



Martha Nussbaum:
Feeling, Fragility,
Flourishing

7. Sex and
Social Justice



Nussbaum vs Butler

- A new trend in American feminist theory...
- ‘the virtually complete turning from the material side of life, toward a type of verbal and symbolic politics that makes only the flimsiest of connections with the real situation of real women.’
- ‘The new feminism, moreover, instructs its members that there is little room for large-scale social change, and maybe no room at all. We are all, more or less, prisoners of the structures of power that have defined our identity as women ... All that we can hope to do is to find spaces within the structures of power in which to **parody** them’
- Terrible, incoherent writing – several examples given
- A libertarian student, on Foucault... ‘Why can’t I use these ideas to resist the tax structure, or the antidiscrimination laws, or perhaps even to join the militias?’...
- ‘It collaborates with evil. Feminism demands more and women deserve better.’

SEX AND SOCIAL JUSTICE



Martha C. Nussbaum



Introducing *Sex and Social Justice* (1999)

- Research Advisor from 1986-93 at the World Institute for Development Economics Research
- Draws on visits and research with women across China and India
- A liberal defence of universalism, social justice and humanitarian aid
- Outline of the Capabilities Approach in relation to sex and sexuality
- Draws on Aristotle and the Stoics, but also Kant and Mill,
- But: focused on ameliorating for women, globally, hunger, illiteracy and a lack of justice

Human beings have a dignity that deserves respect from laws and social institutions.

This idea has many origins in many traditions; by now it is at the core of modern liberal democratic thought and practice all over the world.

The idea of human dignity is usually taken to involve an idea of equal worth: rich and poor, rural and urban, female and male, all are equally deserving of respect, just in virtue of being human, and this respect should not be abridged on account of a characteristic that is distributed by the whims of fortune.

Often, too, this idea of equal worth is connected to an idea of liberty: to respect the equal worth of persons is, among other things, to promote their ability to fashion a life in accordance with their own view of what is deepest and most important (5)



DECLARACION UNIVERSAL DE Derechos del Hombre

CONSIDERANDO que la libertad, la justicia y la paz en el mundo tienen por base el reconocimiento de la dignidad inherente y de los derechos iguales e inalienables de todos los miembros de la familia humana;

CONSIDERANDO que el desocupoamiento y el menosprecio de los derechos del hombre han originado actos de barbarie ultrajantes para la conciencia de la humanidad; y que se ha proclamado, como la aspiración más elevada del hombre, el advenimiento de un mundo en que los seres humanos, liberados del temor y de la miseria, disfruten de la libertad personal y de la libertad de creencias;

CONSIDERANDO esencial que los derechos del hombre sean protegidos por un régimen de Derecho, a fin de que el hombre no se vea compelido al supremo recurso de la rebelión contra la tiranía y la opresión;

CONSIDERANDO también esencial promover el desarrollo de relaciones amistosas entre las naciones;

CONSIDERANDO que las Naciones Unidas han reafirmado, en la Carta, su fe en los derechos fundamentales del hombre, en la dignidad y el valor de la persona humana y en la igualdad de derechos

de hombres y mujeres; y se han declarado resueltos a promover el progreso social y a elevar el nivel de vida dentro de un concepto más amplio de la libertad;

CONSIDERANDO que los Estados Miembros se han comprometido a asegurar, en cooperación con la Organización de las Naciones Unidas, el respeto universal y efectivo a los derechos y libertades fundamentales del hombre; y

CONSIDERANDO que una concepción común de estos derechos y libertades es de la mayor importancia para el pleno cumplimiento de dicho compromiso;

LA ASAMBLEA GENERAL
de la presente Declaración Universal de Derechos del Hombre como ideal común por el que todos los pueblos y naciones deben esforzarse, a fin de que todos los individuos disfruten de los derechos y libertades que ella proclama, y asegurar, por medios progresivos de carácter nacional e internacional, su reconocimiento y aplicación universales y efectivos, tanto entre los pueblos de los Estados Miembros como entre los de los territorios sujetos a su jurisdicción.

ARTICULO 1 - Todos los seres humanos nacen libres e iguales en dignidad y derechos y, dotados como están de razón y conciencia, deben comportarse fraternalmente los unos con los otros.

ARTICULO 2 - Toda persona tiene todos los derechos y libertades proclamados en esta Declaración, sin distinción alguna de raza, color, sexo, idioma, religión, opinión política o de cualquier otra índole, origen nacional o social, posición económica, nacimiento o cualquier otra condición.

ARTICULO 3 - Todo hombre tiene derecho a la vida, a la libertad y a la seguridad.

ARTICULO 4 - Nadie estará sometido a esclavitud ni a servidumbre. La esclavitud y la trata de esclavos están prohibidas en todas sus formas.

ARTICULO 5 - Nadie será sometido a torturas ni a penas o tratos crueles, inhumanos o degradantes.

ARTICULO 6 - Todo ser humano tiene derecho, en todas partes, al reconocimiento de su personalidad jurídica.

ARTICULO 7 - Todos son iguales ante la ley y tienen, sin distinción, el mismo acceso a los tribunales. Todos tienen derecho a una defensa justa y equitativa. Nadie será condenado por actos u omisiones que en el momento de cometerse no eran delictivos. Se niega la retroactividad de la pena.

ARTICULO 8 - Toda persona tiene derecho a un recurso efectivo contra los actos de violación de los derechos fundamentales reconocidos por la ley.

ARTICULO 9 - Nadie podrá ser arbitrariamente detenido, preso ni desterrado.

ARTICULO 10 - Toda persona tiene derecho, en condiciones de plena igualdad, a ser oída públicamente y con justicia por un tribunal independiente e imparcial, para la determinación de sus derechos y obligaciones o para el castigo de cualquier delito.

ARTICULO 11 - Toda persona tiene derecho a ser juzgada culpable o inocente por la ley.

ARTICULO 12 - Nadie será objeto de intromisiones arbitrarias en su vida privada, su familia, su honra o su reputación. Toda persona tiene derecho a la protección de la ley contra tales intromisiones.

ARTICULO 13 - Toda persona tiene derecho a la libertad de movimiento y a residir en cualquier país.

ARTICULO 14 - Toda persona tiene derecho a salir de cualquier país, incluido el suyo, y a regresar a su patria.

ARTICULO 15 - Toda persona tiene derecho a la nacionalidad.

ARTICULO 16 - Toda persona tiene derecho al matrimonio, a fundar una familia y a disfrutar de la protección legal de la familia.

ARTICULO 17 - Toda persona tiene derecho a la propiedad, individual y colectivamente.

ARTICULO 18 - Toda persona tiene derecho a la libertad de pensamiento, de conciencia y de religión.

ARTICULO 19 - Toda persona tiene derecho a la libertad de opinión y de expresión.

ARTICULO 20 - Toda persona tiene derecho a la libertad de reunión y de asociación pacíficas.

ARTICULO 21 - Toda persona tiene derecho a participar en el gobierno de su país, directamente o por medio de representantes escogidos libremente.

ARTICULO 22 - Toda persona tiene derecho a la realización de los derechos económicos, sociales y culturales.

ARTICULO 23 - Toda persona tiene derecho al trabajo, a la libre elección de su profesión u oficio, a condiciones equitativas y satisfactorias de trabajo y a la protección contra el desempleo.

ARTICULO 24 - Toda persona tiene derecho al descanso, al disfrute del tiempo libre, a una limitada jornada de trabajo y a vacaciones pagadas.

ARTICULO 25 - Toda persona tiene derecho a la seguridad social y al bienestar.

ARTICULO 26 - Toda persona tiene derecho a la educación.

ARTICULO 27 - Toda persona tiene derecho a participar libremente en la vida cultural de la comunidad, a gozar de las artes y a beneficiarse del progreso científico.

ARTICULO 28 - Toda persona tiene derecho a que se realicen plenamente los derechos y libertades proclamados en esta Declaración.

ARTICULO 29 - Toda persona tiene deberes hacia la comunidad, ya que solamente mediante ella podrá el ejercicio de sus derechos y libertades conseguirse, y por lo tanto, es necesario que toda persona se someta a las limitaciones de los derechos y libertades proclamados en esta Declaración, con tal de que no perjudiquen a los demás.

ARTICULO 30 - Nada podrá interpretarse como que confiere a cualquiera de los Estados Miembros, a las Naciones Unidas o a cualquier potencia el derecho de intervenir en los asuntos internos de cualquier Estado.

‘But human dignity is frequently violated on grounds of sex or sexuality. Many women all over the world find themselves treated unequally with respect to employment, bodily safety and integrity, basic nutrition and health care, education, and political voice. In many cases these hardships are caused by their being women, and in many cases laws and institutions construct or perpetuate these inequalities.’



Nussbaum's feminism

1. Internationalist
2. Humanist
3. Liberal
4. Concerned with the social shaping of preference and desire
5. Concerned with sympathetic understanding.

Taking feminism beyond the West

- 'individuals have moral obligations to promote justice for people outside their national boundaries and that their governments do also'.
- Birth: 'the contingency that affects people's lives more than any other, the contingency of birth location'
- the difference in life expectancy at birth between Iceland (78.2) and Sierra Leone (39.0) is enormously greater than that between females and males in any nation
- Later (1999): women's employment participation is globally 50% of men; their percentage of earned income is rarely above 35%; literacy 50% less

振兴中华匹夫有责

控制人口从我做起

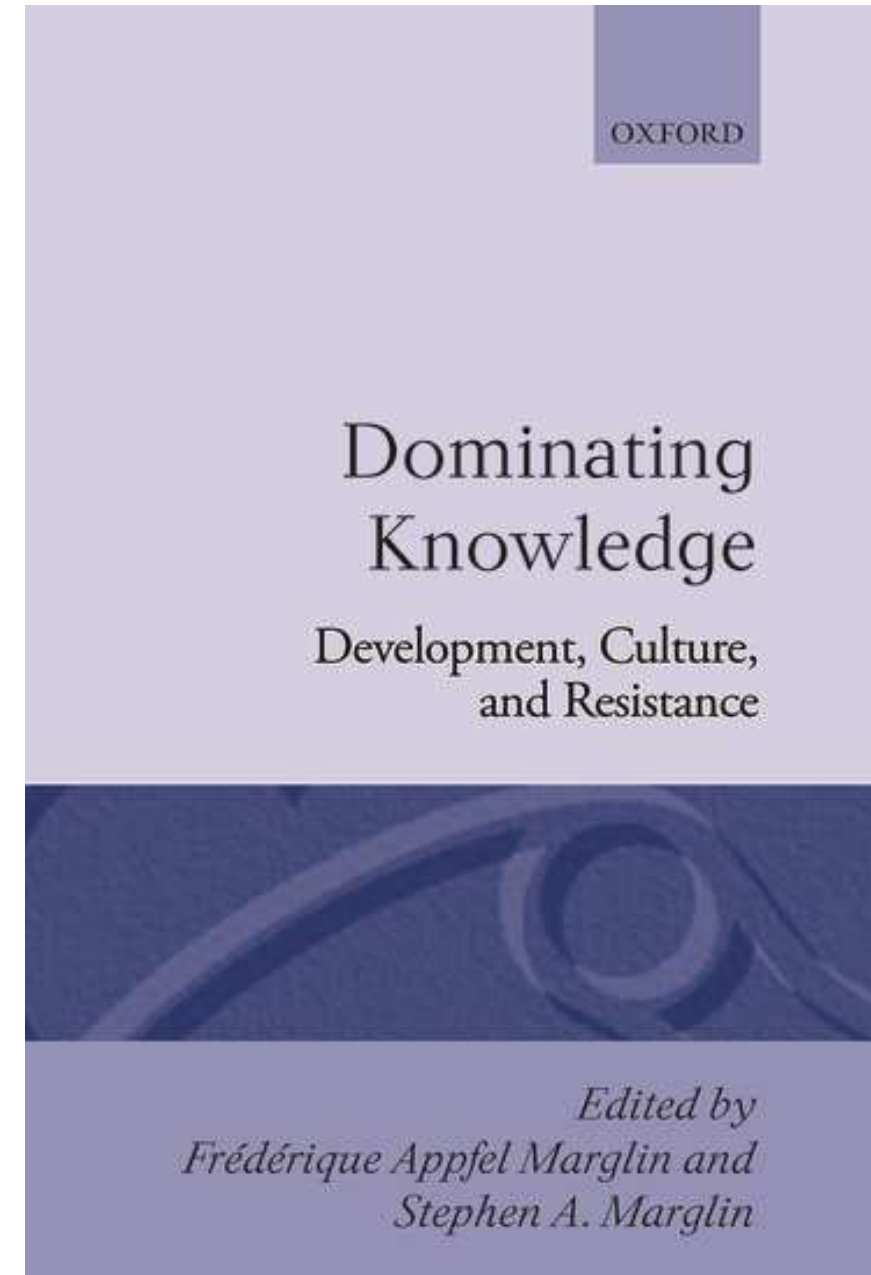


广渠门内大街
GUANGQUMENNEI DAJIE



Beyond the West

- tens of millions of 'missing women' across the world, particularly in China (44) and India (36.7), when compared to average sub-Saharan gender ratios
- These are deaths not by poverty, but by 'custom and politics' (32), and therefore issues anyone concerned with justice should be alarmed by



Is social justice Eurocentric?

- The Marglins say so...
- An American economist at global economics conference, on preserving rural life in Orissa: western development has corrupted local practices, e.g. eradicating smallpox.
- He argues: 'Don't we realize there is, in these matters, no privileged place to stand?' We should instead respect 'otherness'
- Nussbaum: 'hasty judgments that a tradition in some distant part of the world is morally retrograde are familiar legacies of colonialism and imperialism'
- But: this is a postmodern hell...

EVERYTHING
COVERED
BUT HER EYES,
WHAT A CRUEL
MALE-
DOMINATED
CULTURE!



NOTHING
COVERED
BUT HER EYES,
WHAT A CRUEL
MALE-
DOMINATED
CULTURE!



Evans

‘To say that a practice is all right whenever local tradition endorses it as right and good is to risk erring by withholding critical judgment where real evil and oppression are surely present.

... It suggests the sort of moral collapse depicted by Dante when he describes the crowd of souls who mill around in the vestibule of hell, dragging their banner now one way, now another, never willing to set it down and take a definite stand on any moral or political question. Such people, he implies, are the most despicable of all. They cannot even get into hell because they have not been willing to stand for anything in life, one way or another.

...

To express the spirit of this chapter very succinctly, it is better to risk being consigned by critics to the "hell" reserved for alleged Westernizers and imperialists – however unjustified such criticism would in fact be – than to stand around in the vestibule waiting for a time when everyone will like what we are going to say.

And what we are going to say is: that there are universal obligations to protect human functioning and its dignity, and that the dignity of women is equal to that of men. If that involves assault on many local traditions, both Western and non-Western, so much the better, because any tradition that denies these things is unjust.'



Over to you

The argument of this book, set out towards the end of the Intro, and Ch1, is for a Liberal, Universalist conception of justice that involves women's rights.

What did you make of this argument?

What strengths and weaknesses does it have?

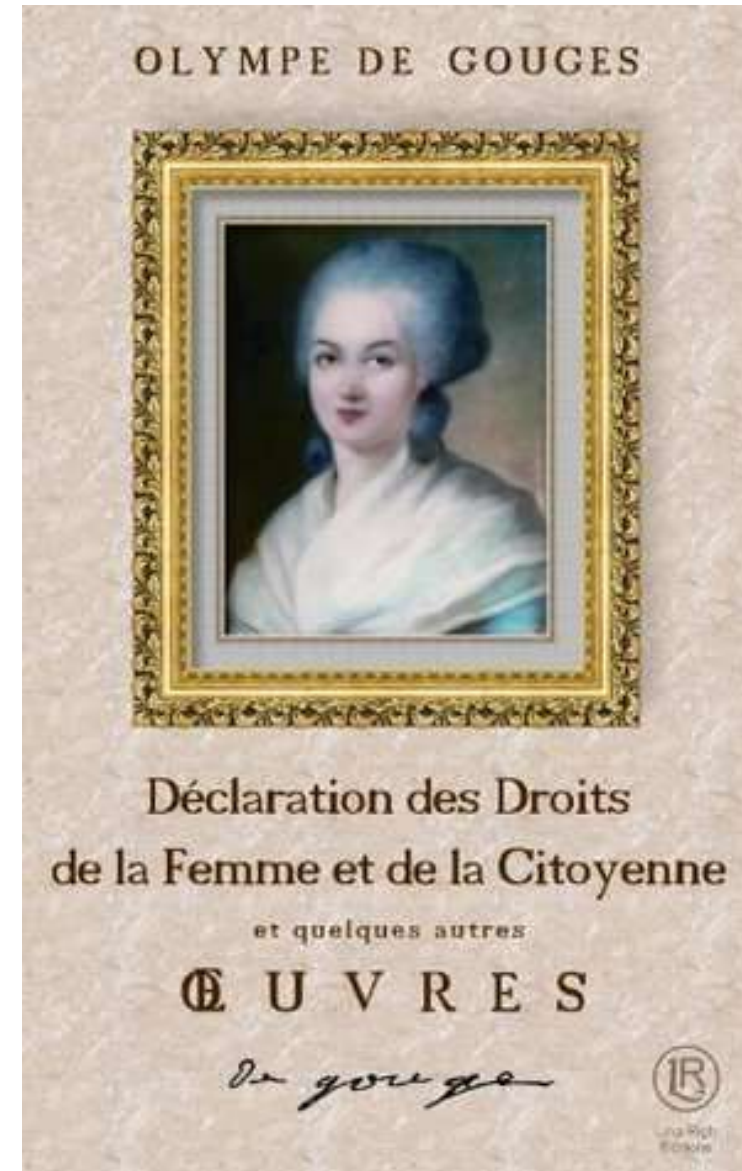
Universalism

- Circumstances of justice: ‘The problems people face wherever they live include scarce resources, competition for resources, and the shortness of life’
- Can accommodate local difference: ‘a universal account of human justice need not be insensitive to the variety of traditions or a mere projection of narrow Western values onto groups with different concerns
- Local knowledge and tradition unreliable: ‘why shouldn’t we think from the start that traditions can be evil as well as good, a view most people hold about their own traditions?’ (7)
- Plurality: ‘Any living culture contains plurality and argument; it contains relatively powerful voices, relatively silent voices, and voices that cannot speak at all in the public space’



Universalism

- Challenging Confucianism: feminists using J.S. Mill in China, against the “women go home” policy. Using ideas from outside
- ‘We can hardly be charged with imposing a foreign set of values upon individuals or groups if what we are doing is providing support for basic capacities and opportunities that are involved in the selection of any flourishing life and then leaving people to choose for themselves how they will pursue flourishing’
- ‘Any universalism that has a chance to be persuasive in the modern world must, it seems to me, be a form of political liberalism’



Liberalism

- ‘The version of liberalism here begins from the idea of the equal worth of human beings as such, in virtue of their basic human capacities for choice and reasoning. All, in virtue of those human capacities, are worthy of equal concern and respect’ (10)
- Not egoistic or self-centred. Can be compassionate and loving
- Normative, not relativistic: ‘liberalism has to take a stand on what is good for people’
- The ‘amelioration of lives taken one by one’, people as ends, not means – of particular advantage to women



**WOMEN AND SUSTAINABLE
DEVELOPMENT GOALS**

MDG3



**PROMOTE GENDER
EQUALITY AND
EMPOWER WOMEN**

**THE WORLD HAS
ACHIEVED EQUALITY
IN PRIMARY EDUCATION
BETWEEN GIRLS
AND BOYS**

**LET'S
TAKE
ACTION
TO ACHIEVE
GENDER
EQUALITY IN
ALL FIELDS**

COPYRIGHT UNITED NATIONS | UN WOMEN | UNICEF



2015
**TIME FOR
GLOBAL ACTION
FOR PEOPLE AND PLANET**

Goal of public policy

- Increase the basic capabilities of all, through educational and material support
- Not improve functions, but allow choice. 'Citizens must be left free to determine the course after that' (44)
- 'this idea relates, in the end, to the respect that we owe each other as fellow human beings' (Amartya Sen)
- Example later: Bangladeshi Literacy Project – after little take-up, development workers interviewed women about their lives, then told them about the lives of other women, a 'participatory dialogue' that made literacy real, immediately relevant and interesting



ফাহিনুর
জন্মদিন
আবেদিন
২৬/১০/৬৬
৩৬/১/৬

১৮/১/৬৬

জাহান্না
মো. জাহান্না
৬/১২/৬৬

জাহান্না
জন্ম
৩০/৬
৬৬
২০১৪

জাহান্না
জন্ম
২০১৪

‘The group helped us and taught us many things. I have learned how to live unitedly. Before if any rich person abused or criticized, we could not reply. But now if anybody says anything bad, we, the 17 members of the group, go together and ask that person why he or she passed this comment. This is another kind of help we have gotten. Before we did not know how to get together and help each other.

. . . Each one was busy with their own worries and sorrows, always thinking about food for their children and themselves. Now we, the 17 members of the group, have become very close to one another.’

– Mallika, a young widow interviewed for the project (49)



ମୁଁ ହେଉଛି ଏକ ପ୍ରକାରର ଶୁଣାଣି
କାର୍ଯ୍ୟକ୍ରମ ଯାହା
ଏହି ସମୟରେ (୨୦୨୩) ଚାଲିଛି
ଏହି କାର୍ଯ୍ୟକ୍ରମର ଉଦ୍ଦେଶ୍ୟ
କିଛି ହେଉଛି
ଏହି କାର୍ଯ୍ୟକ୍ରମର ଉଦ୍ଦେଶ୍ୟ

‘The contingencies of where one is born, whose power one is afraid of, and what habits shape one's daily thought are chance events that should not be permitted to play the role they now play in pervasively shaping women's life chances.

Beneath all these chance events are human powers, powers of choice and intelligent self-formation.

Women in much of the world lack support for the most central human functions, and this denial of support is frequently caused by their being women.

But women, unlike rocks and plants and even horses, have the potential to become capable of these human functions, given sufficient nutrition, education, and other support.

That is why their unequal failure in capability is a problem of justice. It is up to all human beings to solve this problem.’ (54)

Next week... *Creating Capabilities*

- What is the Capabilities approach? Why does it matter so much to Nussbaum? Why does she always return to it in her later work?
- We will explore a more recent, accessible outline to the public:
Creating Capabilities: The Human Development Approach (2011)
- Please read the Preface and Chapter 2
- Please also think this week about global human development, about initiatives taken past and present, and any relevant news stories
- Questions and thoughts to Dan.Taylor@marywardcentre.ac.uk