

Title: *Frontiers of Justice: Disability, Nationality, Species Membership*

Author: Martha C. Nussbaum

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Reviewer: Carrie Griffin Basas, J.D.

In her latest work, *Frontiers of Justice: Disability, Nationality, Species Membership*, Martha Nussbaum argues that political philosophers have left the situations of people with disabilities (specifically, those with mental impairments), non-human animals, and people in developing nations largely unresolved. Their theoretical approaches do not build-in the perspectives of these groups because the approaches are based on exclusionary models of social contract. Social contract theory assumes that two equally positioned, able-bodied people are willing to act in each other's best interests because they expect mutual advantage and reciprocity. Nussbaum advances a "capabilities approach," introduced by Amartya Sen in economics. Unlike its name, which connotes function, the capabilities approach focuses on a list of ten core opportunities or freedoms that all people should have and be able to experience; she argues "that all of them are implicit in the idea of a life worthy of human dignity" (p. 70). The ten opportunities include life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment (pp. 76-77). Nussbaum regards this project as "fully universal" (p. 78) and an "essay in practical philosophy" (p. 4).

This review focuses on what Nussbaum has to offer to the disability rights community. At times, her prose is dense with terms of art from social theory and philosophy. Many community-based advocates will probably choose to skim sections where she situates her theory in relation to Kant, Rawls, and other philosophers. Readers with philosophy backgrounds or interests, however, may find these sections more engaging.

What Nussbaum has to say about disability closely resembles the socio-cultural model known to disability advocates and theorists. Many of her examples of inclusion are familiar ones based on concepts of universal design, social integration, and equal access. In situations where people with mental impairments are not able to independently take advantage of Nussbaum's identified opportunities, she advocates a respectful guardianship system, inspired by European models. Under this system, people with disabilities are assisted in exercising these rights, if they would like.

Nussbaum highlights the "burdens" (p. 222)—an unfortunate word choice—of caregivers of people with disabilities and the obstacles these individuals have. Her position is they have been as forgotten by social theory models as people with disabilities themselves. She describes the relationship between disability awareness and feminist theory, and emphasizes that societal barriers encountered by disabled people are political, not merely personal issues to be worked out among caregivers (largely female) and family members. In this discussion, she gives a voice to caregivers, but she also may be

shortchanging the experiences of people with disabilities. Most of her examples focus on parents of mentally disabled children; her tone is sympathetic, compassionate, and ardent. The examples are told mostly from the perspectives of the parents and caregivers and make more limited attempts to frame the experiences from the perspective of the people with the mental disabilities.

Nussbaum's book may generate some negative reactions from people with disabilities, particularly those working as advocates. For example, she mentions that even though the productivity of *some* people with disabilities will exceed the costs of accommodating them, society struggles to find a basis (e.g., financial returns, moral good, civil rights) for accommodating people with disabilities *at all*. "None of the three [mentally disabled people] is likely to be economically productive in a way that even begins to compensate society for the expense it incurs in educating them" (p. 128). Financial sense will not be enough to justify it, according to Nussbaum, but justice and "human dignity" should be (p. 118).

Also in a move that may upset some advocates, she writes that people in a persistent vegetative state are no longer people and therefore fall outside the capabilities approach:

"In other words, we say of . . . a permanent vegetative state of a (former) human being that this just is not a human life at all, in any meaningful way, because possibilities of thought, perception, attachment, and so on are irrevocably cut off. . . . (And we do not say this if any random one of the capabilities is cut off: it would have to be a group of them, sufficiently significant to constitute the death of anything like a characteristic human form of life. The person in a persistent vegetative condition and the anencephalic child would be examples)" (p. 181).

Even with its missteps, this book will be a welcome arrival for people interested in the intersection of disability rights, animal rights, and globalization. While Nussbaum's capabilities approach may be a departure from, or a profound extension of, existing political theory, its concepts are not new to the disability rights movement. She has articulated a list of activities and accesses that many people with disabilities seek without knowing they fall under a capabilities approach:

"The core liberal goals seem even more urgently important for people with mental impairments than for "normals," because it is their individuality, not that of 'normals,' that is persistently denied; it is their freedom that has been characteristically abridged through prejudice, lack of education, and lack of social support; and it is their equal entitlement to the prerequisites of a flourishing life that has been ignored, as societies pursue impoverished understandings of the benefits and burdens of social cooperation" (p. 222).

In this way, the book's most powerful effects may be found among political scientists and social theorists with little exposure to disability. In "mainstreaming" disability to this audience, Nussbaum has expanded the dialogue about disability in

looking at how societies and other communities are formed, shaped, and sustained. She moves disability from the realm of charity and compassion to that of justice.

Carrie Basas (Harvard 2002), Assistant Professor, University of Tulsa College of Law, teaches criminal law, legal ethics, and disability rights at the University of Tulsa College of Law. She may be contacted at: carrie-basas@utulsa.edu