

Nussbaum's Capabilities Approach and Nonhuman Animals: The Ecological Implications

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Martha Nussbaum made dramatic progress in recognizing and advocating for animal rights in her 2006 book *Frontiers of Justice: Disability, Nationalist, and Species Membership*. Nussbaum critiques flaws in the justice system conceptualized in Utilitarian and Kantian theories for their failure to provide satisfactory justice for individual nonhuman animals. Nussbaum relies on a Neo-Aristotelian framework to construct a list of ten capabilities necessary for the flourishing of sentient nonhuman life. She focuses her approach on protecting the individual flourishing of animals given a pluralistic conception of what it means to live a "good" life. Her eighth capabilities, *Other Species*, calls for the "gradual supplanting of the natural by the just" (2006, p.400). Her assertion implies the policing of nature, an unqualified paternalistic attitude toward animal life. Nussbaum advocates a human overhaul of the natural world, considering it unjust and cruel toward individual animals. This paper assesses the implications and impossibilities of Nussbaum's assertion, calling to question the practicality and potentially destructive elements within her utopic approach toward justice for animals. The paper addresses predator-prey relationships,

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ecosystem flourishing, and the contradiction of Nussbaum's own theory through her hesitance to condemn killing animals for food. The paper recommends finding a compromise between the unpredictable justice of the natural world and the artificial human alternative.

The Capabilities Approach

Martha Nussbaum's most comprehensive description of her capabilities approach and its application to non-human animals is presented in the sixth chapter of her 2006 book *Frontiers of Justice: Disability, Nationality, and Species Membership*. However, Nussbaum's interest in justice for animals began long before that. In 1978 she published an interpretation of Aristotle's *De Motu Animalium*, a work that informed much of her own philosophy regarding the characteristics and capabilities necessary for animal functioning and flourishing. In 2001, she reviewed *Rattling the Cage*, a book by renowned American legal theorist Steven Wise that called to question the inconsistent human treatment of animals in the justice system. In her review, Nussbaum writes "*Rattling the Cage*, while provocative, is more of a work of activism than of scholarship. Its powerful rhetoric and compelling social message are marred by historical and theoretical shortcomings" (2001, p.1513). So, Nussbaum tasked herself with developing a theory of justice to support the animal rights agenda proposed by Wise. In order to strengthen her own arguments, Nussbaum begins by explaining what her theory is not. Nussbaum identifies two main contenders in liberal philosophy that she deems unacceptable in their treatment of non-human animals: utilitarianism and Kantianism and/or contractarianism.

Nussbaum assigns three faults to utilitarianism. First, she criticizes the utilitarian's commitment to aggregation, or sum-ranking. The utilitarian is committed to summing together all pleasures and pains, and seeks to choose the option that produces the largest total (or average) pleasure. Nussbaum writes that "this can allow results in which a small number of creatures have very miserable lives, so long as their miseries are compensated for by a great deal of pleasure elsewhere" (2006). Nussbaum is adamant on protecting the individual integrity and flourishing, and the utilitarian's disregard for the individual is unsettling to her. Next, Nussbaum faults the utilitarian approach for its homogenizing and substantive conception of the good, reducing diverse aspects of life to mere pain and pleasure. She argues "we might think that a good life, for an animal as for a human, has many different aspects: movement, affection, health, community, dignity, bodily integrity, as well as the avoidance of pain" (2006). Her own capabilities approach accounts for the diverse capabilities necessary to actualize individual potential. Finally, Nussbaum writes "all utilitarian views are highly vulnerable on the question of numbers" (2006). In his formula, the utilitarian must factor in a variety of considerations to produce a mathematically and logically sound solution. Nussbaum questions the possibility of an accurate calculation given the multiple, competing variables at play. She is more comfortable with the capabilities approach, with a structure designed to accommodate a plurality of variables.

Once she dismantles the utilitarian argument, Nussbaum turns her attention to a more recent and popular approach to justice, which she calls Kantianism and/or contractarianism. She traces these philosophies back to Stoicism, and argues that "the problem with

Stoic views is that the promising thoughts they contained rested on the idea that moral capacity belongs to all and only humans and that this capacity is what raises us above “the beasts” (2001, p.1520). The liberal theory of justice is premised on the understanding that humans are superior to animals because of our capacity to reason, and “this asymmetry means that humans seeking to make a contract for mutual advantage will simply omit them, as all existing contract theories imagine the parties as doing” (2006, p.335). Thus, our approach to animals under such a philosophy is an afterthought rather than an absolute. She writes: “Kant famously held that our duties to animals are all indirect duties, derived from our duties to human beings. He argued that animals have worth and dignity only as instruments of human life and that we become cruel ourselves when we treat animals cruelly” (2001, p.1527). When animals are not included in the contract, or have a guaranteed place in the justice system, they are subject to the mercy and sympathy of humans. This is inadequate to Nussbaum “because it postpones the important issue of animal welfare until a late stage of political planning, after society’s basic institutions are already designed” and “because it uses a Stoic/Kantian conception of the person, identifying citizens with their mental and moral powers, and leaving their animality to one side, as if it were not part of what citizenship involves” (2001, p.1528). Nussbaum’s own capabilities approach does not assume reciprocity or mutual advantage implicit in contractarianism. She contends that all beings should be treated as “ends” rather than “means” and develops a list of capabilities meant to enable both humans and non-human animals to fulfill their individual ambitions.

Nussbaum’s wholesome approach to the characteristic flourishing of animals is informed by a neo-Aristotelian appreciation

and curiosity towards the biological functioning of animals. She credits Aristotle for his writings on nature and his contribution that “each creature has its own characteristic form of life and an internal organization suited to attaining that form of life under appropriate conditions” (2001, 1518). In *De Motu Animalium*, Aristotle observes the unique functions of animals and how these functions serve a larger purpose in the schema of life. In her interpretation of Aristotle, Nussbaum writes “the point of ascribing a function to a complex-containing system is to show what vital activity of the whole organism is realized in the organism” (1978, p.100). Aristotle derives behavioral norms from factual observations concerning nature. He treats these observations as “given a priori, as forming the unquestionable, immutable basis for an ethical science” (1978, p.103). Within each creature rests innate capability wishing to thrive. And, importantly, the Aristotelian argument insists that “there are waste and tragedy when a living creature with the innate or “basic” capability for some functions that are evaluated as important and good never gets the opportunity to perform those functions” (2006, p.347). Thus, the approach holds that “an ethical concern that the functions of life not be impeded, that the dignity of living organisms not be violated” (2006, p.348). This is exactly what Nussbaum’s capabilities approach is intended to accomplish: “It wants to see each thing flourish as the sort of thing it is” (2006, p.349).

Given that the concern for the individual flourishing of beings is a priority, the next logical step is to determine which capabilities are essential to said prosperity. To aid in the identification of these capabilities, Nussbaum suggests the use of “sympathetic imagination” (2006, p.355). Nussbaum writes: “Imagining and storytelling remind us in no uncertain terms that animal lives are

many and diverse, with multiple activities and ends both within each species and across species" (2006, p.355). This approach can be paternalistic and potentially used to the benefit of humans and detriment of animals. Nussbaum recognizes this concern, writing "the imagination can be a very self-serving instrument- all literary depictions of the lives of animals are made by humans, and it is likely that all our empathic imagining of the experiences of animals is shaped by our human sense of life" (2006, p.353). Furthermore, she defines sympathy as "malleable," and "all too easily corrupted by our interest in protecting the comforts of a way of life that includes the use of other animals as objects for our own gain and pleasure" (2006). Nonetheless, she is confident in our ability to go beyond our individual bias to create a list of capabilities. She comments that we frequently "inform ourselves about alternative possibilities by imagining the form of life that these possibilities would construct, asking ourselves what suffering or flourishing there would be in lives governed by these political principles" (2006, p.355). Nussbaum holds that this approach can cross the species barrier, "if we press ourselves, if we require of our imaginations something more than common routine" (2006, p.353). Ultimately, this approach would produce an evaluative species norm, which informs us of the appropriate threshold for determining whether a certain creature has adequate opportunities to flourish.

Nussbaum's capabilities approach heightens awareness of the pluralism inherent in society. She writes that her list "enumerates capabilities, not actual functioning, because of the importance the approach attaches to choice and also to pluralism" (2001, p.1537). Her approach is careful not to force creatures into a certain way of life. Instead, it enumerates capabilities deemed necessary in beings

having the freedom to choose what constitutes a “good” life. Nussbaum acknowledges that “we need a capabilities list for each level and type of life” or a continuum of capabilities approach (2001, 1542). This continuum would require much further consideration, but for expediency and illustrative purposes, Nussbaum proposes a tentative and revisable list of ten capabilities that she deems necessary for animal flourishing:

1. *Life*- “all animals are entitled to continue their lives, whether or not they have such a conscious interest, unless and until pain and decrepitude make death no longer a harm” (2006, p.393).
2. *Bodily Health*- “the entitlement to a healthy life” (2006, p.394).
3. *Bodily Integrity*- “animals have direct entitlements against violations of their bodily integrity by violence, abuse, and other forms of harmful treatment- whether or not the treatment in question is painful” (2006, p.395).
4. *Senses, Imagination, and Thought*- Nussbaum encourages “stringent laws regulating the harsh, cruel, and abusive treatment of animals, and ensuring their access to sources of pleasure, such as free movement in an environment that is such as to please their senses” (2006, p.396).
5. *Emotions*- “Like human beings, animals are entitled to lives in which it is open to them to have attachments to others, to love and care for others, and not to have those attachments warped by enforced isolation or the deliberate infliction of fear” (2006, p.397).
6. *Practical Reason*. Nussbaum recognizes that there is no precise prescription for this capability to animals, but “in each case we need to ask to what extent the creature has a capacity to frame goals and projects and to plan its life” (2006, p.398).

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7. *Affiliation*- "Animals are entitled to opportunities to form attachments and to engage in characteristic forms of bonding and interrelationship" (2006, p.398).
 8. *Other Species*- Animals are entitled to "being able to live with concern for and in relation to animals, plants, and the world of nature" (2006, p.399).
 9. *Play*- This capability includes the "protection of adequate space, light, and sensory stimulation in living places, and, above all, the presence of other species members" (2006, p.400).
 10. *Control over One's Environment*- For nonhuman animals, "the important thing is being part of a political conception that is framed so as to respect them, and is committed to treating them justly" (2006, p.400).

Nussbaum's approach requires of humans a proactive and progressive policy solution that provides and protects the above listed capabilities. She writes "it seems to me that the goal of a nation's public policy can sensibly be the promotion of the full range of the capabilities for all human beings up to a threshold level" (2001, p.1541). The implications of this statement are immense. Under her eighth capability, *Other Species*, Nussbaum calls for "the gradual formation of an interdependent world in which all species will enjoy cooperative and mutually supportive relations" (2006, 400). Nussbaum claims that nature has never provided justice for individual beings. To relieve animals of the burden of the unpredictable malevolence of nature, Nussbaum recommends "the supplanting of the natural by the just" (2006, p.400).

This single phrase, a single thread within a larger weave of ideas, has sparked tremendous controversy in the academic community, particularly within the environmental movement. In

one sentence, Nussbaum denies nature any sort of moral supremacy over human design, and instead argues for an overhaul of a system that effectively predates contemporary civilization. Nussbaum claims that humans have already interfered with the natural environment too much to back away from any care-taking responsibilities. She argues: "Human beings pervasively affect the habitats of animals, determining opportunities for nutrition, free movement, and other aspects of flourishing. Even a person who wanted to deny that we had responsibilities to animals in the 'wild' before this century ought to grant that our pervasive involvement with the conditions of animal flourishing gives us such responsibilities now" (2006, p.374). She reckons that human influence is ubiquitous in all animal habitats today, and "it is no good to say that we should just keep our hands off the lives of animals in the wild all will be well" (Nussbaum, Farralli, 2007, p.373). Assuming eminent threats of scarcity and depletion under natural circumstances, Nussbaum asserts that "many animals will do better in an imaginative and well-maintained zoo than in the wild" (2006, p.376).

If pursued politically, Nussbaum's recommendation of "supplanting the natural with the just" encounters several ecological and ethical dilemmas and even contradicts other sections of her own theory, as some scholars pointedly remark. The following section purposes itself with identifying and detailing a few of the difficulties her provocative statement entails. These difficulties include Nussbaum's apparent ignorance toward predator-prey relationships and the functioning of ecosystems. The paper also criticizes Nussbaum's swift deference to paternalistic attitudes in dealing with justice for non-human animals, and her overestimation of human's

sympathetic imagination. Nussbaum is humble in offering a “highly tentative” list of capabilities, and welcomes suggestions, critiques, and feedback (2006). Her offer is irresistible, and this paper modestly attempts to provide critical commentary on the implications and practical applications of her capabilities approach in regard to non-human animals.

Analysis

Many scholars, including Nussbaum, recognize that “supplanting the natural with the just” would, in effect, require the policing of nature by humans. Humans would shoulder the responsibility of protecting the capabilities of individual animals from the unpredictably brutish blows of nature. Nussbaum’s suggestion rests on a particularly pessimistic view of nature. She laments on the pain, torture, and death creatures suffer in “the wild” (2001, p.1540). Nussbaum asserts that because humans have the ability to stop pain and injustice to animals, we should. Her analysis “exhibits in a quite striking manner the dangers of a naively anthropomorphizing ethics and of an uncritical moral extensionism” (Clark, p.602). Humans would be responsible for protecting prey from predators, while simultaneously finding a way to satisfy the predator’s instinct to hunt. Nussbaum “admits this seems absurd in one sense, but at the same time finds herself almost bound to accept the necessity of policing nature” (Schinkel, p.50). Nussbaum’s uneasiness with the implications of her assertion is evident in the text; she recognizes: “Here I am only at the beginning, and I have no settled view on many of the most difficult questions” (2001, p.1540). This is not a satisfactory admission in the context of her work. Her suggestion “is not so much a gradual transformation of this world,

but simply the destruction of the animal world as it exists today” (Schinkel, p.50).

In the wild, predator-prey relationships are natural and serve a vital, life-sustaining purpose in the ecosystem. Predator-prey relationships are a type of justice, though seemingly unfair to the skeptical human. Schinkel speculates “whatever level of justice social animals may be capable of reaching within their own societies, no animals seem capable of extending justice to other species” (Schinkel, p.50). There is a tension in the animal kingdom that cannot be replaced nor replicated by humans with idyllic ambitions to protect the natural world from itself.

Perhaps what is most disconcerting is that Nussbaum “seems to be assessing the role of predation in the natural world using the analogy of human aggressive behavior within human society” (Clark, p.602). Her assessment unfairly colors the lens; perhaps her imagination is too sympathetic. In human society, “there is no positive value in stronger humans attacking, harming, and killing weaker humans, apart from the subjective satisfaction that the aggressor might unjustifiably get out of the aggression” (Clark, p.603). But, “she does not recognize the fact that the capacity to kill small animals had a certain kind of value not only to the predator but also the species that functions as prey” (Clark, p.602). Essentially, “the predator in fact makes it what it is, and the nature of its good is shaped by its quality of being prey” (Clark, p.602). Sometimes it is impossible to escape being a “means” rather than an “end.” Part of prey’s value rests in the natural, scientific fact that it functions in a fashion that sustains life and flourishing for many animals. This is not meant to devolve into a utilitarian argument,

but one cannot ignore the aggregated benefits of predatory-prey relationships. Nussbaum's practically Hobbesian take on the "circle of life" renders her blind to the natural justice at work.

Nussbaum recognizes that being deprived of the ability to stalk and seize prey may detract from the capability of a predator to flourish. She writes "the capability to exercise one's predatory nature, avoiding the pain of frustration, may well have value, if the pain of frustration is considerable" (2006, p.370). Her remedy to this problem is less than ideal, and certainly not natural. She offers the reader the example of the Bronx Zoo, which "found that it can give a tiger a large ball on a rope, whose resistance and weight symbolize the gazelle...the tiger seems satisfied" (2006, p.371). While there is certainly value to stalking and seizing prey, there is perhaps an even greater value to satisfying the instinct to kill prey (Crescenzo, p.190). Can an animal truly be satisfied and capable of flourishing if it is denied the ability to reap the rewards of its instinct to predate? Crescenzo is skeptical, claiming "killing as a part of a successful hunt probably enables individuals involved in the hunt to associate consumption of food with full exercise of the predatory instinct" (p.190). Associating the consumption of food with complete instinctual satisfaction may be necessary to maintaining the psychological health of predators, and "is a central capability in its own right for predators" (Crescenzo, p.193). In Nussbaum's haste to secure capabilities for individuals, she ignores the behavioral value attached to consuming the fruits of one's labor. Quite simply, "the deprivation of opportunities to exercise healthy species-typical behaviors, or even tempting them away from such exercise is bad for the animal" (Anderson). The zoo solution is not appropriate, for it can only imitate in mediocre terms the setting for predators to

exercise their instincts. Anderson endorses this theory of behavioral needs, and posits “bears get profoundly bored in zoos, which rarely provide sufficiently complex environments for them to fully exercise their foraging skills.” The natural world provides an outlet for predator-prey relationships to thrive without becoming parasitic. Perhaps humans cannot understand because we do not share a similar predatory instinct, but the relationships in nature are just by their own terms. If the relations between predators and prey animals were made “just” by Nussbaum’s standards, that would be “the end of the natural world as we know it” (Schinkel, p.50).

Nussbaum’s proposition stands in staunch opposition to environmentalist concerns, which typically focus on an aggregate or system: a species, an ecosystem, the biosphere (Anderson). From this perspective, organisms are fungible, “valued for their role in perpetuating the larger unity, but individually dispensable” (Anderson). The capacity to kill small animals is an “element of the healthy functioning of an ecosystem and contributes to the attainment of value, in the sense of the flourishing of life, within that ecosystem as a whole” (Clark, p.603). Species predation particularly serves as a natural remedy to overpopulation, which leads to “depletion of available plants for food, and blocks the opportunity for individuals of the prey species that also depend upon depleted foods to flourish” (Crescenzo, p.184). Without a sustainable food source, the prey species would die off. If certain animals were to disappear from an ecosystem and no longer be available as prey, “the results could be disastrous for certain food chains within the ecosystem as a whole” (Clark, p.603). Therefore the incapacity of some predators to kill small animals with Nussbaum’s approach would become a source of disvalue in the ecosystem. At this point, it

is also worth mentioning that ecosystems, too, have capabilities, “the development of which allows functioning at levels that count as ‘flourishing’ (Hailwood, p.300). Once we account for this, we can evaluate predation in light of a system-wide ecological justice. Nussbaum’s list of ten capabilities does not consider such ecological flourishing, and misses its mark when attempting to affirm the capabilities of animals without considering the overall well-being of the ecosystem. The question for ecological ethics “is not whether every sentient animal should be able to flourish but rather the degree to which communities of life are allowed to flourish, often at the expense of countless individual organisms” (Clark, p.601). There exists a natural food chain and circle of life that is easy to criticize when you sit atop it looking down.

Nussbaum justifies her intervention with naturally-occurring events because of the already-existing “global human interference with and influence on the natural world” (2006). Had such human influence failed to be so pervasive, “the most respectful course might have been simply to leave them alone, living the lives that they make for themselves” (Schinkel, p.50). But, Nussbaum instead advocates replacing nature with imitation, in the name of unqualified improvement and “justice.” There is certainly a decreasing extent of naturalness on the planet, largely due to human influence and degradation. But, rarity is a value-enhancing property. Hettinger writes “if naturalness is a value, then the more it is compromised by human influence and control, the more important it is to take steps to regain it, as well as protect what remains” (Hettinger, p.8). Increasing rarity is not an excuse to push forward and completely overhaul the natural system. Rather, it is a solemn reminder to respect and preserve what little truly “wild’ nature is left.

Nussbaum cannot ignore the intrinsic value of nature both to humans and nonhuman animals in her theory. It would be a grave injustice to all species to supplant nature with human design.

Unfortunately, Nussbaum explicitly cautions readers from “nature worship.” She sharply criticizes the aging environmentalist ideology, who paints a picture of “nature as harmonious and wise, and of humans as wasteful over-reachers who would live better were we to get in tune with this fine harmony” (2006, p.367). She describes a danger in “any theory that alludes to the characteristic flourishing and form of life of a species: the danger of romanticizing “Nature,” or seeing nature as a direct source of ethical norms” (2006). She quotes John Stuart Mill, who dispels the myth that nature is kind: “In sober truth, nearly all the things which men are hanged or imprisoned for doing to one another, are nature’s everyday performances” (2006, p.367). She contends that “respect for nature should not and cannot mean just leaving nature as it is, and must involve careful normative arguments about what plausible goals might be” (2006, p.370). Her intentions are clear: “an intelligent, respectful paternalism cultivates spaces for choices” (2006, p.378).

Nussbaum’s theory aligns with a contemporary ecological movement called “Age of Man Environmentalism (AME),” which posits “the virtues of humility and restraint toward the natural world are no longer possible or desirable, and we need to reconcile ourselves to a humanized world and adapt to it” (Hettinger, p.3). AME argues that the massive scale of human impact requires we relinquish traditional values of environmentalism. Rather than allow nature to flourish independently, “we have been thrust into the role

of planetary managers who must engineer nature according to our values and ideas" (Hettinger, p.3). Nussbaum emphasizes that many 'natural ecosystems' are actually "sustained by human action, rather than by any independent 'natural' tendency towards balance or harmony" (Hailwood, p.302). She advocates a novel ecosystem, a human "caused" system "with new combinations of species and altered ecological functions that would be impossible or impractical to return to their historical states" (Hettinger, p.5). But, when an ecosystem is completely disrupted, would the capabilities requisite for animal flourishing not change in response? If the settings for animal flourishing are diminished or altered, the needs of animals would adapt (as history and science has proven). Thus, the application of Nussbaum's theory would not only disrupt the natural world but also make it impossible for "protected" individuals to ever fully flourish in both a natural and replicated environment. At this point, her theory has contradictory goals. It is important to recognize that animals do not in fact need human beings to "enable" them to flourish. Clark writes "natural selection was operating long before human beings in general or liberal political theorists in particular were on the scene and it has worked very well in the absence of human intervention" (p.602). Hettinger concurs, critiquing AME for manifesting a "culpable failure to appreciate the profound role nonhuman nature continues to play on earth and an arrogant overvaluation of human's role and authority" (p.11).

Nussbaum overestimates the power of humans in the natural world. Hettinger makes an excellent point: "that we are the dominant species, does not show that we are dominating nature" (p.4). Humans are "not responsible for the existence of sunlight,

gravity, or water; nor for the photosynthetic capacity of plants, the biological process of predation, or the chemical bonds between molecules; nor, more generally, for the diversity of life on the planet or its spectacular geology" (p.4). Any attempt made to replace these processes with a human design would be viewed as absurd. Imagine replacing all rocks with plastic substitutes, or another similarly ridiculous scenario. We, as humans, are born into a natural cycle and process. It is disrespectful and unwise to thwart the very system that sustains our own human lives. The liberal fantasy of "protecting individual rights and autonomy of beings in nature has little to do with possible effects on the natural world and much to do with what goes on in the liberal's own mind: the desire to act benevolently and "respectfully" and to uphold a certain "dignity" wherever it is thought to exist" (Clark, p.603). The sympathetic imagination fails to conjure images of the unsettling externalities that might occur with the disruption of natural processes. The idea of zoos and human-designed replicated habitats only "vainly divert attention from the true nature and extent of human moral responsibility in regard to the natural world" (Clark, p.604). It is critically important to recognize the "ongoing efficacy of the non-human forces that pervade the planet and continue to support human (and other) life" (Hettinger, p.4). Wissenburg puts it best: "Nussbaum's perspective on animals and capabilities brings back anthropocentrism with a vengeance: the user approach towards nature, its interpretation as environment and resources, has expanded its domain" (p.19).

Nussbaum's theory also goes against the frightening majority of humans in their approach to animals. She wildly overestimates the empathy of humans as they exercise their sympathetic

imaginings to develop an evaluative species norm. Ilea writes “many people oppose treating animals in cruel or sadistic ways, but there is a huge difference between the opposition to this cruelty and agreement that political structures need to protect the ten capabilities emphasized by the capabilities approach” (p.553). Humans are capable of an almost contradictory relationship to animals, keeping some as pets while relying on others as food. “The consumption of animal products is increasing all over the world, and the animals raised and killed for their food are often treated more like pieces of machinery rather than beings with lives that deserve to flourish” (Ilea, p.553). The skeptical human might, contrary to Nussbaum, “reasonably think that all of these facts indicate that we are heading toward overlapping consensus that animals do not matter and we should not go out of our way to protect them” (Ilea, p.553). Thus, the application of Nussbaum's theory becomes even more unreasonably utopic and impossible to implement in reality.

In strange contradiction to her emphasis on the individual flourishing of animals, Nussbaum writes that killing animals for food is a “difficult case” with no clear solution. But it is quite transparent to the rational reader that “capabilities two through ten are all dependent on the first capability: the continuance of life” (Schinkel, p.53). If these capabilities are truly considered to hold intrinsic value, “there is clearly tension with the possibility for justified killing for food” (Schinkel, p.53). How can Nussbaum make sweeping claims to overthrow nature and restore justice to animals, but fail to give up the killing of animals for food? She explicitly condemns predator-prey relationships in nature but is not able to give up the consumption of animals and animal-derived products. She repeatedly maintains that “death is a grave harm for complexly

sentient individuals not suffering from irreversible pain or decrepitude because it results in the termination of many and varied functioning” (Crescenzo, p.183). But the untimely death of a chicken, even on a free-range, grain-fed farm, is still acceptable to Nussbaum. She is willing to consume animal meat to sustain human life, but is unwilling to allow a predator to sustain its life through exercise of its predatory instinct to stalk, seize, kill, and consume. This glaring contradiction undermines the plausibility of her theory as a whole, and her admitted “uneasiness” toward the implications of her theory does little to quell critical concern.

Conclusion

Martha Nussbaum’s intentions are pure when she seeks to find a suitable system of justice for nonhuman animals. Her criticisms of Kantianism and utilitarianism raise important moral questions that magnify flaws in both theories. However, the application of the capabilities approach to nonhuman animals does not provide a satisfying solution to the questions she poses regarding animal justice. In the context of her philosophical work as a whole, the capabilities approach does not comfortably extend to nonhuman animals. It seems like a hasty addition to an overall carefully constructed argument. She is unprepared to consider the ecological implications of “supplanting the natural with the just.” Nussbaum’s ideal material world does not allow for the operation of natural processes. She advocates a paternalistic, sympathetic approach to animals that threatens the development of their capabilities both at the individual and species level. And, in contradiction to her advocacy for individual flourishing and the respect of animal life, she does not recommend banning or regulating the killing of

nonhuman animals for food. She is adamant on correcting the sharp discontinuity between the natural world and human perceptions of justice. Rather than allow for natural processes that have existed long before her time to continue working, Nussbaum argues for an unqualified overhaul of the system. Her disregard to the power of natural cycles and solutions is the antithesis of environmentalist claims. Given the pervasiveness of human influence on nature, there will always be a tension between environmentalism and individual flourishing. However, a satisfactory medium can be found between naturalism and the human-designed ecosystems Nussbaum recommends. The justice in nature is not perfectly understood, but it is a time-tested option that has proved sustainable thus far. Moving forward, we would do well to tear of a leaf from nature's extensive pages.

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