

# IN DEFENSE OF HUMAN DIGNITY IN THE CAPABILITIES APPROACH

by

Joshua Simon Track

(Under the Direction of Alexander H. Kaufman)

## Abstract

This paper attempts to explore the nature of human dignity as used by Martha Nussbaum in her Capabilities Approach. After introducing the Capabilities Approach system from *Creating Capabilities*, I illustrate how the system relies on human dignity as a central value that takes up a justificatory role in the system, without existing as a unitary load-bearer of the system. I then shed light on the philosophical origins of Nussbaum's theory of human nature that she applies to her notion of human dignity in the form of active striving. I connect those philosophical origins to the different qualities that active striving imbues human dignity with, which is then used to make claims upon society in the form of the minimum threshold of basic capabilities. Finally, I defend the account of human dignity that I have laid out in the paper against a contemporary critique of Nussbaum's use of the value.

INDEX WORDS: Human Dignity, Capabilities Approach, Martha Nussbaum, Justice, Political Theory

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APPROACH

By

Joshua Simon Track

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By

Joshua Simon Track

Major Professor: Alexander H. Kaufman

Committee: Athanasios Samaras  
Yuri Balashov

Electronic Version Approved:

Ron Walcott

Vice Provost for Graduate Education and Dean of the Graduate School

The University of Georgia

May 2025

## DEDICATION

This thesis is dedicated to everyone in my life who has gifted me the experiences to personally ground Justice and its moral requirements in who I am. It is also dedicated to future reform of social order, that it may inform and guide such action.

## ACKNOWLEDGEMENTS

To my family, thank you so much for all your support in my undergraduate and graduate education, and furthermore for educating me in childhood of the importance of the pursuit of knowledge as it pertains to contributing to society. To Dr. Alexander H. Kaufman, thank you for guiding my thesis and providing so much meaningful content to my undergraduate and graduate education. To Dr. Athanasios Samaras, thank you for supporting me academically and personally throughout my time at the University of Georgia. It was an absolute joy to work with you in the classroom as your teaching assistant. To Dr. Yuri Balashov, I absolutely loved taking classes with you for the latter half of my degree. Investigations into logic, metaphysics, and the philosophy of language, while distant from my research, will always represent a matter of joy for me as they reflect your classroom. To my close friends, thank you for helping me personally and socially as I completed my master's thesis.

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## I. Introduction

The Capabilities Approach<sup>1</sup> is a normative approach to the theories of justice investigation that was first developed in a comparative and descriptive context by economist Amartya Sen. However, this approach was developed into the normative approach to a universal theory of social justice by philosopher Martha Nussbaum in her book *Creating Capabilities*.<sup>2</sup> The main use of the approach is to assess the justice of social arrangements: societies are just to the extent that they guarantee each citizen an entitlement to a threshold minimum set of capabilities.<sup>3</sup> In *Creating Capabilities*, Nussbaum focuses on the capabilities approach as grounded in respecting human dignity, influenced by the Aristotelian concept of flourishing while also bringing in Kantian considerations as applied to agency.<sup>4</sup> Upon careful examination, these concepts expose the influence from Marx's early ethical thought upon Nussbaum's notion of human dignity.<sup>5</sup> Furthermore, Martha Nussbaum employs the resources of political liberalism rather than political perfectionism when arguing for the minimum threshold of capabilities necessary for pursuing a life worthy of human dignity.<sup>6</sup> Rutger Claassen, in his paper "Human Dignity in the Capability Approach," argues that the conception of human dignity, as used by Martha Nussbaum, is problematic since it cannot justify the minimum threshold. He, instead, points to internalist essentialism by grounding the capabilities in a functional necessity framework and then appealing to human dignity as the normative force for social enforcement of the capabilities. In this way, Claassen limits human dignity to a simple social relation rather than a value that is

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<sup>1</sup> Sen, Amartya. *Equality of What?*. Vol.1, 1979.

<sup>2</sup> Nussbaum, Martha C. *Creating Capabilities: The Human Development Approach*. 2011

<sup>3</sup> Nussbaum, Martha C. *Beyond the social contract: capabilities and global justice*. 2014

<sup>4</sup> Nussbaum. 2011.

<sup>5</sup> It is important to note Marx's epistemological break as relevant to this notion. I will be making use of the *Economic and Philosophical Manuscripts of 1844* which contain the ethical thought that early Marx engaged in as opposed to later Marx's strict historical and economic justification of labor in *German Ideology* and *Capital*.

<sup>6</sup> Nussbaum. 2011.

inherent in the human experience. Furthermore, Claassen's position on internalist essentialism immediately exposes the theory to objections to political perfectionism and negates one of the core characteristics of Nussbaum's notion of human dignity.<sup>7</sup> I aim to defend Nussbaum's use of human dignity as grounded by human active striving and the Aristotelian, Stoic, Kantian, and Marxist influences on this notion. Furthermore, I aim to defend the view that human dignity functions as a value in relation to the other values that Nussbaum considers significant to the human experience that underlie the minimum threshold requirement of capabilities necessary for a just society. In this regard, my argument will take the form of three parts: (1) an introduction of Nussbaum's capabilities approach to justice in *Creating Capabilities*, (2) an examination of human dignity and the role it plays in the grounding of the capabilities approach, and (3) an evaluation and critique of Rutger Claassen's argument based on my previous examination of human dignity.

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<sup>7</sup> Claassen, Rutger. "Human dignity in the capability approach." 2014.

## II. The Capabilities Approach and its Grounding in Human Dignity

Amartya Sen originally proposed the capabilities approach as the basis for descriptive and comparative judgements regarding quality of life.<sup>8</sup> He argues that a single metric (e.g. welfare) cannot provide an acceptable basis for assessing quality of life. This view is specifically emphasized in the employment of capabilities rather than ‘functionings’ as the basic metric of quality of life. ‘Functionings’ are defined as states of being and doing reflected in actions, achievements, or states of existence that a person actualizes.<sup>9</sup> Sen contrasts functionings with capabilities, which constitute real freedoms to realize functionings. Functionings are realized and actualized and therefore valued by the person making the choices.<sup>10</sup> Whether capabilities are in and of themselves valuable is up for debate due to differences in Sen’s and Nussbaum’s interpretations. However, capabilities are defined as the different combinations of choices that a person can feasibly turn into functionings.<sup>11</sup> They are not just abilities residing inside a person, but rather the substantive and feasible freedom to achieve alternative functioning combinations. This employment of the term not only applies to the socioeconomic and political situation of the individual but also takes into account the personal abilities and background of the individual. Their natural talent, their trained skills, their focus and passions, and their political and socioeconomic situation in context of the society they live in are all relevant information when evaluating an individual’s feasible choices.<sup>12</sup> As such, the capabilities approach considers the context of an individual when organizing just relations in society.

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<sup>8</sup> Sen. 1979.

<sup>9</sup> Sen. 1979.

<sup>10</sup> Kaushik, B., & López-Calva, L. F. Functionings and capabilities. 2011.

<sup>11</sup> Nussbaum. 2011.

<sup>12</sup> Robeyns, I. The capability approach in practice. 2006.

It is important to recognize that the word “feasible” does major work in determining what opportunities an individual can realize. It emphasizes the basic question that grounds the capabilities approach: “What is each person able to do and to be?”<sup>13</sup> This question emphasizes that the theory takes each person as an end. Most egalitarian theories of justice primarily focus on equality of resources or freedom, either distributing goods in some system of equality or focusing on an equal procedure by which people have claims to such goods.<sup>14</sup> Theories of equality of opportunity, for example, require that each individual must have the same opportunities available to them to make choices. However, theories of equal opportunity foreground the issue of responsibility. Since the capabilities approach takes into account adaptive preferences and the nature of choices that people should not be responsible for, such as drug addiction and rehabilitation, it emphasizes a dimension of justice that bare equality of opportunity neglects.<sup>15</sup> Welfarist egalitarian theories focus on securing a distribution of material goods that equalizes welfare. However, the distribution of goods does not always reflect real choices. And a secure material situation does not always reflect secure freedoms. On the other hand, procedural justice theories<sup>16</sup> may fail to properly account for the socioeconomic situation

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<sup>13</sup> Sen, Amartya. *Development as freedom*. 1999

<sup>14</sup> Hauenstein, N. M., McGonigle, T., & Flinder, S. W. *A meta-analysis of the relationship between procedural justice and distributive justice: Implications for justice research*. 2011.

<sup>15</sup> Adaptive preferences stem from the notion that when certain resources, objects, or functionings are not feasibly within reach (such that they are not possible options to be actualized), they become no longer preferable in the viewpoint of the individual. This notion has very interesting effects in consideration of historical marginalization as relevant to race, gender, sex, age, or any other group identity that has limitations or restrictions on an arbitrary ground.

Elster, J. *Sour grapes*. Cambridge university press. 2016.

Halleröd, B. *Sour grapes: Relative deprivation, adaptive preferences and the measurement of poverty*. 2006.

<sup>16</sup> I am assuming that theories of equal opportunity most often take the form of pure procedural theories. Pure procedural theories take the form of a procedural justice theory that emphasizes a just procedure for allocating resources and rights rather than focusing on an independent measure of what equal distribution is. Most theories of equal opportunity take the form of pure procedural justice theories. They argue that by ascribing that the societal systems and relations are just, the opportunities that are available to individuals should be distributed in a just manner. However, I will show that is not always the case.

of each individual that the system purports to order. In an effort to preserve just relations throughout the entire societal procedure, such an approach fails to truly embrace and understand the situation of each person, and therefore is potentially blind to unfairness in the outcomes it creates.<sup>17</sup> Pure procedural justice theories focus on a just procedure that will result in just distributions. However, the market still rewards certain positions more generously than others. For example, certain natural endowments (e.g. talents or skills) that are rewarded generously by current society might not secure an equally generous return in alternative societies separated from ours by space and/or time. While an equal opportunity or procedural justice approach may reduce the influence of social endowments on life chances, natural endowments may—under these approaches—continue to determine life chances. The market rewards different choices based on different life pursuits based on what is considered valuable to the society. Since some people are born with more physical or mental capability for one skill, area, or task, this natural distribution can create hierarchies and class distinctions based on ability and merit which do not reflect recognition of the equal and fundamental priority that should be accorded to each person as leading a life worthy of human dignity. As such, a theory that respects the person as an agent who needs both opportunities to actualize choices while also requiring the resources to do so is only achieved through a balance of just procedure and just outcomes focusing on agency. Taking each person as an end does not prioritize net resources available to each person, or the total amount of opportunities as maximizing utils, but rather emphasizes that the theory should be focused on advancing equal agency for all individuals that it applies to. In this regard, it is a normative approach as it is used to advocate both a process and distribution based on an idea of justice as it pertains to the human condition and can also be used to judge whether societies are

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<sup>17</sup> Schaap, D., & Saarikkomäki, E. Rethinking police procedural justice. 2022.

just based on whether individuals have equal access to such capabilities. In cases where the capabilities are not equally available, the government is to intervene and supplement the specific inadequacies. It is further important to note that the approach is pluralist in its value, such that the capabilities cannot be reduced to a single metric that can be measured and then increased.<sup>18</sup> They are different in each way, and one cannot substitute for another, regardless of how they are differently valued for each person.<sup>19</sup>

Nussbaum distinguishes different types of capabilities at work in her theory: combined capabilities, internal capabilities, and basic capabilities. She also distinguishes between innate equipment and developed capacities when assessing a person's situation relative to their freedom to choose a form of life. Combined capabilities are the capabilities referred to as the substantial freedoms to achieve alternative functioning combinations, which are made up of both the socioeconomic and political environment and the personal abilities and background of the individual.<sup>20</sup> The internal capabilities are the characteristics of a person such as their personality traits, intellectual and emotional capacities, states of bodily fitness and health, internalized learning, skills of perception and movement, trained or developed traits, skills, or abilities.<sup>21</sup> Unless a society encourages the development of the internal capabilities through education and other supplemental resources, individuals will be unable to realize further trained skills. On the other hand, the internal capability may be developed by the society, but the society may prevent the actual practical use of the internal capability. As a result, the combined capability is never

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<sup>18</sup> Alexander, J. M. Capabilities, human rights and moral pluralism. 2004.

<sup>19</sup> It is important to note that an individual cannot make contracts with the government in order to give up a capability in favor of increased economic share, or for a larger share of another capability. The inability to make capability transactions only applies to the minimum threshold capabilities. Other capabilities, such as the capability to whistle a song or the capability to call your relatives weekly are not covered within the minimum threshold, and therefore can be traded away.

<sup>20</sup> Nussbaum. 2011.

<sup>21</sup> Nussbaum. 2011.

realized. For example, an individual may undergo rigorous critical thinking training through education. However, they may never be permitted to actually utilize this capacity due to authoritarian restrictions. On the other hand, a society may have open areas for free speech but may never actually train its citizens to think critically, and therefore never develop the internal capability necessary for the combined capability of reflective criticism of the government. This distinction holds even greater importance when considering the effect of adaptive preferences on members of marginalized communities, as the realization of internal capabilities may require more government involvement in these cases in order to address the restrictive effects of such preferences on freedom.<sup>22</sup> Internal capabilities are different from the elements of innate equipment which are the very basic tools, traits, and talents that one is born into the world with, not only by one's genetic background, but also by their prenatal nutrition and experience. It is important to note that the distinction between internal and combined capabilities is not always clear, as the realization of an internal capability can be linked to a combined capability.

Nussbaum defines basic capabilities as those capabilities that are the innate powers of the person that have the potential to be developed or not depending on the choices, material conditions, and the training and background of the individual. They are environmentally conditioned. This conditioning reflects the material nutrition and prenatal experience, combined with the environmental effects of societal situation in the most general sense. Nussbaum recognizes the danger that distinguishing such a concept can present in terms of the potential for a theory that distributes political and social entitlements proportionally to their basic capabilities,

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<sup>22</sup> A person may be socialized in a manner where they may be theoretically capable to hold certain judgements or visualize certain actions, but due to social pressures are unable to actually commit to them or realistically envision them as feasible. This notion is introduced earlier with reference to *Sour Grapes*. Elster, J. *Sour grapes*. Cambridge university press. 2016.

but emphasizes that this category holds a different role in her theory.<sup>23</sup> Instead, the political goal for justice in the distribution of political and social entitlements is to prioritize and raise all human beings above a threshold level of basic capability in the sense of agency of that minimum threshold of capability, not coerced functionings stemming from a notion of political perfectionism.<sup>24</sup> The notion of political perfectionism traces from an ethical notion of what is perfect in human existence and character. Ethical perfectionism suggests that the good life is a construction of material actions and states of being that derive necessarily from an examination of a larger idea of human nature.<sup>25</sup> Through this construction, political perfectionism aims to create a political system that requires individuals to act and live according to those states of being to achieve the good life. Therefore, political perfectionism does not respect the autonomy of the individual, and at a more fundamental level, does not respect differing worldviews or metaphysical beliefs. As such, by requiring such material conditions, political perfectionism rejects any notion of societal self-governance or any value of freedom.

It is important to note that the capabilities are fundamentally choices or options, and therefore individuals have freedom to choose which capabilities they are interested in turning into functionings. Society must simply focus on developing the combined capabilities of individuals – thereby giving them the most freedom as equal agents. This focus on developing the capabilities available to individuals engaging with the society they live in leads to a crucial question of what capabilities are the most important and how does a society achieve justice through the capabilities approach. The capabilities approach is advantageous because it investigates the agency of the individual in its understanding of the social relations and structures

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<sup>23</sup> Nussbaum. 2011.

<sup>24</sup> Deneulin, S. Perfectionism, paternalism and liberalism in Sen and Nussbaum's capability approach. 2002.

<sup>25</sup> Wall, S. (2007). Perfectionism in moral and political philosophy.

that the individual engages in. It looks at context of the individual rather than just the resources available to them. However, we have yet to illuminate how this approach can be used to achieve justice in society. What capabilities are necessary to justice? How do we select them? And why are those capabilities required in human society? Nussbaum frames these questions as such:

“Among the many things that human beings might develop the capacity to do, which ones are the really valuable ones, which are the ones that a minimally just society will endeavor to nurture and support?”<sup>26</sup>

Nussbaum answers this question by appealing to the notion of human dignity. It is important to recognize that Nussbaum does not use human dignity as a foundationally self-evident and theoretically monistic justification for the theory. Rather it is used as a pluralistic foundation, in relation to other necessary concepts of the human condition such as individuals as ends, active striving as an idea of human flourishing or conscious life-activity, and other values such as equality, respect, and agency. I shall explore the nature of human dignity and the way that it interacts in a holistic manner with the other relevant concepts in the third section of this investigation. For now, I simply aim to illuminate the pathway from human dignity to the requirements of a minimally just society as Nussbaum presents it. The claims of human dignity for a life worth living can be understood as corresponding to entitlements to internal capabilities – the training and equipment of the individual in question – and entitlement to access to the social structures that allow for the feasible choice of such capabilities. Nussbaum relates these implications of human dignity to historical arguments relating to equality, respect, and agency. Her argument that people deserve such entitlements is grounded in the development of a line of analysis that focuses on the idea of human active striving. The general question when

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<sup>26</sup> Nussbaum. 2011.

considering what capabilities are fundamentally relevant to a minimally just society is: what areas of freedom and choice are so critical that their removal makes a life not worthy of human dignity? This form of reflection on the different values<sup>27</sup> that are relevant to human social justice in a pluralistic manner directly connects her argument to the Rawlsian due reflection process that will justify her account of the capabilities selected. By appealing to a plurality of values that can assert competing claims upon the body of the human capabilities, she inevitably requires that Rawlsian due reflection is necessary to this reasoning process of what justice requires in the capabilities approach. Nussbaum makes an appeal to a Rawlsian notion of due reflection to select and distinguish the fundamental capabilities that individuals should have as protected and supported by their society.<sup>28</sup> In due reflection, one reasons from weak and widely shared considered judgements and principles of justice to achieve reflective equilibrium. Considered judgements are our most reliable judgments regarding the requirements of justice—judgments that we judge that we would affirm after an ideal form of deliberation characterized by full information, fully adequate time for reflection, the absence of distortive influence, and absence of any of the standard forms of error in reasoning.<sup>29</sup> For example, the statement that slavery is wrong is a judgement that might survive the test of such idealized reflection. Principles of justice provide accounts of the nature or basis of the procedures, distributions, or social relations that determine what justice requires. By examining well-defined cases and comparing the requirements of narrowly substantive considered judgements and more general principles of justice, and—in the case of inconsistency—adjusting (on the basis of further due reflection)

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<sup>27</sup> The values are individuals as ends rather than means, active striving as understood through its conscious life-activity and human flourishing origins, agency, equality, and respect.

<sup>28</sup> Burchi, F., De Muro, P., & Kollar, E. Which dimensions should matter for capabilities? A constitutional approach. 2014.

Nussbaum, M. Human dignity and political entitlements. 2008.

<sup>29</sup> Daniels, N. Justice and justification: Reflective equilibrium in theory and practice. 1996

either our principles or our judgments, the resulting requirements of justice that emerge from such a process reflect the widest range of considerations relevant to the question of what justice requires. Nussbaum argues that vague intuitive appeals to human dignity cannot possibly be sustainable for fleshing out an acceptable account of the minimum threshold requirements of justice. Nussbaum adapts the advantages of this process of reflection in her own system.<sup>30</sup>

Instead of appealing to considered judgements and the principles of justice, she instead negotiates back and forth between the entire set of human capabilities (everything that a human can be and do) and the relevant notions that are grounded in what humanity is. By relying on the essentialist formulation of human active striving, she balances the values of agency, equality, respect, and human dignity with human capability to arrive at the minimum necessary capabilities for a life worthy of human dignity. That minimum threshold of capabilities is the achieved reflective equilibrium. The procedure of negotiating between the values and the capabilities allows Nussbaum to maintain her position that the theory does not rely on human dignity as the entire justification. Instead, the values are pluralistic and holistic, each working together in an interrelated manner to select the basic capabilities. Furthermore, the debate process takes place in an organic manner, each new entitlement relying on earlier proven entitlements and appeals to the interrelated values. For example, the fundamental freedom of control over one's environment stems from agency and respect. Full bodily integrity within both the private and public sphere relies on agency, respect, and that earlier grounded entitlement in conversation with one another. Beyond that judgement, women's full equality as citizens and workers and protection of their bodily health can stem from putting those two former judgements, agency, and

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<sup>30</sup> It is important to note that the question as to how the due reflection process is grounded in her understanding of the individual as possessing agency and retaining human dignity will not be explored in this paper. However, that does not exclude the potential for its grounding in such concepts.

equality into conversation with one another. Through this process, each judgement allows for the debate regarding new entitlements to be offered and weighed against the existing body of what is fundamental and critical to a life worthy of human dignity to take account of the relevant concepts that holistically ground the capabilities approach. After the process is complete as to what is critical and what can be left to the workings of the political process, reflective equilibrium is achieved. Nussbaum lists ten Central Capabilities as being able to hold up under this test of due reflection and as critical to a life worth living. These ten Central Capabilities are the minimum threshold that the government must protect and support equitably to ensure people are able to pursue a dignified and minimally flourishing life so that they can pursue their active striving:

- Life – being able to live to the end of a human life of normal length, as in not dying prematurely or before one’s life is so reduced as to be not worth living.
- Bodily Health – being able to have good health—which includes reproductive health—and to be adequately nourished and sheltered as far as one desires.
- Bodily Integrity – which includes movement, security, satisfaction and pleasure, and agency with one’s own body.
- Being able to use the senses, imagination and thought.
- Emotional health
- Practical Reason – to form a conception of the good and or engage in one’s active striving.
- Affiliation – living with and associating with other agents in a way that promotes equality, respect, and agency.
- Live in the world with proper care for the world around oneself.

- Play – enjoyment of one’s life and environment beyond that of fulfilling any sort of functional requirements and that which may or may not include one’s active striving.
- Control over one’s environment.

In order to be considered just, a society must ensure equal threshold levels of the capabilities for each person in the society.<sup>31</sup> It is from this standpoint that one can now aim to investigate the concept of human dignity and the relevant concepts that Nussbaum puts into play in order to create the theoretical justification for the minimum capabilities critical to a just society.

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<sup>31</sup> It is important to recognize that in certain contexts, prioritizing certain functionings outweighs the importance of prioritizing the capabilities. Nussbaum justifies this need not as a cost-benefit analysis as that justification would quickly lead to a utilitarian view of capabilities whereby the most just system is the system that maximizes the net capabilities available. Instead, Nussbaum recognizes that the basic capabilities often cannot be made available without certain contextual functionings in a paternalistic context. This extension of the capabilities system can be envisioned as the functionings that a society, parent, or legal guardian prioritizes for children under their care. On the other hand, it can also apply to vaccination mandates for a society given a risk of a pandemic. However, these are exception cases and are contextually justified and therefore are not the subject of my investigation.

### III. Investigating the Role of Human Dignity

Human dignity holds a unique role in the foundation of the capabilities approach. The Capabilities Approach rests on a holistic and pluralistic grounding for the threshold minimum that it demands as necessary for a minimally just society. These values rest on an interesting conception of what it means to be human. In understanding what a human is, the approach advances values of active striving as agency and the human agent as an end rather than as a means. By putting those values in relationship to one another, the values of equality, respect, agency, human dignity and political liberalism are extracted. These values and ideas are necessary to the grounding of the capabilities approach and each of them are highlighted in Nussbaum's theory. As such, to explore the grounding of human dignity in human nature, and its role in justifying the capabilities approach, I will explore Nussbaum's understanding of human nature and its philosophical influences, how that understanding organically builds on itself resulting in the claims of human dignity, and how that human dignity when paired with political liberalism results in the minimum threshold of capabilities required for a just society.

For the first question, one must ask what a human is and what the human condition is in this approach. Nussbaum defines the basic human condition as: "the person has to be a child of human parents and capable of at least some sort of active striving".<sup>32</sup> This definition of humanity as applied to her theory is drawn with one specific boundary: it does not apply to those in a permanent vegetative state or an anencephalic person. The notion of active striving as essential to the human condition traces from the Aristotelian notion of human flourishing.<sup>33</sup> This influence,

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<sup>32</sup> Nussbaum, M. C., & Capabilities, C. The human development approach. 2011. This is further qualified as those that are in a permanent vegetative condition or an anencephalic person would not be qualified for equal political entitlements and would require a greater level of paternalism by the state or a necessary guardian to act on their behalf as they lack agency and a vision of their conception of the life they wish to pursue.

<sup>33</sup> Nussbaum. 2011

however, does not involve a complete replication of the idea. Nussbaum's understanding of active striving also draws upon the early Marxist idea of the conscious life-activity.<sup>34</sup> Aristotelian flourishing is a concept that explores the necessary conditions and actions for a person to attain the good life (eudaimonia).<sup>35</sup> There are several roles that a person must occupy and several actions that a person must practice in order to achieve this good life that is by nature intended for humans to achieve. This theory is an extension of human perfectionism, as it subscribes to a notion that there is a perfect set of conditions that a human must fulfill in order to achieve perfection in their living, as an active state of being.<sup>36</sup> This perfect set of conditions involves material conditions as functionings which are used to judge and determine an individual's excellence. As such, a person can flourish more or less in comparison to others. This notion of comparative excellence is fundamentally different from Nussbaum's active striving, which exists in each person equally, although it translates into completely different actions and choices. The notion of the perfect human life relies on the Aristotelian conception of the person—that is a being possessing logos (reason).<sup>37</sup> Due to their possession of logos, the person has the potential to achieve the good life, which is the actualization of those roles and those material activities (functionings). Several of these conditions are material, such as possessing the material conditions necessary for enjoying leisure or owning land, and others are engagement of a sort, such as engaging in political rule and ruling over one's household.<sup>38</sup> Nussbaum relies on the

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<sup>34</sup> The early Marxist notion of conscious life-activity is grounded in both Aristotelian concepts of material requirements for flourishing and the Hegelian conception of the person. This notion traces from the *Economic and Philosophical Manuscripts of 1844*. I shall shed light on the distinct Marxist influence that informs the notion of active striving later on. For now, I will focus strictly on the Aristotelian influences.

Marx, K. *Economic and philosophical manuscript of 1844*. 1884.

Levine, N. *Hegelian continuities in Marx*. 2009.

<sup>35</sup> Symons, X., & VanderWeele, T. *Aristotelian flourishing and contemporary philosophical theories of wellbeing*. 2024.

<sup>36</sup> Hurka, T. *Perfectionism*. 1993.

<sup>37</sup> Kirk, G., & Arel, J. (Eds.). *Aristotle on Human Nature: The Animal with Logos*. 2023.

<sup>38</sup> Sager, A. *Philosophy of Leisure* 1. 2013.

concept of flourishing in assigning priority to human development as fundamental to the theory, such that the theory focuses on what people can do and be. Nussbaum defines the human condition in relation to this idea of active striving. This definition is essentialist in form and relies on Aristotelian essentialist influences.<sup>39</sup> Essentialism, in the domain of human nature, is the theory that some attributes or qualities of a class of beings are essential to belonging to that class.<sup>40</sup> For example, in order for something to be red, it must have the quality of being the color red. Therefore, red things have the essential quality of the color red. Aristotle's essentialism, however, when applied to his understanding of human nature, has unique political effects. These political effects are distinct from Nussbaum's capabilities approach as they require specific material conditions and material functionings to achieve the end of human nature.<sup>41</sup> Aristotle viewed humans as fundamentally social animals that possess logos.<sup>42</sup> As such, the human essential quality is the engagement of their moral reason in their social environments. The possession of this logos in a social manner then produces the telos of human nature, human flourishing, whereby humans must act in those social roles, relations, and achieve the material conditions necessary. Aristotle identifies several relations that are important for humans to engage in to achieve their function: the political relations, the household relations, and the leisurely relations. Human nature is fundamentally functional for Aristotle, such that it is within the nature of every human to strive to engage and fulfill those relations in the right way and then

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Duvall, T., & Dotson, P. Political participation and Eudaimonia in Aristotle's Politics. 1998.  
 Bielskis, A. The Best Constitution for the Flourishing Lives: Aristotle's Political Theory and Its Implications for Emancipatory Purposes. 2023.

<sup>39</sup> Nussbaum, M. C. Human functioning and social justice: In defense of Aristotelian essentialism. 1992.

<sup>40</sup> Barrett, H. C. On the functional origins of essentialism. 2001.

Wilkins, J. S. Essentialism in biology. 2013.

<sup>41</sup> Curran, A. Form as Norm: Aristotelian Essentialism as Ideology (Critique). 2000.

<sup>42</sup> Mulgan, R. G. Aristotle's doctrine that man is a political animal. 1974.

achieve the good life.<sup>43</sup> Political relations involve political action, and rule over one's sphere with the other people that live in your community, focusing on the common good.<sup>44</sup> The household relations involve husband-wife relations which are functional to procreation, father-children relations which are functional to lineage and childhood training, and master-slave relations which are functional to acquiring the basic necessities for the household to achieve the self-sufficiency as a land-owner.<sup>45</sup> Leisure relations involve engaging with others in one's community to acquire wisdom and truth, as those are only possible through social relations due to the fact that humans are social animals.<sup>46</sup> The implications of Aristotle's essentialism are brought into clearer light when put into context of his functionalism, which is an ever-present concept in his essentialism of all classes of beings.

Given these implications of Aristotelian essentialism, it is clear that Nussbaum's essentialism does not imply the same effects. Rather, her focus is completely on active striving, which does derive in part from Aristotelian flourishing. However, the difference in word choice is indicative of her assignment of priority to agency. While flourishing is considered a state of being, which can or cannot be achieved by humans based on an independent measure of what flourishing is, the same cannot be said for the phrase "active striving". Flourishing, as such, is fundamentally based in the functional materialism of the potential a person has to achieve the good life. It is connected to virtue ethics in regards to how the moral virtues that are connected to the good person result in the material conditions necessary for the good life.<sup>47</sup> When translated to human

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<sup>43</sup> Fowers, B. J. (2016). Aristotle on eudaimonia: On the virtue of returning to the source. *Handbook of eudaimonic well-being*, 67-83.

<sup>44</sup> Hoipkemier, M. Justice, not happiness: Aristotle on the common good. 2018.  
Smith, T. W. Aristotle on the Conditions for and Limits of the Common Good. 1999.

<sup>45</sup> Lockwood, T. C. Justice in Aristotle's household and city. 2003.

<sup>46</sup> Snyder, J. T. Leisure in Aristotle's political thought. 2018.

<sup>47</sup> Snow, N. E. (2008). Virtue and Flourishing. *Journal of social philosophy*, 39(2).

nature, it directly requires the judgement and comparison of an individual's life to such an independent standard, which is material, social, and value based in reason. However, active striving focuses on the individual's agency, and their choices directed toward a future passion or vision. Active striving does not involve the same requirement for an independent set of values that are used to judge an individual's action. Active striving focuses on an individual's perspective and motivation behind their choices and therefore assigns the fundamental priority to choice.<sup>48</sup> Further, Aristotelian flourishing differs person by person as based on the material and moral qualities of the individual, people have different potentials of achieving the good life. Therefore, they are not equal. However, for the active striving of Nussbaum's essentialism, every individual has the same equal capacity to actualize their own aspirations. Therefore, the notion of active striving implies the equal status of every individual. As such, Nussbaum's essentialism does not presuppose material or superficial conditions as part of human nature, but rather it presupposes choice as essential to human nature.

Nussbaum's priority on choice as linked to human active striving paves the way for the next step in the grounding of human dignity and, in general, the capabilities approach. The priority assigned to choice from the individual's perspective and background connects the idea to the notion of "treating individuals as ends rather than means". This notion, however, is not merely hinted at by Nussbaum, but is explicitly stated in *Creating Capabilities* as particularly relevant to the conversation of human nature and understanding the concept of human dignity.<sup>49</sup> A commitment to treating individuals as ends connects Nussbaum's view to the Kantian moral tradition. Nussbaum, however, derives moral implications from these words that are independent

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<sup>48</sup> Formosa, P., & Mackenzie, C. Nussbaum, Kant, and the capabilities approach to dignity. 2014.

<sup>49</sup> Nussbaum. 2011.

of the Kantian background. I will examine the relation of both sets of ideas—connected to the notion of treating individuals as ends—to the organic argument.

Treating individuals as ends rather than means is fundamentally a principle of respect. The notion that Nussbaum hints at in her development of this idea is a variant of the Kantian formulation of the Categorical Imperative.<sup>50</sup> Treating individuals as ends means that one recognizes others as agents separate from oneself, with their own desires, interests, choices, and individuality.<sup>51</sup> This concept is important because in that recognition of agents, the concept of respect is presupposed.<sup>52</sup> This presupposition emphasizes that one acts in a manner that shows respect for the individuality and choices of other individuals, therefore not using other agents as simply means to one's own ends. Instead, they are viewed as deserving one's respect as mutual agents, and therefore are recognized as ends, just as one recognizes oneself as deserving of respect.<sup>53</sup> Therefore, this use of respect in the context of choice also imparts a notion of equality in the mutual recognition of agency.<sup>54</sup> The concept of respecting the individuality and choices of other individuals can be clarified in the notion of personal autonomy, a very important notion in the Kantian conception of the person.<sup>55</sup> In practice, this notion has very important practical moral effects on judgments regarding the impermissibility of lying, manipulation, coercion, and other actions that most would consider immoral or unethical. However, outside of individual action, this principle that embraces fundamental agency with respect and equality has practical

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<sup>50</sup> Kant, I. *Groundwork of the Metaphysic of Morals*. 2020.

<sup>51</sup> Wood, A. *Humanity as end in itself*. 1998.

Hill Jr, T. E. *Humanity as an End in Itself*. 1980.

<sup>52</sup> Sherman, N. *Concrete Kantian Respect*. 1998.

<sup>53</sup> Wallace, R. M. *Mutual recognition and ethics: a Hegelian reformulation of the Kantian argument for the rationality of morality*. 1995.

<sup>54</sup> Cholbi, M. *Equal respect for rational agency*. 2020.

Hill, T. *Kantian perspectives on the rational basis of human dignity*. 2014.

Carter, I. *Respect and the Basis of Equality*. 2011.

<sup>55</sup> Lysaught, M. T. *Respect: or, how respect for persons became respect for autonomy*. 2004.

implications for political systems, emphasizing the superior claims of egalitarian approaches to justice.<sup>56</sup> This notion of respect involves a commitment to the protection of individuals' right to choose – their autonomy for life planning and pursuit. Therefore, the respect principle requires a formulation of negative rights in political society.<sup>57</sup> The use of this principle is important as it expands the content of the earlier distinction of Nussbaum's essentialism. The essentialism definition of human nature as being linked to active striving emphasizes agency and the pursuit of one's own vision of the good life. This expansion is vital to the pursuit of one's goals, since it does not impart an independent standard of what a good life is. The expansion is also able to resist the material perfectionism that many other essentialist theories embrace. However, the notion of active striving on its own is unable to ground and interact with the values of equality and respect, which are vital when faced with the social aspect of individuals pursuing their goals. Since the primary question for a theory of justice is what the conditions are for a minimally just society, it is assumed that one is functioning within a society. Therefore, one is interacting with others throughout that society. The notion of pursuing one's goals through active striving and choice is logically sufficient to cover the original question when applying human nature to justice for the individual, but not for society. Therefore, it is necessary to unpack further implications from active striving that are interrelated in order to consider the organic journey from those values to the capabilities required for a minimally just society. The grounding of these values in human nature is also fundamentally relevant when considering what is necessary for human dignity. As such, since agency as implied in human active striving is fleshed out as treating others as ends rather than means, this further implies the values of equality and respect.

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<sup>56</sup> Liotti, M. C. Rawls' Kantian egalitarianism and its critics. 2003.

<sup>57</sup> Pavão, A., & Faggion, A. Kant for and against Human Rights. 2016.

It is important, however, to draw a boundary here regarding the Kantian assumptions that are presupposed with this use of the language of the Categorical Imperative requiring treating others as ends rather than means. While the values of agency, equality, and respect can be drawn from the Categorical Imperative using Kantian arguments, one should not assume that the Kantian definition of human nature is also presupposed. Kant works from the initial assumption that humans are isolated and reasoning individuals.<sup>58</sup> Therefore, humans are autonomous and independent. They are rational beings, aware of themselves and their own cognitive processes, and through their autonomy, they may work towards truth. This truth is available when their cognitions have direct access to their object.<sup>59</sup> To work towards truth, they achieve the right character by acting on maxims that they believe to be right based on their rationality of the principles and engagement with the phenomenal world. As such, the fundamental nature of humanity is grounded in their rationality from a transcendental notion of how they engage with and interact with the phenomena around them. Through this reason, Kant justifies the Categorical Imperative, positing that because humans are rational agents, the human moral agent should be treated as an end rather than a means.<sup>60</sup> This justification is different from the justification that the capabilities approach relies on, as it suggests that being treated as an end is a requirement that applies only to those who fit Kant's definition of humanity.<sup>61</sup> It is important to recognize that in the use of the Kantian Categorical Imperative, the capabilities approach justifies it by working

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<sup>58</sup> Rumsey, J. P. Agency, human nature and character in Kantian theory. 1990.

<sup>59</sup> Hanna, R. (2000). Kant, truth and human nature. *British journal for the history of philosophy*, 8(2), 225-250.

<sup>60</sup> This justification is an oversimplification of the process by which Kant justifies the autonomy and moral agency of the individual on the basis of the possession of reason. However, for the purpose of my argument, it functions as an illumination of the origin of the Categorical Imperative as used by Nussbaum. Reath, A. The Categorical Imperative and Kant's Conception of Practical Rationality. 1989.

<sup>61</sup> It is important to note that while this is a significant view taken by a number of interpretations of Kant, there are other interpretations of Kant's understanding of the individual and the reason that is involved is the consideration of human nature. As such, while this notion of a reason requirement is an interesting objection from Nussbaum's Capabilities approach, it does not result in a complete rejection of Kantian grounded systems of justice.

from a different premise, and therefore does not presuppose the rationality assumption. The rationality assumption implies the necessity of problematic distinctions from the onset, suggesting doubt regarding the personhood and agency of individuals who have cognitive disabilities or other limitations on their rationality/reasoning abilities. Nussbaum emphasizes this point, stating that “Kant grounds respect on a high degree of moral rationality and thus is unable to accord fully equal respect to people with severe cognitive disabilities”.<sup>62</sup> Nussbaum’s understanding of the principle of respect for individuals as ends does not involve a rationality requirement and instead is grounded in the notion of active striving. By providing further content deriving from the notion of active striving, the definition of humanity in a wider social and individual context contains human flourishing as agency, individuals as ends rather than means, and equal respect.

In *Creating Capabilities* and *Women and Human Development*, Nussbaum makes several references to Marx’s theory of human nature as being a “historical antecedent” to the capabilities approach, similar to her Aristotelian references.<sup>63</sup> As such, it is important to examine Marx’s theory of human nature and any related insights relevant to the investigation of the notion of human dignity. While Nussbaum notes the Marxist influences on her reflection on human nature, dignity, and capability, she explicitly exposes the influences in “Aristotle on Human Nature and Foundations of Ethics”, noting that Marx further emphasizes that the human functions are not truly functions if they are not paired with the agency towards some active striving, some individual goal.<sup>64</sup> Nussbaum emphasizes that medical treatment and resource distribution does

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<sup>62</sup> Nussbaum. 2011.

Nussbaum, M. C. In defense of universal values. 1999.

Nussbaum, M. Aristotle on human nature and the foundations of ethics. 1995.

<sup>63</sup> Nussbaum. 2011.

Nussbaum, M. C. *Women and human development: The capabilities approach*. 2000.

<sup>64</sup> Nussbaum. 1995.

not necessarily provide the circumstances for justice if the people themselves are not able to engage in the system with individuality and agency to pursue their goals.<sup>65</sup> She compares such treatment to the mere grazing of animals that are provided with grain. This comparison rests on a line of reasoning in Marx's early work in which Marx emphasizes the importance of a human ear and a human eye which may be used in a functional manner to pursue an individual's goal. Therefore, since the ear and eye are part of the human body, they are not being used as a mere means. However, when they are no longer being used for the active striving of the individual but rather for some other purpose, they are no longer employed as human tools, but are rather employed merely in a restricted sense – serving a crude practical need.<sup>66</sup> Nussbaum reflects on the Marxist idea of human striving and goals as it pertains to the human condition and states that these ideas inspired her own concept of human nature and the capabilities system.<sup>67</sup> As such, to provide further content to the understanding of human nature that will ground the capabilities approach, it is important to reflect on Marx's theory of human nature, especially as it applies to active striving and agency. Marx understands the human as having a nature completely different from all other animals due to its conscious life-activity.<sup>68</sup> Conscious life-activity, which is derived from the Hegelian concept of the individual, allows for the human individual to be conscious as an actor and therefore distinguish its existence from just its actions.<sup>69</sup> It is therefore able to recognize itself as that which is interacting with its nature and its environment, and yet see itself as separate and beyond just the sum of its actions. It can engage in plans to dominate its

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Marx, K. Economic and philosophical manuscript of 1844. 1884.

<sup>65</sup> Nussbaum. 1995.

<sup>66</sup> Marx. 1884.

<sup>67</sup> Nussbaum. 1999.

<sup>68</sup> Fetscher, I. Karl Marx on human nature. 1973.

<sup>69</sup> Sayers, Sean. "Creative activity and alienation in Hegel and Marx." *Historical Materialism* 11.1 (2003): 107-128.  
 Avineri, Shlomo. "The Hegelian origins of Marx's political thought." *The Review of Metaphysics* (1967): 33-56.

environment based on its needs and still choose whether to act and how to act. In this way, the human has any number of needs and the functional abilities to seek out and acquire the resources necessary to satisfy such needs. The human mind is thus conscious and self-conscious immediately and simultaneously, allowing for the reflective active striving that Nussbaum notes as fundamental to the human condition. It is important to note the Hegelian and Aristotelian influences upon Marx's theory of human nature: while Marx was primarily concerned with the impact of political and economic structures upon the human agent rather than with the philosophy of human nature, his concept of the human condition still rested upon those influences.<sup>70</sup> Marx's theory of human nature as resting upon conscious life activity is more general than Aristotle's theory of practical reason, which motivates the functionalist approach to the human condition. As such, Marx's theory is able to accommodate agency in the deliberative functions of the human and lend itself to a stronger form of agency than Aristotle. Marx draws from a Hegelian concept of human nature but further connects the active striving to labor as the method by which humans assert their deliberative plan upon their environment.<sup>71</sup> Therefore, labor becomes constitutive of human essence. The effects of this theory are important—no longer is someone judged based on the type of activity or labor that they undertake, with some being inferior and others superior based on the function they achieve in the society from the Aristotelian perspective. Even further, in the social atomistic approach, individuals are judged based on how their activity contributes to their market interaction; however, Marx's approach equalizes all, as the priority is placed on the conscious activity itself.<sup>72</sup> While embracing the Aristotelian influences of the species-being approach, Marx goes beyond the functional

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<sup>70</sup> Wartenberg, T. E. "Species-Being" and "Human Nature" in Marx. 1982.

<sup>71</sup> Sayers, S. Creative activity and alienation in Hegel and Marx. 2003.

<sup>72</sup> Vaughn, K. I. John Locke and the labor theory of value. 1978.

essentialism and instead brings to bear Kantian ideas of agency and dignity and Hegelian ideas of self-conscious recognition of one's activity.<sup>73</sup> Kant's ideas of autonomy and dignity are primarily connected to his understanding of the human individual as a rational agent, and therefore deserving of respect. Marx emphasizes this role of autonomy and dignity founded in respect, but disconnects it from rationality, instead connecting it to the self-conscious interactive actor of the Hegelian tradition.<sup>74</sup> This characterization of Marx in regards to his notions of human nature and the Kantian influence of autonomy only pertain to his earlier works, specifically *Economic and Philosophical Manuscripts of 1844*, rather than the entire body of his work. He explicitly rejects the same Kantian intuitions in his later works, such as *German Ideology* and *Capital*.<sup>75</sup> As such, I limit my investigation to the earlier works of Marx as to how they influence the Nussbaum approach to the human condition, as the later works emphasize a form of determinism and reject the fundamental human essence as relevant to all human interactions. The early Marx emphasizes the importance of material conditions to the flourishing of human nature while still allowing for equality due to the priority placed on conscious life-activity. However, while his understanding of the life-activity as labor emphasizes a notion of agency, it does not ground a full account of political autonomy as connected to conscious life-activity.

Nussbaum's emphasis on active striving as fundamental to the human condition is certainly similar to the conscious life-activity that Marx embraces in his earlier works, especially with

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<sup>73</sup> Wilkins, J. S. The origins of species concepts. 2003.

Chitty, A. Recognition and property in Hegel and the early Marx. 2013.

Chitty, A. Hegel and Marx. 2011.

Warminski, A. Hegel/Marx: Consciousness and Life. 2002.

<sup>74</sup> Gilabert, P. Kantian dignity and Marxian socialism. 2017.

Wainwright, M. Kantian Dignity. 2023.

<sup>75</sup> Kain, P. J. (1988). Marx and ethics. Oxford University Press.

respect to how it works within the essentialist framework without being subject to functionalist drawbacks and instead advances Kantian agency and respect using a Hegelian notion of the individual as opposed to the rationality requirement. However, Nussbaum's theory of human nature achieves similar results, and goes beyond the Marxist theory towards a more fleshed out view of human nature with its emphasis on human dignity and capabilities. Marx's theory is limited to labor as the fundamental activity of human flourishing and therefore is prevented from achieving the developed understanding of the human that the capabilities approach does while still preserving agency in the framework of how capabilities function in relationship to the individual. A consideration of Marx's early views, however, provides a unique perspective on Nussbaum's understanding of the nature of humanity and that view's relation to Aristotelian and Kantian influences, emphasizing a different example of conscious deliberate choice and the role it plays in human flourishing. Further, the Marxist influences on Nussbaum's approach provide insight as to how agency works within the flourishing framework of active striving—that it is an activity that is also a state of being, not something that is achieved, but something that is continuously practiced.

After the evaluation of the values relevant to the grounding of human dignity – active striving, agency, equality, respect – and the theorists who provide the theoretical grounding of those values, one can now explore exactly what human dignity is, and how it functions in relation to those values in the capabilities approach. Nussbaum strictly notes that the role of dignity in her theory is not foundational in a unitary manner, but rather is holistic in relation to the other values that have already been invoked through the organic reflections on active striving. Nussbaum specifically relates human dignity to the notion of respect. Her basic summary of human dignity is “that some living conditions deliver to people a life that is worthy of the human

dignity that they possess, and others do not. In the latter circumstances, they retain dignity”.<sup>76</sup>

She further develops an account of respect for dignity that avoids a focus on the satisfaction of preferences, or even a focus on the distribution of resources. This focus on dignity requires that society must respect the dignity that each person possesses by providing to each the capabilities that make a life worth living. To arrive at such a conception while working from the values specified earlier, respect and agency are immediately invoked, and even further the notion that a life worth living must involve the active striving that is fundamental to the human condition. Since this striving is both fundamental to and possible for all humans, the view that humans must be respected as equals follows necessarily. No goal that an individual actively strives for is better or superior to another. Everyone is equally actively striving. Through both the societal and individual lens, this approach emphasizes that individuals should all equally be treated as ends rather than means. However, there is further content that Nussbaum connects to human dignity. While she only provides a narrow reference to human dignity in *Creating Capabilities* so as to focus on the outcomes of the theory, Nussbaum investigates the idea more thoroughly in “Human Dignity and Political Entitlements”.<sup>77</sup> In this essay, Nussbaum first explores the historical tradition of human dignity as a concept in the philosophy of man and the different claims that human dignity asserts upon societal relations.

The first historical conception of human dignity that Nussbaum explores is from the Kantian tradition. Kant’s formulation of human dignity is fundamentally grounded in the respect principle of the Categorical Imperative.<sup>78</sup> It aims to protect moral agents from actions which would

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<sup>76</sup> Nussbaum. 2011.

<sup>77</sup> Nussbaum, M. Human dignity and political entitlements. 2008.

<sup>78</sup> Hill, T. Kantian perspectives on the rational basis of human dignity. 2014.

Sensen, O. Kant's conception of human dignity. 2009.

Formosa, P. Dignity and respect: how to apply Kant's formula of humanity. 2014.

disrespect their autonomy by treating them as a mere means instead of as ends, protection to which they are entitled because of their possession of rationality.<sup>79</sup> However, this conception of human dignity, while prioritizing respect which is a necessary value to the capabilities approach, is too weak and does not contain enough content to properly ground the approach. The justification resting only on the respect principle suggests that the conception of human dignity requires only respect for negative rights.<sup>80</sup> Negative rights are protections for an agent from interference.<sup>81</sup> One may, for example, possess the negative right that other actors should not take one's property without consent. Negative rights are important in the Kantian tradition, as they are the practical application of the idea of autonomy that is secured for all moral agents on the basis of their rationality. However, it is not enough to provide the foundation of an acceptable theory of justice. While Kant argues that autonomy is enough for moral agents to engage with the world and exert domination over their environment, Nussbaum works from a different conception of what is required for human flourishing. Her conception of active striving based on agency as opposed to autonomy requires that the necessary conditions for realizing one's aspirations in the world include factors that go beyond rationality—in particular, the material conditions required for feasible choice.<sup>82</sup> As such, further content from other conceptions of human dignity is necessary to develop the implications of human dignity on the capabilities approach. Further, if Kant is understood as imposing such a rationality requirement, the requirement would limit

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<sup>79</sup> Wilson, E. E. *Kant on Autonomy and the Value of Persons*. 2013.

Pele, A. *Kant on human dignity: A critical approach*. 2016.

<sup>80</sup> Sensen, O. *Kant on Human Dignity*. 2011.  
Hill. 2014.

<sup>81</sup> Currie, D. P. *Positive and negative constitutional rights*. 1986.

Parchomovsky, G., & Stein, A. *Autonomy*. 2020.

Fallon Jr, R. H. *Two senses of autonomy*. 1994.

Hassoun, N. *Raz on the Right to Autonomy*. 2014.

<sup>82</sup> Nussbaum. 2011.

unacceptably the scope of respect for the autonomy of the individual and therefore the respect granted by human dignity. While suffering from insufficient content, the Kantian view (in this interpretation) also excessively limits the applicability of the idea that people are deserving of human dignity. As noted above in the discussion of Nussbaum and the essentialist definition of humanity, a rationality requirement inherently limits who can lay claim to the entitlements of the human condition in a way that is not fundamentally connected to the human experience.<sup>83</sup>

Nussbaum, however, maintains that the nature of human dignity is fundamentally linked to the value of respect, even if it is disconnected from the rationality requirement.

Nussbaum next examines a conception of human dignity that relies on Aristotelian and Marxist intuitions. Human dignity in the Aristotelian tradition relies on the idea that human beings have an inalienable worth due to the capacity for flourishing linked to logos or, as Nussbaum develops the idea, active striving.<sup>84</sup> These capacities of flourishing, of what a human can do and be, in the Aristotelian tradition are material and functional in view, as in alignment with the rest of his tradition following what nature's purpose is. Since Aristotle's moral and political philosophy is developed from an account of (i) what nature is and (ii) the form of social order that must follow the rules of nature, the human flourishing follows this natural rule as well.<sup>85</sup> Further, Aristotle's conception of nature is rooted in functionalism according to his definition of material teleology, and as such, the nature of man is also rooted in functionalism.<sup>86</sup> Aristotle's functionalism, rooted in his materialist approach to the metaphysical underlying of

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<sup>83</sup> Cooney, J. W., & Gazzaniga, M. S. Neurological disorders and the structure of human consciousness. 2003.  
Fardeau, E., Senghor, A. S., & Racine, E. The impact of socially assistive robots on human flourishing in the context of dementia: a scoping review. 2023.

<sup>84</sup> Kleinig, J., & Evans, N. G. Human flourishing, human dignity, and human rights. 2013.

<sup>85</sup> Shellens, M. S. Aristotle on natural law. 1959.

Burns, T. Aristotle and natural law. 1998.

Duke, G. Aristotle and natural law. 2020.

<sup>86</sup> Gottlieb, P., & Sober, E. Aristotle on "Nature Does Nothing in Vain". 2017.

knowledge and existence, determines that the flourishing that man can achieve is rooted in the material conditions of his existence. In addition, perfect flourishing is determined by specific material conditions and material roles such as the natural master, the political citizen, the household-ruler, and the military success.<sup>87</sup> This materialist functional approach to flourishing emphasizes that human dignity is a fundamental quality that all humans possess as a potential capacity of flourishing, which gives their existence value. However, because it is based on material functionalism as opposed to agency or autonomy, it does not assign priority to respect for the choices of the individual, rather focusing on the pursuit of specific material conditions to allow for the perfect flourishing standard.<sup>88</sup> Nussbaum clearly rejects this notion of political perfectionism (especially in a material sense) as what is necessary for human dignity, and instead places a high priority on agency in her notion of active striving. However, Aristotle's conception of human dignity does raise an important concern that was missing from the Kantian notion: material conditions are important for the feasible flourishing state of humans.<sup>89</sup> This priority upon material conditions was considered unimportant in the Kantian view, which focused on negative rights guarantees.<sup>90</sup> These guarantees do represent an important consideration of agency of the individual which is paired with the necessary material conditions to allow for the active striving that Nussbaum emphasizes.

It is also important to recognize that the claims that human dignity assert upon others and society are not such that in the case that they are neglected, that the person lacks dignity. If an

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<sup>87</sup> Carrier, L. S. *Aristotelian materialism*. 2006.

<sup>88</sup> Dallmayr, F. R. *Functionalism, justice, and equality*. 1967.

<sup>89</sup> Lelkes, O. *A Flourishing Life: Living Well and Doing Well*. 2021.

Fasiku, C. G., & Ichaba, A. A. *Aristotle's Concept of Human Flourishing: Implication for Post-truth Value Perspective on Materialism*. 2022.

<sup>90</sup> While this is a widely shared view of Kant on autonomy and negative rights, there do exist other competing views that emphasize a Kantian applicability to material conditions of agency as well as the respect for autonomy.

individual violates the dignity of another through a harmful act or if a society violates the dignity of an individual by not properly providing the conditions necessary for the development of the capabilities of that person, that individual is not lacking human dignity. They retain human dignity regardless; it is rather that society has failed to respect their dignity. Nussbaum notes this important consideration in both *Creating Capabilities* and “Human Dignity and Political Entitlements”.<sup>91</sup> As such, when investigating the entire nature of human dignity, it is important to ensure that recognition of this facet of human dignity is maintained in both the justification and the practical requirements of the system. The view that human dignity is a quality or fundamental entitlement of humanity regardless of environment or treatment is derived from the Stoic concept of human dignity.<sup>92</sup> The Stoic concept of human dignity rests upon the view that each human has boundless worth due to the possession of rational capacities, and as a result, regardless of material condition, environment, or treatment, their dignity cannot be taken away as it would require the loss of their rationality.<sup>93</sup> Further, the Stoic conception of rationality is immaterial and reflective, and therefore does not interact or engage with the material world in any meaningful way. However, the priority assigned to the rationality of the individual extends beyond the Kantian notion of the respect that is conferred upon autonomy based on rationality in choice/deliberation. The human possession of rationality confers a responsibility upon human nature to assign priority to rational judgment over other forms of motivation such as emotions, non-moral reasoning (which is usually instrumental), and pursuit and engagement with external

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<sup>91</sup> Nussbaum. 2011.

Nussbaum. 2008.

<sup>92</sup> Garrett, J. E. The doubtful descent of human rights from stoicism. 2008.

<sup>93</sup> Kidd, I. G. Moral actions and rules in Stoic ethics. 1978.

Cancik, H. ‘Dignity of Man’ and ‘Persona’ in Stoic Anthropology: Some Remarks on Cicero, *De Officiis* I, 105–107. 2001.

and material conditions.<sup>94</sup> The weight of possessing moral rationality immediately necessitates that only action aligned or towards virtue and moral capacity is relevant to human flourishing. However, the Stoic argument faces the same objections as the Kantian conception of human dignity—the objection that it does not properly consider the other fundamental parts of human experience as relevant to the human dignity that will lead to human flourishing. Material conditions and external interactions, emotional care and general states of emotions, and the use of practical reasons for everyday tasks are all important and fundamental parts of the human experience and therefore should be considered when understanding what human dignity is and how it pertains to the pursuit of human flourishing. This wider consideration is especially important in the context of Nussbaum’s emphasis on human flourishing as active striving, which assigns priority to agency. Agency allows the individual to choose the aims that it actively strives to achieve. According to this objection, the priority assigned by stoicism to a life that is solely devoted to moral reflection does not properly engage with the human experience, which is made up of several capabilities of both mind and body. Further, it does not properly account for the fact that human flourishing requires not only thought but material conditions to feasibly allow for the choice to be made. This distinction is fundamental to the difference between options/opportunities and capabilities in the capabilities approach. While the individual may possess the moral reasoning abilities developed to the fullest extent to live a moral life based on the Stoic standard, or any other standard for that matter, the individual may not have the basic material resources to actually pursue any of those choices. Therefore, the ability to pursue any of the moral truths as defined by the Stoic view of human dignity is fundamentally restricted. The

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<sup>94</sup> Brennan, T. *The Stoic life: Emotions, duties, and fate*. 2005.  
 Sharpe, M. *Stoic virtue ethics*. 2014.

Stoic view is vulnerable to the objection that it does not provide space for the individual to exercise his or her autonomous will. While the Kantian approach to human dignity assigns priority to respect for autonomy as reflected in the exercise of the human faculty of rationality, the Stoic approach suppresses the employment of practical reason. According to the Stoic view, practical decisions consistent with human dignity must be determined by an externally given standard of moral wisdom. In presupposing the standard of moral wisdom that must regulate the individual's judgement, stoicism embraces political perfectionism and deprives the individual of autonomy.<sup>95</sup> Finally, the Stoic approach is also vulnerable to an objection to Kantian morality that was discussed above. Since human dignity—in Nussbaum's reading of Kant—is only conferred to individuals on the basis of their possession of rationality, the Kantian view fundamentally restricts the scope of human dignity on the basis of a quality that is not necessarily essential to the human experience. The Stoic approach to human dignity is therefore vulnerable to objections regarding both the scope of respect for human dignity and the substantive requirements of such respect on the same grounds. However, the Stoic conception does identify an important consideration regarding the relation of human dignity to the human experience. Nussbaum emphasizes that material deprivation and oppression cannot deprive an individual of dignity. According to this view, one's entitlement to the basic values of respect, the conditions necessary for agency, and the pursuit of active striving are not conditional upon some specific situation or treatment by others.<sup>96</sup> Stoicism offers plausible support for this view.

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<sup>95</sup> The removal of agent autonomy in Stoic theory of human nature is furthered by their commitment to determinism in the causal relations of nature.

Cooper, J. M. *Stoic autonomy*. 2003.

Stough, C. *Stoic determinism and moral responsibility*. 1978.

<sup>96</sup> Nussbaum uses the clear example of rape to illustrate this case. If an individual has been raped, it would be incorrect to say that they no longer possess dignity, or that their human dignity has been taken away. Rather one would note that their human dignity has been violated. This distinction is important as it emphasizes how individuals

After these reflections on historical conceptions of human dignity and their relation to our understanding of the relation of human dignity to justified claims of entitlement, it is now possible to formulate Nussbaum's full conception of human dignity for the capabilities approach and to examine the manner in which it is grounded in earlier values. From the Kantian notion of human dignity, Nussbaum derives the importance of the respect principle by which human dignity confers a strong claim for autonomy and protection of negative rights. From the Aristotelian notion of human dignity, Nussbaum derives the importance of material conditions to feasibly pursuing flourishing, while rejecting the functionalism that Aristotle links to the purpose of those material conditions. From the Stoic notion of human dignity, Nussbaum derives the importance of retaining human dignity regardless of circumstance or treatment. Human dignity is fundamentally linked to the human condition. The values that were earlier investigated in human nature were: active striving, agency, respecting individuals as ends, not mere means, and equality. Respect for individuals as ends rather than mere means was not justified on the basis of rationality as emphasized by Nussbaum's interpretation of Kantian moral reasoning. Instead, such respect was justified through an appeal to the notion of active striving as a fundamental quality of human nature. Due to the argument's reliance on this form of justification, its version of the respect principle justifies respect for autonomy and negative rights without restricting the scope of respect for human dignity. Further, since the fundamental quality of Nussbaum's understanding of human nature is active striving rather than flourishing, which focuses on material functionalism, the autonomy that is achieved in incorporating the Kantian notion of

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are still deserving of the basic entitlements that human dignity makes claim to regardless of whatever situation or treatment they have endured.

Boon, K. Rape and forced pregnancy under the ICC statute: Human dignity, autonomy, and consent. 2000.

Bergoffen, D. B. *Contesting the politics of genocidal rape: Affirming the dignity of the vulnerable body*. 2013.

Stanila, L. THE RAPE CRIMES VICTIMS' RIGHT TO DIGNITY. 2020.

Nussbaum. 2008.

human dignity respects that value of agency. Nussbaum's account of agency includes both the ability to make theoretical choices (relying on intuitive appeals to practical reasoning and autonomy) and also practical choices in response to material conditions. While it does not specify the full circumstances for agency, the account of autonomy that is derived from the combination of Kantian intuitions and consideration of Marx's view regarding conscious activity does preserve the individual's capacity to make theoretical choices.

The value of active striving affects the argument similarly to the Aristotelian notion of human flourishing discussed above. The notion of active striving, however, assigns priority to agency, not to material functionalism. For example, an individual's pursuit of human flourishing in the Aristotelian tradition inevitably leads to an independent standard of material conditions and roles for the good life as determined by perfect functionalism. However, an individual's engagement in active striving is not an end, and is not independently determined. It is different for each person and is set by each person as they pursue their own goals through the exercise of their capabilities.<sup>97</sup> The notion of active striving focuses on the question of what a human can do and be with the agency they possess. However, active striving also justifies entitlements to the material conditions necessary to actualize choices. Human flourishing, on the other hand, justifies entitlements to material conditions because of the role that material conditions play in the pursuit of the perfectionist function that humans serve in nature. Nussbaum's focus on active striving avoids such functionalism and justifies entitlements as necessary preconditions to the exercise of the agency that allows for the individual to strive in their environment. Nussbaum's

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<sup>97</sup> It is important to note that human flourishing is an end state, to be achieved like the peak of a mountain, while active striving is a continuous state of being and changing. In the boundaries of the comparison, active striving would be the action of climbing a mountain, with the peak having the possibility of ever-changing or remaining constant.

emphasis on an entitlement to material conditions necessary to actualize choices reflects the Aristotelian influence, but she justifies that entitlement through an appeal to Marx's reflections on the significance of active striving. Nussbaum's justification of the entitlement thus avoids any reliance on perfectionist reasoning.

Finally, in incorporating the Stoic notion of human dignity, Nussbaum combines several values relating to the human condition. When combining the values of active striving, respect, and equality, one can retain the Stoic notion of human dignity regardless of circumstances or treatment without incorporating the numerous drawbacks of the Stoic approach. A theoretical approach that respects equally the active striving of each individual preserves respect for human dignity in a form expanded beyond the Kantian and Aristotelian notions of dignity. According to this view, equal respect for human dignity is justified as necessary to agents who are capable of active striving; individuals who are capable of striving cannot—on this view—forfeit that dignity if they suffer deprivation or oppression. Nussbaum's exploration of the implications of the notion of active striving—in combination with reflections on the implications of the values of agency, equality, and respect—provides the foundation of her justification of the principle of respecting individuals as ends rather than means. Those values, in turn, justify the human dignity that is possessed by individuals and that grounds their claims upon others for fair treatment and sufficient material conditions. From this investigation, the relevant question becomes: What capabilities are necessary for a life worthy of human dignity? However, to examine how the minimum threshold of capabilities is justified in the values, I must first examine the role of political liberalism in Nussbaum's account of human dignity and its practical implications.

Nussbaum incorporates the account of political liberalism that Rawls develops in his later work.<sup>98</sup> Rawls emphasizes the fact of reasonable pluralism—the fact that in free societies, individuals will affirm diverse worldviews, beliefs, and therefore differing conceptions of the good. In order to respect the agency of individuals who reasonably disagree regarding basic moral issues, the state should not embrace a specific normative conception of the good. Instead, an acceptable justification of political power must be grounded in a conception of justice that could constitute the focus of an overlapping consensus among the holders of reasonable conceptions of the good. This approach to justifying political principles shows respect for citizens by not asking them to endorse a political doctrine built on a particular religious or metaphysical view. Rawls's emphasis of the fact of reasonable pluralism poses an interesting question for the capabilities approach, which relies on a thick and specific account of human nature. Since Nussbaum's notion of human nature is inextricably tied to a thick account of agency, does the role of that account of agency conflict with the respect for autonomy that is prioritized in the value of political liberalism? On one hand, Nussbaum's embrace of what appears to be a comprehensive conception of human nature would seem to be inconsistent with political liberalism's goal of respect for differing reasonable views. On the other hand, Nussbaum's approach is fundamentally committed to respect for the agency of the individual.<sup>99</sup> How could an approach committed to respect for the agency of the individual interfere with the

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<sup>98</sup> Rawls, J. *Political liberalism*. 1993.

<sup>99</sup> It is important to note a significant view in the field such that the whole notion that assigning equal weight to competing claims and pluralistic views of the good is a liberal western view. Other cultures do not engage in the liberal conception of the individual and instead embrace self-sacrifice for the community among other values that political liberalism would reject. This objection is notable; however, it is outside the scope of the paper and presents a form of societal agency as being a higher priority than the agency of the individual. There are a number of issues that one can raise in response: from a fundamental nature of the human in a functional view leads to a reduction in freedom, a linkage of freedom and agency to justice, and the cost benefit analysis of accounting for that societal priority over the individual.

agency of the individual? At every step of the process, agency has had a very important and influential role in defining Nussbaum's account of the values that are required of a just human society. To what extent can political liberalism be consistent with a theory that grounds respect for agency in a theory of active striving?

In *Creating Capabilities*, Nussbaum explicitly adopts a politically liberal approach to the justification of the capabilities approach. Although the possession of reason does not—in her theory—constitute the foundation of respect for agency, it plays an important role in the justification of her theory requiring respect for human agency. Nussbaum aimed to avoid grounding her account of human dignity in reason to avoid arbitrarily limiting the scope of respect. However, reason still plays an important role in justifying her requirement of respect for the autonomy of individuals who affirm divergent worldviews. The equal respect for persons that is demanded by the human dignity that each person possesses requires that the authority of the state should not be grounded in a metaphysical worldview. However, this requirement does not require that the justification of political principles must not rely on moral reasoning. In *Political Liberalism*, the political principles that are legitimized by the overlapping consensus of individuals appeal to the reason that moral agents possess.

Nussbaum employs political liberalism to justify the political principles that underlie a just political system. To legitimize the acceptance of the capabilities approach, she appeals to the reason of the moral agent. This appeal does not define the individual essentially as a reasoning individual. Instead, this appeal to reason simply identifies the theoretical approach best designed to respect the autonomy of the individual.

However, Nussbaum's strategy of justification raises an interesting question regarding the priority of two different types of freedom. In freedom as agency, the capabilities approach

analyzes political positions to understand how they affect the free choices of individuals across society. However, political liberalism focuses on another type of freedom—the freedom to base one’s choice of political system on one’s beliefs. In order for individuals to govern themselves and determine what capabilities should be prioritized, they need to engage in a political process. Nussbaum’s theory thus incorporates two senses of freedom: freedom as agency and the freedom associated with political justification. Several theorists, including Richard Arneson, argue that a moral theory cannot consistently incorporate both notions of freedom. In order to prioritize freedom as agency, Arneson argues, the theory cannot consistently incorporate a notion of freedom associated with political justification.<sup>100</sup> Arneson argues from the assumption that the capabilities approach is a perfectionist theory. It was noted earlier that in the creation of a normative capabilities theory of justice, one is asking what capabilities are relevant for a life worth living of the human dignity each person possess. Another theorist, Séverine Deneulin, argues that the capabilities approach’s response to this question assumes a theory of the good tied to the notion of human dignity, and therefore embraces a political perfectionist approach to justice.<sup>101</sup> If the capabilities approach justifies the assignment of priority to agency by appealing to the human dignity that all individuals possess, it is argued, the theory relies upon a perfectionist foundation. As such, whether or not individuals have differing conceptions of the good and different preferences in social order and governance is irrelevant, as the justification of the theory is fundamentally grounded in respect for their agency. These theorists argue that political liberalism rejects such foundationalism. However, this argument reflects a fundamental misunderstanding of the sense of agency that is assigned priority in the capabilities approach.

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<sup>100</sup> Arneson, R. The capabilities approach and political liberalism. 2020.

<sup>101</sup> Deneulin, S. Perfectionism, paternalism and liberalism in Sen and Nussbaum's capability approach. 2002.

That account of agency includes the capacity to self-govern. Rather than tying the theory to political perfectionism, Nussbaum emphasizes that a theory that respects the human dignity that each individual possesses must assign to individuals the authority to be able to govern themselves and engage in the political process as political equals.<sup>102</sup> Rather than employing a perfectionist theory to generate a blueprint for society, Nussbaum generates an account of the conditions within which persons may relate to each other as equals by asking the question: What capabilities are *minimally necessary* for the pursuit of a life worthy of human dignity? A just society, she argues, must ensure access to those capabilities to each person. This minimum threshold defines the minimum capabilities that are necessary for living a life worthy of the human dignity that each individual must possess without appealing to political perfectionism. Instead, the minimum threshold protects the minimum agency necessary for individuals to actualize their active striving while also allowing for individuals to govern themselves. While the notion of human dignity is grounded in values that appeal to active striving as agency, those values do not reflect a comprehensive moral conception or a metaphysical understanding of human nature. Instead, they derive an account of human dignity from weak and widely shared assumptions.

The notion of human dignity defines conditions and treatments that are worthy of the human dignity that each individual equally possesses. In securing those conditions, the society respects each individual's human dignity. Capabilities beyond those that are minimally necessary are to be determined through democratic political processes. Capabilities theory thus assigns priority to agency in determining these higher capabilities.

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<sup>102</sup> Nussbaum. 2011.

#### IV. An Evaluation and Critique of Rutger Claassen's "Human Dignity in the Capability Approach"<sup>103</sup>

Rutger Claassen, in "Human Dignity in the Capability Approach", offers criticisms regarding the justification and applicability of the capabilities approach that rely extensively, and in some cases almost exclusively, on Nussbaum's research in Aristotelian political theory, rather than the arguments that she presents in *Creating Capabilities* and her other more recent work on the capabilities approach. He argues that the notion of human dignity that Nussbaum employs in developing her account of the values that interrelate to form the foundation of the capabilities approach is a social relation rather than a value inherent in the human condition. This reduction of the notion of human dignity ignores Nussbaum's understanding of dignity as a permanently retained value in the human extension, as emphasized in Stoic philosophy. Further, his understanding of human dignity is fundamentally disconnected from active striving, and he consequently argues that Nussbaum's arguments developing the practical implications of human dignity are circular. I will argue that his argument mischaracterizes the role that human dignity plays in Nussbaum's arguments. First, his analysis of how human dignity is justified and works in relation to the other values misunderstands Nussbaum's notion of human dignity. As a result, his analysis of the role that the notion of human dignity plays in justifying the minimum threshold of capabilities fundamentally mischaracterizes Nussbaum's argument. His almost exclusive reliance on Nussbaum's studies of Aristotelian political theory, rather than the arguments that she develops to justify her conclusions regarding the status of human dignity in an acceptable theory of justice, fatally weakens his critical arguments. I will first examine and criticize Claassen's understanding of human dignity as employed in Nussbaum's justification of

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<sup>103</sup> Claassen, Rutger. "Human dignity in the capability approach." 2014.

the capabilities approach. Second, I will criticize Claassen's conclusions, noting that Nussbaum's arguments anticipate and respond to objections of the kind that Claassen raises.

Claassen's discussion of Nussbaum's employment of the notion of human dignity begins by distinguishing the different types of dignity that she discusses. He notes that she uses dignity in three contexts: a general notion to ground the capabilities approach, a concept that grounds animal entitlements, and as the foundation for an argument for focusing on functionings in some exceptional cases. It is important to note that the notion of animal dignity and the exceptional entitlements, while relevant to Nussbaum's scholarship, is not within the scope of this paper. I will not, therefore, discuss Claassen's comments on Nussbaum's account of animal dignity. In addition, I will not discuss the role of the notion of dignity in justifying the priority of functionings in some limited cases, since Nussbaum's thought relating to this issue is not relevant to the primary form of human dignity that performs a foundational role in justifying capabilities theory. I noted earlier that Nussbaum emphasizes the importance of promoting functionings paternalistically in certain exceptional cases. Since these cases are exceptions, Claassen does not discuss this use of the notion of dignity in Nussbaum's theory. Therefore, my comments focus on Claassen's critique of Nussbaum's employment of the notion of human dignity in justifying the capabilities system. Claassen notes that Nussbaum views human dignity as a reflection of the relation that is conferred upon a life worth living in a social context.<sup>104</sup> On the basis of this understanding of human dignity, Claassen emphasizes that human dignity only functions in the theory as it is related to three other notions: respect, agency, and equality. From these interrelated notions, the basic capabilities are extracted through a dialectical process of negotiating the relationship of one putative entitlement to another putative entitlement, each

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<sup>104</sup> Nussbaum, M. *Frontiers of Justice*. 2006.

basic capability or fundamental entitlement functioning as a node on a web of interconnected relations. On the basis of that general understanding of Nussbaum's capability system, Claassen investigates the notion of human dignity and the function it performs in the system.

Even at this early stage in his argument, however, his critique reveals his confusions regarding Nussbaum's arguments. Claassen's characterization of Nussbaum's understanding of human dignity as the respect connected to a life worth living in a social context is only partially correct. First, human dignity is not a relation. It is not something that is conferred upon and respected in individuals. Instead, it is a value that is inherent in the human experience, and that value establishes obligations that apply both to other individuals and to society as a whole. These obligations require respect for certain rights and the satisfaction of certain material conditions. This distinction is important because human dignity *as a relation* would be a quality that could be lost or withdrawn under certain conditions. However, human dignity as a value cannot be lost or withdrawn.<sup>105</sup> In addition, Nussbaum's notion of human dignity contains more content than that of respect based on a life worth living. Claassen's characterization of human dignity only hints at its theoretical foundation – the active striving of human beings. Claassen does note that human dignity is not a unitary foundational value and that it is interconnected with notions of agency, equality, and respect. He fails, however, to recognize that these values generate moral substance collectively through an interconnected process. Each value is node on a web, each connected to each other, and each affecting the substance of the other values. The entire web is the capabilities system. Human dignity is not simply *grounded in* respect, agency, and equality; rather, the meaning of human dignity is determined by the interactive process involving all of

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<sup>105</sup> Under those circumstances of human dignity as a value, the human dignity of the individual is preserved regardless of what situations they encounter or treatment they endure. As such, someone who has faced a treatment could not be said to "have their dignity removed". Rather their human dignity has been violated.

those values. Active striving, a notion very similar to Marx's concept of conscious life-activity, is a constant state of being linked to an individual's differing life plans, passions, and general goals. Therefore, active striving is fundamentally connected to agency. As noted above, the logical limits of human active striving are: (i) being born to a human and (ii) having the ability to engage in any sort of conscious mental activity. Respect for agents capable of active striving justifies a Kantian notion of individuals as ends rather than mere means. Respect is justified by the capacity to strive rather than by possession of the faculty of reason.<sup>106</sup> Finally, since all individuals are capable of active striving, any normative conclusions deriving from the values connected to active striving apply equally to all individuals.

Through this process, different understandings of human dignity are put in relation to one another in a historical lens. The Kantian notion of human dignity based on autonomy as respect introduces notions of negative rights. The Stoic notion of human dignity introduces the importance of human dignity as a persisting value in the human experience. The Aristotelian notion of human dignity based on perfect functionalism generates an account of the material conditions required for feasible choices, while illuminating the drawbacks of political perfectionism. All of these notions of human dignity are conceptually related to other relevant values: the Kantian notion of respect, the Stoic notion of equality, and the Aristotelian notion of feasible choices as relevant to flourishing.<sup>107</sup> Working through the different forms of human dignity that are framed by the values of active striving, agency, equality, and respect, Nussbaum

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<sup>106</sup> It is important to note that practical reason will always be important (in different ways in the subjective experience) to the pursuit of one's goals. However, the reasoning that is traditionally associated with human essentialism and how that translates to specific functionings in human perfectionism is not what is being posited by active striving as the essential quality to being human. Furthermore, reason does not take up the necessary role in the pursuit of such goals.

<sup>107</sup> It is important to note that the fundamental error in the Aristotelian human dignity stems from its priority on feasible choices towards a material functional flourishing as the essential human experience. Instead, Nussbaum's approach replaces that material functional flourishing with active striving as agency.

arrives at an account of human dignity that is valued in the person: that which is equally respected in the individual through the guarantee of negative rights and that also allows for agency through the provision of material conditions necessary for feasible choices. Since it is viewed as inherent in the person, it is not something that is removable, nor is it conferred onto a person. An individual's human dignity is persistent, but its claims upon others and society can be violated. Claassen's understanding of human dignity fails to capture all of these necessary characteristics of human dignity.

On the basis of this incompletely understood notion of human dignity (as employed in capabilities theory), Claassen describes Nussbaum's view as designed to distinguish between two different types of human dignity: the Stoic-Kantian notion and the Aristotelian-Marxist notion.<sup>108</sup> He correctly notes that the Stoic notion of human dignity is persistent. However, he incorrectly conflates the Stoic persistence of human dignity with the Stoic view that human dignity cannot provide the foundation for claims for treatment and for material conditions. The Stoic notion of human dignity is limited to action pertaining to moral reflection. All persons possess human dignity because they possess the faculty of moral reflection. An individual's human dignity can never be lost, regardless of treatment or condition, because their ability to reason morally is never dislodged. Claassen argues that the Stoic notion of human dignity is persistent because

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<sup>108</sup> The Aristotelian Marxist notion of human dignity as used by Nussbaum fundamentally differ in only one respect: Aristotle views the human essence as the potential for human flourishing as grounded in human reason. Marx, on the other hand, views the human essence as the conscious life-activity engaging in both the social environment and material environment and focused on labor as the fundamental function. As I noted earlier, their differences in human nature are realized in Aristotle's perfect functionalism as opposed to Marx's emphasis on agency and autonomy in labor. Marx, therefore, is seen as influenced by Kant's notion of individuals as ends rather than means. However, he avoids tying the relations of production in his labor theory to an ethical notion. Rather he focuses on the scientific and historical cycle effects. As a result, in the consideration of human dignity, both approaches treat autonomy as negative rights and material conditions largely the same. Aristotle's perfect functionalism does not embrace any sort of ethical autonomy. Marx refuses to tie autonomy to ethics. Both, however, support the material conditions necessary for labor, whether through human flourishing as functionalism or the required material conditions for the productive forces. As such, in their effect for notions of human dignity, I shall treat Aristotelian – Marxist notion of human dignity as the same.

dignity is based on the possession of moral reason. And since human dignity is persistent, it cannot provide the foundation for arguments requiring access to social relations or material conditions. However, this argument incorrectly ties persistency to this limitation of the Stoic view. Human dignity cannot—according to the Stoic view—justify claims for access to social relations or material conditions because of the substantive moral reasoning that grounds the Stoic account of human dignity, not because of dignity’s persistence. By grounding persistent human dignity in active striving instead of moral reasoning, Nussbaum connects human dignity to feasible choices and therefore can still make claims for treatment and material conditions. Claassen notes, correctly, that the Kantian notion of human dignity is fundamentally tied to respect for individuals as ends rather than mere means. However, he incorrectly argues that in order for Nussbaum to appeal to the idea of respect for individuals as ends rather than means, she must maintain the rationality requirement as defining the essential human condition. He states that she satisfies this requirement by emphasizing practical reason as one of the basic capabilities necessary for a life worth living with human dignity. On the basis of this confusion, Claassen then objects to the inclusion of practical reason among the basic capabilities necessary for a life worthy of human dignity because this conclusion is—he argues—justified simply through an appeal to the assumption that rational agency is essential. In essence, it is a circular argument. On the matter of circularity, I agree. The confused system he has constructed is circular. However, human dignity is not defined by the capability faculties it necessitates. Human dignity does not require rationality as a requirement for the essential human condition. In fact, Nussbaum explicitly notes that rationality must not be used as a requirement due to the systematic effects such a requirement would have on conclusions regarding the agency of individuals who have neurological disorders or cognitive dysfunction. Claassen fails to recognize that respect for

individuals as ends rather than means, in Nussbaum's argument, is justified on the basis of the human active striving rather than reason. The Kantian notion of human dignity as it applies to the respect in the capabilities approach does not involve a circular argument.

Claassen correctly emphasizes that the Aristotelian notion of human dignity is not independent of the external world. It makes claims upon the external world because humans are vulnerable and needy beings and therefore require material support in order to flourish. In the Aristotelian view, human dignity is ascribed to humans due to the potentiality to develop capabilities. This potential for capabilities is persistent, and therefore the human dignity that humans possess is persistent. As a result of the dignity that humans possess, they should be treated with respect. Respect for human dignity is actualized in social conditions that enable the development of these capabilities. This argument provides an approximate but incomplete description of the role of the notion of human dignity in Nussbaum's argument. The description is incomplete because it fails to take account of the role—within Nussbaum's argument—of the notion of human dignity as requiring respect for individuals as ends rather than means.

Furthermore, Claassen also fails to note the difference between Aristotelian flourishing that is focused on material functioning and Nussbaum's idea of active striving that results in the capabilities. Without these clarifications, this understanding of human dignity is inconsistent with Nussbaum's understanding, and the employment of this understanding in his critique of Nussbaum therefore leads to confusions. This issue is highlighted in the next section of his argument, which aims to criticize Nussbaum's employment of the notion of dignity to justify the capabilities approach.

On the basis of the earlier notion of human dignity as tied to the historical influences of Aristotelian dignity, Claassen aims to criticize Nussbaum's employment of this notion in her

justification of the system. First, Claassen asserts that dignity as a philosophical value is always grounded in a feature of the dignity-bearing entity. He supports this claim with references to Kant and Aristotle. Claassen argues that although Nussbaum aims to reduce the impact of a reason requirement, her notion of human dignity still relies on the reasoning capacities of the human experience. Rather than being essentially tied to what it is to be human, practical reason is one of the capabilities that must be developed in order to live a life worthy of human dignity. This argument simply repeats Claassen's argument that Nussbaum's argument for human dignity is circular. As discussed above, however, Claassen's argument fails—Nussbaum's argument is not circular.

Second, Claassen points to the fact that in earlier formulations of the basic ten capabilities necessary for a life worth living, Nussbaum does not make reference to human dignity. He therefore asserts that the notion of human dignity is merely a late addition that does no real work in the argument. However, this objection simply ignores the arguments that Nussbaum presents in *Creating Capabilities* and all of her later work on the capabilities approach. While it is true that in earlier formulations of the basic capabilities necessary for human flourishing, Nussbaum grounded her arguments in Aristotelian political and ethical thought, she explicitly abandoned those arguments in her later work and substituted an argument grounded in a wider range of philosophical approaches including political liberalism. In *Creating Capabilities*, she emphasizes the role that Aristotle, Kant, Marx, Rawls, and others collectively had on the full construction of her system. In addition, as discussed above, Nussbaum explicitly discusses the role of Rawls's notion of due reflection as providing the foundation of her current justification of the capabilities approach. This appeal to due reflection indicates the clear influence of Rawls and the abandonment of arguments grounded in Aristotelian functionalism.

After objecting to the work that human dignity does in the argument, Claassen concedes the possibility that the notion of dignity could function in Nussbaum's argument as a normative force grounding respect but not justifying the selection of the capabilities of the minimum threshold. Claassen's argument is vulnerable to two objections. First, Claassen's objection applies only to the earlier versions of Nussbaum's argument that are grounded in Aristotelian functionalism. The argument raises no objection to her later argument grounded in due reflection. Second, Claassen's objection to the Aristotelian version of the argument is based upon a confused understanding of Nussbaum's account of human dignity. He states that human dignity guarantees respect of the capabilities because "there is something wonderful and awe-inspiring" in human nature. Yet Nussbaum justifies respect for human dignity, not in such an appeal to unrefined intuitions, but rather through the grounding of such respect in active striving. Further, Claassen's misdescription of Nussbaum's argument here provides the basis for a confused objection later in his argument. Claassen argues that any object of modern technology is wonderful and awe-inspiring and yet does not deserve the normative force that dignity confers on the capabilities. Since Nussbaum does not ground respect in an appeal to the awe-inspiring quality of human nature, Claassen's objection fails.

On the basis of this supposedly "successful" objection, Claassen then turns to an earlier formulation of the capabilities list that was grounded in a procedure called internalist essentialism. The procedural framework involved determining what functionings one is willing to give up in order to arrive at a list of functionings that are necessary to the human experience and posit those as the basic capabilities of the minimum threshold. These arguments were called "self-validating arguments" since on the basis of the argument being made, it validated itself as to what is considered minimally necessary. However, such a justification of the capabilities

approach is vulnerable to a wide range of objections. By justifying capabilities on the basis of a sort of pluralistic cost-benefit analysis, the capabilities are justified as functionings (rather than freedoms). In justifying capabilities as functionings, the argument relies upon perfectionist intuitions defining the nature of a life worthy of living. In such an approach, capabilities are no longer options. Instead, they are requirements of the good life, the perfect life. This justification of the capabilities list does not make use of due reflection regarding the values relevant to active striving. It is not justified on the basis of an understanding of the human condition, but rather on the basis of claims about what agents deem hypothetically necessary to living. It justifies the capabilities approach on the basis of a pluralistic view that incorporates the utilitarian impulse to maximize “the good”: How can we maximize the capabilities that are minimally necessary? According to this argument, human dignity is only retained so long as the individual maintains certain functionings. An individual could be stripped of dignity, according to this argument, by abusive treatment. This devolution of the capabilities system into political perfectionism clearly emphasizes how Claassen’s exclusive reliance on the early Aristotelian version of Nussbaum’s argument distorts his understanding of her view.<sup>109</sup> He has conflated Aristotle’s functional perfectionism with Nussbaum’s minimum threshold of basic capabilities. Finally, the human dignity that is conferred based on the system Claassen interprets is a relation that respects others because all would want their own capabilities respected. As a result, the system also derives its

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<sup>109</sup> Claassen’s references throughout the paper most often make reference to three of Nussbaum’s works: “Aristotelian Social Democracy”, “Aristotle on Human Nature and the Foundation of Ethics”, and *Women and Human Development*. These works have major reference to her studies and investigation of Aristotle’s political work, two of them emphasizing that origin titularly. However, this trend is not the case with her other more recent works such as *Creating Capabilities* or “Human Dignity and Political Entitlements”.  
 Nussbaum, Martha. “Aristotelian social democracy.” 2019.  
 Nussbaum, M. C. *Women and human development: The capabilities approach*. 2000.  
 Nussbaum, M. “Aristotle on human nature and the foundations of ethics.” 1995.  
 Nussbaum, Martha. *Creating Capabilities*. 2011.  
 Nussbaum, M. “Human dignity and political entitlements.” 2008.

political normative force from a quasi-social contract as opposed to the demand that human dignity makes upon individuals and society. Unless human dignity is respected as a value justified in the very nature of humanity itself, dignity fails to permanently retain its claims upon individuals and society. As a result, human dignity becomes conditional for humans. Claassen's unbalanced reading of Nussbaum's arguments lead him to misrepresent the justification that she offers for the capabilities approach in her recent work.

## V. Conclusion

In this investigation into the capabilities approach and its justification in human nature, I have examined Nussbaum's employment of the notion of active striving as the definitional quality of the human experience. Active striving as a notion derives its content from the Aristotelian tradition of human flourishing and potential functioning based on the human capacity of logos while also drawing on Marx's idea of conscious life-activity grounded in the Hegelian conception of the individual. Through active striving, which she emphasizes has a specific relation to agency, one is able to organically investigate and then build content into relevant and interrelated notions such as the autonomy of an individual as ends rather than means, equality, respect, and human dignity. Further, through the consideration of levels of agency, and the plurality of individuals' beliefs, political liberalism is grounded in the system. The nature of human dignity in relation to those other values requires material support and conditions required for the agency of the individual engaging in their active striving, and also the theoretical space for the individual to make choices, whether through rights, liberties, or intellectual support and education. These interrelated values then place claims upon society with the minimum threshold of basic capabilities that society and the relationships of the individual must support. Human dignity is a value of the human experience that is permanently retained by each individual rather than existing as a conditional relation.

As a result, Claassen's characterization of the grounding of the capabilities approach and of human dignity as a notion is incorrect and his arguments therefore misrepresent Nussbaum's justification of the capabilities approach. However, the investigation into the methodological construction that is the capabilities approach is not complete by any means. Due reflection as a process by which the interrelated values make claims upon society through the body of human

capabilities to arrive at the minimum threshold of basic capabilities as reflective equilibrium has not yet been fully fleshed out, nor has it been grounded in the human nature that Nussbaum defends and posits. That project, however, was outside the scope of this paper, but it still presents a further step in the capabilities research as it pertains to the investigation into justice as a core value to humanity itself. Another interesting project could be constructing this capabilities system as grounded in an existentialist understanding of the human condition rather than the essentialist version that is defended in this paper. This project could emphasize the universality of the minimum threshold of basic capabilities that is necessary for a just society. Outside of those considerations, this paper aimed to shed light on the specific character of human dignity as it pertains to the justification of the capabilities approach and in relation to the other interrelated values of the system, while also emphasizing the drawbacks of current interpretations of the capabilities approach as juxtaposed with this one. Through this examination of the function of human dignity in Nussbaum's argument, this paper has provided an examination of the intuitions that provide the foundation for Nussbaum's capabilities approach.

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