

The Foundations of Aristotle's Functionalist Approach to Political Theory

by

Nathan Welle

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Supervisory Committee

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Supervisory Committee

Dr. Josh Wilburn (Department of Philosophy)

Supervisor

Dr. Margaret Cameron (Department of Philosophy)

Departmental Member

Abstract

Dr. Josh Wilburn (Department of Philosophy)

Supervisor

Dr. Margaret Cameron (Department of Philosophy)

Departmental Member

Aristotle's articulation of a correct state is inherently socially hierarchical. This has led many scholars to view the functionalist approach as being at odds with the inherent equality of persons that is taken for granted in contemporary political theory. My thesis therefore aims to offer a defence of functionalist theory, demonstrating that it can be formulated to respect the functioning of every individual. In Chapter 1, I examine the key Aristotelian concept of natural justice. In order to draw out the subtleties of natural justice, I compare it with Cicero's articulation of natural law. In Chapter 2, I compare and contrast Martha Nussbaum's and Aristotle's articulations of political philosophy. In Chapter 3, I examine the Aristotelian notion of friendship by considering the work of Cooper and Bentley. I argue against most contemporary theorists that Aristotle's basic understanding of human relationships is altruistic.

Keywords: Aristotle, Functionalist Theory, Natural Justice, Cicero, Martha Nussbaum

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Introduction

Ethical and political theory are inextricably linked: our normative conclusions about how we ought to live inform and ideally justify conclusions about proper political structure. This has important implications regarding the grounding of international law and human rights. Any articulation of public policy requires justification, and formulating an objective source for normative theory is an appealing route to ground human rights. Generating a coherent source of rights theory has consequences regarding how aid resources should be distributed, which actions the international community should condemn, and how the global economic structure should be formulated. Ultimately, it is a vital area of philosophical research, as it has obvious significant implications regarding any articulation of conventional law.

This highlights the importance of exploring how normative concepts are related to and influence the formation of the political state. The ancient approach to ethical theory is predicated on a relationship between description and prescription, namely that ontology directly influences normative claims. However, modern legal and political theorists have rejected this connection, asserting that descriptive and normative theories are distinct. For example, in David Hume's writing on the "is/ought" distinction, he condemns any attempt at establishing a relationship between description and prescription. He asserts that moving from descriptive to prescriptive claims is a fallacious shift. Another example is apparent in John Austin's work on the separation between natural and conventional law, where he contends that due to problems inherent in the natural law position, it cannot be used as justification for conventional law. Both Hume and Austin

attack the relationship between a description of reality and prescriptive theory. However, these arguments are not completely convincing, as there might be a justified way of formulating this relationship in terms of the functions inherent to humanity.

One of the first attempts to offer such a functionalist account is found in Aristotle's *Nicomachean Ethics* and *Politics*. He argues that the normative prescriptions regarding the organization of the *polis* arise from a social and biological description of humanity. This is often termed a *functionalist* approach to political theory, as it draws a relationship between human functionality and the proper way that the state should be organized. In contemporary philosophical discourse, this approach has been named the *capabilities* approach, since it focuses more on the basic capabilities, as opposed to the functions, of the individual.

Aristotle's functionalist approach offers a solution to the determination of the foundational principles that underlie the basic structure of the state. He argues because there are certain universal conditions that comprise good human functioning, the state should be organized in a way that allows for people to develop their functions effectively. Moreover, this approach offers compelling natural justification of the *polis*, as it allows citizens to develop their functions to the greatest extent possible. However, Aristotle makes certain normative claims, regarding the proper formation of the *polis*, which most contemporary readers find repugnant. He argues that the *polis* is naturally socially hierarchical and believes that women and slaves are subservient to men. This characterization of the political state is worrying, as Aristotle's functionalist approach generates normative theory that is inherently at odds with contemporary views on the equality of people.

My aim in what follows is to rescue a general functionalist account of ethics from the apparent commitment to unjust hierarchical political structures, and illustrate that it can be used to generate compelling political theory. Ultimately, I aim to demonstrate the functionalist approach's ability to incorporate and draw on a variety of ethical viewpoints, and indicate that the capability approach, as a manner of grounding the relationship between ethics and politics, is a flexible theory that can accommodate multiple moral and ontological structures, revealing that capability theory is not necessarily sexist or hierarchical. I intend to demonstrate that capability theory is a powerful tool, to not only conceptualize ethical and political theory, but also the relationship between the two.

I examine two sources of normativity that Aristotle derives from his account of human nature (justice and friendship), as well as the relationship between them and the political implications that follow. I also explore Martha Nussbaum's contemporary approach to functionalist theory, examining differences between her and Aristotle's conception of the *polis*. In this manner, I investigate how different basic prescriptive accounts of human nature and justice influence the way that they develop their conceptions of the *polis/state*.

In the first chapter, I explore Aristotle's conception of natural justice, analyzing the Aristotelian discussion of natural justice and exploring the relationship between it and natural law. Thereby I attempt to explore the basic premises of the functionalist approach by examining the relationship between natural justice, natural law, and human nature. Ultimately, I outline Aristotle's conception of natural justice, exploring its relationship to his functionalist theory. In the second chapter, I further explore functionalist theory by considering Martha Nussbaum's contemporary approach. I contrast Aristotle and

Nussbaum's approach and highlight their commitments to normative concepts that influence political theory. Nussbaum's capability approach shows that Aristotle's functionalist account does not necessitate a specific account of the relationship between pre-political normativity and the *polis*. This is interesting, as it might make it possible to separate the functionalist approach from the unsavory conclusions regarding slavery and sexism that Aristotle believes are inherent features of the *polis*.

Finally, I consider whether Nussbaum and Aristotle conceptualize ethics in fundamentally different ways. Aristotle appears to suggest that the basic relationships of humanity, those that comprise the *polis*, are inherently self-interested, while Nussbaum argues that love and compassion should be universal. In the third chapter, I investigate whether Aristotle's theory of friendship could be construed in a less egotistic manner than typically understood, and I argue that individuals, in a political state, have ultimately altruistic motivations towards others. Thereby I attempt to reveal that it is really a difference in normative assumptions that leads to a difference in political theory and not a fundamental difference in ethical approaches. I thereby hope to motivate the capabilities project as a strong approach to the problematic relationship between ethical and political theory.

Chapter 1:

Aristotelian Natural Justice and Functionalist Theory

Aristotle is well known to have a functionalist approach to ethics, moving from a description of reality to prescriptions about the formation of the state. However, his approach is fundamentally socially hierarchical in political structure, as he argues for the naturalness of slavery and the subjugation of women. This suggests that functionalist theory is ultimately at odds with contemporary understanding of the equality of persons in political theory. In order to attain a good understanding of functionalist theory, it is vital to explore the underpinnings of Aristotle's theory. Thus, it is necessary to discuss Aristotle's key concept of 'natural justice', as it underlies his political theory.

In this chapter, I expound on Aristotle's understanding of natural justice by exploring its three key components. First, natural justice exists independent of the *polis*. Second, natural justice is based upon the natural functions of humanity. Third, natural justice grounds the content of conventional law. Finally, in order to draw out the subtleties of natural justice, I contrast it with Cicero's later articulation of natural law. This contrast reveals that, while similar in their general approach, Aristotle's and Cicero's methodologies differ in the relationship between conventional law and natural justice/law.

Section I: Natural Justice and the *Polis*

Aristotle argues that natural justice exists independently of the various *poleis*. The strongest evidence for this view is found in the *Rhetoric*. Aristotle writes:

It will now be well to make a complete classification of just and unjust actions. We may begin by observing that they have been defined relatively to two kinds of law, and also relatively to two classes of persons. By the two kinds of law I mean particular law and universal law. Particular law is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law is the law of Nature. For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. It is this that Sophocles' Antigone clearly means when she says that the burial of Polyneices was a just act in spite of the prohibition: she means that it was just by nature. (1373b–74a)

Aristotle's commitment to a natural prescriptive force existing independently of the *polis* is clearly evident in his assertion that 'universal law is the law of nature'. This indicates that Aristotle believes that this prescriptive force exists as a part of nature, which is prior to, and distinct from, conventional law. This is also evident in his discussion of the universal law, which he claims is naturally just and a 'binding covenant on all men'. This means that natural justice is distinct from conventional law, as even men who are not part of a *polis* are ethically required to be just to one another. From this we can conclude that it is not the *polis* that binds individuals to act justly, instead natural justice independently grounds the conventional laws of the *polis*.

Further support for the independence of natural justice from the *polis* is apparent in the last line, where Aristotle refers to the moral dilemma faced by Antigone concerning the burial of her dead brother. He argues that Antigone was justified in burying her brother even though Creon decreed that it was illegal, because some actions are *naturally just*. This establishes that conventional law is not always binding; it can conflict with natural justice and when it does people should perform the naturally justified action. This provides convincing support that Aristotle takes natural justice to exist independently of the *polis*.

This grounding is also evident in Aristotle's discussion of slavery. He writes:

Slaves and slavery are spoken of in two different ways: for there are also slaves – that is to say people who are in a state of slavery – by law. The law is a sort of agreement by which what is conquered in war is said to belong to the victors... [However] it is possible for wars to be started unjustly, and no one would say that someone is a slave if he did not deserve to be one. (*Pol.* 1255a4–25)

This discussion of slavery is placed in the context of warfare, an enterprise that is outside of conventional law. Warfare is necessarily between different *poleis* and therefore falls outside the bounds of conventional law, since Aristotle understands conventional law to exist only in a given *polis*. Understood in this context, the last line of the passage shows that natural justice condemns taking slaves in an unjust war.¹ This implies that Aristotle holds to a notion of justice that is independent of conventional law, as it is not based on any particular *polis*. For if there is a system of justice that regulates warfare between political communities with distinct conventional systems of law, then justice must exist above and beyond the conventional justice of each *polis*. This entails that justice does not arise solely out of political communities, as justice supersedes the conventional law of each *polis*.² Since natural justice supersedes the conventions of any particular *polis*, it must exist independently of the various *poleis*.

Section II: Exists in Relation to Human Nature

It is clear that, for Aristotle, natural justice is universal and independent of conventional law. However, he also implies that it exists in relation to human nature.

Aristotle frames his entire normative theory on a discussion human nature. For example,

¹ This passage is an example of Aristotle's worrying commitment to slavery; it entails that while certain forms of slavery are not naturally just, that others are just. Furthermore, his justification of slavery is tied in with his natural justification of the state, which implies that a hierarchical structure may be an inherent part of functionalist theory.

²1996:891

in the beginning of the *Nicomachean Ethics*, he argues that it is necessary to understand the natural function of humanity before it is possible to discuss correct normative theory. This feature of Aristotelian philosophy is evident from his discussion of the various natural functions of animals and humans. This section indicates that it is necessary to determine the natural features of humans before it is possible to determine how to achieve the ultimate goal of humanity: happiness (*NE* 1097b25-98a15). Ultimately, he writes regarding ethical first principles that “we must try to investigate in the natural way” (*NE* 1098b4-5). This appeal to naturalism to determine function is also present in his political theory: at numerous places throughout the beginning of the *Politics* he appeals to the natural order to justify certain political structures. For example, he traces a natural development from a village to a colony (*Pol.* 1252b15-20). He also cites the certain natural order that exists between kings and their subjects in order to ground a certain political structure (*Pol.* 1252a30-34). From these passages, we can conclude that Aristotle holds to a naturalistic basis regarding his normative theory. Given the foundational basis of Aristotle’s naturalistic approach, we should conclude that natural justice should be understood in relation to human function.

The relationship between natural justice and human nature is also evident in Aristotle’s conceptualization of the natural origin of the *polis*. Fred Miller Jr. explores how natural justice influences the formation of the *polis* on the basis of human function. As evident from the previous section, Aristotle asserts that the *polis* is a natural outcome of households binding together into communities. Moreover, he argues that certain formations of the political state are better than others based on their ability to enhance overall functioning. Miller Jr. takes this to suggest that the relationship between natural

justice and human nature arises out of the formation of the *polis*.³ He takes Aristotle to hold that natural justice is natural in so far as it “promotes human nature, and conventional in that it depends” on the articulation of the lawgiver embedded in a *polis*.⁴ This feature of natural justice is evident in the sense that if conventional law does not promote human nature, then Aristotle argues that it is at odds with natural justice.

This relationship between human function and natural justice is evident in two parts of Aristotelian philosophy: in his discussion of property distribution, and also in his discussion of natural slavery. When considering Aristotle’s view on property, he clearly believes that although there may be considerable leeway in how precisely property is distributed among individuals and regulated by the laws of the *polis*, certain private property arrangements are naturally just. His discussion indicates that when attempting to determine the proper organization of private property, one should consider how humans function. Aristotle considers various property arrangements and rejects some on the basis that certain desirable human functions will be limited by these arrangements if they are implemented. For example, he argues that private property should not be abolished, as doing so would not allow people to act generously (*Pol.* 1261b1-16). This shows that Aristotle believes that natural justice should preserve humanity’s inherent functions, as certain property arrangements are just based upon our nature.⁵ From this we can conclude that natural justice is tied to the manner in which humanity functions, as the naturally just action appears linked to the best organization of the *polis*.

³1996:878

⁴1996:892

⁵1999:892

This relationship between natural justice and human function is also apparent in the Aristotelian discussion of slavery. As evident from the previous section, he argues that while certain people are natural slaves, others are naturally free. From this distinction between natural forms of people, Aristotle concludes that it is unjust to force a naturally free man into slavery, since this would violate the inherent natural justice apparent in every relationship. This further demonstrates that natural justice exists in relation to human nature, as this is an instance of Aristotle citing human nature to determine the just action.

Section III: Grounds Conventional Law

There is an important third feature implied in the previous section that is important to draw out – namely, that natural justice grounds the content of conventional law in the various *poleis*. This feature is evident in the previous two sections. The grounding of conventional law by natural justice is evident in Aristotle’s discussion of private property; it is clear that the organization of property must take into account what is naturally just. It is also apparent in Aristotle’s discussion of *Antigone*, as he argues that it is correct for her to disregard the conventional law when it violates the naturally just action. From these two examples, we can conclude that conventional law *should* be grounded in natural justice. Thus, in Aristotle’s ideal *polis*, there is no tension between natural justice and conventional law. In *Antigone*’s case, Aristotle argues that conventional law should be reformulated so that it does not violate natural justice. This means that *Antigone* would not have to defy conventional law in order to do the naturally just action.

More evidence of this relationship between natural justice and conventional law can be found in the *Politics*, where Aristotle discusses the relationship between natural and political justice. He writes, “just arrangements established not by nature but by human beings are not the same everywhere, since even political constitutions are not the same everywhere, although *only one is everywhere best by nature*” (*Pol.* 1135a1–15, emphasis added). In the first line, Aristotle distinguishes between conventional law and natural justice, and then argues that justice established by individuals within the various poleis will vary, whereas a best political constitution exists by nature.⁶ This distinction has an important implication: that natural justice grounds the proper organization of the various *poleis*. This is implied from the manner which Aristotle states that conventional justice will not be the same everywhere, whereas nature suggests a best political state. From this we can conclude that natural justice informs the content of conventional law: it is clear that although constitutions may vary, the best constitution exists on the basis nature.

Section IV: Natural Justice and Natural Law

The discussion above reveals three features of natural justice: (1) it exists independent of the *polis*, (2) it is related to human nature, and (3) it grounds conventional law. This conception of natural justice is somewhat simplistic however, and to draw out the subtleties of natural justice, it is useful to contrast the Aristotelian notion of natural justice with later conceptions of natural law.⁷ Cicero’s articulation of natural law is classic in the history of philosophy. He writes:

⁶ I am assuming here that there is a relationship between political justice and conventional law.

⁷ Theorists disagree on the commitments that Aristotle’s conception of natural justice entails regarding natural law. For example, W. Von Leyden, in *Aristotle On Equality and Justice*, argues that natural justice commits Aristotle to a strong notion of natural law. He holds that natural justice exists in the same manner

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions.... It is a sin to try to alter this law, nor is it allowable to repeal any part of it, and it is impossible to abolish entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. (*On the Republic, Book III. 33*)

From this passage, it is evident that natural justice/law are similar, in that natural law is based upon human nature and exists independently of the *polis*. While this characterization of natural law is similar to Aristotle's conception of natural justice, a few important differences should be noted. Cicero asserts that the content of conventional law should be an exact replica of natural law. This is evident from his claim that it is wrong to 'alter' or 'repeal' any part of natural law. From this we can conclude that conventional law should be an exact instantiation of natural law. This means, in practical terms, that Cicero believes that states should have the same conventional law, entailing that numerous states would have an identical political structure.

One important difference between the two is the level of exactness between conventional law and the natural counterpart. According to Cicero, natural law theory argues that proper conventional law is an exact replica of the law of Nature. This means that conventional law has precise content, which is discerned by reason interpreting natural law. So while natural law determines the exact, specific content of law, natural justice does not. Instead, as evident in Aristotle's discussion of private property or slavery, natural justice provides a general standard for evaluating the configuration of conventional law.

as later conceptions of natural law, and thus Aristotle should be understood as an important natural law theorist. Please see: 1985. *Aristotle On Equality and Justice: His Political Argument*: Hong Kong: The Macmillan Press LTD.

This feature of natural justice is evident when Aristotle writes:

The laws must necessarily be bad or good, and just or unjust, at the same time in the same way as the constitutions. Still, at least it is evident that the laws must be established to suit the constitution. But if this is so, it is clear that laws that accord with the correct constitutions must be just, and those that accord with the deviant constitutions not just. (*Pol.* 1282b5-13)

This passage demonstrates that Aristotle maintains that conventional law must be evaluated against natural justice. However it is also clear that conventional laws must be established to ‘suit the constitution’ of the *polis*. This means that conventional law can be formulated in a number of instantiations. It is clear that Aristotle recognizes that conventional law cannot be the same in every *polis*, and builds flexibility into the concept of natural justice. From this we can conclude that natural justice does not offer exact prescriptions regarding the formation of conventional law. Since Aristotle believes that conventional law can be acceptably formulated in different ways, natural justice cannot demand exact articulations of conventional law. This is different from the manner in which Cicero conceptualizes the relationship between natural and conventional law. This passage entails that conventional law is not particular in the way Cicero thinks it should be.⁸

This difference in degree of specificity is indicative of another difference between natural justice and natural law. A key passage in the *Nicomachean Ethics* suggests that Aristotle does not believe that natural justice is universal in precisely the same sense as natural law. In particular, it does not appear that natural justice is perfectly static like Cicero’s understanding of natural law. Aristotle writes:

⁸ If anything, the relationship should be structured with natural law being grounded in natural justice, as this grounds the most particular (conventional law) in the next level of particularity (natural law) which is then grounded in the least particular (natural justice).

What is politically just divides into the natural and the legal, the natural being what has the same force everywhere, and does not depend on a decision whether to accept it or not, the legal what [sic] in the beginning makes not difference whether enacted or not, but when enacted does make a difference... Some people think that all legal enactments are of this sort, on the grounds that what is by nature is unchangeable and has the same force everywhere... whereas they see things that are just in process of change. But in fact it is not like this, except in a way... still everything is capable of being changed...It is clear enough what sort of arrangement... is by nature, and what sort is, rather, legal and the result of agreement, given that both sorts alike are changeable. (NE 1134b19–34)

Although Aristotle begins the passage by offering support for a natural, universal prescriptive system, he concludes that both natural and conventional legal statutes are ‘changeable’. We can conclude from this that natural justice is not perfectly stable throughout time. In contrast, Cicero argues that natural law is ‘unchanging and everlasting’. This difference has obvious implications regarding their conceptions of the formation of the state. While Cicero asserts that the state should be an exact reflection of natural law, with every state having the same structure throughout history, Aristotle believes that nature is unstable and that the proper formation of the *polis* may vary between time periods.

Furthermore, this passage implies another important difference. Aristotle criticizes the view that the same natural prescriptive force applies everywhere. This further broadens the gap between natural law and natural justice. He argues against the claim that ‘nature is unchangeable and *has the same force everywhere*’, and this implies that natural justice is not universally applicable. This is drastically different from Cicero’s conception of natural law, which has the same prescriptive force everywhere. Cicero’s understanding of natural law entails that every state should ground its conventional law on natural law. In short, the difference is in the applicability of natural

justice/law in relation to conventional law. While Cicero argues that natural justice universally grounds conventional law of every state, Aristotle asserts that natural justice does not hold every *polis* to the same standard of justice. Instead, he believes that natural justice is a flexible state of affairs that can ground the conventional law of various *poleis*.

This flexibility in Aristotle's understanding of natural justice is consistent with the manner in which he develops his general conception of ethical and political theory. For example, the Aristotelian approach to epistemic exactness regarding ethical and political theory is at odds with the exact prescriptive nature of natural law. Aristotle argues that exactness is not possible in the study of ethics. When beginning his ethical work, Aristotle writes, "our account [of ethics] would be adequate, if we achieved a degree of precision appropriate to the underlying material; for precision must not be sought to the same degree in all accounts of things" (*NE* 1094b12–14). Aristotle suggests that ethics, by its very nature, is an inexact science. Regarding political exactness, he writes, "just as it is impossible in the other crafts to write down everything exactly, the same applies to political organizations. For the universal law must be put in writing, but actions concern particulars" (*Pol.* 1269a9–11). Both of these passages demonstrate Aristotle's belief that moral and political judgments cannot be a precise science. This supports the notion that natural justice cannot offer explicit directives, but only general guiding principles regarding the justice of conventional law.

This key difference between the political theories of Cicero and Aristotle reveals that Aristotle cannot be a strict natural law theorist. Although Aristotle, like Cicero, argues that natural justice exists independent of the *polis* and has a necessary relationship to human nature, he does not think it has the same unchanging structure. Natural justice

does not operate with the same prescriptive exactness as natural law, as it does not offer strict edicts grounding the formation of conventional law. Due to this fundamental dissimilarity, Aristotle might be considered a precursor to the classical conception of the natural law theorist.

Conclusion

The Aristotelian conception of natural justice plays a central role in his ethical and political philosophy, as it heavily regulates the application of his functionalist approach. I have demonstrated that natural justice has three main features: (1) it exists independently of the *polis*, (2) it exists in relation to human nature (i.e., human function), and (3) it grounds the conventional law of the various *poleis*. In order to discuss a few of the subtleties of natural justice, I compared it to Cicero's conception of natural law. I revealed that although natural justice/law share a number of similar features, they are ultimately very different in application. The Ciceronian account of natural law is a rigid prescriptive system, and results in political states that share identical conventional law. On the other hand, the Aristotelian conception of natural justice is more flexible than natural law, and can result in a multitude of different political structures.

Chapter II:

A Modern Approach to Capability Theory:

The Influence of Normative Assumptions

In this chapter, I explore two interrelated components of functionalist theory: (1) the manner in which normative assumptions influence the formation of the state; (2) the relationship between the descriptive account of reality and the normative assertions that result from it. I consider the differences between the ethical and political philosophies of Martha Nussbaum and Aristotle, thereby further illuminating the basic formation of functionalist theory. A key problem in political theory concerns how the connection between prescriptive determination and the organization of the political state be formulated. Throughout the history of political philosophy, there have been numerous approaches to this problem, with a distinction between ancient and modern methodologies. The ancient approach is generally characterized by two claims: (1) that functional analysis can determine human good, and (2) that there is continuity between ethical and political prescription. Aristotle is a particularly clear example of this functionalist approach. His political thought is based on an ideal of human flourishing that takes fulfillment of the characteristically human function as the criterion of ethical and political success. He affirms an explicit relationship between a normative account of human nature and the proper formation of the *polis*. In contrast, contemporary political philosophers, such as H. L. A. Hart, typically draw a sharp distinction between ethical and political prescription, emphasizing the importance of identifying effective rules and

procedures for political theory.⁹ However, recently there has been skepticism about the sustainability of this distinction, as well as a resurgent interest in functional approaches. This return to the ancient model is evident in numerous theorists, notably the writings of Peter Railton and Amartya Sen, who argue that the normative good of humanity should be tied to the manner in which humanity functions.¹⁰

Martha Nussbaum has been at the forefront of this functionalist movement. She attempts to preserve the strengths of contemporary political philosophy's emphasis on tolerance and institutions, while recognizing the need to reexamine the relationship between conceptions of the good and political prescription. She argues that it is necessary to consider the inherent capabilities and functionings available to humanity in order to develop a plausible account of the good. Nussbaum's view has been described as the capability approach, given its emphasis on the capabilities that comprise a human life. This approach to determining human good has deep similarities to, and indeed is inspired by, Aristotelian functionalism. Both Nussbaum and Aristotle argue that the manner in which humans function has normative consequences both for the good of individuals and for the organization of the polity.

Although Aristotle and Nussbaum have similar commitments in their conceptual frameworks motivating their ethical and political theories, they ultimately argue for

⁹ Hart, H.L.A., 1961, *The Concept of Law*, Oxford: Clarendon Press; 2nd edition with postscript by J. Raz & P. Bulloch (eds.), Oxford: Oxford University Press, 1994.

¹⁰ Please see: Peter Railton, 'Moral Realism' in *The Philosophical Review* (Vol. 95, No. 2, Apr. 1986, pp. 163 – 207) and Amartya Sen, 'Human Rights and Capabilities' in the *Journal of Human Development* (6(2): 151–66.).

different political structures.¹¹ This indicates that they either have distinctive normative presuppositions *or* that they structure the relationship between human functions and political theory differently. In this chapter, I explore both possibilities, investigating three different foundational premises that distinguish the moral theories of Nussbaum and Aristotle. Ultimately, I aim to shed light on a few reasons why Aristotle recommends a different political structure than Nussbaum. Thereby I hope to illustrate that functionalist theory can be separated from the different normative assumptions.

I begin by claiming that Aristotle and Nussbaum believe that the state arises from different origins, demonstrating how this influences their conception of the state's purpose. Second, I explore the differences between their conceptualizations of the political equality of people. Aristotle argues that people are inherently unequal regarding their ability to achieve certain functionings, and this influences his conception of the *polis*. In contrast, Nussbaum argues all that people are inherently moral and consequently political equals. Third, I examine the difference in how they characterize the type of relationship that should exist between the state and the citizenry. Aristotle argues that the *polis* should have a guiding influence on how each citizen develops virtue, since the functioning of citizens influences the function of the *polis* as a whole. Nussbaum, related to her position on the equality of human functioning, argues that the state should not play a normative role in how citizens develop their functionings. She asserts that the state should only attempt to preserve ten basic capabilities that she identifies as necessary for human dignity. Thus, while Aristotle argues that the *polis* should be organized so as to

¹¹Although there are definite differences between the how Aristotle used the term *polis* and the modern conception of a city-state, I use them interchangeably throughout this paper.

encourage certain virtues to promote the functioning of the state, Nussbaum argues that the state should not play a role in determining the proper human function.

Section I: Origin of the State

One of the major differences between Aristotle and Nussbaum is how they conceptualize the origin of the state and its implications for the ultimate purpose of the state. Aristotle asserts that the *polis* is part of the natural structure of reality, believing that it is the inevitable or likely result of naturally occurring human processes. In the beginning of the *Politics*, he traces the formation of the *polis* from a household to a colony, to a village, and finally to a city-state. He writes, “a complete community [is] constituted out of several villages, once it reaches the limit of total self-sufficiency...[it] is a city state” (*Pol.* 1252b25-27). He concludes, “it is evident from these considerations...that a city-state is among the things that exist by nature, that a human being is by nature a political animal” (*Pol.* 1253a1-3). It is clear from these passages that Aristotle believes that the *polis* is a part of nature, a consequence of the development from a household into a larger community.

Aristotle asserts that because the *polis* is the natural consequence of the way that humanity functions, it plays a necessary role in that functioning. He draws on the connection between the basic household unit and the *polis* to highlight the naturalness of the human being as a political animal. Aristotle argues that the *polis* is necessary for human beings to achieve their full functioning. He argues, “[The *polis*] comes to be for the sake of living, but it remains in existence for the sake of living well” (*Pol.* 1252b27-29). This passage indicates that although the *polis* has simple origins, it is vital to ‘living

well' as a human. The manner in which Aristotle moves from household to the *polis* is an important part of why the *polis* is both natural and complete. It is because people are rational, political animals that the *polis* is the unit at which human activity can be, both intellectually and materially, self-sufficient (*NE* 1097b11).¹² Aristotle believes that individuals cannot be fully self-sufficient, either rationally or materially, independent of the *polis*. This makes the *polis* the most complete arrangement of human existence, as it can fulfill the functioning of the vital characteristics of humanity.

This conceptualization of the natural origin of the *polis* is in stark contrast to Nussbaum's understanding of the origin of the state. Although she argues that the formation of the state should ultimately reflect the inherent capabilities and functionings of humanity, she does not argue that the state is a natural phenomenon or even a natural consequence of human nature. Instead, Nussbaum believes that the state is an artificial construction that should be formulated to establish relationships that protect the ten basic capabilities that comprise a good human life: Life; Bodily Health; Bodily Integrity; Senses, Imagination, and Thought; Emotions; Practical Reason; Affiliation; Other Species; Play; Control Over One's Environment.¹³ She argues that these ten capabilities form the basis for a good human life as they are necessary to facilitate the functioning required for developing the plurality of capabilities open to humanity. She argues that these ten basic capabilities should be considered the basis for a democratically elected government.¹⁴ She does not argue that the state is the extension of basic human nature;

¹² Alternatively, one might characterize the order of explanation in the opposite way: human beings are political animals *because* they require a city for self-sufficiency and flourishing. However, this is irrelevant, as both characterizations result with the *polis* being the place that humanity flourishes.

¹³ 2011:33-34

¹⁴ 2001:105

instead, it is a system artificially constructed to ensure that individuals can function in whatever manner they construe as best.

Nussbaum's position regarding the artificial construction of the state is evident in her discussion of the principles that ground the formation of the state. Central to her conception of the formation of the state is the principle of choice.¹⁵ She writes, "liberties and practical reason... [insure that] the content of the capabilities list gives a central role to citizen's powers of choice and to traditional political and civil liberties".¹⁶ Nussbaum's emphasis on choice within the formation of the government implies that she does not believe the state is the consequence of a natural process. Instead, she argues that the state should reflect the will of the people and be *implemented* as the consequence of the democratic process.

Nussbaum believes that the state should be a consequence of intentional human activity. She writes, "The primary role for the capabilities account remains that of providing political principles that can underlie national constitutions; *and this means that practical implementation must remain to a large extent the job of citizens in each nation*".¹⁷ The context of this passage implies that Nussbaum believes the practical implication of the state should be based upon the citizens of each state. Nussbaum's commitment to conforming the state to democratic principles suggests that she considers the state to be the result of social construction. This element of social construction reveals Nussbaum's view that states can be constructed in a multitude of different ways. This multiplicity of goals shows that she does not believe that cities develop in a natural line.

¹⁵ 2001:105

¹⁶ 2001:105

¹⁷ 2001:105, emphasis added

Unlike Aristotle, Nussbaum does not argue that the state has a linear development from the household to the *polis*. Instead, she believes that the citizens should implement the state according to local social norms.¹⁸ Thus, the Nussbaumian state does not have a natural origin, as it should be the artificial consequence of the democratic process, and lacks the determinism present in nature.

It is evident that Nussbaum and Aristotle believe that the state arises from different origins. Aristotle argues that the *polis* is the natural consequence of natural human function. He traces the development of human communities from a household to the *polis*, concluding that the *polis* is a part of the natural order. On the other hand, Nussbaum argues that the state is the result of deliberate human implementation. This difference in political theory has implications for how they structure the relationship between the state/*polis* and the citizenry. However, before it is possible to consider this part of their political theory, it is important to explore how Nussbaum and Aristotle construe the equality of citizens.

Section II: Moral and Political Equality

The second key difference between the presuppositions that underlie the Aristotelian and Nussbaumian approaches to ethical and political theory lies in their understanding of moral and political equality. Aristotle denies that individuals are political equals, reasoning that people cannot equally develop human functions. He argues, in Book Two of the *Nicomachean Ethics*, that everyone aims for the same goal,

¹⁸ This is similar to Aristotle's conception of law, as the state arises due to human activity. Please see: Schroeder, Donald N. 1981. *Aristotle on Law*. Polis, 4 pp. 17-31.

happiness. Moreover, Aristotle asserts that all human beings have one ultimate manner of function that will lead to happiness. He argues that this consists in rational activity of the soul in accordance with virtue (*NE* 1097b22–98a20). For support, Aristotle argues that all human activity is directed toward this complete end of happiness. He argues that wealth and flute playing are obvious examples of things that we desire because they promote happiness, not because they are good in themselves (*NE* 1097a20-30).

Tied to the natural origin of the *polis*, Aristotle argues that people can only achieve this end through life in the *polis*. This point is important, for while Aristotle argues that there are different natural classes of humans, he still argues that everyone should aim at the ultimate rational realization of virtue. However, he holds that people will be able to achieve this type of functioning with varying degrees of success, due to the different natural classes of people. Aristotle believes that ethical theory derives from empirical study. His discussion of the different functions of plants and animals is primarily an empirical investigation (*NE* 1097b23–98a20). This empirical approach forms the basis of his entire ethical and political work and is evident in much of his general discussion of ethics and politics.

Aristotle, troublingly, believes that the *polis* is naturally hierarchical. For example, he argues that slavery is a natural part of the *polis*. He writes, “Tyrant-like, too, is a slave-master’s rule in relation to slaves, since it is the master’s advantage that is achieved by it; this type of rule then, is clearly correct... for where the people are of different types, the type of rule should be different too” (*NE* 1160b29-31). Aristotle argues for a similar hierarchical model regarding the relationship between men and women. He argues, “the community formed by a man and wife is clearly one of an

aristocratic kind; for the man rules on the basis of worth” (*NE* 1160b33-35). Both of these passages indicate that Aristotle’s *polis* has an inherent natural hierarchy, in which men rule over women. These passages are indicative of the worrying hierarchical political structure in Aristotelian political philosophy, as he clearly argues that power should be distributed on the basis of what he construes as natural worth.

These passages demonstrate two important principles of Aristotelian political philosophy. First, all people are not created with equal potential to fulfill human functioning. He writes, “nature tends, then, to make the bodies of slaves and free people different too” (*Pol.* 1254b26-55a3). Second, because there are different classes of people, one class should naturally rule over another.¹⁹ This lack of equality is based upon the worrying thesis that people are naturally morally unequal, and Aristotle attributes the hierarchical structure of the *polis* to the natural order of reality. He asserts that it is on the basis of *natural worth* that certain individuals should rule over another. He argues, “a king should have a natural superiority, but be the same stock as his subjects, and this is the condition of older in relation to younger and father in relation to child” (*Pol.* 1259b15–17). Aristotle argues for a certain natural fitness to rule, in that kings are closer to the ideal of humanness than their subjects and so they are more central to the function of the polity. Aristotle reasons that because kings are more naturally equipped to rule, they *should* rule. This demonstrates that he does not believe citizens in the *polis* should be considered political equals, as they are not natural equals with respect to their ability to achieve the functioning that will benefit the *telos* of the *polis*.

¹⁹ Here is yet another example of the concerning hierarchical structure that Aristotle believes is an inherent part of the *polis*.

Nussbaum, on the other hand, assumes that people are both ethical and political equals. She has a different starting point than Aristotle, as she does not believe it is an empirical question whether people are moral equals. Instead she assumes it as a basic premise in her ethical theory. Nussbaum writes, “The capabilities in question should be pursued for each and every person, treating each as an end and none as a mere tool of the ends of others: thus I adopt a *principle of each person’s capability*, based on a *principle of each person as an end*”.²⁰ This passage indicates that Nussbaum’s capability approach differs from Aristotle’s in two key ways. First, each person should be treated as a political equal, as she believes that people are inherently moral and political equals. This is in part because she takes it to be a condition of something’s being a human function that all people who count as human can exhibit it.²¹ Instead of the hierarchical state, Nussbaum argues that the state should establish a system of relationships that *reflects* the equality of persons, even correcting certain natural inequalities that inhibit a person’s ability to develop the functions open to humanity.²² Consequently, Nussbaum argues that the formation of the state must reflect the normative equality of development of capabilities, as political equality follows from moral equality.

Second, Nussbaum asserts that the formation of the state cannot come at the expense of any individual’s capabilities. That means that it is vital for the state to preserve each individual’s capabilities and functions, attempting to ensure the *full* function of every individual. This is a drastic difference compared to Aristotle, as he does not argue that every citizen’s full functioning should be honoured by the *polis*. Instead, he

²⁰2001:5

²¹2001:71-72

²²2001:69

argues that the state should attempt to develop the functions of individuals according to their natural capability, thereby empowering the best individuals so that they can develop the functions of everyone else. Consequently, the *telos* of the *polis* is to develop everyone's functioning in accordance with nature, and this does not mean that every individual's functions will be developed. Differently from Nussbaum, Aristotle argues that developing the full functioning is only a goal with respect to the best individuals in the *polis*. This is one of the main reasons why Aristotle cannot, and does not, argue for the same political structure as Nussbaum. He believes that certain individuals are naturally unequal in their ability to develop their functions. He argues that the political structure should reflect this natural inequality and thus sees no problem with the *polis* being inherently patriarchal or maintaining a hierarchy of individuals (*NE* 1158b13-19).

Ultimately, both theorists recognize that there are natural differences between people, entailing that some are able to develop the full range of functions and others are not. For Aristotle, this means that some individuals are not able, in light of the functioning of the *polis*, to develop fully. Nussbaum, on the other hand, accepts this natural difference between people and develops a political theory that does not exclude anyone. Furthermore, she realizes that these differences in capabilities may lead some to not developing certain functions. But she ensures that it is not the social structure that condemns some people to falling short of developing a full range of functions.

Aristotle argues that all human beings have one ultimate manner of functioning that will lead to happiness based upon their constitution. That is, there is one best way for humans to function and the goodness of a particular functioning of a person can be measured against that best way and thus can be determined if it is lacking. Conversely,

Nussbaum claims that there is not one ultimate human functioning. She asserts that individuals can have different conceptions of what comprises the good life, while sharing basic humanity. This is evident in the goals of her political project. She tries to avoid the “problems of paternalism by insisting that the political goal is capability, not actual functioning, and dwelling on the central importance of choice as a good”.²³ This highlights that Nussbaum is not arguing for a certain conception of human functioning, but instead attempting to protect the capabilities required to pursue the functions that each individual chooses.

The difference, in short, is that Aristotle argues that there are certain functions, based upon an inherent natural constitution, which comprise humanity’s *telos*, and he structures the *polis* accordingly. Conversely, Nussbaum argues that people do not have an ultimate constellation of functions prescribed by their nature, but that instead people should be given the freedom to develop their functions however they desire.

Section III: The Role of the State

Taking the previous two sections into consideration, it is possible to explore the difference in how Nussbaum and Aristotle conceptualize the role of the state. The difference between the Aristotelian and Nussbaumian conceptions of equality influences their views about the proper formation of the state. Aristotle and Nussbaum conceptualize capability theory in relation to the normative status that they each assign to the functions of humanity. Aristotle, as indicated in the first section, clearly holds that the *polis* is the result of the natural process of people living together. He argues that there is one

²³2001:112

prescriptive account of the ultimate *telos* of humanity, in accordance with the one ultimate function for humanity, whereby individuals can develop virtuous character.

On the basis of this view, Aristotle ties the natural origin of the political state to the innate capabilities of humanity. He writes, “that a city-state is among the things that exist by nature” and “that a human being is by nature a political animal” (*Pol.*, 1253a2–a4). Moreover, on this naturalistic basis, Aristotle argues that the good of the individual directly influences the *telos* of the *polis*. He asserts that in order to be a good citizen, one should function in the manner which promotes the functioning of the *polis*. This is evident from his discussion of the relationship between ethical and political theory. He argues that the “good of the city is a greater and more complete thing both to achieve and to preserve; for while to do so for one person on his own is satisfactory enough, to do it for a nation or for cities is finer” (*NE* 1094b7–12). This demonstrates that the city should take precedence in a citizen’s life. Aristotle asserts that it is a ‘greater and more complete’ thing for a *polis* to function properly. The importance that Aristotle places on the ‘achievement and preservation’ of the city implies that when considering which actions to pursue, citizens should choose the ones that will better the functioning of the city.

Ultimately, Aristotle understands the organization of the *polis* as both a form of group self-direction and a condition for basic material necessities. That is, the *polis* is the realization of the natural social potential of human capabilities. It is clear that Aristotle believes that “the sort of life characteristic of human beings in cities is not governed *simply* by arbitrary and optional conventions originating from nothing more than

historical happenstance”.²⁴ The vital realization is that the *polis* is the *natural* end point of human existence: humans who live in the best possible way within the best possible *polis* are the most complete examples of humanity.²⁵

Aristotle argues that because humanity has a certain best way of functioning, the state must have a prescriptive role in the formation of its citizens and in particular, in developing their virtues (*Pol.*, 1280b5-12). As demonstrated previously, Aristotle argues that the *polis* offers more than merely the basic needs (e.g. security or community) of humanity. Instead he argues that the *telos* of the *polis* is allowing people to have a full intellectual, social, and material life (*Pol.*, 1252b29-30). He thinks this because the functioning of the city presupposes that its constituent parts (i.e. the citizens) make their contributions towards the ultimate *telos* of the city. Thus, the better the constituent parts perform their functions, the better the city will perform its function.

This point is also evident when Aristotle argues that this hierarchical political structure is beneficial for the people being ruled. He argues, “for ruling and being ruled are not only necessary, they are also beneficial, and some things are distinguished right from birth, some suited to rule and others to being ruled. There are many kinds of rulers and ruled, and the better the ruled are, the better the rule over them always is” (*Pol.* 1254a10–25). This passage demonstrates Aristotle’s view that the natural inequalities that result in a political structure benefit every individual in the *polis*. It also indicates that

²⁴1999:357

²⁵ This point is also evident in the Aristotelian discussion at *Pol.*, 1253a32–38 of law and justice. Aristotle argues that the law and justice inherent in the *polis* allow mankind to reach its potential, whereas when mankind is separate from the *polis*, they are the worst of all men.

certain people are meant to rule, whereas other people are intended to fulfill other roles in the *polis*.

Moreover, Aristotle clearly reasons that the whole *polis* benefits from the leadership of the best citizens. He reasons that because kings do not have to defer to the citizens in political leadership, they are able to exercise better judgment about the direction of the *polis*. Aristotle contends that this benefits the entire *polis*. This becomes evident through Aristotle's discussion of the relationship between different types of communities and craftsmen. He writes, "where a political community is concerned, it is clearly better, where possible, for the same people always to rule" (*Pol.* 1261a36–38). These passages suggest that Aristotle believes individuals should attempt to achieve the set of functionings that will allow the *polis* to achieve its *telos*, as this results in the best *polis* possible.

This characterization of the *polis* is inherently tied to Aristotle's views on the naturalness of the *polis* and the political characterization of humanity. This conception of the *polis* requires all kinds of people, both those who do not develop their rational capacities in the best possible way and those that do. Each individual forms a part of the natural origin of the *polis* and therefore has a functional role in the *polis*. Aristotle writes, "that the constitutions that look to the common benefit turn out, according to what is unqualifiedly just, to be correct, whereas those which look only to the benefit of the rules are mistaken" (*Pol.* 1279a16–20). The Aristotelian position on the *telos* of the *polis* being the common good, and that people are naturally inclined towards certain types of work,

means that the *polis* should promote specific virtues within its citizenry.²⁶ This allows for the best possible *polis*, since each person would be promoting the functioning of the *polis* in the fullest manner.

This is drastically different from the role that Nussbaum believes the state should play in the lives of its citizens. She believes that the state should guide the functions that are universally valuable and ultimately possible for people. However, Nussbaum does not hold this view for the same purpose or to the same extent as Aristotle. In line with her position regarding the artificial origin of the state, she does not claim that the state has the same purpose, as does Aristotle. Her views on the formations of the state are based on choice and freedom to choose one's own functions. Thus, she argues that the state should allow for the greatest freedom of function for its citizenry.

Nussbaum argues that the state should not decide whether an individual develops certain functions or in what way they are to be developed, contending that the state should be neutral in establishing the capabilities that each individual attempts to develop.²⁷ Nussbaum argues that the state should only *protect* the ten basic capabilities outlined previously, thereby attempting to leave the rest of human functioning undetermined. The reason, as we have seen, is that this structure honours each person's functioning by treating him/her as an end. That is, she argues that the state should not

²⁶ There is an apparent tension between this characterization of human *telos* and Book Ten of the *Nicomachean Ethics* in that Aristotle distinguishes between the political life and the contemplative life. He insists that it is in the latter – to the extent that human beings may partake in it – that the greatest human happiness consists. However, there is no contradiction, as this claim is purely theoretical. When examined in context, it becomes clear that he is examining what sort of life we should live if humans were purely rational beings, and concludes from this discussion that a life of pure contemplation would be the goal. However, Aristotle does not argue that humans should live a completely contemplative life. Instead he suggests that we should live a life reflective of our embodied nature, and therefore aim to pursue rational virtue to the greatest extent open to humanity.

²⁷ 2001:86

play a formative role in guiding the ultimate constellations of capabilities/functions for each citizen.

In short, Nussbaum argues that the role of the state is to facilitate relationships through which individuals can enhance their functioning in whatever manner they desire. In contrast, Aristotle argues that the city should promote one form of life, *polis* living, and this form of life requires different functional types among its constituents to work. This is a key difference between Nussbaum and Aristotle: he argues that individual functions should be developed in specific ways to better the *telos* of the *polis* as a whole, while Nussbaum's only goal for the state is that it promotes general functions for individuals.

It is evident that Nussbaum and Aristotle agree the state should be organized around the inherent capabilities of humanity and that they share similar conceptual frameworks. However, there are a number of disagreements in their fundamental presuppositions that influence how they conceptualize the proper formation of the state. First, Aristotle argues that the state is the outcome of the manner in which humans will naturally organize themselves, whereas Nussbaum asserts that the state should be an artificial tool to ensure that individuals can function however they desire. Second, Aristotle holds that people are naturally unequal regarding the functioning they are able to achieve, and that the political state should be organized to reflect this inequality. On the other hand, Nussbaum asserts that, while citizens may not be inherently equal regarding the functions they can achieve, they are moral and political equals. Third, Nussbaum holds that the state should *not* play a normative role in the lives of its citizenry,

whereas Aristotle believes that the *polis* should guide the formation of each citizen's function.

Ultimately, Nussbaum and Aristotle utilize the same basic mechanics of capability theory to draw a connection between inherent capabilities of humanity and the formation of the state. They both argue that it is necessary to consider human capability and functions when formulating how the *polis*/state should be organized. Additionally, they both believe that it is possible to generate a prescriptive account of the state by considering a descriptive interpretation of humanity. However, although they share the same basic conceptual frameworks, they have a few radically different premises that result in different accounts of the *polis*. This means that the functionalist approach can be separated from the unpleasant presuppositions that Aristotle believes are an inherent part of political theory.

Chapter III:

An Apparent Difference in Ethical Approaches

Apparent dissimilarities in the political writings of Nussbaum and Aristotle suggest that they conceptualize ethics in a fundamentally different manner. Nussbaum believes that the study of ethics should be about structuring the relationships towards others, construing ethics as primarily concerned with the duties that individuals owe to one another. In Chapter One of *Creating Capabilities*, Nussbaum argues against the thesis that people are incapable of caring about others except insofar as there is a personal connection or interest. She argues that our capacity for ethical responses to others is not just our recognition of a specific connection between people. Instead, she reasons it is because of our recognition of a basic connection with one another, because of a shared being that there is mutual concern between people.

This is evident in her attempts to develop a theory of love, care, and dignity in the fourth chapter of *Women and Human Development*.²⁸ Nussbaum writes, “the capabilities approach... is in no sense incompatible with the appropriate valuation of family love and care; indeed, it actually provides the best framework within which both to value and give it the necessary critical scrutiny”.²⁹ If our basis of care is general (e.g. species recognition) then Nussbaum has resources for generating universal duties and claims that ethics based upon an individualistic model does not.

²⁸ 2001:241

²⁹ 2001:244

This seems markedly different from Aristotle, who appears to characterize the question of ethics as an ultimately self-oriented enterprise. The Aristotelian ethical and political project is a project of determining proper relations between rational egoists, and is thus limited to relationships between individuals. Aristotle holds that in order to act virtuously, one must attempt to develop one's own virtue as the primary goal of an ethical life. In order to live virtuously, Aristotle points out, one will need the proper external conditions (e.g. the *polis* and other people). For example, he notes that in order to act out the virtue of charity, one will need money and other people towards whom to be generous (*NE* 1178a30). He makes similar claims regarding the necessity of other people regarding courage and justice (*NE* 1178a30-b1). This characterization appears to only *instrumentally* include people in his ethical theory as a requirement to fulfill the necessary external conditions.

These obvious differences between the Aristotelian approach to ethics and the Nussbaumian approach raise a concern. Aristotle appears to be concerned primarily with developing personal virtue, whereas Nussbaum attempts to structure how political relationships should exist between individuals. This apparent fundamental difference may suggest that their approaches to ethics are not as similar as they appeared in the previous chapter. However, this characterization of Aristotle's ethical theory does not take into account the entirety of his corpus, as there is evidence that at least some relationships that comprise his ethical theory may ultimately be non-egoistic. In this chapter, I explore Aristotle's understanding of friendship and argue that his fundamental conception of friendship is altruistic. If this is true, it entails that Nussbaum and Aristotle have similar

ethical impulses grounding their normative theory. From this we can conclude that it is a difference in premise and not in approach that leads to a difference in political states.

Section I: Aristotle's Conception of Friendship

Aristotle's concept of friendship provides the most promising ground in which to find an altruistic conception of relationships between people. Aristotle contends that there are three types of friendship, depending on how the friends are attracted to one another.³⁰ First, Aristotle discusses friends that are associated by pleasure. Intuitively, these people are friends because they experience pleasure as a consequence of the relationship. The second type of friendship consists of people that are associated by mutual advantage. This type of friendship forms the basis of any type of relationship in which both parties receive advantage due to the relationship.

Aristotle asserts that these two types of friendship are inherently shallow and are entirely self-centered. For example, he writes that the people involved in the erotic type of friendship, a subclass of the pleasure-based friendship, "love not one another but their incidental features" (*NE* 1164a10-12). Ultimately, he writes, "those who are friends on account of advantage cease to be such at the same time as the advantage ceases; for they were not friends of one another but of the benefit to themselves" (*NE* 1157a14-16). These are superficial friendships, since neither friend desires good for the other person, as the friendship is formed on the basis of the advantage it offers to one or both of the friends.³¹

³⁰ For further reading, please see: "Man as a Political Animal in Aristotle" by Wolfgang Kullmann; *Other Selves: Aristotle on Personal and Political Friendship* by Paul Schollmeier; "On Civic Friendship" by Sybil Schwartzenbach.

³¹ Similarly 1165b3-4

These passages “seem to suggest that in the pleasure- and advantage-friendships each party is *solely* concerned with his own good”.³²

The third type of friendship discussed is virtue friendship. Aristotle writes that this type arises when two people are friends out of the mutual recognition of moral goodness. This is the most difficult kind of friendship to develop, as it can only exist between two people that are fully virtuous people (1157a16-19).³³ Thus, “ordinary people, with the normal mixture of some good and some bad qualities of character, are not eligible partners” of this type of friendship.³⁴ It appears that the first two types are in contrast to this type of friendship, for Aristotle believes that virtue friends are concerned with each other’s well-being. Consequently, it does not appear as if Aristotle could argue that people should be concerned with other people’s well-being similarly to Nussbaum. For only his notion of virtue friendship suggests any notion that a citizen should only be altruistically concerned with a few good friends, whereas Nussbaum argues that individuals have the same ethical duties to everyone. Aristotle’s conception of an ethical basis of civic relationships appears to be limited in a sense that Nussbaum’s is not. However, this may not be an entirely accurate description of the corpus of Aristotelian thought, as certain passages suggest a less egotistic characterization of friendship.

John Cooper, in *Friendship and the Good in Aristotle*, argues that first two types of friendship should not be taken as an accurate portrayal of Aristotelian friendship generally. Instead, Cooper argues that the *Rhetoric* provides an altruistic definition of

³² 1999:317

³³ 1999:316

³⁴ 1999:316

friendship (*Rhet.* 1380b35-81a2).³⁵ He argues that *character* friendship should be taken as the foundational notion of friendship. Cooper argues that this type of friendship results from people getting to know each other's character and consequently trusting one another (*NE* 1156b25-29).³⁶ Cooper writes, a "friend will wish his friend whatever is good, for his own sake, and it will be mutually known to them that his well-wishing is reciprocated".³⁷ He argues that Aristotle takes this as a basic form of friendship, and that all other types of friendship are subclasses.³⁸ Cooper argues that certain forms of friendship (e.g. pleasure and advantage) are types of friendship only because of their similarity to character friendship.³⁹ This means that all other forms of friendship exist in relation to character friendship.

It is important to note that this thesis goes against most other interpretations of the Aristotelian conception of friendship, as most others argue that character friendship is a distinct kind of friendship. It is worth noting that Cooper's interpretation has odd consequences for Aristotle's conception of the *polis*. Since all three types of friendship have mutual interest in advancement of virtue, it is possible for rulers and ruled to be friends. This has the odd implication of suggesting that kings might have to be concerned with the well-being of citizens in a way that Aristotle is uncomfortable with, it implies that kings are concerned with the well-being of citizens themselves, as opposed to the functioning of the *polis* itself. However, it is not clear that Aristotle's is completely opposed to an altruistic understanding of the relationship between the ruled and the rulers.

³⁵ 1999:320

³⁶ 1999:320

³⁷ 1999:321

³⁸ 1999:320

³⁹ 1999:321

For example, when Aristotle considers the proper articulation of the *polis*, he argues that certain structures are inherently unstable when the ruler considers himself or herself primarily. He understands “tyranny... [as] never look[ing] to the common benefit except for the sake of private profit” (*Pol.* 1311a1-3). Moreover, he argues, in Book 5 Chapter 10, that great political lengths must be exercised to overcome the total subjugation of the people to preserve a tyranny. This implies that because the tyrant does not have the best interests of the citizens in mind, that the political structure must be held in place with great force. Thus, it seems that Aristotle holds that the best political organization has altruistic ends.

It is important to determine whether the Aristotelian notion of civic friendship is a subclass of character friendship, since the *polis* seems inherently commercial, and this affects the types of relationships between citizens. Cooper argues that it *is* a subclass of character friendship. He examines two passages in which Aristotle discusses the nature of civic friendships, noting that it is distinct from how people interact between two *poleis*. He discusses Aristotle’s comments on trade between two *poleis*. Aristotle writes that people “do not concern themselves about what kind of persons the ones in the other city ought to be, nor are they concerned that no one covered by the agreements *be* unjust...they are only concerned that they *do* nothing unjust to one another (*Pol.* 1280b1-5). Cooper interprets Aristotle as holding that the relationships between the different *poleis* operate only instrumentally. That is, citizens between the various *poleis* should not be concerned with the citizens in the other *polis*.

In contrast, Cooper argues that the citizens of one city *are* concerned about the virtue of their fellow citizens because “they [do not want] to be cheated or otherwise

treated unjustly, in business or anywhere else... [Thus] they want them to be decent, fair-minded, respectable, moral people”.⁴⁰ Cooper takes this to suggest that Aristotle recognizes a connectedness that does not exist between citizens of different *poleis*. Cooper suggests that this “grounds the interest in and concern by each citizen for the qualities of mind and character of his fellow-citizens”.⁴¹

Cooper examines the nature of the bond between citizens that grounds their concern for one another.⁴² Cooper understands Aristotle to believe that civic friendship is “the deliberate decision to share one’s life with another” (*Pol.* 1280b38-39).⁴³ Cooper notes that Aristotle explicitly discusses the “connections by marriage, brotherhood, religious festivals and the pursuits in which people share their lives” (*Pol.* 1280b36-38). Cooper argues that Aristotle does not model the *polis* as fundamentally a commercial enterprise.⁴⁴ Cooper argues that civic friendships are distinctly personal in nature, and are concerned with other citizens well-being. Cooper argues that Aristotle believes this concern extends beyond personal relationships to every citizen in the *polis*, writing that a necessary part of the *polis* is a “mutual concern of fellow-citizens [and] for one another’s good character”.⁴⁵

To be clear, Cooper is not denying that Aristotle holds that mutual benefit is a part of civic friendship. He points out that this is a condition of all kinds of friendships.⁴⁶ However, this does not exclude the notion that civic friendship is a subclass of character

⁴⁰ 1999:366

⁴¹ 1999:368

⁴² 1999:368

⁴³ 1999:368

⁴⁴ 1999:368

⁴⁵ 1999:366

⁴⁶ 1999:370

friendship. While mutual self-interest is involved in civic friendship, this still does not rule out concern for another's well-being. Cooper argues that civic friendship is friendship in the proper sense because it is comprised of common trust and well-wishing.⁴⁷ Therefore, Cooper takes Aristotle to assert that "a city is a kind of community that depends upon the friendly interest that the citizens take in one another's qualities of mind and character".⁴⁸

In *Civic Friendship and Thin Citizenship*, R. K. Bentley argues that it is not possible to harmonize the different types of friendship, as it misrepresents Aristotle's conception of virtue friendship.⁴⁹ Bentley offers two reasons to think why Cooper is wrong. First, while Bentley admits that it would be odd if citizens of a city had no regard for their fellow citizens, he argues that Cooper does not take into account that the organization of the *polis* directly influences the relationships of the citizenry.⁵⁰ Bentley appeals to Aristotle's comments on the political forms of oligarchy and democracy, noting that these political states hold to a basis of equality.⁵¹ However, Bentley reasons that this is not a true understanding of "the reality of politics...[as] constitutions are not fully aligned with virtue, so neither will the morality they demand of their citizens...[thus] the friendly relations between citizens will bear the mark of the specific constitutional arrangements that govern their relations in general".⁵² Bentley contends that it would be odd if civic friendship were to operate in the manner in which Cooper

⁴⁷ 1999:370

⁴⁸ 1999:370

⁴⁹ 2013:6

⁵⁰ 2013:9

⁵¹ 2013:10-11

⁵² 2013:11

suggests, and takes this to entail that civic friendship does not exist as a subclass of a universal friendship and instead is necessarily bound to the organization of the *polis*.

Second, Bentley turns to analyzing Cooper's notion of the Aristotelian conception of virtue friendship and its relation to civic friendship. Bentley offers a brief overview of the Aristotelian conception of friendship, maintaining that only virtue friendship has altruistic concern for others, thereby demonstrating that virtue friendship is distinct from the pleasure- or advantage-based forms of friendships.⁵³ Bentley argues that much of Cooper's analysis focuses on the positive parts (e.g. altruistic well-wishing) of virtue friendship.⁵⁴ Bentley contends that this may give rise to "images of best friends standing firm together through thick and thin, taking each other's side with unquestioning loyalty".⁵⁵ However, Bentley argues that this is not what Aristotle had in mind when discussing what comprises a virtue friendship.

Bentley points out that virtue friends do more than stand beside one another, as they are ultimately concerned with another's moral well-being and have an obligation to help them achieve the ethical ideal.⁵⁶ Bentley argues, this feature of virtue friendship indicates that it is radically different from civic friendship, since it has a much stricter ideal than is normally associated with civic friendship.⁵⁷ Because civic relationships in the *polis* do not generally include concerns regarding another citizen's virtue, this relationship suggests that this characterization of civic friendship puts odd and demanding impositions on citizens in the *polis*. For these two reasons, Bentley concludes

⁵³ 2013:7

⁵⁴ As I will indicate below, it appears that Bentley has misrepresented Cooper's position by taking virtue friendship to be the basic form of friendship.

⁵⁵ 2013:13

⁵⁶ 2013:14

⁵⁷ 2013:14

that it is problematic to base civic friendship on virtue friendship, as it ignores certain theoretical and practical problems inherent to Aristotelian political theory.⁵⁸

While Bentley offers an interesting critique of Cooper, Bentley's argument is not convincing for two reasons. First, Bentley may be correct that friendship may be tied intrinsically to the manner in which the *polis* is organized. However, Aristotle still seems to believe that a form of friendship exists *independent of the polis*, which would make it similar to the Aristotelian notion of natural justice. As discussed in the first chapter, Aristotle argues for two forms of justice, a type of justice that is necessarily bound to how different *poleis* operate and a form existing independent of the *polis*. There is evidence to suggest that a form of friendship exists in a similar manner, both internal and external to the *polis*.

The context in which Aristotle discusses friendship in relation to his conception of the development of the *polis* demonstrates that he believes friendship exists prior to the *polis*. Aristotle argues that the city is the natural outcome of people living together and eventually forming larger communities. This natural characterization of the formation of the *polis* suggests that Aristotle believes that friendship plays a vital role in the inception of the *polis*, since it is the basis of the formation of the smaller communities. This is evident from Aristotle's articulation that several households develop into a village, indicating that he believes that one community naturally develops into the next (*Pol.*, 1252b15). Considering the level of personal interaction and concern in the smaller communities, it appears that the relationships that ground the formation of the *polis* are based on friendship. The manner in which Aristotle discusses the formation of the *polis*

⁵⁸ 2013:14

indicates that it is only a difference in degree, not kind. This suggests that friendship plays a large role in the *polis* as well, as the nature of the relationships that constitute the household and the *polis* consists of the same basic structure.

Furthermore, as Cooper points out, Aristotle argues that friendship is the quality that binds all communities together.⁵⁹ Aristotle writes, “friendship seems to hold cities together, and lawgivers seem to be more concerned about it than about justice. For... when people are friends, they have no need of justice, but those who are just [to one another] need friendship in addition” (*NE* 1155a22-28). This passage demonstrates that Aristotle believes that friendships are vital to binding a *polis* together. It is plausible to assert that Aristotelian friendship is *prior* to the *polis* and hence independent of the *polis*. This means that a form of friendship exists before the effect of *polis* influences it, indicating that Bentley’s concern about the necessary effect of the *polis* is not an argument against character friendship.

Moreover, Aristotle argues that friends are vital to living a complete human life, which means that friendship is a basic feature of human nature. He writes, “no one would choose to live without friends, even if he had all the other good things” (1155a5–6). This passage even suggests that he believes that friendship is a basic feature of humanity, for even if a person had every other good material thing, his life would not be complete without friends. This has the important implication that it is a necessary condition of a good human life. Furthermore, given Aristotle’s opinion regarding the relationship between the social and biological conditions of human beings and humanity’s *telos*, it appears apt to suggest that Aristotle holds humanity’s need for friendship as a natural

⁵⁹ 1999:371

requirement for living a good and complete life. Aristotle writes, when discussing what it means to be self-sufficient, “we do not mean sufficient for oneself alone...but also for one’s parents, children, wife, and generally those one loves, and *one’s fellow citizens*” (*NE* 1097b7–10, emphasis added). This further implies that friendship is a vital feature of what it means to be human; Aristotle argues that one cannot be self-sufficient without friends.⁶⁰ Moreover, the last line suggests that Aristotle includes the citizens of the state in the type of relationships that are important, demonstrating that he believes that civic friendships are required to live a complete life.

If these two points are taken together, Bentley’s point regarding the necessary influence of the *polis* on the Aristotelian conception of friendship is not as damaging. For if Aristotle does hold that friendship is a natural, pre-political feature of humanity, then even if Bentley is correct that the formulation of the *polis* affects the composition of friendships, this does not show that friendship has no basic form. Aristotle could argue that although the formation of *polis* affects friendships, a basic form of friendship exists prior to the *polis*. Indeed, Aristotle appears to argue for a form of friendship existing before the influence of the *polis*.

This does not alleviate Bentley’s concerns regarding the odd consequences that result if civic friendship is based on virtue friendship. However, there is a concern regarding the faithfulness of Bentley’s understanding of Cooper’s position. It is not clear that Cooper’s position that civic friendship is based on all the parts of virtue friendship. Bentley correctly identifies that the demands of the moral virtue of citizens are

⁶⁰ Cooper agrees with this point regarding civic friendship, arguing that “‘civic friendship’ itself is an essential human good” (1999:314).

uncharacteristically high when features of virtue friendship are included in civic friendship. However, Bentley's criticism is based on the misconception that Cooper utilizes virtue friendship as the basic form of friendship, and misses the foundational premise of Cooper's argument. Cooper does not argue that civic friendship shares *all* the characteristics of virtue friendship. Instead, he holds that they both share in a common, foundational conception of *character* friendship. Remember, virtue friendship is based on a mutual concern for another's moral development, whereas civic friendship exists between people living in the same *polis*. Cooper does not argue that virtue- and civic- friendships share the same characteristics, as they are both based on character friendship. Cooper has the resources to respond to Bentley: he could point out that Aristotle's definition of character friendship, as presented in the *Rhetoric*, is foundational.

Moreover, Cooper's interpretation coheres better with the rest of the Aristotelian corpus. In numerous places throughout Aristotle's work, Aristotle appears to espouse a more altruistic conception of friendship. For example, Aristotle writes, "those who wish good things for their friends, for their friends' sake, are friends most of all; for they do so because of the friends themselves and not incidentally" (*NE* 1156b10–13). Similarly, in the *Rhetoric*, Aristotle writes,

We may describe friendly feeling towards anyone as wishing for him what you believe to be good things, not for your own sake but for his, and being inclined, so far as you can, to bring these things about. A friend is one who feels thus and excites these feelings in return: those who think they feel thus towards each other think themselves friends. (1380b35–81a1)

These passages indicate the Aristotelian position that 'wishing good for the other person' is the primary feature of friendship. Aristotle writes that friends will try and bring about good things for the other person, and not *for one's own sake*. This indicates that friends

are ultimately concerned for the well-being of others, and thus do not do good expecting it back. Furthermore, the last line indicates that this altruism is a shared feature of friendship, demonstrating that friendship is based on the well-wishing of both individuals. This entails that mutual well-wishing means that people are friends. This supports Cooper's thesis; friends are defined as those who 'not for your own sake but for his' try to bring about good things for the other. This explicitly reinforces an altruistic conception of friendship, defining true friendship as ultimately concerned for another's well-being.

A similar point about friendship is evident in a passage from the *Eudemian Ethics*, where Aristotle writes "it is clear from this that the primary friendship, that of good men, is a mutual returning of love and choice" (1236b1-3). This passage indicates that Aristotle holds that not only is there a primary kind of friendship, but that it is comprised of a 'mutual returning of love'. This further supports Cooper's position, by linking the two vital parts of his thesis. Not only is friendship comprised of reciprocal well-wishing, but this passage also implies that Aristotle believes that a basic kind of friendship exists. Character friendship can be understood as a primary, and altruistic, class of friendship.

Cooper's account of friendship provides a way to escape the unpleasant suggestion that the Aristotelian conception of friendship is inherently egotistic. His account provides coherence to many of the accounts of friendship that Aristotle offers. Coherence is important to preserve in the Aristotelian corpus given the strong, and often explicit, ties that he makes between his different works. This tie is explicit between the *Nicomachean Ethics* and the *Politics*. Aristotle writes, at the end of the *Nicomachean Ethics*, "let us attempt to discuss that...[and] try to observe what sorts of things preserve and destroy cities, and what sorts have these effects on each type of constitution, and what the causes

are whereby some cities are finely governed and others the opposite” (1181b16-21). This passage makes it clear that Aristotle believes that ethics and politics are intrinsically related. Aristotle in concluding his treatise on ethics believes that an investigation into political theory naturally follows, demonstrating the strength of the connection. Cooper’s thesis not only provides a manner of preserving the concept of friendship in Aristotle’s works; it is also supported by numerous passages in a number of different works in the Aristotelian corpus.

Section II: The Similarity of Nussbaum and Aristotle

Cooper’s thesis somewhat alleviates the concern that Aristotle conceptualizes ethics in a fundamentally different manner than does Nussbaum. He espouses an Aristotelian theory of friendship according to which individuals should be concerned with the well-being of other citizens. This characterization of friendship suggests that there are non-instrumental reasons that are akin to the reasons and aims in Nussbaum’s fundamental ethical impulse, namely concern about others’ well-being. While they discuss this impulse in different terms, with Nussbaum discussing love and compassion and Aristotle characterizing it as a component of human functioning, the end result is strikingly similar. Both theorists assert that citizens should be concerned with the good of other people independent of any egotistic good.

While the ethical impulse is similar, there is a difference between the scope to which each theorist believes that this well-wishing should be extended. Aristotle discusses friendship almost entirely in the context of the *polis*, suggesting that friendship should not extend to people that live outside the *polis*. This fits with Cooper’s analysis

regarding the different types of relationships, internal and external, between the various *poleis*. In contrast, a vital facet of Nussbaum's project is to develop a theory regarding how people are able to develop their functions internationally, entailing that compassion and love should exist between different city-states. Thus, while Aristotle does not appear to think that citizens should extend altruistic relationships to people outside the *polis*, Nussbaum argues that love and compassion should be transnational.

This difference is further supported by the different ways in which Aristotle and Nussbaum characterize the origin of the state. It is not merely that the state has a different function for Nussbaum and Aristotle; they also have different positions regarding the development of the *polis*/state. Aristotle takes the *polis* to be a basic, natural unit, whereas Nussbaum believes it is an arbitrary fact of current political and social circumstances. This might explain the difference in their characterizations of the relationships in the *polis*/state. Aristotle asserts that the relationships that exist in the *polis* are different than those that exist between city-states, as the community arises organically.⁶¹ On the other hand, since Nussbaum believes the state is almost accidental, relationships between people are not affected by the formation of the state. Thus, there may not be a reason to think that the ethical impulse will track the political unit in Nussbaum, whereas there is this reason in Aristotle.

Nussbaum and Aristotle share the basic functionalist approach to ethics and politics. They both argue that considering human capabilities and functions is necessary to formulating how the state should be organized, and this indicates a commitment to the

⁶¹ This is further supported by Bentley's point regarding the influence of the *polis* on the formation of friendships.

claim that it is possible to generate political prescriptions regarding the state out of a descriptive account of humanity. However, although they share a basic conceptual framework, they have different normative assumptions. Consequently, they argue for different conceptions of the *polis*/state. Nussbaum argues that everyone is equal, whereas Aristotle believes that people are naturally unequal. Nussbaum believes that there is not one best way to conceptualize human functionality. Conversely, Aristotle contends that there is one best way for humanity to function. Nussbaum asserts that the state is an artificial system, tasked with preserving the capabilities of every individual. On the other hand, Aristotle argues that the state is a natural extension of the manner in which people organize themselves and thus does not argue that the formation of the *polis* should develop the full functioning of every person.

In spite of these differences, it is possible to conceptualize their approaches in a similar fashion. Nussbaum's intent to preserve the capabilities and functionings of each person appears to be motivated by her belief that love and compassion are inherent to human functioning. Likewise, Cooper argues convincingly that Aristotle's conceptualization of friendship necessarily includes well-wishing or love towards others. Thus, it appears that Nussbaum and Aristotle both hold that a vital characteristic of human capability and functioning is based upon mutual love for other people. This suggests that both theorists believe that the human need for love does and therefore should have implications regarding the organization of the *polis*. They do not have different ethical methodologies operating, only that they argue from different normative assumptions.

Regardless of whether Aristotle's writing can be interpreted to include a more altruistic conception of friendship, it is evident that the normative assumptions that operate below the surface of capability theory have implications for the formation of the state. This shows how a theorist's ontology influences the normative assumptions he or she asserts, but also how these presuppositions influence the formation of the state. Aristotle's assertion regarding the inequality of people is an excellent example of these two points. Aristotle argues that it is due to nature (i.e. a description of ontology) that people are unequal, demonstrating the influence of ontology on normative assumptions. This assertion of inequality has direct implications for the Aristotelian position regarding the formation of the state, as he argues that the state should reflect this natural inequality.

Nussbaum's theory also provides evidence that normative assumptions directly influence her articulations of the political state. The relationship between her assumption about the equality of people and her formation of the state is clearly evident. On the basis that people are inherently equal, she argues that the state has a responsibility to offset any natural inequalities between different individual's abilities to pursue the functions inherent to human dignity. The direct influence that normative assumptions have on the framework of the capability approach and the proper formation of the state reveal the importance of analyzing underlying theory. These differences between Aristotle and Nussbaum indicate normative assumptions influence the proper formation of the state. Capability theory is relatively benign; it is the normative assumptions underlying the approach that influence the formation of the state.

Conclusion

The functionalist approach to ethics and politics provides an influential link between the description of humanity and the normative prescriptions regarding the *polis*. It offers a compelling solution to the problem of determining how the *polis* should ultimately be formed. The theorists who utilize the functionalist approach employ a variety of ontological and normative assertions that flavor their articulations of how the *polis/state* should be formed, resulting in multiple, and diverse, political states. The difference in theory demonstrates that the functionalist approach can be separated from the normative assumptions that Aristotle includes, suggesting that it is not hierarchical in nature.

In the first chapter, I explored Aristotle's basic conception of ethics and politics, by considering his account of natural justice. I revealed that he considers the capabilities and function of humanity vital when considering the proper formation of the *polis*. Furthermore, I related his notion of justice to his conception of law, arguing that Aristotle ultimately believes that while law cannot exist independent of the *polis*, justice can. Moreover, various passages in the Aristotelian corpus demonstrate that natural justice should influence the formation of conventional law, indicating that his political theory should be considered an important precursor to natural law theory.

In the second chapter, I explored the writings of Aristotle and Martha Nussbaum, exploring the affect of certain normative assumptions on the basic principles of capability theory. The work of Nussbaum illustrates the resurgence of modern approaches to functionalist theory. The normative differences between Aristotle and Nussbaum

influence the development of their respective functionalist theories. My work demonstrates that it is because of the certain assertions regarding the equality of people, the *telos* of humanity and the origin of the *polis*, that they argue for different conceptions of the state. In this manner, I establish that functionalist theory is a flexible approach to political theorizing.

In the final chapter, I considered a possible difference between Nussbaum's and Aristotle's conceptualizations of ethics, exploring whether Aristotle argues that all types of friendship, including civic friendship, should have an altruistic basis. Ultimately, I argued that his conception of friendship is less egotistical than it first appears, thereby demonstrating that although Nussbaum and Aristotle differ in scope, they hold to a similar ethical basis. In short, I considered the implications of certain fundamental assumptions that ground each theorist's use capability theory, demonstrating the implications of ontology on the formation of the state in functionalist theory. I argued that since Nussbaum and Aristotle conceptualize certain key notions differently (e.g. equality, *telos* of the state), they argue for distinctive views about the formation of the state.

Over the history of ethical and political thought, the relationship between description and prescription has been largely abandoned. Many contemporary philosophers take there to be a clear, and perhaps unbridgeable, divide between description and prescription. However, I hope that my work has demonstrated that it is not evident that descriptive claims cannot inform normative theorizing, thereby indicating the theoretical scope and power of the capability approach to analyze ethical and political

theory. Ultimately, I aim to have shown the plausibility of two attempts to move from description to prescription.

Second, I hope to have demonstrated the importance of examining the underlying ontological and normative assumptions that ground normative theory, and illustrate the influence of the ontological assumptions and ethical assumptions on the manner by which each political theorist conceptualizes their version of the state. From this we can conclude that both descriptive and prescriptive claims are intrinsically tied to political theory. Furthermore, without understanding the supporting ontology and normative assumptions, political theory cannot be fully understood. Until it is clear what presuppositions are operating, it is not evident how they influence political structure. Given the importance of political structure, it appears unwise to not examine every underlying premise.

Ultimately, this work has only begun, as there are a number of interesting and promising areas for further research. I have only demonstrated the importance of understanding the ontological and normative assumptions that ground capability theory. I have not demonstrated that, or how, ontology might influence other forms of political theory. However, it does not seem, *prima facie*, an unreasonable position to argue that any basic conception of ethics and politics is influenced by the supporting ontology and normative assumptions. More research should be done into the manner which different forms of political theory are affected by the underlying theory.

Moreover, I did not get a chance to explore the impact of Aristotelian ontology directly, as I do not consider his thought on physics or metaphysics in direct relation to ethics. Thereby, I missed an opportunity to comment on the relationship between

Aristotle's own ontology and his conception of the proper formation of the *polis*. Given the explicit relationship that Aristotle develops between his different works, there is promising work revealing that Aristotle's political philosophy is influenced by his articulation of ontology in the *Physics* or the *Metaphysics*.

Another area that deserves more research are the ontological assumptions that Nussbaum relies on when advancing her conception of capability theory. I demonstrated that she has certain normative assumptions underlying her approach, indicating the effect of these presuppositions on her political theory. However, I have not investigated how she forms the basis of her ontology. Given the effect of Cicero and Aristotle's ontology on their formation of the state, it appears to be a promising area. This indicates that more work should be done determining the influence of Nussbaum's ontology on her ethical and political work.

In short, this is a promising area of philosophy. There are a number of interesting and complex problems that deserve further investigation. Moreover, it is evident that it is important to investigate the relationship between ontology and normativity in general, since it appears to have implications for the proper formation of the state. Given that the organization of the state directly influences the manner in which citizens can live, it is a vital area of investigation. This work has only begun to illuminate the importance of the relationship between ontology, normativity, ethical and political theory.

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