GENDER, ALIENATION, AND DIGNITY IN GLOBAL SLUMS

by

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A DISSERTATION

Presented to the Department of Philosophy
and the Graduate School of the University of Oregon
in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy

September 2013

DISSERTATION APPROVAL PAGE

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Title: Gender, Alienation, and Dignity in Global Slums

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Degree awarded September 2013

DISSERTATION ABSTRACT

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Doctor of Philosophy

Department of Philosophy

September 2013

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This dissertation is a philosophical inquiry into the problem of the slums that develop in and around large cities in the Global South, considered in the context of globalization. I argue first that theories of global justice must consider this new human condition engendered by the global slums; second, that the language of alienation and dignity is crucial to conceptions of global poverty; third, that this alienation is in large part predicated on the exploitation of women's labor; and finally, that this dignitarian response to alienation is a critical addition to the Capabilities Approach.

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PUBLICATIONS:

Luttrell, Johanna. "John Berger", *The Encyclopedia of Global Justice*, ed. Deen K. Chatterjee, Springer, 2010. 72-74.

ACKNOWLEDGMENTS

I wish to express sincere thanks to my co-chairs, Dr. Naomi Zack and Dr. Cheyney Ryan, for their inspiring mentorship. I also would like to thank the members of my committee, Dr. Eileen Otis and Dr. Bonnie Mann, for their clearheaded support and guidance. This project was made possible a dissertation fellowship from the Wayne Morse Center for Law and Politics at the University of Oregon, as well as the Oregon University System- Sasakawa Young Leaders Fellowship Fund.

I dedicate this work to my parents, Anthony and Jan Luttrell, for all their support during graduate school.

TABLE OF CONTENTS

Chapter Page

CHAPTER I

THE PICTURE OF POVERTY TODAY: URBAN SLUMS IN THE GLOBAL SOUTH

> "*The anticipated shift from a predominantly rural world to a predominantly urban one is now a reality, forcing us to rethink our most basic paradigms, not only paradigms of the urban condition but of the human condition as well*."
> - Janice Perlman [1]

> "*The cities of the future, rather than being made out of glass and steel as envisioned by earlier generations of urbanists, are instead largely constructed out of crude brick, straw, recycled plastic, cement blocks, and scrap wood. Instead of cities of light soaring toward heaven, much of the twenty-first century urban world squats in squalor, surrounded by pollution, excrement, and decay. Indeed the one billion city-dwellers who inhabit postmodern slums might well look back with envy at the ruins of the sturdy mud homes of Çatal Hüyük in Anatolia, erected at the very dawn of city life nine thousand years ago."*
> - Mike Davis [2]

1.1. Overview

Having lived and worked in the slums of Guayaquil, Ecuador, I have witnessed the results of the last three decades, in which industrial poverty has been exported and expanded to the Global South. Slums have developed on the outskirts of large cities, expanding at a scale previously unknown in human history. International trade agreements have made life unsustainable in many rural areas, and, in hope of finding work, people move to cities and settle on the hillsides, fields, farmlands and garbage dumps in the surrounding areas; they set up temporary communities in ramshackle dwellings that fail to adequately provide reasonable standards of living. The development that creates and maintains this transience has been sold, in great measure, under the banner of liberation for women --- because most of the global slums employees

[1] Janice Perlman. *Favela: Four Decades of Living on the Edge in Rio de Janeiro*. Oxford: Oxford UP, 2010. 41.

[2] Mike Davis. *Planet of Slums*. New York and London: Verso, 2006. 19.

are female. Women's inclusion in the work force is generally billed as a positive development in a culture's progress toward gender equality, and employers have capitalized on this sentiment to hire women on the basis of the prevailing ideology that women will work harder for less pay. At the same time, the 'inclusion' of women in the workforce has not lessened the expectation, in many places, that women remain primarily and unequally responsible for care of the families.

In Chapter I, then, I use women's personal narratives, long-term sociological studies and journalistic accounts, and statistical analysis from the United Nations to locate the subject of my inquiry, and convey how people are presently living in these slums.

In the second chapter, I argue that the alienation of the global slums is fueled by the exploitation of women's labor. I use sociological research, especially Sylvia Chant's work, to show the ways in which global capitalism appropriates the second wave feminist insight that women should be members of the workforce while simultaneously accommodating the anti-feminist position that women should remain primary caretakers of the family. I show how some practices of globalization that drive migration to the slums often leave poor women with ever increasing responsibility, and ever decreasing support. I also use Caroline Moser's work to show how the way out of poverty is based on the accumulation of private property.

In Chapter III, I argue that visions of global justice which rely on contractarian premises alone are an insufficient response to global poverty, because the model of connectivity that relies on political states and contracts is outdated in a world of economic liberalization wherein the Global North profits by the labor of people in the Global South. I argue that Aristotle's conception of distributive justice that regards profit

as a threat to virtue is more appropriate for global justice than contractarian conceptions that regard justice as a function of securing profit and property. Further, I maintain that John Stuart Mill's understanding of justice as grounded in sentiment, antecedent to the formation of law, could be a plausible foundation for conceptions of contemporary global justice.

Chapter IV draws from Hannah Arendt and Elaine Scarry to argue that global justice theorists should use the language of alienation, in addition to the language of rights and obligations, to characterize the conditions of life in urban slums. With Arendt and Scarry, I characterize alienation as the loss of the world, that is, the depravation of durable material structures and lasting institutions that are the preconditions for political speech and action. The language of alienation provides a first-person perspective that evidences how the problem of poverty is one of a lack of work, the kind of work that attests to people's creativity, uniqueness, and dignity. Further, the language of alienation describes the specific kind of vulnerability people suffer under global poverty, in a way that is missing from the predominant philosophical preoccupation with rights and duties.

The fifth chapter shows that, in order to answer to alienation and gendered exploitation in the urban slums of the global south, political philosophy, international law, and development economics needs a more robust and precise account of human dignity. Here, then, I define dignity in a way that counters the prevailing logic of utility which assumes that people, women in particular, are means to an end of economic growth and not ends in themselves. Inspired by a disagreement between Jürgen Habermas and Jeremy Waldron on the origins of the concept of dignity in Western law, I have consolidated an intellectual history of dignity that incorporates both the notion of dignity as inalienable worth regardless of social status, which is found in Kant as well as early

Hebraic law, with Roman law's notion of dignity as status, dependent upon social recognition. I use this new, robust notion of dignity as both autonomy and authority to critique the instrumentalization of the global poor. I contend that dignity is both, like the Existentialists' idea of freedom, a fact and an achievement. The union of autonomy and authority is best expressed in people's creation of a world, in the dignity of being able to manifest oneself in one's lasting and shared creation.

Finally, in the conclusion, I show how this dignitarian response to alienation contributes to the Capabilities Approach, as articulated the works of Martha Nussbaum and Amartya Sen. Nussbaum describes the Capabilities Approach as having Marxist and Aristotelean intellectual roots, mentions meaningful work as one of the essential capabilities, and justifies the approach by an appeal to an intuitive idea of human dignity. My account strengthens the Capabilities Approach by providing intellectual justifications that have been lacking so far.

This first chapter is a description of areas of urban poverty in what is commonly termed 'the global south'. The purpose is to convey the ways in which people live in the slums: how their houses are constructed, how they might spend their days, work, and create communities. My aim here is solely to set the scene, that is, locate the object of inquiry for the theoretical account that is to come later. I use women's personal narratives, and long-term sociological studies and journalistic accounts of life in global south urban slums [henceforth referred to in this work as GSUS], as well as statistical analysis from the United Nations. Although this dissertation, is a theoretical work informed by empirical research, the matter of international poverty is not, as some philosophy takes it to be, a purely theoretical problem. Thus, the purpose of this chapter

is to show in narrative form, and from the perspectives of women, the hardship of living in these places.

1.2. Slums on a Global Scale

Since the 1960s, the world has seen the industrial poverty that once characterized much of life in 19th century Europe exported and expanded to the Global South. Urbanization has increased almost everywhere, and slums are expanding at a scale previously unknown in human history.[3] As Mike Davis describes it in *Planet of Slums*, the scale and velocity of this change utterly surpasses the scale of the slums in Victorian Europe. "London in 1910," Davis writes, "was seven times larger that it has been in 1800, but Dhaka, Kinshasa, and Lagos today are each approximately *forty* times larger than they were in 1950."[4] We, in the discourse of the academic West, have inherited our ideas on poverty and urban slums from Victorian Europe, while it was reeling from the repercussions of the Industrial Revolution and from the early twentieth century flood of immigration into the United States. These descriptions, typified first by Karl Marx and Friedrich Engels, Charles Dickens, and later Jane Addams in the United States, give a sense of what poverty was like in the Western urban centers of the past. What is happening now, however, in terms of global migration into urban centers far from London or Chicago, utterly outstrips the conventions of our discourse on the matter.

[3] United Nations. *The Challenge of the Slums: Global Report on Human Settlements*, New York: UN-Habitat. 2003. xxxi. Also: "Rapid urbanization, one of the greatest socio-economic changes during the last five decades or so, has caused the burgeoning of new kinds of slums, the growth of squatter and informal housing all around the rapidly expanding cities of the developing world. Urban populations have increased explosively in the past 50 years, and will continue to do so for at least the next 30 years as the number of people born in cities increase and as people continue to be displaced from rural areas that are almost at capacity." (xxxi)

[4] Davis, 11. Davis terms this event, the first time the urban population of the earth outnumbers the rural, a watershed in human history, comparable in significance to the Neolithic or Industrial Revolutions. (1)

As the urban centers in the global south expand, cities are bursting at their seams. These cities have neither planning nor organization to house and support the influx of people that settle within their bounds, with the result that enormous slums develop on their outskirts. The 2003 UN Global Report on Human Settlements on *The Problem of the Slums* reports: "In 2001, 924 million people, or 31.6 percent of the world's urban population, lived in slums. The majority of them were in the developing regions, accounting for 43 percent of the urban population, in contract to the 6 percent in more developed regions."[5] Further, "It is projected that in the next 30 years, the global number of slum dwellers will increase to about 2 billion . . ." [6] The UN calls this phenomena, the explosive growth of cities in developing countries, 'the new urban revolution'. It is unprecedented in human history; "Every year, the world's urban population is increasing by about 70 million, equivalent to 7 new megacities." [7]This shift is equal to seven new New York Cities growing every nine months. Again, this massive shift is geographically specific: urbanization is not increasing at this scale in the United States and Europe; it is only happening in the cities of the global south.

This new urbanization is different than previous mass migrations to the cities, both in reasons and form. In fin de siècle19th century America, during the age of immigration in New York and Chicago, people moved to tenements in ethnic enclaves, drawn from their native countries by the promise of work. Now, urban migrants are as much being pulled to the cities as pushed out of the country. As Davis notes, "Overurbanization . . . is driven by the reproduction of poverty, not by the supply of

[5] UN-Habitat, xxvi

[6] ibid.

[7] ibid.

jobs."[8] Migrants move less to tenements inside the city, and more to previously unsettled or unwanted land surrounding the city. Their neighborhoods are not often ethnically homogenous, but rather quite ethnically diverse. Nineteenth and twentieth century theorists of urbanization such as Karl Marx and Max Weber, predicted that the large cities of the future would more or less resemble London or Chicago, in that they would be industrialized. This has not happened. Davis writes that the great cities of today are more like Victorian Dublin than Victorian London, a city on the periphery of power, where the slums were not produced by the Industrial Revolution but by de-industrialization. The cities of the GSUS may have large, industrial factories that can offer rural farm families relatively better opportunities, but more often they do not. Regardless of whether there are or are not jobs in the cities of the global south, and further, whether or not the jobs that exist provide any semblance of reasonable livelihood, people keep coming, often despite, the lack of jobs and connection to the new global economy.[9]

Who are these migrants that leave their 'homelands' and risk their livelihoods in the bustling, disorienting urban slums? Perlman writes that it is both the destitute that come to the city, and the country's 'best and brightest.' "Some of these migrants," she notes, "are "pushed" off the land by starvation, subjugation, and suffering, just as others are "pulled" toward the city by the lure of opportunity. In either case, the argument that cutting off housing or social services for the poor will discourage migrants from coming to the city has proven spurious. Even as unemployment has risen, squatters have been

[8] Davis, 16.
[9] I will give a more thorough account as to what is fueling this process, that is, why it is that people are pushed, rather than pulled, into cities, in Chapter II, when I discuss the role that neo-liberalism has played it the global economy.

forced to the peripheries, and violence has become the norm; people keep coming and what they are leaving behind is worse."[10] No matter the lack of infrastructure, preparedness, or support for migrants in the cities, the rate of urbanization is not slowing; people continue to come.

Cities of the global south are adopting millions of new residents each year, so that it seems they have reached a saturation point, in terms of their capacity to supply goods, services, and jobs to the migrants who set up squatter and informal housing structures. The UN writes:

> The world is rapidly moving toward 'maximum urbanization', which has already largely been completed in Europe and North and South America. Mostly, the population growth will be absorbed by the cities of the developing world, which will double in size by 2030. Three-quarters of the growth will be in cities with populations of 1 to 5 million or in smaller cities under 500,000 people. There is little or no planning to accommodate these people or provide them with services.[11]

People migrate to the cities most often because their livelihoods in the countries have become unsustainable. However, all too often, their livelihoods in the cities do not substantially improve. They set up informal housing or squatter settlements, outside or beyond the sphere of city-provided goods and services. Priscilla Connolly observes that in Mexico City "as much as 60 percent of the city's growth is the result of people, especially women, heroically building their own dwellings on unserviced peripheral land, while informal subsistence work has always accounted for a large proportion of total employment."[12] Migrants, many times women, build dwellings that do not meet hygienic or secure housing standards. Often, when people first arrive in the slum, if they do not

[10] Perlman, 44.

[11] UN-Habitat, 3.

[12] Priscilla Connelly, "Mexico City: Our Common Future?", *Environment and Urbanization* 11 (1999): 56.

have family already settled there with whom to live, they construct a temporary living space—a shack—out of whatever materials are available to them, often aluminum or tin sheets for a roof and cardboard for walls. In most GSUS, there is no plumbing; residents dig a hole for personal use. Without plumbing, there is no running water. To bathe, drink, and cook, residents will either transport water from rivers or lakes, dig a shallow well, or pay local private companies to buy tubs of water off of traveling water trucks. It is rare that local governments transport water to slum residents. The local governments most often do not pick up trash, either, so trash is burned, buried, or discarded in unofficial trash dumps, which can be located precariously close to human dwellings. The UN description of the situation reads: "The urban poor are trapped in an informal and "illegal" world---in slums that are not reflected on maps, where waste is not collected, where taxes are not paid and where public services are not provided."[13] The United Nations categorizes slums in two ways: slums of hope and slums of despair, places where people are improving their livelihoods, however slowly, and expanding their neighborhoods, versus places where people are leaving and livelihoods are diminishing.

The very notion of 'slum', coined in Victorian England, has changed in light of the proliferation of informal settlements in the global south. Before, the definition of 'slum' was the earlier picture of urban tenements: housing that was once usable but is now degraded. In other words, when Americans think of slums, they might think of the West Side of Chicago, or downtown Detroit: places where building that were once thriving now stand deserted and crumbling, next to large, empty lots taken over by drug dealers. The picture of slums in the global south is very different. Janice Perlman writes that

[13] UN-Habitat, 6.

unlike deteriorated areas in the global north, "there are no vacancies in *favelas* [Brazilian slums]. Every space is used, and most households rent out a room or use part of the home for day care, commerce, or manufacturing."[14] Often, single shacks house member of extended families, and multiple families share walls, appliances, outhouses, and workspaces. gain, according to the UN, the GSUS:

> … have come to include the vast and informal settlements that are quickly becoming the most visible expression of urban poverty in developing world cities, including squatter settlements and illegal subdivisions. The quality of dwellings in such settlements varies from the simplest shack to permanent structures, while access to water, electricity, sanitation, and other basic services and infrastructure is usually limited.[15]

The United Nations defines and characterizes slums in the negative, by lack of basic services, substandard housing or illegal and inadequate building structures, overcrowding and high density, unhealthy living conditions and hazardous locations, insecure tenure, poverty, and social exclusion.[16] Of course, as Perlman and others who write about and live in the GSUS point out, actual life in these slums is not, and cannot, be defined merely by 'lack.' The people who live in these places, and the communities they create, can be lively, positive, and dignified. Still, it makes sense in terms of global comparisons to employ the UN's definition of the slums as areas with lack of basic services and substandard housing and social exclusion as a structural definition that calls for social change, but does not name people's social identity.

[14] Perlman, 44

[15] UN-Habitat, 9

[16] ibid., 11

In the GSUS, both the space in which people live, and the work that people do, is 'informal'. Of course, residents of the slum do all kinds of work. Most of the people who live in the *colonias* surrounding the *Maquilas,* [factories], on the US/Mexico border, for instance, are employed by the multi-national enterprises that run these factories. Thus, their labor is formal. Also, in places like Dongguan, China, most people move there specifically to work in multi-national factories, and their housing situations vary from informal squatting to formal, tenement-style renting, and dorm-style dwellings supported directly by the factories.[17] In addition to the global factory-supported slum, there are slums that exist despite the noted lack of global enterprise to undergird people's incomes. Thus many people in the GSUS work in the so-called 'informal sector'. While there is not a sharp divide between formal and informal work, e.g., it is difficult to make a meaningful distinction between, say, contracted part-time work as a security guard at a Wal-Mart subsidiary and a hand-shake agreement for security guard work on the premise of a family grocery store, Davis concludes that "the majority of the slum dwelling laboring poor are truly and radically homeless in the contemporary international economy."[18]

In a similar vein, Donald Krueckenber remarks "Marx would probably be shocked to find how in developing countries much of the teeming mass does not consist of oppressed legal proletarians but of oppressed extralegal small *entrepreneurs*."[19] If there is a crisis in capitalism in this era, it is, first, geographically specific, and second, its

[17] See Chang, Leslie T. *Factory Girls: From Villiage to City in a Changing China*. New York: Spiegel and Grau, 2009.
[18] Davis, 178

[19] Krueckenber, Donald. "The Lessons of John Locke or Hernando de Soto: What if your dreams come true?", *Housing Policy Debate* 15 (2004): 2.

historical subject includes formal factory workers and informal entrepreneurs, domestic laborers, drug dealers, and trash pickers, amongst many others. Davis adds: "All together, the global informal working class (overlapping with but non-identical to the slum population) is about one billion strong, making it the fastest-growing, and most unprecedented, social class on earth."[20] The economies that exist 'horizontally' between people themselves living in the GSUS in contrast to the 'vertical' economies that link people within the privileged parts of globalization, are complex and the people who survive in them are extraordinarily innovative and resourceful. However, often the informal economies do not provide a security net or long-term, sustainable hope for improvement of livelihoods.

Frederic Thomas describes the fragmented nature of work in an 'informal sector', in Calcutta:

> Three or four persons dividing a task which could be as well done by one, market women sitting for hours in front of little piles of fruit or vegetables, barbers and shoeshiners squatting on the sidewalk all day to serve only a handful of customers, young boys dodging in and out of traffic selling tissues, wiping car windows, hawking magazines or cigarettes individually, construction workers waiting each morning, often in vain, in the hope of going out on the job.[21]

The sparseness of informal work, and the fits and starts that characterize the flow of cash in the informal arena, hurt many residents of the GSUS, harming women and children, especially. Jan Breman and Arvind Das claim that informality—in both space and

[20] Davis, 173

[21] Frederic C. Thomas, *Calcutta Poor: Elegies on a City Above Pretense*, New York: M.E. Sharpe, 1997. 114

work—ensures the extreme abuse of women and children.[22] Out of public view, out of the purview of community and family members who watch out for one another, such informal women and children workers bear the heaviest burden of poverty. Poverty is thus not shared equally amongst all residents of a certain geographical area and the hierarchies of poverty are reproduced in the private space of the home.

Given that the slums are so large in both geographical space and population, they are no longer a mere 'accident' or unfortunate side effect of what we know to be global urbanization. Rather, the GSUS, and their problems are the heart of the contemporary global city of the South. As Perlman writes, "Favelas are not the shadow side of the city; rather, the city is the shadow side of the favelas."[23] Furthermore, we are not merely talking about geographical space here, but the contributions of human beings to the livelihoods—the lifeblood—of the cities and societies. Perlman's decades-long study on the *favelas* of Rio de Janeiro "revealed that the residents of favelas are not "marginal" to society but tightly integrated into it, albeit in an asymmetrical manner. They give a lot and receive very little."[24] *Favela* residents support the communities in all kinds of ways, both in terms of formal and informal labor. Most of Perlman's subjects work as domestic laborers for the city's middle- and upper-class residents. They are cooks, cleaners, nannies, and maids. They do essential work for the maintenance of other people's households, and get very little back for it. They do not receive adequate payment for their services, mostly because there are no enforceable living wage standards in countries

[22] Breman, Jan and Arvind Das, *Down and Out: Laboring Under Global Capitalism*, New Delhi: Oxford UP, 2000. 56.

[23] Perlman, xxiii

[24] ibid., 14

that house the GSUS, and so poor residents cannot build their houses to make them secure from violence, natural disasters, or expulsion.

Perlman concludes that the *favelas* of Rio are a paradigmatic example of what is happening around the world. That is, not only is the world becoming more urbanized, but at the same time, urban areas are becoming poorer. This is the radical shift of our era: not only urbanization as such, but also widespread, unprecedented suffering alongside urbanization. Before this shift of recent decades, the worst poverty and most severe suffering occurred in rural areas. [25] This historical change not only 'says something about them', i.e., the residents of the GSUS or the so-called 'global poor', but it says something about 'us', too---we the residents of the global north and citizens of democratic institutions. For just as the slums are not marginal to the city, so these cities are not marginal to the world, or to the human condition. The reality of the contemporary GSUS is changing the meaning of the human condition.

What do these residents of the GSUS need? First, they need to escape from poverty. The ways in which that happens are not, as some social scientists might imply, extremely difficult to determine. Katherine Boo, writing on the slum dwellers in Mumbai, comments: "As every slum dweller knew, there were three main ways out of poverty: finding an entrepreneurial niche, politics and corruption, and education."[26] However, the difficulty lies not in naming these means but in practically implementing

[25] ibid, 46

[26] Katherine Boo, *Behind the Beautiful Forevers: Life, Death, and Hope in a Mumbai Undercity*. New York: Random House, 2012. 62.

them. An apt question might be: what is preventing the global poor from achieving entrepreneurial, political, and educational foothold?

In conjunction with information from a *Life* magazine reporter, Perlman conducted a longitudinal survey of the residents of one *favela* in Rio, wherein she asked, simply, what the community needed. She gave the same survey, to the same neighborhood, in 1961 and then again in 2001. The self-reported results were remarkably similar over the course of 40 years:

> What the Catacumba residents said they most needed in 1961 included: a community center where they could meet and conduct civic activities; a crèche [day-care cooperative]; a better school for their children; medical and maternal clinics; literacy classes; job training; and a police station to "control the dope peddlers and criminals.
>
> More than 30 years later, at the meeting of the surviving Catacumba residents and their descendants, the list was as follows: A cultural center; an autonomous residents' association; a crèche; a better school for children and adolescents; full day schooling and social programs; preparatory courses for university entrance exams; a health clinic; a place for sports, leisure, and culture; work cooperatives for the manufacture and sale of products; courses on information technology and other professional skills; and help for senior citizens.[27]

The only differences Perlman noted over 40 years was that people stopped wanting a police station in the neighborhood, because they had lost faith in an increasingly corrupt police force. Also, they wanted university training for their children, because several children from the neighborhood had made it to college in the intervening years and they realized they needed to know more about technology to enter the formal workforce. The sort of institutional support that residents desired—in the form of active schools, community centers, social support for senior citizens remained remarkably stable over the course of decades.

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[27] Perlman, 84.

Javier Ayero and Deborah Alejandro Swistun came to similar findings, based on what poor residents self-report needing, in their study of the *Flammable* slum in Buenos Aires, Argentina. Auyero and Swistun gave local elementary school students in *Flammable* disposable cameras, and they asked them to take pictures of things they liked and things they did not like, in and around their neighborhood. Ayero and Swistun report:

> The concurrence among the groups was striking: among the things they like were people (most of the pictures classified by them as "good" portrayed friends and family) and institutions (pictures of the church, the school, the health center). Yet, even when they placed the school among the "good" pictures, during the interviews they did not fail to notice its dilapidated condition . . . Overall, the students stress they didn't like the "bad" pictures because they show how dirty and contaminated their *barrio* is.[28]

With remarkable similarity, the students demonstrated, though the pictures, that they 'liked' their friends and family, and the local institutions. They disliked the state of disrepair in which these institutions stood and the general lack of institutions in the neighborhood: garbage dumps where there could be schools, empty and contaminated lots where there could be community centers.

So, the beginnings of an answer to the question as to what is preventing people from escaping poverty and improving their livelihoods, is not the lack of community per se, but the lack of thriving communal institutions. Ayero and Swistun note that in *Flammable*, residents are so consumed by their daily lives, their individual health and their family members' health, that they cannot themselves form the basic institutions that would serve as steps out of subsistence living. That is, they do not feel themselves empowered in the sense of connecting to either the cities or the global economy as a whole.

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[28] Ayero, Javier and Debora Alejandra Swistun. *Flammable: Environmental Suffering in an Argentine Shantytown*. NY: Oxford UP, 2009. 31-32.

Lest it need be said, this lack of empowerment is not a moral failing on the part of poor people. In her autobiography, Benedita da Silva, a woman born and raised in a *favela*, who went on to become the Brazil's National Minister of Social Action, defined being poor as:

> Having only one set of clothing and washing it each night; not having enough food for the children; satisfying their hunger with a fried mixture of water and manioc to swell the stomach; sending them to sleep with cloth tied tightly around their bellies to reduce the hunger pains; sending them from door to door at the end of the month to ask for food or money; and using motor oil for cooking because it costs less than cooking oil.[29]

Residents of GSUS have neither the time nor the resources to invest in what they themselves report that they really need, the social infrastructure that would function as stepping stones out of poverty. When a mother is worried about where she can get cloth to tie her children's bellies up at night so they will not feel their hunger, she can hardly worry about other people's children or their elderly parents. That is, she cannot invest her time and effort into building the long-term, institutional support it would take to lift her community out of poverty.

Perlman writes, simply and profoundly, that the particular challenges of people who are currently living in the *favela* are "finding work, avoiding being killed, and finding respect."[30] Philosophers, theorizing about global poverty, have argued over whether global justice is a matter of equal distribution of goods and resources, or whether it is a matter of 'recognition', social respect and realization of identity. The truth is that global poverty, in the form of massive urban slums, is a matter of both distribution and

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[29] Benjamin, Medea and Maisa Mendonça. *Benedita da Silva: An Afro-Brazilian Woman's Story of Politics and Love*. Oakland, CA: First Food Books, 1997. As recounted by Perlman, 322.

[30] ibid., 339

recognition. But as a practical matter, for the poor, poverty is a problem of first, not getting killed, second, of finding work, and third, of maintaining one's dignity. It is important to theorize global justice along these practical lines.

1.3. Avoiding Being Killed: Port-au-Prince and São Paulo

Crime is a problem in almost every slum, but it is difficult to talk about crime in a universal way, as applied to all or most slums in the global south, because the extent of it varies so much in each context, according to time and location. For instance, in Catacumba, the crime levels drastically changed during the time of Perlman's study, depending upon the police presence, the level of bureaucratic corruption, and gang movement. Furthermore, not every slum has gangs, or, for that matter, endemic drug problems. So, one cannot generalize across place and time, about the level of violence characteristic of GSUS as an entity, even though violence might be the driving worry of some (many) slum residents.

However, it can be said that trying to survive in the GSUS, even without the intrusion of violence, is difficult. It is difficult to secure enough food to eat, and GSUS typically have severe sanitation deficiencies. As Davis writes, "Today's poor megacities- Nairobi, Lagos, Bombay, Dhaka, and so on- are stinking mountains of shit that would appall even the most hardened Victorians."[31] Slums often function as the dumping ground for the city's recluse, including the cities industrial waste. There is little government regulation of sanitation practices, or of the contamination of air, water, or soil. In most GSUS there are no sewage systems. Because of these sanitation deficiencies, "Digestive-track diseases arising from poor sanitation and the pollution of

[31] Davis, 138

drinking water---including diarrhea, enteritis, colitis, typhoid, and paratyphoid fevers---are the leading cause of death in the world, affecting mainly infants and small children."[32] Open sewers rife with intestinal parasites, and cholera, a disease now unknown to the first world, continue unabated in the GSUS. The diarrhea associated with AIDs puts the problem of poor sewage systems in an alarming light. Because of the health problems caused by so many people living in such close quarters with few sanitation systems, Davis writes that, now, "The most extreme health differentials are no longer between towns and country sides, but between the urban middle class and the urban poor."[33]

GSUS are much more vulnerable to natural disasters, fire, and even predictable fluctuations in the weather. Slum dwellers do not merely suffer from monsoons or hurricanes but from the annual rainy seasons. Lovly Josaphat, a women who lives in Cité Soleil, Port-au-Prince's largest slum, in Haiti, describes her experience of the annual rainy season:

> When it rains, the part of the Cité I live in floods and the water comes in the house. There's always water on the ground, green smelly water, and there are no paths. The mosquitoes bite us. My four-year-old has bronchitis, malaria, and even typhoid now . . . The doctor said to give him boiled water, not to give him food with grease, and not to let him walk in the water. But the water's everywhere; he can't set foot outside the house without walking in it. The doctor said that if I don't take care of him, I'll lose him.[34]

Brazilian writer Carolina María de Jesus gives a similar account of the hardships of the rainy season in her journals, "Children of the Dark".

December 25, Xmas Day (1958):

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[32] ibid, 142

[33] ibid., 146

[34] In Bell, Beverly. *Walking on Fire: Haitian Women's Stories of Survival and Resistance*. Ithaca: Cornell UP, 2001. 45.

"João cam in saying he had a stomach ache. I knew what it was for he had eaten a rotten melon. Today they threw a truckload of melons near the river.

I don't know why it is that these senseless businessmen come to throw their rotted products near the favela, for the children to see and eat.

In my opinion the merchants of São Paulo are playing with the people just like Caesar when he tortured the Christians. But the Caesars of today are worse than the Caesar of the past. The others were punished for their faith. And we, for our hunger!

In that era those who didn't want to die had to stop loving Christ.

But we cannot stop loving eating.

Jan. 5

"Its raining. I am almost crazy with the dripping on the beds because the roof is covered with cardboard and the cardboard is rotten. The water is rising and invading the yards of the *favelados*."

Jan. 7

"Today I fixed rice and beans and fried eggs. What happiness. Reading this you are going to think Brazil doesn't have anything to eat. We have. It's just that the prices are so impossible that we can't buy it. We have dried fish in the shops that wait for years and year for purchasers. The flies make the fish filthy. Then the fish rots and the clerks throw it in the garbage, and throw acid on it so the poor won't pick it up and eat it. My children have never eaten dried fish. They beg me.

"Buy it mother!"

But buy it- how? At 180 cruzeiros a kilo? I hope if God helps me, that before I die I'll be able to buy some dried fish for them."[35]

1.4. Finding Work: Rio de Janeiro and Nogales

In addition to the daily struggles of staying alive, avoiding disease, getting enough to eat, residents of the GSUS struggle to find and hold on to steady work, and make a living wage. As noted, residents of the GSUS work both in the formal and informal sector. The women who work informally often work as domestic laborers in middle or upper class households. Donna Goldstein, in *Laughter Out of Place: Race, Class, Violence, and Sexuality in a Rio Shantytown*, describes the work life of her friend Glória, a mother and domestic worker in Rio de Janeiro:

[35] In *A Map of Hope: Women's Writings on Human Rights*. Marjorie Agosín, ed. New Brunswick, NJ: Rutgers University Press. "Child of the Dark", Carolina María de Jesus. 265- 273. Jesus' journals have become internationally famous since they were written in the 1960s as an account of live in urban poverty, more famous, it should be noted, outside of Brazil than in her home country.

> Glória's life in the early 1990s could best be characterized as having been a slave to feeding both her own children and her adopted children. She woke up every day at five-thirty or so and ordered one of the younger boys to go out to the bakery and pick up some soft white bread, baguette style. In the meantime, she would get up and start making a large pot of heavily sweetened coffee for everyone to share. She gathered up the bedding and placed it outside on the clothesline to air out, folded up the pieces of foam mattresses and placed them in a corner, and did a quick sweep of the shack. By the time the bread arrived, Glória was passing out half-full glasses of hot, sweet coffee, and each child was allowed to politely pull off a piece of bread for him or herself. Glória was out the door at about this time, running to the bus stop even before the morning breakfast ritual was completed. She worked fourteen- or fifteen hour days and spent one or two hours every day traveling, often changing buses two or three times to reach each employer's home.
>
> I accompanied Glória on many of these fourteen-hour days and was impressed by her efficiency and competence. Each household presented an exhausting and strenuous array of tasks. She would arrive at each employer's home and immediately change into her comfortable cleaning clothes. Then she would clean the bathrooms and the kitchen, including the usual large pile of dishes left from several days' worth of meals. She would change the bedding, gather up dirty laundry, get a wash going, then begin sweeping or vacuuming the rooms of the apartment. If the floors needed waxing, she would get on her hands and knees to apply the strong-smelling wax, allowing the greasy circles to dry into a thick filmy layer and later returning to remove it by buffing the floor by hand with a dirty cloth. She would take a break by looking into the refrigerator and the freezer for what was available to cook with, then descend to the markets on the street to buy any ingredients that might be lacking. Usually, the entire afternoon was devoted to cooking three or four main dishes and an equal number of side dishes, and then, finally, to ironing and folding clothes. By the time Glória left an apartment, every piece of glass or silver was shining, clothes were cleaned and ironed and put back into their closets, floors were slippery from their new coat of wax, and the refrigerator was filled with cooked foods, meals that would last for a number of days.[36]

After working long days, Glória would leave her employers home at seven in the evening, and take the hour to two-hour crowded bus ride home. The bus ticket would cost one to two dollars, and Gloria would make about six dollars a day. Glória had children of

[36] Goldstein, Donna M. *Laughter Out of Place: Race, Class, Violence, and Sexuality in a Rio de Janeiro Shantytown*. Berkeley: University of California Press, 2003. 61-62.

her own, and would often adopt children in the neighborhood if no one else were taking care of them, so Goldstein writes that, at any given time, Glória was taking care of 14 or more children without assistance from a significant other. After working, Glória would typically get home around 10 pm, clean up around her own home, cook herself a dinner of fried fish, and drink a beer before going to sleep.

In Glória's neighborhood, most women worked as domestic laborers. Indeed, this is the work that was expected of them, and so Glória would sometimes bring her daughters to work with her, both to help her own work along and train them for when they graduated high school and worked on their own. However, everyone in the neighborhood, Glória's daughters included, were well aware of how grueling this work was, and how difficult it was to make a living wage doing it; many described it, in no uncertain terms, as slave labor, and remarked that not much had changed in Brazil, in terms of poor women's work, since the time of the slave trade. Knowing all this, Glória's friend and neighbor, Darlene, choose a different route: "She decided that working a few hours a day as a sex worker was far more rewarding---in financial terms as well as the effort expended---than low-paid domestic work."[37] Darlene was responsible for five of her own children and one niece. Every weekday, behind the back of her husband, Darlene would leave the house in a cleaning uniform and head out to one of Rio de Janeiro's central prostitution zones, changing into her 'work clothes' when she arrived. She worked for a couple hours each day, and returned to her home in the early afternoon to greet her children coming home from school. She made as much, and sometimes more, than Glória. Goldstein interprets Darlene's choice of work as a form of resistance, and an

[37] ibid., 99

ingenious way to make a living in a place where most women are expected to work fifteen-hour days for pittances.

In addition to informal work, many people in the GSUS work in the formal sector. In Mexico, many people find jobs in the maquiladoras, factories on and near the highly industrialized US/ Mexico border. Because there are so many migrants and immigrants, factory employees are forced to work for low wages in places with high turnover rates..

Maria Guadalupe Torres, a *maquila* worker in Nogales, Mexico, explains her daily routine:

> I worked in a maquiladora [foreign-owned assembly plant] for eighteen years. Every day I rose at 4:30 A.M. and was at my work station at 6:45, where I spent the entire day. I couldn't go to the bathroom without getting permission. My job was to assemble electronic capacitors with epoxy. Many coworkers developed health problems because of the epoxy. I don't know if it is responsible for my current health problems or not. I was paid $27 for a forty-hour week. Twenty-two percent of that went for transportation. I worked 3 1⁄2 hours to buy a gallon of milk. My diet was a few potatoes, six eggs, a kilo each of tortillas and beans. Meat, vegetables, and fruit were unaffordable luxuries. I lived in one room with an outdoor toilet. My colonia [neighborhood] had no potable water, no electricity, no sidewalks, no infrastructure. (Maquiladoras do not contribute to local taxes.)[38]

Laborers like Guadalupe Torres work long hours for insufficient pay. The job is monotonous, and, partly because there is no union presence, its conditions are unfair.

Guadalupe Torres' testimony accords with what J. Carillo defined as '*maquilization*', that is, the four constitutive dimensions in the logic of these specific factories. "1) feminizing the labor force; 2) highly segmenting the skill categories (with

[38] Torres, Maria Guadalupe. "We are not Machines: Corporations that bring jobs must bring justice too", Border Links Reading Packet, www.borderlinks.org, 25.

the majority of workers in unskilled jobs); 3) lowering real wages; and 4) introducing a non-union orientation."[39] The history of the *maquilas* confirms these definitive characteristics. As with most global outsourcing, the *maquilas* existed form their very beginnings in the 1960's and 70's as loopholes for U.S.-based enterprises to circumvent union laws by employing cheap, unskilled, foreign labor. This history shows a trend in the *maquilas* of increased efficiency and productivity over time, partially by means of government deregulation. Yet even with this increased productivity, the workforce has not seen an increase in wages, but rather a decrease in both job security, benefits, and wages.

Migrants and immigrants in Nogales often do not have their own transportation, so transient communities pop up next to these factories. Laborers and their families make their homes in miles of *colonias*, neighborhoods that have no infrastructure. Under the logic of first the *Programa de Industrialización Fronteriza* and later the North American Free Trade Agreement (NAFTA), the maquilas became exempt from Mexican tax laws.[40] As a result of this exemption, the neighborhoods engendered by the *maquilas* exist in a kind of in-between, stateless zone, where no public institution takes direct responsibility for the construction of basic amenities.

1.5. Gaining Respect: Mumbai

Of course, finding a job and staying alive in the slum is difficult enough, but people's livelihoods include more than mere subsistence and basic work. They are, of

[39] Reprinted from Kopinak, K. *Desert Capitalism*. Tuscon: University of Arizona Press, 1996. 31.

[40] Collaborative writing of Border Links Staff, "Some Key Events in the History of the U.S./ Mexico Border", Borderlinks Reading Packet, www.borderlinks.org, 6.

course, about a sense of self and possibilities for the future, that is to say, respect and dignity.

In her work *Behind the Beautiful Forevers: Life, Death, and Hope in a Mumbai Undercity*, Katherine Boo describes the situation of Zehrunisa, a resident of the Annawadi slum located behind the Mumbai airport, and mother of nine. Zehrunisa's story offers insight into the reasons women have for choosing to stay in the slum, even in the face of other options. Zerunhisa's husband, Karam, tried to persuade her to move away from the slum, back to a village like the one where he had grown up. The village, he implored, was better for the children---they would be healthier, and life there was more old-fashioned, so it is possible that the children would respect his wishes more when separated from the cosmopolitan influence of the diverse city. Although Karam did not romanticize village life, and although he knew that there was little work there except to harvest sugarcane and that children died there at one of the highest rates in India, he was worried that the Annawadi slum was corrupting his children in ways he could not control.

> Zerunhisa was wary of her husband's plans. She could see the advantage of moving---her family lived in a small lean-to shack in the middle of Annawadi, and her children were always sick—but she wondered if he wanted to move to the village because it was more socially conservative than the slum. She too had grown up in a small, Muslim, conservative village, and lived in *purdah* (the practice of concealing women from men) until her husband got tuberculosis and she was forced to work in the sugarcane fields, at night, alongside men. Boo recounts Zehrunisa's story:When she was younger and forced to work in the fields] She had prayed constantly for her husband's TB to relent so that she could get back into purdah. "I couldn't even speak in those days," she told her children. "I was scared of the whole world." Having a man to deal with that world on her behalf had seemed to her a fine thing.
>
> She had stopped praying for a return to purdah after Kehkashan [her first born daughter] was born. She believed in focusing her requests to Allah, troubling Him with only one matter at a time. So she prayed for the health of Kehkashan and then for the health of Abdul [her first born

> son], who entered the world in a pile of dirt by the Intercontinental hotel. Her husband had brought the family to Mumbai in hopes of finding work less strenuous than farming. Renting a pushcart to transport waste to recyclers was the work he could find.[41]

Over the years, living in Annawadi, Zerunhisa had developed a role in her son Abdul's business of trash picking and recycling: she negotiated with scavengers, thieves, and police. Once one of her other sons was old enough, she was hoping that she could spend more time on fixing up the house. But she was not ready to go back to purdah, and such a transition might be expected in the village. She was worried that the move would "exacerbate her husband's condescension, a quality sufficiently annoying that she had to snap at him from time to time."[42]

> "Just because I can't read, you pretend to everyone that you're the hero in this family and I am the nothing," she'd said to him recently. "Like I would have been stuck in my mother's womb without you to get me out! Go, act like this big-time shareef, but it is I who have been managing everything!"
>
> Annawadi's lack of censorious, conservative Muslims allowed to her call out her husband when necessary, just as it had allowed her to work to feed her children. Such freedoms would be painful to give up.[43]

True, Zerunhisa's family was suffering in Annawadi. Her hut was close to falling down, her son Abdul was suffering from nervous conditions from having to work so hard picking trash all the time, she felt ashamed when Imams come to visit, her husband suffered from breathing problems because of the cooking smoke and burning trash, and she sometimes could not sleep for the smell of all eleven members of her family sleeping

[41] Boo, 81

[42] ibid., 82

[43] ibid., 79-80

together in one tiny room. But, in the end, she did not want to go back to where she came from. Rather,

> She wanted a more hygienic home here, in the name of her children's vitality. She wanted a shelf on which to cook without rat intrusions- a stone shelf, not some cast-off piece of plywood. She wanted a small window to vent the cooking smoke that caused the little ones to cough like their father. On the floor she wanted ceramic tiles like the ones advertised on the Beautiful Forever wall---tiles that could be scrubbed clean, instead of broken concrete that harbored filth in each striation. With these small improvements, she thought her children might stay as healthy as children in Annawadi could be.[44]

So, in the end, Zerunhisa made the decision to stay in the slum that totters precariously on top of the large swamp behind the Mumbai international airport, because there at least she had a say over her own and her family's livelihood. Further, she decided to sell the plot her husband had purchased in the village and use the money to improve her family's hut, even though everyone in the slum knew that, sooner or later, the developers from the airport would come with bulldozers and raze the land. Zehrunisa was not alone in this effort: almost all families opted to improve their dwellings when they could, even though they knew that they were putting money into something that would be demolished. Residents remodeled their houses—replacing cardboard walls with bricks, holes in the ground with outhouses—"in pursuit not just of better hygiene and protection from the monsoon but of protection from the airport authority."[45] The more their dwellings resembled places of ownership and the less they resembled temporary squatter settlements, the more likely it would be that the state government would acknowledge them and relocate them to tiny apartments in city high-rises.

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[44] ibid., 83

[45] ibid., 86

1.6. A Response to Global Poverty

I have given a description here of how some women live in the GSUS, the work they do, and the choices they make. Slum conditions differ but nevertheless, slums resemble each other in so far as as all are, according to the United Nations definition, 'zones of social exclusion.' Given the scale of the GSUS, and the way that global poverty is changing the very meaning of the human condition, it may be well to pause for a moment and consider the matter as an open question: what is an adequate response to such a problem? The answer is undoubtedly manifold, and surely more practical than theoretical. Nevertheless, theory must respond as well.

A positive response to the GSUS is hard to talk about, not the least because our language is shaped by Victorian Europe's response, its language and theory, and the scale of the GSUS in our era dwarfs these conceptions. When we speak of responses on the 'global' level, our discourse feels strange. The language feels strange because, first, the idea of the 'global' poor is an abstraction. If you asked a person who lived in a GSUS if they were one of the 'global poor', it would probably be an insult. I could imagine someone saying, "No I am Koli's daughter." Or, "I am Lakshmi's son." And, " I am worse off than Glenda down the road but much better off than Carlos next door." Thus, global poverty is not a signifier of identity. People do not define themselves by 'lack', nor should they.

Another reason why talk of the 'global poor' is an abstraction is that here is so much need in the world; the need is on a 'global' scale', and we are only each one person. Who can imagine 'global' need, on this scale? Even people living in very large cities live in neighborhoods and know, and are compassionate towards, a finite number of people. Wherever we live, we relate to each other like co-villagers, on a human scale. When one

imagines oneself standing in the face of a global trend and problem, one feels very small. The feeling of good intentioned people, thinking about the problem of 'global poverty', is more one of futility than maleficence. This futility gives way to the sort of fatalism expressed in the maxim of something akin to 'the poor will always be with us', or the false optimism of something like 'they are poor but happy.' This fatalism is, if not sound, at least understandable. The vision of cumulative needs of millions---billions---of people is far too much for one person to take in.

Nevertheless, neither fatalism nor false optimism is an adequate response to the problem of the GSUS. Neither, as I will explain later on, is beneficence. Given that the problems with which residents of the GSUS struggle, problems of staying alive, finding work, and gaining respect, I propose that the language most useful, indeed most critical, to talking about the GSUS, is the language of alienation and dignity, concepts that will be theoretically examined in chapters I and V. But first, Chapter II will give context to the GSUS, and women's work within them, in terms of the history of neoliberal reforms and globalization. Chapter III will then take up ideas of justice and injustice as they can be applied to the GSUS.

Some Figures on Global Poverty Today:[46]

25,000 children per day die of poverty-related diseases

4,000 poor people die every hour from poverty related diseases

1/3 of all human deaths, 18 million annually, are due to poverty-related causes

[46] Taken from Thomas Pogge's *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*. Cambridge: Polity. 2010. Figures are from 2005.

The bottom 50% of world population's share of private wealth: 1.1%

The bottom 50% of world population's share of global household income: 3%

The top 10% of world's population's share of private wealth: 85.1%

The top 10% of the world population's share of global household income: 71.1%

1,020 million human beings are chronically undernourished

884 Million lack access to safe water

2,500 million lack access to basic sanitation

2,000 million lack access to essential drugs

924 million lack adequate shelter

1,600 million lack electricity

774 million adults are illiterate

218 million children are child laborers

3,085 million people live below the poverty line of making $2.05/day

CHAPTER II

WOMEN'S WORK AND ASSETS

"Throughout much of the developing world, globalization is seen, not as a term describing objective reality, but as an ideology of predatory capitalism." –Kofi Annan[47]

Speaking of Italy, Francesca Comencini, a mother of three, said, "I don't know what the situation is in America, but here women are doing everything. This problem, which is really the problem of modern times, is not solved anywhere." "Well, Scandinavia," Cristina said. "But it's cold." -Ariel Levy[48]

2.1. Overview

The GSUS have a history and a raison d'être. Their existence is supported by the exploitation of labor, and this exploitation is a gendered phenomenon. Thus far, I have described the new picture of global poverty today, that is, the lived circumstances for residents of the GSUS and specifically how women in the GSUS live and work. The aim of this chapter, then, is to show how the GSUS, created by the complex processes of neo-liberalism and globalization, are structurally supported by the exploitation of women's labor. Feminists have called this gendered exploitation of labor under globalization 'the feminization of responsibility', by which they means that women are now responsible for most of the productive *and* reproductive care work. Caroline Moser has shown how women in GSUS get out of poverty, which is mainly through asset accumulation, most importantly the acquisition of adequate housing. This chapter gives history and context to the GSUS, and women's labor within them, while laying the framework for a theoretical description of global poverty described in terms of alienation and dignity.

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[47] Annan, Kofi. Address to the United Nations, October 5, 1998.

[48] New Yorker article, June 2011, on Silvio Berlusconi, http://www.newyorker.com/reporting/2011/06/06/110606fa_fact_levy#ixzz1OQj54AGk

2.2. Instrumentalizing Women's Labor for Neoliberal Expansion

Currently, it is popular for some development theorists and activists to envision women's labor as the 'solution' to poverty. This vision is problematic because its aim is not always or primarily women's empowerment or accumulation of wealth, but rather economic growth for growth's sake, generally, and in particular for the sake of the growth of the larger economic unit within which poor women in the GSUS live and work. These units are most often the nation-state, but could include women's communities or their families. However, the subject of economic reforms is rarely women's own wellbeing. Such economic growth is in line with the broader neo-liberal goal of opening up new markets for capital expansion. That is, the growth of the economic units within which women in the GSUS work, enables those larger units to become viable investment prospects. Under this model, foreign investors benefit from economic growth, but working women most often do not. And if the investments are profitable to both external investors and local owners of capital, then the entire local economic units in question are that much closer to becoming part of the global economic system, as a source of labor (and sometimes resources) and an endpoint for the consumption of new imported products. However, neither the activities of labor nor consumption guarantee that women workers get out of poverty. Indeed, in GSUS, it is more often the case that both of these activities keep women (and men) in poverty, rather that alleviating their need. Ideally, there would be a connection between labor, consumption, and overall wellbeing. Indeed, economists *assume* such a connection when they promote women's labor as the key to the reduction in poverty. The very problem of the GSUS is that such a connection has been severed.

The foregoing process of development is often put into effect without focusing on, or at the least by overlooking, who is actually doing the work or providing the labor---mainly women. Because development toward incorporation into the global economy is a desirable goal, development theorists and activists thereby often end up instrumentalizing women for the larger economic gain of the units in which they work, the result is both a theoretical and actual reproduction of gender inequalities that may be initially addressed. Much popular development literature, also and with surprisingly feW exceptions, considers women, Asian women especially, to be the so-called "Double X solution" to the problem of economic inequality between nations.[49]

This misguided instrumentalist vision of women in development rests upon the long history of modernization theory, which, as Nalini Visvanathan explains, "depicts traditional societies as authoritarian and male dominated and modern ones as democratic and egalitarian; thus it appears to show sensitivity to the oppression of women."[50] However, Chandra Mohanty and others have found such modernization theory unsound in so far as it draws from the long history of oppressive and racist colonial imaginations that exhibit little first hand knowledge of so-called 'traditional' societies.[51] Much contemporary development theory, though, is a long way from considering Mohanty's type of critique. .

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[49] See, for example, Kristof, Nicholas D. and WuDunn, Cheryl. Half the Sky: Turning Oppression into Opportunity for Women Worldwide. NY: Knopf, 2009. xvii.

[50] Visvanathan, Nalini. "Introduction to Part 1", The Women, Gender, and Development Reader, Nalini Visvanathan, Lynn Dugan, Laurie Nisonoff, and Nan Wiegersma, eds. London and New Jersey: Zed Books, 1997.

[51] Mohanty, Chandra Talpade. Feminism without Borders: Deconolizing Theory, Practicing Solidarity. Duke UP, 2003.

The naïve approach of Westerners to the situation of those living in the slums of the global south (and something one hears often from students, especially), is some version of "they are poor but happy". It is convenient for many Westerners to note that material wealth does not guarantee happiness, but fail to recognize that enforced and extreme lack of material support does in fact significantly decrease one's quality of life---to the extent of making one miserable. Official US State Department Policy, only slightly less naïve then such general assumptions, has operated on the basis that women in Afghanistan and Iraq need to be liberated from their oppressors, namely, the men of color who populate their government and their homes. In other words, the application of rights discourse in US Foreign policy often repeats the gendered colonial logic whereby some of the "savage" others need to be saved from others in their same culture and communities.[52] And although it may appear to be progressive, such US foreign policy is accompanied with the ideological rhetorical of a flimsy version of Western Feminism.

Many popular assumptions about development, which collectively might be called the 'common-sense' notions of foreigners, in relying on the colonial inheritance of modernization theory, fail to take into account the more recent history of industrialization and neo-liberalism that drives globalization. In addition, popular assumptions about development for the most part fail to understand that transience and poverty are matters of the inability to gain a foothold in the world, which goes along with poor people's labor being exploited. Poor people cannot build a livable world, that is, accrue personal assets, and contribute to the formation of infrastructure and institutions that will benefit them and their families, if they are constantly working merely to survive. Under the current

[52] See, for example, State Department: The Office of Global Women's Issues, led by Ambassador-at-Large Melanne Verveer, http://www.state.gov/s/gwi/

global economy, and within the structure of the GSUS, women especially provide this exploited labor that for them bears the reward of survival alone.

2.3. Exploiting Women's Labor in the Global Economy: The Third Shift

Women who live in the slums of the global south do all kinds of different work, but, crucially, their labor is exploited on the basis of the fact that very little of their work results in sustainable housing, lasting and hygienic infrastructure, or clear political representation. Another way of saying this is that women's labor often does not give permanence to their communities, does not create something that could last beyond their own lifetimes.

What is the nature of poor women's labor, now, after globalization? In terms of what economists call 'productive' labor, women in many of the world's slums, especially on the US Mexico-Border and in China, work in factories owned by transnational corporations. As Lourdes Benería observes, women, especially in East Asia, also increasingly work in the so-called 'pink collar' sector, doing data entry, credit card processing, or are employed in the expanding tourist sector. Moreover, in the same era of globalization that saw the large expansion of the slums, there has been an expansion of facilitated prostitution and related 'sex work', and more women travel out of their native country to engage in domestic day care work.[53] Benería points out that this 'feminization of the work force' on a global scale has been quick, in comparison with other cultural

[53] Benería, Lourdes. "Accounting for Women's Work: The Progress of Two Decades", in *The Women, Gender, and Development Reader*. 112- 118. See also Rhacel Salazar Pareñas' *Children of Global Migration: Transnational Families and Gender Woes*. Stanford: Stanford UP, 2005. And *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. Barbara Ehrenreich and Arlie Russell Hochschild. NY: Henry Holt and Co. 2002.

shifts, and involves much more movement on the part of women, both in terms of travel within countries and transnational migration.

The feminization of the global workforce has also meant the informalization of women's work. As I have explained in chapter I, instead of formal jobs that involve some form of employee benefits, job security, and contracts, both women and men are increasingly working in the informal sector. The informalization of the global workforce—people's transience, patterns of migration, and general lack of income security-- can be traced to the broader phenomena of neoliberalism. Ruth Pearson writes:

> "For many, deregulation and flexibilisation have become synonymous with informalisation, mirroring debates about post-Fordism and core and peripheral labour markets. Women have increased their participation in the labour market in response to the greater demand for cash to meet household survival needs because of a number of factors including structural adjustment programmes, the liberalization of previously centrally planned economies and/or because of the changing nature of global consumption patterns."[54]

There are multifarious global economies, even sometimes in one GSUS. Saskia Sassen describes the different ways in which the 'feminization of survival' manifests itself in these multiple economies.[55] In export-oriented agriculture, women's work in producing food and other necessities in subsistence economies is made invisible by way of informalization. For example, women's invisible work could include feeding their families while their husbands pick fruit, raising children so that they can enter into the agricultural workforce, and/or working themselves in the sugarcane fields, doing un-

[54] Pearson, Ruth. "Women's Work, Nimble Fingers, and Women's Mobility in the Global Economy." *In The International Handbook of Gender and Poverty*. (henceforth referred to here as IHGP) Sylvia Chant, ed. Edward Elgar Publishing: Cheltenham, UK. 421-423.

[55] Sassen, Saskia. "Strategic Gendering: One Factor in the Constituting of Novel Political Economies", in the IHGP. 29-34.

contracted labor if their husbands are ill or unable to work. Women's unmonitized subsistence production allows for agricultural operations to modernize. Sometimes, when small-scale agricultural operations 'modernize' and become large-scale, corporatized farms, subsistence-level workers are no longer able to make a living in agriculture, and are pushed into large cities to look for other work.

In terms of large-scale manufacturing production, most evident in the global economy after the 1970s, Sassen writes about the feminization of the proletariat, wherein "off-shoring manufacturing jobs from developed economies under pressure of low-cost imports generated a disproportionately female workforce in the poorer countries where these jobs moved."[56] So, in poorer countries, women are holding many, if not most, of the manufacturing jobs. Women, especially predominate the garment and electronics industries. As a result, Sassen writes, "women proletariat weakens strong unions and secures competitive prices."[57]

Currently, the 'feminization of survival' can be seen most clearly in the traffic of and in women, but it is also visible in international patterns of migration wherein entire governments are dependent upon remittances from women migrants. An example of such a government is the Philippines, where remittances from expatriate women domestic workers accounts for a large part of that country's gross national product. Of course, many women have, for a long time before the shift occasioned by globalization, engaged in what economists call 'reproductive labor,' the work most often associated with duties of care and the maintenance of the domestic, and the so-called 'private' sphere. To note,

[56] idid., 32

[57] ibid.,

though, women are not often *in charge* of these realms of labor; they are still vastly underrepresented in management and property ownership.

The exploitation of women's labor, both productive and reproductive, is intricately connected to the real socio-economic conditions both of the 19th century and post-cold war policy shifts. That is, the globalization of the feminization of the productive work force, while extraordinarily quick, is not without a history. Some economists consider women's large-scale employment in these manufacturing sectors new, but, as Heidi Hartmann argues, women's wage work was never far from the mind of capitalists, even in the very nascent stages of the industrial revolution.[58] In the 19th century, during the time when Karl Marx was writing, the first factories used women and children almost exclusively, as employment of these populations drove down wages for everyone because women and children would work for less and constituted a more flexible labor force. We see this trend in the early textile and printing mills in America, where, in New England, young women would leave their respective homes to live and work in mill towns.[10] As Iris Marion Young points out, "Throughout the history of capitalism women have served the classic functions Marx described as those of the reserve army of labor. They have served as a pool of workers who can be drawn into new areas of production without dislodging those already employed, and as a pool which can be used to keep both the wages and militancy of the workers low."[59] Low, but not invisible, as we see in the early strikes of the Lowell Mill Girls, and also the workplace

[58] Hartmann, Heidi. "The Unhappy Marriage of Marxism and Feminism." Women and Revolution. Lydia Sargent, ed. Boston: South End Press, 1981. 1- 41.

[59] Young, Iris Marion. "Beyond the Unhappy Marriage: A Critique of the Dual Systems Theory", In Women and Revolution. 43-69.

reforms instituted after the 1911 Triangle Shirtwaist Factory fire in New York City.[60] Nevertheless, women were always seen as good factory workers because they seemed more submissive and they had "nimble fingers," as the traditional phrasing goes. Of course, if women are more submissive it is because of socialization and not some natural law, but the industrialists did not, of course, see it this way.[13] And, along with an ideology that supports some women as workers, that is, mostly poor and minority women, there has, in the history of the United States at least, come a concurrent ideology that supports women as non-productive workers. This is the ideology of the 'family wage', albeit, now, in the current recession, quickly loosing its tenability.[61]

As both Hartmann and Young note, the ideology of the 'family wage' reached its zenith in the mid-20th century, wherein the idea of the male breadwinner enmeshed in the traditional gender relations of the nuclear family carried extreme normative force. The ideal of the family wage, and its subsequent expectations of gender roles, was in part a result of the social-democratic reaction to wages being driven down by working women. Mid-century social democratic policies in the United States and Europe both supported and were supported by a strong union presence and government regulation of working conditions.

That latter part of the 20th century, however, saw a shift away from a popular social democratism, and women's work outside of the United States and Europe was

[60] Robinson, Harriet Hanson. Loom and Spindle or Life Among the Early Mill Girls (New York, T. Y. Crowell, 1898). Also Cornell University ILR School Digital Commons, "Transcripts of the Criminal Trial of the Triangle Owners", Kheel Center for Labor Management and Documentation Archives, http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1017&context=triangletrans

[61] See, for example, Katherine Rampell's article "U.S. Women on the Rise as Family Breadwinner", New York Times, May 29, 2013. http://www.nytimes.com/2013/05/30/business/economy/women-as-family-breadwinner-on-the-rise-study-says.html?_r=0

affected by this shift. Laurie Nisonoff explains that "the increasing post-WWII focus on export-led development in the Third World has had a profound impact on the working lives of women."[62] As the twentieth century progressed, transportation costs declined, tax codes changed, and electronic communications improved so much that basic manufacturing capabilities of countries with robust economies could be outsourced to foreign shores. Beginning in 1948, the first 'outsourcing' of basic manufacturing labor from the US occurred in Puerto Rico, called 'Operation Bootstrap.' This operation "exploited the island's US commonwealth status for lower taxes, and also made land and capital available (with subsidized low prices)."[63]

Beginning in the 1970s, but primarily after the end of the Cold War, the ideology of neo-liberalism began to take hold, in place of social-democratic policies, in the US and Britain, to take advantage of this trend in outsourcing. To hear David Harvey's version of this history, in both his works *A Short History of Neoliberalism* and *Spaces of Global Capitalism*, members of the world's most elite and moneyed classes used the benefits of outsourcing to their advantage and created, in academic and policy circles, a following of neo-liberals, and with that, an ever-widening gap between the world's rich and poor.[64] The first experiment in large-scale neo-liberalism was the military coup in Chile in 1973, engineered by the so-called 'Chicago boys' proponents of Milton Friedman--which was economically disastrous for the mass of Chile's population, but profitable for elites. From there, the ideology of neo-liberalism, the most visible proponents of which were Ronald

[62] Nisenhoff, Laurie. "Introduction to Part 3", in The Women, Gender, and Development Reader, 177-178.

[63] ibid., p. 178.

[64] Harvey, David. *A Brief History of Neoliberalism*. Oxford: Oxford UP, 2007. And Spaces of Global Capitalism: Towards a Theory of Uneven Geographical Development. London: Verso, 2006.

Reagan and Margaret Thatcher, took hold in the policy-making decisions of US and Britain.

What is this ideology of neo-liberalism, exactly?[65] Alison Jaggar explains that neo-liberalism's basic assumptions are that material acquisition is the normal aim of human life, and the essential function of government is "to make the world safe and predictable for the participants in market economy".[66] According to Jaggar, the basic features of neo-liberalism are the following: free trade, private ownership of public goods, hostility to regulation of working conditions and environmental protections, and governmental abandonment of social welfare responsibilities like housing, health care, education, disability, and unemployment. We see the result of neo-liberal policy measures in trade agreements like NAFTA (North American Free Trade Agreement) and CAFTA (Central American Free Trade Agreement), which regulates working conditions 'at home' but leaves 'free-trade zones' clear of government regulation and governmental responsibility for infrastructure. Ruth Pearson summarizes neoliberalism's effects thusly: a rapid growth in female employment; transnational corporations organize through subcontractors, leaving the responsibilities of their day-to-day operations though proxies; the International Labor organization has lost influence to protect workers and regulate companies; labor has become increasingly mobile. The global financial crisis of 2008 exacerbated these effects, while also adding new strains to the livelihood of poor women. Pearson writes:

[65] To note, I am not attached to the specific name of 'neoliberalism.' One could just as well call the matter 'economic liberalism'. What I am referring to is the belief, prevalent after the 1970s, that the market without the state can and should function as a moral force.

[66] Jaggar, Allison. "Is Globalization Good for Women?", *Comparative Literature*, 53 (2001): 298-314. 298.

> The squeeze on government revenues will threaten already inadequate services such as healthcare, education, housing construction and other essential services which women need in order to juggle their dual responsibilities for paid work and unpaid carework. Echoing the cuts made during the dark days of structural adjustment programmes (SAPs) in the 1980s, the further withdrawal of the state from public provisioning will throw working women back on their own or their family's resources, or on other institutions such as religious organizations and political parties."[67]

In short, the recent and ongoing financial crisis prolongs and exaggerates the effects of neo-liberal reforms of the earlier decades. Poor women are left with increasingly diminishing support for their 'reproductive' labor of care, and also, interestingly and importantly, greater expectation that they contribute to the economy through their productive labor. This feminization of the financial crisis has occurred both within affluent societies such as the United States, and throughout the world, especially in countries and regions that were poor before the crisis.

In her study of women's work in Sub-Saharan Africa, Kate Meagher comes to similar conclusions as Pearson.[68] Meagher agrees that the global informalization of the economy constitutes a poverty trap for women, "concentrating them in low-skill, low-income activities with little prospect of advancement."[69] Neoliberal economic reforms, Meagher writes, increased women's economic disadvantage because they turned the 'double burden' of unpaid care labor without adequate social and/or state support into a 'triple burden' domestic labor, income generation, and decreasing support. Women are now expected to be breadwinners as well as primary caregivers, and do so without any increase in support, either from their social systems or state intervention. Those

[67] Pearson, 422

[68] Meager, Kate. "The empowerment trap: gender, poverty, and the informal economy in sub-Saharan Africa", in the IHGP, 472-477.

[69] Ibid., 472

expectations are just too much of a burden for women, or anyone, to bear. Interestingly, Meagher concludes:

> Amid the depredations of economic restructuring, the growing role of women as 'breadwinners' through increased informal income-generation and more direct access to credit have tended to increase women's share of reproductive responsibilities, diminish their control over income, and intensify rather than alleviate women's economic vulnerability in the fame of diminishing male household contributions.[70]

Thus, women's increasing responsibility for both productive and reproductive labor have not increased their empowerment, only their exploitation. Meagher critiques USAID's approach to policy as merely reducing obstacles for women to formal and informal employment. Aid agencies do not understand, Meagher argues, that women's informal economic participation concentrates them in 'survivalist' rather than 'growth' activities, and these survivalist modes of work prevent women from gaining a real foothold in the global economy.[71]

Again, the history of neo-liberalism has specific consequences for women that it does not have for men. Firstly, because they are most often responsible for children's welfare, women suffer the most from cuts in state funding of care and social support. Secondly, women in this era are more mobile; there is, at this point in history, ever increasing migration and immigration, most often in the form of movement from a woman's ancestral or familial home to the outskirts of an industrial city. Both Jaggar and Harvey note that we might accurately name this phenomenon a kind of dispossession or expropriation. However, the issue is complicated. The exploitation of women under neo-

[70] ibid, 473.

[71] ibid.

liberalism is not absolute; and furthermore, expropriation is not always equivalent to exploitation. As Leslie Chang eloquently recounts in her work of international journalism, *Factory Girls: From Village to City in a Changing China*, many young women find leaving home an exhilarating experience of freedom and independence.[72] Even though they may work over 12 hours per-day in foreign-owned factories, and live in a strange and hostile industrial cities, they find opportunities for personal growth in this milieu and very much prefer having their own income to depending on their families for support. Choices like these, though, between poverty on the one hand and slightly less poverty on another, are limited choices, at best.

Nevertheless, the 'good' of the situation, that sometimes the rising tide of neo-liberalism lift's women's boats, so to speak, to a position slightly less bad than their former one, does not, like the Rawlsian difference principle, exclude the possibility that they are still being exploited. We do not live in a world that is free of the problems of industrialization and exploitation that Marx witnessed in his 19th century England; it is only that now there has been a geographical shift, or outsourcing, of industrialization, and the proletariat may now be, in good measure, poor women.

The new global order that produces the continual expansion of the slums outside of the world's industrial cities takes advantage of women's productive labor. But this productive labor, namely, the work of making and negotiating a realm outside of the home proper, most often does not result in an attenuation of alienation. That is, women's productive work, under neo-liberalism, does not often create 'a world.' As noted, all too often, women do not engage in creating and maintaining public infrastructure, lasting

[72] Chang, Leslie T. Factory Girls: From Village to City in a Changing China. NY: Spiegel and Grau. 2008.

institutions, products that they can pass on to the next generation, externalizations of themselves that give meaning and make it possible for women to have a political voice. On this basis, women's productive labor is exploited.

In addition to the primary features Jaggar mentions, neo-liberal ideology characteristically undervalues and exploits women's reproductive labor. Sylvia Chant concludes that the current era has not seen so much a 'feminization of poverty' as an increasing 'feminization of obligation and responsibility.'[21] The feminization of poverty is typically taken to mean first, that women are the majority of the world's poor, second, that their disproportionate share of poverty is rising relative to men's, third, that women-headed households are in the direst of straights. Chant argues that the feminization of poverty is highly exaggerated, and more of an ideology than a sociological fact. Because women are benefiting in some measures from their widespread inclusion in productive labor (mostly factory work, office jobs, tourism, cleaning, daycare, and small entrepreneurship), Chant contends that to hold onto notions of the 'feminization of poverty' is also to hold onto notions of women primarily as victims, when, really, they are actors and decision makers. It is only that, under present conditions, their decisions are extraordinarily limited. Along with Meagher and Pearson, Chant agrees that, like the 'second shift' in rich countries whereby women who work by day return home to do domestic work, women of the global south are increasingly taking on the burden of both productive and reproductive labor. In short, women are just working harder. Chant writes:

> Over and above the fact that this [the widespread inclusion of women into the productive sphere in the present era] is occurring in the context of cutbacks in state services and rising prices of basic goods which frequently imply greater investments of time in domestic labour and self-

> provisioning, that women are also bringing more money into households through wage labour or income-generating activities raises serious concerns about inequality, exploitation and sustainability . . .Expectations of female altruism, for example, continue to be remarkably persistent and mean that women often remain resigned to heavier burdens. [22]

However, the Global North's 'second shift' paradigm might even be an underrepresentation of the problem for women living in the GSUS. In writing about housing markets in the Global south, Sunil Kumar alters Chant's analysis to argue that women living in the GSUS have, essentially, a 'third shift'. Women have a triple role: reproductive (childbearing and caretaking), productive (as income earners), and community organizing tasks (because women are often the ones responsible for demanding and organizing for basic services like water and sanitation).[73]

Women are certainly working harder than ever before. The expectations of the global economy, shaped by the reforms of neoliberalism, are that women would be both income earners and primary caretakers. Concurrently, the state has retreated as an arbiter of support for either of these activities. But, one could ask, what is wrong with women working harder, if that work is their ticket out poverty? The problem with women doing all the work of the global economy is precisely that this work does not allow them to accumulate any assets. They spend all their time in 'survivalist' work, without getting to do any of the work that would give them basic housing or infrastructure, schooling for their children, or security for the future.

[73] Kumar, Sunil. "Gender, Livelihoods, and Rental Housing Markets in the Global South: The Urban Poor as Landlords and Tenants", in the IHGP, 367.

2.4. Getting Out of Poverty: Asset Accumulation

What would it look like, then, if women could labor not only for survival or subsistence, but labor to build something for their communities in that would last into the future? Asked in a different way, what does it take for a person's work to lift them out of poverty?

Anthropologist Caroline Moser conducted an excellent, longitudinal study on a group of families living on the outskirts of Guayaquil with that guiding topic, that is, how to account for some families getting out of poverty, while others remain?[74] Moser concluded that the accumulation of assets, basic housing being the first asset, is a necessary (but not sufficient) condition of poverty alleviation. Moser lived and worked in a *suburbio* (slum on the outskirt of a city) of Guayaquil from the 1970s to 2004. In the 1970s, the community of Indio Guayas first settled a swath of swampland, building houses on stilts above the water, and connecting the houses with rickety boardwalks made of wood, sugarcane, and aluminum. Most first generation families in this community had come to Guayaquil looking for work in the city when farm life became too difficult to sustain. Being far from the city center, Indio Guayas did not originally have electricity, running water, sewerage, or roads. The lack of basic infrastructure was harder for women, who had to complete their domestic tasks in primitive conditions. Also, moving from their places of origin was harder for women. Many women in the community feared loneliness when they first moved to the settlement. In leaving their families, women had to find different kinds of support. By 2004, the neighborhood had changed significantly; many families had brick and mortar houses, and they had been

[74] Moser, Caroline. *Ordinary Families, Extraordinary Lives*: *Assets and Poverty Reduction in Guayaquil, 1978-2004.* Washington DC: The Brookings Institution, 2009.

able to send their children to school. Second and third generation families were able to start out their adult lives with more assets and security than first-generation families had. Moser argues that the families who were able to dig themselves out of first generation poverty did so because of a combination of factors: they were able to build themselves homes, mobilize for infrastructure, educate family members, deal with violence within the family, and identify opportunities for employment both in Ecuador and in Spain. When individual men and women in the families were able to be empowered in these ways, they could get out of poverty with minimal support from external aid agencies or NGOs.[75]

Moser found that women could be empowered within their own communities, and oftentimes external agencies merely got in the way of this empowerment because their presence in any given community was transitory and their structure of knowledge about the community was too 'top heavy', so to speak. Instead of focusing on the duties of external aid agencies in a technocratic manner, Moser advocates that we see GSUS as places of agency, recognizing "that self-help housing was in fact a rational response by low-income populations to the growing shortage of conventional housing."[76] She continues, "Here [in the GSUS] the poor could incrementally build their homes within their income constraints, allowing them "freedom" to decide on the size, standard and style according to their individual family needs."[77] Migration to the slums is often a perfectly rational choice for low-income families looking to improve their livelihoods. The GSUS provide a setting for potential advancement, wherein families can form real

[75] Moser, xvi

[76] ibid., 49

[77] ibid.

communities and build houses on their own terms. The difficulty is that state and international economic policy must remove obstacles to building such communities. Knowing that women's inclusion into the productive workforce neither lessens their responsibilities in the reproductive sphere, nor ensure alleviation of their poverty, Moser advocates that international aid and state policy focus on *asset accumulation*, the first asset being basic housing.

Housing is the building block of social capital that is to come later. "Housing", Moser writes, "is the first priority asset, and while it does not necessarily get households out of poverty, adequate housing is generally a precondition for the accumulation of other assets."[78] Of course, there is no magic solution to getting out of poverty --- both income and assets matter, and are, of course, interrelated. However, Moser writes, when women own land and have an opportunity to build their own houses, they have the potential to accumulate other varied and valuable assets, against which they can leverage their way out of poverty. Like Virginia Woolf wrote about a 'room of one's own' as a necessary precondition for women's basic growth and empowerment, so poor women need 'a house of one's own', or rather, control over housing assets for themselves and the well-being of their families.[79] Moser is worth quoting at length on this:

> Housing was not only the most important component of physical capital but also the first asset accumulated. Although housing did not get all households out of poverty, for various reasons it was a precondition for the accumulation of other assets. First, shelter reduced the physical vulnerability of the homeowner's family as well as the socioeconomic fragility of extended household members, who often stayed during times of adversity. Second, over time it provided a mechanism through which

[78] ibid, 40

[79] ibid., 41

> additional income could be generated; options included home-based enterprises, rent (from rooms or separately built apartments above the original house), and cash from subdivisions. Finally, for many of the next generation, the original plot continued to provide shelter for them as adults with their own families, with houses extended (upwards or outwards) or separate structures built in the same plot.[80]

When women own and control their homes, they can begin to build a life for themselves that takes them out of poverty. Research in Chandigarh, India, shows that when women can joint-title their homes, they make more decisions, and have more access to public knowledge, and gain more respect from their husbands.[81] Alternately, expropriation from private property hurts women especially. Forced evictions disproportionately effect women because it disrupts the social support system for caregiving.[82] Of course, in most places, it is harder for women to gain access to land—they face discriminatory credit practices, and exclusion from property inheritance.[83]

2.5. Conclusion

Global poverty, in the form of the GSUS, continues in part because women's labor is being exploited on a global scale. Because of the history of neoliberal reforms and an ideology that accompanies capitalism under globalization, women in the global south work not only a 'second', but a 'third' shift: they take care of families, they earn an income, and they must advocate for themselves for basic goods and services. The question, then, given these facts about women's exploitation both in the public and

[80] ibid, 44-45

[81] Datta, Namita. 'Joint Titling- a Win-Win Policy? Gender and property rights in urban informal settlements in India", *Feminist Economics*, 12 (2006): 271-98.

[82] See the Center on Housing Rights and Evictions, www.cohre.org

[83] Kumar, 368.

private realm, is this: what would it mean for women's labor not to be exploited? The answer is, in part, related to what it may look like for women not to be alienated. That positive vision includes truly basic asset accumulation, including basic housing. The labor of those working in the GSUS, women especially, must be labor that creates a world. Women must be able to labor in a way that they are not merely working to survive, but also working to gives them assets upon which to build a pathway out of poverty. In the following chapters, I will show how the lack of basic assets, really, the lack of private property, contributes to alienation and diminishes people's dignity. Further, I will show how the situation of the GSUS—their transience, lack of basic infrastructure and institutions, and the work that women do within them—alters and refines a vision of justice.

Nancy Fraser, in her work *Scales of Justice*, asks, too, how to think about poverty today.[84] Fraser encourages her readers to give attention to this issue she calls 'misframing,' a concern that grows out of the debate, in philosophical circles, between recognition and redistribution. In addition to asking whether resources are justly distributed or whether people are justly recognized, that is, the questions of the 'what' of justice, she urges theorists to consider questions of 'the who'--- who is being left out of this discourse? We should consider this question "… when, for example, the claims of the global poor are shunted into the domestic political arenas of weak or failed states and blocked from confronting the offshore sources of their dispossession."[85]

[84] Fraser, Nancy. *Scales of Justice: Re-imagining Political Space in a Globalizing World*. NY: Columbia UP. 2009.

[85] ibid, p. 6.

CHAPTER III

JUSTICE, GLOBAL JUSTICE, AND POVERTY

> *It can be unproductive [to assign guilt] for the project of getting people together to do something about the problem, because people become more and more focused on themselves, their past actions, the state of their souls and their character, than on the structures that require change. We who admit that we have been at fault in producing or failing to prevent injustice make our confessions and examine ourselves for signs of callousness or malice. Such self-indulgence can distract us from discussing more objectively how social structures operate, how our actions contribute to them, and what can be done to change them*.
>
> -Iris Marion Young[86]

3.1. Overview

This chapter's aim is to carve out a space within the history of ideas of justice for the specific conceptual project of theorizing the GSUS in terms of alienation and dignity, Alienation and dignity are matters of justice, and the conception of justice supporting them needs to be delineated. . I will argue that visions of global justice which rely on contractarian premises alone are an insufficient response to global poverty, because the model of connectivity that relies on political states and contracts is outdated in a world of economic liberalization wherein the Global North profits by the labor of people in the Global South. Aristotle's conception of distributive justice that regards profit as a threat to virtue is more appropriate for global justice than contractarian conceptions that regard justice as a function of securing profit and property. Further, John Stuart Mill's understanding of justice as grounded in sentiment, antecedent to the formation of law, is also a relevant conception of justice for ideas of contemporary global justice that are applicable to GSUS inequalities.

[86] Iris Marion Young, *Responsibility for Justice*, Oxford: Oxford UP, 2011. 118

3.2. Justice

The urban slums of the global south prompt a reexamination not only of the extent of our urban planning, the scope of transnational duties, or business standards for multinational corporations. They impel a reconsideration of the human condition itself. Even though life in the GSUS may be largely invisible to citizens of wealthier nations, the unprecedented magnitude of the slums commands our attention. Moral and political theory must be informed by these new human conditions, evident in the lives of the billions of people living in severe poverty.

If we reflect on the global South's urban slums, we cannot be neutral. We cannot survey or experience large-scale poverty solely in the mode of observation without, also, the mode of critique. Such a critique must appeal to justice, and not only charity or humanitarian concerns. Claims of justice require urgency, and compel, rather than request, that those who have power to change the situation do so. It is imperative that global poverty, in its current form, is considered not just a humanitarian crisis, which it certainly is, but also blatantly unjust.

An appeal to justice is, nevertheless, a tricky matter. Certainly, as Katherine Boo indicates, the international business people flying into Mumbai for the first time, who, upon their descent into the city, see the Annawadi slum outside of their window, miss a great deal if all they see is squalor.[87] They miss the creativity and ingenuity, the unique solutions people come up with for managing quotidian tasks, and, in general, the dignified way in which Annawadi's residents manage to conduct their lives despite many obstacles. Still, the GSUS are unjust.

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[87] Boo, Catherine. *Behind the Beautiful Forevers: Life, Death, and Hope in a Mumbai Undercity*. NY: Random House, 2012. 5.

On what basis do we name the situation as unjust? When one visits or lives in one of these slums, one is certainly disturbed about the lack of sanitation infrastructure and the environmental degradation that causes the residents constant illness. The environment is certainly unequal to middle class neighborhoods in London or New York. And the residents of Annawadi are aware of this inequality. The feeling of injustice, though, is not based merely on the fact that slum residents have televisions which enable them to see how materially unequal their living habits are to representations of Los Angeles and London.[88] No, the claim of injustice rests upon the fact that people in poverty are being prevented from leading the lives they want, and need, to lead. Forces beyond their control thwart their basic capabilities. This is a very intuitive idea of justice at work here, that each person experiences upon living in or visiting a GSUS: their living conditions are unequal in a way that is morally wrong.

To begin a critique, then, we must ask: What sort of vision of justice comes about from a basic objection to the day-to-day concerns of residents of the GSUS, that is, from knowledge about their concerns of staying alive, finding work, and gaining respect? What parts of an historical, philosophical inheritance are useful for forming a conception of justice that responds to the GSUS? What historical resonances obfuscate attempts at critique?

[88] For instance, in his work, *Globalization and its Enemies*, (Cambridge: MIT Press, 2007) Daniel Cohen claims that the relationship between the West and the third world is not one of exploiter and exploited, but rather believes that the inequality present in this relationship can be attributed to amoral advances in transportation and communication. He writes: "When we are moved by televised images of poor children, we forget that these same children (or their parents) are also watching us on television, which is now for them a window into our material prosperity." (5).

3.3. Global Justice: the State of Theory

Current philosophical debates in global justice have mainly focused on questions of rights and duties. That is, what duties do the citizens of rich nations have to the very poor? Theorists like Henry Shue and Thomas Pogge have responded with varying degrees of cosmopolitan affirmation, in saying that the citizens of rich nations do indeed have duties, whether negative or positive, stringent or basic, to the very poor.[89] More communitarian-leaning theorists like David Miller and Thomas Nagel argue to the contrary, maintaining that duties of justice make the most sense in terms of national obligation.[90] Nagel especially holds that 'global justice' is nonsensical, because justice, for Nagel, is an associative relation, and there is no associating relation between peoples of different geographies, cultures, and nationalities, given that there is no form of social contract between them. My inquiry here, on the matter of the basis for calling the GSUS unjust, is different from a strict debate about rights and duties. Nevertheless, a vision of justice that can respond to the GSUS both depends upon and departs from current and historical conceptions of justice, and it is worth determining where the points of agreement and departure relate to that debate and tradition.

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[89] See Shue, Henry. *Basic Rights: Subsistence, Affluence, and US Foreign Policy*. Princeton: Princeton UP, 1996. Also Pogge, Thomas. *Freedom From Poverty as a Human Right: Who Owes What to the Very Poor?* UNESCO, 2007. Also, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*. Cambridge and Malden: Polity Press, 2009.

[90] See Miller, David. "The Ethical Significance of Nationality". In *Global Justice: Seminal Essays*. Thomas Pogge and Darrell Mollendorf, eds. New York: Paragon, 2008. See also Nagel, Thomas. "The Problem of Global Justice", *Philosophy and Public Affairs*, 33 (2005): 113-147.

3.4. Political Contract Theory's Response to Economic Liberalization

Amongst philosophers, the topic of 'global justice', considered as a field of study itself, crystalized with Charles Beitz's work, *Justice and International Relations*, in 1973. Before the early 1970s, the questions which social and political philosophy concerned itself with were primarily domestic, and the theories of justice, including especially Rawls' 1971 *A Theory of Justice,* were inquiries into how individual states, and their primary institutions, should operate according to principles. Compared with other academic philosophical topics like epistemology or philosophy of religion, global justice is a recent field. The field is new partly because economic globalization is a new phenomena.[91] That is, recent philosophical discussions about global justice have functioned as ways for theorists to come to terms with globalization, and especially for our purposes, economic globalization,[92] which has in recent years taken the form of *economic liberalization*.

In a 2010 "Report on the World Social Situation," the United Nations defines economic liberalization thus:

> Economic liberalization encompasses the processes, including government policies, that promote free trade, deregulation, elimination of subsidies, price controls and rationing systems, and, often, the downsizing or privatization of public services (Woodward, 1992). Economic liberalization has been central to adjustment policies introduced in developing countries since the late 1970s, mostly in the context of the conditions for lending set by international financial institutions. Thus, government policies were redirected to follow a non- interventionist, or laissez-faire, approach to economic activity, relying on market forces for

[91] That is, economic globalization in its current scope and pace. There has always been global trade, of course—see Fernand Braudel's *The Mediterranean and the Mediterranean World in the Age of Phillip II*. Berkeley: University of California Press, 1996.

[92] There are other topics of global justice, certainly: issues of sovereignty, torture, climate ethics, to mention a few. This project's topic is poverty, and so here I am focusing on the history of the topic of global poverty, considered within the field of global justice.

> the allocation of resources. It was argued that market-oriented policy reforms would spur growth and accelerate poverty reduction.
>
> From this perspective, government intervention in markets is seen as both inefficient and distortionary. It is argued that even if an interventionist State acts with good intentions, it does not have the competence to manage the economy well. By moving scarce resources into less productive economic activities, the State is thought to reduce overall economic growth, with adverse consequences for poverty reduction.
>
> Within this framework, the State creates enabling conditions in the form of macroeconomic stability, guaranteeing property rights, and maintaining law and order for rapid economic growth driven by private sector (both domestic and foreign) investment. As economic growth rises, poverty will fall (Dollar and Kraay, 2002). Distribution and social justice benefit from the trickle-down principle, as economic growth will eventually benefit all members of society. The free market, based on comparative advantage, will thus bring about economic expansion through labour-intensive export activities, which will create employment and hence improve the general well-being of the entire society.[93]

According to the foregoing UN text, a working definition of economic liberalization can be summarized as: *the retreat of state governments from regulation of private companies in the free market*. As ideology, the heyday of economic liberalization occupied the latter part of the twentieth century, following a shift away from popular social democratism. Proponents of global economic liberalization began to implement their ideas *en force* in the late 1970s.

In addition to philosophical debates about global justice, the history of the development and growth of the GSUS runs tandem to the history of the economic liberalization. Lest it be argued that global slums were not a consequence of global processes of economic liberalization, Katherine Boo offers, via a descriptive example, this rejoinder:

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[93] UN Department of Economic and Social Affairs. *Report on the World Social Situation, 2010: Rethinking Poverty*. "Economic Liberalization and Poverty Reduction", Chapter VI. http://www.un.org/esa/socdev/rwss/docs/2010/fullreport.pdf

> Seventeen years [after the Annawadi's slum's founding], almost no one in this slum was considered poor by official Indian benchmarks. Rather, Annawadians were among roughly 100 million Indians freed from poverty since 1991, when, around the same moment of the slum's founding, the government embraced economic liberalization. The Annawadians were thus part of the most stirring success narratives in the modern history of global capitalism, a narrative still unfolding.
>
> True, only six of the slum's three thousand residents had permanent jobs. (The rest, like 85 percent of Indian workers, were part of the informal, unorganized economy.) True, a few residents trapped rats and frogs and fried them for dinner. A few ate the scrub grass at the sewage lake's edge.[94]

India is not the only country where there is a shared history between the creation and growth of the GSUS and the processes by which nations implemented the policies of economic liberalization. Mike Davis has outlined this history, arguing that policies like widespread Structural Adjustment Programs (SAPs), in which nations in the global south were pushed into debt resettlement programs at exorbitant rates of interest, left little funds to be spent on public infrastructure and state welfare programs that would offer a safety net against poverty.[95]

In his 1998 Harvard address, then United Nations Secretary General Kofi Annan gave a prescient diagnosis of both the state of economic globalization and the state of the theory attempting to explain globalization's rapid development.[96] Annan announced, grievously, that what he called the "politics" of the last two decades had not kept up with economic liberalization. That is, the processes of economic liberalization that had overtaken the world market in the latter part of the twentieth century completely outpaced all the moral and political theories about it. Indeed, most moral and political theory had

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[94] Boo, 6

[95] Davis, Mike. *Planet of Slums*. New York: Verso, 2007.

[96] Annan, Kofi. lecture. Harvard University, Cambridge, MA, 1998.

not even regarded economic liberalization and globalization as a crucial topic. "In a sense," Annan specified, "it may be said that politics and political development as a whole suffered benign neglect during globalization's glory years."[97] By "politics," Annan meant respect for rights and dignity of all peoples, that is, justice.

According to Annan, the elements of justice lacking during the advance of globalization include:

> "the development of a society based on the rule of law; the establishment of legitimate, responsive, uncorrupt government; respect for human rights and the rights of minorities; freedom of expression; the right to a fair trial—these essential, universal pillars of democratic pluralism were in too many cases ignored. And the day the funds stopped flowing and the banks started crashing, the cost of political neglect came home.[98]

For a naïve interlude, Annan explained, people regarded globalization and economic liberalization only in a positive light, as the advance of technologies and communications that make world distances shorter and connect disparate groups around the globe. This presumption was born out by reality for some time. "Indeed," Annan contends, "it worked so well that in many cases underlying political schisms were ignored in the belief that the rising tide of material growth would eliminate the importance of political differences."[99] However, it would be myopic to consider globalization through a singular prism. There is undoubtedly a downside to globalization's encroachment. "Throughout much of the developing world," Annan continued, "globalization is seen, not as a term describing objective reality, but as a

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[97] Annan, 1

[98] ibid.,

[99] ibid.,

ideology of predatory capitalism. …. Millions of people are suffering; savings have been decimated; decades of hard-won progress in the fight against poverty are imperiled."[100]

Thus, there has been a breed of political philosophy, initiated by Charles Beitz, that has understood itself, in part, as an effort to come to terms first with global poverty, and concurrently, with globalization and economic liberalization. There is, however, much more work to be done on the matter. For instance, Elke Mack outlines the history and current status on the global poverty discourse amongst philosophers, theologians, and social ethicists, in her introduction to *Absolute Poverty and Global Justice: Empirical Data, Moral Theories, Initiatives.*[101] Mack explains that the discussions around the ethical dilemma of absolute poverty first arose explicitly in the 1970s, with Peter Singer's essay "Famine, Affluence, and Morality", and Charles Beitz' work, *Political Theory and International Relations.*[102] The discussion continued with the contributions from Latin America in Liberation Theology through the 1980s and then took its current form after the close of the Cold War, with the onset of globalization in its fullest flowering.

However, by now, the debate in philosophy has centered primarily on the following concerns: whether global justice entails worldwide systems of distribution (Pogge), "the guarantee of a life of dignity; the Aristotelian teleological development of anthropologically well-founded 'functionings' and 'capabilities' for the poor" (Nussbaum and Sen); ethically sound incentives for business investment on the side of the poor, and,

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[100] ibid.,

[101] Mack, Elke. Introduction. *Absolute Poverty and Global Justice: Empirical Data, Moral Theories, Initiatives*. Elke Mack, Micheal Schramm, Stephan Klasen, Thomas Pogge, eds. Surrey and Burlington: Ashgate, 2009.

[102] Singer, Peter. "Famine, Affluence, and Morality". *Public Affairs* 1 (1972): 229-243. Also Beitz, Charles. *Political Theory and International Relations*. Princeton: Princeton UP, 1979.

most popular right now, what the charitable duties of rich westerners hold towards the global poor (Singer).[103]

3.5. Liberalism in Light of Globalization

As stated the first wave of political theorists and philosophers tackling the problem of global justice took their cue, more or less, from Charles Beitz, in expanding the problems, structure, and vision of justice for the domestic arrangements of individual nation-states to global, intra-state arrangements. In doing so, theorists took the predominant Rawlsian paradigm of liberalism, and argued over whether or not such a paradigm could be globalized. Framing the problem in this way, as an expansion of liberalism, is both helpful and limiting. Since Rawls, theorists have continually felt compelled to respond to liberalism, and the problem of national sovereignty has thoroughly constrained the problem of global justice. That is, the model of the domestic nation-state, its 'contracts', its ideals of liberal justice, and the duties of its citizens to one another, has been the model for global justice. Or at the very least, the model of the nation-state has framed the questions of global justice.

Beitz began his study of global justice by asking the question, Do obligations to radically re-structure the world economic system exist? Beitz concluded that such obligations do exist, arguing that Rawls was shortsighted in not extending his *Theory of Justice* to apply in a global setting. Rawls meant the central tenets of the *Theory of Justice* --- the two principles of justice as freedom and equality in freedom, the difference principle, and the original position --- to apply, firstly, domestically, within what he

[103] Mac, 4

called "well-ordered" societies.[104] Rawls does mention expanding the original position to international contexts, in terms of the principles of self-determination, non-intervention, the *pacta sun servanda rule* (or, the principle of good faith between contracting parties), a principle of justifiable self defense, the principles which define *jus in bello* (international humanitarian law, or the laws that govern the ways warfare is conducted, including the limits to acceptable conduct) and *just ad bellum* (justifications or reasons for war or its prevention).[105] Rawls does not account, however, for economic interrelation. Rawls constrains himself in this way because his theory of justice is intended to describe a social contract between free and equal persons who are given the task of coming to agreement on principles of justice.

Beitz offers a critique of Rawls, not in the construction of the principles of justice themselves, which he accepts as sound, but in their application as limited to individual nation states. Beitz contends that Rawls' principles of justice should apply internationally. Rawls, Beitz notes, takes the nation-state as the foundation for contractarian principles. This would make sense if nation states were self-sufficient, independent entities. However, the realities of the global economy suggest otherwise. Firstly, Beitz argues that nation states are not self sufficient, because there are conflicting claims to natural resources between states, claims that have moral importance. Moreover,

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[104] For Rawls's on the original position and the difference principle, see *A Theory of Justice*, Cambridge, MA: Harvard University Press. Revised edition, 1999. Briefly, the original position is Rawls's central tenet for achieving justice as fairness. The difference principle states that structural inequality is justified if and only if that policy helps the most disadvantaged the most, so that(a) they would be worse off without it, and b) while it may be to the advantage (marginal or large) of the most privileged, it advantages the least privileged the most. The defining feature of the original position is the 'veil of ignorance' in which legislators of a liberal society imagine themselves as free and equal persons, untethered by personal interests. The 'veil of ignorance'secures impartiality, because parties are imagined to design a system where they are deprived of knowledge of their own interests, history, and social stratification.

[105] Rawls will respond to Beitz and refine his position, later, in the *Law of the Peoples*. I account for his refined position later in this chapter.

, national self-sufficiency is a myth, because the international division of labor has developed in such a way that, because goods are manufactured in poor countries and marketed in rich ones, "the system of world trade is one where value created by one poor society is used to benefit members of other, rich societies."[106] Beitz concludes: "Participation in the global economy on the only terms available involves a loss of political autonomy."[107] For Beitz, this fact is the basis for claims of injustice, and, consequently, it becomes the subject of global justice. Thus, in the global economy, everyone's basic material needs, needs that are the precondition for being a 'reasonable person' under the Rawlsian criteria, are not met.

It should be noted, here, that Beitz does not depart radically from Rawls in terms of his overall vision of justice. He, too, is "more contractarian than comparative"---to speak in Sen's categorization---in terms of his approach to justice. Beitz maintains only that the contract be expanded, not abolished. For Beitz, as well as Rawls, justice is "the first virtue of social institutions," and, "its primary subject is the basic structure of society, or more exactly, the way in which the major societal institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation."[108] Usefully, however, Beitz does give the first definition of global distributive justice as, "normative principles designed to guide the allocation of the benefits and burdens of economic activity."[109] Beitz calls the current global economic

[106] Beitz, "Justice and International Relations." in *Global Justice: Seminal Essays*. 373.

[107] ibid., 374.

[108] ibid,.

[109] ibid.,

system unjust on the basis that the inequality it produces reduces people's liberty in morally significant ways.

In his 1993 *Law of the Peoples,* Rawls responded to Beitz' criticisms. Rawls there maintains that we must start with states and move outward, that individual states remain the proper subject of his liberal theory of justice, even in a globalized world.[110] Rawls goes on to respond that the difference principle is not a feasible way to deal with the problem of economic inequality between societies, because non-liberal societies cannot be reasonably expected to adopt a liberal principle of distributive justice. Indeed, not all societies are liberal, and it would be wrong of liberal societies to expect others to operate on exactly the same grounds. One could speculate that what motivates Rawls to hold to his original formulation here, to see justice as province of nation-states and so limit the difference principle and original position to application only *within* liberal nation states, is an active concern with preventing interventionist or religious war. His paradigm here is the Vietnam War, a time in which a liberal state (the United States) intervened in the operations of a [what Rawls would conceive of as] a non-liberal state (Vietnam) in order to, ostensibly, prevent the spread of communism.[111] Rawls did not see that action as justified, and he does not want to provide theoretical fodder for further interventionist wars. Thus, Rawls wants to emphasize that other, non-liberal societies, what he terms 'well-ordered hierarchical regimes' can have a robust vision of justice that does not include the difference principle or the original position. As long as they are

[110] Rawls, John. The *Law of Peoples*. In *Global Justice: Seminal Essays*.

[111] See Pogge, Thomas. *John Rawls: His Life and Theory of Justice*. Michelle Kosch, trans. Oxford: Oxford UP. 2007, 19. "Rawls was deeply concerned to understand what flaws in his society might account for its prosecuting a plainly unjust war with such ferocity, and what citizens might do to oppose this war . . . Written during that time, *Theory of Justice* show traces of these thoughts".

peaceful, respecting of human rights, and have a system of law that imposes moral duties to all people within its territory, then liberal states have no duty to impose their more specific visions of justice on non-liberal states. Rawls writes, "That opinion [that liberal states are more equitable than non-liberal ones] would not support a claim to rid the world of nonliberal regimes. It could have no operative force in what, as a matter of right, they could do politically."[112] However, Rawls does maintain that wealthy societies have a duty towards economically disadvantaged societies, insofar as they must make sure that human rights are recognized and secured everywhere---and send international aid.

It should be noted here that Rawls's commitment to basic rights, regardless of belonging to liberal or non-liberal societies, gets us very far in terms of global justice. If, in fact, wealthier nations took Rawls's prescriptions to heart and actually did give enough aid to secure people's basic, universal human rights, global inequality would undoubtedly decrease. However, as Henry Shue argues, basic rights are, claims of justice, and not only claims of aid.[113] This is an important difference.

Peter Singer, for instance, emphasizes duties to aid the global poor, in his work as well.[114] Singer has famously argued that not donating to the most efficient aid organizations whose mission it is to save the lives of the global poor is morally equivalent to walking past a drowning child and refusing to jump in because you are interested in keeping your expensive shoes clean/dry.[115] This argument is intuitively

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[112] Rawls, 451

[113] Shue, Henry. Basic Rights

[114] See Singer, Peter. *The Life You Can Save: Acting Now to End World Poverty*. NY: Random House. 2009.

[115] ibid., pp. 3-5

reasonable. However, if we only think of global justice in terms of aid, as Singer does, we miss the urgency of the human rights claims.

In contrast to Singer, Shue explains basic rights as minimum standards beneath which people must not fall: rights to subsistence and security are "everyone's minimum reasonable demands on the rest of humanity."[116] Demands are not requests, and therefore they should not be dependent upon the benevolent aid of those in a position of power. Rights are those claims that should *compel* those in positions of power to take action to secure them. Rights do not exist in a vacuum. Rather rights are, in Shue's words, "a calling for the duty to preserve effective institutions for [their] fulfillment."[117] That is, one cannot *possess* a right without also being able to *enjoy,* or *exercise,* that right. As Shue explains: "To claim to guarantee people a right that they are in fact unable to exercise is fraudulent, like furnishing people with meal tickets but providing no food."[118] Rights and duties are thus inextricable, if we consider Shue's claims, as well as Singer's, in a critique of Rawls.

Shue's own diagnosis of Rawls is that, despite his far-seeing peace making efforts in terms of founding basic overlapping consensus between peoples of varying religious and cultural backgrounds, "western liberalism has a blind spot for severe economic need."[119] What classical liberals miss, in their insistence that everyone be left alone to pursue their own visions of the good life, free of conflict and intrusion, is that, in terms of

[116] ibid., 89

[117] ibid., 11

[118] ibid., 96

[119] ibid., 27

global economic inequality, there are duties at stake that correspond to certain situations of need.

3.6. The Blind Spot of Liberalism

One of my students gave the (rather insightful) analogy of liberalism's blind spot for severe economic need in following way: 'When', she explained, 'I am going about my normal day and I am buying food in the grocery store, I do not want anyone to bother me, or comment on my nutritional choices, or prevent me from purchasing what I see as best for my family. But, if I were in a wheelchair and I couldn't reach the shelf where the vegetables were, or I if have a seizure and spill over a display case of Campbell's soup, I would want, or need, people to stop only going about their own business and help me. I would want them to reach for the asparagus, help clean up the mess, or call 911."[120] Global poverty is a situation more akin to the latter scenarios than the former. Violations of basic rights, like those for security and subsistence, and/or deprivations of capabilities, have occurred, and the harm has already been done. As Shue writes, "It is extremely difficult to mind one's own business amidst a scarcity of vital commodities."[121] That is why a comparative approach that asks, as Sen instructs, not *only* about the justness of institutions qua rules and operations (not, say, about the justness of the set-up of the grocery store or the global economy), even though these questions are very important, but *also* about what kind of lives people are leading within these institutions.[122]

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[120] Thanks to Irma Gellar, July 2012, UO, Eugene, OR

[121] Shue, 114

[122] See Sen, Amartya. *The Idea of Justice*. Cambridge, MA: Harvard UP, 2009.

In addition to religious and cultural conflicts, the current state of our world, the current 'human condition', is marked by economic inequality on a scale previously unimagined in human history. The question is, do the contractarian visions of justice, such as Rawls's and/or Beitz's, respond adequately to the ubiquitous economic inequality, indeed, to the situation of the GSUS? Do they characterize the injustice of the situation, in a way that reflects people's experiences? The contractarian approaches are sound and good as far as they go, but they do not capture the whole of the problem.[123] Certainly, Beitz is right to claim that the global economic system is unjust, on the basis that it, in its very structure, undermines autonomy at the outset of 'entrance into it.' So, we could say on that basis alone that the global economy must be restructured, because it is unjust. But that conclusion is not, by any means, the end of the story. There is a lot more going on, a lot more that is at stake, than merely the question of whether or not the global economy is unjust. That is, the question of *how* it is unjust is important, too, and that question is more in line with the aim of attending to the vulnerabilities, hopes and aspirations of people who live under conditions of poverty, than with an extension of theories of contractarian justice.

The limits of contractarian approaches to global justice confront us when we ask: who *agrees*, in the way that I agree when I sign, say, a rental contract, to enter into the global economy?[124] For residents of Annawadi at least, especially children like Abdul or Sunil, who were born into the slum after India's macro-economic reforms of the early

[123] To note, Beitz would probably not disagree. He is not claiming to capture the whole of the picture of global justice.

[124] Carol Pateman and Charles Mills have given a much more extensive critique of contracts, in general, as the paradigm for political philosophy/theory. See *Contract and Domination*, Cambridge: Polity, 2007. Pateman and Mills show the degree to which justifications based on contract are in the very least no guarantee against exploitation, and at worst codify exploitative relations, in the intersecting realms of sex and race.

1990s, there was no voluntary consent or moment of decision to enter the global economy on the unfair terms in which they do, or must. Nor could there be. The language of consent and contract does not capture the full picture of what is unjust about global poverty. Elected officials in the state of India decided to 'enter' the global economy by enacting these reforms, but a vision of justice in terms of contracts is still thinking from the perspective of state actors, rather than individual lives. Contractarian approaches still conceptualize justice in the past-regarding terms of restoring the just conditions that were once present, or, in Beitz' formulation, *should have been present* at the outset of an agreement---in this case, the outset of entrance into the global economy. However, as noted, individuals do not choose to enter or abstain from the global economy; they are thrown into processes over which they have little control, and they remain to struggle within the global economy, because they need to survive and thrive.

3.7. The Limits of the Contractarian Approach

Contractarian approaches to global justice miss the point that people are compelled, and do not choose, to enter into the unequal and harmful relationships of the global economy. Compare, for example, Thomas Nagel's and David Miller's communitarian-driven observations on global justice to Thomas Pogge's and Amartya Sen's or Martha Nussbaum's more cosmopolitan approaches. Nagel and Miller hold, to varying degrees, that national identity is a relevant consideration in terms of the duties one holds towards the global poor. In contrast, Pogge, Sen, and Nussbaum take national identities to be less morally relevant, in terms of duties to the global poor.

In his works, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric,* and *Freedom from Poverty as a Human Right : Who Owes what to the Very*

Poor?[125], Thomas Pogge offers two contributions to global justice, which are especially relevant for critical purposes, here. First, like Beitz, he holds that the current world order is unjust, that the structure of the world's institutions perpetuates the status quo of prolific, absolute poverty. Even if it is true, as some would claim, that overall poverty is decreasing in the world from the past decades, Pogge asks "Does a decline in the plight caused by severe poverty over the last few centuries render justifiable our continued imposition of a global order that is designed so that is foreseeably reproduces avoidable severe poverty on a massive scale"?[126]

Pogge is more specific than Beitz in regards to the parties that are responsible for the injustice of the global economic system. Because Pogge is writing in the early twenty-first century, he names the World Bank and the International Monetary Fund as the primary responsibility holders here. To certain activists, this may seem like a rather obvious point, but much discourse in global ethics holds that we must strengthen and contribute to institutions like the International Monetary Fund and the World Bank, as well as revise, but not essential reform, those current neo-liberal policies of First World countries that have shaped the processes of globalization up to this point. In contrast, Pogge's position is that when we take a close look at the havoc that these policies and institutions have wreaked upon the world's poor, we cannot conclude that we end up anywhere near what anyone imagines as global justice.

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[125] Pogge, Thomas. *Freedom From Poverty as a Human Right: Who Owes What to the Very Poor?* UNESCO, 2007. Also, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*. Cambridge and Malden: Polity Press, 2009.

[126] Pogge, "Severe Poverty as a Violation of Negative Duties", *Ethics and International Affairs* 19 (2006): 55-83. 58.

Pogge contends that freedom from poverty is a human right that involves a negative duty on the part of the affluent, their governments, and institutions. His central thesis is this: "We, the citizens and governments of the affluent countries, in collusion with the ruling elites of many poor countries, are harming the global poor by imposing an unjust institutional order upon them."[127] By harm, Pogge means human rights violations and the human rights deficits caused by those violations. He argues that affluent citizens are morally responsible for the harm they are causing because they cooperate in imposing an institutional order on those who experience human rights violations. This institutional order *foreseeably* gives rise to human rights violations. The institutional order is reasonably avoidable; and the alternative situation that would be free of harm is also foreseeable. Pogge writes, "On my view, you *harm* others insofar as you make an uncompensated contribution to imposing on them an institutional order that foreseeably produces avoidable human rights deficits."[128]

Pogge then argues that citizens of affluent countries have a negative duty to stop harming the global poor, and that they should fulfill this duty through activism that changes the global economic institutional order. His argument is minimalist; he does not go so far as to say that citizens of affluent nations have a positive duty to aid the poor of other nations, although he leaves open his possibility. Pogge limits his argument to claim that, first, the unjust institutional order has created an associative relation between peoples of different countries, by virtue of the harm it has caused the global poor. Thus, in his article, "Priorities of Global Justice", Pogge concludes that the prevention of

[127] Pogge, 59

[128] Pogge, 61

severe, widespread, and absolute poverty should be the primary concern of global justice.[129] Even libertarians can adopt Pogge's argument, because libertarians, who are reluctant to concede that there are any positive duties whatsoever, or that it there is a general justice requirement that society aid the most vulnerable, can still concede that there exist negative duties to avoid harming others.

Importantly, Pogge considers his argument to be an amendment to John Rawls's difference principle. Pogge worries that the minimalism of Rawls's principle obscures the role rich Westerners played in creating the global world order. He writes:

> Making this duty [keeping the poor societies from falling below the minimum that prevents their having a just or decent social or political regime] the only distributive constraint misleads us to perceive the injustice of the status quo as insufficient assistance to the poorer societies, when it really consists in the imposition of a skewed global order that aggravates international inequalities and makes it exceedingly hard for the weaker and poorer populations to secure a proportional share of global economic growth.[10]

However, recognizing our only duty in terms of distributional justice that allows for or requires a basic minimum as a precondition for a democratic political regime does not encourage us to see also the degree to which we have prevented the formation of fair political regimes and, really, human flourishing. In addition, then, to constructing a system that allows inequality only if it improves the lot of the most unequal, Pogge contends that we must also work to change the system when we have constructed it poorly.

Pogge has also done critical work connecting the harms of the IMF and the World Bank to the perpetuation of global poverty. One intuitive moral support of Pogge's

[129] Pogge, "Priorities of Global Justice"

analyses is the realization that we, as citizens of affluent, democratic nations, cannot pretend that institutions like the IMF and the World Bank just popped up from nowhere, independent of all human agency. In addition, we are citizens, and not employees, of our countries—thus, we have a serious stake in the harm our countries' decisions ---both governmental and corporate---cause oversees.

Communitarians think differently. David Miller, for instance, aims to defend the view that national boundaries are ethically significant, especially in regards to a principle of distributive justice that distributes goods and services, firstly, according to need. Miller believes that "as soon as we move beyond indisputable biological need, a social element enters the definition."[130] Amongst the social definitions of need, if someone counts the category of nationality, Miller defends that person's choice as a reasonable one. He explains:

> There is truth in Michael Walzer's remark that "the idea of distributive justice presupposes a bounded world within which distribution takes place: a group of people committed to dividing, exchanging, and sharing social goods, first of all among themselves." However, we have still to determine what the scope of this "bounded world" should be."[131]

Walzer appears correct to claim that one needs a relevant community in order that distributive justice even makes sense. However, this notion of bounded worlds is even more complicated that Miller takes it to be. A strong claim can be made that the growth of worlds in the global north is fueled by the deprivation of worlds in the global south. Moreover, that the world is interconnected through economic relations, an economy which proponents of economic liberalization made *more* connected, shows us it may be

[130] Miller, 249.

[131] Miller, 249, quoting Walzer, *Spheres of Justice*. Oxford: Martin Robertson, 1983. 31.

too late to usefully or effectively apply normative, ideal political theory about the scope of the relevant population of distributive justice. *A community has already been created!* Given that injustice has already happened, it is time for a comparative theory of justice that asks, , How can we make the world more just?

Miller, again, would not agree, at least in part based on his ideas about universalism. Miller characterizes universalism as the position that the subject matter of ethics is persons as such, considered independently from their local connections and relations, wherein the principles of rights and duties are "worked out without reference to social boundaries."[132] And against universalism, Miller sees the moral subject as eminently situated. Universalism, Miller argues, does not reflect how we already live and what is already meaningful to us, that is, the relations we have with the people closest to us. Miller argues that it is unreasonable to expect the moral subject to disengage with all her groups, practices, and institutions, in other words, all the parties to which she is already attached, in the process of forming her basic principles. One cannot divest oneself of all commitments, as the universalist would suggest, because to do so would be to change one's basic identity. And identity, Miller argues, is an extremely relevant consideration, morally. Commitments that matter to people's identity include commitments of nationality.

In arguing that nationality is a morally relevant consideration, Miller and Rawls share more common ground than first appears. Usually, as the [grand] father of contemporary liberalism, we think of Rawls sharing no common characteristics with communitarians, given, especially, Michael Sandel's famous communitarian critique of

[132] ibid., 235.

Rawls's *Theory of Jusice*.[133] Yet Miller and Rawls in the *Law of Peoples*, are holding to very similar arguments: one cannot apply universalist terms to the entire world, because not everyone enters into the same social contract. Or, alternately, universal*isms*, and universal theories of justice, are misguided when their subjects are no longer within the domestic arrangements of nation states.

Miller is not inconsistent here, nor is he incorrect. If one holds a contractarian idea of justice, as he does, then the social contract that matters in terms of justice is the national one. Nationality, in the contractarian vision, could be the most relevant category of moral consideration, particularly in regards to ideas of need in distributive justice. However, given the great need of billions of people on the planet, it is plausible to claim and argue that a contractarian vision of justice is insufficient for the problem of *global* injustice, especially the problem of the GSUS.

Consider the situation Miller describes at the outset of his work, *National Responsibility and Global Justice*. Miller is watching the evening news that contains images of scores of would-be African immigrants trying to gain entrance into Europe by climbing a barbed-wire fence in Melilla, Southern Spain. During the night, some were shot dead, and many more were injured and returned to Africa with gashes in their skin from the fence. Miller recounts his reaction:

> When the Mellila story reaches the screen, I find my sympathy for the young African men who are trying to cross the fence tempered by a kind of indignation. Surely, they must understand that this is not the way to get into Europe. What clearer indication could there be of the proposition that illegal immigrants are not welcome than a double fence up to six metres tall with rolls of razor wire along the top? Do they think they have some kind of natural right to enter Spain in defiance of the laws that apply to everyone else who might like to move there? And why are they so sure that all their troubles will be over if they can slip through the net?

[133] See Sandel, Michael. *Liberalism and the Limits of Justice*. Cambridge: Cambridge UP, 1998.

> Although I can understand their plight, which must indeed be desperate if they are willing to try, time and time again, to risk life and limb to get across the border, I also think they are deluded and are responsible for their delusion. But is my reaction partly a selfish one, inspired by a fear that the comfortable life I enjoy with my fellow-Europeans is going to be rudely disrupted if millions of the world's poor are allowed to come in?[134]

What is interesting about Miller's description of this episode is its perspective: he is sitting, watching his television, from inside his European home. The relevant moral question he draws from witnessing this human need and desperation is: Who is responsible? Further, there is an assumed basic difference between the African men trying to scale the barbed-wire fence, and Miller, witnessing this event on television. The relevant difference, to Miller, is that Miller is a citizen of Europe. These questions of responsibility and difference, are questions that arise within the social contract tradition.

Thomas Nagel holds a similar position as Miller. In his article, "The Problem of Global Justice", Nagel takes aim at the heart of the issue: he proposes a contractarian theory of justice, wherein there must be an associative relation between people in order for the idea of justice to make sense. Nagel constrains *all* of justice to a form of social contract. "Justice", Nagel writes, "is something we owe through our shared institutions only to those with whom we stand in a strong political relation. It is… an associative obligation."[135] In order that there be justice at all, there must be shared institutions and people must consent to the operations of these institutions on a [loosely-defined] voluntary, basis, at least without coercion. Nagel continues, "Everyone may have the right to live in a just society, but we do not have an obligation to live in a just society

[134] Miller, David. *National Responsibility and Global Justice*. Oxford: Oxford UP, 2007. 3-4.

[135] Nagel, 121

with everyone. The right to justice is the right that the society one lives in be justly governed."[136] He concludes: "Justice applies, in other words, only to a form of organization that claims political legitimacy and the right to impose decisions by force, and not to a voluntary association or contract among independent parties concerned to advance their common interests."[137]

For Nagel, therefore, justice is constrained to the nation-state. The reason for constraining justice thusly is that the nation-state is, as Hobbes first observed, the arbiter of physical force.[138] The nation's threat of force is, for Hobbes and Nagel, the only way to provide its citizens with some sort of law or centralized authority with the power of enforcement. Justice, therefore, makes no sense without the threat of force. In the international sphere, there is, as yet, no such threat of force, and therefore no associative relation.

Nagel defends what he terms as his 'political conception of justice' against the cosmopolitans, in the same way Miller defends his communitarianism, by arguing that this conception is the most realistic and the one we already use. The consequence of the Nagel's political conception of justice is that global justice becomes a contradiction in terms. For Nagel, justice cannot be global.

It is important to note, however, that Nagel does make an important qualification for serious humanitarian disasters, and humanitarian duties. Nagel

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[136] ibid., 132

[137] ibid., 140

[138] See Hobbes, Thomas. *Leviathan*. Cambridge: Cambridge UP, 1904. Ch. 14. In which a right mean the "liberty to do or forbear", and where law's function is to bind such liberties. An example: "For in the condition of Nature, where every man is judge, there is no place for accusation: and in the civil state, the accusation is followed by punishment, which being force, a man is obliged not to resist." P. 95.

writes: "Humanitarian duties hold in virtue of the absolute rather than the relative level of need of the people we are in a position to help. Justice, by contrast, is concerned with the relations between the conditions of different classes of people, and the causes of inequality between them."[139] In effect, Nagel is arguing that the absolute need of many people in the world is not an issue of justice, that is, that humanitarian disasters are not issues of justice, and, more stringently, global socio-economic inequality is not an issue of justice. I quote Nagel at length:

> We can begin by noting that even on the political conception, some conditions of justice do not depend on associative obligations. The protection, under sovereign power, of negative rights like bodily inviolability, freedom of expression, and freedom of religion is morally un-mysterious. Those rights, if they exist, set universal and pre-political limits to the legitimate use of power, independent of special forms of association. It is wrong for any individual or group to deny such rights to any other individual or group, and we do not give them up as a condition of membership in a political society, even though their precise boundaries and methods of protection through law will have to be determined politically in light of each society's particular circumstances.
>
> Socioeconomic justice is different. On the political conception it is fully associative. It depends on positive rights that we do not have against all other persons or groups, rights that arise only because we are joined together with certain others in a political society under strong centralized control. It is only from such a system, and from our fellow members through its institutions, that we can claim a right to democracy, equal citizenship, nondiscrimination, equality of opportunity, and the amelioration through public policy of unfairness in the distribution of social and economic goods.[140]

Detaching global socio-economic inequality from first, humanitarian disasters, and second, from justice, is a serious (moral) error. On the first point, Sen famously

[139] ibid., 119

[140] ibid.,

demonstrated that humanitarian disasters like famines rarely or never happen in democratic countries concerned with the formal or informal equality of their citizenry.[141] On the second point, we lose too much moral ground when we fail to name the hunger and disease of billions of people an injustice. Moreover, it is a factual error to disassociate severe economic inequality from humanitarian disasters. As in the case of the Haitian earthquake, socio-economic vulnerability in the form of global slums, which are made poor by the history of colonialism and kept poor by the inequities of globalization, exacerbate, if they do not socially, economically and politically, *precipitate* humanitarian disasters.[142] If we only call global poverty a humanitarian disaster, and not a grave injustice, we tend to expect humanitarian organizations, like the Red Cross, or Amnesty International, to address the problem, all by themselves. Calling global poverty an injustice demands greater responsibility and urgency; it demands 'all hands on deck', so to speak. When we call global poverty a failure of justice or an injustice, we come to sounder conclusions: we need to strengthen international organizations like the United Nations, and we, as citizens of privileged states, need to organize to change the global economy.

Nagel does succeed in demonstrating that global justice is a contradiction in terms, when our thinking is so heavily indebted to the social contract tradition. But ideas of justice are not constrained to contracts; there are resources in the history of philosophy

[141] See Sen, Amartya. *Poverty and Famines: An Essay on Entitlement and Deprivation*. Oxford: Oxford UP, 1983.

[142] See, for instance, Edward L. Glaeser, "Preventing Haiti's Next Crisis" (New York Times, January 19, 2010), who writes, citing Matthew Kahn's paper, "The Death Toll From Natural Disasters: The Role of Income, Geography, and Institutions", The Review of Economics and Statistics, May 2005, 87(2): 271–284 :"as a country's income doubles, the death toll from an earthquake drops by about 28 percent. This finding controls for the earthquake magnitude on the Richter scale. The effects only get worse if, as in Haiti, poverty is combined with high levels of population density. An absence of land makes the problems of public mismanagement more costly. Income inequality is also associated with greater deaths from natural disasters."

that conceive of justice outside, or independent, of the contract model. These historical precedents, in this case, Aristotle and Mill, are better resources for conceptualizing the kind of justice that can be a response to the GSUS, a kind of justice that is more relevant to many people's experience of *injustice* in the global slums.

3.8. David Hume: Justice as Contract for the Protection of Property

Let us allow for a brief exercise in historical contrast here, a comparison between a vision of justice that is mostly contractual, namely David Hume's, and visions of justice which have very little to do with contracts, namely, Aristotle's and John Stuart Mill's. The point of this exercise is first, to see how the contractual accounts to which some contemporary theorists of global justice subscribe are historical remnants, unique, rather idiosyncratic, and not exhaustive of all possible ideas of justice. The second aim of the comparison is to show how the indebtedness to the social contract tradition is, while useful in certain contexts, not the most useful way to conceive of global justice, with reference to the specific situation of the GSUS.

Hume's Enlightenment notion of justice is influential in contemporary discourse on global justice. Hume's definition of justice validates the accumulation of property, and profit. Somewhere between Ancient Greece and Enlightenment-era Europe, the suspicion of profit's tendency to attenuate virtue, well noted by Aristotle, was lost. In *The Treatise on Human Nature*, Hume famously characterized justice as an 'artificial' virtue. Rachel Cohon explains that unlike artificial virtues, natural virtues are "more complete and refined forms of human sentiments."[143] The natural virtues arise from

[143] Cohon, Rachel. "Hume's Artificial and Natural Virtues", *The Blackwell Guide to Hume's Treatise.* Saul Traiger, ed. Oxford: Wiley-Blackwell, 259.

attachment to particular individuals—one's immediate circle—and so can be exclusive and partial. In contrast, the artificial virtues, like justice, are "traits we need for successful *im*personal cooperation." Cohon continues. There are just a few, carefully described artificial virtues: honesty with respect to property (often called equity or "justice", although a strangely narrow use of that term), fidelity to promises (sometimes also listed under "justice"), the (less stringent) sort of international justice appropriate to heads of state, allegiance to one's government, chastity (refraining from non-marital sex), and modesty (both primarily for women and girls), and good manners."[144]

The misogyny of relegating virtues by sex aside, Hume's characterization of justice as an 'artificial virtue' rests upon his conviction that humans are essentially selfish creatures. As such, we can only possess 'confined generosity'. [145] We cannot be generous to everyone, only those very close to us, towards whom we have preferences. Given that generosity is so limited, Hume writes that in spheres outside of our immediate affection, "we will quarrel over who gets what, and collaboration will disintegrate. No remedy for this is to be found in "our natural uncultivated ideas of morality".[146] Our natural ideas of morality *always*, for Hume, assign partiality and loyalty to our immediate loved ones over strangers. However, in order to get along in a society consisting of more than warring tribes, an invention is needed. Justice, as an 'artificial virtue', is such an invention.

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[144] ibid.,

[145] The assignment of virtues based on gender raises serious questions. If justness iss defined by male traits, can women be just? Can we derive from the history of moral theory a vision of justice that responds to the concerns of women, if justice was never formulated to include women?

[146] Hume, David. *A Treatise of Human Nature*. Oxford: Oxford UP, 2000. (T 3.2.2.8; SBN 489).

For Hume, justice involves an agreement that private property, specifically moveable goods, not be stolen or interfered with by non-owners.. In his *Enquiry Concerning the Principles of Morals*, written as a new or abridged form of his *Treatise of Human Nature*, where he originally introduced the natural-artificial distinction in virtue, Hume dropped the distinction between artificial and natural virtues. However, his vision of justice as a virtue that supports private property ownership, remained. For Hume, justice is, in part, an agreement between two parties that says 'I will not violate your property if you do not violate mine.' Justice rests on a sort of contract, and it is concerned with the maintenance of that contract. As Cohon explains, "Hume argues that we create the rules of ownership of property originally in order to satisfy our avidity for possessions for ourselves and our loved ones, by linking material goods securely to individuals to avoid conflicts and maintain our lucrative cooperation."[147] So, within affiliated groups, there exists an 'expression of conditional intention'—"*I will not interfere with objects in your possession if you will not interfere with those in mine*."[148] Once the agreement exists it becomes moralized over time through convention. The convention that mandates mutual respect of property was not, it is important to note, an originally moral notion, according to Hume. Rather, the convention was an outcome of the desire to keep accumulations for oneself and one's close kin. Justice qua convention came into being alongside the development of the individual, or rather, the individual, the individual's property, and the idea of justice as a virtue occurred at the same moment in the progress of modern society. The individual desires to protect what he has accumulated for himself and his close kin, and he realizes he can do this better if he is not

[147] Cohon, 262

[148] ibid., 263

pilfering his neighbor's goods. Thus, a contract is born out of mutual advantage and, if not greed, then at least avidity.

Is Hume's notion of justice all there is to justice? Or, rather, to frame this question for present purposes, Is [or should] Hume's justice-as-contractual-convention [be] the theoretical basis for inter-relations between nation-states that aim to address grave humanitarian concerns related to global poverty and urban migration? Hume's idea does not contribute much in terms of the problems of national sovereignty and radical, socio-economic inequality that exist under globalization today. If the very distribution of current resources is what is unjust about radical global inequality, then Hume's theory serves a merely conservative function, as a justification of the status quo. More to the point, Hume's idea of artificial virtue intuitively appears to be a very limited way to think about justice.

Justice is a convention we use, and a sort of contract we make up and depend upon, when we find ourselves wanting to keep our possessions and resources in associative relations. But justice is not *merely* that convention and contract. Justice could also be a virtue that depends upon our magnaminity or generosity, as it was for Aristotle. That is, justice could be the subject of what we give away, rather than only what we keep. Further, the idea of justice could be about how we set up a present or future agreement or contract, rather than only pointing back in time to an originary, supposed or presumed, contractual convention. Justice could be about how we change the terms of distribution, rather than justifying our own current acquisition of resources. Finally, justice does not have to be a contract at all.

3.9. Aristotle: Distributive Justice and the Suspicion of Profit

In contrast to Hume, Aristotle presents an idea of justice that is relevant for the problem of the GSUS. Aristotle's theory of justice, is a well-formed alternative to the social contract tradition. Aristotle distinguishes between corrective and distributive justice, and in doing so, presents the possibility, according to his idea of distributive justice, that there is a kind of justice that is unrelated to strict liability, and has nothing to do with contracts. Furthermore, Aristotle's account of profit as a direct threat to the virtue of justice, can be very useful for a conception of global justice that responds to the current global economic situation in terms of the GSUS.

Aristotle astutely observed that justice might be the kind of thing that is opaque to us. It is not an easy task to discern the nature of justice. For Aristotle, justice was an active condition of the soul, a virtue, discerned most often from its opposite. That is, justice is most often first discerned from experiences of injustice.[149]

Aristotle was the first to make the famous distinction between distributive and corrective justice. Distributive justice, for Aristotle, recognizes fairness in dividing certain goods amongst political communities, while corrective justice restores the conditions of an originary agreement. In Book V of the *Nicomachean Ethics*, Aristotle writes that there are two senses of justice: one coming from the injustice of breaking a law, and one experienced when someone takes more than their due.[150] Aristotle continues: "One form of the justice that is part of virtue, and of what is just as a result of it, is that which is involved in the distributions of honor or money …. While another form

[149] Aristotle. *Nicomachean Ethics*. Joe Sachs, trans. Newburyport MA: Focus. 2002. (1129a18)

[150] ibid., 1129a20

is the justice that sets things straight."[151] Ernest J. Weinrib interprets Aristotle's distinction this way: "Corrective justice is the idea that liability rectifies the injustice inflicted by one person on another", while "distributive justice deals with the distribution of whatever is divisible (Aristotle mentions honors and goods)."[152] Thus, corrective justice applies when a person has suffered a transactional injustice; it is past-regarding. Distributive justice is more future-regarding: it seeks to create a community in which people receive their fair share of particular goods in accordance with their relative merit or a generally agreed-upon ideal of equality. Weinrib explains: "For Aristotle, justice in both these forms [distributive and corrective] relates one person to another according to a conception of equality or fairness (the Greek *ison* connotes both). Injustice arises in the absence of equality, when one person has too much or too little relative to another."[153] Even though they are connected by the over-arching *ideal* of equality, the two versions of justice differ in the *form* of equality proper to each of them. Distributive justice depends upon a proportional equality, with reference to the entirety of the population in question, while corrective justice depends upon whatever notion of equality was at work when the two parties entered into the agreement between each other.

As noted, corrective justice serves a restorative, rectifying function. Considered as liability, corrective justice is meant to impose a sort of remedy. Distributive justice, on the other hand, is meant to create peace and fairness amongst the entire community, for the future. Importantly, it is not always necessary that one be liable for a past injustice or harm in order that one be responsible for the claims of distributive justice. Although, it is

[151] ibid., 1130b30.

[152] Weinrib, Ernest J. "Corrective Justice in a Nutshell", *The University of Toronto Law Journal*, 52 (2002): 349-356. 352

[153] ibid.,

more likely that a harm of unequal distribution of goods occur before demands of distributive justice arise, the responsibility to manage the fair distribution of goods may belong to the *polis,* as a community, regardless of whether the community as a whole, or individual members of that community, were to blame for unfair distribution of goods. For example, say one foreign mercenary came and swindled some Athenian citizens out of their savings, before leaving on a ship back to Sparta, never to be seen again on Athenian shores. Under Aristotle's conception of distributive justice, it would still be the responsibility of members of the Athenian community to ensure that goods be distributed in such a way that the more gullible amongst them do not wander the streets homeless and in despair, even though the community and its other members are not to blame for the injustice. In another instance, it may be the case that no unfairness was present, and no harm was done, and yet the claims of distributive justice would still be appropriate. As future regarding, the community in question could merely desire to create a fair system. Both instances, that is, with or without the past injustice by the community, would be regarded as matters of distributive justice.

The distinction between corrective justice and distributive justice is important for global justice. Global poverty is undoubtedly connected to the history of colonialism. If the colonizing countries of the global north were to offer reparations to the former colonies, that action would be a matter of corrective justice, in the sense of correcting past harms, and restoring prosperity to a region formerly exploited. However, beyond the issue of restorative justice related to the harm of colonialism, there is the issue, independent of assigning guilt and righting histories, of addressing humanitarian crises and grave economic inequalities right now, and for the future. Such an effort might be considered distributive justice.

There is much more to Aristotle's discussion of justice besides the distinction between corrective and distributive justice, although that distinction retains great influence in law and political philosophy, today. Interestingly, however, Aristotle shrewdly observed that justice most often relates to arguments over profit. Indeed, the language of profit gives clues to the very nature of justice. Aristotle writes:

> In connection with all the other unjust acts, a reference is always made to some particular vice---for instance, if one commits adultery, to dissipation, if one leaves a fellow soldier in danger, to cowardice, if one hits someone, to anger----but if one makes a profit, it is referred to no other vice than injustice.[154]

Undeserved profit is most directly called an injustice, and what is unjust about undeserved profit guides our conceptions of justice most accurately. Justice, for Aristotle, is a complete virtue, because it is that toward which the other virtues refer. However, justice's relation to other virtues, such as temperance, is specific. When we note the injustice of, for instance, an adulterer, we say that the person is immoral first, because they are lacking in some virtue such as the ability to keep promises, and we then conclude on this basis that they are unjust. In contrast, when we talk about someone making a profit by exploiting another, we say they are unjust first, and this conclusion does not need the justification of the lack of some other virtue; it stands alone as sufficient description of that which is objectionable to the state of the soul.

As an aside, Aristotle also astutely perceives that discerning what is just and unjust, as well as discerning the nature of justice itself, is not an easy task. People who think they know what justice is merely fool themselves. He writes:

> And similarly, people think there is nothing wise about recognizing what is just and unjust, because the things about which the laws speak are not

[154] Aristotle, (1130a, 30).

> difficult to understand (but these are not things that are just, except incidentally). But to know how just things are done and distributed is a bigger job than to know what is healthy, although even there it is easy to know about honey and wine and hellebore, or about burning and cutting, but how one ought to dispense them for health, and to whom and when, is such a big job that it is the same as being a doctor.[155]

Memorizing and following the laws is not, Aristotle emphasizes, even a remotely similar activity to discerning what is just. Aristotle is skeptical that the laws even reflect justice to the degree we assume. Interestingly, the metaphor of health is perhaps *the* guiding metaphor of the *Nicomachean Ethics*.[156] Aristotle holds doctors in the highest of esteem; his father, Nicomachus of Stagira, was a doctor, and the *Ethics* is named after him. Aristotle consistently emphasizes that restoring patients to health is both an art and a science. Thus, when he writes that discerning just distribution of goods is a more difficult job than discerning how to return a person to health, he is saying something about serious matters. Indeed, he writes that beyond the distinction between distributive and corrective justice, there are two kinds of justice: the justice that is concerned with honor and power and safety, and the justice that is concerned with "everything that a serious person is serious about."[157] The things which 'serious people are serious about', in Aristotle's immensely appealing phrasing, include the matters about which no one can be greedy, that is, developing virtue. On cannot be 'greedy' about, for example, being gentle of temper. Virtue is something one desires, if one is a 'serious person', but not something one can hoard or take away from other people. For Aristotle, virtue multiplies equality; it does not diminish it. Whereas for Hume, justice taken as an 'artificial virtue', can

[155] ibid., 1137a, 10.

[156] See Jaeger, Werner. "Aristotle's Use of Medicine as Model of Method in His Ethics". *The Journal of Hellenic Studies*, 77 (1957): 54-62.

[157] Aristotle, 1130b5.

reinforce inequality, if two parties in question have vastly unequal properties and agree, by the invention of justice, to maintain that inequality. For Aristotle, it is impossible that justice reinforce inequality, because the things related to justice (temperance, equanimity, magnaminity) are not things you can hoard. If one were just, in character, one would not, by definition, be avaricious. When we think of justice this way, it becomes clearer why justice is the virtue that unites all the other virtues, for Aristotle.

3.10. Contract and Virtue: Comparing Hume and Aristotle

It is crucial to emphasize the differences between Aristotle's vision of justice and Hume's, because there is not, at least in the West, one singular inheritance of theories of justice. In terms of our inquiry here, that is, specifying a theory of justice that would be adequate to address the claims of injustice in the GSUS, the foundation would need to be more Aristotelian than Humean. For Aristotle, justice is not an artificial invention. It is rather a natural virtue that unites all the other virtues. Justice is not, for Aristotle, a construction encouraged by convention that helps people with no familial affiliation hang onto their property. Justice is a virtue, which, like other virtues, is an active way-of-being-at work that enlivens the soul.[158] In addition, for Aristotle, there is much more to justice than the maintenance of a kind of social contract. Hume considered all justice as corrective. Certainly, corrective justice depends upon restoring the conditions of some degree of originary contract. But distributive justice need not depend upon a [fictional or actual] social contract. There can be claims about distributive justice, as Aristotle shows us, where no specific agreement has been violated, yet goods and honors need to be

[158] For Aristotle, virtue is an active condition of the soul (*hexis*), that is also a way of being at work (*energia*). 1105a 30-33.

distributed in a more equitable fashion, in the future. The salient point here is that, in the ancient conception, distributive justice need not depend on a pre-existing contract regarding either property ownership or profit, which has been violated or breeched. That is, distributive justice can be independent of corrective justice. This point is important when we consider claims by Nagel and other philosophers writing from communitarian perspectives that there is no such thing as 'global justice' because justice depends upon an associative relation. Finally, Aristotle understood what Hume may not have, namely, that objections to undue profit are most directly related to justice. That is, justice does not first function to protect property, as in Hume's conception, but rather to mediate and bring equilibrium to people's lives and the community when some people claim too much property for themselves.[159] Hume and Aristotle thus have radically different visions of justice.

3.11. John Stuart Mill: Justice as Sentiment that Precedes Law

John Stuart Mill's vision of justice, in *Utilitarianism,* rounds out this study in contrasts. Mill's discussion does not limit justice to concerns about property, and he does not make a distinction between distributive and corrective justice. Indeed, Mill claims that the sentiment of justice is always about correcting harm. So it would seem that, for Mill, like Hume, all justice is corrective. Mill's definition of justice departs from Hume's, however, in so far as Mill does not believe justice is an artificial virtue undergirded by

[159] There is a lot more that one could say about the differences between Aristotle and Hume here, namely, the differences on their theories of human nature. And those different views of human nature made their different theories of justice possible. For instance, Aristotle did not consider all humans as essentially selfish amongst strangers. Hume did not think that that natural virtues, benevolence and altruism, extended to modern society in which strangers were required to live and act together. However, for our purposes here, I must limit myself to a basic outline of the differences in their visions of justice.

convention. Rather, justice, for Mill, is first a sentiment, a feeling that harm has been done and must be amended, and it is from this sentiment that law and convention develop.

Mill observes that the word "justice" comes from the Latin *justum,* as "a form of *jussum*, that which has been ordered." In Greek, it meant "a suit at law". Mill writes, "Originally, indeed, it meant only the mode or *manner* of doing things, but it early came to mean the *prescribed* manner; that which the recognized authorities, patriarchal, judicial, or political would enforce."[160] There has long been debate as to whether the province of justice is law or morality, and further what the relation is between law and morality, to begin with. Mill's position on the matter is clear: what distinguishes justice from moral obligation in general is that justice, the realm of rights, possesses correspondent duties. "Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right."[161] He continues to explain that when we call something unjust, we mean not only that it needs to be changed, but also that those in power to change the situation ought to be compelled to do so.[162]

Mill's further definition of justice proceeds via an examination of 'ordinary language'. First, he asks what we mean by 'justice' when we use it in our everyday language. He concludes that there is an innate sense of justice that precedes its

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[160] Mill, John Stuart. *Utilitarianism*. Roger Crisp, ed. Oxford: Oxford UP. 1998. 92.

[161] ibid., 94-95.

[162] Mill on the difference between justice and generosity (or beneficence): "Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim to us as his moral right." *Utilitarianism*. p. 75. Also, "When we think that a person is bound in justice to do a thing, it is an ordinary form of language to say, that he ought to be compelled to do it. We should be gratified to see the obligation enforced by anyone who has the power." P. 72.

application in law, and, in the final reckoning, justice consists of two parts: a rule of conduct (law), and the sentiment that sanctions the rule (morality). According to Mill, the sentiment behind the law is as much or more constitutive of justice proper as the law itself, and thus deserves much attention. According to Mill, common attributes of 'the sense of natural justice' include these six:

1) It is unjust to deprive a person of personal liberty, property, or anything that belongs to him by law. In other words, it is just to respect the *legal rights* of another.
2) It is unjust to take from anyone that to which he has *a moral right.*
3) It is just that each person should obtain that which he deserves and unjust that he obtains a good or undergoes an evil that he does not deserve.
4) It is unjust to break faith with anyone, that is, to violate an engagement.
5) It is inconsistent with justice to be *partial.*
6) Justice, in many cases, means equality.[163]

Mill maintains that these six elements of the sentiment of justice—legal rights, moral rights, just deserts, keeping of contracts, impartiality, and equality —are part of a common morality that informs the law, and which nevertheless subsist in absence of the law, in the form of moral sentiment.

Thus, whereas for Hume, justice cannot rest upon sentiment because 'natural' feelings are always partial and never egalitarian, Mill does not maintain such a strong distinction between friends and strangers. For Mill, the stirrings of the feelings of injustice occur 'naturally', that is, they are innate, spontaneous, and commonly held.

[163] Summary of *Utilitarianism*, Chapter V. 62-69.

They do not originate in convention alone, and such feelings are possible in the public, as well as the private, realm.

Mill's conception of justice as consisting, first, in what he calls sentiment, and existing whether or not the law is there to support such sentiment, is important for global justice because international law, in the early twenty-first century, is still very much in development. The absence of viable enforcement of international law, in the case of human rights violations or capability deprivations, should not tempt us to name these violations anything other than severe injustices. For Mill, the fact that the sentiment or the feeling of injustice was present before the law did not subsequently lead him to skepticism about the validity of the sentiment itself. Rather, the presence of feelings of injustice, whether of inequality, impartiality, or just deserts, function as a directive for clearer laws with more enforcement. Under Mill's conception, when one feels that the environmental degradation and serious threats to people's health and wellbeing present in the GSUS is unjust, one does not have to appeal to the laws of a corrupt local government, or the non-existent laws of an as-yet-undeveloped international law, in order to make such claims.

3.12. Amartya Sen: Comparative Theories of Justice

The social contract tradition is not the only theory of justice at work, and it should not be the paradigmatic theory of justice at play in considering radical global inequality. This position is supported by Amartya Sen. In *The Idea of Justice*, Sen examines the long history of ideas of justice and concludes that, at least in the Western tradition, there are two very different approaches to justice: the 'transcendental institutionalism' of the contractarian tradition and the more realization-based understanding of the comparative

tradition. Sen is the first to place two opposing histories of justice in such sharp, and incisive, contrast. These two conceptions might also be described simply as ideal versus non-ideal theory, or thinking of justice as relating to the way to set up just institutions, antecedently, versus conceiving justice as a response to specific injustice, subsequently. However, this distinction between historical traditions, as Sen argues, goes much deeper than the contrast between ideal and non-ideal theory.

To explain this contrast in Western law and political philosophy, Sen compares the difference between the concepts of *niti* and *nyaya* in early Indian jurisprudence. Sen writes, "The former idea, that of *niti*, relates to organizational propriety as well as behavioral correctness, whereas the latter, *nyaya*, is concerned with what emerges and how, and in particular the lives that people are actually able to lead."[164] Sen compares these two traditions to the contractarian and the comparative theories of justice, respectively.[165] By the contractarian tradition, he means the distinct features of Rousseau and Hobbes: that justice would be conceived as ideal, or perfect, and that justice would be a matter of just arrangements of institutions and society. In the contractarian tradition, the current ideal is always contrasted with a former ideal—often the state of nature, often fictional—from which the contract rescues its subjects.[166] The guiding question of the contractarian tradition is: What would be perfectly just institutions?

Alternately, the comparative tradition asks instead: What kind of lives are people actually able to lead? How would justice be advanced? The comparative conception of

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[164] Sen, Amartya. *The Idea of Justice*. Cambridge, MA: Harvard UP. 2009. Xv.

[165] ibid., xvi.

[166] Sen notes that the representatives of this vision of justice are: Hobbes, Locke, Rousseau, Kant, Rawls, Dworkin, Gauthier, and Nozick

justice "concentrate[s] on behavior of actual people, rather than presuming compliance by all with ideal behavior."[167] That is, the comparative tradition has concerned itself with how people are fairing within an institution, or generally, how people are fairing, whether inside or outside any associative relation, regardless of institutional contract. Furthermore, there is understanding within this tradition that "the importance of human lives, experiences, and realizations cannot be supplanted by information about institutions that exist and rules that operate."[168]

Sen places his own *Capabilities Approach* squarely within the comparative tradition. The capabilities approach is concerned with the justness of institutions, qua institutional set-up, and the ideal of equality as such. But the capabilities approach, and the comparative tradition, is also concerned with institutional arrangements insofar as they influence the lives people are actually able to lead; not in the moment of consenting to some real or fictional contract, but in terms of the course and quality of their lifetimes.

3.13. A Consolidated Vision of Justice Appropriate to the GSUS

The claim that the GSUS are unjust rests upon a vision of justice gleaned from Aristotle's distributive justice. Such a vision is firmly in the camp of Mill's explanation of moral sentiment as the foundation for law, and can be best explained in terms of Sen's description of the comparative tradition of justice. First, as I have explained, Aristotle's notion of distributive justice does not depend upon an originary agreement or social contract between parties. A future-oriented distributive justice need not, then, depend

[167] ibid., 7

[168] ibid., 18, Sen notes that the representatives of this comparative tradition are: Wollstonecraft, Mill, Smith, Condorcet, Bentham, and Marx.

upon a pre-formed associative relation for its validity. This future potential that Aristotle instills into distributive justice is important for theories of global justice because one does not need to be a citizen of a particular country in order to demand justice.[169] It is also important that under Aristotle's conception of distributive justice, justice in general does not necessarily depend upon one's status as a citizen of a particular country *operating under the rule of law*.

In this line of thought, a vision of justice that is responsive to the GSUS is best conceived along with Mill, so that the feeling of moral indignation or outrage, that is, the sentiment of injustice, precedes the formation of laws that would address such a feeling. Further, this sentiment guides our very notions of justice, and just laws. The sentiment is significant whether or not one lives in a country that operates under the rule of law, or, for that matter, whether or not there exists international law that can adjudicate claims for non-citizens or claims between nations. Thus, if I live in extreme poverty in a country that does not have in its constitution security for basic human rights, my claims of justice are still wholly valid moral claims, regardless of whether international or domestic law has yet evolved to deal with my demands.

My claims of economic justice are *especially* claims of justice, in Mill's moral sense and Aristotle's conception of distributive justice. There is still a debate amongst rights theorists as to whether there are first order, or basic rights (like the rights Shue mentions, to subsistence and security), and then second order economic and civil rights.[170] Aristotle

[169] To note, the problem of moving from international legal claims to national ones, and further, to the claims of individuals within nation states, is a large and well-entrenched problem in discussions of international law. The degree to which documents like the Universal Declaration of Human Rights and the Geneva Conventions have legal influence within sovereign nation states is a continuing, often controversial, discussion in the International Criminal Court and the United Nations.

[170] Shue, p. 46-51

puts the matter in a rather revelatory light: Matters of undue, unearned, or harmfully unequal profit are the very paradigm for justice, or rather, injustice itself. Aristotle's insights into justice and its relation to profit are more germane for the purposes of global justice than, say, the social contract tradition. A possible upshot of a position like Aristotle's is that matters of exploitation that result in harmfully unequal gains in profit, which are the conditions that create and maintain the GSUS, are unjust whether or not there was an original contract between parties that puts them into associative relation. Furthermore, an Aristotelean conception could consider justice not as a function of allowing people to keep their property, but rather that justice is, first and most directly, a matter of re-distributing property that has been harmfully divided in the first place.

Finally, a vision of justice that is responsive to the GSUS is ultimately best drawn from the comparative tradition of justice that Sen explicates. There is a great deal to be gained from envisioning perfectly just international institutions, for example, setting the rules of an institution like the United Nations, and defining the procedures of agreement, the terms of cooperation, between state actors considered as individuals. That is not, however, my goal here. Rather, my aim is to ask what kind of lives people are living who reside in the GSUS, and on that basis form a provisional definition of justice that attends to the concerns of people living in these situations.

3.14. Responsibility for Justice

One final comment. The debates about global justice, ranging as they primarily have from questions of the rights and duties of rich westerners (excepting the capabilities approach), rest not only on a notion of justice inherited from the social contract tradition, but also on a notion of responsibility. Contractarians see responsibility as tied to guilt. If

one is responsible for harm, one has violated the contract in some way. Thus, for contractarians, responsibility is past-regarding and corrective. What one is responsible *for* is correcting the breach of contract and restoring the original conditions of that contract. If there was never any contract and never any 'associative relation', as Nagel terms it, then justice, in the stricter sense, would not apply, and neither would responsibility.

However, there is another notion of responsibility implicit in Aristotle's concept of distributive justice, which can be traced through Aristotle to, perhaps surprisingly, Hannah Arendt and, finally, to Iris Marion Young. Young's last, posthumously published work, *Responsibility for Justice*, is quite extraordinary on this point. Young reads Arendt's *Eichmann in Jerusalem*, as well as her essay on responsibility, and interprets a serious distinction between guilt and responsibility.[171]

During and after the Eichmann trials, Arendt famously disagreed with Jaspers on the matter of whether or not the German people could possess 'collective guilt.' Arendt believed that the concept of guilt applied only to individual deeds. Arendt held that calling everyone in a society guilty does not serve any purpose, but rather obfuscates the restoration that needs to happen in that society. "Where all are guilty," Arendt writes, "nobody is. Guilt, unlike responsibility, always singles out: it is strictly personal."[172] Further, "Where all are guilty, nobody in the last analysis can be judged."[173] For Arendt, it is a symptom of the excessive personalization of modern society that we mistake guilt for responsibility. Arendt holds, further, that parties like Eichmann, those who directly

[171] Arendt: *Eichmann in Jerusalem* (NY: Penguin. 2006) and essays on "Organized Guilt and Universal Responsibility", "Collective Responsibility", in *The Portable Hannah Arendt.* NY: Penguin, 2000.

[172] Arendt, "Collective Responsibility", 43

[173] Arendt, ibid.,

sent Jewish people to the death camps, are in fact more guilty than those who passively stood by and allowed others to carry out reprehensible deeds. Nevertheless, the lack of strict liability does not recuse the German people from all responsibility. There is, Arendt insists, an important difference between Eichmann and the rest of the German people. That difference is captured in the distinction between guilt and responsibility.

Guilt, according to Young , is past regarding, but responsibility can be future regarding. Guilt and responsibility are thus not equivalent. I quote Young at length:

> To summarize, guilt should be attributed to persons who commit crimes or wrongs, or directly contribute by their actions to crimes or wrongs. Being responsible, but not guilty, is a designation that belongs to persons whose active or passive support for governments, institutions, and practices enables culprits to commit crimes and wrongs. As I read it, this distinction is a matter not of degree, but of kind. Guilt can come in degrees. We might properly say that the person who plans the construction of a camp without charge is more guilty of a crime against international law than those who supervise the guards are. But both are guilty. Responsibility, as Arendt puts it, devolves onto people who haven't committed the wrongs, but who are nevertheless connected to them. In this sense I have a political responsibility in relation to activities at Guantanamo Bay and similar extralegal detention camps.[174]

This sense of responsibility, as opposed to guilt, is very important for considerations of global justice. Building on Arendt's initial insights, Young theorizes what responsibility might look like for global justice. She points out that there can exist structural injustice that has very little to do with people's intention. For instance, the business owner's intention might not be to decimate the rainforest. The intention of those running the IMF might not be to impose impossible debt structures on poor countries. The Nike consumer's intention might not be that Filipinos would work endless hours in sweatshops to create his sneakers. In short, there might not be, as in the definition of classical

[174] Young, Iris Marion. *Responsibility for Justice*. Oxford: Oxford UP, 2011. 92

racism, 'hatred in hearts and minds.' Nevertheless, it does not follow from the absence of intention that there be an absence of responsibility.

Young suggests a new, social connection model of responsibility. This model has little to do with liability in the strict legal sense, and thus has little to do with the corrective model of justice. Rather, "being responsible in relation to structural injustice means that one has an obligation to join with others who share that responsibility in order to transform the structural processes to make their outcome less unjust."[175] Instead of blaming, or urging people to defend themselves, the aim of the social connection model of responsibility is empowerment, specifically, political empowerment. Young means 'responsibility' in the way I mean the word when I say that, in my capacity as a teacher, I have a responsibility that my students learn. I have not done anything wrong, and my role as a teacher is not [for the most part] a punishment. Nevertheless, I have a responsibility to ensure a specific outcome. Indeed, I am empowered to ensure that outcome. Further, in the social connection model of responsibility, the responsibility is shared; it is not individual. This may be hard to imagine, as we in our individualistic, protestant-influenced American society perhaps do not imagine any responsibility can be, truly, shared. Most importantly, collective responsibility is, for Young, discharged only through collective, that is, political, action. Politics here means "public communicative engagement with others for the sake of organizing our relationships and coordinating our actions most justly."[176]

[175] Young, 96

[176] ibid,. 39

3.15. Conclusion

Global justice, especially considered through the lens of the GSUS, should not rely so heavily on the social contract tradition. Rather, in drawing its historical precedents from Aristotle's distributive justice and suspicion of profit, as well as Mill's notion of sentiment as undergirding the law, a theory of justice emerges which adds to the capabilities approach and human rights advocacy in significant ways. Further, this comparative vision of justice allows for a more empowering, and less resentful or reactive, idea of responsibility. Still although it may be clear what we are responsible for, namely the conditions of life in the GSUS, the questions of what exactly is wrong about those conditions and why we are responsible to those individuals who suffer from them, need further examination. Chapter IV will address the conditions of life in the GSUS in terms of the concept of alienation; Chapter V will end the dissertation with a discussion of ideas of human dignity that is a response to economic exploitation, alienation, and a future-regarding theory of justice.

CHAPTER IV

ALIENATION

"*Without money, each daily human need becomes a pain*." –John Berger[177]

"*The problem of suffering takes place and must be understood within the more expansive frame of "the problem of creating"*. – Elaine Scarry[178]

4.1. Overview

Given the situation of the Global South urban slums (GSUS), and especially women's position within them, one can intuitively sense that these slums fail to support human flourishing in very basic ways. In my experience, though, it is not always easy, at least for Westerners who have not themselves lived in the slums, to say what, exactly, is *unjust* about this condition. Thus far, I have given a partial vision of justice that allows for a response to the GSUS: a vision of justice based on a forward-looking, distributive model (Aristotle, Young), as opposed to a backward-regarding, contractarian model (Hume, Nagel), wherein claims of justice can be made based on sentiment even antecedent to the formation of correspondent law (Mill). Now, within this vision of justice, we need a way to talk about how the GSUS, specifically, are unjust. What kind of language would capture this condition, then, a language that gives traction to the basic experience of injustice?

The language of alienation and dignity captures this sense of injustice in some crucial ways. However, what we know of alienation and dignity, inherited from the

[177] John Berger, *Hold Everything Dear: Dispatches on Survival and Resistance*, Pantheon: NY. 2007. 48.

[178] Elaine Scarry. *The Body in Pain: The Making and Unmaking of the World.* New York and Oxford: Oxford UP. 1985. 277. (Henceforth referred to here as "*BP*")

Marxist and liberal traditions, respectively, must be expanded upon with regards to the specific problems of the GSUS, that is, problems of both urbanization and increasing poverty in the global south.

Hannah Arendt and Elaine Scarry posit alienation in terms of the 'loss of the world': the deprivation of durable material structures and lasting institutions that are the preconditions for political speech and action. When communities cannot devote their work to creating durable artifacts like infrastructure, houses, schools, and community centers, namely artifacts that evidence their dignity and transcend their own lives, people in the GSUS become alienated. The concept of alienation, as the loss of the world, is vital to understanding the injustice of global poverty in contemporary capitalism.

The language of alienation characterizes the conditions of life in the GSUS, because first, it provides a ground of critique as to why this situation is unjust, and not merely unfortunate or unequal. Second, the language of alienation evidences how the problem of poverty is one of a lack meaningful work, the kind of work that manifests people's creativity, uniqueness, dignity, and creates a livable world. Third, conceptualizing the matter of global poverty in terms of alienation offers a first- person perspective that is lacking in the third-person philosophical discourses of rights and obligations

4.2. A Definition of Alienation, in Light of the Urban Slums of the Global South

Alienation is a relational and humanistic concept, implying that people have become separated from what allows them to flourish, to be whole, or to live up to the possibilities of their humanity. Richard Schmitt writes that the central aspects of alienation are a deformation of personality, and a reduced ability to live one's own life

because of domination by accidental conditions.[179] In *The Future of Alienation*, Richard Schacht traces the concept of economic alienation to the Roman introduction of the institutions of ownership and exchange. Schacht writes that the Romans began using the Latin word "*alienatio*" to mean economic alienation, the action of transferring ownership from one party to another. Importantly, alienation originally meant the loss of ownership and property; this sense of alienation as lost property is important, we shall see later, in thinking about alienation under global poverty. Schacht posits that, since the Romans, the word alienation has had four basic senses: "1) different, foreign, other. 2) economic transfer 3) separation or estrangement from something other than oneself, to which one ideally should be united, 4) mental derangement or disorder."[180]

Historically, economic alienation occurs not merely when economic transfer happens, but when economic transfer causes separation between the person and something the person needs. Additionally, economic alienation is not merely a lack of control over one's assets, but it occurs when loss of economic control leads to loss of control over one's ability for self-determination. Alienation occurs when economic relations, or lack thereof, gain such a power that they over-determine other sorts of relation such as the personal, political, material, and spiritual relations of a person. Economic alienation happens when one's loss of economic autonomy leads to loss of spiritual and physical autonomy.

To put the matter in terms of a simple example, consider those who have recently lost their jobs. When they lose their income, they lose a certain degree of 'economic autonomy', the ability to choose where and how to spend their money in ways that fulfill

[179] Richard Schmitt, *Alienation and Freedom.* Boulder: Westview Press, 2003.

[180] Richard Schacht, *The Future of Alienation.* Urbana: University of Illinois Press., 1994.

both their physical needs, and their needs as creative persons. They also lose economic autonomy in losing the ability to decide how long they are going to work, and in what capacity. Their diminished wealth is now used solely to fulfill their basic needs, and so concerns like housing and food take on an importance that they previously did not hold. Furthermore, time cannot be spent for fulfilling other, more spiritual and social needs, like helping at children's schools or planting communal garden, because the new economic status mandates time spent searching for new jobs, and there are no longer the economic means to satisfy these other needs.

Consider, also, when banks foreclose upon people houses. Foreclosure is a stronger example of how the loss of economic autonomy leads to alienation. A person is separated from an economic asset, their house, but it is not in that separation, only, that they experience alienation. The problem is that the loss of their property mandates the loss of bargaining power in the market, a loss of respect as a worthy borrower. Thus, a separation from a material property or asset leads to a loss of self-determination within the broader social structure.

Alienation is neither purely material nor purely symbolic; it is a phenomenon in which there exist symbolic repercussions for material loss. The sense of alienation that enhances an understanding of the GSUS is both economic and political. As such, alienation is not and cannot be either disembodied or de-spiritualized experience. As we will see from Arendt and Scarry's interpretation of economic and political alienation, the condition has everything to do with the way our deepest spiritual and psychological needs express themselves, through the work of our bodies, to create a world. The sense of alienation relevant to the GSUS is this notion of unwanted privacy and forced isolation,

enforced by economic and political mechanisms, and overcome by public human creation and creativity.

For Marx, in the early parts the *Economic and Philosophic Manuscripts*, the *Critique of Hegel's Philosophy of Right,* and in his critique of religion in the *Theses on Feuerbach,* alienation is not an inevitable, transcendental force beyond human intervention or understanding. Rather, the condition of alienation is a product of contingent and mutable social relations.[181] Marx's vision of 'natural' human creativity, the antithesis of alienation, was to exist in and acknowledge human community and the extent of our material relations and connections within that community. Marx's theory of religion, and his critique of Hegel, show the ways in which some human suffering is a matter of human doing, and not an intractable essence, feeling, mood, power, or spirit beyond human control. To suffer under alienation is to suffer because human relations create material a reality that inhibits or abolishes full human potentials and capacities. For Marx, nowhere are the forces of perverse human social relations more evident than in capitalism, and one reason that capitalism perverts human relations is that it perverts human labor. For Marx, alienation occurs, partly because under capitalism, the structure of the system is not created by the worker and its mechanisms are outside of the control of the worker's creativity. Another way to say this is that alienation occurs for workers when they do not see the product of their work as an expression of themselves, their human powers, and their social relations. The end product of the alienated worker seems to have no relation whatsoever to the work done by that worker. As we see from *Capital*, because labor is an objectification of human power, the way to correct the *fetishization* of

[181] Marx, Karl.and Engals, Friedrich, *Gesamtausgabe* (MEGA), Berlin, 1975. Also, *Collected Works*, New York and London: International Publishers. 1975. And *Selected Works*, 2 Volumes, Moscow: Foreign Languages Publishing House, 1962

the commodity under capitalism, that is, the idolizing of the product made, instead of the work expended in making the product, is to create a system which, unlike capitalism, allows for workers to recognize themselves in their work, and have this recognition confirmed by others. In addition to the alienation of the worker from her or his work, Marx [famously] describes other types of alienation: the alienation of the productive activity of the worker, the alienation from our species being, the alienation from other human beings, and the alienation from nature.[182]

However, in considering the problem of the GSUS, we must expand on Marx's vision of alienation, beyond his diagnosis of the proletariat and the capitalist. Women living in the GSUS do all kinds of work, both productive and reproductive, and the singular model of the alienated worker, who is usually presumed to be male, laboring in industrial factories gets us only so far.[183] Nevertheless, the processes by which migrants and immigrants end up in GSUS looks remarkably similar to expropriation, and Marx's instincts on the relation between alienation and private property are still quite visionary. These 'instincts', as it were, can be expanded and applied to the current situation of late stage globalization, and Hannah Arendt and Elaine Scarry can help with such a task. Taken collectively, Arendt's and Scarry's readings of Marx offer a vision of alienation that can describe those conditions in the GSUS, which can point to the specific injustice of the GSUS. As noted, Arendt and Scarry both posit alienation in terms of the 'loss of

[182] Of course, my account here does not exhaust, by any measure, the history of the concept of alienation. Most notably absent in my account is George Lukacs's, as well as other critical theorists' theory of alienation. I do not include them here, because they were concerned primarily with diagnosis of bourgeois society. The alienation experienced under poverty has some of these features, but such a diagnosis is not my primary aim here.

[183] In chapter IV, I show how women, taken as the 'reserve army of labor' in the Marxist vein, are being appropriated into the ideology of neoliberalism in such a way that their human rights are seriously diminished. For the purposes of this chapter, let it suffice to be said that the old (male) proletariat model of *only* factory workers is outmoded.

the world', that is, the depravation of durable material structures and lasting institutions that are the preconditions for political speech and action. This sense of the 'loss of the world' gives us the most traction in understanding what it is that people suffer and fight against under global poverty.

4.3. Arendt as Critical Reader of Marx

The Human Condition is propelled by a concern for alienation. At the outset, Arendt explains that the singular, proclaimed purpose of the analysis is to historically trace back modern world alienation in order to understand the modern age.[184] Our age, driven by capitalism, is marked by the loss of the world in general, but this loss is especially acute for those living in poverty, that is, for those living on the underside of capitalism. The condition of the GSUS is one of world alienation, in the way that Arendt means the term, because the lack of material infrastructure preordains an unwanted isolation, and a logic of utility, which compromises a recognizable plurality amongst persons. Simply put, a slum is not a world.

Arendt's critique of capitalism is grounded in her reading of Marx, to be sure--- Marx is the fountainhead for Arendt's conception of alienation. However, the two visions of alienation are not identical; Arendt departs from Marx in important ways. "World alienation," Arendt writes, "and not self alienation as Marx thought, has been the hallmark of the modern age."[185] For Arendt, the machinations of modern capitalism effect not separation from oneself, from one's natural and essential condition, but rather a

[184] Arendt, Hannah. *The Human Condition*. Chicago: University of Chicago Press, 1958. 6. (Here on referred to as HC)

[185] ibid., 254

throwing back upon oneself into a state of unwanted privacy and isolation. Some aspects of capitalism, like totalitarianism, destroy a world and, in doing so, obfuscate a shared sense of community and a public realm, as well as a shared history. Bereft of a material, objective world, a person is left to her/himself, only. Furthermore, the destruction of the world under capitalism undermines the sense of each person as, unlike the commodities we make and use, absolutely unique and non-exchangeable. When people become alienated from a world, the so-called 'social' realm overtakes the possibilities for political participation, and people are left with mere contemplation in place of action, loneliness in place of solidarity, and introspection in place of speech. Without a world to support political action, people's visions of the possibilities for their lives become constricted to a series of social relations, by which Arendt means private interests that reduce people to laboring solely to support their private life, instead of working together to build a shared and lasting dwelling place.[186]

The public realm is the only arena in which people's plurality, qua individuals, and their uniqueness are recognizable. Without a public realm, supported by a material world, the logic of labor, which is to say the logic of utility, holds sway for all interactions, and the sense that people are not exchangeable for one another, the sense that each person has immeasurable value, is lost. Or, more precisely, this sense that each person is absolutely unique, and quite literally an unprecedented event on the planet, is never allowed to arise in the first place. Without a public realm, there is no space for people to show themselves. In the public realm, speech is "the disclosure of the "who" in

[186] By 'dwelling place', Arendt means both a literal place, in the sense of permanent structures, and a communal society.

contradistinction to "what" somebody is---his qualities, gifts, talents, and shortcomings, which he may display or hide---that is implicit in everything somebody says and does."[187]

For Arendt, we are alienated from the world when our suffering becomes an excessively personal experience that cannot be transformed into manifested, material structures and institutions, institutions that provide the conditions of the possibility for speech and action that distinguishes us in our plurality.

Marx diagnoses alienation as a problem primarily of labor, while Arendt diagnoses alienation as a problem of a lack of speech and action. Marx saw the activity of labor as both the problem and solution to alienation, as both the proletariat's misfortune and liberation. For Marx, laboring is the locus of the entire [alienated] condition. In the *Manuscripts*, Marx writes:

> The *devaluation* of the world of men is in direct proportion to the *increasing value* of the world of things. Labor produces not only commodities; it produces itself and the worker as a *commodity* – and this at the same rate at which it produces commodities in general. This fact expresses merely that the object which labor produces – labor's product – confronts it as *something alien*, as a *power independent* of the producer. The product of labor is labor which has been embodied in an object, which has become material: it is the *objectification* of labor. Labor's realization is its objectification. Under these economic conditions this realization of labor appears as *loss of realization* for the worker; objectification as *loss of the object and bondage to it;* appropriation as *estrangement*, as *alienation*. So much does the labor's realization appear as loss of realization that the worker loses realization to the point of starving to death. So much does objectification appear as loss of the object that the worker is robbed of the objects most necessary not only for his life but for his work."[188]

The problem of labor, for Marx, is that it can be objectified to such a degree that it is possible that the more people work, the less they have a world. Capitalism, in its separation of labor from property and land, produces an inverse relationship to the

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[187] ibid., 179

[188] Karl Marx. "Estranged Labor", *Economic and Philosophic Manuscripts of 1844*. www.marxists.org., xxii

amount of labor versus the workers' livelihood, even their very lives. However, diminishment of the world of things under the reign of labor is not a problem of *labor qua activity*, for Marx, but a problem of exploited labor under capitalism. Laboring can affirm humanity's species being, the connection we have with one another, the ability to act above instinct to create ourselves and to create our world. Marx continues:

> It is just in his work upon the objective world, therefore, that man really proves himself to be a *species-being*. This production is his active species-life. Through this production, nature appears as *his* work and his reality. The object of labor is, therefore, the *objectification of man's species-life*: for he duplicates himself not only, as in consciousness, intellectually, but also actively, in reality, and therefore he sees himself in a world that he has created. In tearing away from man the object of his production, therefore, estranged labor tears from him his *species-life*, his real objectivity as a member of the species and transforms his advantage over animals into the disadvantage that his inorganic body, nature, is taken from him."[189]

Thus, for Marx, labor that is not estranged, but rather, 'natural', has the potential to affirm our humanity and connect us with one another. One of the harms of alienated labor is that it forces us to consider ourselves mere individuated bodies, and embodiment as such becomes a problem for us, something to be overcome, rather than the means through which we affirm our creativity.

For Arendt, in contrast, in order to break free from living in a condition of isolation, people must be allowed to stop laboring, stop working, to rest their bodies and put down their tools, and speak and act as individuals in the public realm. Thus, she distinguishes labor from work, and work from speech and action. As Jennifer Ring explains, Arendt sees the modern glorification of labor as a symptom of the neglect of the objective world, whereas Marx places less importance on the content of the product---

[189] ibid., xxiv

what it is and what it does---and more emphasis on the relation of the product to the worker in the laboring activity.[190] That is, Marx cares about whether the worker can express him/herself in the work and whether he/she can see him/herself in the finished product.[15] Arendt is ostensibly more materialist than Marx; she cares about the product's function and how long it lasts, and to what extent it creates a world in which humans can engage in political activity. Yet Arendt's materialism is not reductive. The consequence of the creation of the world is to build a setting that allows for the disclosure, through speech and action, of people as absolutely unique and non-exchangeable subjects. Her materialism is, essentially, the precondition for her singular brand of humanism.

Arendt critiques Marx on the grounds that he glorifies labor to the extent that labor takes on an importance it should not hold. Indeed, the glorification of labor is a serious mistake, because such a misevaluation is symptomatic of alienation under modernity. She calls the over-valuation of labor as a symptom of alienation "the unnatural growth of the natural".[191] Labor, as activity, is natural to the human condition. For both Marx and Arendt, there is simply no getting around labor, the cyclical activities that keep humans alive. Labor is a necessity, and, moreover, it is meaningful. Yet, for Arendt, labor should not bleed over into other realms and activities, and it is not the arena for people to realize their uniqueness in speech and action, although it, along with work, are the conditions of the possibility for the public realm to emerge. However, under the

[190] Ring, Jennifer. "On Needing Both Marx and Arendt: Alienation and the Flight from Inwardness." *Political Theory*. 17 (1989): 432-448.

[191] *HC*, 47

world-alienation indicative of modernity, the activity of laboring has gained such importance that it has replaced the activities of the public realm. Arendt writes:

> In not other sphere of life do we appear to have attained such excellence as in the revolutionary transformation of laboring, and this to the point where the verbal significance of the word itself (which always had been connected with hardly bearable "toil and trouble," with effort and pain and, consequently, with a deformation of the human body, so that only extreme misery and poverty can be its source), has begun to lose its meaning for us.[192]

Arendt speaks of 'excellence' here, ironically. It is no accident that the meaning of labor has historically been connected to first, the exertion of the human body, and second, to childbirth. We moderns, alienated from the meaning of labor, fail to give the activity, in its difficulty, the respect it is due. The activity of laboring, when allowed to take over the entirety of a person's life, causes misery and suffering. Thus, it must be kept in check. Labor, for Arendt, keeps us alive but does not make us human, viz.:

> Without taking things out of nature's hands and consuming them, and without defending himself against the natural processes of growth and decay, the *animal laborans* could never survive. But without being at home in the midst of things who durability makes them fit for use and for erecting a world whose very permanence stands in direct contrast to life, this life would never be human.[193]

Labor has life-giving and life-sustaining consequences. But, as the cliché goes, man does not live by bread alone. Arendt's 'materialist humanism' (if one may call it that) characterizes the human being as a creative being, in the sense that there is an essential human need to create a home for herself, a world, that outlasts the vagrancies, the capricious fate, of 'mere life'. As labor is a testament to life, work is, in a sense, a

[192] ibid., 48

[193] ibid., 135

testament to death. That is, the world that work creates is an acknowledgment of the fact that humans, as opposed to gods, are the kind of beings who die. They are also the kind of beings who do not merely exist as individuals, in each monadic generation, but as an historical collective, and they thereby have a need to create and express themselves so that that their creations outlast their singular lifetimes.

Again, though, Arendt departs from Marx, first in making distinctions between labor, work, and action, where for Marx, action was bound up with laboring from the very beginning. For Marx, labor was, in fact, a political action. He had a vision of laborers working together in industrial factories, wherein their cooperative labor itself would create community and power. Arendt did not share this vision. For her, labor, whether cooperative or individual, is an isolating experience. In *The Human Condition*, labor and work are the conditions of the possibility of speech and action, but by no means coextensive activities. In fact, Arendt considers alienation to be the process by which one is deprived of political speech and action, precisely when conditions force a person *only* to labor or work. This is not to say that Arendt believes labor to be an unworthy activity for the human person. Labor has its proper place in human lives and, by drawing these distinctions, she only wishes to keep that place limited, and not to abolish or devalue it. In her own account of the rise of industrial capitalism, labor in and of itself is not a liberating activity because if one's life is consumed wholly and fully in labor, one is alienated from the cares of building a world and gaining a political voice. The industrial revolution generated, for the first time, "the new laboring class, which literally lived from hand to mouth, stood not only directly under the compelling urgency of life's necessity but was at the same time alienated from all cares and worries which did not immediately

follow from the life process itself."[194] In other words, in the modern era, life *qua* survival takes on an importance that it, in more human eras, should not possess. Indeed, people should be allowed to 'care for other things', a world, things that attest to our humanity but are not merely for the purposes of survival. For Arendt, alienation is not strictly an alteration of basic personality such that one is separated from oneself. It is a loss of the world. Such a world is made by the extension of ourselves not only as laborers, (*animal laborans*) but as workers (*homo faber*).

4.4. The Importance of a World

Arendt characterized modern life in terms of 'world-alienation' and 'earth alienation.' Living in modernity involves a divorce from both the cyclical processes of nature, earth, and the trans-temporal constructions. These 'trans-temporal remnants' are the literal buildings that make a world for people to inhabit which, barring a natural disaster, do not perish with a single generation, but entail security and a history.

A world, for Arendt, is a home that supports human activities and the emergence of essential human characteristics. It is a place for humans to distinguish themselves from nature and from one another, and so also a space for speech and action; a world is where these political events are made meaningful by common remembrance, history, and shared stories. The world, Arendt writes, is

> [not] identical with the earth or with nature, as the limited space for movement of men and the general condition of organic life. It is related, rather, to the human artifact, the fabrication of human hands, as well as to

[194]HC, 255

affairs which go on among those who inhabit the man-made world together."[195]

We create the world and enter into it by first erecting durable material structures, lasting institutions, and cities. Once belonging to this world, we find ourselves both insulated from the vagrancies of nature and bound in relation to each other in specific, limited ways. The human-made world shields us from the natural circularity of time. We preserve for ourselves a rectilinear sense of time by breaking from nature's circularity, and engendering in these conservative acts the possibility of human natality and spontaneity, where new things can appear and disappear within our common space. Living and dwelling in a world enables us to reveal ourselves as absolutely unique beings, and these revelations mark time neither as eternal recurrence nor plodding progress. Rather, time becomes characterized by new, unexpected beginnings. We maintain our properly human rectilinear time by building more permanent dwellings--- to share the space of the world and to transcend the life span of individuals---and in so doing we create a history. The persisting structural and material reality is the precondition for a political space of appearance, where speech and action are made possible, and where it becomes very clear than one person is not equivalent to another.

Arendt writes, "To live together in the world means essentially that a world of things is between those who have it in common, as a table is located between those who sit around it; the world, like every-in-between, relates and separates men at the same time."[196] This sense that the world unites people while at the same moment distinguishes them is important. In a setting of durable material structures, people bind together in

[195] ibid., 52

[196] ibid., 52

community, and also set themselves apart as individuals, by which Arendt means they reveal themselves in their plurality, and not their sameness. Moreover, people are not, like the made world itself, subject to the logic of utility. Given the precondition of a world in which to relate, people are not considered, and indeed do not consider themselves, as means to someone else's, or some other things', end. In their plurality and their uniqueness, people themselves are the very loci of value to which the preposition of the 'for which' are applied. Furthermore, the existence of a world makes possible the desired situation, unlike that of market laborers, that the value of one person cannot be exchanged for the value of another.

Arendt writes that people construct a world in an effort to face their mortality. "If the world is to contain a public space, it cannot be erected for one generation and planned for the living only; it must transcend the life-span of mortal men."[197] This idea, is, of course, Greek in origin, coming from a time when the Ancients believed they, as humans, were incomparably marked as the sole mortals in the universe, a cosmos filled with immortal gods and nature. The problem, for the Greeks, was centered on reconciling the relationship between the mortals and the Gods. Nevertheless, the problem of mortality, or rather the need to transcend it in some way, remains with us today in the modern world. Striving for immortality is not vanity, but something essential to human need. "The task and potential greatness of mortals," she writes, "lie in their ability to produce things-works and deeds and words- which would deserve to be and, at least to a degree,

[197] ibid, 55

are at home in everlastingness, so that through them mortals could find their place in a cosmos where everything is immortal but themselves."[198]

Arendt's account of the need of humans to create something, through work, which is both an expression of ourselves and transcends ourselves, has significant crossover in parts of twentieth and twenty-first century psychology. Psychologists often speak of the need for *generativity*, to leave something behind of oneself.[199] Generativity here does not mean merely leaving a legacy behind to one's own children. Rather, one can take generativity to mean that one must leave a common world to a common public. This need to leave something behind of ourselves evidences, first, the need to show something of ourselves in the public realm, which expresses our absolute uniqueness and irreplaceability. "If the world is to contain a public space, it cannot be erected for one generation and planned for the living only; it must transcend the lifespan of mortal men."[200] Interestingly, (and although she does not term it as such) Arendt writes that the very denial of generativity is what marks slavery in the ancient world. " [The] curse of slavery consisted not only in being deprived of freedom and of visibility, but also in the fear of these obscure people themselves. That from being obscure, they should pass away leaving no trace that they have existed."[201]

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[198] ibid., 19

[199] See, for example, Browning, D. "An Ethical Analysis of Erikson's Concept of Generativity". In *The generative society: Caring for future generations*. Washington, DC: American Psychological Association, 2004.

[200] HC, 55

[201] HC, 55

Similarly, sociologist Orlando Patterson has claimed that the one experience common to all forms of slavery in history was a marked sense of social death.[202] Patterson's conception of social death involves much more than a dearth of generativity, extending to the denial of personhood to the slave in the form of an utter lack of social recognition. In a sense, Arendt's perspective on slavery is similar to Patterson's, except, for Arendt, social death meant not just obscurity in this life, but in death as well. But, to continue with Arendt's analysis, here, in order to create a polis and so to face one's mortality, there must first be a world. Without a polis, a place from which to speak and act, we suffer from obscurity. The polis is a guarantee against the futility of individual life, and a way out of isolation. Such a path out of isolation fulfills an essential human need to leave something behind of ourselves when we perish.[203]

People living in globalized poverty are suffering from unwanted isolation, and the lack of capability to create a world, and to leave their creation behind. However, to claim that the lives of people who live in the slums are constrained, most often, by too much labor and not enough work, is not to claim that they are *socially* alienated. Drawing on Arendt's account of alienation, it must be stressed that their political and economic alienation, when it occurs, comes as a consequence of their alienation from work that allows them to build a world.

Before resident Debora Swistun co-wrote *Flammable*: *Environmental Suffering in an Argentine Shantytown*, she composed a letter to a local socially-progressive radio disk

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[202] Patterson, Orlando. *Slavery and Social Death.* Cambridge: Harvard UP, 1982.

[203] Much more must be said on the matter of slavery's relation—its structural similarity—to poverty such that slavery, and imprisonment, can be theorized as touchstones to understanding poverty. Chapter III speaks to the matter explicitly, and at length.

jockey, on the matter of the conditions of her neighborhood. The letter was entitled: "Does anyone care if I survive?" Swistun wrote:

> *I live in Flammable Shantytown. Does that name ring a bell? During the Alfonsin presidency, we survived the explosion of the Perito Moreno, an oil ship, which made us abandon our homes for fifteen days without anybody's help. A couple of years ago, a coke coal processing plant began to operate in the neighborhood. People all over the world have opposed it but our "generous" country agreed to it. Oil tanks, grease, gases, all sorts of fuels, and all kinds of pollutants, a hazardous waste incinerator, a landfill, and close to thirty plants. You might be asking whether this paradise where I eat, sleep, and breathe, and try to make progress is located in some remote location, far from civilization. My answer: I see it every day, I breath it, I carry it inside of me.* [204]

Swistun's letter questions whether her neighborhood, a place marked by severe environmental degradation and continual efforts at expropriation, is 'far from civilization', separated from the world of adequate houses, schools, churches, in other words, the centers of the cities. She answers that if there is a separation, she 'carries it inside of her'. She is not alienated from an awareness of her conditions, their unfairness she knows these all too well. She has not become inured to sub-standard living conditions such that she no longer objects to them. Rather, she, and her neighbors are alienated from a collective political voice, and a viable world that would allow for their political influence.

Ayero and Swistun conclude their work by positing that the specific suffering of the people in the Flammable slum is a kind of social suffering, marked by alienation. Swistun passionately rejects the kind of 'social death' to which she feels the residents of Flammable have been subject, along with the neighborhood's continued expropriation and exploitation of its resources. Swistun and Ayero conclude that the specific injustice

[204] ibid., 118

of Flammable is that its resident's do not have control over their own livelihoods. They write:

> [R]esidents in Flammable are condemned to live in a time oriented *to and by* others. In interesting and unexpected ways, then, the world of Tiresias finds parallels in the lives of contemporary shantytown dwellers who, like the Greek seer, are forced to become "mere onlookers." Destitute and poisoned Tiresias of the shanty world are living in a times dictated by others, an alienated time, obliged, as Pierre Bourdieu so eloquently puts it, "To wait for everything to come from others." [205]
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> . . . [O]ne thing is clear: residents placed all their hopes in what the government, the companies, or lawyers and judges will do on their behalf, not on what they can jointly achieve (significantly, many of the meetings we attended ended with neighbors agreeing to request a meeting with the mayor, Shell personnel, or the secretary of public works). Collective action of the contentious kind was never raised as possibility when news concerning court rulings and rumors about impending relocation plans were running rampant. As defiant Maria del Carmen and many others at the local improvement association seem to be, they see others, not themselves, as the engines of change. Theirs is a hopeful submission to both degraded living conditions and to the actions of others. [206]

The Arendtian framework of alienation as a loss of speech and action on the basis of the loss of a world helps us understand the condition of the residents of Flammable and other GSUS. It shows us that the economic and political alienation that GSUS residents experience has a material basis: it stems from a lack of a world. Having a world means, first, having the capacity to work to build that world.

In order to understand, then, what it means to have the capacity of labor replace the capacity of work, we should understand first Arendt's distinction between work and labor. The *homo faber*, the worker, is the capacity of a person to construct artifice that possesses durability. The *homo faber* is the 'work of our hands' that 'works upon', rather than the *animal laborans,* the labor of our bodies that "mixes with'. Of course, the hand/

[205] ibid., 129

[206] ibid., 134

body distinction is metaphorical: the work of our hands, like the work of holding a child or putting together television parts on an assembly line, is the labor of our bodies. Arendt means 'the work of our hands' in a specific sense: the work extends outwards from ourselves to create something durable, that does not correspond to same timeline as the bodily cycle of growth and decay, and is an expression of ourselves as unique beings. The 'labor of our bodies' corresponds to labor that is needed to fulfill the cyclical, metabolic processes; it must be done over and over again, and its products are temporary. Arendt writes that the human artifice which *homo faber* produces,

> [A}re mostly, but not exclusively objects for use and they possess the durability Locke needed for the establishment of property, the "value" Adam Smith needed for the exchange market, they bear testimony to productivity, which Marx believed to be the test of human nature. Their proper use does not cause them to disappear and they give the human artifice the stability and solidity without which it could not be relied upon to house the unstable and mortal creature which is man."[207]

The loss of the political space, voice, speech, and action manifests itself, in part, as a severe deprivation of human artifice and infrastructure. This worldlessness is felt as a loneliness, forced retreat inward, a retreat to contemplation. Arendt diagnoses the source of this loneliness as the infringement of social activities onto the public and private realms.

It important to remember here that Arendt means a world deprived in a very real, economic and political sense, that is, the loss of private property. In defining the loss of the world, she writes: "The greatest threat here . . . is not the abolition of private ownership of wealth but the abolition of private property in the sense of a tangible,

[207] HC, 136

worldly place of one's own."[208] A world is lost, for Arendt, not when capital accumulation is lost, exactly, but when one loses a protective place of one's own from which one can be shielded from the vagrancies of nature. Arendt diagnoses the origins of capitalism, as does Marx, with expropriation of property and the enclosure movement. By expropriation, Arendt means the "deprivation for certain groups of their place in the world and their naked exposure to the exigencies of life."[209] Expropriation was always, and remains, a matter of the poor being cast from their place in the world. Arendt explains:

> The first stage of this alienation was marked by its cruelty, the misery and material wretchedness it meant for steadily increasing numbers of "laboring poor," whom expropriation deprived of the twofold protection of family and property, that is, of a family-owned private share in the world, which until the modern age had housed the individual life process and the laboring activity subject to its necessities.[210]

The process of the expanding GSUS is also a process of expropriation, caused by the machinations of global capitalism. As discussed, for both Arendt and Marx, the rise of capitalism stands, in a causal relationship to alienation. But for Arendt, and not for Marx, capitalism has caused humankind to be thrown not into the ever-moving and ever-changing flow of commodity, but rather back onto themselves in what Max Weber has termed an 'innerworldly asceticism.' Again: "World alienation, and not self-alienation as Marx thought, has been the hallmark of the modern age."[211]

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[208] ibid, 70

[209] ibid, 254-255

[210] ibid, 256

[211] ibid, 254

The condition of 'innerworldly asceticism' is true across the spectrum of wealthy and poor alike. However, in richer parts of the world, capitalism causes alienation from one another, and the accumulation of wealth has different, and specific, consequences in the poor areas of the world. That is, the accumulation of capital in the Global North causes, not the loss of relationship between people, but the loss of private places of ownership that are the preconditions for the possibility of a public realm to appear at all in the Global South.

One might note that there is both a privative and a non-privative sense of privacy at work here. There is a paradoxical movement in the process of alienation: people are forced into unwanted privacy when their privacy, in the sense of private property-as-place in the world, is lost. When labor takes the place of work, the body takes the place of a world, and we are thrown inward upon ourselves, we are 'too far in' our bodies, there is no outlet for our needs, imaginings, expressions, our uniqueness, and our dignity.

Thus far, I have shown how poverty deprives a person of a world, but I have not made clear, yet, how the deprivation of the world is truly a harm, and the kind of harm that is an injustice. Of course, as we see in *Flammable*, the deprivation of a world, in degrees, can effect the deprivation of public speech and political empowerment. The essential point, here, is that such a relationship between speech and action on the one hand, and the world or lack thereof on the other, is no accident. Alienation is a harm because it is painful. Further, alienation as the loss of the world prevents people from transforming their pain into shared reality. The ability to transform one's pain, one's private contemplation and emotion into shared and public reality is an essential human need. The transformation of the private into the public is, at heart, a matter of

appearance, of the necessity of being seen and heard by others. It is not good to carry all emotion and evidence of activity within the space of our bodies. In an individual sense, one can accomplish this externalization by way of art and music, for example, but in a collective sense—and in the sense that communities need to become politically powerful-- this externalization is manifested in the creation of a public world. The privative, merely contemplative, stance is what the modern world forces upon people, according to Arendt, a central thesis of this dissertation is that the GSUS is a specific instance of that 'forcing' in our own time..

Very simply, we need a world and the experience of the lack of a world has a psychological structure similar to pain. Arendt explains:

> The presence of others who see what we see and hear what we hear assures us of the reality of the world and ourselves, and while the intimacy of a fully developed private life, such as had never been known before the rise of the modern age and the concomitant decline of the public realm, will always greatly intensify and enrich the whole scale of subjective emotions and private feelings, this intensification will always come to pass at the expense of the assurance of the reality of the world and men. Indeed, the most intense feeling we know of, intense to the point of blotting out all other experiences, namely, the experience of great bodily pain, is at the same time the most private and least communicable of all. Not only is it perhaps the only experience which we are unable to transform into a shape fit for public appearance, it actually deprives us of our feeling for reality to such an extent that we can forget it more quickly and easily than anything else. There seems to be no bridge from the most radical subjectivity, in which I am no longer "recognizable," to the outer world of life. Pain, in other words, truly a borderline experience between life as "being among men" (*inter homines esse*) and death, is so subjective and removed from the world of things and men that it cannot assume an appearance at all.[212]

The experience of pain is both a paradigm for worldlessness, and perhaps more surprisingly, an effect of worldlessness, the specific harm of wordlessness. Crucially, the

[212] ibid, 50-51

manner in which pain is attenuated is by making an appearing in the world, transforming its location from the body to the visible public realm. This is the manner in which alienation, also, is attenuated. Of course, there are many other immeasurably serious and more obvious harms from losses experienced by people who live in the GSUS: of clean water, a sustainable source of food, hygienic living conditions a non-toxic environment, and basic shelter, all of which losses or lacks are evidenced in physical pain. But the cumulative effects of these harms to the whole person, or, if you like, to the soul, is one of alienation. We lessen our alienation when we are able to work, and not just labor, that is, when we are able to make manifest our pain in a public, shared sense, so that we individuals are not carrying the entire burden of suffering on our own backs and in our own bodies:

> We have seen that the *animal labrorans* could be redeemed from its predicament of imprisonment in the ever-recurring cycle of the life process, of being forever subject to the necessity of labor and consumption, only through the mobilization of another human capacity, the capacity for making, fabricating, and producing of *homo faber*, who as a toolmaker not only eases the pain and trouble of laboring but also erects a world of durability. *The redemption of life, which is sustained by labor, is worldliness, which is sustained by fabrication*.[213]

4.5. Elaine Scarry on the Making of the World

The thought that work and creation is a response to the suffering caused by labor is not unique to Arendt. Elaine Scarry emphasizes the importance of activity, of fabrication, for the making of the world, as well. For Scarry, the making of the world is a response to sentience, in terms of physical pain occasioned by labor, and the unwanted isolation physical pain consequences. "The problem of suffering", Scarry writes, "takes

[213] ibid., 236, italics my own

place and must be understood within the more expansive frame of the "problem of creating".[214] Scarry's account of alienation in *The Body in Pain* is, on the whole, surprisingly concurrent with Arendt's.

Arendt and Scarry, both readers of Marx, are concerned with the faculty of making, the work made, and the degree to which the significance that is attached to both the *energia* of work and its *ergon* are lost in contemporary thought. Scarry comments that "Marx is in the United States so often narrowly perceived in his capacity as critic of western economic structures that it is sometimes forgotten that he is our major philosopher on the nature of material objects."[215] Taken together, Scarry's and Arendt's account of 'making the world' add to our understanding of the specific injustice of global poverty. Given the scale and specific problems that the GSUS in terms of a lack of work and an overabundance of labor, especially labor done by women, Marx's 19th century discourse needs to be expanded to account for this historical shift. Arendt and Scarry help in this endeavor. Indeed, Scarry describes making as "*the most morally resonant of acts* (as now in the late twentieth century theories of distributive justice identify as the most urgent locus of ethical action "making" and "distributing what is made)."[216]

Scarry confirms the relationship between the loss of the world and human alienation through a different historical precedent, though, then Arendt. Her starting point is not the Greeks, as was Arendt's, but the Hebrew scriptures. The scriptures are, Scarry writes, "a monumental description of the nature of artifice."[217] She claims that the

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[214] *BP*, 277

[215] ibid., 179

[216] ibid., 222

[217] ibid., 181

problems of belief, as encountered by the Israelites in the Judeo-Christian scriptures, become the problems of industrialization in the 19th century. For Scarry, forced contemplation, a belief that isolates, is a belief that comes both as a response to pain (a belief in God can be a response to the urgent question of 'why do I suffer?') and a cause of further pain, insofar as sentience is unutterable and so unable to be shared. Simply believing, with no material object that confirms or transforms that belief does not fulfill the human need that (as Aristotle wrote of the purpose of Greek tragedy), people experience suffering together and realize they are not alone in their trials. The construction of first, artifacts, and later, civilizations, become a way of suffering-with. Further, pain is attenuated by the very activity of work, vis-à-vis the externalization of one's imagination (belief) in the material world. In transforming the unutterable into a shared and sensibly-experienced world, pain and loneliness are thereby attenuated, made bearable, and given meaning. When there is no outlet for people's pain and imagination in work that constructs lasting edifices, people become alienated. Marx's vision of creativity, which Scarry posits as an inheritor of the Judeo-Christian problem, shares important characteristics with life in the global slums: the transience of less-than-durable structures in which to dwell, and the lack of a political body and public realm strong enough to counter degradation that private interests of the transnational economy bring.

Perhaps surprisingly, both Arendt's and Scarry's accounts of alienation begin with a description of physical pain. Arendt explains that physical pain, occasioned by laboring, effects an unwanted privacy. This isolation is a very essentially human problem that must be solved. Arendt writes

> Indeed, the most intense feeling we know of, intense to the point of blotting out all other experiences, namely the experience of great bodily pain, is at the same time the most private and least communicable of all. Not only is it perhaps the only experience which we are unable to transform into a shape fit for public appearance, it actually deprives us of our feeling for reality to such an extent that we can forget it more quickly and easily than anything else. There seems to be no bridge from the most radical subjectivity, in which I am no longer "recognizable", to the outer world of life. Pain, in other words, truly a borderline experience between life as "being among men" (*inter homines esse)* and death, is so subjective and removed from the world of things and men that it cannot assume an appearance at all.[218]

If the speech and action of the public realm are the ways in which people make their appearance, in their plurality and identity, the absolute antithesis of these modes of appearance is physical pain. Further, for Arendt, the physical pain associated with labor is subjective to the degree that it isolates, rather than connects us with others.

Similarly, Scarry writes:

> It is intense pain that destroys a person's self and world, a destruction experienced spatially as either the contraction of the universe down to the immediate vicinity of the body or as the body swelling to fill the entire universe. Intense pain is also language-destroying: as the content of one's world disintegrates, so the content of one's language disintegrates; as the self disintegrates, so that which would express and project the self is robbed of its source and its subject.[219]

As humans, for Scarry, we need to express and project ourselves. We need to "turn ourselves inside out", transform privately suffered sentience into shared artifacts, and further, civilizations that have material consequences in the external world. Otherwise, embodiment becomes a problem for us and the boundary between our subjectivities and external objects becomes blurred. When a society is alienated, people are taken for objects, and objects acquire the values of persons. Thus, according to Scarry:

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[218] *HC*, 50-51

[219] *BP,* 35

> This dissolution of the boundary between inside and outside gives rise to a fourth aspect of the felt experience of physical pain, an almost obscene conflation of private and public. It brings with it all the solitude of absolute privacy with none of its safety, all the self-exposure of the utterly public with none of its possibility for camaraderie or shared experience.[220]

Intense physical pain 'unmakes' the world, for Scarry. It deconstructs the careful webs that connect a person's inner world to external referents. Physical suffering defies and destroys external expression in the world, imposes an undesirable privacy upon its subject, and undermines the world by virtue of its lack of external referent, lack of object. For the person in serious pain, the world of external artifacts and objects constrict to include only the unutterable, inward state of the body. The making of artifacts, the making of the world, is an attempt to give voice to that pain, and a pain which at first came on the scene as unutterable. In transforming the unutterable into a shared world, pain and loneliness are attenuated, made bearable, and given meaning.

To clarify this matter for present purposes, the structure of Scarry's argument relating to the problem of work in the GSUS, is a follows:

1) Physical pain, an essential condition of humanity and human labor, has no object, in terms of language or external referent; it is experienced as isolating and privative.
2) To attenuate this pain, to give it meaning, and to fulfill our species being, people first imagine, then create civilization-as-artifact, through work.
3) The product of work, the artifact, functions as a response to the problem of suffering, wherein we 'turn ourselves inside out'. The isolating element of suffering diminishes when we can attend to the shape of the pain, express it, and diffuse it in the public realm.
4) We are alienated when, under capitalism, we are prevented bring this process of pain-imagination-artifact- sentience shared to fruition.
5) This alienation is an injustice.

[220] ibid., 53

While the condition of post-industrial poverty only sometimes includes acute physical pain, Scarry connects the broader condition of alienation under capitalism to the same symptoms of constriction of a world and subsequent assumption of painful private contemplation. On Scarry's reading of Marx, this alienation occurs when human imagination has no outlet. Pain and imagination are 'two sides of the same coin', so to speak, of the structure of material making. "While pain is a state remarkable for being wholly without objects, the imagination is remarkable for being a state that is wholly its objects."[221] Physical pain radically divorces us from our connection with the world and shrinks the tentacles of our attachments to the small province of our bodies only. Imagination, on the other hand, expands our subjectivities to such a degree that, in imagining, we experience *ectasis*, a radical stepping-outside, and sometimes a losing, of ourselves. We can never just 'imagine', without imagining something. When I stop laboring from my day-to-day tasks and look up and 'imagine' the future, the content of my thought is never pure form without content. I imagine cities, bridges, students, shelves of books. The imagination is always attached to something, some referent.

Scarry writes "That pain and imagination are each other's missing intentional counterpart, and that they together provide a framing identity of man-as-creator . . . is perhaps most succinctly suggested by the fact that there is one piece of language used---in so many different languages---at once as near synonym for the created object: and that is the word "work". . . [it] express[es] man's expansive possibility, the movement out into the world that is the opposite of pain's contractive potential."[222] The word 'work' is,

[221] ibid., 162

[222] ibid., 169

of course, both a verb and a noun. It both hurts to work and, by working, we diminish hurt, and so the word can carry connotations of pain with it, and also imaginative efforts to reduce pain. We also take 'work' to mean cultural artifacts like poems, paintings, or buildings. (We see this same distinction in Aristotle's *Nicomachean Ethics*, in the difference between a person's ways of being-at-work, *energia*, and the enduring artifact that evidences this activity, the *ergon*.[223]) Thus, humans work to make works, and, in doing so, for Scarry, they 'turn themselves out' and therefore externalize their pain and suffering. The shareable artifacts (which include human language) are the link between the meaning of the word work as pain and the meaning of work as imagination, creation, an effort to diminish pain. The artifact as product of human labor is the bridge between pain and imagination.

Scarry terms the collectivity of artifacts 'civilization'. By 'civilization', she means a world, rich in literal things that bear the mark of the work done to create them. She writes:

> The human imagination has its collective expression in civilization: it is the thing created. But this created thing contains within itself the process of its own creation, the system of production and reproduction by which it comes into being, sustains and perpetuates itself. It is civilization conceived in this way --- not as a stable and completed object to be externally assessed in its freestanding activity but as something that seems at once interior to that thing, the process residing within it that brings it about, and yet exterior to that thing, the vast artifact in which all other artifacts (pitchers, plates, cities, and systems, all objects collectively designated "civilization") are made and modified- that is Marx's subject.[224]

[223] Aristotle, *Nicomachean Ethics*. Joe Sachs, trans. Newburyport, MA: Focus Publishing, 2002.

[224] *BP*, 244

Further, she clarifies, "In civilization, as in the early altars of a religious culture, the body is turned inside-out and made sharable."[225]

'Turning ourselves inside out' relieves the burden of our sentience, because it gives suffering meaning. We cannot make meaning in isolation: the process of making meaning is a communal process, and it is not divorced from our material reality. We create artifacts by being attentive to our suffering, then expressing and transforming it into a world where others can see it. "It is through this movement out into the world that the extreme privacy of the occurrence (both pain and imagining are invisible to anyone outside the boundaries of the person's body) begins to be shareable, that sentience becomes social and thus acquires its distinctly human form."[226] This process of creation manifests our dignity as human beings.

Scarry also graphically illustrates the process of creation, expression, and shared sentience:

person ----------→ object (projection of the human body)
(sentience ←----------
remade)

Capitalism subverts the so-called 'proper', 'natural', or adequate response to the problem of suffering. Thus, Scarry describes Marx's project as giving an account of "the collapse of making into unmaking" under the conditions of capitalism.[227] Marx and Scarry both have a vision of human nature as creative, and as such, the essential injustice of capitalism is that it undermines people's creative potential. Scarry writes:

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[225] ibid., 252

[226] ibid., 170

[227] ibid., 243

> Because Marx understands men's and women's fundamental human identity to reside in their existence as "creators,", "imaginers," and "makers," the social system that departs from this ground is uncreative, anti-imaginative, destructive, a deconstruction of making. This deconstruction has as its most immediate evident and outcome the widespread physical suffering of the industrial population, and Marx reacts to the deconstruction with . . . the metaphysical incredulity of a good craftsman looking at a bad piece of work.[228]

What the making does, capitalism 'undoes', in a similar sense to the way in which pain 'undoes', deconstructs, the world. Making is a contingent process, and the works made are not static things whose use and meaning are shared equally, by everyone. Capitalism undercuts the potential of making and creating to attest to and affirm people's dignity. Under capitalism, some share in the benefits of work and the work made more than others, and this inequality is an injustice. Again, Scarry on Marx:

> Marx's frequent and sometimes tonally bitter reminders almost always take the form of, "These people have *x* and these people have *y*," This form, thought intended to signal a fundamental dislocation in the nature of making, sometimes seems . . . . to have become vulnerable to being misunderstood or misheard as merely a petulant point at a difference that, though perhaps recognizable as "unfair" or "unjust," is too easily restatable as "to bad", a shame. But for Marx it entails a serious dislocation in the species itself, for it announces that the original relation between sentience and self-extension (between hurting and imagining, between body and voice, or body and artifice) has been split apart and the two locations of the self have begun to work against one another. *The problem of economic distribution . . . is the problem of distributing the power of artifacts to remake sentience*.[229]

Scarry's purpose in the second half of *The Body and Pain* is to describe how the problem of belief manifested itself in the religious works of the Old Testament, but the problems of religion---the relation of the artifact to imagination and suffering---have not

[228] ibid., 258

[229] ibid., 263, italics my own

suddenly disappeared in a secular culture. The problems of the belief, as encountered by the Israelites in the Old Testament, become the problems of industrialization in the 19th century. Scarry claims that Marx's *Capital* and the Hebraic texts are engaged in the same task: to "break open the sensuous object (now a table, now a wall of bricks, now a bolt of lace) and find located in the interior structure of each our bodies and our gods."[20] The connection Scarry makes here is similar to Feurbach's thesis: the alienation that occurs in the fact of the distance and power differential between humans and God in the Old Testament gets played out again in the distance and power differential between humans and other humans in capitalism, so much so that it effects the very grounding of people's understanding of themselves and each other. Scarry points out that Marx has diagnosed the problem of capitalism by inverting Hegel's doctrine. Instead of making [or remaking] oneself by making the world, the 'industrialized person' creates the world, quite dysfunctionally, by wounding himself.

Scarry shows how much we need a world, as externalizations of ourselves and as relief from unutterable inwardness. The reason alienation is an unjust condition, and not just an unfortunate one, is that it deprives people of a world, in Arendt's sense, a place to distinguish themselves, where one human life is equal but not equivalent to another.

4.6. Alienation as Critical to Theorizing Global Poverty

The inequality between the global south and the global north is an inequality of worlds, and of the ability to make the worlds. The cities of the global North —London, New York, Berlin, Hong Kong—are improving precisely because the cities of the global south—Lagos, Guayaquil, Calcutta--- are expanding beyond their boundaries. Or rather, the gain of private property in the North is associated with the expropriation of property

and assets in the South. The inequality people experience in the GSUS is not merely unfortunate, but unjust. Inequality can be harmless, in the sense of certain hierarchies, like that between teacher and student, or even certain discrepancies in income or wealth, but the inequality of the GSUS is a different sort. The inequality is unjust because the alienation it engenders is harmful to some people; it causes suffering that prevents some people from flourishing, in the sense of manifesting their dignity. There are four aspects of the general wrongfulness of global poverty, which each merits separate critical focus—that it is unnatural, unjust, a problem with work, and a disturbance of human relations---which I now provide, briefly.

1) Global Poverty's Inequity is not 'Natural'

It is important to name alienation as a critical basis of the injustice of global poverty in general, and the conditions of people living in the GSUS, specifically, because doing so draws attention to the fact that this kind of poverty is neither natural, nor inevitable, nor ahistorical. In the way that slavery was construed as a necessary evil in the antebellum south, so there is a tendency to construe global poverty in a similar fashion, a kind of justification akin to 'the poor will always be with us.'[230] (As well, the natural inferiority of those enslaved was posited and endlessly speculated about when slavery was justified and contemporary references to the cultural and political deficits of

[230] See, for example Daniel Cohen's *Globalization and Its Enemies*, where he rests his economic theory on the claim, drawn from anthropological research in French Algiers, that 'there was no exploitation' between the first and the third world in the process that set in motion globalization as we know it today. He writes, "History compares the position of poor countries today to that of slaves in antiquity or the working class in industrialized countries. Though there may be some merit to this comparison, the intuition is radically false. Exploitation has not caused the suffering of poor countries." Cambridge: MIT Press. 2006, 1.

those in the global South may serve as analogous justifications for their exploitation.) Instead, to name what people are experiencing as alienation highlights the fact that, as Marx expressed it, these experiences are both historical and 'unnatural', in the sense that these conditions are not preordained by natural laws but are created, and can be changed, by people. Because of economic conditions, more people are living in the GSUS than ever before. The scale of the GSUS is an unprecedented event in human history.[231] The GSUS is, however, not a natural condition like 'natural inequalities' between height or even relative IQ. Further, it is false to consider the inequalities of the GSUS as 'natural' in the way that inequalities resulting from fair competition for scarce resources might be, in some imagined state of nature. The world of the GSUS is being diminished at the expense of the expansion of the world of the global North. We are not living in a state of nature; we are living in a world where power brokers in the global North make specific decisions about trade and governance that privilege some populations over others.

2) Global Poverty's Inequity is Unjust

People living in GSUS do not experience the same sort of wealth inequality that exists between a Wall Street hedge fund manager and an academic philosopher. Even given how vast the wealth inequality is between a philosopher and a Wall Street tycoon, that inequality is not harmful to the philosopher if the inequality is not preventing her from flourishing, from manifesting her dignity as a human being, and if (in accordance with the first part of Rawls' difference principle), the fact of the inequality is not

[231] Davis, Mike. *Planet of Slums.* NY: Verso, 2006

depriving her of her freedom.[232] On the other hand, the inequality between the Global North and South, given the extent to which people in the GSUS are living hand-to-mouth, is in fact preventing the manifestation of their dignity, their flourishing, and their freedom. That is, inequality is alienating them, and therefore harming them. It is the inequality which is harming them, and not the sheer fact of their having so little, because, in addition to the clear and present harm of lack of adequate standards of living, this harm will not be mitigated until those in the GSUS have political and economic empowerment. Currently and for the most part, they lack empowerment because they lack the capability to create a world that populations in the Global North have. Of course, the category of harm is not monolithic; there are many different types and degrees of harm. The specific type of harm that the condition of alienation engenders is one that involves the loss of the world as a result of the exploitation of labor. In naming alienation as a critical basis for the injustice of global poverty, the equality principle and the freedom principle are not at odds: greater inequality is unjust on the basis of deprivation of freedom. A concern for people's freedom is at the heart of this vision of justice.

3) Global Poverty is a Problem of Work

Putting the matter of global poverty in terms of alienation underlines the way in which the problem of global poverty is a problem of work. Thus far, philosophers addressing global poverty have conceived the problem in terms of a re-envisioning of rights and obligations, a plea for charitable donations, a matter of distributive justice, or a

[232] This is the first part of Rawl's Difference Principle: that each person has an equal claim to their basic rights and liberties, which are the same for all, wherein one person has their liberty to the degree that it does not infringe upon another's liberty. See Rawls, John. *A Theory of Justice.* Cambridge: Harvard UP. 1971 and *Political Liberalism*. NY: Columbia UP. 1993.

call for greater recognition. All of these approaches capture important elements of the problem, but a discourse about work is missing from the discussion. Primarily, philosophers have overlooked the issue of work because we have thought of the problem from a certain perspective, that is, from the perspective that characterizes the geography of the places in which the influential universities are located, namely the well-off Global North. The questions have primarily originated from what the Global North can do *for* the Global South. To be sure, these questions were not wrong or misguided. Indeed they are immensely worthwhile, because given the degree and amount of suffering engendered by global poverty, the rich have a great deal of responsibility toward the poor. Nevertheless, these kinds of questions do not capture the entirety of the problem, because they leave out consideration of the perspective of the people who are living in poverty.[233]

The questions that the problem of global poverty require are more basic than the discussions of redistribution or charitable donations and the like. They are, in fact, the questions that characterize the beginnings of political philosophy: what are the limits and meanings of labor? What sort of privileges should one's work entitle a person? The problem of poverty is, in large part, the problem in the relationship between work and the world that this work produces. The problem of work---whether too much or too little, who is doing it, who reaps its fruits---is critical to the problem of the GSUS. Global poverty is also a matter of private property, the expropriation of which Arendt explains as the origins of world alienation. People in the GSUS remain poor because they have no

[233] I acknowledge here the severe problems of 'speaking for the poor', and the problems of representation that go along with this claim, especially salient when "first-world women" attempt to speak for so-called "third world women." This problem is addressed more fully and carefully in Chapter II. Here, it suffices to say that this shift in perspective is partial: I aim to question the philosophical 'view from nowhere', and point to the epistemic privilege of a view from the GSUS. Yet this proposed view is not entirely perspectival, either, because, first I did not grow up in a global slum. So I do not claim to speak *from* the perspective of the GSUS and neither do I claim to speak *for* this perspective---as if one could.

private property, in either the sense of individual property or public community commons. The land upon which they live is constantly being usurped from them. The mechanisms of global capitalism are preventing them from getting a foothold in the world, a foothold people need because it gives them a place from which to speak and act.

4) Global Poverty is a Matter of Relations between People

Putting the matter in terms of work and work's products acknowledges people's empowerment. The questions surrounding global poverty are shifted from a stance of what, *ex post facto*, the rich can do for the poor, to a cause of poverty itself. For example: if one has the means, it is surely ethical to donate to philanthropic endeavors that aim to diminish global poverty. However, attention to this 'duty' of the rich should not exclude the ways in which people living in poverty can be ethical.[234] To be sure, the duties of the rich, whether negative or positive, are not jettisoned in this alternative line of inquiry, because it is true that the rich have created a global system that is actively preventing the poor from flourishing in constructing a world. However, the discussion of the ways in which work can and should build a world, the kind of world that allows people to manifest their dignity, acknowledges people's empowerment because it emphasizes that, in a just world, the global south need not be dependent on the beneficence of the global north for its continued survival. If a community is allowed to build a world, that is, correct the unsound relationship between work and work's products

[234] The work that builds a world from which to speak and act is empowering so I do not expect that the philosophical analysis I am here putting forth is itself empowering to people living in poverty, although it perhaps could be. Such philosophical analysis could be useful in policy decisions regarding foreign interventions and aid, amongst other things.

and benefit from the fruits of its own labor, then that community is closer to creating political power on its own terms.

Finally, the language of alienation is critical to naming the injustice of the current state of global poverty, because it offers a first-person perspective. Alienation is a description of the experiences of those living in the GSUS. In prioritizing the experience of the people actually living in these conditions, the kind of harm global poverty inflicts can be highlighted. Poverty is an injustice not simply because people have far less money, but because this lack of economic freedom causes harm, that is, it prevents their flourishing as human beings. Putting the matter in terms of alienation shows the process by which economic inequality causes harm by inhibiting the freedom that is due to a person because of their innate dignity.[235]

Defense of the first-person standpoint—and part of the methodology used here comes from a plurality of traditions. Phenomenology stresses the priority of experience as the basis for inquiry.[236] Similarly, from analytic ethics we find a perspective of absolutism that demands an interpersonal, rather that bureaucratic, accounting for actions. In his essay, "War and Massacre," Thomas Nagel explains this position:

> If the justification for what one did to another person had to be such that it could be offered to him specifically, rather than just to the world at large, that would be a significant source of restraint . . . If the account is to be deepened, I would hope for some results along the following lines. Absolutism is associated with a view of oneself as a small being interacting with others in a large world.

[235] I consider the notion of dignity from which I am working here in depth in chapter V. Here, let me just say that is notion of dignity has Kantian resonances, in so far as it is a notion based on worth and not status. In Chapter V, I will claim that Kant draws his notion of dignity-as-worth from a history of objection to severe economic exploitation in the form of slavery.

[236] See, for example, Joan W. Scott's article, "Experience", in *Just Methods: An Interdisciplinary Feminist Reader*. Allison Jaggar, ed. Boulder: Paradigm, 2008.

> The justifications it requires are primarily interpersonal. Utilitarianism is associated with a view of oneself as a benevolent bureaucrat distributing such benefits as one can control to countless other beings, with whom one may have various relations or none. The justifications it requires are primarily administrative. The argument between the two moral attitudes may depend on the relative priority of these two conceptions.[237]

In terms of absolutism, the concept of alienation is essential for understanding global poverty , because policy makers are not immune or inured to the claims of individuals. Indeed, as humans (if not as economic agents) all, policy makers included, stand in equal relationship to others, and we must give others personal justifications for the way in which we construct or perpetuate systems of power that harm some and benefit others. We must not pretend, in our theory, that we are, as Nagel writes, 'in control of countless beings', like some sort of ideal utilitarian bureaucrat.

The strongest defense of the first-person standpoint in terms of methodology comes from feminist epistemology, specifically feminist standpoint-theories.[238] This tradition draws from Marx's iteration of the Hegelian master/slave dialectic in developing the standpoint of the proletariat: in defense of the epistemic privilege of the worker, Marx likened this privilege to the privilege of Hegel's slave.[239] In the dialectic, the slave has a more fully developed knowledge of the situation as a whole because she/he is more fully connected to the material aspects of that situation, aspects that allow her/him to construct the world. The epistemic position of the worker, for Marx, and of the slave, for Hegel,

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[237] Nagel, Thomas. "War and Massacre", 17-18. In *War and Moral Responsibility: A Philosophy and Public Affairs Reader*. Marshall Cohen, Thomas Nagel, Thomas Scanlon, Richard B. Brandt, eds. Princeton: Princeton UP, 1974.

[238] See, for example, Hartsock, Nancy, 1987, "The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism", In *Feminism and Methodology: Social Science Issues*, Sandra Harding, ed. Bloomington: Indiana University Press, 1987.

[239] See Hegel, G.W.F. *Phenomenology of Spirit*, "Lordship and Bondage", sections 178-196, and Marx, Karl, 1964, *The Eighteenth Brumaire of Louis Bonaparte*, New York: International Publishers.

provides a superior starting point for understanding and changing the world. Feminist standpoint theories have widened the concept of epistemic privilege to apply to many different marginalized groups. My claim, in relation to this methodology, is that the first-person perspective of the people living in the GSUS provides them with an epistemic privilege in understanding the machinations of global capitalism, and the injustices they are experiencing.

For example, when Carolina María de Jesus compares her situation of living in the slums of Rio de Janeiro in the 1960s to the Christians being tortured under Caesar, that account should be just as significant, if not more significant, than the account that French economist Daniel Cohen gives when he claims that globalization is not a result of exploitation. The fact that María de Jesus lived under conditions of poverty, and her experiences were shaped by the material repercussions of 'under side' of globalization, as it were, gives her more insight into the situation of globalization as a whole. Quite literally, she felt globalization's consequences in her body, its limitations in the amount of food she could buy for her children. She bore the weight of decisions made by Brazil's elite about the distribution of food and the dumping of chemicals—therefore it should be her account, and accounts like hers', which guides theorists' proclamations about justice. The experience of alienation gives critical insight into the problem of global poverty as a whole.

One can never speak absolutely accurately from the subject position of another. There is a long and harmful history of privileged people 'speaking for' others in a way that is disempowering and covers over important differences, which is most likely one reason philosophers concerned with global poverty have not, up to this point, paid much attention to such first- person perspective. However, the problems of representation, as

crucial and as profuse as they are, should not prevent us from addressing economic and political injustice. To do so imperfectly is better than doing nothing at all. For example, academic feminism turned to the problems of identity politics, problems concerned with the difficulty of representation and the importance of making distinctions between groups such as 'first world' and 'third world' feminists, in the 1980s, at the same moment that the ideology of neo-liberalism, with Reagan and Thatcher at the helm(s), began to take hold in the world at large. That ideology had the effect of diminishing and even criminalizing social service programs women, perhaps most of all, needed. Thus, because feminist academics had a very serious reticence to 'speak for poor women, the other' (they had learned that lesson well, after the charges directed toward second wave feminism), they unfortunately did not have much to say about the ideology of neoliberalism (nor of economic justice in general), even though its policies that were seriously compromising the well being of many women, poor women and women of color especially.

One way to solve this problem, to talk about economic justice and the Global South without falling into serious misrepresentations of women is to avoid attention to a first-person perspective in the first place. This is what some philosophers, such as Onora O'Neill and David Miller, have done.[240] But, as I have said, I think we lose something when we do this. When the discussion of poverty becomes too abstract, talk of vulnerability and compassion, loss and hope, dignity and suffering, have little place.

[240] See, for instance, Onora O'Neill, "Lifeboat Earth", *Philosophy and Public Affairs* 4 (1975): 273-92. Also David Miller's "The Ethical Significance of Nationality," *Ethics* 98 (1988): 647-62.

It is, moreover, exceedingly difficult to talk about visions of human flourishing without recourse to people's experiences.[241] The problem of work and work's products is also out of place in such abstract discourses. So I believe it is worth a try, here, as seriously flawed as that attempt might be, to risk approaching this problem from a first-person perspective, with a methodology that prioritizes experience. Accounts and interpretations of those experiences, and the theory that comes from them, are, and will inevitably be, misrepresentations in some measure. However, to avoid all misrepresentation in this case would be to avoid addressing what specific harm is being done by constructing a world of severe economic inequality.

None of this is to posit a blanket description of all life in slums, everywhere, as absolutely alienating. The qualifier is important, because many who live in the GSUS are not *socially* alienated from one another. Communities in slums may be stronger than a typical suburban community in the United States. People who live in conditions of poverty must depend upon one another for shared resources in ways that wealthier families need not, and, geographically, people in the slums live closer to one another than in communities that may be disconnected by sidewalks, cars, and mechanically descending garage doors. It is certainly not impossible that people living in the slums would organize together to be politically empowered; indeed, political empowerment would aim at both creating a durable world and a means to improve people's livelihoods.[242] Alienation is not a stagnant property that points to aspects of people's

[241] I should note that I am not condemning abstraction as such here. I am, of course, doing theory. Further, I am certainly not abandoning the policy-directing perspective of liberalism as a whole.

[242] See, for instance, Jon Shefner's account of the patronage system in low-income Mexico, a case where slum populations become politically empowered with surprising regularity and unconventional methods. *The Illusion of Civil Society: Democratization and Community Mobilization in Low-Income Mexico*. University Park, PA: Pennsylvania State Press, 2008.

essential identities. There is so much variation between cultures in terms of people's actual social practices that it is difficult and here inappropriate to make any larger claims about people's degree of *social* alienation across these differences. Still, there are evident trends of globalization and neoliberalism that generally create the conditions of these slums, our era's manifestations of urban poverty, with surprising and disturbing, but not totalizing, uniformity across culture and places. In urban slums where adequate, reasonable standards of life and basic needs are not met because the work that people do does not give them a durable world they can leave behind to the next generation, the alienation that people experience is the basis for claims of injustice, not only claims of inequality. Alienation as the loss of the world may not occur in all slums in the global south, but because of the current conditions of global capitalism, it occurs in some, where it is unjust.

Women are especially vulnerable to suffering when living in unjust conditions, and the work that women do is especially exploited. Women suffer more than men because often they are not the private individuals that exist as the beneficiary of the neo-liberal ideal; they are also often in positions where they must bear an unequal burden for the care of family members. Additionally, private interests are expropriating a second-wave feminist insight, interests that hear 'women, too, should be in the workplace' to mean that women can and should be the primary movers of global capitalism that alienates those living in the GSUS. Thus, the work that women do, both in terms of their care work and their so-called 'productive' work, fuels their alienation.

The basic reason, for using the concept of alienation to describe the conditions in the GSUS is that the work of many people who live there, especially the work many women do, fails to produce a world. Standing directly at the fulcrum of this generation's

instantiation of global capitalism, much of the work of those living in the GSUS is outside of their creation and creativity; the work they do prevents them from seeing it as an expression of themselves, their human powers, and social relations. The work of women living in the GSUS is acutely alienating, more so than, say, working in a large corporation in the wealthy world, because the work women do in the GSUS is often tied so completely to their survival. The reason they do not leave it is not so much because of cultural pressures, but out of physical need --- if not for themselves than for their families.

Arendt's diagnosis of modernity or Scarry's worry about the dearth of creativity likely work in characterizing much of the world, including the middle class and wealthy world, today. However, these conditions of alienation are especially acute in the GSUS, and thereby, unjust. The aim in this project has not been to show how the conditions of the slums are essentially *different* from the lives of rich westerners, but rather, why these conditions of the GSUS are essentially *unjust*. Ultimately, the conditions are unjust because they violate human dignity. How this is so, and what is meant by dignity in this regard will turn out to be our ultimate concern, in chapter V.

CHAPTER V

DIGNITY

"*There is every reason to believe that there is no difference of nature but merely a difference of power between the ability to feel and the ability to create* "
– Gabriel Marcel[243]

5.1. Overview

In Chapter III, I argued that contractarian theories of global justice are insufficient responses to the problem of the urban slums of the global south. And in chapter IV, I proposed that the language of alienation is crucial to realistic and responsive conceptions of distributive justice. I there deepened the meaning of alienation with regard to Hannah Arendt's and Elaine Scarry's respective readings of Marx, and considered the alienation specific to global slums as 'the loss of the world.' This lack of a world is supported by the exploitation of women's labor, both reproductive (the work of care) and productive (labor in the workplace, outside the home). In this final chapter, I will argue that in order to answer to alienation and gendered exploitation in the urban slums of the global south, political philosophy, international law, and development economics needs a more robust and precise account of human dignity. I will define dignity in a way that counters the prevailing logic of utility, which assumes that people, women in particular, are means to an end of economic growth and not ends in themselves. Inspired by a disagreement between Jürgen Habermas and Jeremy Waldron on the origins of the concept of dignity in Western law, I consolidate an intellectual history of dignity that incorporates both the notion of dignity as inalienable worth regardless of social status, which is found in Kant as well as early Hebraic law, with Roman law's notion of dignity as status, dependent

[243] Marcel, Gabriel. *The Existential Background of Human Dignity*. Cambridge: Harvard UP, 1963. 127

upon social recognition. I will then use this new, robust notion of dignity as both moral autonomy and moral authority to critique the instrumentalization of the global poor. Dignity is both, like the Existentialists' idea of freedom, a fact and an achievement. The union of autonomy and authority is best expressed in people's creation of a world, in the dignity of being able to manifest oneself in one's lasting and shared creation.

5.2. Why Alienation Is Not Enough

Alienation, as I have detailed, is suffering on account of a lack of a world. The lack of the world happens because labor is exploited or constricted in such a way that people are not able to work, to live up to their full human capabilities, including having a political voice.[244] Another way to say this is that alienation happens when people are not able to transform their sentient suffering into 'voice.'[245] When people are alienated, their relations with others become maladaptive and malnourished. However, calling the condition of the global slums "alienation" names and helps describes the problem, but does not offer positive content for a vision of what it would look like if people were *not* alienated, that is, what their social relations and their worlds would look like if they were flourishing. A discussion of dignity offers such a positive vision.

Ideas of alienation and dignity have come from divergent historical traditions. Alienation and women's exploitation are matters of social relations, while dignity is primarily seen as a component or grounding of individual rights. Marx, along with many others, was skeptical of rights language, and thus skeptical of dignity. For the most part,

[244] This is the way Hannah Arendt defines alienation in *The Human Condition*. Chicago: University of Chicago Press, 1998. See chapter IV.

[245] This is the way Elaine Scarry describes alienation in *The Body in Pain: The Making and Unmaking of the World*. Oxford: Oxford UP, 1985. See chapter IV.

Marx saw rights as tools used to protect the private property interests of the bourgeois.[246] The idea of alienation comes, as I have said, from Marx and Hegel, culminating in schools of structuralism, post-structuralism, and critical theory, from which theorists , such as Nancy Fraser, draw the notion of recognition.[247] On the other hand, the inheritance of rights, and so dignity, come from the liberal tradition, broadly construed. These traditions have, to put the matter delicately, not always understood themselves to share common ground.

Yet common ground there is. The crux of the issue is this: How can we make sense of alienation, without some sort of notion of the preciousness, value, or worth of people? The idea of dignity provides a standpoint for the critique of economic structures that theories of alienation make possible. Rather than leave dignity to history and consider its usefulness only in regards to constraining the power of the state over individual liberties, we should strengthen the concept so that it can respond to economic alienation and exploitation, as well. In accordance with the central insight of the Capabilities Approach, we need a touchstone for what a flourishing human life looks like, and normative standards and expectations for such a life. The [admittedly Kantian] idea is simple, and, I think, intuitively shared amongst many. We need standards of the worth of human life that are outside the realm of price, because 'price', the measuring of human lives in terms of the global market of exchange, is precisely the problem. This goes for

[246] In one instance, Marx wrote that dignity was the "refuge of moralists", in "Moralising Criticism and Critical Morality, a Contribution to German Cultural History Contra Karl Heinzen", *Deutsche-Brüsseler-Zeitung* Nos. 86,87,90,92 and 94, October 28 and 31, November 11, 18 and 25, 1847. He is not consistent in this position, however. In his article, "Capital Punishment," in the New York Daily Tribune, 18 February 1853, he writes that Kant's is the only theory of punishment that recognizes dignity in the abstract.

[247] See, for example, Nancy Fraser "From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist" Age", *Theorizing Multiculturalism: a Guide to the Current Debate*, ed. Cynthia Willett, Blackwell: Oxford, 1998. Also Nancy Fraser and Axel Honneth, *Recognition or Redistribution? A Political-Philosophical Exchange,* New York and London: Verso, 2003.

Marx as well; regardless of what he said about dignity, we could not make sense of his theories of alienation if we did not hold to some sort of standard of humanism in which people are priceless, precious beyond measure. If we did not have a notion of the way in which people themselves are 'beyond price', that is, a notion of dignity that is independent of economics as such, how could we decide whether economic systems were just or not? The alternative to a dignitarian touchstone is some sort of weak relativist's position on the matter, namely, that we in fact have no basis for recognizing injustice.

The idea of dignity, too, needs to be informed by the Marxist tradition of alienation and exploitation. Taken alone, the idea of dignity can be used justify a number of unjust and exploitative roles. For example, in Ecuador it is common to laud the dignity of the woman in her role as a mother, '*la alma de la casa'*, the soul of the house. Many people may consider women's dignity to be solely operative in their identity as mothers, and in this thinking they constrain the dignity of women to their role as primary caretakers.[248] Thus the idea of dignity can be used in service of the exploitation involved in reproductive care labor.

Alternately, one could imagine how a woman's dignity might be tied to her identity as a productive member of society, as a worker and a helper of her family. Ching Kwan Lee describes how this happens when young Chinese daughters feel shame in returning to their country village of origin after they have failed to find reliable work in the factories of the cities, because their sense of dignity is tied up in the remittances they can send back to their families.[249] The idea of dignity can be used to exacerbate

[248] I am indebted to Nadia Urbinati for this discussion, June 9, 2011, as well as the other participants with the Centre for the Study of Social Justice, Department of Politics, University of Oxford.

[249] Cheng Kwan Lee, *Gender and the South China Miracle: Two Worlds of Factory Women*, Berkeley: University of California Press, 1998, 23.

exploitation of labor, inhibit the creation of a world, and so contribute to alienation. That is, simply subscribing to dignity, without further clarification of the concept's meaning, is no guarantee against the continued 'feminization of responsibility'.[250]

As I have described in earlier chapters, there are varying philosophical positions on global poverty, all containing certain degrees of soundness and validity. Arguing from beneficence, the rich should donate their money to the most efficient aid organizations.[251] Arguing from distributive justice, the governments of wealthy countries have a positive duty to help the poor.[252] Arguing from harm, rich Westerners should enact their negative duty to abstain from harming the poor, and so take political action to change global institutions to reflect this negative duty.[253] But, in so far as we must have a basis on which to critique the inadequate distribution of resources, from a position outside of systems of wealth and income (that is, we must have a position to critique economics that is not circular), surely the problem is not contained within the bounds of questions of charities or duties of the personally rich or members of rich nations. We must, and can, have a moral and ethical position that informs economics, rather than implicitly allowing

[250] Sylvia Chant's concludes, in *Gender, Generation, and Poverty: Exploring the 'Feminisation of Poverty' in Africa, Asia, and Latin America*, Cheltenham, UK: Edward Elgar Publishing, 2007, that women in the so-called 'developing world' are increasingly being doubly-burdened by sole responsibility in work both outside and inside the home.

[251] For an example of an argument from beneficence, see Peter Singer, *The Life You can Save: How to Play your Part in Ending World Poverty,* London: Picador, 2009.

[252] For an example of an argument from distributive justice, see Charles R. Beitz, *Political Theory and International Relations.* 2nd Edition, Princeton: Princeton University Press, 1999.

[253]This is Thomas Pogge's position. See, for example, *Freedom From Poverty as a Human Right: Who Owes What to the Very Poor?* UNESCO, 2007. Also, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*. Cambridge and Malden: Polity Press, 2009.

economics to inform ethics as if it were its sole foundation. This was Amartya Sen's point in *Development as Freedom*, and it is my starting point here.[254]

As Jeremy Waldron and Joseph Raz note, the word dignity does not usually occur in every day conversation.[255] It is a word that might appear when someone is in the hospital, and it is a kind of artifact of lawyers and philosophers. This fact, that we do not use the word in so-called 'ordinary language' does not, in this case, negate its significance, because dignity is not a complete abstraction. We have an experience of dignity, or at least an experience that some basic part of the person is being violated, when their dignity is threatened and they are degraded. My intuition is that we tend not to talk about dignity much, not because it has little real force in our lives, but because it has so much force, but only at specific moments, namely, when dignity is being threatened. To put the matter simply, things that are very important are hard to talk about, harder still to define.

Dignity steps in to make claims of autonomy (including integrity of sentience, independence of moral self, freedom in fact if not achievement) and authority (including integrity of voice, political influence, freedom in achievement) in the moments when the material backing that would provide evidence for, and promote freedom from, shame and degradation, is absent, often because people's labor is being exploited. That is, claims of dignity are made at the moment when alienation occurs, when people's lives lack the material, social, and economic structures to live in what might be called 'a fully human' fashion, but their moral selves still demand and deserve to live fully human lives. Thus,

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[254]Amartya Sen, *Development as Freedom*. Oxford: Oxford UP, 1999.

[255] Jeremy Waldron quoting a conversation with Joseph Raz, "Dignity, Rank, and Rights", Berkeley: Tanner Lectures, April 2009. 2.

the notion of dignity provides a standpoint for the critique that the concept of alienation directs toward social structures.

The manner in which dignity comes to the fore in the moment of alienation and exploitation is akin to the well-tread dilemma of human rights, expressed by Hannah Arendt in her discussion of refugees. Refugees are those who, without citizenship, are most justified in making claims of rights, and who are most in need of having these claims satisfied.[256] At the same time, refugees are the people least likely to have their claims met, because there is no correspondent state apparatus in place to satisfy these claims. Given this paradox of refugee status, the questions then arise: Do rights exist in a quasi-realist sense, independent of social institutions that would be in viable positions to claim a responsibility, a duty, for them? Or do rights exist in a quasi-constructivist sense, in the way that they would only have validity if there existed concurrent institutions strong enough to hold duty and responsibility for them? Do rights always have to have viably-achieved, corresponding duties, in order to 'count' as rights?

Of course, Jeremy Bentham originally posited this problem in terms of a similar duality in the notion of liberty. Bentham's complaint was that "Defenders of natural rights would say that men are born free, but then complain in the name of rights that so many of them were born into slavery."[257] The solution that Jeremy Waldron proposes to Bentham's fruitful dilemma is that men are indeed free, and, for that mater, dignified, *in the juridical sense*, and they need to have their freedom or dignity represented by way of

[256] Arendt, Hannah. *The Origins of Totalitarianism*, New York: Houghton Mifflin, 1976. 281. See also Seyla Benhabib, *The Rights of Others*. Cambridge: Cambridge UP, 2004, and Peg Birmingham, *Hannah Arendt and Human Rights: The Predicament of Common Responsibility*. Bloomington: Indiana University Press, 2006.

[257] Waldron quoting Bentham's "Anarchical Fallacies", 1843. Waldron, *Dignity, Rank, and Rights*, 5.

normative command. So, for Waldron, it is not incoherent to claim both that dignity can mean both inalienable status and "may be used concomitantly to convey the demand that rank or status should actually be respected."[258]

Similarly, I hold that dignity, like rights, must be present no matter whether there is a corresponding duty-holder or not, because dignity, like rights, are calls to change or build lasting institutions, indeed, to build a world, that allows for justice. Nevertheless, I must stress that dignity does not exist *solely* in some pre-formed realist notion of only that which is to be *discovered*. There are two parts to dignity: the part that is innate, which can and must be heard in absence of material support and social recognition, and the part that *created*, that is, is a call *for* material support and social recognition. Dignity should be thought of as both innate moral autonomy and social authority.

Again, claims of dignity are made in moments when the experience of alienation obscures, obfuscates, anesthetizes, and/or erases the experience of human flourishing, a flourishing supported by security against shame and degradation. It is not immediately evident *what* one is claiming when one is demanding their dignity be respected. The all-encompassing quality of dignity, the fact that it steps in at moments when voice is 'lost,' in Elaine Scarry's sense, that is, when one is suffering, does not invalidate it as a concept. Rather, because it is a placeholder for so many important conceptions and intuitions, dignity deserves more attention. Just because dignity is a hazy concept does not mean it is, as Schopenhaur claimed, the 'shibboleth of empty-headed moralists'. Dignity is not strictly contentless.[259] It is only that its content is too close to our body, too close to our need, to be adequately voiced in the material and social world. That which is too close to

[258] Waldron, *Dignity, Rank, and Rights,* 6.

[259] Arthur Schopenhauer, On *The Basis of Morality,* trans. E.F.J Payne, Indianapolis: Hackett, 1998. 100.

our needs is not an abstraction. The indeterminacy of claims of dignity derives from the fact that one looses one's language when one suffers, not because there is a lack of truth to suffering.

Yet, extending Scarry's line of thought, just because suffering deprives people of a voice at the moment of occurrence does not mean that it cannot eventually be transformed into language, *logos*, an account. Indeed, this transformation from pain to *logos* is the very process of 'making the world'---the transformation of painful sentience into word, deed, and human artifact. Analogously, just because dignity appears on the scene as hazy and indeterminate, because of its origins in pain and suffering, does not mean that it need remain that way.

5.3. Dignity in Law and Activism: an Overlapping Consensus

The idea of dignity, however loosely defined or theorized, gained predominance on the international stage during the mid-twentieth century, principally in the United Nations' Universal Declaration of Human Rights of 1948 (UNDHR).[260] The two decades that followed witnessed the heyday of the concept of dignity in both domestic and international law. The last century saw a great number of newly post-colonial constitutions include the concept of individual human dignity as the basis for their founding documents.[261] The middle of the twentieth century, was, it seemed, the moment for dignity. This was an intentional move on the part of those concerned never to repeat

[260] See Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, New York: The New Press, 1999. 30, 39

[261] Jochen Abr. Frowein, "Human Dignity in International Law", *The Concept of Human Dignity in Human Rights Discourses*, David Kretzmer, Eckart Klein, eds. The Hague, London, and New York: Kluwer Law International, 2002. 121-132

Nazi atrocities, and to define themselves against the Fascism and the xenophobia that was made possible by ascribing complete power to the state. The United Nations called upon philosophers from many different cultures and traditions to draft the UNDHR, and they drew on a long history of the idea of dignity.[262] From the Roman Stoics, the Judeo-Christian tradition, Confucianism, renaissance humanism, enlightenment rationalism, working socialism, and feminism, they drew up a document they hoped would serve to draw a line in the sand as to what the international community would condone, and hopefully prevent. What resulted was what Rawls might have termed an 'overlapping consensus'---not one specific and concrete idea of dignity that could alienate any one religious or cultural tradition, but a loosely defined term that grounds, describes, and forms the project of human rights as a whole, a term that leaves open the possibility that reasonable people, holding different metaphysical pictures of the good life, could adopt without conflict to their rich and individual belief systems.[263] As Jürgen Habermas recounts, "appealing to the concept of human dignity undoubtedly made it easier to reach an overlapping consensus, for example during the founding of the United Nations, and more generally when negotiating human rights agreements and international legal conventions, and when adjudicating international legal disputes between parties from different cultures. Everyone could agree that human dignity was central, but not why or how.''[264]

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[262] Mary Ann Glendon, *A World Made New*: *Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House, 2002.

[263] John Rawls, *Political Liberalism*, New York: Columbia University Press, 2005.

[264] Jürgen Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights", *Metaphilosophy*, 41 (2010): 4. He cites Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights, *The European Journal of International Law* 19 (2008): 678.

Interestingly, as David Luban recounts, Eleanor Roosevelt and other drafters of the UDHR, like the framers of the Capabilities Approach, intentionally left the definition of human dignity incomplete. Luban characterizes Roosevelt's resolution on dignity in terms of Cass Sunstein's notion of an 'incompletely theorized agreement.'[265] As Larry Solum puts the matter, it was one of those instances "When you cannot reach agreement at the deep end of the pool of ideas, head for the shallow end!" Thus Luban concludes that, in this history of the UDHR, the term 'human dignity' is really a kind of placeholder: an uncontroversial, neutral-sounding term for the unknown 'X' that anchors human rights."[266] So the idea of human dignity became, in the twentieth century, both a crucial legal justification for human rights and, if not a placeholder, than at least a useful construct that accommodates a number of, sometimes competing, principles and values. Its construction resulted from the specific and timely problems of Nazi atrocities and colonial aggression.

The current situation of global poverty is, as I have claimed, a situation of widespread alienation and exploitation. This exploitation is made possible because the ideology of neoliberalism has coopted the insights of human rights and used them for its own purposes, namely, to engage greater populations in the workforce without correspondent autonomy or authority over their economic situation. That is, global economics has a tendency to interpret dignity in human rights as 'the right to work'. In doing so, development economists and policy makers assume that human rights have a

[265] David Luban, "Human Dignity, Humiliation, and Torture", *Kennedy Institute of Ethics Journal*, 19 (2009): 211- 230.

[266] Luban, "Human Dignity, Humiliation, and Torture", 213.

pragmatic justification. That assumption is false. The groundings for human rights, although pluralist, are always principled, not pragmatic. Dignity is such a principle.

In a colloquium on human rights, Allen Buchanan writes that too often, practical rights like the right to work are usurped by the modern capitalist machinery and taken more to mean a responsibility to contribute to industry rather than a freedom to be independent and financially sustaining if one so chooses.[267] As Nancy Fraser and Linda Gordon note as well, when the responsibility to contribute to industry is moralized this way in modern societies, any situations of dependence (non-contribution) are morally suspect and "can be a threat to one's being regarded as an equal"[268] Wherein dependency, and caring for dependents, is construed as a threat to equality, those who have few choices but to be dependents or caretakers are systematically devalued.

According to Buchanan, the principled grounding of human rights can be lost in the logic of the modern era wherein citizenship qualifies a person for having rights and, further, where citizenship is associated with participation in the economy. However, rights are grounded in principles other than the irrepressibly pragmatic assumptions of the modern era. Buchanan believes one such principle is equal status, but various theorists posit a multiplicity of principles upon which rights are grounded. It is not my aim to enter this argument over which principle grounds human rights. I do want to argue, though, that it is not reasonable to think that human rights are not grounded on principles at all. The point is that rights are certainly *not* grounded upon the non-principle of relative strength of the economy. Under international charters, women do and should have a right

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[267] Buchanan, Allen. "The Egalitarianism of Human Rights." *Ethics*. 120 (2010): 679-710.

[268] Frazer, Nancy and Linda Gordon, "A Genealogy of Dependency: Tracing a Keyword of the U.S. Welfare State." *The Subject of Care: Feminist Perspectives on Dependency*. Eva Fedder Kittay and Ellen K. Fedder, eds. Rowman and Littlefield: Boston, 2002. 14-39.

to work, but too often this is taken to mean that women have a responsibility to contribute to a global economy wherein they themselves do not clearly benefit, so that they are working for the profit of those who own the means of production, that is, mostly men. The expectation of 'responsibility to contribute' is, generally, replicated and multiplied in the private realm, as well. Generally, rights for all are not taken to operate in absence of principles, and so rights for women should not be grounded on a logic of utility, either.

The pragmatic justifications for poor women's rights is an anomalous move, because justifications for human rights in general, that is, human rights that apply to women and men, are not based on utility but on principle. This is true both historically and at present. Amy Gutman explains: "A defense of human rights as pragmatic instruments raises the question of whether an international human rights regime can do without all moral and metaphysical foundations by defending itself on pragmatic grounds."[269] Here, she is outlining a well-tread debate in rights theory: whether or not human rights need to be grounded on moral or metaphysical principles and what these principles are, exactly. For example, Buchanan holds that all rights are grounded in the moral principle of equal status: every person is equal to every other person in all morally significant ways. Some framers of the UDHR argued that human rights are grounded in the principle of universal human dignity.[270] Gutman's insight into the debate is that theorists argue much more about *which* principle grounds and unites human rights than whether or not rights are grounded in principles at all.

[269] Gutman, Amy and Micheal Ignatieff. Introduction to *Human Rights as Politics and Idolatry*. Princeton and Oxford: Princeton UP, 2001.

[270] One could also, reasonably, argue that rights are grounded in the principle of humanity.

Gutman holds that there can and should be a reasonable, overlapping consensus to this question of the principled grounds of human rights. There are many reasonable grounds, but it does not follow from this pluralism that all grounds are reasonable. She explains: "The foundational arguments for human rights are historically rooted in human dignity, natural law, divine creative purpose, and related notions."[271] Now we ground human rights in more secular notions, which Gutman thinks is a good development, as well. Further, "The drafting of the Universal Declaration of Human Rights involved people tied to cultural traditions in North and South America, Europe, Asia, and Africa, and religious traditions including Islam, Judaism, Eastern and Western Christianity, Hinduism, and more."[272] Of course, as DuBois shows us, the cosmopolitanism of the UDHR remained ideal, and in practice left out the African nations, but it nevertheless presented itself as being inclusive, and took the route of the overlapping consensus on many matters of justification.[273] Gutman mentions a few reasonable grounds of rights considered in just Article 1 of the Universal Declaration: free and equal personhood, equal dignity, equal creation or endowment, equal brotherhood, and human agency. All of these foundational principles are, strictly speaking, reasonable ones, and there can be multiple principles at work to support human rights. What is unsound is a pragmatic grounding for human rights, like the "right to work' so as to make an economic contribution to the well being of others."

We no longer live in an era wherein the greatest threat to human rights is totalitarianism. The defining injustice of our age is unprecedented global poverty,

[271] ibid., xxiv

[272] ibid., xix

[273] For a brief history of DuBois' objection to the proceeding of the UDHR, see Zack, Naomi. *The Ethics and Mores of Race: Equality after the History of Philosophy*

especially in the form of the expansion of urban slums, a new human condition never before seen in history---and the condition calls for a rethinking of dignity. This call for rethinking dignity is not a criticism of the framers of the UDHR—the story of its drafting is a fascinating one, not the least because it exemplifies the necessary tension between visionary ideas and the need for practical agreement amongst real differences. However, in our era, the major threats to human rights come not from the rich and varied religious traditions, but from a global economic system that instrumentalizes, alienates, and exploits people in poverty.

Essentially, instead of caring about the wellbeing of women in the Global South, development economics too often asks "what are women good for?" Buchanan notes that practical rights like the right to work commonly are usurped by the modern capitalist machinery and taken to mean a responsibility to contribute to industry rather than a freedom to be independent and financially sustaining---if one so chooses. But, again, human rights have never had pragmatic justifications; they have principled ones. The idea of dignity— the grounding principle for human rights, a principle that decrees one has worth beyond price, or that one has universal status--- needs to be rethought with more precision and content, in response to the problems of global poverty in the present era, so that the ideals of dignity can continue to have moral force.

5.4. Roman and Hebrew Responses to Slavery

Our modern idea of dignity comes from two contradictory traditions: the Hebrews and the Romans. In fact, the idea of dignity comes first out of the conflict between these two groups during the expansion of slavery in the Roman Empire. The Romans based part of their justification of slavery on the idea of dignity as *dignitas*, hierarchical social

status, and the Hebrews justified their objection to slavery on the basis of dignity as *Kavod*, the image of God in every man that gave innate moral worth regardless of social status. Both ideas are at work when we speak about dignity. The work we need dignity to do, in the context of global economic alienation and exploitation, is *both* the work of claiming unconditioned moral equality *and* a call for social recognition. That is, dignity needs to mean both an endowment and an achievement, both autonomy and authority.

Jeremy Waldron argues that the idea of dignity currently present in international law is inherited from the Roman idea of dignity as status.[274] Waldron, along with James Whitman and Gregory Vlastos, contends that "the modern notion of human dignity involves an upwards equalization of rank, so that we now try to accord to every human being something of the dignity, rank, and expectation of respect that was formerly accorded to nobility."[275] For Waldron, it is not the case that, as recently egalitarian, we are now a society without rank. It is that we, or at least the parts of us that take dignity in law seriously, are a society where everyone has the same, high-level rank. We receive our ideas of dignity from our ideas of punishment, specifically, our ideas bout who deserves which punishments. Whitman writes that the harsh punishments, and utter lack of mercy, that used to be reserved for the lower ranks of society have become increasingly rare, at least in Continental (if not American) law. Now, the model of the law is to treat everyone like a high-ranking member of society.[276] The model of

[274] Waldron, "Dignity, Rank, and Rights", also Waldron, "Dignity and Responsibility", New York University School of Law, Public and Legal Theory Research Paper Series Working Paper No. 1083 (December 2010).

[275] Waldron, "Dignity, Rank, and Rights", 29.

[276] James Q. Whitman, *Harsh Justice: Criminal Punishment and The Widening Divide between America and Europe*. Oxford: Oxford UP, 2005.

punishments for aristocrats has become universalized, and the dignity that used to be accorded only to aristocrats is now due to everyone. To clarify: to claim that everyone should be treated as a prince is not the same thing as claiming that the treatment of princes should be reduced to the treatment of slaves. The situation is rather that slaves are now due the same treatment as princes, so to speak. As Waldron would describe it, dignity as status has become universalized.

The selfsame model of an aristocratic or non-egalitarian society holds, while the number of people who should be treated like aristocrats, or at least not punished like slaves, has expanded to, ideally, include everyone. The idea of dignity as rank, as that which has historically belonged to people like the clergy, nobility, monarchs, and those who hold high-level degrees, originally belonged only to land-owning males. Yet the idea has not disappeared in a world shaped by global abolitionist movements. Rather, we see everyone now as we used only to see the aristocracy, as worthy of freedom from degradation.

Waldron writes that this Roman inheritance gives us a way to think about dignity in terms of a sort of upright bearing, a noble self-possession. For Waldron, dignity is a constructive legal fiction as, according to Arendt, political equality was to the Athenians. "The Athenians adopted a legal principle of treating one another as equals, not because of any moral conviction about real equality between them, but because such a principle made possible a form of political community they could not otherwise have."[277] So it is not relevant if everyone is, in all or some ways, equal. The modern notion of dignity in law, according to Waldron, is that we treat them *as if* they were equal, because only then will we have the kind of political community we desire.

[277] Waldron, "Dignity, Rank, and Rights", 9-10.

Crucially, Waldron also points to a gap between envisioning dignity as value-beyond-price, the Kantian idea of worth, and dignity as rank or authority, dependent upon one's place in society. Waldron is correct in this observation, but I would add that these two ideas appear in contradiction because, historically, they appeared as the response of two different social groups to the institutionalization of Roman slavery.[278] The Hebrews constructed an idea of dignity as inalienable moral equality, in objection to slavery. In constrast, the Romans constructed the idea of *dignitas*, social status, as a justification for slavery.

Jürgen Habermas regards Waldron's telling of this inheritance story as correct, but incomplete. Habermas contends that the notion of dignity now at work in democratic, post-colonial constitutions comes also from the Judeo-Christian heritage, in addition to the Romans. Habermas writes of Waldron's account:

> Two decisive stages in the genealogy of the concept are still missing [in Waldron's account]. First, universalization must be followed by individualization. The issue is the worth of the individual in the horizontal relations between different human beings, not the status of ''human beings'' in the vertical relation to God or to ''lower'' creatures on the evolutionary scale. Second, the relative superiority of humanity and its members must be replaced by the absolute worth of any person. The issue is the unique worth of each person. These two steps were taken in Europe when ideas from the Judeo-Christian tradition were appropriated by philosophy . . ."[279]

I agree with Habermas' contention that our ideas of dignity come as much from the Judeo-Christian tradition as they do from the Roman idea of dignity as status and honor. The current legal and moral visions of dignity include both ideas about

[278] Orlando Patterson argues that all hierarchical social categories in the Roman Empire were, in fact, responses to the institution of slavery. Patterson, *Slavery and Social Death*. Cambridge MA and London: Harvard University Press, 1982.

[279] Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights", 10-11

inalienable moral equality and social recognition, and sometimes these contradictory ideas are contained in one, 'common sense' concept. However, I would add to Habermas' telling that our ideas of dignity come specifically out of a disagreement between the Hebrews and the Romans about the moral and/or legal justifications of Roman slavery.

To qualify, I recognize this story I am giving, that there were two contradictory visions of human dignity coming from the Romans and the Hebrews, in justification for and opposition to Roman slavery, respectively, is controversial. Some scholars would claim that human dignity, as such, does not appear in the Torah and is consequently not part of the Hebrew tradition; it is a Western philosophical idea, coming only from the Romans, unrelated to religious traditions.[280] However, even though the words 'human dignity' may or may not show up in the Torah, depending on how one translates '*Kavod*', because I am again concerned more with the work the word is doing and less with the arrant historical etymology of the word or phrase itself, I contend that notions of the preciousness of people were very much present in early Judeo-Christian tradition. Furthermore, as Hegel writes in *The Philosophy of History*, it does not matter whether dignity is a development of Christianity, as such, because in any case it owes its genesis to Judeo-Christian thought in classical antiquity.[281] So, I am not claiming that the Judeo-Christian tradition 'owns' the concept of dignity, nor that dignity is only intelligible when

[280] Christopher McCrudden, for instance, does not mention the Judeo-Christian tradition in his extensive intellectual history of the concept of dignity. See McCrudden, "Human Dignity and the Judicial Interpretation of Human Rights", *European Journal of International Law*, 19 (2008): 655-724

[281] Christian Starck argues, along with Hegel, that dignity owes its genesis to Judeo-Christian thought in classical antiquity. "the development of the underlying idea [of human dignity] . . . closely parallels the development of Christian thought. Both the Old and the New Testaments state that the basis of human dignity is the fact that humans were created in the image of God (Gen 1 27; Eph 4 24)." Starck, "The Religious and Philosophical Background of Human Dignity and its Place in Modern Constitutions" in Kretzmer and Klein, 179- 193, 180. See also Georg Wilhelm Friedrich Hegel, *Lectures on the Philosophy of History,* J. Hoffmeister, ed. (1955) 47

one thinks of it as emanating from God. I am giving a historical account of the contexts in which dignity appeared on the scene in relation to a disagreement over slavery, to show that the common sense ways we think about dignity, both in law and human rights documents, and, more generally, in meaningful descriptions of our humanity, involve these two seemingly contradictory concepts. Furthermore, an idea of dignity that can respond to economic exploitation must involve resonances of both conceptions, that is, dignity as fact and dignity as achievement.

As for the Romans, the first time 'human dignity' appears in the ancient Roman texts is in Cicero, in a rather peculiar and interesting context: Cicero is writing a letter to his wayward adolescent son who is living it up, as it were, on his father's short dime, in some far flung corner of the Empire. Cicero disapproves. His son is not studying enough. In the letter, Cicero cautions temperance. He urges his son to 'live in a manner befitting human dignity', that it is good not to spend too much money, not eat or drink too much. In short, Cicero urges his son toward moderation. The idea of dignity, here, was about a father's idea of the good life for his son. Comically, Cicero beseeches his son, 'please, son, stop spending my money---I am a scholar of law, not the favorite of the Emperor.' In other words, 'you must act as if we were dwelling in the favor of the Emperor, because we do not have an entirely stable social position in which to fall back upon.'[282]

The Roman notion of *dignitas* is slightly different from Cicero's idea of the human dignity by which he wants his son to live, that is, to act according to one's station in life. Christopher McCrudden notes that elsewhere, Cicero defines dignity as man's

[282] Hubert Cancik, " 'Dignity of Man' and 'Persona' in Stoic Anthropology: Some Remarks on Cicero, *De Officiis I* 105-107", in Kretzmer and Klein, 19-38

special place in the universe in contrast to animals.[283] Dignity is the element that, like or because of reason, separates man from animals. By men, Cicero meant, of course, only the male sex. It is interesting to note that, for the Romans, dignity was to men as charm was to women. Kant, much later on, made an analogous observation in *Observations on the Beautiful and the Sublime*---that what reason is to men, charm is to women.[284]

In any case, dignity for the Romans was reserved only for men, specifically men of status. Women and slaves could not have *dignitas*. It is important to note that women and slaves were not merely excluded from possessing *dignitas* by some unfortunate accident, but that the very notion was constructed on the basis of the opposition of social status between land-holding men and women and slaves. *Dignitas* meant that which women and slaves did not possess. *Dignitas* described men who had rank in the Roman Empire: citizens of the empire, landholders, jurists, generally those who were politically involved and had influence. *Dignitas* meant rank and status. The precondition of status was at least a modest amount of wealth. Men with *dignitas* were expected to carry themselves in a manner befitting of their social position, and were noticed for a certain ineffable confidence, a bodily bearing, of holding oneself in high regard. Again*, dignitas*, was, by its very constitution, exclusionary. If one person held a role, like a jurist, giving him status amongst many, that meant that many others could not play that role. *Dignitas* was not originally an egalitarian notion.

As Orlando Patterson notes, the entire Roman legal system was based on a principle of privilege, and this privilege was a response to the need for a justification of

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[283] McCrudden, "Human Dignity and Judicial Interpretation of Human Rights", 657

[284] Immanuel Kant, *Observations on the Feeling of the Beautiful and Sublime*. John T. Gloldthwaite, trans. Berkeley: University of California Press, 1960.

institutionalized slavery. "Ancient Greece and Rome were not simply slaveholding societies; they were what Sir Moses Finley calls "genuine" slave societies, in that slavery was very solidly the bases of their socioeconomic structures."[285] Interestingly, Patterson explains that freed slaves in the Roman Empire, no matter how much power they possessed by virtue of the resources at their command or their proximity to the Emperor himself, were always considered people without *dignitas* or honor. *Dignitas* was social standing that could be acknowledged by judges and officials. If one was ever a slave, one could not be of noble or honorable background, and thus one's 'social death' was sealed for long after one's change of legal status.[286]

Early Rabbinic law had a different notion of the preciousness of human beings, one that, not surprisingly considering the Hebrews' typical opportunity and social stature in Roman society, had little to do with rank. As is widely known, at various points in the development of the Empire, Romans enslaved Hebrews. Slavery was perfectly legal under the Roman laws that applied, for the first time, the concept of absolute ownership to people, as well as things. Patterson contends that, because of slavery, the Romans intentionally created the fiction of absolute property. Roman law reflected a concept of absolute ownership and this right to power was realized through ownership of persons.

Partly in response to Roman law and concepts of absolute ownership that confuse things with people, early Rabbinic law speaks of the principle that human life is immeasurable; it has infinite value.[287] This idea was universal and deeply egalitarian: *all*

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[285] Patterson, *Slavery and Social Death*, vii

[286] Peter Garnsey, *Social Status and Legal Privilege in the Roman Empire*. Oxford: Oxford University Press, 1970. 122

[287] Yair Lorderbaum, "Blood and the Image of God: on the Sancity of Life in Biblical and Early Rabbinic Law, Myth, and Ritual", in Kretzmer and Klein, 55-86

human life had infinite value or worth, it was not dependent upon one's rank or role in society. The law was necessarily so because the Hebrews wanted to argue that slavery was morally wrong, no matter the rank of the person being enslaved. These Hebrew ideas eventually made their way into Christianity. For this reason, Arthur Chakalson writes that, for the early church, the ideas of dignity and equality were inseparable and interdependent.[288]

One consequence of *Kavod,* the principle that human life has immeasurable worth on the basis of humanity's relation to God, was that it places life beyond any other value, specifically the value of money. Rabbinic law also speaks of *Kavod* as the idea of the domination of nature by men, mirroring a relation between God and the world. Thus we get the first instances of what medieval Christians would term *imago dei*, the idea that humans have dignity because they are made in the image of God. Their dignity, endowed by God, comes from God; they have dignity because God has dignity, and they are creations of God. Also, for the Hebrews, the opposite of dignity was not, as it was for the Romans, a lack of recognized social status. Rather, the opposite of dignity was the first-person experience of humiliation, namely, shame.[289] To summarize, the primary features of the Hebraic concept of dignity were: a vision of the law derived from transcendent divinity, the notion that dignity emanates from the source of the image of God in man, the principle that dignity is equal in all people, and a repulsion toward and/or rejection of slavery.

[288] Arthur Chakalson, "Human Dignity as a Constitutional Value", in Kretzmer and Klein, 133-144

[289] Chana Safrai, "Human Dignity in a Rabbinical Perspective", in Kretzmer and Klein, 99-110

The ideas we have of dignity now, ideas present in both law and international human rights documents, are complex ideas coming to us by way of secularization, from both the Romans and the early Christians. By 'secularization', I mean what Yehoshua Arieli means: the process of universalization of originally religious ideas, like equality on the basis of one's relation to God.[290] Because the Roman Empire, like international law today, was so large and ever expanding into diverse areas with diverse religious traditions, it needed to have universal principles vague enough to accommodate multiple traditions. Universal principles were needed because of the reality of a large central governance of diverse tribes and principalities. Thus, even though the very notion of law was drastically different between the Romans, who thought of law as authority of collective will and the Hebrews, for whom law was revelation given by transcendent divinity, these two contradictory understandings of dignity, and the laws that supported them, came to exist side by side.[291]

How could two ideas of dignity, one based on the rejection of slavery and the other based on its justification, co-exist, and further, merge, in people's common-sense understandings? The dual facets of the Christian tradition allowed for this contradiction. Patterson notes that the situation of the Roman Empire was not entirely different from the situation of the antebellum American South. Both cultures exemplified a split in Pauline dualism, wherein, under the banner of one religion, the oppressed group could hold to God as liberator while the group in power could envision God as the Messianic King, who judges and demands obedience. I quote Patterson at length:

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[290] Yehoshua Arieli, "On the Necessary and Sufficient Conditions for the Emergence of the Doctrine of of the Dignity of Man and his Rights", in Kretzmer and Klein, 1-18

[291] Ibid.

> Thus the masters [in the American South], among themselves, could find both spiritual and personal dignity and salvation in the ethic of the justified and redeemed sinner. The crucified Jesus as redeemer and liberator from enslavement to sin supported a proud, free group of people with a highly developed sense of their own dignity and worth. Similarly the slaves in the silence of their souls and among themselves *with their own preachers*, could find salvation and dignity in the same interpretation of the crucified Lord."
>
> Not was it necessary for master and slave to have two separate religions. Christianity, after Paul, had already constructed an extraordinary shrewd creed with a built-in flexibility that made it possible for emperor and slave to worship the same god without threatening the system, but also without denying all dignity to the oppressed."
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> In the U.S. South there developed the last and most perfectly articulated slave culture since the fall of the Roman Empire. The religion that had begun in and was fashioned by the Roman slave order was to play the identical role eighteen hundred years later in the slave system that was to be Rome's closest cultural counterpart in the modern world. History did not repeat itself; it merely lingered.[292]

Thus, the two ideas of dignity, what Teresa Iglesias terms as universal/unconditioned dignity and restrictive/role conditioned, that is, dignity as endowment versus dignity as acquirement, were fused when the Romans had to accommodate Christianity without violence, and Christianity had, later on, to accommodate Roman law.[293] So I think that the idea of dignity, from its very origins in Western law, has a long history as a sort of compromise, a construction, a kind of 'overlapping consensus'. Our ideas about dignity, like a lot of other things, come from the unique "fusion of secular and spiritual realm that defined western history" a fusion that occurred not the least of which because, "Rome as world-embracing empire needed universal salvation and Christianity needed an empire." [294] This fact that dignity gets

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[292] Patterson, *Slavery and Social Death*, 75-76

[293] Teresa Iglesias, "Bedrock Truths and the Dignity of the Individual", *Logos: A Journal of Catholic Thought and Culture*, 4 (2001): 114-134

[294] Arieli, "The Emergence of the Dignity of Man", 17

confused in so far as it comes from two opposing traditions does not, as I have said, negate the validity of the idea; rather, in paying attention to the tension between the two opposing ideas of dignity, as related to the opposing traditions, in this case Roman custom and Judeo-Christian text and practice, we understand the shape that the *doxa* about dignity has taken in our own age.

As I have said, there is a tension between these two ideas of dignity. They are not altogether compatible. Once more, the problem with taking the two ideas of dignity side-by-side, the Roman idea as socially achieved *dignitas* and Hebrew ideas as divinely endowed dignity-as-equality is that it is very hard to conceive of a status that is universal. Stephanie Hennette-Vauchez notes this problem, that status, like Roman *dignitas*, depends in its very structure on inequality.[295] However, international laws and human rights since the mid-twentieth century have been able to compound these two incompatible ideas rather adroitly. Habermas explains:

> After two hundred years of modern constitutional history, we have a better grasp of what distinguished this development *from the beginning: human dignity forms the ''portal'' through which the egalitarian and universalistic substance of morality is imported into law*. The idea of human dignity is the conceptual hinge that connects the *morality* of equal respect for everyone with positive *law* and democratic lawmaking in such a way that their interplay could give rise to a political order founded upon human rights. To be sure, the classical human rights declarations when they speak of ''inborn'' or ''inalienable'' rights, of ''inherent'' or ''natural'' rights, or of ''*droits inalie´nables et sacre´s''* betray their religious and metaphysical origins: ''We hold these truths to be self-evident, that all men are endowed . . . with certain unalienable rights.'' In the secular state, however, such predicates function primarily as placeholders; they remind us of the mode of a *generally acceptable justification* whose epistemic dimension is *beyond state control*.[296]

[295] Stéphanie Hennette-Vauchez, "A Human *Dignitas*? The Contemporary Principle of Human Dignity as a Mere Reappraisal of an Ancient Legal Concept", European University Institute Working Paper No. 2008/ 18

[296] Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights", 6

The post-World-War-II democratic secular state, self-limiting in its goal, imports the idea of universal, inalienable dignity by way of a placeholder function, the content of which is to be filled out by individuals' and communities' interpretations of the good life, not decisions of the state. Still, dignity is not without content, even in the constitutions of democratic secular states, because the force of the Roman idea of *dignitas* as an occasion for authority is, and should be, retained. "Notwithstanding their [human rights] exclusively moral content, they have the form of enforceable subjective rights that grant specific liberties and claims."[297] A complicated inheritance, to be sure, but a rich one.

So, what to do with such an inheritance, in light of the problems of our century, that of mass poverty created and maintained by economic exploitation, often billed as liberation for women? A notion of dignity must have resonances of both ideas. People surviving on the underside of globalization must be able to claim their dignity in times and places where social recognition is lacking. Thus, dignity must mean universal moral equality regardless of social context. That is, dignity must mean *autonomy*. Autonomy is descriptive: it points to something already existent regardless of social exigencies. Also, however, dignity must mean a call to action, a call *for* greater social recognition. That is, dignity must mean *authority*. The success of this call depends upon the social context. Authority is *active*, the call for dignity is creative, in addition to a description of a discovery. To complete this picture of dignity as both autonomy and authority, we must give an account that includes, but is not limited to, the Hebrew and Roman response to institutionalized slavery.

[297] ibid., 7

As Habermas writes, the movement from dignity understood as related to social roles to dignity understood as an innate endowment in the individual person happened long after antiquity, first in the medieval discussions of human's likeness to God, and then, much later, when Kant radicalized the notions of autonomy. In the rest of this chapter, I will show how a vision of dignity that would constitute an adequate response to global poverty must include both the individual and social conceptions of the idea.

5.5. The Complicated Inheritance of Kant

The philosophical renaissance of Kantian deontology arrived in tandem with the global resurgence of interest in human rights. Kant's notion of unconditioned duty is especially important for the theory and practice of human rights and humanitarian aid. As Hugo Slim explains, "Kant's particular "oughts" are distinctive because they are absolute."[298] Nevertheless, the Kantian inheritance of universal human rights is and should be intentionally selective. The idea of dignity present in universal human rights need not carry all of the baggage of Kant's rationalism. Kant is useful for the project of strengthening human rights for the global poor in so far as he reminds us what a principle is in the first place, that is, that, qua principle, it applies to everyone without qualification. Further, we can gain from Kant a further upbraiding not to replace the right to work, which can really function as to shroud "the right to be exploited", with the dignity of the human qua human being. Beyond remembering what a principle is, and what it means to

[298] Slim, Hugo. "Claiming a Humanitarian Imperative: NGOs and the Cultivation of Humanitarian Duty", *Human Rights and Conflict: Exploring the Links between Rights, Law and Peacebuilding*, eds Julie Mertus and Jeff Helsing, United States Institute for Peace, Washington DC. 2006. 164.

treat all people as ends and not means, Kant is less useful for the project of economic rights: his qualifications for what makes a human being a 'moral person' are erroneous.

A reasonable construction of dignity involves the second formulation of Kant's categorical imperative, that all people should be treated as ends in themselves and not as a means to end.[299] This part of the categorical imperative is the principled, deontological salve, as it were, to the problem of women being treated as means to the ends of economic development that benefits families, husbands, nations, and multinational corporations, that is, anyone but the women themselves. This formulation is principled insofar as it is not subject to the vagaries of situation, or competing interests, of the parties at play. This yoking of human dignity and human rights to the second formulation of Kant's categorical imperative is well-trod ground, to be sure, but is also constantly forgotten in contexts like international development, which use human rights when they see fit, and jettison them when they contradict the goals of economic growth. To hold to the second formulation of the categorical imperative in the context of economic development would require principled commitment to the fact that women's wellbeing and freedom, along with their dignity and self-respect, cannot be subsumed in service to some greater goal, even if that goal is a good one, like feeding the family or decreasing national debt. Applying the categorical imperative to the rights of women counters some of our commonly held, though often subconscious, notions of what women should be --- sacrificers for their families, their husbands, their children, or the greater good. To think of poor women living in the GSUS as ends in themselves implies a radical transformation of many development policies, including even the well-meaning policies of micro-

[299] Immanuel Kant. *Grounding for the Metaphysics of Morals*, in *Kant's Ethical Philosophy*. James W. Ellington, trans. Warner A Wick ed. Indianapolis/ Cambridge: Hackett, 1994. Sections 1, 7, 9.

lending and microfinance.[300] If poor women of color are ends in themselves, and not the ends of someone else's profit or well-being, many development ventures, not to mention the machinations of global capital that have no interest in development proper, are explicitly immoral.

Important as the second formulation of the categorical imperative is, it is not necessary, however, to drag along the entire architectonic of Kant's moral theory into a theory of dignity that responds to global poverty. As Naomi Zack writes in *The Ethics and Mores of Race*, "Even Kant's most ardent defenders recognize his excessive legalism and inflexibility concerning the application of 'the moral law"[301]. . . "Kant's overall meaning is quite clear: Morality is the province of rational beings who are capable of using only their reason to act wholly from duty."[302] Debates about dignity get caught up in these Kantian debates about who, or what, qualifies as a moral being. Human rights frame everyone as a moral being. The strict qualifications of Kant's rationalism --- who can be rational, qualifications for the motivations of 'pure' duty, debates as to whether or not Kant is even writing about human beings in his moral theory[303]--- do not add anything to the universalization of dignity in response to global poverty.

Dignity should be a descriptor of both people who appear to be rational, under Kant's qualifications, and those who are not. As Care Ethics has shown, it is not merely

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[300] See, for example, Lamia Karim, *Microfinance and Its Discontents*: *Women in Debt in Bangladesh.* Minneapolis: University of Minnesota Press, 2011.

[301] Naomi Zack, *The Ethics of Mores and Race: Equality after the History of Philosophy*. Lanham: Rowman and Littlefield: 2011. 222

[302] ibid., 224

[303] Hannah Arendt explains that only in Kant's aesthetics does he begin to theorize about actual human beings, instead of rational creatures as he does in his moral theory. See Arendt, *The Life of the Mind*. San Diego, NY, London: Harcourt, 1971. 258

the independent or even 'reasonable' person, in the impossibly strict sense of Kant's meaning, who makes claims of dignity.[304] Rather, people with needs make claims of dignity. It is right that their bodily, psychological, in other words, heteronymous, needs should factor into such claims. In his aesthetics, Kant also outlines a version of dignity in which man's rationality and autonomy triumph over nature and the emotions.[305] Privileging reason over emotions fails to be constitutive of dignity for a number of reasons: first, because it's speceist, second, because responding to alienation and exploitation means responding to the emotions of the people experiencing these conditions, and third, because a vision of dignity that responds to alienation relies upon a theory of artistic creation that is receptive, as well as expressive.[306] Kant's formalism does not capture this receptivity needed to 'build the world'. Dignity is the capability to create the world. In being thus, it is dependent on a vision of creativity that has a capacity to respond to the contingencies of our needs and our bodies. Kant's vision of dignity solely as autonomy—the capacity of the rational agent to give the law to himself--does not capture the full picture of dignity as autonomy *and* authority.

5.6. Dignity as Autonomy and Authority

To review, it is helpful to see this theory of dignity, so far, in outline form:

Explanandum:

Given the realities of the GSUS—the specific and gendered alienation and exploitation that occurs within the slums—we need a theory of dignity, as a principle of human rights, that cannot be confused or substituted for another means of exploitation. The loose

[304] See, for example, Eva Fedder Kittay's Introduction to *The Subject of Care.* Lanham: Rowman and Littlefield, 2003.

[305] See Paul Guyer's *Kant and the Experience of Freedom*, Cambridge: Cambridge UP 1996.

[306] This is a new claim entirely—it's the subject of the rest of this chapter.

overlapping consensus from current human rights practice does is not sufficient for this purpose.

Explanans:

1) Taking the experience of slavery as a paradigm of economic exploitation and alienation, the ideas of dignity that come out of slavery in the Roman Empire are useful. We have seen that dignity meant both a) unqualified moral equality (autonomy), and b) status (authority).
2) Autonomy and authority should be part of the principle of dignity
3) The principle of dignity should include Kant's categorical imperative insofar as it should always treat people as ends and never as means, but not in so far as Kant narrowly defined his categorical imperative to apply only to rational agents and not all human beings as such.

Now, there is more that needs to be said about part 1 of the explanans: that is, why it is necessary to conceive of dignity both as autonomy and authority, in order to respond to alienation in the GSUS. Or, why authority, coming from the Roman notion of status that was originally a justification for slavery, needs to be part of dignity, a theoretical protection against exploitation. The idea of status, as exclusionary, could merely function to reinforce inequality under globalization. The justification for *dignitas* was, essentially and in large part, a justification for landholding, that is, having a place in the world from which to speak and act. Alienation is, as we have said, the lack of a world. What, then, does it mean to have a world? What remains to be explained, here, then, is how dignity—as a response to alienation—is the capability to create a world.

To make the case for why dignity must involve both authority and autonomy, consider one example from Nelson Mandela's life. During his years in prison at Robin Island, Mandela writes that he took considerable comfort from the words of the poem,

Invictus, by William Ernest Henley and taught this poem to his fellow prisoners.[307] The poem begins:

Out of the night that covers me,
Black as the pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

It concludes:

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate:
I am the captain of my soul.

The power of the poem, and perhaps the moral support Mandela drew from it, lies in its description of self-mastery, something like what Kant meant by autonomy. No matter what the circumstance, no one can take away a moral power from you, and that inalienability of dignity is your 'unconquerable soul'. Indeed, despite being locked away in prison, Mandela found that he could still have moral autonomy, and took great comfort in this fact.

Henley's poem typifies a sort of Victorian nostalgia and sentimental simplification, but the basic message stands: one's moral worth and standing does not depend, in an essential way, upon external contingencies. The religious scholar Karen Armstrong expresses a similar position in her description of the Prophet Muhammad's revulsion against the violence and war. In the face of the assaults by the Meccan Calvary, Muhammad was able to adopt a nonviolent strategy and negotiate a peace treaty because "God had sent down the "gift of inner peace" upon the Muslims, so that they had

[307] See Mandela, Nelson. *Long Walk to Freedom*. Back Bay Books: NY. 1994. Also, "*Invictus*," William Ernest Henley http://www.poemhunter.com/poem/invictus/ And also the film *Invictus*, starring Morgan Freeman and Matt Damon

been able to respond to this assault with calm serenity."[308] In Armstrong's telling, moral autonomy, and indeed radical social progress, was possible for Mohammad and the early Muslims, precisely because their inner peace was not dependent upon external oppressive and violent circumstances. By the realization of their moral autonomy, the early Muslims were able halt a cycle of violence and introduce a new element, nonviolence, into the social context of the time.

Yet, this sort of autonomy cannot be all that dignity entails, because it is not all that justice (or freedom from alienation and exploitation) entails. One would not want to say that just because Mandela could maintain an admirable degree of self-mastery while imprisoned, that the reason, duration, or conditions of his imprisonment were not unjust. Nor would one want to deem meaningless sectarian violence as 'just'. As Isaiah Berlin explained, a vision of freedom that has as its basis the prisoner is not a very convincing or strong vision whatsoever.[309] That freedom, and concurrently that dignity, verges on being purely symbolic, in a time when we need a vision of dignity that is not only symbolic, but also social and material.

Yet neither would one want to say that Mandela had no dignity while he was imprisoned. Similarly, it is not right to claim that migrants to the GSUS have no dignity. Nevertheless, their situation is not wholly just. Dignity as moral autonomy is inalienable, and a basis upon which people can make human rights claims, regardless of their social

[308] Karen Armstrong, *Twelve Steps to a Compassionate Life*. New York and Toronto: Knopf, 2010. 62

[309] Isaiah Berlin. *Four Essays on Liberty* (Oxford: Oxford UP 1990). He writes, "'The fundamental sense of freedom is freedom from chains, from imprisonment, from enslavement by others." 48

conditions. Yet not everyone seems to have dignity in so far as they have the capability to create a world that is, in so far as they have authority.

There is a distinction to be made here between *having* and *manifesting* dignity. This distinction follows the differentiation between autonomy and authority, the historical split in our understandings of dignity that first appeared between the Hebrews and the Romans over institutionalized slavery. The problem is that one both has and is without dignity in situations of degradation. Autonomy must be part of dignity. We have seen this in the history of social progress, in the rejection of slavery and systemic violence. Yet there is also an element of authority to dignity, authority that must be dependent upon social recognition and material circumstances. The crucial point is this: all people have moral autonomy, regardless of social circumstances. But when people make claims of dignity they are also demanding that the social and political world creates a space for their demand to have authority. That is, they are demanding that they be able to manifest their dignity, through the creation of the world.

One reason why many people, Nussbaum and Sen included, want to characterize dignity as 'intuitive' is because many people, certainly not only philosophers, have an idea about what dignity is, and have an existential stake in this idea.[310] For example, a young Egyptian Revolutionary defined dignity, and the spirit of the revolution, thusly: "It means that, for the first time in my life, I feel like my life counts for something. I matter. We matter."[311] A conception of dignity must capture this sense of *mattering, counting for*

[310] Martha Nussbaum, *Women and Human Development: the Capabilities Approach* (Cambridge: Cambridge UP, 2001) 36

[311] See: http://www.npr.org/2011/02/04/133497422/Women-Play-Vital-Role-In-Egypts-Uprising

something. This revolutionary is expressing something akin to authority.[312]. Authority, as part of dignity, is social recognition and the capability to create a world.[313] Dignity as authority has some necessary preconditions of material and support behind it. Authority is the capability to create a world. The difference in how we normally think of the word 'authority' is that the authority attached to dignity does not base its legitimacy on entrenched or socially constructed hierarchy, but rather on the fact of dignity as autonomy. This point is important: if dignity as authority requires legitimation or justification, rights bearers will not find such legitimation where the Romans did, that is, in institutional social hierarchies. Rather, the fact of autonomy gives legitimacy to the achievement of authority. Said a different way, dignity as authority is derived from the fact of moral autonomy. However, the dissimilar justifications do not imply that dignity qua authority has a radically different meaning than dignity qua *dignitas*; both meanings are grounds for having and speaking from one's place in the world.

So, again, the problem to which this version of dignity must respond, in our time, is widespread poverty, created by globalization and neo-liberal policies, experienced as alienation, and fueled by the exploitation of women's labor. A version of human dignity that is responsive to this problem would be one based in both autonomy and authority, both in having *and* manifesting dignity. What it would mean to manifest dignity would be what it would mean not to be alienated. One manifests dignity by creating a world.

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[312] I do not mean by authority, what Arendt, for one means when she traces the long historical meaning of the word from the church to dictatorships to her own theory of foundational legitimization. See Hannah Arendt. "Authority". *Between Past and Future*: Eight Exercises in Political Thought, Jerome Kohn, introduction. Penguin: NY, 2006.

[313] See Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*. London: Verso 2003.

Consider again, Zehrunisa's vision for her life, from Chapter I, in the account Katherine Boo gives of Zehrunisa's rather measured hopes and plans for her life, as it is:

> She wanted a more hygienic home here, in the name of her children's vitality. She wanted a shelf on which to cook without rat intrusions- a stone shelf, not some cast-off piece of plywood. She wanted a small window to vent the cooking smoke that caused the little ones to cough like their father. On the floor she wanted ceramic tiles like the ones advertised on the Beautiful Forever wall- tiles that could be scrubbed clean, instead of broken concrete that harbored filth in each striation. With these small improvements, she thought her children might stay as healthy as children in Annawadi could be.[314]

It could be said that Zehrunisa needed and wanted the basic material backing from which should could have a place in the world, a place to speak and act. She needed basic infrastructure, basic hygiene, a basic home so that she and her children could both have a world and, from having a world, create a world. She needed the capability to create the world, a capability that was intricately connected to her and her children's basic health and needs.

5.7 Authority as the Capability to Create the World

Elaine Scarry writes that the problem of creating the world is essentially related to the relief one feels in expressing, and thus externalizing and alleviating, the interiority of the body, especially the body in pain. Scarry claims that this externalization of one's self is a necessity, a necessary activity, for human beings. Yet, importantly, expressing oneself through the creation of both material structures in the world and lasting political institutions is not, for either Scarry or Arendt, solely a matter of 'expression'. Because Arendt and Scarry are concerned with alienation, their vision of 'creating the world' does

[314] Boo, 83

not rest upon the individualism that the Romantic vision of art portends. Instead, the idea of the creation of a world is rooted in a mimetic envisioning of creation, one source of which is Greek.[315] The creator or artist is not the sole progenitor of the work, and the work is not merely the outpouring of the artist's genius. Another way to say this is that the artist does not only give the law to him/herself. Rather, the artist creates the work as a *response* to something, in the case of ancient Greeks, a response to the muses or the gods. This version of dignity, then, based on autonomy and authority --- the capability to create the world ---is not solely dependent upon the romantic construction of artist as visionary and expressive. To note, there is a distinction here between creating the real world through labor, work, and politics, and creating art, which is the ideal, imaginary, or imagined world.[316] Yet theories of artistic creation can inform the notion of 'creating the world.' Further, perhaps (and I can merely suggest this here) there is not such a great difference between the visionary artist and the visionary citizen. Both create something new, and can, because of their imagination, set something radically new in motion in the world.[317]

Gabriel Marcel emphasizes the relation between expression, creativity, and receptivity in his essay "On Human Dignity."[318] About dignity, Marcel writes first that,

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[315] see Scarry, The Body in Pain, and Arendt, The Human Condition

[316] I cannot elaborate the difference here; to do so would be another project entirely.

[317] I am here thinking of Arendt's notion of *natality*, as well as her conception of politics as beginning, in *The Human Condition*.

[318] To note, Marcel's essay is fragmentary. In it, he is emphasizing some of the themes of his plays and not writing analytically. There are hints, or signposts, as to a robust vision of dignity, but the essay is not systematic. Nevertheless, Marcel's impressions on the subject can bring into greater relief both the uptake and departure from Kant, in service of a vision of dignity that is receptively creative.

in considering the subject, we should be wary of a certain tendency in modern society that abstracts the human being and instrumentalizes the person, as indicative of a condition lacking love. A symptom of this abstraction is when society considers individuals as "mere units of production, and to judge his worth only in terms of productivity."[319] Marcel notes that Marxists and communists have just as much tendency toward abstraction as free market capitalists. This tendency to consider individuals as units of production is the antithesis of dignity. Interestingly, Marcel points to the example of the design and construction of cities as an example of this abstraction made manifest. He is concerned by the large, impersonal buildings being constructed in the slums outside Paris during his time, "merciless structures, not for human beings to dwell in (for "to dwell" still has a human connotation) but to be "incorporated into." He writes: "I have the immediate and almost physical feeling of this universal threat which today weighs upon human beings, after passing through these suburbs where everything changes before our eyes at such amazing speed"[320]

It is a wonder that, in defining dignity, Marcel points to an artistic vision, specifically a relationship between creation and admiration. After witnessing the horror of inadequate human dwelling places, Marcel responds with an aesthetic vision. His response—the connection he makes between the urban disenfranchisement and a vision of dignity---is highly instructive. There is indeed a connection between dignity and a vision of creation, because alienation, the antithesis of dignity, is the lack of ability to create the world. Marcel does not talk of alienation in the essay, nor does he specify why

[319] Gabriel Marcel, "Human Dignity", *The Existential Background of Human Dignity*, 123

[320] ibid., 123

exactly an artistic vision of creation is so essential to dignity, but the connection he makes between the state of city dwellings and an aesthetic vision of dignity of the person is compelling.

Marcel speaks first of the ability of his characters in novels and plays to escape what he calls the 'disease of poverty': "the poverty which is neither lack of money nor lack of success" but a spiritual disease that attenuates a person's ability to recognize other human beings as possessing dignity.[321] He writes, "the artist will probably be safe from this disease of poverty, as well as the believer who can pray. In either case, salvation comes from transcendence."[322] Marcel writes of one character in particular, who, as an artist, "is a mediator, exists in a spiritual climate of admiration."[323]

The creative person admires others in standing outside of herself, and experiences a sort of transcendence. The admiration is made possible by the fact that the artist recognizes and feels the dignity of those she admires, and does not reduce them to tools for her own success or instrumentalize them as objects. That there would be a relationship between admiration and creation, in other words, that one does not create *ex nihilo*, is perhaps counterintuitive because, as Marcel writes, we often confuse creation with production. Creation is imaginative and responsive to one's environment, while production is automatic and not necessarily tied to the contingencies of one's surroundings. I think this confusion arises because of our historical positioning in late capitalism, which ideologically supports just-in-time production techniques in areas of

[321] ibid., 122

[322] ibid., 125

[323] ibid.

life outside of production proper, like confusing handmade pottery with the ceramic vases one finds in chain retail stores. At any rate, "in reality any creation is a response to a call received, and it is receptivity that we should stress here while pointing out that a serious error is made whenever receptivity and passivity are confused, as it seems to me they are in Kant".[324]

Indeed, Kant does confuse receptivity with passivity, insofar as autonomy is always an active process of giving the law to oneself. Kant banishes, with fervor, any traces of heteronymous influences in the moral law, and in doing so precludes the possibility that the moral agent might be moral, not because she is passive in the face of passions she cannot control, but because she is receptive to influences one would not wish to control, in other words, influences she admires.

Marcel continues: "there is every reason to believe that there is no difference of nature but merely a difference of power between the ability to feel and the ability to create; both presuppose not only the existence of a *soi,* but of a world in which the *soi* recognizes itself, exercises and spreads itself; a world in between the closed and the open, between having and being, and of which my body appears necessarily the symbol or materialized nucleus."[28] This is the crux of the issue, the reason autonomy and authority are united in dignity: there is no difference in nature but merely in power between feeling and creation, because creation must be receptive to feeling, indeed, creation is the necessary response to the pain, experienced in my body, to feeling. We can see here direct resonances between Marcel and Scarry. Further, we can see why we must define dignity as both autonomy and more than autonomy. The self is both an expressive and

[324] ibid., 126

receptive self, both has and manifests dignity, and the body, vulnerable to pain, appears as the center of these experiences.

It is impossible to create good art, or the world, without being vulnerable. Creation is a response to vulnerability, and, in so far as creation is tied to dignity, manifesting one's dignity is, too, a response to vulnerability. This is why Marcel says it would be a mistake to infer the meaning of dignity from only those who have an appearance that accompanies power, in other words, from those who have hierarchical status. I quote at length:

> It is my own profound belief that we cannot succeed in preserving the mysterious principle at the heart of human dignity unless we succeed in making explicit the properly sacral quality peculiar to it, a quality which will appear all the more clearly when we consider the human being in his nudity and weakness- the human being as helpless as the child, old man, or the pauper . . .
>
> Do we not run the risk, as a rule, of letting ourselves be deceived by what I would like to call a decorative conception of dignity … which we more or less confuse with the display of pomp that usually accompanies power? It is considered advisable, for example, to surround the judicial power with appearances and conditions likely to command respect, or, if one prefers, to put a certain distance between men entrusted with high duties and ordinary people.[325]

Marcel takes dignity to have a sacred quality to it, and I believe this sacred quality can be preserved even in thoroughly secularized contexts. The sacral quality of which he speaks is not the accouterment of pomp, that, for example, a judge wears, but the mysterious quality that admiration of that, for example a mentor, inspires. When one looks up to a role model, or admires a teacher, there is something fascinating about this person, fascinating because she or he has

[325] ibid., 128-129

knowledge or skill one has not yet acquired. The student/apprentice steps outside herself, transcends herself, to create something that she would not have been capable of before the inspiration of her mentor. The apprentice is vulnerable: she is entering into unknown territory. The process of creation is especially difficult because a person is never quite sure what she is doing, when she is creating something absolutely new but also on her own terms, and yet one is accountable to very accomplished masters of a craft. (What are "my" terms when I am creating? This world, this art, will never be as good as X's, this person I've admired for decades, from whom I have learned so much but still is not me.) Nevertheless, the process of artistic creation is especially rewarding as well: one feels, when one has created art or the world, not so much that one has conquered one's vulnerability, but that one's vulnerability has been made meaningful.

This vulnerability does not merely arise from the fact of transcendence in the creative process, but also from the need to create in the first place. Creation is a response to vulnerability in the way that pain and suffering cause unbearable insularity. As Scarry explains, suffering does not appear, in its first iteration, as transferable to language. We feel isolated when we begin to suffer because it is each of us individually that feel pain, and there is not an adequate language of suffering to express the contours of our experience. This isolation, though, can be tempered by creativity. We create art, artifacts, indeed, we create the world, out of the need to attenuate the isolation of suffering and the fact of vulnerability. The non-alienated work of creativity gives us a shared world wherein our suffering is made meaningful. Thus, creation must be responsive to suffering.

This vision of artistic creation is different, perhaps, from the more Romantic tenors in Marx's own [implicit] vision of creativity. The artist, that is, the person who creates the world, is not merely expressing herself, although that is certainly a part of artistic creation, but she is also responding to the need to manifest her dignity. Insofar as the foregoing vision of creation is responsive, it has more in common with the Greek's idea of mimesis than the Romantic's idea of the creator as individual genius. In its 'sacral quality', that is, the mystery of admiration, the self is responsive to forces beyond its control, including the force of its own vulnerability that is at the mercy of an unjust economic system. Certainly, the romantic idea of artist as expresser is involved here too ---one must express one's feelings in creating the world, in an effort to overcome alienation--- but, in addition to expressing, the artist is also responding. Further, the work made, that is, the creation, in addition to the activity of the work itself, call for a response and with that call it creates authority. In the function of expressing, we see the fact of dignity as autonomy. In the function of reciprocal response, we see the achievement of dignity as authority.

Autonomy and authority are united in dignity, but, and this is important to note, they are not strictly the same. As I have said, one always has autonomy, and so dignity, but one cannot always manifest one's dignity by belonging to and shaping the world, so one does not always have authority. One has autonomy, and dignity, regardless of circumstance, but authority depends upon the circumstances of feeling, on our bodies, and of our place in the world. At the outset, these are things that we cannot control, over which we have, strictly speaking, little to no 'self mastery'. Indeed it is precisely at the

moment when people's personality and bodily integrity have been compromised by economic and political forces outside of their control, when, for instance, people living in poverty are alienated, that the claims of dignity become paramount. With this situation in mind, Marcel writes that we must be very careful not to confuse honor, status, or even respect with dignity. Indeed, we will not arrive at dignity unless we consider those to whom status and respect are not usually bestowed. It is on this point, Marcel encourages, that we must leave Kant behind; his rationalism that values self-mastery as autonomy above all else misses the need to have an element of dignity responsive to that which we do not, and cannot, control. Another way to say this is that a part of dignity, the creative part, is of principled value despite its not being absolutely rational, in the Kantian sense.

One might object to this dual formulation of dignity as autonomy and authority on the grounds that autonomy and authority are contradictory. How, one could ask, could one intentionally fuse two concepts that came about in direct opposition to one another, on the bases of the Hebrew opposition to and Roman justification of slavery? Analogous to the way in which existentialists consider freedom both a fact and achievement, so dignity is both a fact (autonomy) and something akin to an achievement (authority).[326] Authority in dignity is akin to a directedness-towards, or an aim, in the Aristotelian sense. Aristotle wonders, at the outset of the *Ethics*, if the work of being ethical is like an archer aiming at a target.[327] It cannot be like this, he concludes, because we do not know the target before we begin, but, it is only by beginning and creating that the target becomes

[326] Although, I do not want to call authority an achievement, quite, because of the word's tinge of individualism.

[327] Aristotle. *Nicomachean Ethics*. Joe Sachs, trans. Newburyport MA: Focus. 2002.

clear. Further, I ground the justification of authority in the fact of autonomy, rather than in social status. Lastly, I frame authority as the capability to create the world. Authority has a material and social bases and is the precondition to creative speech and action, and is the opposite of alienation. So, my understanding of authority is very different from the Roman understanding of *dignitas* as social status. It captures something that the Romans knew: that to possess a full dignity one needs social recognition dependent on having one's own place in the world (dignity is not merely symbolic). However, my conception of dignity as authority also draws from what Marxists know: that social status and recognition, too, can be merely symbolic without the material support that allows a person's labor to be an expression of their self.

In fact and in form, dignity is not very far from artistic creation at all. Dignity is tied to work, both in the sense of labor and the material product, the *energia* and the *ergon*. In this way, dignity relates to alienation. The dignity of being able to manifest oneself in one's lasting and shared creation is the response to alienation in the loss of the world. Because women's work, bodies, and selves are not property or means to an end, they share in this dignity and this world.

To qualify, this conception of dignity as autonomy and authority does not, and is not intended to, exhaust all possibly forms of dignity. I am here only talking about human dignity, which does not preclude the possibility that animals and other parts of the natural or made world possess dignity. I think they do; but my aim is not, here, to define how. Furthermore, as I have said, I do not share Kant's rationality criteria for being human. In fact, I am not really interested in defining criteria for what makes us human at all. Therefore, I am not saying that work makes us human, or gives us dignity. I am claiming

that a world, made by communal, and not individual work, allows us to manifest our dignity. Along this line of qualifiers, care ethicists have real and sound concerns about defining humans in terms of their autonomy without regards to their dependency, a dependency that is not a result of economic exploitation, but always already part of the human condition. What about, they ask, people who cannot work, for whom others must work on their behalf, that is, the disabled who cannot communicate in ways that strict enlightenment rationalism would fail to deem as fully human? Would we say that they do not have dignity, then? No. In fact, if a disabled person were being exploited, we would claim that their exploitation, along with everyone else's, in unjust on the basis of their innate dignity, a dignity that has no relation to their ability. Neither would we want to deny this person a world in which to flourish, because they suffer and experience joy like all others. A world is not made by one person. We think on these terms because we are used to thinking of people as, like Arendt's diagnosis of the social, private individuals. A world is made communally, gifted over generations by many people. A world made by work, as the precondition of speech and action, gives people authority and evidences people's uniqueness and non-exchangeability, their dignity.

To conclude, this vision of dignity that answers the problem of alienation under widespread poverty, fueled by the exploitation of women's labor, has, for all intents and purposes, four parts: first, a principled, deontological grounding in line with the grounding for human rights in general. Second, it involves the principled commitment to people, and especially women, as ends in themselves. Third, autonomy is involved in dignity, but, fourth, cannot be considered in terms of a broader vision of justice without also considering authority, as the capability to create the world. This conception of dignity still, I think, qualifies as fitting into an overlapping consensus needed in the

cosmopolitan contexts of international law and activism. It is more specific, certainly, than the UDHR or Capabilities Approach, but it is a 'weak' metaphysical conception that could fit into, and even bolster, stronger metaphysical belief systems. Because it relies on a vision of creation that is receptive, but does not delimit what it is that creation is receptive to, it could still encompass a version of dignity as grounded in the image of God, or social recognition. Indeed, my hope is that this more robust conception of dignity adds to, and does not detract from, the immensely rich and valuable history and tradition of metaphysical descriptions of the matter. I do want this version of dignity, though, to detract from the prevailing ideologies of neo-liberalisms that support globalization, and so the status quo of ever expanding poverty in the global south, of which women bear much of the pain.

CHAPTER VI

CONCLUSION: A CONTRIBUTION TO THE CAPABILITIES APPROACH

6.1. Overview

In this dissertation, I have shown that the urban slums of the global south (GSUS) constitute a new human condition, and, further, that they demand a new vision of justice that accounts for gendered exploitation, alienation, and dignity. I must note here that the project as a whole was originally inspired by Martha Nussbaum's and Amartya Sen's Capabilities Approach. However, this project contributes to and expands the Capabilities Approach in critical ways. Nussbaum maintains that the approach relies upon 'an intuitive idea of human dignity', and further, that the approach has Aristotelian and Marxist origins. Yet, the approach, as it stands, does not offer a theoretical guarantee against exploitation, and does not offer a full account of *how*, exactly, women's work is exploited in the global south. The preceding chapters have offered a fuller account of a Marxist and Aristotelian vision of justice, as a response to the need to understand the GSUS, and have offered an account of dignity which functions as a bulwark against the exploitation of women's labor. In this conclusion, then, I will show how my work as a whole adds to and strengthens the Capabilities Approach.

6.2. The Capabilities Approach as a Response to Global Poverty

As I have said in Chapter II, there is a tendency to subject women, and poor women especially, to what Linda Zerilli has called 'the logic of utility': instead of asking what women want or need, what kind of lives they envision for themselves, many

development theorists ask instead, "what are women for?"[328] Amartya Sen, Martha Nussbaum, Sabina Alkire and other practitioners and theorists of the Capabilities Approach clarify why questions of utility are, in fact, the wrong questions to ask.

In his 2000 work, *Development as Freedom*, Sen argues that the goals of ethical development should not be to increase the relative power of the elites in the global south, open up new markets for Western enterprise, or compete on a global stage in Gross Domestic or National Product comparisons, but rather, to raise the standard of living for each person, considered individually.[329] Development policies exist to enhance freedoms, and therefore people's freedoms should not be compromised for the goals of development. The capabilities approach that Sen's work inspired is a robust approach to measuring and theorizing poverty and wellbeing, that, on the *empirical* side, de-emphasizes the ubiquitous measures of GNP and GDP and instead advances a multi-dimensional poverty index.

Nussbaum defines the *theoretical* side of the field thusly:

> The Capabilities Approach can be provisionally defined as an approach to comparative quality-of-life assessment and to theorizing about basic social justice. Its holds that the key question to ask, when comparing societies and assessing them for their basic decency or justice, is, "What is each person able to do and to be?" In other words, the approach takes *each person as an end*, asking not just about the total or average well-being but about the opportunities available to each person. It is *focused on choice or freedom*, holding that the crucial good societies should be promoting for their people is a set of opportunities, or substantial freedoms, which people then may or may not exercise in action: the choice is their's.[330]

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[328] Zerilli, Linda M.G. *Feminism and the Abyss of Freedom*. Chicago: University of Chicago Press, 2005.

[329] Sen, Amartya. *Development as Freedom*. Oxford: Oxford UP, 1999.

[330] Nussbaum, Martha C. *Creating Capabilities: The Human Development Approach*. Belknap, Harvard UP: Cambridge. 2011, 18.

Sen and Nussbaum's capabilities approach is the current leader, in approaches to global justice from the philosophical field, which need not rely heavily on the social contract tradition. Whereas, as explained in chapter III, for Thomas Nagel, economic freedom was taken to be separate from conditions of justice in the global sphere, Sen has a vision of global justice that includes substantive freedoms, considered as capabilities, for each person. Capabilities are the aspects of human flourishing, which governments should support but not force to function. Just as for Henry Shue, there is no meaningful difference between having a right and being able to enjoy that right, for Sen, substantive freedoms are freedoms that strengthen each other, and where there is no meaningful difference between possessing a freedom and exercising that freedom. In addition, as Shue recognizes that severe economic need was not detached whatsoever from considerations of basic rights, so Sen recognizes that "economic unfreedom, in the form of severe poverty, can make a person helpless prey, in violation of other kinds of freedom."[331] In short, poverty, considered as *un*freedom, is capability deprivation. The deprivation of capabilities is an injustice because each person has dignity and agency, and poverty prevents people from flourishing.

Sen makes the case that there is no significant separation between economic inequality and severe humanitarian violations more forceful. In doing so, he makes great headway into the question: Why is inequality bad? He considers, by way of example, mortality rates amongst Caucasians and African-Americans in the U.S.[332] There is evidence, as Sen shows, of far greater mortality for black men as compared to white men,

[331] See Sen, Amartya. *The Idea of Justice*. Cambridge, MA: Harvard UP. 2009.

[332] To note, this is of course a domestic example not strictly considered in the realm of 'global justice'. But I mention it here because it is especially illuminative of the point that economic inequality cannot be separated from humanitarian concerns.

and black women as compared to white women, and this is the case even after the studies are adjusted for income differentials:

> While U.S. black men have 1.8 times the mortality rate of white men, black women have nearly 3 times the mortality of white women in this situation. . . . It, thus, appears, even after full note is taken of income levels, black women die young in very much larger proportion than white women in the contemporary United States.[333]

One of Sen's aims, in giving these statistics, is to show that inequality, economic or otherwise, has far reaching consequences in terms of basic capability depravation. In terms of its influence on people's lives, socioeconomic justice is not a separate category from, say, negative rights of bodily inviolability.

What Sen, Nussbaum, and other theorists of the capabilities approach offer is a more fully developed, robust [yet still incomplete] theory of justice than those relying on the contractarian framework. Moreover, they see their work as an important expansion of human rights discourses. Sen and Nussbaum give a picture of the goal of justice, which other theories do not quite capture. That is, working, in part, from Aristotelian and Marxist paradigms, Sen and Nussbaum give a vision of what it means for humans to flourish. As such, the capabilities approach has broad implications for global justice, beyond a narrow debate about rights and duties. Instead of constraining themselves to questions regarding what duties rich westerners have to the global poor on the basis of whatever social contract they imagine to be present, the locus of justice, for theorists of the capabilities approach, revolves around the question: What is each person actually able to do and to be? That they ask this question is the reason the Capabilities Approach is so inspirational. The matter of global justice, then, for the capabilities approach, is not

[333] Sen, *Idea of Justice*. 97.

closed when affluent countries decide the degree of their duty in terms of institutional arrangements. Just institutional arrangements are, to be sure, an important part of a theory of justice for the capabilities approach, but they are not the whole story. Global justice is about, also, the flourishing of each person within, and after, the institution's arrangements. Further, institutional procedures are to be judged not only on the fairness of their rules, but also on how each person is fairing within them.

For both Sen and Nussbaum, there is a crucial distinction between promoting the capabilities themselves, and forcing their functionings. The Capabilities Approach does not aim to impose external standards on what, as political philosophers say, 'visions of the good life' should be. The approach does aim that parties with power (governments, international law, multi-national corporations, and development organizations) should enact policies which make it possible that each person has the choice to fulfill their capabilities in the best ways they see fit. That is, the preconditions for the ability to make these choices must be in place. In fact, this vision of justice demands that these preconditions of possibility be present in each person's life. The difference between capabilities and forced functionings is best captured in the distinction between fasting and starving. A policy in line with the capabilities approach would mandate that a government bear a responsibility to make sure its people do not starve, that is, to make sure it is possible that each person has the full choice to fulfill their capability of bodily health. But a policy would not force this capability of bodily health to function; for example, if someone, decided that being a religious ascetic was a meaningful path of life, they could practice their religious beliefs freely and choose to fast, that is, not to 'force the functioning of the capability of bodily health.' The important thing is that they would have a choice in the matter.

The capabilities approach is grounded in the tenets of freedom as choice, and, as Nussbaum describes, 'The intuitive and widely shared idea of human dignity.' Further, she writes, "If it is true that a society is not minimally just unless it has given people the preconditions of a life worthy of human dignity, then it is incumbent on political actors to figure out what that life requires."[334] While Sen theorizes notions of freedoms extensively, the approach, in both Sen and Nussbaum's iterations, refrains from theorizing a robust notion of dignity. They leave the idea of dignity intentionally vague, because they are trying to consider dignity within the framework of an overlapping consensus. Such a consensus is not a specific and concrete idea of dignity that could alienate any one religious or cultural tradition, but a loosely defined term that grounds, describes, and forms the project of the capabilities approach as a whole, a term that leaves open the possibility that reasonable people, holding different metaphysical pictures of the good life, could adopt without conflict to their rich and individual belief systems. (The capabilities approach may according to some interpretations be a little more specific than that, but not by great lengths.)

We need the idea of dignity, more specifically, to ground the approach, because a principle or idea of dignity advances agency and empowerment in ways that ideas like 'satisfaction' do not. People can be passive recipients of 'satisfactions', but the idea of dignity is about what a person can be or do, in accordance with the possibilities before her.What I have done in this project is to 'fill in' a notion of dignity that can be especially useful for the capabilities approach. I have given a historical genealogy of the term 'dignity' which traces it back to the Roman institution of slavery. In doing so, I have shown how we can use an, or the, idea of dignity in such a way that it functions as a

[334] *Creating Capabilities*, 8.

protection against economic alienation, given that slavery is a (perhaps *the original*) paradigm of economic exploitation and alienation.

The Capabilities Approach is a response to the instrumentalization of poor people in the Global South. But it is not quite an adequate response to the alienation and exploitation of people in the GSUS. If it is true that the GSUS constitute a new human condition, as I have claimed, then the Capabilities Approach must respond to the GSUS residents as a specific phenomena—and take into account gendered economic exploitation that neoliberal reforms instituted. Otherwise, the capabilities at issue could merely be used in service of expansion of capital markets. The capabilities themselves are no guarantee against exploitation. One could say that women's reason, affiliations, and bodily integrity are good *because* they serve the good of her broader community, or her respective nation-state === and/or because they serve her. The capabilities approach is right to emphasize the dignity of each person. But the approach itself does not give enough content to its notion of dignity in order that it function against exploitation. My work helps the approach on these fronts.

The preceding chapters have filled the theoretical and practical gaps in the Capabilities Approach. First, the approach gestures toward Marxist and Aristotelian origins without explaining these origins, in detail. I have shown, here, how global poverty is not only a matter of alienated labor as such, but a matter of that labor not producing a world, a place from which people can speak and act. The first precondition of a 'world' is basic housing and infrastructure. The problem with positing that women's increased labor will necessarily bring them out of poverty is that their constant labor does not necessarily translate into their own assets, or private property.

Further, the Capabilities Approach does have Aristotelian origins, in so far as it has a robust vision of human flourishing. But Aristotle can do even more work for capability theorists. The capabilities approach needs to include a vision of justice that comes from Aristotle's notion of distributive justice, a forward-looking, community-oriented justice instead of a past-regarding just that aims to mend former harms.

Any viable alternatives to neoliberal development must begin and end with a principled, universal commitment to people's dignity. This principled, universal commitment replaces the prevalent logic of utility, and consider all people, poor women included, as ends in themselves, and not means to some other valued goal. To hold to this principle would mean that women's wellbeing and freedom, along with their dignity and self-respect, cannot be subsumed under the service of some greater goal, even if that goal is a good one, like feeding the family or decreasing national debt. Women should be seen not as a means to achieve the goals of multinational enterprises, NGOs, or governments, but should be considered, in policy and practice, as ends in themselves, their own human flourishing seen as the value toward which all other values are the means.

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