerlessness, cultural imperialism and violence. Though Young distinguishes oppression from domination, which she defines as “institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions,”⁵ domination is often related to oppression, since it presses people into relationships in which the constraints under which they act function to advantage and sustain undue privilege accruing to another. While there are some commonalities amongst different kinds of oppression (gender-based, race-based, class-based, etc.), it is useful to keep in mind one need not experience, or experience the threat of, every “face” of oppression for the category to apply.

The importance of character for responding to oppression and the possibility character change is needed to overcome one’s own oppression has been recognized in some feminist theory—particularly within the politics of personal transformation.⁶ Within

³ Frye, *The Politics of Reality*, 4.

⁴ Ibid.

⁵ Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 38.

⁶ Representative essays in the politics of personal transformation include Sandra Lee Bartky, “Feminine Masochism and the Politics of Personal Transformation,” in *Femininity and Domination: Studies in the Phenomenology of Oppression* (New York: Routledge, 1990); Claudia Card, *The Unnatural Lottery: Character and Moral Luck* (Philadelphia, PA: Temple University Press, 1996); Ann Ferguson, “Feminist Communities and Moral Revolution,” in *Feminism and Community*, ed. Marilyn Friedman and Penny

the feminist movement, the politics of personal transformation seeks to understand and correct for the ways women's subordination is sustained and perpetuated through the formation of women's psychological dispositions to be, for example, reflexively deferential,⁷ or to endorse sexist standards of femininity and beauty,⁸ or to be sexually aroused by degrading images and sexual acts.⁹ It has been argued that one important aspect of overcoming oppression requires rooting out sexist dispositions and cultivating dispositions that align with feminist principles. This is important for two reasons. First, being able to have emotional and attitudinal dispositions that align with one's principles is important for a kind of psychological integrity without which one's psychological life will be a jumble of warring desires and principles.¹⁰ Second, beyond the value of psychological integrity for its own sake, psychological integrity has implications for moral motivation. Having dispositions that conflict with one's avowed principles will present motivational obstacles to acting on one's principles.¹¹ On the other hand, having dispositions consistent with one's principles provides motivational support for acting in accordance with one's principles. Because of this, developing the kinds of psychological traits that bring one's dispositions into line with one's principles is important for empowering women to fight their own oppression.

Weiss (Philadelphia, PA: Temple University Press, 1995); Marilyn Frye, "White Woman Feminist, 1983-1992," in *Willful Virgin: Essays in Feminism, 1976-1992* (Freedom, CA: The Crossing Press, 1992); bell hooks, *Sisters of the Yam: Black Women and Self-Recovery* (Boston: South End, 1993); Sonia Kruks, "Simone de Beauvoir and the Politics of Privilege," *Hypatia* 20, no. 1 (2005). Many of these authors both call for self-transformation as an important way of resisting oppression and problematize the idea one can simply choose to enact the kind of self-transformation needed.

⁷ Thomas E. Hill, Jr., "Servility and Self-Respect," *The Monist* 57 (1973).

⁸ Bartky, "Narcissism, Femininity, and Alienation."

⁹ Bartky, "Feminine Masochism and the Politics of Personal Transformation."

¹⁰ Card, *The Unnatural Lottery*, see esp. chap. 2.

¹¹ If one adopts a distinction such as Aristotle recognizes between "full virtue" and "continence," a failure of psychological integrity will also mean one is barred from full virtue in this realm.

Tessman is one of a number of feminist theorists to have suggested that eudaimonism may offer unique resources for providing an analysis of oppression.¹² A eudaimonist moral perspective brings attention to the kind of self one needs to be in order to flourish. While this is present in the politics of personal transformation, Tessman argues this movement has at times been too narrowly focused on changing dispositions for the sake of motivating the kinds of actions needed to over-come oppression, and this has obscured the harm the inculcation of the demanding traits and dispositions recommended by this movement can do to the self who adopts them. Taking flourishing lives as the ultimately goal of political resistance to oppression, what character traits would we recommend either as instrumentally useful in surviving or fighting oppression or constitutively necessary for realizing the kind of flourishing political resistance hopes to achieve?

As a starting point for analyzing the moral state of selves confronting oppression, Tessman favors Aristotle's eudaimonism. She is attracted to the Aristotelian tradition of virtue ethics precisely because it is eudaimonistic, maintaining that "the pursuit of flourishing—qualified in certain ways and especially by the requirement that one develop and maintain the virtues—is morally praiseworthy."¹³ Furthermore, Aristotelian eudaimonism acknowledges that although virtue is necessary for flourishing, virtue may not be sufficient if the external conditions for flourishing are not present. Without acknowledging the relevance of external conditions for flourishing, it is difficult to see

¹² See also Nancy Snow, "Virtue and the Oppression of Women," in *Feminist Moral Philosophy*, ed. Samantha Brennan (Calgary, AB: University of Calgary Press, 2002); in environmental ethics, see Chris Cuomo, *Feminism and Ecological Communities: An Ethic of Flourishing* (New York: Routledge, 1998).

¹³ Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (New York: Oxford University Press, 2005), 3.

how feminists would use a eudaimonist framework to give an analysis of the effects of oppression.

Despite her optimism about the perspective afforded by a eudaimonist framework, Tessman maintains that, for feminist purposes, there are a number of revisions to Aristotle's eudaimonism that are necessary. For one, traditional Aristotelian accounts of the virtues assume agents are operating within a basically just social order. However, the character traits that reliably promote human flourishing in a just social order may be inadequate to deal with the struggles and challenges confronting agents in an unjust social order.¹⁴ Therefore, a feminist eudaimonism should depart from Aristotle by assuming non-ideal background conditions. If we assume a background social context shaped by pervasive forms of systemic injustice, might there be other, non-standard character traits we should consider to be "virtuous" in the pursuit of flourishing? Looking to the politics of personal transformation, Tessman catalogues a number of traits that have been identified by feminist and anti-racist theorists as virtues, useful for enabling agents to either survive or resist their own oppression. These include courage, loyalty and anger, among others. To the extent survival and resistance of oppression are necessary if one is to have any hope of eventual flourishing, traits that would enable resistance and survival have an important relationship to flourishing.

¹⁴ Although Hursthouse assumes a basically just social order for the purposes of elucidating and justifying the virtues, she also acknowledges that living in "evil times" could impact what counts as a virtue. She acknowledges that parents doing their best to raise children under oppressive and dangerous regimes have often taught their children "versions [of the virtues] tailored to the extreme circumstances in which they live; no doubt they have to lay great emphasis on prudence, to teach a caution about, and detachment from, others that would count as lacking trust and being callous in a better society." Still, Hursthouse seems unwilling to go as far as Tessman does to tailor the virtues to contexts of oppression, saying instead "In times of great evil, it can indeed cease to be true that those who have and exercise the virtues characteristically achieve *eudaimonia*. . . . But even in such times, it is still not the case that there is some other reliable way. In evil times, life for most people is, or threatens to be, nasty, brutish, and short, and *eudaimonia* is something that will be impossible until better times come." Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), 176-177.

To arrive at a table of virtues, Tessman proposes a feminist eudaimonism will involve a methodological departure from Aristotle in working *from* a conception of flourishing *to* a table of virtues, rather than as Aristotle does, beginning with a conception of virtue and defining flourishing in its terms. As Tessman notes, “Flourishing, at least for Aristotle, is defined in terms of virtue (*NE* 1098a16-17), which in turn is understood as excellence of a specifically human function (*NE* 1097b22-1098a15).”¹⁵ At points, it appears Aristotle actually starts from the beliefs of those who have been well-raised about virtue and who the “virtuous” and “excellent” man is and what he does, and he allows this to guide his judgment about the requirements of the best kind of life.¹⁶ While he certainly conceptualizes flourishing in terms of the virtues, Aristotle also appeals to human nature to support his account of flourishing, and the underlying idea is that we must know what it is to *be human* in order to know what it is to live well *as a human*. Aristotle appeals to the idea that there is a characteristically human function to forge this link.¹⁷ In this way, excellent human functioning is constitutive of flourishing for Aristotle. But whether argued for on the basis of common beliefs about the virtues, or by appeal to human nature, the idea of flourishing for Aristotle is articulated through the prior ideas of virtue and excellent functioning rather than the other way around.

¹⁵ Tessman, *Burdened Virtues*, 51.

¹⁶ Aristotle, *Nicomachean Ethics*, ed. Terence Irwin, 2nd ed. (Indianapolis, IN: Hackett, 1999), 1095b5-6. [Hereafter cited as *EN*.] See Peter Simpson, “Contemporary Virtue Ethics and Aristotle,” in *Virtue Ethics: A Critical Reader*, ed. Daniel Statman (Washington, D.C.: Georgetown University Press, 1997); c.f. Tessman, *Burdened Virtues*, 51 fn14.

¹⁷ Aristotle, *EN*, 1097b22-1098a21. It is important to note that in his arguments about the nature of virtue and flourishing, it is actually the appeal to human nature that gives Aristotle’s ethics the potential for egalitarian application, even though he himself did not apply it in this way.

Methodologically, Tessman proposes to avoid “the sticky issue of a human function”¹⁸ and to work in reverse: *from* a conception of human flourishing *to* a table of the virtues instrumentally or constitutively necessary for achieving such a state. Tessman acknowledges this methodology will be complicated and messy at points because of the ways oppression disrupts the relationship between virtue and flourishing.¹⁹ Furthermore, we will need a prior understanding of flourishing to get this method off the ground. Tessman proposes a feminist eudaimonism might profitably take its conception of flourishing from the implicit beliefs about flourishing found in the feminist and black liberation movements of the 20th century. As she rightly observes,

Those fighting oppression must already hold certain implicit beliefs about what a flourishing or good life is. Without some notion of what is a greater

¹⁸ Tessman, *Burdened Virtues*, 51. I interpret Tessman as pursuing, in the main, a strategy of avoidance when it comes to questions of human nature. But because Tessman does not take an explicit stand on the proper methodological role of human nature, it is difficult to see what her position is. (See also her remarks at pg. 59, ftnt 8.) Interpreting her position is complicated by the fact that in her defense of the burdened virtues Tessman actually does appeal to one very important claim about our nature: namely, that it is fundamentally social. In *Burdened Virtues*, an appeal to human sociality is fundamental to Tessman’s justification of other-regarding character traits as “virtues.” Following Aristotle’s lead, Tessman argues flourishing is impossible without other-regarding virtues because as social beings, we are dependent on others to achieve our own good. (For explicit recognition that this is the argumentative strategy in *Burdened Virtues*, see her “Reply to Critics,” *Hypatia: A Journal of Feminist Philosophy* 23, no. 3 (2008).) We need at least a minimum of other-regarding virtues such as justice, generosity and loyalty to sustain our collective social life. But Tessman thinks the needs of our social, interdependent nature can be fulfilled without the other-regarding virtues being extended to *all others*. One might restrict the exercise of other-regarding virtues to members of one’s own “tribe” (however conceived), and thereby realize the flourishing of an *exclusive* as opposed to an *inclusive* social collectivity. So, although Tessman is willing to take a stand against the individualistic atomism that would make egoism a real strategy for human flourishing, she must think that a more robustly evaluative conception of human nature as only capable of fulfillment in a genuinely inclusive social order is indefensible. I suspect she is trying to avoid what she perceives as “controversial” claims about human nature, and Aristotelian sociality—within certain intellectual circles—is so widely accepted that she feels entitled to this assumption but not to anything more. Like Hursthouse, what Tessman needs, but does not have, is a substantive conception of human nature. She is already committed to a thin, teleological conception of human nature as only capable of having its needs met in an exclusive social collectivity. My argument here is that her moral vision depends on going further.

¹⁹ In circumstances of institutionalized social injustice, flourishing may be completely out of reach. In this case, the ideal is out of reach and the question becomes instead, “Given these circumstances, what is best?” We look, then, not for the best traits, but for the second-best, and second-best might be something that would never be choiceworthy, but for the circumstances. What is choiceworthy and desirable in an oppressive social context might be akin to Aristotle’s “mixed actions,” (*EN*, Bk III, i) something no one would choose but for the dire conditions. (See Tessman’s illuminating discussion of this in *Burdened Virtues*, 109-114). Oppression disrupts the relationship between virtue and flourishing when the best traits to cultivate, given the circumstances, still do not conduce to flourishing.

rather than a less degree of flourishing or, put differently, a better rather than a worse sort of life, one would not have any basis for objecting to oppression; one would not struggle for social changes if one did not believe the changes to be for the good.²⁰

One of the most important aspects of a flourishing life identified within these movements, and one I will return to later, is psychological health. Implicit concern for psychological health is shown through the persistent concern to understand and find ways to protect against or remedy the psychological damage inflicted by oppression. Of particular importance here is the concept of ‘psychological oppression’ where the oppressed come to internalize judgments about their own inferiority.²¹ This can lead to the belief that the unjust treatment they receive is justified. Tessman also lists as possible indicators of psychic damage “a tendency to feel guilt or resignation instead of anger when one is wronged, a disposition to feel persistent hopelessness, a habit of manipulating or lying to others, a lack of self-confidence.”²²

In contrast, at least part of what psychological health entails is an accurate estimation of one’s own worth and dignity. In order to achieve such a state, one would have to avoid internalizing dominant narratives that imply one’s own worthlessness or general insignificance in comparison with others.²³ Psychological health would also seem to entail a certain degree of hope, or at least not despair. In manifesting a concern to overcome psychic damage and realize a state of psychological health, activists and theorists in both the feminist and black liberation movement have embraced psychological health as an important aspect of the kind of life they are striving to make possible.

²⁰ Tessman, *Burdened Virtues*, 52.

²¹ Bartky, “On Psychological Oppression.”

²² Tessman, *Burdened Virtues*, 37.

²³ *Ibid.*, 49.

Finally, Tessman believes feminists will need to *not only recognize* the insufficiency of virtue for flourishing, as Aristotle does, but they will need to *emphasize* the ways virtue will be insufficient for flourishing in a context of oppression that is constantly disrupting the relationship between virtue and flourishing.²⁴

Following upon the changes to classical eudaimonism, what emerges from Tessman's analysis is disturbing to say the least. What emerges is a set of virtues that, despite being either necessary for surviving oppression or praiseworthy in manifesting moral opposition to oppression, are detrimental to the flourishing of their bearer. They are detrimental primarily because they are incompatible with the psychological health and well-being of their bearer. Tessman calls such virtues the "burdened virtues" to signal the fact that, despite being praiseworthy in a certain respect and thus virtuous, they come with a significant cost to their bearer.

How does Tessman arrive at this conclusion? Starting with an Aristotelian conception of virtue as a character trait that either conduces to or is constitutive of the flourishing of its bearer, Tessman argues that in a context of oppression, character traits that contribute to the survival of their possessor (a minimum requirement of flourishing) or to the resistance of oppression (and hence to eventual flourishing) will count as virtues. A number of character traits have been recommended by feminist and critical race theorists as useful for surviving or resisting oppression. Of particular note are courage, loyalty and anger. Tessman gives extended attention to each of these as paradigmatically "burdened virtues."²⁵ I will focus here just on anger.

²⁴ Tessman, *Burdened Virtues*, 7.

²⁵ *Ibid.*, chap. 5.

There are a number of feminist theorists who have developed an analysis of anger as having a significant role to play in resisting oppression. According to Marilyn Frye, anger disrupts the narrative framework of male supremacy that says women do not merit respect outside of the sphere of concerns proper to womanhood. Anger is often represented as unjustified if it is a woman's anger on her own behalf in response to denigrations or denials of her competence, rights, autonomy, or interests. Anger at injustice can function as an assertion of one's status in the face of the denial of that status because anger "claims that one is in certain ways and dimensions respectable. One makes claims upon respect."²⁶ Whether it gets uptake or not, anger registers at least the belief one has a legitimate claim on respect that is being ignored. On a related note, Elizabeth Spelman elucidates the insubordination inherent in some expressions of anger. A woman's anger expressed at a man in response to the perception of having been wronged communicates that she regards herself as a legitimate judge of his conduct: "If he is in other ways regarded as my superior, when I get angry at him I at least on that occasion am regarding him as no more and no less than my equal. So my anger is in such a case an act of insubordination. . . ."²⁷ Understood this way, the failure to get angry when one has been disrespected may itself be symptomatic of psychological oppression, indicating either a failure to perceive oneself as valuable and worthy of respect or a failure to recognize this kind of treatment as disrespectful.

²⁶ Frye, *The Politics of Reality*, 90; quoted in Tessman, *Burdened Virtues*, 118.

²⁷ Elizabeth V. Spelman, "Anger and Insubordination," in *Women, Knowledge, and Reality*, ed. Ann Garry and Marilyn Pearsall (Boston, MA: Unwin Hyman, 1989), 266; quoted in Tessman, *Burdened Virtues*, 118.

Anger may also be useful epistemically for gaining knowledge of oppression and of its costs.²⁸ Diana Tietjens Meyers develops the idea of “heterodox moral perception,” which she believes can be facilitated through the experience of anger. Meyers does not advise that women attempt to become chronically angry, but she does advocate that oppositional groups attend carefully to people who already are: “If social groups were organized to seize upon claims kindled by hypersensitivity, paranoia, anger, and bitterness and to give them a good airing and a fair hearing, insightful moral perception might be greatly increased and emancipation might be hastened.”²⁹

On an Aristotelian understanding, the person who gets angry at injustice is virtuous so long as his anger is directed “at the right things and with the right people, and further, as he ought, when he ought, and as long as he ought.”³⁰ As Tessman observes, feminist understandings (as articulated above) of the proper role of anger are compatible in many ways with Aristotle’s understanding of anger. “Anger, for Aristotle, is a feeling of pain at being unjustifiably harmed by another, especially if one is harmed by being slighted, that is, denied the respect that one deserves. . . .”³¹ Additionally, Tessman thinks the uses of anger mentioned above might be conformable to the thought that virtue is a mean that avoids extremes. Tessman recounts the various ways in which feminists advocating the importance of anger have cautioned against the danger of it being

²⁸ Macalester Bell, “Review of *Burdened Virtues: Virtue Ethics for Liberatory Struggles*,” *Notre Dame Philosophical Reviews* (2006), <https://ndpr.nd.edu/news/25046-burdened-virtues-virtue-ethics-for-liberatory-struggles/>.

²⁹ Diana Tietjens Meyers, “Emotion and Heterodox Moral Perception: An Essay in Moral Social Psychology,” in *Feminists Rethink the Self*, ed. Diana T. Meyers (Boulder, CO: Westview, 1997), 213; quoted in Tessman, *Burdened Virtues*, 119.

³⁰ Aristotle, *EN* 1125b32-33; quoted in Tessman, *Burdened Virtues*, 120.

³¹ *Burdened Virtues*, 120; citing Aristotle, *Rhetoric*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes, 2 vols., vol. 2 (Princeton, NJ: Princeton University Press, 1984), bk. II, chaps. 2-3.

misdirected toward other subordinated persons,³² or of it being excessive and thereby unjustified.³³ It needs to be directed at the right person and in the right way.

But if there is a kind of anger that communicates a demand to be respected as one ought to be, and this can be considered virtuous, there is another kind of anger Tessman judges to be more problematic. This is the kind of anger María Lugones has called “second-level anger.” The kind of anger discussed thus far she calls “first-level” anger. The intent of first-level anger is communicative. Through it, subordinated peoples attempt to “communicate their refusal to accept subordination and their demand of respect for themselves as moral agents.”³⁴ Lugones describes how second-level anger is quite different, and when it expresses itself “the gestures are wild or extremely hieratic, contained; the voice loud; the use of space extensive; the body flushed.”³⁵ Second-level anger does not aim to be communicative, in part, because it is a total rejection of the “world of sense” within which the relations of subordination that have inspired this anger exist. When anger is permitted to take on such huge proportions, Tessman calls it “separatist anger,” and she maintains its radical potential lies in its “very refusal to be toned down or moderated.”³⁶ A form of anger like this is appropriately described as rage. Such rage is imagined to exist, when it does, perpetually beneath the surface. It need not always be manifest in the way Lugones described above, but the idea is that, ever-present, it could become manifest.

³² Audre Lorde, “Eye to Eye: Black Women, Hatred, and Anger,” in *Sister Outsider* (Trumansburg, NY: Crossing Press, 1984).

³³ Spelman, “Anger and Insubordination.”

³⁴ Tessman, *Burdened Virtues*, 123.

³⁵ María Lugones, “Hard-to-Handle Anger,” in *Overcoming Sexism and Racism*, ed. Linda Bell and David Blumenfeld (Lanham, MD: Rowman and Littlefield, 1995), 206; quoted in Tessman, *Burdened Virtues*, 123.

³⁶ Tessman, *Burdened Virtues*, 123.

If the purpose of such anger is not to communicate, what good or purpose is this kind of anger supposed to achieve? Tessman suggests cultivating this kind of anger may make one capable of sustaining a “refusal to extend any sympathy toward those whom one must politically oppose.”³⁷ Such a consistent and principled refusal to sympathize with another human being will run counter to most people’s dispositions and will therefore be very difficult to consistently sustain over and against the evidence of humanity in one’s oppressors (particularly in the face of their vulnerability, pain, and emotional suffering). But Tessman maintains this might be necessary in some circumstances, and for this purpose rage might be considered a virtue, useful for resisting oppression.³⁸

It is harder to square such an extreme state with the Aristotelian understanding of virtue being 1) a mean between extremes that 2) expresses the proper response on the part of the agent. Of course, by a “mean,” Aristotle does not necessarily intend a moderate state. He gives the example of Milo, the wrestler, who, by comparison with most people, eats an incredibly large amount of food. However, the proper amount of food, not too little and not too much, relative to the situation in which Milo finds himself—engaged in rigorous, daily training—is an extremely large amount of food when compared to other people not so situated. The mean for Milo is quite a bit more than would be healthy for other people not in his situation.³⁹

³⁷ Tessman, *Burdened Virtues*, 164.

³⁸ The personal story Tessman tells in this regard is, I take it, revealing of the difficulty. During a certain time of her life, she felt that resistance did require a withholding of sympathy from oppressors. But she recounts that reading of the attempted assassination of Henry Frick who was, as she says, “clearly one of the bad guys” in the story of the Homestead Strike against Carnegie Steel, she involuntarily flinched, sympathizing with him when he was shot. *Ibid.*, 116-117.

³⁹ Aristotle, *EN* 1106b1-b7.

Where oppression names injustice that is systematic and institutionally enforced and therefore pervasive, what does the Aristotelian doctrine of the mean prescribe? Tessman points out, “It can be confusing to evaluate anger of enormous proportions, for under conditions of unrelenting injustice, such anger can be characterized (surprisingly) as a deficiency even as it appears as an excess; there may be no moderate state that allows one to be angry all the times one ought to be.”⁴⁰ Given the magnitude and pervasiveness of the oppressive forces, anything but a proportional and unrelenting anger can seem inadequate, since with anything less one is not being angry at all the times one ought. On the other hand, an unrelenting anger is likely to be excessive when evaluated in relationship to the psychological well-being and capacity of the agent to bear such anger. Thus, even though “proper anger,” given the circumstances, might be something like rage, it is highly probable this is going to be excessive and harmful for the person who is so angry.

Thinking again about Milo, Tessman wryly observes, “While Milo presumably is able to metabolize his supersized meals—so that the food is actually good for his health—it is far from likely that raging political resisters can metabolize their anger.”⁴¹ If systemic injustice calls for an all-pervasive rage that habituates the oppressed into the ability to refuse sympathy to their oppressors, it is hard to see how such anger would not be corrosive to the person who embodies it.

Tessman maintains that such an extreme kind of anger is preferable to worse states, such as resignation or depression, but it is difficult to imagine such a seething rage figuring in a full, flourishing human life. Thus, rage is a paradigmatically “burdened

⁴⁰ Tessman, *Burdened Virtues*, 120.

⁴¹ *Ibid.*, 124.

virtue,” a “morally praiseworthy trait that is at the same time bad for its bearer, disconnected from its bearer’s well-being.”⁴² “Burdened virtues” emerge from within circumstances that require the oppressed to develop character traits necessary either for survival or well-being in the present (for example, a lack of anger would seem to imply an acceptance of one’s own inferiority or that one deserves the treatment received) or for helping their possessor to fight to overcome the injustices they face (for example, anger might be useful for motivating on-going resistance or for maintaining an unsympathetic resolve). But “burdened virtues” are, in another respect, disjoined from their bearer’s flourishing because they harm a person’s psychological capacity for flourishing. The kind of person one becomes in the course of inculcating these traits is a kind of person for whom full human flourishing will be out of reach. Furthermore, because we are imagining the inculcation of stable psychological dispositions that affect one’s perceptive, affective and cognitive responsiveness to the world, we are imagining changing the self in ways that will not be easily “undone” or easily repaired. Having sensitized oneself to injustice to the point that one is capable of sustaining a chronic state of anger, one may not be able to “turn it off.” To call rage a “virtue” implies it is the best response possible given the situation, but—as this analysis suggests—the best that is possible may not be very good. For Tessman, rage is a candidate for virtue because it manifests a noble opposition to oppression and because it is useful for political resistance, but it is a character trait she also thinks is psychologically damaging. Because the burdened virtues, such as rage, harm a person’s psychological capacity for flourishing, burdened virtues might also be considered a form of moral damage.

⁴² Tessman, *Burdened Virtues*, 124.

In light of this, Tessman argues that a critical virtue ethics, which is attentive to the dynamics of oppression and operating out of a eudaimonist perspective, gives rise to a powerful argument demonstrating an overlooked moral harm of oppression. If the requirements of flourishing in a given social context demand that certain people cultivate burdened virtues as a way of surviving and resisting their own oppression, then oppression constitutes not only an external barrier to flourishing but an internal barrier as well, since the selves politically resistant, oppressed peoples are required to become are selves that are incapable of full human flourishing.⁴³

To summarize: Rage, on Tessman's account is a 'virtue' because it is praiseworthy in manifesting a noble opposition to one's own oppression but 'burdensome' from a eudaimonist perspective because it interferes with the psychological conditions of personal flourishing. Insofar as the purpose of the virtues is to enable flourishing lives and the character traits required by a context of oppression work against flourishing, the agent is doubly harmed by oppression: both the internal and the external conditions of flourishing are disrupted.

How should we evaluate Tessman's claim to identify a set of character traits, praiseworthy in contexts of oppression and therefore deserving of our approbation and

⁴³ Tessman acknowledges the danger of defending such a line of reasoning, given that representations of the oppressed as 'morally damaged' have been used to justify the status quo—as though the oppressed have nothing but their own moral deficiency to blame for their situation. Despite the risk, Tessman argues that, given the reality, the proper response cannot be to deny that politically resistant selves suffer such a double burden:

a liberatory politics needs to be accompanied by a critical examination of what happens to the self that resists. One should worry about who one becomes as one carries out what began as a noble commitment to justice, for the traits that are needed to actualize that commitment may be ugly ones, arising as they do out of such troubled conditions.

The temptation is to glorify the resister and deny the damage (so as to avoid giving grounds to victim-blaming), but for Tessman, the ultimate moral of the story is rather that "There should be no glory in resistance to injustice, just a sad and regretful recognition of its necessity." *Burdened Virtues*, 131.

yet constituting a form of damage to their bearers? The burdened virtues are neither desirable nor choiceworthy from the perspective of the ideal world that politically resistant selves hope to realize in the fight for justice and equality, free from the overt domination or covert coercion that are so pervasive in our world. And so, from the perspective of flourishing, it can seem positively anti-eudaimonist to call these traits “virtues.” The burdened virtues may be instrumentally valuable for promoting or securing good states of affairs, but they create internal barriers to flourishing. Recognizing this and yet recommending them raises the question of what work the *eudaimonic* perspective is really doing.⁴⁴ It appears that the burdened virtues are regarded as virtues rather than vices on the basis of a cost-benefit analysis where the eventual benefits to be realized in terms of good states of affairs are judged to outweigh the harms imposed by the burdened virtues themselves. This would seem to be a consequentialist analysis of virtue. As Tessman presents it, the category of a “burdened virtue” seems to threaten to collapse a eudaimonist analysis of the virtues into a consequentialist analysis.

Additionally, accepting Tessman’s conclusion means embracing a deeply tragic view of the world, since the situation of the oppressed is much worse than is generally recognized. The double-bind with which the oppressed are faced on Tessman’s account is deeply disturbing. The burdened virtues are both the best that is possible *and* psychologically damaging. Given the conception of flourishing implicit in the liberatory movements to which she points, are these traits the *best* that is possible? It is this claim especially that merits careful scrutiny.

First, to call these traits “virtues” is to recommend them. One might make this recommendation with the recognition that they are something to be regretted, but

⁴⁴ Macalester Bell raises a similar question in “Review of Burdened Virtues.”

nevertheless see them as the best that is possible, given the horrors with which a person must cope. All of this acknowledged, to call the “burdened virtues,” “virtues” is to recommend them.⁴⁵

Second, endorsing the idea of a ‘burdened virtue’ and recommending them for contexts of oppression is potentially perilous. The claim these troublesome traits are the best that is possible depends upon the claim there are no other better alternatives available. For if there are other alternatives that we have overlooked, and some people take us at our word, voluntarily adopting the traits we are recommending as the “best possible,” then *we who have recommended them will be morally responsible* for the burdens they incur. Our blindness to alternatives will be partly responsible for their consequent inability to flourish. Acknowledging this should not distract us from the fact that the root of the problem is the systems of oppression that put agents in situations where it is so difficult to know how to properly respond. But I do say this to bring the full gravity of the situation to the fore. The burdened virtues are supposed to provide trait guidance, and recommending a morally damaging course of character formation is dangerous.

This raises the question: Are there alternative characterological responses to oppression that have been overlooked? Are there alternative visions of flourishing in light of which these alternative responses would be deemed the “appropriate” or “best” response possible? While not challenging Tessman’s choice to take her conception of flourishing from the goals implicit in the liberatory movements of the 20th century, I do

⁴⁵ The function of situating thought about the burdened virtues in the wider consideration of tragic dilemmas is to distinguish ‘trait guidance’ from ‘trait evaluation’ allowing us to recommend traits (and thereby offer ‘action guidance’), even while recognizing that they are not unqualifiedly good traits to possess (because our evaluation of the trait is that it is bad in certain respects).

want to examine “the goals” of this movement more carefully. The goals of various factions of this movement were not in fact monolithic or even potentially harmonious and this suggests there were different, even competing, visions of flourishing internal to the liberatory movement Tessman takes as the cornerstone of her analysis. In the next section, I will compare the visions of flourishing articulated by Martin Luther King, Jr. and Malcolm X, taking them as spokespersons who were uniquely articulate about the goals and purposes of two important factions of the black liberation movement in the United States.⁴⁶ While Martin and Malcolm shared many things in common (that often went unrecognized), the differences in their views about black liberation and flourishing—and hence the goals they set—were not inconsequential. I will argue Tessman’s own view is identical to neither. This suggests she must be working with her own conception of flourishing. Furthermore, maintaining her own position against Martin

⁴⁶ From here forward, I will either employ full names without titles or follow the scholarly convention employed in the literature devoted to comparing the lives of Martin Luther King, Jr. and Malcolm X of referring to them by their first names only. While using their first names might be a sign of disrespect in other contexts, in comparative analysis of the two, employing their first names has two virtues. First, it allows the author to give fair treatment to the two as equally worthy of serious consideration for their contribution to the black freedom movement. For instance, consistent reference to “Dr. King” and “Malcolm” would clearly violate the principle of equal respect and fair treatment. This is probably the most extreme possibility, but disparate linguistic treatment of any sort brings with it a subtle or not-so-subtle implication of inequality. One might simply refer to them by their “family names,” but this does Malcolm the disservice of employing an ‘X’—the sign of his stolen patrimonial inheritance—as his “family name.” (Born Malcolm Little, Malcolm was given the ‘X’ by Elijah Mohammad, the leader of the Nation of Islam [NoI] when he joined the NoI. The ‘X’ symbolized the rejection of the name his birth family would only have had in virtue of some ancestor’s slave master, and it represented the fact that his true African ancestry was unknown.) Furthermore, I have encountered no treatment of Malcolm X that simply employs the ‘X.’ Referring to both men by their full names would be appropriately respectful, but it has the disadvantage of being cumbersome (because Martin’s full name is so long) and would come at the cost of wearing out the reader. Finally, it has been suggested in conversation that this convention arose as a way of humanizing these two men, who have been variously demonized or idolized by their devotees and detractors, and even more so by the mainstream white American media. I have found the convention virtuous in this respect. It certainly has had a humanizing effect on my understanding of them. I follow suit in the hope that it will have such a virtuous effect on the reader here as well.

and Malcolm presupposes a certain view of human nature, a view that I will argue is not shared by either Martin or Malcolm.⁴⁷

In the conclusion, I'll suggest what I think this view of human nature must be. If Tessman is willing to embrace this, two consequences follow: the status of the burdened virtues as both burdensome and virtues can be more clearly articulated and defended, and, in the course of doing so, we see what resources Tessman has to avoid the charge that introducing the category of "burdened virtues" threatens to collapse her eudaimonist perspective into a consequentialist one. Once we see the way Tessman's claims about the burdened virtues depend upon a certain account of human nature, we can also see how human nature serves as a resource for defending claims about the damage inflicted by oppression. In this way, this chapter provides further support to the central thesis of this dissertation, that within a flourishing-based moral framework, human nature is a critical resource for articulating and defending feminist claims about the moral harms of oppression.

3. Malcolm and Martin: Two Visions of Flourishing

The twentieth-century black freedom movement in the United States was powered by a variety of different (and sometimes competing) intellectual commitments, commitments that were philosophical, religious, cultural and historical in nature. These commitments found expression predominantly in two political philosophies: integrationism and separatism (otherwise known as nationalism). We can take Martin

⁴⁷ Bell raises essentially the same problem for Tessman, maintaining it would have been helpful to have Tessman articulate at least the main tenets of the conception of flourishing she favors. Bell suggests that if we looked at the goals of lesbian separatist feminists and liberal feminists, they would clearly imply different conceptions of flourishing. Bell, "Review of Burdened Virtues."

Luther King, Jr. as representative of the integrationist branch and Malcolm X as representative of the separatist branch of the black freedom movement, since both were widely recognized as public spokespersons for these two philosophies.

Martin and Malcolm were often depicted as standing in diametrical opposition to one another (especially by the white media), so it is important to recognize at the outset of any discussion of these two figures that they ultimately came to share much in common. About their differences, Malcolm said:

All of our people have the same goals, the same objective. That objective is freedom, justice and equality. All of us want recognition and respect as human beings. We don't want to be integrationists. Nor do we want to be separationists. We want to be human beings.⁴⁸

Martin and Malcolm gave their lives to the black freedom struggle, and the way Malcolm ultimately came to see their differences and disagreements is significant. James H. Cone, Lewis V. Baldwin, and other scholars who emphasize the complementarity of Malcolm and Martin are probably correct to insist that what we have to learn about freedom and the quest for human dignity from these two leaders will come from synthesizing their insights rather than blindly following one and rejecting the other.⁴⁹ However, while what Malcolm said (quoted above) is true, to cast their relationship as a mere disagreement over means papers over significant differences in the ways Malcolm and Martin thought about the world that could realize meaningful freedom, equality, justice, and respect for black persons given their history in America and the ongoing reality of entrenched racial prejudice. These terms are not totally empty, and there are real ways Martin and

⁴⁸ Malcolm X, *Malcolm X Speaks: Selected Speeches and Statements*, ed. George Breitman (New York: Pathfinder, 1965; repr., 1989), 51.

⁴⁹ James H. Cone, *Martin & Malcolm & America: a Dream or a Nightmare* (Maryknoll, NY: Orbis Books, 1991); Lewis V. Baldwin and Amiri Yasin Al-Hadid, *Between Cross and Crescent: Christian and Muslim Perspectives on Malcolm and Martin* (Gainesville, FL: University Press of Florida, 2002).

Malcolm's positions converged at the end of their lives,⁵⁰ but what I want to stress is at the height of their influence, they gave voice to quite different visions of black liberation, and these differing visions imply significantly different character traits as virtues in the struggle. In particular, I will focus on their different conceptions of psychological health and damage. When it comes to evaluating the strengths and weaknesses of these competing visions of liberation, and the traits their visions called for, understanding the underlying convictions about human nature are crucial for making a reasonable judgment.

As James H. Cone has described, Martin's vision centered on integration, insisted on nonviolence and idealized *agape* love—even to the point of love of enemy—as the basis of self-respect. Malcolm's vision, by contrast, centered on separation, insisted on the right of every person to self-defense, and idealized self-love as the basis of self-respect.⁵¹

I will discuss Martin's vision first, then Malcolm's in order to show that they do not share a single concept of flourishing.

Martin's liberatory vision centered on the goal of an 'integrated society,' which he often called 'the beloved community.' His ideal of integration went beyond mere desegregation, and its realization depended on "the welcome acceptance of Negroes into the total range of human activities."⁵² Desegregation without integration would represent

⁵⁰ Cone, *Martin & Malcolm & America*, 244-271. Especially toward the end of his life, Malcolm X downplayed the significance of his disagreement with King, calling it a disagreement merely over means and not ends and claiming they were in agreement about the goal of black liberation. In drawing attention to their differences, I am not denying that there are real and significant ways in which, toward the end of their lives, Martin moved toward Malcolm and Malcolm moved toward Martin.

⁵¹ The triadic contrast of integration/nonviolence/love of enemy versus separation/self-defense/self-love that I will use to structure this discussion owes to James H. Cone. *Ibid.*, 263, *passim*.

⁵² James Melvin Washington, ed. *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* (San Francisco, CA: Harper and Row, 1986), 118.

a society in which “elbows are together and hearts are apart.”⁵³ Integration’s goal was redemption, reconciliation, friendship and understanding between whites and blacks.⁵⁴ As such, integration expressed the ideal of true community between persons, and its realization depended on the recognition of the worth and dignity of every person. Nonviolence was the nonnegotiable means to this end.

Martin believed it would be totally impossible to achieve the beloved community through violent means. Directed at oppressors, it would not bring about repentance, only further bitterness and hatred; thus, violence would only continue the cycle of hatred-violence-hatred, further preventing reconciliation, which was what was truly needed to bring about the beloved community. Second, Martin believed that the discipline of nonviolence makes public the dignity and courage of the resister, thus inspiring self-respect and commanding respect from others.

The nonviolence approach does not immediately change the heart of the oppressor. It first does something to the hearts and souls of those committed to it. It gives them self-respect; it calls up resources of strength and courage that they did not know they had. Finally it reaches the opponent and so stirs his conscience that reconciliation becomes a reality. I suggest this approach because I think it is the only way to reestablish the broken community.⁵⁵

Martin speaks of nonviolence as “thwarting the growth of bitterness” even as it gives an avenue of positive action to “long-repressed feelings of anger and frustration.”⁵⁶ While violence directed at persons is a pragmatic denial of their value, nonviolence “exalts the personality of the *segregator* as well as the *segregated*.”⁵⁷

⁵³ Washington, *A Testament of Hope*, 118.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, 486-487.

⁵⁶ *Ibid.*, 125.

⁵⁷ *Ibid.*

The realization of the beloved community, nonviolent resistance, and the respect for persons upon which these were predicated, were intimately connected for Martin to the ideal of *agape* love—the love of God for all human beings operating in the human heart—which enables us to love even our enemies. Love of one’s enemies in this case meant love of white segregationists and white supremacists who were behind the bombing of churches, the terrorizing of black communities, and the mistreatment of nonviolent demonstrators. Martin tried to distinguish *agape* love from sentimental liking or affectionate emotion. “It would be nonsense to ask men to love their oppressors in an affectionate sense,” said Martin. What I am talking about “means understanding, redeeming good will for all men, an ever-owing love which seeks nothing in return. . . . It is the love of God operating in the human heart.”⁵⁸

Martin taught that this kind of love was fully consistent with “loving the person who does the evil deed, while hating the deed that the person does.”⁵⁹ This kind of love did not require liking, but it did require resisting hatred. Hatred, Martin said, “is as injurious to the hater as it is to the hated. It distorts the personality and scars the soul.”⁶⁰

The beauty of nonviolence was that it provided a creative channel not only for the sort of anger at injustice that was appropriate—Martin called such anger “sound and healthy”⁶¹—but also for the active opposition to injustice that was morally necessitated, since he saw doing nothing to oppose injustice as itself a form of evil-doing.⁶² The challenge lay in keeping appropriate anger at injustice from boiling over into anger at and hatred of the person committing the injustice. Martin always associates hatred with the

⁵⁸ Washington, *A Testament of Hope*, 88.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, 102-103.

⁶¹ *Ibid.*

⁶² Martin Luther King, Jr., *The Trumpet of Conscience* (Boston, MA: Beacon Press, 1967), 77.

desire to see others suffer and the willingness to do violence, but since he believed violence could only end in more violence and could never bring about the true justice and true peace, which were the foundation of the beloved community, hatred had to be avoided.

Rooted in the Christian tradition, his antidote to hatred was love—even to the point of love of one’s enemies—and for Martin this implied that one must be willing to accept suffering rather than to inflict suffering on others. Speaking on this point, Martin said,

To suffer in a righteous cause is to grow to our humanity’s full stature. If only to save himself from bitterness, the Negro needs the vision to see the ordeals of this generation as the opportunity to transfigure himself and American society.⁶³

Martin’s belief that unearned suffering could be redemptive may be the hardest aspect of his philosophy to follow. Malcolm certainly could not.

Whereas Martin’s liberatory vision of black flourishing involved integration, nonviolent resistance to injustice and love of one’s enemies, Malcolm’s vision of flourishing called for the separation of blacks from whites, an absolute commitment to the right of self-defense and the principle of black self-love.

Malcolm believed separation from whites and unity between blacks was a precondition to any (possible, eventual) integration with whites.⁶⁴ Separatism was, in his mind, essential for black people to learn to love and respect themselves and to stop

⁶³ Washington, *A Testament of Hope*, 487.

⁶⁴ Cone, *Martin & Malcolm & America*, 109. According to James Cone, Malcolm “contended that there could be no unity among the different races based on equality until there was first a unity of particular races among their own kind. . . . Integration with whites, therefore, could only mean disunity among blacks. It could only mean black people wanting to be like and with white people and not like and with themselves” (109).

accepting a value hierarchy that placed black lives at “the bottom of the pile.” According to James H. Cone,

Malcolm totally disagreed with Martin’s identification of freedom with integration. Integration meant begging whites to accept blacks. . . . Insofar as Martin equated freedom with the recognition of the dignity and worth of black people as human beings, Malcolm regarded him as an ally. They parted company when Martin advocated that integration with whites would bring about self-respect for blacks. Malcolm regarded that belief as nonsense. Black people, he contended, would never be regarded as human beings as long as that regard was dependent upon their association with white people. If whites can be human without being integrated with blacks, then blacks can be human without associating with whites.⁶⁵

As Malcolm understood it, the desire to integrate was itself a sign of self-hatred and symptomatic of a damaged black psyche.⁶⁶ “Any Negro trying to integrate is actually admitting his inferiority, because he is admitting that he wants to become a part of a ‘superior’ society,” Malcolm said.⁶⁷

For Malcolm, a righteous rage at injustice and at those who perpetrated it was a genuinely indispensable weapon in the fight to overcome oppression. First, he saw it as the only appropriate response to the blatant disregard for black life that suffused white society. He “could not understand how anyone could be a human being and not be angry about what white people had done to black people in America.”⁶⁸ And, second, he saw black rage as a necessary catalyst for psychic transformation. According to Cornel West, “Malcolm X’s notion of psychic conversion depends on the idea that black spaces, in which black community, humanity, love, care, concern, and support flourish, will emerge from a boiling black rage.”⁶⁹ Through his rhetoric Malcolm sought to inspire the black

⁶⁵ Cone, *Martin & Malcolm & America*, 109.

⁶⁶ *Ibid.*, 108.

⁶⁷ New York *Amersterdam News*, 1 July 1961, 37; quote in Cone, *Martin & Malcolm & America*, 110.

⁶⁸ Cone, *Martin & Malcolm & America*, 100.

⁶⁹ Cornel West, *Race Matters* (Boston, MA: Beacon Press, 2001), 99.

rage that would re-ignite the embers of black self-love and bring about a psychic transformation leading to self-respect. Malcolm was proud to be known as the “angriest Negro in America.”⁷⁰

Malcolm became most critical of Martin when Martin called on blacks to exhibit love by “turning the other cheek” and rejecting violence, even violence in self-defense.⁷¹ Malcolm believed that, as a *person*, one had a moral right to defend one’s life, *by any means necessary*. “He did not believe that one could be a *person* without defending his or her life.”⁷² Hence, to deny a person this right was to make them a non-person. Malcolm saw Martin’s teaching of non-violent resistance in a context of overt white hostility as essentially an attack on the personhood of blacks. Malcolm went so far as to call this teaching “a crime.”⁷³ One of the major obstacles to Malcolm’s joining with Martin in the civil rights coalition was his principled commitment to the right of self-defense. Many others were willing to commit to nonviolent resistance as a practical tool, even though they were not committed in principle to nonviolence, the way Martin was. On principle, Malcolm would not. This makes sense if Malcolm saw non-violence as an attack on personhood and not just an ineffective means.

Now, let me put a point on the differences we’ve seen. When we look at the visions of flourishing articulated by Martin Luther King, Jr. and Malcolm X, we see their

⁷⁰ Malcolm X, *The Autobiography of Malcolm X*, ed. Alex Haley (New York: Ballantine Books, 1973), 366; cited in Cone, *Martin & Malcolm & America*, 100.

⁷¹ Malcolm was unrelenting in his call for black people to be prepared to defend themselves against violent white aggression, should the need arise, and Malcolm’s rhetoric frequently threatened violent retaliation. But his principles and his rhetoric never translated into action. He never even owned the gun or the bullet he called for. (See his speech, “The Ballet or the Bullet” in X, *Malcolm X Speaks*, 32.) Responding to the charge that he advocated violence, Malcolm was unequivocal: “No. We have never been involved in any kind of violence whatsoever. We have never initiated any violence against anyone, but we do believe that when violence is practiced against us we should be able to defend ourselves. We don’t believe in turning the other cheek.” George Breitman, ed. *By Any Means Necessary: Speeches, Interviews and a Letter by Malcolm X* (New York: Pathfinder, 1970), 4.

⁷² Cone, *Martin & Malcolm & America*, 107-108.

⁷³ Breitman, *By Any Means Necessary*, 9.

disagreements were not just over *means* to an agreed-upon end. It is true they both sought human freedom and dignity and respect for black people *as human beings*, but they had substantively different conceptions of what it was to be *fully human* and, hence, of what it was to flourish *as a human being*. Thus, they had different ideas of what would realize meaningful freedom, dignity and respect. What Martin saw as a condition of healing for the black psyche, Malcolm saw as pathological. For example, Martin pursued integration because he thought the self-respect of black people in America depended (at least in part) on their being accepted as full, participating members of society. Malcolm saw the desire to integrate into *white* society as itself symptomatic of black self-hatred, and therefore a sign of psychic damage.

On the other hand, what Malcolm saw as an assertion of one's humanity, Martin saw as an indication of the true depth of one's despair. This is exemplified in their attitudes toward violence in self-defense. Malcolm held that in the nature of what it is to be a person—a human being with moral standing—is the right to freedom and self-defense. He thought the call to repudiate violence was dehumanizing. Malcolm was no philosopher, but it is revealing that he called blacks who endorsed Martin's teaching in this regard "subhuman."⁷⁴ Malcolm believed that, as a *person*, one had a moral right to defend one's life and freedom, *by any means necessary*. Martin, on the other hand, held that the nobility of our humanity was revealed precisely in the refusal of violence. To voluntarily "suffer in a righteous cause is to grow to our humanity's full stature,"⁷⁵ he said. And while anger at the injustice was most certainly appropriate, one had to resist hatred for the person and instead (somehow) maintain an attitude of "redeeming good

⁷⁴ Breitman, *By Any Means Necessary*, 87.

⁷⁵ Washington, *A Testament of Hope*, 487.

will”⁷⁶ toward the oppressor in the face of injustice. To be violent was a symptom of true despair.

It is difficult to see how one could judge between these two different visions without taking some stand on the questions that underlie Malcolm and Martin’s differences: questions of human fulfillment, the requirements of psychological health, and what it is to be *fully human*—in short, on questions of human nature. While one might have gut-instincts about which of these is better, or why neither is acceptable, giving an account of this requires sifting the sorts of considerations that gave the psychologist Kenneth Clark—a friend of both Martin and Malcolm—pause over endorsing either.

‘On the surface, King’s philosophy appears to reflect health and stability, while the black nationalists betray pathology and instability. A deeper analysis, however, might reveal that there is also an unrealistic, if not pathological, basis in King’s doctrine. It is questionable whether the *masses* of an oppressed group can in fact “love” their oppressor. The natural reactions to injustice, oppression, and humiliation are bitterness and resentment. The form which such bitterness takes need not be overtly violent but the corrosion of the human spirit which is involved seems inevitable. It would seem, then, that any demand that the victims of oppression be required to love those who oppress them places an additional and probably intolerable psychological burden upon these victims.’⁷⁷

Clark suspects that Martin’s call to love one’s enemies is an unrealistic ideal, given human nature. Clark does not appear to believe it is totally unrealistic to think *some* human beings could be capable of understanding and healthfully implementing the kind of love Martin calls for, but whether the majority could is another question. Clark was particularly concerned that without a pretty high degree of philosophical sophistication to

⁷⁶ Washington, *A Testament of Hope*, 88.

⁷⁷ Kenneth B. Clark, “The New Negro in the North,” in *The New Negro*, ed. Matthew Ahmann (New York: Biblio and Tannen, 1969), 36-37.

distinguish between the *agape* love Martin called for and the emotion popularly associated with the word “love,” the suffering of the masses under Martin’s moral influence would be compounded as they condemned themselves for their moral failure to “love their enemies.”⁷⁸

If love is not a realistic ideal, the psychologically healthy response to oppression might rather be akin to what the psychologists William Grier and Price Cobbs describe in *Black Rage*: anger manifests the will of the oppressed to overcome. Grier and Cobbs describe anger as healthy in so far as it represents a move beyond a state of depression or dejected resignation. “When the mourner lashes out in anger, it is a relief to those who love him, for they know he has now returned to health.”⁷⁹ This suggests that those advocating rage as a virtue of resistance do not see it as psychologically harmful. It may actually be a sign of psychological health. This seems to be how Malcolm regarded anger.

4. Conclusion

The disagreements between Martin Luther King, Jr. and Malcolm X rest not only on differing judgments about the best *means* to achieve their ends, but different

⁷⁸ There are at least two distinct possibilities here. First, while some exceptional human beings might be able to live up to Martin’s ideal, in general, the majority of us cannot. If we propose as an ideal something that is not going to be widely achievable, we risk setting the majority of people up for failure. Clark suggests that the majority will fail because the ideal is so sophisticated that they will mistake what is required of them. Then, trying to force themselves to feel the affectionate liking for their oppressors (which even Martin thought was ludicrous), their suffering will be compounded as they condemn themselves for their moral failings. Second, even if love of enemy is generally possible, to place this obligation on people who have been scarred by the bitterness and hatred that are the natural human reactions to systemic injustice and to demand that they rise above their circumstances and love their enemies is simply too demanding. In this case, even if love of enemies is possible as an ideal, and it is possible for most if not all of us, it might be so demanding that it can be understood as another instance of a burdened virtue.

⁷⁹ William Grier and Price Cobbs, *Black Rage* (New York: Basic Books, 1968), 209-210; quoted in Tessman, *Burdened Virtues*, 124.

judgments about human nature and human flourishing—particularly the features of a healthy black psychology. Recognizing this is significant, since Tessman’s claims about the burdened virtues depend on the claim that they are both ideal *for us* and psychologically damaging *for us*. Tessman is making two distinct claims when she argues that rage—particularly the type that could propel the separatist movement championed by Malcolm X—is a burdened virtue. First, anger of this magnitude is a morally praiseworthy response to oppression and injustice, and *given the circumstances*, it is the ideal response. Second, this kind of anger is psychologically unhealthy and incompatible with full human flourishing. The thought that anger of this order would be psychologically damaging is intuitively plausible, and I think Martin Luther King, Jr. would agree, but of course, he would not accept that rage is a virtue. Malcolm X would accept that rage can be a virtue, but contrary to Tessman, he does not see it as psychologically harmful. He thinks it is a sign of psychological health. So in Martin Luther King, Jr.’s view rage is psychologically damaging but not a virtue, while in Malcolm X’s view rage is a virtue but not intrinsically damaging. In Tessman’s view, rage is a virtue, *and* it is psychologically damaging. This suggests that Tessman is not simply adopting the vision of flourishing implicit in the liberatory movement of which Martin and Malcolm were both a part, but that she, like them, has her own conception of flourishing. This allows her to judge—contrary to both of them—that anger is both (1) the best response possible, given the circumstances, and (2) psychologically damaging.

This is the point at which underlying claims about human nature are inescapable, and being clear about these claims is important for defending one’s conception of flourishing and sustaining claims about oppression and the harm it causes. On the one

hand, inculcating the burdened virtue of rage can only be the best possible response in these very bad circumstances if Martin Luther King, Jr. is wrong in at least one respect. He must be wrong to think there is a better alternative response available in love. For he thinks oppression can be overcome through love, and if this is true, then there is an alternative response that is better than anger because it enables the agent to resist oppression—and thereby do what is morally praiseworthy—without incurring the terrible consequences that rage entails. On the other hand, in order for Tessman’s account of rage as a psychologically damaging “burden” to hold up, Malcolm X must also be wrong in at least one respect. He must be wrong to think rage is a sign of psychological health.

For the burdened virtues to hold up, it needs to be the case that rage really is psychologically damaging for human beings, and yet it is the best possible response in these situations. This could be true if Martin’s ideal of love is psychologically unrealistic for most people and setting love of enemy as the ideal is going to backfire by, for example, inducing an excessive and damaging form of guilt when we inevitably fail or else by introducing or depending upon some other kind of pathology. This is, essentially, the worry Clark raises. For the category of a “burdened virtue” to hold up under scrutiny, human nature must be such that no better response is possible (all the other alternative being either unrealistic or introducing even more devastating consequences), and yet the best that is possible is very bad, given our psychological constitution, and how it will affect us.

One who is generally sympathetic to the idea that rage is the appropriate and virtuous response to gross systemic injustice, many want to hold on to the idea that the kind of anger called for in these circumstances is an anger the effects of which can be

mitigated. Wouldn't it be possible to be appropriately angry, but self-monitor and disengage when needed for the purpose of self-care? In this way, anger could be endorsed as a virtue, and yet the worst effects on the self might be mitigated. Suggestions like this can be understood as a variant on Martin Luther King, Jr.'s position. He takes a certain kind of anger at injustice to be appropriate and virtuous—there is an anger he calls “sound and healthy.” However, one's anger must be managed so that it is directed at acts of injustice rather than at persons. On Martin's view, one avoids the corrosive effects of anger by maintaining love and a redeeming good will for the person who commits the injustice. Notice that both of these positions present anger as virtuous, but this kind of anger is not a burdened virtue because it lies in a space that is not psychologically damaging.

Tessman's claim to have identified in the burdened virtues a uniquely moral harm of oppression depends upon the claim that the best possible response to oppression lies in a space that involves deep psychological harm. Any response, akin to the above, that would suggest the best response to oppression is one that (somehow or other) mitigates the psychological harms of the response is actually a denial of Tessman's claim that the situation of the oppressed is one of tragedy where the best possible response is also deeply damaging. If the best possible response is not in fact so damaging, the oppressed are still harmed by oppression in manifold other ways, but their situation vis-à-vis character formation is not as dire as Tessman's analysis implies.

Thus, Tessman's analysis of the burdened virtues depends upon accepting a certain interpretation of our nature, one that situates human beings in an intermediate space of possibility in which the best that it is possible for us to achieve, given our

constitution, is also deeply damaging, given our constitution. How we understand the nature and extent of the double-bind(s) that oppression so characteristically creates depends in no small measure on a prior set of judgments about our nature, on what we take to be our limits and capabilities, and hence, on what is desirable and attainable for beings such as we are.

When it comes to theorizing, making one's understanding of human nature explicit may help to resolve some disagreements about the nature and extent of oppression, but it may have little effect on others. In the latter kinds of cases, making these issues about human nature explicit will only make explicit another source of disagreement between the parties. Given alternative understandings of our nature, of our possibilities and limitations, different alternatives will present themselves as both possible and desirable.

A certain interpretation of our nature is indispensable for defending Tessman's claim that there exist a set of character traits that are at once desirable and ideal for responding to oppression and regretfully damaging to the selves who cultivate them. Once we see how central such an interpretation of our nature is to Tessman's claim about the burdened virtues, we also see a path forward for responding to the worry that Tessman's eudaimonist perspective, in admitting such a morally troublesome set of character traits as "virtues," has collapsed into a form of consequentialism. Macalester Bell raises this concern and suggests the only thing separating "burdened virtues" from "vices" is that the benefits outweigh the costs.⁸⁰ Unlinked from the flourishing of their bearer, they are only virtues because of the valuable states of affairs they help to realize.

⁸⁰ Bell, "Review of Burdened Virtues."

Still, Tessman herself suggests the cost-benefit analysis when she says, “the idea of a burden attached to a trait is that there is some level of cost that is to be weighed against what is otherwise excellent about the trait. But somewhere on this continuum, a burden becomes so great that it no longer makes sense to assess the trait as good.”⁸¹ If this is all that distinguishes virtue from vice, it is hard to see how this is not a consequentialist analysis, and then it is far from clear that the appeal to eudaimonism is adding anything significant to our understanding of virtue in contexts of oppression.

There may be one way in which this charge is improperly leveled. Tessman’s analysis does not dub the burdened virtues unqualifiedly good simply because the benefits outweigh the harms; they are only virtues in the sense that they name the best that is possible, given the (terrible) circumstances. There is, in a sense, an asterisk attached to the appellation, and Tessman maintains that the virtuous person who bears up under them will do so with regret, recognizing that these traits are only choiceworthy given the bad circumstances.

However, I do not believe that Tessman’s analysis of the burdened virtues can be reduced to a form of cost-benefit consequentialism. With the implicit claim about human nature made explicit and placed firmly in view, we can see Tessman’s analysis is not, in fact, reducible to a cost-benefit analysis. It is not simply that the benefits achieved by the burdened virtues outweigh the costs associated with them. The burdened virtues are “virtues” because they are *the best that is possible, given our nature*. No matter what the cost of these traits is, they are still the best that is possible. What is good is often very difficult to achieve, and striving toward the ideal may be exceedingly demanding. In contexts of oppression there are even greater obstacles to realizing what is good.

⁸¹ Tessman, *Burdened Virtues*, 166.

Tessman's eudaimonist framework shows us often overlooked psychological costs to cultivating the best kind of traits possible. Her view is eudaimonist because it continues to foreground and prioritize the well-being of the person. It does not justify sacrificing the well-being of the person for the sake of achieving some good state of affairs, independent of the agent. Rather, it attends to the costs incurred by the individual even when they realize the best traits that are possible *for them*. Her view is ultimately tragic because, given her understanding of our nature, in a context of oppression, the best that is possible is not very good.

At the end of the day, whether we think Martin Luther King, Jr. or Malcolm X or Lisa Tessman has authentic insight into the ideals that will best promote flourishing, our judgment depends in part on an assessment of human nature, on what is realistic and what is ideal—what is healthy and what is pathological—for beings such as we are.

CHAPTER 6

HUMAN NATURE: FROM OBSTACLE TO RESOURCE

1. Confronting the Problem of Human Nature

A number of feminist moral philosophers have proposed appropriating a flourishing-based ethical perspective as the basis of a feminist moral theory. Aristotle's eudaimonist virtue ethics has been one of the principle models and sources of inspiration in this project. However, significant questions remain about what exactly a feminist flourishing-based ethical theory is going to look like. While Aristotle has been a principle inspiration here, making the moral philosophy developed by Aristotle compatible with feminist principles presents a number of challenges. One of the main challenges of Aristotle's eudaimonism from a feminist perspective is the role played by a theory of human nature. Feminist philosophers are generally skeptical of appeals to human nature because of the way theories of human nature have functioned to legitimize and maintain the social and legal subordination of women.

Against this backdrop, I have argued that a theory of human nature can be a critical resource for a feminist ethic of flourishing. First, theories of human nature can articulate the reasons agents have to live as the theory prescribes by making clear why this account of flourishing is good for the agent, given the human condition. As such, theories of human nature articulate a particularly important set of reasons agents have for making sense of a flourishing-based ethical theory's answer to the question "How should I live?" Second, theories of human nature can support a flourishing-based analysis of oppression, making clear the ways oppression constitutes a harm. While it is widely

believed that feminist objections to appeals to nature are rooted in opposition to the essentialist metaphysics implied by a theory of human nature, I have argued that metaphysical essentialism is not really the root problem for feminism, since both essentialist and anti-essentialist theoretical frameworks are subject to the criticisms that have been leveled under the guise of rooting out “essentialism.” The root of the problem is really the Problem of Representation and the exclusionary political effects arising from this. The Problem of Representation identified here names two problematic phenomena. First, there are occasions when, in the course of offering philosophical analysis of ethical or political subjects, normative ideals are advanced under the guise of neutral description. Second, the ideals thus disguised very typically reflect the social position and form of life of the theorizer, thus reinforcing the norms and values of the one doing the theorizing as the norm of what it is to be the kind of thing or subject in question.

When it comes to ethics and the appeal to human nature, the appeal to a supposedly value-neutral description of what it is to be human colludes with the assumption that the purpose of a theory of human nature is to ground ethical claims in uncontroversial matters of fact. But, as I have argued, this is not the role a theory of human nature plays in a flourishing-based ethic. A flourishing-based ethic requires a theory of human nature which is teleological, encoding evaluative judgments about the proper ends of human development. I believe that effectively addressing the Problem of Representation means being transparent about the kind of theory of human nature required by an ethic of flourishing. A certain kind of theory of human nature can then be a critical resource for a feminist ethic of flourishing.

My case for this conclusion has unfolded gradually. In approaching the problem human nature (at least on its face) poses for a feminist ethic of flourishing, my first goal was to gain a clearer understanding of the methodological role a theory of human nature has, historically, been accorded in a flourishing-based ethical theory. Here, the motivating thought was that understanding the role played by human nature would make it more clear how essential or dispensable a conception of human nature is to such a moral perspective. This I took up in chapter two. My second goal was to evaluate contemporary flourishing-based ethical theories that appeared promising as the basis of feminist ethic of flourishing in order to assess their prospects and potential to serve in this capacity, which I did in chapters three, four, and five.

The conclusion I drew in chapter two is that a certain conception of human nature, as teleological, plays an inescapable role in substantiating the normative authority of moral judgments in a flourishing-based ethical theory. In order to make this case, I distinguished two conceptual aspects of a theory of human nature: the “substantive conception of human nature” and the “concept of nature in general.” I described the concept of nature in general as “framing” the content or substance of one’s conception of human nature. Or, using Aristotle’s form/matter distinction as an analogy, the concept of nature in general is like the “form,” shaping the “matter” of one’s theory. Through an analysis of Aristotle, Hume, and Marx, I argued that there are two broad ways of conceiving of nature in general. In Aristotle and the early Marx, we have a “teleological” concept of nature in general. In Hume and the later Marx, we find an “empirical” concept of nature in general.

A teleological concept of nature in general involves evaluative judgments about the proper endpoints of human development and relies on this to make judgments about what makes for fulfillment or frustration in human life. As such a teleological concept of nature is explicitly normative, distinguishing between those capacities and tendencies that will contribute to human good and those that will thwart it. A teleological concept of nature in general carries significant normative weight because it articulates what is good for us.

An empirical concept of nature in general draws no such distinctions. It aims to offer a descriptive account of human nature as the totality of characteristics, capacities, and tendencies universally exhibited by members of the human species. On an empirical conception of our nature, tendencies and capacities that undermine or work against human fulfillment are no less a part of human nature than those that promote it. On the empirical view of nature in general, what is “natural” simply signifies the way things stand with us—what we commonly find to be the case in human life. “Natural” in this sense means “usual” or “common,” and human nature encompasses everything which is universally common to members of the human species.

A teleological conception of human nature is a necessary element of any adequately normative flourishing-based moral theory, because such a theory needs to be able to explain why the ideals it advances as constitutive of human flourishing are good *for us*. Because it distinguishes between the many possible ends of human life—marking off those that are forms of fulfillment from those that are not—a teleological theory of human nature articulates important reasons agents have to live as the theory prescribes.

For example, Marx's condemnation of capitalism depends on a teleological conception of human nature and the proper end of human life. This allows him to distinguish real needs from false needs based on whether they contribute to human fulfillment. In the early Marx, we find, in no uncertain terms, an indictment of the capitalist mode of production. Capitalism is bad for human beings because the way production is organized in a capitalist economy alienates the worker from her labor, from the product of her labor, from her community, and ultimately, from herself. What fulfills and creates for a fully human life, by contrast, is the person's ability to engage in *praxis*, that is, conscious, free, social, and productive activity. For the early Marx, we are essentially working beings, beings whose needs—not only physical, but psychic and social as well—are met through the exercise of our capacity for conscious, free, social, and productive labor. Only in a context where *praxis* is properly supported can we truly flourish.

Marx's moral critique of capitalism depends on his ability to substantiate the claim that capitalism harms individuals by failing to meet their needs. However, in his later "scientific" writings, Marx abandons the theory of human nature advanced in his early humanistic writings and substitutes an empirical concept of human nature, according to which human nature (and its essential needs) are contingently constituted by the given social mode of production. According to the later Marx, human needs are constituted by the mode of production. Capitalism creates ever new and more expansive needs and then meets them in order to augment the value of capital. In doing so, human nature itself is transformed: as our needs change, so does our nature. But if these new needs created by capitalism are our true needs, then it is not clear that capitalism is

harming us or that our needs are not being met. Given that Marx sees human nature as constituted by human need and that our needs are a product of the capitalist mode of production, it is unclear on what grounds Marx in his later works can criticize capitalism. The teleological conception of human nature turns out to be essential for Marx's normative critique of capitalism. Without it, there is little reason to work toward or strive for the socialist vision of flourishing because it is not clear that capitalism is bad for us or that socialism is better. Whether or not Marx's conception of human nature is true or his critique of capitalism justified, the point, methodologically, is that the normative force of his critique depends upon a teleological conception of human nature. Through the analysis of Aristotle, Hume, and Marx I argued that a normatively adequate ethic of flourishing requires the conceptual resources of a teleological conception of human nature.

Turning to the second task, in chapter three, I examined the flourishing-based virtue ethics developed by Rosalind Hursthouse and the prospect that her unique form of neo-Aristotelian ethical naturalism can serve as the basis for a feminist ethic of flourishing. Using the conceptual categories developed in chapter two, I argued that the teleological concept of nature to which Hursthouse appeals gives human nature the right methodological role in support of the account of flourishing. She rightly recognizes that the appeal to nature is not an appeal to a normatively flat, empirical conception of human nature, but rather to an evaluative, ethically informed conception of human nature. Her account of human nature as properly ordered by the five naturalistic ends clearly shows the goods to be achieved and the reasons we have to develop the virtues. However, Hursthouse's substantive conception of human nature is not sufficiently robust to draw

the necessary moral distinctions between feminist and patriarchal understandings of the virtues. Feminists interested in the neo-Aristotelian ethical naturalism developed by Hursthouse will require a more substantive account of human nature, one which is not restricted to the ends the biological sciences can license. I concluded that a feminist ethic of flourishing working on the basis of a neo-Aristotelian ethical naturalism will need a thicker account of the ends of human nature to defend a feminist moral perspective on the virtues.

In chapter four, I turned to the ethic of flourishing articulated and defended by Martha Nussbaum in the capabilities approach. The chapter brings together two central themes of the dissertation: first, an analysis of the methodological role played by a theory of human nature in the capabilities approach and, second, feminist objections to an ethic grounded in a substantive conception of human nature related to what I called in chapter one the Problem of Representation. The capabilities approach seeks to provide a theory of social justice uniquely suited to addressing the harms women face by articulating and defending a list of human capabilities. The capabilities approach argues that each person has a right to choose to exercise certain fundamental human capabilities on the grounds that the capability to function in the areas named by the capabilities list is constitutive of a life with dignity. To be denied these central capabilities is to be denied the flourishing to which each and every person has a legitimate claim in virtue of their standing as a human being. Again, using the conceptual categories developed in chapter two, I examined the methodological role played by human nature. Again, I distinguished the concept of nature in general from the substantive content of the account. In the case of Nussbaum, I argued that while Nussbaum's substantive account of the capabilities is

“thick” enough to defend a liberal vision of flourishing, Nussbaum is ambiguous about the concept of nature in general and, hence, ambiguous about the methodological role of appeals to human nature. To the extent that she claims the capabilities list is based on an empirical investigation into human nature, she misconstrues the role of a theory of human nature. If the capabilities list is based on an empirical conception of human nature, then it will not be able to play the normative role the capabilities approach requires. On the other hand, if the capabilities list is the product of an evaluative judgment about which capabilities—amongst the many human beings possess—are most significant for human fulfillment, then the capabilities approach is implicitly relying on a teleological conception of human nature. Acknowledging this means acknowledging the contentious status of the capabilities list, but it has the virtue of making clear why these capabilities and not others are given the privileged status they are. Because Nussbaum has been ambiguous about the status of the capabilities list, a number of feminist moral philosophers have been quite critical of the capabilities approach. I argued that being transparent about the status of these claims is an important part of responding to these criticisms.

Finally, chapter five brings the argument of the previous chapters to bear on Lisa Tessman’s *Burdened Virtues*, in which she develops a feminist eudaimonism for the purpose of bringing to light the uniquely moral harms suffered by members of oppressed groups who are committed to resisting their own oppression through character transformation. Tessman argues that there is a set of virtues that are both morally requisite for resisting oppression and harmful to their bearer. She calls such traits “burdened virtues,” because even though they are praiseworthy in helping their bearer

either survive or resist oppression, they are psychologically damaging because they are destructive of the psychological traits needed for leading a truly good life. If this is true, Tessman's analysis reveals an overlooked moral harm of oppression. Oppression constitutes a moral harm to victims by making character traits which undermine the psychological capacity of a person to flourish necessary for surviving or resisting oppression. Thereby, the burdened virtues name a double-bind of oppression by which the oppressed are kept from flourishing whether they resist their own oppression or not.

While Tessman tries to sidestep controversial questions about human nature, I have argued that embracing a teleological conception of human nature would give her theory additional resources for defending her claims about the burdened virtues and the moral harm that oppression inflicts on the oppressed. Without denying that oppression harms the oppressed in other ways, one might deny that oppression causes the uniquely moral harm Tessman claims to have identified through the concept of a burdened virtue. For her thesis to hold up, there must be a set of character traits that are both the best possible for us in these circumstances and, at the same time, psychologically damaging. If either of these claims fall, then so does Tessman's claim to have identified a uniquely moral harm of oppression.

In order to show the significance of a theory of human nature for defending Tessman's claim, I examined a single instance of a burdened virtue—rage—and three distinct attitudes toward rage as a character trait useful for resisting oppression. Tessman believes rage is both a virtue and ultimately psychologically damaging because corrosive to its bearer. She argues that such a view of rage is consistent with the implicit beliefs about flourishing held by members of liberatory activist communities. She cites

especially the beliefs held by feminist and civil rights leaders. I question whether there is a consistent vision of flourishing implicit in these liberatory activist communities and whether the claim that rage is a burdened virtue can be sustained by looking more closely at the visions for black liberation articulated by Martin Luther King, Jr. and Malcolm X. I conclude that on neither view can it be maintained that rage is a burdened virtue. For Malcolm, rage is a virtue, but he does not judge it to be psychologically damaging. The kind of rage he judges a virtue he also maintains is a sign of psychological health. On the other hand, Martin Luther King, Jr. seems to agree with Tessman's assessment that rage is psychologically damaging, but he does not regard it as a virtue. Martin sees an alternative response to oppression in love and judges that love is the ideal character trait to cultivate, not rage. For the burdened virtues to be both the best traits possible for us and at the same time harmful for us, human nature must be such that there is no better alternative trait we can realistically cultivate while, at the same time, the trait called for in this circumstance must be psychologically unmanageable and damaging. Our nature must be such that no alternative response is attainable and yet the response open to us is damaging. This tragic understanding of our capacities and limitations is ultimately what can sustain Tessman's claims about the burdened virtues. Equally, it is this view of our nature that makes sense of the thought that, despite being difficult—to the point of inflicting psychological damage—this is the course we ought to take, since this is the best that is possible for us given the terrible circumstances.

Thus, I argue that implicit in Tessman's claims about the burdened virtues is a view of our nature as well-realized and suited to certain psychological states but damaged by others, and damaged in ways so deep that they maim our basic capacity to flourish in a

fully human way. Tessman does not acknowledge the theory's dependence on a certain understanding of our nature, but acknowledging this and being articulate about it would give Tessman's theory resources to defend the claim that the burdened virtues are character traits that are at once the best that is possible for us, given the circumstances, and yet deeply damaging. Thus, having this account would enable her to more fully defend the claim that oppression constitutes a moral harm to the oppressed. In this way, a certain kind of theory of human nature plays an important role in analyzing oppression and substantiating claims about the harms of oppression in light of a vision of full human flourishing. A certain conception of human nature enables us to articulate both the harms that oppression inflicts and the virtues agents have good reason to cultivate.

2. A New Perspective on an Old Dilemma

I have argued that a theory of human nature plays an indispensable methodological role in a flourishing-based moral framework. It is indispensable because a theory of human nature articulates a particularly important set of reasons we have for living as the theory prescribes. Without this, we lack a major resource which can clarify the reasons agents should act in accordance with the ideals articulated by the theory. As such, a theory of human nature is an important normative resource for a theory of flourishing. But, recognizing that not just any theory of human nature can fulfill this function, I have argued that the theory must be teleological in form: it must draw evaluative distinctions among the possible ends of human life, distinguishing those which are fulfillments from those which are not.

In contrast, if a theory of human nature is reduced to a description of the characteristics and tendencies we can empirically document as universally exhibited in the human species, a theory of human nature will not imply anything about what we have reason to do or how we have reason to live. For example, I take it that we are sympathetically constituted in the sense Hume described, and this means we have an innate tendency to experience pleasure at the pleasure of others and pain at their pain. We are also self-interested, meaning we have a tendency to pursue that which we perceive to be beneficial and to avoid that which we perceive to be harmful. Similarly, unless an individual is affected by a physical or mental disability, human beings characteristically possess all of the capabilities on the capabilities list formulated by Martha Nussbaum. However, human beings also characteristically possess capabilities for deception, exploitation, unimaginable forms of cruelty, and revenge, among other less savory capabilities. From these kinds of facts about ourselves, nothing follows about what we ought to do or how we ought to live. In such a description of human nature, indistinguishably lumped together are intractable characteristics that we could not change if we wanted, or that we could only change at an exceedingly high cost, and others which are malleable, susceptible to development in a number of ways, where the outcome depends in large part upon the environment and the support or barriers one encounters. From such a list, nothing follows about whether these human universals ought to be supported and respected, begrudgingly accepted and accommodated, or resisted and repressed.

Teleological conceptions of human nature articulate evaluative understandings of human life, distinguishing amongst the possible ends of human life those which are

fulfillments and realizations of a human form of life from those which are not. However flourishing is understood, it must be possible to interpret it as a condition in which human beings are fulfilled—made capable of “wholeness” and psychological integrity—at a minimum, in other words, able to be psychologically, emotionally, socially, and biologically “healthy.” There are undoubtedly other characterizations we could draw on to describe a “fully human life.” But, in any case, whatever flourishing is taken to consist of, it cannot be a condition that can be characterized as a kind of alienation, “brokenness,” perpetual frustration of our aspirations and capacities, or psychological damage, nor can it constitute a “maiming” of the capacities that make for a full human life. Teleological conceptions of our nature can express these distinctions in a number of different ways—contrasting states of health and unhealth, fulfillment and alienation, and so on. In doing so, they articulate possible goods to be achieved through different courses of action, and thereby serve to articulate reasons we can draw on to answer the question “How should I live?” Empirical conceptions of human nature expressly avoid drawing any such distinctions and, by that very fact, fail to be reason-giving.

Here a difficult question arises: without already accepting the evaluative interpretation of human life expressed by a teleological conception of human nature, in what sense can any such account be persuasive to agents who wonder if they really ought to live as a theory of flourishing prescribes?

We are, in a sense, back to the concerns Louise Antony raised when she argued that no conception of human nature can, ultimately, play the role it is called upon to play. As Antony understands it, “the trick in constructing a rhetorically effective argument from nature is to make . . . what is ‘true by nature’ seem a matter of simple observation or

an uncontroversial finding from a neutral science—while at the same time preserving the modal or normative import that the term ‘nature’ frequently carries.”¹

I have argued that the normative adequacy of a flourishing-based ethical theory depends on a teleological conception of human nature. Furthermore, a feminist ethic of flourishing will need to endorse a rather robust account of our nature. A “thin” teleological account of the sort Hursthouse endorses will not be adequate to substantiate feminist evaluations of virtues such as ‘patriarchal benevolence.’ The kind of account of human nature that will be robust enough to make sense of feminist rejections of such “virtues” will also be contentious enough to be disputable.

I have essentially argued that the indispensable kind of nature claims that inform moral reasoning in a flourishing-based ethical theory are not a “matter of simple observation or an uncontroversial finding from a neutral science.” They are evaluative interpretations of our form of life and what is important for us for the purpose of living well. Teleological conceptions of human nature are based on evaluative judgments about the proper ends of human development. But if this is true, then can reasoning tied to considerations of human nature be “rhetorically effective”? Can it really persuade?

In one sense, I believe yes, it can. Teleological conceptions of human nature persuade in the way that any interpretation of a complex phenomenon persuades: by convincing us that it makes the best sense out of the most important features of the phenomenon. I have been focused on what a flourishing-based theory needs in order to motivate the agent to act or live as the theory prescribes, and for this purpose a teleological conception of human nature is indispensable. By contrast, empirical conceptions of our nature are clearly inadequate for this purpose.

¹ Louise M. Antony, “Natures and Norms,” *Ethics* 111, no. 1 (2000): 13.

From the first-person perspective, having accepted a certain interpretation of our nature, I think it is clear that a teleological conception of human nature can, in fact, be persuasive in motivating an agent to act as the theory prescribes. It does so by giving her reasons that this form of life or course of action is *good for* her. Thinking again about the case for Tessman's burdened virtues, if we accept the view of human nature I argued her account really needs, it seems clear we should cultivate the burdened virtue of rage. Despite the difficulties and steep consequences, this is the best that is possible for us, given the circumstances, and given human nature.²

But in another sense, it is not so clear whether a teleological conception of human nature will be able to persuade. To be "rhetorically effective," Antony clearly believes a theory of human nature must settle the question of ethical objectivity. A theory of human nature, she is thinking, must settle whether these moral judgments are objectively valid because true. There is a question over the accuracy or adequacy of a particular claim, (e.g., a moral judgment or a theory of human flourishing). Facts about human nature, it is assumed, must persuade us that this claim is true (or show us that it is false). However, the appeal to human nature can only do this effectively if it is an appeal to a fact that is uncontroversially true. I believe it is this line of reasoning that has led many—not just Antony—to conclude that the attempt to draw human nature into moral reasoning is a complete dead end, or at best it does not take us very far. The only claims about human

² Recall that her theory of the burdened virtues entails both that rage is psychologically unhealthy because it is corrosive, but also that human nature cannot sustain any alternative response to the persistent disrespect that oppressed peoples confront that would be better. Love of enemy, for instance, as advocated by Martin Luther King, Jr. has to be judged unrealistic (probably because it is too demanding), while the response that is available and realistic for us is, tragically, not good for us. So, the response that it is realistic to expect (given human nature) is one that has tragic consequences (given human nature). While it is difficult to know who is right and what is (generally) to be regarded as a realistic possibility, if we judge that the love Martin Luther King, Jr. called for is not a psychologically realistic alternative, the reason we should adopt the burdened virtue of rage is clear. Despite the difficulties and steep consequences, this is the best that is possible for us.

nature that would be uncontroversial would be embedded in an empirical conception of human nature, but from facts like this about our nature, without other controversial premises to do the real lifting, nothing follows. On this approach, human nature is being expected to play the role of an uncontroversial, value-neutral foundation from which normative judgments can be objectively justified.

If this approach should be successful in bridging the ‘is/ought gap,’ it will be because in the “neutral description” of what it is to be human, someone has smuggled in normatively loaded concepts which make this conception of what it is to be human significant for ethical thinking and give it weight in considerations of how we should live and what we should do. Thinking in light of the insights of feminist theory, it will be unsurprising if the ideals being passed off as “uncontroversial description” reflect the social position and ideals of the person behind the theory. In short, it will be unsurprising if this approach comes to grief over the Problem of Representation.

The way I have proposed a feminist flourishing-based ethic ought to avoid this pitfall is to be transparent about both the proper role of a theory of human nature in the wider context of a theory of flourishing, and to be clear that the kind of theory of human nature employed in moral reasoning is strongly evaluative, making no pretensions otherwise.

This move shifts the conceptual model for how a theory of human nature relates to an ethic of flourishing. Teleological theories of human nature give reasons that support the account of flourishing, but these reasons are themselves ethically informed. The relation of support is probably best understood as making transparent (or testing, as the case may be) the coherence of our conception of human nature—especially surrounding

what we take to be the boundaries of what is possible—in light of the ideals embodied in our conception of flourishing. Successfully making these elements cohere is no guarantee of truth, but their failure to cohere can be a symptom of falsehood. This picture of the relationship between a theory of human nature and an ethic of flourishing abandons the aspiration to ground value judgments about flourishing in a realm of indisputable facts about “how human beings are.” To the extent that the reasons given by a teleological conception of human nature “justify” the moral judgments of a flourishing-based ethical theory, they do not justify in this way.

The methodological role for human nature and the structure of the theory that I am proposing as a viable path forward for a feminist flourishing-based ethic is one which is broadly consistent with the proposals of neo-Aristotelian ethical naturalists such as Julia Annas and Rosalind Hursthouse—though as discussed in chapter three, Hursthouse stakes out a teleological conception of human nature which continues to aspire to be uncontroversial.³ One of the major meta-ethical questions facing neo-Aristotelian ethical naturalism is whether human nature can provide the *right sort* of normativity. I have argued that a teleological conception of human nature is an indispensable source of normativity for a flourishing-based ethic, and this is the role often given to human nature by those advancing a form of neo-Aristotelian ethical naturalism. But whether one can, from human nature, establish a strong form of moral normativity or only a weak form of prudential normativity based on the perceived interests of the agent is a serious question. I have argued that a teleological conception of human nature is reason-giving and so capable of making a flourishing-based ethical theory adequately normative, but I think a

³ Julia Annas, *The Morality of Happiness* (New York: Oxford University Press, 1993); Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999).

question lingers over whether these are the *right kind* of reasons. This raises the possibility that a theory of human nature is necessary, but it is not sufficient. If this turns out to be the case, then the claim I have defended here will need to be revisited. It might rather be the case that a teleological conception of human nature provides a “minimally adequate” normativity, but not a “truly adequate” normativity for a flourishing-based ethical theory.

3. Further Avenues for Research

One possible avenue for future research lies in the direction of epistemological methods and arguments that can be offered in support of the teleological conceptions of human nature that flourishing-based ethical theories require. Prior to pursuing the arguments, it is impossible to know what the outcomes will be, but it seems exceedingly unlikely that the kinds of arguments and considerations available in favor of any teleological account of human nature will be arguments that put its truth beyond question. But if this is true, *why is it true?* A theory of human nature should give an account of the essential features of human beings, and it is not immediately evident why this should be so difficult or why it should entail such controversy. W.B. Gallie has argued that there are some concepts which are “essentially contested.” According to Gallie, “There are concepts which are essentially contested, concepts the proper use of which inevitably involves endless disputes about their proper uses on the part of their users.”⁴ What Gallie intended by this and how it might help us to think about theories of human nature as they inform our ethical thought I cannot develop here, but Gallie’s idea of essentially

⁴ W.B. Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society* 56 (1956): 176.

contested concepts is provocative when applied to the question of human nature because his concern was precisely with how a concept could entail endless dispute *necessarily, by virtue of the very concept it is*, and yet those disputes could in some sense be both ‘objective’ and ‘reasonable.’

Much of this study has been devoted to methodological questions concerning flourishing-based ethical theories. Flourishing-based ethical theories are, in general, consequentialist in character, but a concern was raised in chapter five that Lisa Tessman’s analysis of the burdened virtues might not be eudaimonistic because it simply reduces to a form of simple consequentialism. If eudaimonism is, as this study has assumed, one kind of flourishing-based ethical theory, and flourishing-based ethical theories are consequentialist, this raises the puzzle of why it should be thought that there is a distinction between eudaimonism and consequentialism. The degree to which a eudaimonist moral theory is distinct from simple consequentialist moral theory is interesting, and the analysis given in chapter five suggests it may have to do with the unique role played by a robust theory of human nature. Substantiating this suggestion is another area for further research.

With respect to employing a flourishing-based ethical theory to define the feminist alternative to oppression, a flourishing-based account may be able to provide a much more robust account of the antithesis to oppression. A cursory review of literature on oppression suggests that the most common conception of oppression’s antithesis is a thin conception of freedom.⁵ Feminist theorists have recognized the inadequacies of

⁵ See the literature reviews of two recent dissertations on oppression: Kira Tomsons, “Oppression: A Conceptual Analysis” (Ph.D., Dalhousie University (Canada), 2006); Daniel M. Silvermint, “Oppression and Victim Agency” (Ph.D., The University of Arizona, 2012).

purely negative conceptions of freedom,⁶ but have understandable reservations with positive conceptions of freedom.⁷ A flourishing-based ethical framework with the resources of a robust conception of human nature may provide resources for such a task.

4. Cultivating the Resource

On the model advanced here, human nature is an indispensable conceptual resource because of the role it plays in answering normative questions in a flourishing-based ethical theory (e.g., “How should I live?” and “What reasons do I have to live this way?”). Feminist moral philosophy needs a moral theory with adequate normative authority because (the vast majority of?) feminist moral insights challenge the status quo privileges of the powerful. One needs to be able to provide oneself (and others) with sufficiently good reasons to do what one *morally* ought to do, even if it is hard or painful or against one’s interests in some way. Absent gaining power and changing the status quo by force, the success of feminist political and social goals depends on the moral authority of the cause, so having a moral theory with reasons that can be compelling to those who need to sacrifice privilege in order to do what morality requires is crucial.

Furthermore, an articulated conception of human nature is a necessary normative resource even if questions remain about the objectivity of the account. And a teleological conception of human nature is necessary even if questions of ethical objectivity are more complicated with a teleological conception of human nature than with an empirical conception of human nature.

⁶ Ann Cudd, *Analyzing Oppression* (Oxford: Oxford University Press, 2006).

⁷ “Negative” and “positive” in the sense defined by Isaiah Berlin in his classic 1958 essay republished in Isaiah Berlin, “Two Concepts of Liberty,” in *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002).

The truth of the teleological conception of human nature which a flourishing-based ethical theory invokes is an important question, and some account needs to be given, but it is unlikely that the account given is going to satisfy the demand that it be “uncontroversially true.” Teleological conceptions of human nature give reasons, but they are not uncontroversial reasons. Rather than see a teleological conception of human nature as the uncontroversial set of facts upon which an ethic of flourishing is grounded, it is more plausible to construe a theory of human nature as one part of the ethical theory itself. A theory of human nature is not outside the ethical theory, but an aspect of the theory that (ideally) coheres with and makes sense of the other elements within the theory.

The kind of teleological theory of human nature that supports an ethics of flourishing is liable to challenge and contestation, but developing such an account is important for being able to explain why it is good to live as the theory prescribes. Without such, our ethical beliefs about flourishing are less intelligible, and we have fewer normative resources to draw upon to explain—both to ourselves and to others—what is harmful and what is beneficial, what should be avoided and what should be pursued for the sake of a good human life. For this reason, cultivating an articulated account of human nature and offering reasoned justification for it is an important task for any ethic of flourishing. If we neglect to articulate an intellectual understanding of the meaning and significance of human life—with its distinctive set of capacities and limitations, longings and aspirations—we lose an important resource for intellectually supporting and making sense of the kind of life we might otherwise aspire to realize. The resource can become a wasteland if we refuse to make such evaluative judgments. Failing to recognize the

evaluative nature of the account creates other problems. But with adequate care and attention, human nature is a conceptual resource that can nourish and sustain the ethics of flourishing and provide necessary resources for articulating and defending a feminist vision of flourishing.

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