

Von Hügel Institute, University of Cambridge
June 2003 Conference: Transforming Unjust Structures: Capability and Justice

“Embodiment and Justice for Women: Martha Nussbaum and Catholic Social Teaching”

(Revised July 8, 2003)

Lisa Sowle Cahill

(Boston College)

Overview

In the effort to transform the unjust structures that cause women to suffer worldwide on account of their gender, the philosopher Martha Nussbaum and the social ethics tradition of Catholicism can and should be brought into dialogue, especially if feminist theologians are included, along with recent popes. This paper will compare Nussbaum's later work to Catholic social teaching, investigating areas of convergence, points of difference, and potential for mutual critique. A major similarity is that both take embodiment as the basis of defining human values and obligations, thereby establishing a crosscultural basis for talking about justice. Both seek to challenge unjust structures, and to seek greater justice for women. But there are also points of difference, especially on the intrinsic sociality of the person, gender, and the role of religion in society.

First, both Nussbaum and Catholic tradition defend versions of what I would call moral realism. A major project for Catholic social ethics is to rebuild the variety of moral realism traditionally known as “natural law.”¹ Natural law theory, of course, is rooted in Aquinas and traces back in some ways to Aristotle. It holds that human beings share certain basic characteristics and experiences that are recognizable by reason, indicative of happiness, and part of the good life for human beings. Shared values and norms can and should guide human conduct and social organization. Morality and justice are not just decided by individuals, invented by societies, or prescribed arbitrarily by authorities, religious or secular. They derive in some fundamental sense from what it means to be human, an inviolable individual, an intrinsically moral being, and just as intrinsically a rightful participant in the common good of society. In the Christian version of natural law, morality and justice also derive from creation by one God, to whom humans, their communities, and their happiness are ultimately oriented.

This theory has fallen on hard times. Ours is an era in which normative constructions of morality are under heavy attack from postmodern cultural relativism, as well as the liberal individualism that pervades modern political traditions. Natural law tradition has typically maintained that basic human nature and its requirements should be evident to all reasonable persons. But many now object that natural law ideas were always essentially religious in nature (hence not applicable outside the fold), or that what seems “natural” is simply the result of tyrannical social conditioning. Familiar examples of discredited “natural law” teachings are the inferiority of women, innate sinfulness of homosexuals, primacy of procreation in justifying sex, acceptability of slavery, and immorality of loaning money at interest. The most conspicuous alternative to natural law, in both philosophy and popular culture, is a laissez-faire combination of trendy postmodern deconstruction and old-fashioned political liberalism. In such a stance, moral values are held to be relative to cultures or even to individual preferences, but the freedom of all to adhere to their chosen moral worldview is affirmed as an absolute.

John Paul II is not happy with this turn and neither is Martha Nussbaum. Their reasons, of course, are not exactly the same. The pope wants a renewal of biblical spirituality and a return to traditional sexual norms.² Martha Nussbaum is skeptical about anything that smells of “metaphysics,”³ portrays religion mostly as repressive,⁴ and advocates for more sexual freedom for women and gays,⁵ although she does mention the pope approvingly for having endorsed the basic rights of women.⁶ Where Catholic natural law tradition and Nussbaum most importantly converge, however, is in their hostility to relativism, their suspicion of many First-World political agendas, their advocacy for the poor, and most especially their conviction that there are certain basic requirements of human flourishing that any decent society ought to meet.

But now the differences begin. In Catholic social teaching, sociality and social interdependence are just as essential to personhood and social justice as are individuality and

individual rights. Human embodiment provides material connections in time and space to other persons and the environment. It is important not only to personal identity, but to social roles and relations. Insofar as the body is sexual and reproductive, some of the social relationships within which embodiment is experienced are kinship and family. Social structures organizing sexuality and kinship or family have been important in Catholic social teaching because they correspond to the social nature of sexual and reproductive embodiment.

However, Catholic tradition has typically exaggerated the significance of women's sexual and reproductive embodiment in relation to that of men. It has defined women's identity more in terms of sexual and reproductive roles, and has also either given less social importance to these roles, or interpreted functioning in them in a way that limits access to other roles. It has also made an almost absolute link between women's sexual embodiment and reproduction, though it has not done so regarding men. Sex and gender represent areas in which Catholicism has interpreted the significance of embodiment for structural justice for men and women unequally. Catholicism has been right to identify human sociality as essential, and to recognize that human sexual and reproductive embodiment have social dimensions, but it has been wrong to endorse structural inequality for women in these areas.

Martha Nussbaum, on the other hand, reads sex and gender justice too much on a "liberal" model of personal choice and not enough in terms of the social roles to which sex and reproduction lead as human embodied realities. Even though "affiliation" is one of Nussbaum's basic categories, involving a life "with and for others," she does not clearly develop the sorts of social relationships and communities, like kinship and family, that sex and parenthood actually entail crossculturally. She treats marriage, parenthood, and family largely in terms of their oppressive effects on women, not in terms of their possible role as embodied developments of sexuality, in a life "with and for others." Positively, though, on her liberal model, Nussbaum does see women's basic rights, and sexual rights specifically, as central justice concerns.

What Catholic social teaching could bring to Martha Nussbaum is greater recognition of the sociality of persons, and of the social dimensions of every aspect of human embodiment. What Martha Nussbaum could bring to Catholic social teaching is the commitment to see women's basic human needs and rights as primary, in no way to be subordinated to their reproductive roles. Gender should not be interpreted or practiced in such a way that women's basic needs and rights are effectively undercut, even if affirmed in theory.

In addition to the similarity between Nussbaum and Catholic social ethics on embodiment as the basis of social justice, and their differences on intrinsic sociality and gender, there are two further points of comparison and difference. These are the role of religion and of the emotions in seeking structural justice. Nussbaum treats religion as primarily a negative force in women's lives, detailing at some length the "atrocities" to which it has led.⁷ The emotions are very important to Nussbaum, especially the emotion of compassion, which she believes it very important to evoke and nurture in order to achieve just persons and structures. She makes no connection, however, between the emotions and religion, especially the potential of religious traditions to shape members in compassionate attitudes and to prophetically denounce unjust structures. More attention should be given to compassion as a social emotion—not only individuals but communities can embody compassion and compassionate action, and the enhancement of this ability is critical for structural change.

The remainder of this paper will explore in more depth Nussbaum's liberalism, and Catholic social teaching's theory of the common good, then bring the two into dialogue on four specific claims of Catholic social teaching (about global common good, subsidiarity, work, and gender). I will conclude with a brief consideration of themes from Catholic feminist theology.

Nussbaum's Liberalism

Nussbaum has a voracious intellect that is constantly readjusting itself. The results are unfailingly impressive and provocative. Are they equally coherent? Nussbaum sees herself as a liberal and an Aristotelian. Her brand of liberalism derives from Kant's requirements of equality and equal respect, and places a high emphasis on critical reason.⁸ What she takes from Aristotle is the conviction that human beings have certain basic needs and capabilities, preconditions of happiness and wellbeing. This is the basis of Nussbaum's "capabilities approach," developed and refined through

many writings.⁹ Beginning with the principle that each person is an end, Nussbaum then relies on “an intuitive idea of a life that is worthy of the dignity of the human being,” an idea “free of any specific metaphysical grounding.” The basic minimum conditions of a life with dignity are certain “human capabilities,” on which societies ought to be able to achieve an “overlapping consensus,” no matter what conceptions of the good individuals or cultures within them might endorse.¹⁰ These preconditions include life; bodily health; bodily integrity; senses, imagination, thought; emotions; practical reason; affiliation (relationship to others, including both one’s own concern for and engagement with others, and the social bases of self-respect and dignity); relationship to other species; play; and political and material control over one’s environment.¹¹

Unlike many liberal philosophers, Nussbaum believes it is not only possible but necessary to talk about “universal obligations,”¹² living a life that is “truly human,”¹³ and about specific types of social organization that are or are not compatible with “human dignity.”¹⁴ Again unlike most liberals, Nussbaum explicitly includes material goods along with civil liberties, and has an inductive, dialogical, and intercultural method of specifying them. Nussbaum refers to the goal of this process by using John Rawls’s term “reflective equilibrium,”¹⁵ Given her inductive method, Hilary Charlesworth has proposed that “universalism” may be a misleading characterization of Nussbaum’s ethics, and proposes “transversalism” instead.¹⁶

A notable contribution is Nussbaum’s insistence that the emotions are part of a worthwhile human life, and more than “irrational” passions. Emotions form cognitive connections to others that nuance and texture the moral life. “Emotions are not just the fuel that powers the psychological mechanism of a reasoning creature, they are parts, highly complex and messy parts, of this creature’s reasoning itself.” Hence, “without emotional development, a part of our reasoning capacity as political creatures will be missing.”¹⁷

Where Nussbaum’s position diverges from Catholic natural law is in the consistent priority she still gives to autonomy, freedom, and the ability “to choose and fashion a life.”¹⁸ In emphasizing free choice, Nussbaum rightly decries cultural subordination of women’s welfare to familial, social, or religious interests. But she less frequently examines how her basic value of “noninstrumental respect”¹⁹ for individuals could be enhanced by more attention to social participation and responsibility, so important in non-Western cultures, as well as in Catholic social teaching. Nussbaum persistently explains justice with principles of political liberalism. The political theorist John Gray offers a succinct definition of the prime values of liberalism. According to Gray, the modern liberal tradition has a distinctive view of “man” and society, consisting in the following elements:

It is individualist, in that it asserts the moral primacy of the person against the claims of any social collectivity; egalitarian, inasmuch as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; universalist, affirming the moral unity of the human species and according a secondary importance to specific historical associations and cultural forms; and meliorist in its affirmation of the corrigibility and improvability of all social institutions and political arrangements.²⁰

This political agenda is fine as far as it goes, and I would say Martha Nussbaum subscribes to all of it, excepting the sexist language. In view of the oppressive hierarchies of many “traditional” societies, she likewise emphasizes the universal equality of the individual in order to bring about change in the social and political institutions that have oppressed women for centuries.

Nonetheless, there is something missing in this scheme: the intrinsically social nature of the person. An exclusive focus on the free and autonomous individual is partly responsible for the continuing hold of patriarchy in so-called “liberal” societies. The autonomy focus neglects precisely those social conditions of belonging, recognition, and access to material and political goods that Nussbaum wants to secure for women with her capabilities approach. In her analysis of Nussbaum’s “feminist internationalism,” Hilary Charlesworth grants that the capabilities approach transcends “the standard Western obsession with civil and political liberties at the expense of economic and social equity.” Nonetheless, Nussbaum’s vocabulary “may indicate that greater weight is accorded to civil and political rights” than to the material necessities that are also necessary to women’s ability to function. For example, the term “right” is used only in relation to political participation, protection of free speech and association. The latter are described as “fundamental.” Moreover, the rights of groups are not considered at all in the capabilities approach.²¹

Liberalism does not do full justice to the intrinsically social nature of human individuality and freedom, to the social relations implied by sexual embodiment, or to family relations. Nor does it highlight the necessary role of participatory community in changing both individuals and social structures so that they are more just. Liberalism also excludes religion from the so-called “public” or “secular” arena as a divisive source of ultimately unwarrantable and potentially domineering beliefs about right order in morals and society.

If Nussbaum does not see herself as a natural law theorist and prefers to be a liberal instead, that is especially true on matters sexual. For example, in Sex and Social Justice, Nussbaum states that her “starting point” is that “human beings should not be violated,” and that “the fundamental bearer of rights is the individual human being.”²² This focuses the discussion of what is “just” in sexual relationships and in the institutionalization of sex (e.g., in marriage and family) on the individual and his or her freedom from interference. I would argue that belonging to an intergenerational family is just as important a component of human identity as self-determining freedom, and even a precondition of healthy moral and social development. The sexual body locates one within kin relationships, makes family survival possible, serves as a basis to unite families and clans through intermarriage, and also serves as a baseline from which living and care-giving arrangements that are analogous to kinship can be conceived and defended.

Nussbaum’s tendency to construe sexual ethics primarily in terms of individual choice and individual relationships, rather than seeing broader social connections as intrinsic to sexual meaning and fulfillment, is illustrated by the final chapter of her book on the emotions, Upheavals of Thought. The primary aim of the book is to argue that the emotions help us evaluate what is important to our own lives, that the emotion of compassion is a way of evaluating the needs and good of others as a part of our own flourishing, and that social justice requires that we nurture compassion. The final chapter links this process to “everyday” experience by tying emotional development to the experience of sexual love. The literary resource Nussbaum explores is James Joyce’s Ulysses. The alternative Joyce’s narrative provides, though, is not a more adequate integration of sexual meaning into the individual’s social relationships or community. Joyce idealizes physical love, based on compassion between individuals perhaps, and certainly on the freeing of sexual pleasure. The culmination is an intimation of cosmic meaning through the contact of two bodies. These bodies have sex but not grandmothers, children, parents, sisters, brothers, or great aunts.

Most cultures do cultivate the erotic in its own right, and its connection to ultimacy, through aesthetic and religious means. Yet for the poor women in the world about whom Nussbaum is most concerned, the importance of sex in establishing one’s place in family and community is undoubtedly of more importance than Joycean sexual liberation. The institutionalization of sex in marriage and family is undoubtedly a prime form of structural oppression of women, but it is not clear to me that the answer is to cut loose all bonds of sexual connection except those based on freely indulged pleasure.

I am not sure Nussbaum really thinks so either. A different approach is found at the beginning of Upheavals of Thought, which opens with Nussbaum’s own poignant recollections of her mother’s death, and with memories of her interactions with her mother as small child and through the years. She brings back to life through memory and emotion the feeling of her mother’s embrace as the toddler Martha is rescued from a swarm of wasps, the lace collar of her mother’s nightgown, the way she wore her lipstick. Martha Nussbaum even experiences joy at the sight of her ex-husband, and co-parent of her child, when he arrives at her mother’s funeral. He brings back twenty years shared in relationship to the lost mother and mother-in-law. These are all connections created by human sexuality, broadly understood to include family. What if Nussbaum had chosen for her literary mentor, not the disaffected Irish Catholic Joyce, but a woman author from her adopted culture, India? I think of Rama Mehta’s Inside the Haveli, which depicts women’s solidarity and child-raising in a world defined by sex roles, yet separate from men; or Arundhati Roy’s marvelous God of Small Things, which places a modern Indian woman at the center of shifting cultural ideals of family, motherhood, sexuality, and class. Either work might help to raise the question how to reform family structures while still affirming their importance to human identity.

Nussbaum’s Liberalism and Religion

In works such as Women and Human Development, Sex and Social Justice, and Upheavals of Thought, Nussbaum acknowledges through her examples that religion can have a positive role in

enhancing women's social equality, and gives much more attention to the social components of individual identity and agency than is typical of classical liberalism. For example, Nussbaum pays sustained attention to a resistance movement called the Self-Employed Women's Association (SEWA), with more than 50,000 members, that helps women in the informal sector to gain credit, education, and a labor union. SEWA's offices are now housed in a new marble office building where all the employees and clients are women. SEWA's founder Ela Bhatt compare the bank to "our mother's place," since a woman's mother takes her problems seriously and helps her to solve them.²³ It turns out that Bhatt is a deeply religious Muslim, who was permitted by her family to carry out the religious rites at the funeral of her father, a prominent Brahmin judge. So both family and religious "narratives" that somehow permitted the inclusion of women in traditionally patriarchal social and devotional practices were apparently influential in forming Bhatt's commitment to compassionate action on behalf of the poor.

It may be in connection to the cultivation of compassion as a social virtue, rather than in relation to what religious traditions have held specifically about gender,²⁴ that religion has the greatest point of entry as a positive force in a Nussbaumian scheme of things. By means of his famous concept of a "second naivete," Paul Ricoeur many years ago clarified that religious meaning can arise from a critical, interpretive reappropriation of religious symbols, in which we "hear again" their language or world and allow it to have a transformative effect on our own.²⁵ More recently, Paul Lauritzen has elucidated how the emotions are engaged by the worldview evoked by religious symbols, and how religiously formed emotions help constitute communal practices embodying the values inherent in the symbols. Lauritzen even describes emotions themselves as "social practices organized by stories that we both enact and tell." A religious vision of the world forms the affections of those who live within it, and therein lies the power of its symbols to bring about "moral transformation."²⁶

In Upheavals of Thought, Martha Nussbaum does not discuss the role of religion in forming compassionate emotions, but her language recalls biblical ideals of mercy and love of neighbor when she defines compassion as the ability to "make oneself vulnerable in the person of another."²⁷ Compassion prompts effective and sustained action to ensure the capabilities of those whom one recognizes more theoretically as having equal worth. According to Nussbaum, compassion can flower when one is able to make judgments of similar possibilities for oneself, of nondesert on the part of the sufferer, and of the importance of his or her wellbeing to one's own happiness and goals.²⁸

Nussbaum recognizes that compassion is developed socially, when individuals participate in social practices that encourage compassion, through "appropriate education and institutional design."²⁹ Literature looms large on the horizon of Nussbaum's vision of a "liberal" education that trains locally for responsible world citizenship. Yet, as she tacitly recognizes, religion and its narratives can have the same or greater effect. She finds in Abraham Lincoln "an exemplar of the way in which compassion can illuminate the conduct of public life." She cites his Second Inaugural Address to illustrate the "sympathetic narrative" that led Lincoln to condemn the injustice of slavery, while advocating mercy for the defeated Confederacy. The passage she selects begins with a religious reference.

'Both read the same Bible, and pray to the same God; and each invokes His aid against the other...With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan – to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.'³⁰

It is true that religion has often been used to create divisions and to justify oppression, as was done by the slaveholders themselves. But the same moral ambivalence belongs to the compelling works of literature that Nussbaum constantly cites. The Iliad and the Odyssey exalt war, exonerate those who intemperately slaughter their foes, and narratively illustrate the ancient Greek philosophical view that mercy is a defective emotion. What is needed to test their truth is a normative view of human flourishing, prudent practical reason, and compassion. These belong together and develop together, allowing us to discern with wisdom the truth or falsity of our emotional knowledge and to implement just social relationships. Religion can enable this process, though religion itself also must submit to the tests of human wellbeing, prudence, and compassion.

In an article contributed to the journal Ethics in 2000, Nussbaum reviews her own work, assesses what she considers to be its key points and developments, and responds to some critics. This

article was written after Sex and Social Justice and Women and Human Development. In it, she makes what was for me the surprising statement that her “current political-liberal views lie closest to those of Maritain”!³¹ While the Catholic philosopher Jacques Maritain is certainly indebted to the modern liberal respect for the individual in his reappropriation of the thought of Thomas Aquinas, he has not abandoned the Catholic common good tradition with its fundamental belief in the sociality of the person. Indeed he distinguishes the term “person” from “individual” on precisely this score.

Nussbaum cites The Rights of Man and Natural Law and Man and the State, and is especially taken with Maritain’s proposal that people can come to agreement on a list of human rights without agreeing on their metaphysical backing, or on whether they have any such backing at all.³² Yet Maritain was also the author of a book called The Person and the Common Good: “In our treatment of the characteristic features of the person, we noted that personality tends to by nature to communion....” “There is a correlation between...the person as a social unit and the notion of the common good as the end of the social whole. They imply one another....” The common good is thus “the good human life of the multitude, of a multitude of persons; it is their communion in good living,” a communion in which all persons participate, but in light of which they are not merely separate individuals, but integrally related members of society.³³

In this recent article, Nussbaum herself seems to stress more strongly the importance not only of practical reason but of what she calls “sociability,” a term that may connote innate social interdependence more strongly than the “affiliation” category of her lists of capabilities, which she develops more in terms of freely chosen relations.³⁴ She also stresses that in recent work (Women and Human Development) she has made a strong case for economic redistribution, and drawn a connection between Aristotle and Marx. In other words, the material interdependence of persons increasingly qualifies the liberal priority of the autonomous and free individual. While not giving up her claim to be a “liberal,” Nussbaum now spends considerable time defending her status as a “social democrat,” along with Aristotle.³⁵

Catholic Social Teaching, Embodiment and Social Roles

Papal social encyclicals have cultivated a strong sense of the sociality of the person, of the interdependence of persons and groups within the common good, and of the social relations implied by the body, especially the gendered body. The family, the rights of the family, the duty of society and government to protect families, and more recently, the prophetic social role of the family as ‘domestic church’ have been key to the Catholic social tradition.³⁶ However, this tradition has at the same time not only exaggerated the significance of gender both in personal identity and in social relationships, it has also ratified and enhanced the oppressive use of gender to make women subordinate to men in virtually every social institution. Moreover, it has in fact used religious stories and symbols to endow its construction of “natural” gender with greater authority, and then used its influence to discourage more equal gender roles in public institutions, both local and global.

Since the 1960’s, the papal social encyclicals have moved toward understandings of justice, common good, subsidiarity, and solidarity that are both more inclusive and participatory, and that envision a broader scope for women’s social agency. This is especially true of The Second Vatican Council’s Pastoral Constitution on the Church in the Modern World, and the writings of Paul VI, John XXIII, and John Paul II. Despite the reaffirmations of traditional, gender-unequal sexual teaching that has gone on at the same time, these examples move the “preferential option for the poor” into the center of the Catholic social vision, and develop a strong advocacy stance toward public policy, especially in view of globalization. John Paul II takes a view of women’s social roles that is remarkably different from that of popes only a generation ago. If he and Catholic social teaching had arrived at an appreciation for women’s voice and agency that is as genuine and dialogical as Nussbaum’s, many Church practices would be different, and the credibility of Vatican advocacy for women’s rights would be greatly strengthened.

A complete review of Catholic social teaching and its implications for women is impossible here.³⁷ I will cover briefly four points—the global common good and solidarity, subsidiarity, work, and gender. I will conclude with a few observations on the role of religion in social change for women, illustrated by feminist liberation theology.

First, the global common good. The social encyclical tradition beginning in 1891 with Leo XIII’s Rerum Novarum has, like Aquinas, made the common good the basis and center of its social

theory. Unlike Aquinas, the modern popes emphasize the dignity and even rights of every single person within the common good, and encyclicals since Vatican II gradually extend this concept internationally. Paul VI uses the term “universal common good,” proclaims “a global vision of man and of the human race,” and urges that wealthy nations should not grasp for “material prosperity” at the expense of the poor.³⁸

John Paul II has made this the signature theme of his papacy, decrying the consumerism and materialism that seem to drive globalization. He endorses the language of human rights, but urges that at the international as well as the national level, the value of solidarity not be sacrificed to freedom,³⁹ usually the freedom of the powerful to exploit the weak. John Paul II develops one theme that corroborates Nussbaum’s social philosophy, the preferential option for the poor, and one that might by addition provide depth to it, the analysis of structural sin.

Sometimes Nussbaum seems perplexed by the reality of evil in the world, and at a loss to explain its intransigence. She remembers with almost Augustinian grief and remorse an incident in which as a small child she bit her mother. She laments “the horrible black and bitter sensation of my own internal badness, of powers of destruction surging out of me that I had not known were there, a cauldron of corrosive liquid.”⁴⁰ She recognizes that all human beings are capable of horrible wickedness, a possibility that most of us have great difficulty recognizing, preferring to think that evil people are monstrous and inhuman freaks.⁴¹ Yet, she wants to limit eudaimonistic political compassion to the virtuous, to those who suffer without deserving it, which may leave the rest of us evildoers out of the loop of social transformation. Nussbaum’s liberal philosophy does not permit her systemically to engage the ways vice inheres in social structures, captures the hearts and minds of individuals, and intransigently resists the cultivation of the emotional virtue of compassion through a liberal education.

John Paul II, having a more radical understanding of the source and also the remedy for evil, uses biblical narratives and imagery to urge a love more radical than compassion for the deserving: The other is “the neighbor” in the language of Jesus, and he or she “must therefore be loved, even if an enemy, with the same love with which the Lord loves him or her...”⁴² Radical solidarity is required to remedy the kind of evil that inheres in social practices and institutions, that conscripts the emotions, will, and practical reason, and that seems virtually impossible to transform. Radical solidarity is enabled, in the Christian religious narrative, by placing human evil and compassion against a transcendent horizon, illuminating the partiality and fallibility of all human attempts at reform. This narrative rests its hope in a power of unity and even of love that is beneath and beyond human justice. At the same time, the Catholic social encyclicals repeatedly insist that all the interlocking structures of society be informed by justice and as far as possible transformed by love. Moreover, according to Catholic social teaching, the ability to offer forgiveness and experience compassion are not limited to believers and faith communities, though Christian symbols have as a primary function to evoke and support these virtues.

A critic might at this point object that religious narratives are comforting, and perhaps helpful as motivators, but not in any way demonstrably true. Here I would appeal back to Nussbaum’s own construal of the emotions as having cognitive value. They provide links to realities that reason may not at first make out. Also, an important test of the truth of a religious vision is the practices it inspires, and, with Nussbaum, whether or not it fosters the human flourishing of all, especially the poor. The popes have been better in practice on the poor in general than on women in particular. Their religious vision passes the test of practical justice insofar as they defend basic human goods for all. Yet their gender-based interpretation of women then eclipses women’s basic needs. It also reinforces cultural traditions and norms that devalue women’s access to education, health care, and even food, precisely on the basis of notions of women’s special reproductive status, duties, or limits. Here they fail the practical test, posed in terms of Nussbaum’s capabilities.

If women were more involved in the definition and prioritizing of the goods essential to their own lives, cultural and religious biases against them would be much easier to defeat. This leads us to the principle of subsidiarity, a practical requirement of Catholic social teaching. This principle should furnish a built-in procedural corrective to inegalitarian notions of justice. Martha Nussbaum and other activists for women’s welfare realize this and are committed to the involvement of women, including poor, illiterate and marginal women, in the process of defining human capabilities, needs, and rights. The Vatican and the popes are not. However, this blind spot is in conflict with the principle of Catholic social teaching that specifies that local or “subsidiary” groups and communities share authority over social arrangements with more comprehensive systems.

First enunciated in 1931 by Pius XI in Quadragesimo anno,⁴³ the principle of subsidiarity was originally used to fend off Marxist collectivism; in later incarnations, for example in the writings of Pope John XXIII,⁴⁴ it has also been used to refer to the duty of higher-level government, national or international, to take action to rectify injustice at the local level. This principle is a way of recognizing that human sociality requires civil society, and that a just society enables participation in the common good by means of all the different networks, communities and substructures of civil society. Pius XII's apostolic letter, Octogesima adveniens most strongly of all demands that responsibility for social life be shared at the local level, recognizes that social arrangements and solutions to problems will be pluralistic, and calls on Christians to take special responsibility in political action for social transformation.⁴⁵ This letter has not had the lasting impact on later Catholic social teaching that it deserves, at least not in its "official" expressions. Liberation theology, including feminist theology, however, does put the emphasis on the ability and right of the poor to speak for themselves and to participate in decisions concerning their welfare through local forms of association. If this happened, as advised by Nussbaum, the gender imbalance in Catholic social teaching would be corrected.

The value of participation in society, and the need to organize and engage that participation in circles of association from the micro- to the macro-level, comes through in Catholic social teaching's treatment of work. The first encyclical of John Paul II, Laborem Exercens, concerns the value and dignity of human work, the importance of humane working conditions, and the transcendent significance of every form of human labor. The encyclical reflects his experience of the Solidarity movement in Poland, in which workers formed a trade union against the communist government. Laborem Exercens affirms social justice for workers around the world, sees labor as providing for workers' material support, but also as the basis of cultural and social life, and a means of vocational fulfillment for the individual. Unfortunately, however, this encyclical remains troubled by a bias that has vexed the Catholic social encyclicals from the start, and that is a focus on male work as productive labor that earns wages, while "women's work" is conducted in the domestic sphere.⁴⁶

A man's work is necessary, and should pay enough to support a family, for his wife and children are dependent on him. A woman's work is different, due to her reproductive and maternal roles. In the words of Rerum Novarum, "Women...are not suited to certain trades, for a woman is by nature fitted for home-work, and it is that which is best adapted at once to preserve her modesty, and to promote the good bringing up of children and the well-being of the family."⁴⁷ Laborem Exercens corrects this unjust dependence of women somewhat by suggesting that alternatives to a "family wage" paid to men might be found in "other social measures such as family allowances or grants to mothers devoting themselves exclusively to their families."⁴⁸ In this way the importance of women's work in its own right is recognized and seen to merit direct compensation, a sign of its value to the whole society. The nature of women's work is, however, still defined by women's reproductive embodiment in a way that is hardly true for men.

The view of gender in Catholic social teaching is distinctive and hard to change. Generally speaking, John Paul II still adheres to a view of "femininity" and women's true nature that centers on maternity. He values women's special nature but exaggerates and romanticizes typical, culturally prescribed "virtues" of women, such as compassion and sensitivity. For example, in Mulieris dignitatem, the pope writes that "the physical constitution of women is naturally disposed to motherhood," and this even "corresponds to the psycho-physical structure of women." Hence, "parenthood...is realized more fully in the woman," and "no programme of 'equal rights' between women and men is valid unless it takes this fact fully into account. Motherhood "profoundly marks the woman's personality," and women (all women) "are more capable than men of paying attention to another person."⁴⁹ As has been noted often, this not only limits the ability of women to participate in public, political and economic roles, it discourages in men that virtue of compassion defined by Nussbaum as so central to just political life, a definition that is certainly corroborated in John Paul II's own notion of solidarity.

It is a good thing that there is a tension in the pope's thought about the social roles of women and their value. In Familiaris consortio, he states that women are equal to men in marriage and family. Moreover, "the equal dignity and responsibility of men and women fully justifies women's access to public functions."⁵⁰ In the 1995 "Letter to Women" mentioned by Nussbaum, he goes further still. After praising women's family roles, he exclaims, "Thank you women who work! You are present and active in every area of life—social, economic, cultural, artistic and political. In this way, you make an indispensable"⁵¹ In this letter, women's work outside the home is no longer seen as

merely an unfortunate economic necessity that a just society should avoid. The pope again endorses equal pay for equal work, praises the women's liberation movement, and speaks out against discrimination against women, the exploitation of women, and violence to women.

Feminist Theology

Feminist theologians have gone far beyond official expressions of Catholic social teaching. Although Nussbaum believes that feminist philosophy has been slow to take up issues of concrete justice for women worldwide,⁵² this has not been true of feminist theologians, from Elizabeth Cady Stanton and The Woman's Bible onward.⁵³ Third World Christian women have been active redefining both their religious traditions and their social contexts, in theorizing their action theologically.⁵⁴ The resymbolization of women's role in faith traditions has enabled women's empowerment and political action. A counterpart of the renegotiation of women's boundaries has been the re-imagining of symbols and concepts of God. Elizabeth Johnson concludes her prize-winning book, She Who Is: The Mystery of God in Feminist Theological Discourse with an affirmation of women's

action toward overcoming what kills women's human dignity. Here and there such action succeeds, granting fragmentary experiences of salvation, anticipations of the human condition where suffering and evil are overcome. Light dawns, courage is renewed, tears are wiped away, a new moment of life arises. Toward that end, speaking about suffering Sophia-God of powerful compassionate love serves as an ally of resistance and a wellspring of hope,

even though these go forward under the shadow of "darkness and broken words."⁵⁵

Although Nussbaum maintains similarly that the emotion of compassion is necessary to unite the well-off with the deprived in transformative solidarity, she persists in portraying social transformation as if it proceeds with incremental changes "occurring in individual minds." She privileges normative argument and reason, which change beliefs, which in turn reform emotions.⁵⁶ This model, however, does not explain the stories she tells of the transformation of women through "grassroots" activism in India and Bangladesh, usually within religious communities, and sometimes with the support of creative reinterpretations of religious tradition. As we have seen, religious traditions can immerse individuals in community narratives, sacramental rituals, and moral practices that challenge the status quo, opening roads to justice, beyond equal respect, to a "preferential option for the poor," including justice for women.

In Choosing to Feel: Virtue, Friendship, and Compassion for Friends, Catholic theologian Diana Fritz Cates draws on Aristotle and Aquinas to develop a Christian view of compassion as based on an extended circle of friendship. While Nussbaum depicts compassion as the ability to incorporate the wellbeing of others into one's own individual life plan, Cates preserves the sociality of persons found in Aristotle and Aquinas by modeling compassion on a type of relationship in which the friend's flourishing becomes essential to one's own. She grounds the ability to extend the relationship of friend to unfamiliar and distant "others" in an ultimate, all-embracing friendship with God. Though Cates does not limit the ability to experience inclusive compassion to religious persons, she does see a religious worldview as providing a "vision and love of the good" that enables us to "choose to become persons who are deliberately disposed to be wretched with and wretched for particular persons in pain." Thus "we are prone to deliberate, to act and to feel" as if we are one with those who suffer, though remaining in other ways separate and different.⁵⁷

Conclusion

On embodiment, both Catholic social teaching and Martha Nussbaum recognize the material and social needs that derive from bodily realities all persons share in common. Both protest types of political, economic, and cultural control over patterns of access that deprive some persons and groups of the conditions of a worthy human life. Embodiment guarantees some common ground for debates about justice cross-culturally, and provides a starting point for something like "universal" criteria of justice, even if specific applications must be locally nuanced and inductively reached.

However, while Catholic social teaching exaggerates the significance of different male and female embodiment and constructs on it gender roles that result in injustice for women, Martha Nussbaum downplays the positive significance of human sociality, sex differences, family and religion

in ways that may be damaging to her project. I would deny that maternity is the preeminent role of women, that parenthood is more definitive for women than for men, or that men and women are destined for very different social vocations. Nonetheless, pregnancy, birth and motherhood place special demands on women, which must be recognized and supported socially and politically if women are to receive basic justice in other areas, or the opportunity to function effectively in public roles. This is certainly true in the traditional cultures in which Nussbaum has done most of her practical work. Women's freedom and fulfillment are highly dependent on respect for those roles that are assigned on the basis of sexual identity and connection, such as daughter, wife, mother, and widow.

Finally, while Martha Nussbaum brings to Catholic social teaching a strong and prophetic commitment to gender equality based on genuine and respectful collaboration with poor women, Catholic social teaching could bring to Martha Nussbaum a more social view of the person as participant in the common good, and a narrative of transcendent meaning that connects with human experiences and emotions, and enhances solidarity. Christian narratives of creation, sin, and redemption help us to understand the intransigence of evil, identify its personal and social forms, and engage our collective energies against it. Above all, a religious vision supports our hope that change favoring structural justice is a genuine possibility.

¹ For an overview, see Stephen J. Pope, "Natural Law and Christian Ethics," in Robin Gill, ed., The Cambridge Companion to Christian Ethics (Cambridge and New York: Cambridge University Press, 2001) 77-93.m See also Leroy S. Rouner, ed., Is There a Human Nature? (Notre Dame IN: University of Notre Dame Press, 1997).

² See John Paul II, Evangelium vitae (1995).

³ See "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," in Political Theory 20 (1992) 206-07; and "Human Capabilities, Female Human Beings," in Martha Nussbaum and Jonathan Glover, eds., Women, Culture and Development: A Study of Human Capabilities (Oxford: Clarendon Press, 1995). 67-70.

⁴ She does not say religion has only bad effects on equality or on women, but she certainly concentrates on these. A key concern of Nussbaum, from a liberal perspective, is that the guarantee of religious free as a basic human right then works to permit religious traditions to claim "exemptions" to the protection of other human rights of women. She has a list of seven cases from Asia and the Middle East in which "influential religious discourse...threatens the bodily integrity and equal dignity of persons," specifically of women, a list that appears in at least two writings: "Religion and Women's Human Rights, in Paul J. Weithman, ed., Religion and Contemporary Liberalism (Notre Dame: University of Notre Dame Press, 1997) 94-97 (quotation at 94); Sex and Social Justice (New York and Oxford; Oxford University Press, 1999), 82-84 (quotation at 82). In Women and Human Development, one of these cases is introduced in a similar list, along with two additional cases (Women and Human Development: the Capabilities Approach [New York and Cambridge: Cambridge University Press, 2000] 169-74).

⁵ This is the central theme of Martha C. Nussbaum, Sex and Social Justice .

⁶ Sex and Social Justice, 84.

⁷ Sex and Social Justice 85.

⁸ See, for example, Sex and Social Justice, 73 ff.

⁹ A recent version is given in Women and Human Development, 78-80.

¹⁰ Women and Human Development, 5.

¹¹ *Ibid.*, 78-80.

¹² Sex and Social Justice, 30.

¹³ *Ibid.*, 39.

¹⁴ *Ibid.*, 30.

¹⁵ A recent endorsement of this phrase occurs in Martha C. Nussbaum, "A Response to Wendy Doniger and Margaret M. Mitchell," Criterion 42/1 (Winter 2003) 31.

¹⁶ Hilary Charlesworth, "Martha Nussbaum's Feminist Internationalism," Ethics 111 (2000) 76-77. Accessed at www.jstor.org. This characterization would also apply to recent feminist critical retrievals of catholic natural law tradition, such as Cristina L. H.Traina, Feminist Ethics and Natural Law: The End of the Anathemas (Washington, D.C.: Georgetown University Press, 1999).

¹⁷ Martha C. Nussbaum, Upheavals of Thought: The Intelligence of Emotions (New York and Cambridge: Cambridge University Press, 2001) 3.

¹⁸ Sex and Social Justice, 9.

¹⁹ *Ibid.*, 79.

²⁰ John Gray, Liberalism (Minneapolis: University o Minneapolis Press, 1986)x.

²¹ Hilary Charlesworth, "Martha Nussbaum's Feminist Internationalism," Ethics 111 (2000) 76-77. Accessed at www.jstor.org.

²² Sex and Social Justice, 102.

²³ Women and Human Development, 15.

- ²⁴ Let me pause to note that religious traditions and their founding documents are not always of one mind on gender. Many feminist theologians have argued that the new Testament contains inclusive and liberating portrayals of women's roles, that were then marginalized in the tradition. See Elisabeth Schussler Fiorenza, In Memory of Her: A Feminist Theological Reconstruction of Christian Origins (New York: Crossroad, 1983).
- ²⁵ Paul Ricoeur, The Symbolism of Evil (Boston: Beacon Press, 1967).
- ²⁶ Paul Lauritzen, "Emotions and Religious Ethics," Journal of Religious Ethics 16 (1998) 318. 315.
- ²⁷ Upheavals of Thought, 319.
- ²⁸ Ibid., 321.
- ²⁹ Ibid., 392.
- ³⁰ Ibid., 437.
- ³¹ Martha C. Nussbaum, "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan," Ethics 111 (2000) 102-140.
- ³² Jacques Maritain, The Rights of Man and Natural Law (New York: Scribner's Sons, 1943); and Man and the State (Chicago: University of Chicago Press, 1951), esp. 76-80.
- ³³ Jacques Maritain, The Person and the Common Good (Notre Dame IN: University of Notre Dame Press, 1947) 47, 49, 51.
- ³⁴ "Aristotle., Politics and Human Capabilities," 119-120.
- ³⁵ Ibid., 109-112.
- ³⁶ See John Paul II, Familiaris Consortio (1981).
- ³⁷ For an overview, see Charles Curran, Catholic Social Teaching: A Historical, Theological, and Ethical Analysis (Washington, D.C.: Georgetown University Press, 2002). See also John A. Coleman, ed, One Hundred Years of Catholic Social Thought (), which includes essays on specific topics, including sex and gender.
- ³⁸ Ibid., 41.
- ³⁹ Sollicitudo rei socialis (1987) nos. 26, 33, 45.
- ⁴⁰ Upheavals of Thought, 175.
- ⁴¹ Ibid., 452.
- ⁴² Sollicitudo, no. 40.
- ⁴³ Pius XI, Quadragesimo anno (1931), no. 79.
- ⁴⁴ John XXIII, Mater et magistra (1961), nos. 53-54, 117; Pacem in terris (1963), no. 140.
- ⁴⁵ Paul VI, Octogesima Adveniens (1971), nos. 46-51.
- ⁴⁶ See Christine Firer Hinze, "Bridge Discourse on Wage Justice: Roman Catholic and Feminist Perspectives on the Family Living Wage," in Charles Curran, Margaret A. Farley, and Richard A. McCormick, S.J., eds., Feminist Ethics and the Catholic Moral Tradition (New York and Mahwah NJ: Paulist, 1994) 511-540.
- ⁴⁷ Rerum novarum, no. 33.
- ⁴⁸ John Paul II, Laborem exercens (1981), no. 19.
- ⁴⁹ John Paul II, Mulieris Dignitatem (1988), no. 18. See also Familiaris consortio (1981), nos. 22-25.
- ⁵⁰ Familiaris consortio, no. 22.
- ⁵¹ John Paul II, "Letter to Women," Origins 25/9 (1995) 139, no. 2.
- ⁵² Women and Human Development, 7, 23.
- ⁵³ For a historical overview of feminist theology, from its origins to contemporary global and ecological manifestations, see Anne M. Clifford, Introducing Feminist Theology (Maryknoll NY: Orbis, 2001).
- ⁵⁴ See Ursula King, ed., Third World Women Doing Theology: A Reader
- ⁵⁵ Elizabeth A. Johnson, She Who Is: The Mystery of God in Feminist Theological Discourse (New York: Crossroad, 1996) 271-72.
- ⁵⁶ Ibid., 258. 274.
- ⁵⁷ Diana Fritz Cates, Choosing to Feel: Virtue, Friendship, and Compassion for Friends (Notre Dame IN: University of Notre Dame Press, 1997), 237. In a recent review of Upheavals of Thought, Cates refines the view of emotions presented by Nussbaum by retrieving the distinction found in Aristotle and Aquinas between appetite and reason. Cates maintains that emotions as appetites are related to cognition, but not simply equivalent to "thought." This allows for the tension or even conflict between emotional attraction or aversion and a reasoned judgment about the good. Cates also notes that Christian compassion is extended, paradigmatically by Christ, to sinners as well as to the deserving ("Conceiving Emotions: Martha Nussbaum's Upheavals of Thought," Journal of Religious Ethics 31 (2003) 325-342).