Capable Management: An Interview with Martha Nussbaum

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Martha Nussbaum is one of the most prolific and distinguished philosophers in the English-speaking world. Since 1995 she has been Ernst Freund Distinguished Service Professor of Law and Ethics at the University of Chicago appointed in the Law School, Philosophy Department and Divinity School. She is an Associate in the Classics Department and the Political Science Department, an Affiliate of the Committee on Southern Asian Studies, a Board Member of the Human Rights Program and founder and Coordinator of a new Center for Comparative Constitutionalism. The Center aims to study the social forces that affect the implementation of constitutional rights, especially for disadvantaged groups. She visits feminists in India each year to research the activities of NGO’s and the problems of poor women in different countries. In Delhi she has worked with the UN Development Programme on a project on gender and governance, and has also worked with The Lawyer’s Collective, an activist group in Delhi working on women’s rights.


Her current work in progress includes Hiding From Humanity: Disgust and Shame in the Law (the Remarque Lectures delivered at New York University in 2001) and The Cosmopolitan Tradition (the Castle Lectures delivered at Yale University in 2000). In 2002 she delivered the Tanner Lectures at Australian National University in Canberra, under the title Beyond the Social Contract: Toward Global Justice; she also gave Tanner lectures on the same theme in Cambridge, England, in March, 2003. She has received numerous honorary degrees and is an Academician in the Academy of Finland.
Feelings, Needs and Justice

It seems to us that many of the themes and questions addressed in your work are relevant to management in theory and practice. What are your major concerns?

Outsiders would think of my work as falling into two very different parts, one part dealing with the emotions and the other with issues of social justice. However, I do not think those two parts are unconnected. They are unified by a concern with human need and the ways in which human beings are vulnerable to forces outside their own control and the ways that they have of trying to meet their needs. My work on emotions takes the position that emotions are a form of intelligent perception of things outside ourselves that are extremely important for our well-being. And the work on social justice obviously is preoccupied with the most urgent human needs and with the design of political principles for a minimally decent society that would meet those needs. Much of this work has focused on justice for women, because there are particularly urgent issues of social justice where I felt that I could make a difference. In my current work, I am focusing on justice for people with disabilities, justice for non-human animals, and the extension of principles of justice to govern relations among nations.

There is a historical dimension to my work as well. I began my career as a classicist and every year a third of my teaching is still in Ancient Greek and Roman philosophy. A lot of my graduate supervision continues to be in that area because I think it's a very vital and illuminating area of inquiry. I learn a lot from going back to Aristotle and the Stoics. I think we have still great things to learn from those thinkers.

And if there is a set of positions that you are arguing against...?

Let's start with the emotions. In this area, I am against the view that emotions are completely unintelligent. Normatively, I am against the view that they ought to be completely removed from human life and I am also against the view that they ought to be trusted unequivocally as good guides to choice. We need to recognize that emotions are complex, intelligent phenomena shaped by learning. From Anthony Damasio's work we know also that they are closely connected with practical reasoning and choice. Even in terms of brain function there is a complex interrelationship between emotion and other parts of rational thought. Damasio established that there is a peculiar sort of brain lesion which leaves those few people who have it 'flat' or lacking emotions. They cannot make choices because nothing stands out as more important than anything else. And so they might do one thing one moment until distracted and then do something else. Everything seems equal to them. So Damasio makes the point that emotions are part of practical rationality. That is very much in the spirit of my own thinking, and, indeed, it was a point stressed by Greek philosophers millenia ago.

Once you take the view that emotions are evaluative judgments that get formed in a developmental process inside imperfect societies, it is then quite natural to think that they need to be critically evaluated. We have to ask which ones are good guides and which ones are not.

As for my work on justice, both Amartya Sen and I have been very critical of Utilitarianism, with its homogeneous account of value and its emphasis on the aggregation of value across lives. We have been insistent that each person should count as an end and no one should be the means to an end of others. We are also united in opposing people who ignore women and push them to the periphery of inquiry. But I would say that recently I have focused on things such as justice in the family that also require me to be critical of a great many non-Utilitarian philosophers in the Western tradition. There are many liberals of other kinds who have still left the family out of account.

But of course I am much more in harmony with even Utilitarians than I am with people who think that society should be organized along hierarchical or corporatist lines, and I have a deeper disagreement still with people who just don't care about social justice! On the issue of animal rights on which I have

worked a good deal lately, I am in quite substantial harmony with Peter Singer about practical goals, even though we would like to use different methods of analysis and justification.

And you are clear about how philosophy should be done?

As to how philosophy should be done and how it should relate to practice, I don’t believe that political philosophy, at any rate, should leave the world as it is. I think of political philosophy as having a bearing on actual choices in the world; good political philosophy always has a practical dimension. The analysis we give of the concept of development, for instance, has great practical importance. If we take it to mean ‘increase in per capita GNP’ we will ask very different questions when judging national policies than if we take it to refer to the ability of all citizens to engage in a wide range of central human activities (as I do). This does not mean every philosopher has to be concerned with public policy, of course, because there are many areas of philosophy that are not connected with practical questions. But, as Aristotle always said and as most of the great political philosophers have said, the goal of the practical part of philosophy is not just theory but also practice. One must beware, however, of moving too quickly to the bottom line. A lot of work in applied ethics is impoverished because it gets too close up and can’t get a perspective, or generate illuminating principles. I would prefer to theorize at a rather high level of generality, while always making it clear what the human issues are that are at stake. A theory like John Rawls’ theory of justice is extremely practically important and yet his writing does not always make clear just how the move from theory to practice ought to take place. This might possibly be a stylistic problem, but it certainly is not a philosophical problem.

Could we turn to management now? You have observed managers in the developed and developing world, been managed as an employee and chaired committees of the American Philosophical Association…

But managing in an organization is something I have never done. I have always refused to be even department chair. Being chair of a university committee is the most I have ever done but it does not have much in common with chairing groups in most other workplaces. Each person on the committee is tenured and fully autonomous, not dependent on me in any way; there is no hierarchy, we are all equal. (If non-tenured people are involved, care is usually taken not to give them too heavy a burden.) The chair just does the convening and the paperwork and in some ways sets the agenda. I do not think of that as really management.

Being a mother is I think a very important thing here. It has probably given me more insight into the complexities of managing a complex enterprise than any other thing in my life. I do have a daughter, a graduate student now, and my partner has a daughter who is younger. That’s another domain of management.

Now with the new Center for Comparative Constitutionalism I have set up with some prize money, I guess I have a slightly greater role, because the money in the first instance comes from me, and from university matching funds responding to my gift. But I feel that it is very important not to dictate what projects we undertake once it is established. I have five people I picked to be a very politically diverse board - it is about as diverse as you can get in America, ranging from a kind of Social Democrat position to extreme libertarian position. In that sense I was the initiator but, now that there are five, everything we do is done with consultation among the five. Of course the ones who are willing to put in more time and effort have more input than others.

If I have an idea that I am passionate about I do not just say we are going to do that. I say to the board ‘what do you think? What’s your input?’ I have found so far that people are basically of one mind and there are no serious divisions so long as we agree that our programs contain and express diversity.

So as someone who is tenured and working with tenured colleagues, you find that the sense of being managed is not particularly strong.

No, it’s not. Tenure gives you security to conduct your writing and your inquiry in precisely the way
that you want and also to say what you want. I know university administrators who went into administration thinking that they were going to change things and have their own values foregrounded and found it was just the opposite. Everything they say is on behalf of the institution and they have to background their own ideas. So university administrators are servants, less free by far than we are.

Global Responsibilities and Citizens of the World

*Can we turn to the idea of the manager in relation to globalization? In* Cultivating Humanity *you wrote of cultivating good citizenship. For a manager to be a good citizen in an interdependent world what qualities should he or she develop?*

In* Cultivating Humanity,* I discuss three abilities that all citizens should have in a complex interlocking world, and I think these would be of particular importance for managers. First is the ability to reason critically in Socratic fashion, to test and examine one’s beliefs, looking for flaws. Second is the ability to think like a citizen of the entire world, not just of some one nation, an ability that requires a lot of learning about world history, world religions, and unfamiliar cultures. Third is what I call the ‘narrative imagination,’ the ability to think what it is like to be in the shoes of a person different from oneself. *Poetic Justice* is also very much concerned with this last ability, and there I argue that it is relevant to good thinking in the legal profession as well.

Normatively, the central concern of my current work is how we can achieve justice across nations. Having written about justice within the nation, having said that we ought to be citizens of the world, I am now taking the logical next step and asking how, if we are citizens of the world, we ought to think about structures that would achieve justice for all the people of the world between nations and across nations. We are no longer in a world in which it is just a matter of nations and their relations with one another; other entities are also relevant, including nongovernmental organizations, social movements, international bodies, and, especially perhaps, multinational corporations. Corporations are among the most powerful influences on human development in the world; in some ways national sovereignty has been eroded by their tremendous power. So in my teaching I increasingly try to reach the sort of person who is going to work for a corporation, mostly law students who are going to be corporate lawyers. And in my writing I do focus on the ethical responsibilities of corporations. If you start with the goal that all people in the world should have minimally decent lives then you ask ‘who has duties corresponding to those entitlements?’ the answer seems to be that some duties belong to nations (and certainly some involve the richer nations doing more for the poor nations), but some also belong to businesses. Corporations need to think of their job in a completely new way. It is very common for corporations to think maximizing profit is the built-in end but, given their role in the world now and, given that they are de facto taking part of the role of nations, they have got to think ethically. It is always assumed that a true nation-state not only maximizes wealth but does certain things for its people. We have to think about the corporation in the same way. We need to demand of corporations that they promote good educational situations in the countries in which they do business, good labor conditions in the countries in which they work, good environmental conditions and so on.

Now how will that be done? Through a combination of consumer pressures and the internal ethical formation of managers. I have had talks with some executives who are keen on this and I think they feel there is a problem of acting collectively at this point. The perception is that a single corporation will lose out if it makes such changes before others; but I do not think this objection is entirely valid. Corporations can gain by having a stable workforce, a well-educated one and so on. But it is also true that they need to act together; pressure therefore needs to be brought to bear through protests against globalization and through their own consumers. I think we all outside the corporate world have a responsibility to do what we can to get them to take their ethical responsibilities very seriously.

*In one sense they feel servants to many masters or stakeholders. Is it a question of some making their voices more effectively heard?*

Yes, I think that’s right. There are obvious cases such as one well-known case where the Gap had a consumer protest involving its workers in El Salvador which led to them working with local community
leaders to bring about better working conditions. You do see progress being made. And I think this is where students on campuses can play a part. It has also been happening about the sweatshops in India.

I feel consumer movements and other protests are one avenue of change, but another is to get the people inside corporations to be more thoughtful. A colleague and I in Chicago developed a new course to promote ethical decision-making among law students who are not going to take my courses on social justice but who will very likely go out into the corporate world. Attracting those students was the challenge. We had a general talk with Alan Turner, the CEO of Hyatt Hotels and an alumnus of ours, about the role of humanities in the Law School. He told us our real challenge was to get into our class the people who do not already think they are interested in the humanities. He rather suggested what we now have: a team-taught course where I team up with a colleague who is an expert in game theory and expected utility theory. So the students think, ‘well these are cool scientific techniques and we’re going to learn them’ but then they find that they are also asked to read Kant and Aristotle, literary texts and so forth. We tried all sorts of experimental things and had real-life examples of ethical decision-making. We have a colleague, Bernard Meltzer, who was the youngest prosecutor at the Nuremberg war crime trials. He came and talked about his experience in decision-making in that capacity and also before that in the Foreign Funds Division of the State Department. We have taught it once so far and it has been a terrific success, so we will keep on. I think it has succeeded in part because my colleague is very sensitive to my issues and really cares about them. I also learn from him, so it has been a good partnership.

You would presumably support activist shareholders seeking to demand ethical conduct by the corporations they partly own?

Naturally. I have already talked about consumer pressures, but one very natural avenue of pressure is precisely the one you mention. A large proportion of people now own stocks, and most take the responsibilities that go with that role too lightly, not participating in proxy votes, and so forth. As shareholders, we should all become more knowledgeable and active.

Leadership and Passion

In recent years organizations and managers have tended to promote themselves as being passionate, as caring passionately about, say, ‘the meals we serve our customers’, ‘the clothes we make’ or ‘the service we give’. What do you make of this development in terms of your own thinking about emotions and the good life?

The word ‘passionate’ is itself interesting. It suggests that ‘emotional’ would seem too weak and womanish whereas ‘passionate’ suggests you are strong and going for something. I think it’s a recognition of the very important fact that if you are going to be an effective agent of change in any domain you have to care very strongly about something outside yourself. Only that will motivate you strongly enough to change things that can be changed. Contrast that with the ideal Stoic philosopher who does not have any emotions and does not care about the world – who really follows Stoic teaching about withdrawing your concerns from the world. Now that sort of person could not be a very good manager. The Stoics tried to deny this. They try to show that the good Stoic could be a good military general, statesman and so on, precisely because he would not fall prey to petty envy and spite and would not get carried away. But in the end they did not make good on the claim, because, as I say in The Therapy of Desire, the portrait of Cato as the good Stoic general is internally contradictory. To make him the kind of person Romans would follow they had to endow him with strong commitments to liberty, keeping his men alive, getting through the desert and so on. So I think it is a very good thing if people are up-front about that and recognize the need to be passionate about something.

But when does passion become ‘desperate intensity’? No doubt the failures of Enron and the like are complex but perhaps part of the explanation might be in terms of the failure to integrate strong feelings into a way of managing that demonstrated the virtues such as honesty, fairness and the like? You have written about the possible conflicts between passion and virtue. What would you say in relation to managing about the potential negative aspects of the passions?
In chapter 8 of *Upheavals of Thought* I argue that emotions need to be cultivated in tandem with a good ethical theory, and the emotions we bring to bear on a practical choice are only as good as the theory that guides them and is expressed in them. Even compassion can lead us astray, if it directs us to care about some people and not at all about others. So I think of emotions as good guides within limits set by a decent ethical set of goals.

**Emotions at Work: Disgust, Shame and Guilt**

Perhaps different workplace cultures encourage and value certain emotions at the expense of others, just as national cultures do. What for you would count as an emotionally healthy workplace?

I think that with most emotions the question that needs to be asked is not ‘is that emotion helpful or not?’ but ‘on what occasions, towards whom and where is it helpful?’ So I think there are times when anger is perfectly right in the workplace or anywhere else, but of course many times when it is inappropriate. So, with anger, fear, love, compassion and so on you need to get fine-grained pretty quickly and ask toward whom in what relationship and so on. There are some emotions that I think are always problematic, however. Disgust is one that I am writing a book about: *Hiding from Humanity: Disgust and Shame in the Law*. I think disgust is always problematic because of the way it has served traditionally to introduce a distance between ourselves and our discomfort with having an animal body. As if that repudiation of oneself is not bad enough, we typically go further by creating a surrogate group of people who are the vehicles for our discomfort with our own animality, who are the quasi-animals standing between us and our own animality. So in more or less every culture you will find out-groups who are objects of disgust to whom properties are imputed that belong with disgust like smelliness, sliminess, stickiness, ooziness. Women, in more or less all cultures have this universal role, of course. It is a big part of the history of anti-Semitism. It takes a slightly different form in different kinds of racism and in the US in homophobia it is a very prominent current. In the stigmatization of people with disabilities disgust is, again, all too prominent.

I think we want a workplace where no one feels disgust towards any person. One would want to prevent the ascription to persons of those disgusting properties.

*The use of the term 'scab' to describe strike-breakers would presumably be an example?*

That’s indeed a good example, and there are many others. Klaus Theweleit, in his important book whose English title is *Male Fantasies*, shows how daily life in the post-World-War I period in Germany was completely suffused with such images for out-groups, including Communists and Jews. They are ‘vermin,’ a ‘red tide,’ they have a disgusting ‘stench,’ and so forth. Erving Goffman’s classic book *Stigma* studies the operation of these tendencies in America.

My book differentiates between disgust and shame, although it is critical of both. Shame I think has a certain limited good role in development when we are held up to high ideals and shamed when we do not meet them. But I fear it is all too often used to infantilise people and put them in a stigmatised position. It can be a strong ally, too, of prejudice and divisiveness. So we would need to watch out for a workplace in which people were shaming others. People ask me: what about when the corporate culture itself does unethical things? Shouldn’t it be held up to shame before society? Wouldn’t that be a legitimate use of public shaming? I think we always feel less discomfort when the powerful are shamed than when the powerless are and even though I feel it is something we should entertain, I think that inside the workplace we would very much not want forms of criticism that involve stigmatisation or shaming. It is fine to say you have done something wrong or something harmful, because in saying that you focus on the act rather than the person. I think you can actually learn quite a lot on this topic from being a mother. Typically you want to say to the child, ‘your act was wrong,'
you harmed someone else’, but never ‘you yourself are bad’ or tainted in some way. I would not see a very large role for shame even in child rearing.

Could there be a constructive role for shame in reinforcing the law’s intentions in relation to the very powerful who in some cultures sometimes exhibit shamelessness? And might this shamelessness connect with the phenomenon of ‘marking’ or singling out of lower status white male employees in contrast to the treatment of their senior managers?\(^3\) An example of this would be putting the attitudes and behavior of front-line white policemen towards ethnic minority communities and officers under the spotlight to shame them - while subjecting the behavior of their senior officers in these regards to only limited scrutiny, if any at all.

As I’ve said, I think that shaming of a marginal or already disadvantaged person or group is particularly problematic. When executives are shamed, the problems I raise are less acute, because this person is simply being reminded that he (or she) is human like everyone else, and will be held to account by the same standards as everyone else. Nonetheless, I prefer placing the accent on a wrongful act or acts, and therefore on guilt, because in that way we treat the person as someone from whom good may yet come.

Publishing performance figures and league tables of achievement are often cited as effective ways to improve performance. The media sometimes refer to it as ‘naming and shaming’. How would their use fit in to your thinking about shame and disgust?

In our Law School, they publish everyone’s teaching evaluations by name. I guess it makes people work hard because in the School it is assumed that everyone can teach well and that if some people fail it is because they do a lot of consulting and litigating, might be lazy, not prepare their classes and so on. Where the focus is on the act, and if the message is just ‘you’ve done a sloppy job there, let’s improve it’, then this can be a good thing. But I put that sort of policy more in the guilt universe than in the shame universe. The statement that is being made is ‘you could have done it but you didn’t do it’ and that is not necessarily a stigmatization of you. It is a criticism of the way you behaved or the way you performed. I think we get into the shame universe when it has the connotation ‘well you’re not an attractive person, who would like you?’ Sometimes teaching evaluations can have that flavor, so that’s why I am a little worried about them, particularly when they are used to put down vulnerable young people. I do not know which side of the line the management cases would fall on.

Perhaps a critical factor in deciding this is the extent to which all of those listed in a performance table have equal access to the means of achieving what is required of them?

Equal access is certainly an important issue, but I think protection of the vulnerable must also be a very important part of any good policy. Young people, and especially members of traditionally marginalized or stigmatized groups, should of course be held to the same standards as everyone else, but one should exercise special care to create an atmosphere of respect for them and their potential contribution. Sensitivity to potentially stigmatizing language is not objectionable ‘political correctness,’ but a good way of promoting equal respect.

Talk of creating or fostering cultures leads to the question of management responsibilities. If some organizations are, as you put it, as powerful as nation-states should we then think of managers as quasi-political rulers of quasi-states - with responsibilities like politicians to create conditions where people can flourish?

I think they do and this goes back to what I was saying about developing countries where corporations come in from outside and do things that in some ways subvert the power of local and even national government. Such corporations have a particularly urgent responsibility to ensure that people flourish. Of course, their managers are not elected and accountable in the way that politicians are, so the very

\(^3\) See S Robinson *Marked Men: White Masculinity in Crisis* Columbia University Press, USA 2000 for a discussion of the phenomenon of marking and the use shame to bolster power and control the marginalised.
different structure in which they work gives them a special responsibility to use their power wisely.

Poor people working for Pepsi in India are not going to be able to do anything about the managerial structure of that business.

**So managers need to think about their role in a broader sense - the political and cosmopolitan sense - as well as an economic instrumental one. Do they need to have a political philosophy?**

If corporations are operating only domestically, and citizens want to enforce on them a code of ethical conduct, they can do that by making laws. Right now America has realized that the existing safeguards were not good enough or enforced well enough: in such a case, the country rises up and we demand change. The difference with the multinationals is that they cannot really be controlled in that way. A country can make the laws but the corporation can simply pick up and go to where the laws are weaker. So then the ethical responsibility does fall much more on the corporate managers.

**Capabilities, Diversity and Flourishing**

You have argued that your capabilities approach is a better way of judging development at the level of the nation state. But perhaps it can be usefully applied in the workplace too. What is the capabilities approach and what are its implications for management practice in the workplace?

A capability as I define it is a state of both a person and the world in which the person is both *ready and able* to choose to engage in the activity in question. I have made a special use of the idea of capability to try to define a set of norms, a kind of minimal theory of social justice. I argue that ten core capabilities are central for human development, and that ought to be non-negotiable in a decent society. That is not the only use you could make of the idea of capabilities, but it is one that I have been particularly interested in. I am a pluralist when it comes to defining the good life. But I believe there is a set of central human capabilities which is universally valid (see opposite).

Note that each capability has an internal and an external aspect. To have the freedom of expression involved in the capabilities of senses, imagination and thought, you have - internally speaking - to learn language and to be educated to the extent that you have something to say. But - externally speaking - you need also the political conditions in which the opportunity to express your views is protected.

The capabilities approach focuses on something different from more traditional ways of thinking about human development. It does not ask how satisfied people feel nor just how much in the way of resources they command. Instead it poses a richer and deeper set of questions including: ‘what are they actually able to do and to be?’ And for a variety of reasons that question seems to get more deeply into the actual problems that people face on the way to flourishing, because sometimes they might feel satisfied precisely because they don’t have much hope of being anything better and have adapted their preferences and adjusted their sights to a lower level.

**A person with stunted career ambitions might be a case in point?**

Well, I am actually thinking of even more mundane examples. Women who are persistently malnourished, and who have no sense of how strong they might feel, tend to think that they are just about as strong and fit as a woman could or should be. People who have never been to school tend to think that schooling is not for them, especially if that is the message society is sending to their group. But of course your case is also important. My daughter’s long-term boyfriend is a German who spent two and a half years in prison in East Germany for putting up political posters, when he was of university age. When he was released he was allowed to go to the West, but he didn’t go to college there either, but had to work right away. He is a brilliant and very cultivated guy, but he works in a white collar job for the City of Berlin, because he has no university degree. When he read my chapter on ‘adaptive preferences,’ he said that he thought it described his own situation.

Approaches to distribution that focus on resources are far more adequate than preference-based
approaches. But a focus on equality of resources also has its problems. One person sometimes needs more resources than another if he or she starts from a position of disadvantage. The capabilities approach demands affirmative support for that person's functioning. It is therefore friendly to affirmative action for traditionally disadvantaged groups.

In relation to a rights-based approach, you think it is complementary?

Yes, it helps you interpret the idea of rights. Some people are very happy with the language of rights and I feel that it is fine as some people use it but the language is susceptible to many different interpretations. One of them is that it means just freedom from intervening state action. A very common American understanding of rights is in terms of the state keeping its hands off. Free speech means the state does not interfere with your speech. The idea of capabilities always imports the idea of a richer, more active kind of support. I always say you only have the freedom of speech if a great deal more has been done than the state not impeding. The state has also to educate, to create fora for debate and so on.

The Central Human Capabilities

1. **Life.** Being able to live to the end of a human life of normal length; not dying prematurely or before one’s life is so reduced as to be not worth living.
2. **Bodily Health.** Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. **Bodily Integrity.** Being able to move freely from place to place; having one’s bodily boundaries treated as sovereign i.e. being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. **Senses, Imagination and Thought.** Being able to use the senses, to imagine, think, and reason - and to do these things in a ‘truly human’ way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one’s own choice, religious, literary, musical and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.
5. **Emotions.** Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger.
6. **Practical Reason.** Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life. (This entails protection for the liberty of conscience and religious observance.)
7. **Affiliation.**
   A. Being able to live with and toward others; to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
   B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. (This entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.)
8. **Other Species.** Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. **Play.** Being able to laugh, to play, to enjoy recreational activities.
10. **Control over One’s Environment.**
    A. Political. Being able to participate effectively in political choices that govern one’s life; having the right of political participation, protections of free speech and association.
    B. Material. Being able to hold property (both land and moveable goods), not just formally but in terms of real opportunity; and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.
Now, if the state educates or, say, carries out affirmative action, that in a sense is licensed by the electorate. If a management group chooses to take affirmative action as a matter of ethical choice (as opposed, say, merely to enhance the organization's performance) at what point does that become paternalism, in the style of a 19th century benevolent employer?

I think any group in which people are going to be free to choose in a meaningful sense has to create background conditions for free choice. And they have to be put in place in a firm way that isn't just subject to change by majority vote for example. Any nation, whether it has a written constitution or not, should have a set of basic entitlements for all citizens that cannot be voted away when people feel like it. So, in the nation-state such policies are liberating, not paternalistic, because they are part of what it is to create conditions of meaningful choice. Once you go beyond that, the question that's often asked of the capabilities approach is: 'when would it be right to shoot for actual functioning, not just for capability?' One question that some of my critics press is 'why do you want just to give people the opportunity to be healthy? Why not much more actively support actual healthy functioning?' In America there is a lot of interest in intervening with the poor who are smokers, making their life difficult and so on. I tend to be on the freedom end of that. What you are really entitled to do in a pluralistic society should include the full-fledged option to be healthy. This doesn't mean just leaving people alone but means health services, and the option to have exercise, recreation and such things. But then if people want to do something dangerous or eat a bad diet I do not feel they should be penalized at work or by the government. Smoking should be restricted on grounds of danger to non-smokers, not to help the smokers themselves.

Now in the workplace I think it's much trickier because it's a voluntaristic institution, has its own internal code of conduct and its own goals. A university, for instance, shouldn't confine itself to just the basic constitutional rights. It is fine, indeed necessary, for it to have a meritocratic code and assign students grades for certain kinds of work. In a sense that is paternalistic but it is part of what a university is. I think in any business or management setting, you have to ask: What are we here for? What degrees of rule making and intervening are appropriate for our organization's function?

So random drug tests on employees, for example, might be legitimate if being a drug-user or under the influence of a drug would clearly imperil the safety or performance of the organization? But if tests are done simply for 'the good of the employees' that is a different matter?

I think that would be a good rule of thumb.

As you say, the obligations within a society are not the same as those within a voluntaristic work organization. What does this imply for the relationship between the employer and the employee or the manager and the employee?

Focusing on capabilities in the workplace rather than on something else means that you are focusing not just on satisfaction, not just on resources but on a set of opportunities to function at work. But then you have to ask: which capabilities? The list could not be the same as my list of ten, which is a list for the basic structure of a society.

The bare idea of capabilities does not tell you much about who is supposed to be promoting capabilities and for whom. Until you are clear about this, you do not have a clear idea about responsibility. It informs you that the manager's job is not just about making employees feel good. But the force of this depends on the deficiencies of current accounts, whether for example there are Utilitarians of the workplace who say that the dominant point is to make everyone feel pleased and maximize total average pleasure. The problems of thinking about the workplace may not be the same as those we encounter in thinking about development at the national level. It depends on what you are 'working against'. In terms of the measurement of quality of life in a nation the dominant approaches focus on just GNP or just satisfaction, and that is what the capabilities approach is attempting to supplant.

In the workplace typical approaches to measuring the quality of life would focus on things like monitoring statistics, 'family friendly policies', and best practice policies such as recruitment and
selection procedures.

I think there are several different places in a structure like that where capabilities could fit. One would be in thinking about the capabilities of the employees and another in thinking about the responsibility of the corporation to the society outside. What responsibilities do corporations have to the families of those with whom they do business, the region in which they work, and so on? I think the idea of capabilities is part of the answer to these questions, but it is crucial to get clear whose capabilities you ought to be focusing on. It could be the capabilities of those outside the workplace as well as those employed within it.

There is surely a link with the notion of flourishing here. How can we determine whether individuals in the workplace are flourishing?

The idea of capabilities is very closely linked to flourishing, since it comes right out of an Aristotelian idea of flourishing. I focus on the idea of capabilities rather than flourishing to leave space in the middle for choice. In a political context we are not entitled to say ‘this is what flourishing is, and we’re going to make you flourish’. Rather, we should say ‘we give you these opportunities which we think are closely connected with most of the conceptions of flourishing that we can think of but then you are the one who has - in the light of your own conception of flourishing - to go and enact it’. Of course, in choosing the capabilities you promote, you already make some evaluations and say that the opportunity to exercise them is valuable. Nevertheless, people can subscribe to the list even if they do not really like the associated functioning. You might dislike religion intensely, for instance, but still believe that freedom of religion is very important and so be willing to say that that capability is important. In America the Amish are a group who feel that it is morally wrong to vote or participate in politics, but they are happy to support the right to vote. If there were mandatory voting that would be bad in their view. So they can support the capability, but not (for themselves) the associated functioning. For political purposes in a pluralistic society it is very important to focus on capabilities and leave the space between capabilities and flourishing to be filled by people’s free choices.

Now in the workplace you cannot be so alert to individual differences. You may need uniformity in some areas of the enterprise, and you cannot always be allowing people to select their own preferred mode of functioning. Nor can you rest content with capability: the work needs to get done! However, I think you do have to be sensitive to the fact that employees have different conceptions of flourishing and come from different ethnic and religious backgrounds. So you need to create areas of optionality that respect those differences, exceptions to dress codes, to work hours and days, etc. A related issue here bears on questions like health: how far can an employer require someone to have a healthy lifestyle? I think the risk is of being too intrusive because the requirement impinges on the space of their actual choice of a way of life. You have to be very attentive to the fact that employees have lives outside work and have their own conceptions of flourishing. What an employer is entitled to promote is going to be only one part of a complex life. Any regulation must be closely tailored to the goal of enabling the employee to function effectively as an employee.

So, between capabilities and flourishing is what might be regarded as a mid-zone, where capabilities can be converted into different configurations of flourishing. It is in this zone that the organization and the line manager will shape just what kind of flourishing results. This will be a function of corporate policies, climate and so forth but also, crucially, of the behaviors of the individual manager in helping employees to get beyond lowered aspirations or adaptive preferences. There would seem to be ethical as well as practical questions here. What are the practical things you would like to see organizations, managers and employees do to help to create mid-zones that enable the conversion of capabilities to flourishing? And have you encountered any model organizations where you judge that this is being done well - and where each employee is ‘able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers’
as your statement of capabilities puts it?

I think that my own experience is so slight that you ought to answer this question, not me! Furthermore, enterprises have to do this in their own way. I wasn't even willing to propose one set of curricular goals in *Cultivating Humanity*, because universities and colleges are so varied. Still less, I think, could we draw up a set of guidelines for businesses: instead, we should have general goals of the sort I've outlined, and then ask managers to think for themselves!

Summing up, you are saying that managers should seek to create workplaces where people do more than merely ‘feel good’ or perform well. They should be able to flourish, enjoy conditions where capabilities are fostered and they have space to choose which of them to exercise, at work or outside as appropriate. Perhaps this amounts to a call for a new version of the psychological contract, a capabilities contract we might call it.

The notion of a ‘capabilities contract’ is a good one, but I would insist that it is much more than a psychological contract. It is a contract for certain conditions in which people can function well. And that has a strong material and structural aspect.

Turning to the specific issue of workplace inequality, what might the capabilities approach have to add to the current thinking? The two approaches that dominate are a rights-based approach - Kantian or Rawlsian - and at the other end of the spectrum a much more Utilitarian, at best welfare-Utilitarian, position. These approaches inform policies, goals, actions, measurements and so on.

The criticisms that Sen and I have made of Utilitarian approaches and Rawlsian approaches would apply here too. Utilitarian approaches standardly aggregate across lives, seeking the best total or average rather than thinking about what each person is entitled to. There is the further problem with defining the goal. Utility is usually a placeholder for something like satisfaction, and that is not necessarily a very good way of thinking of the goal, especially where there is entrenched inequality. We encounter the problem of adaptive preferences again. If you define the goal as the satisfaction of preferences, deprived groups often do lower their demands and sights.

With the Rawlsian approach the issue is that merely saying how much in the way of resources, income or wealth someone has is not the end of the matter, because two people with similar amounts of income and wealth can be very differently placed in terms of their ability to function. For example, consider the needs of people with disabilities. This is a very important workplace issue because the disabled person may need more income and wealth to come up to the same level of functioning. And it is not only that. They need structural and societal changes also to be able to function. They need ramps on buses and so on. The changes that need to be made for them to flourish cannot be captured in the space of income and wealth.

Given your views on the intelligence of emotions as well as your capabilities perspective, what are your views on the predicament of what Arlie Russell Hochschild terms ‘emotional laborers’ – those for whom changing the mood of others, often through the organizational demand to ‘deep act’, is central to their work?

Examples of emotional laborers include airline cabin crew, police officers, nurses and debt collectors. These kinds of workers are expected by their employers, Hochschild argues, to draw on real emotion, to deep act, in order to add value to the services they deliver. She is troubled by what she regards as the ‘commodification’ of the feelings of such workers, who form a significant and growing part of the labor market.\(^4\)

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The issue of care is a staggering and growing problem in all modern societies. I have written a position paper for a World Health Organization project on long-term care, arguing that, here again, capabilities provide a good framework within which to analyze the issue of care and to think of appropriate social goals. This is also a large part of my Tanner Lecture project. It is closely connected to the issue of justice for women, because women in every country are doing a disproportionate amount of caring for children, for the elderly, for people with disabilities – often without pay and without recognition that this is work.

You remark in one of your books that John Rawls encouraged you to write for the public as well as your academic colleagues. How do you think philosophers should work - and write - for managers? What issues do philosophers need to work on now?

Philosophers certainly need to continue thinking about the ethical responsibilities of management and business, the structures and different styles of decision-making and the role of emotions. And increasingly they are doing that, teaching some of those things in business schools.

And how can those philosophers best reach managers?

I think it depends on what country you are in. In Finland, for example, where I spend a lot of time the philosopher Esa Saarinen consults in businesses, going from place to place. That could be successful in a smaller society where all the businesses are essentially in one city. In America, getting established in the business school is probably the most effective way. And, once you do that, let’s hope that you move out from there and talk to executives and other people in the businesses themselves. That is what happens.

Through teaching lawyers you are influencing what some will do as corporate lawyers. Have you ever contemplated working directly in the Business School at Chicago?

The University of Chicago is so interdisciplinary that anyone who wants can come to any course. So right now people from the Business School can certainly come to my classes and get credit for it and some of them do. Our Business School is a wonderful place where some of the most exciting thinkers in the University are, like Richard Thaler who wrote *Quasi-Rational Economics*, and Reid Hastie who works on decision-making. My partner Cass Sunstein, a law professor, works on behavioral law and economics so he is always consulting with people from the Business School. Some of them are more interesting than the people in the relevant academic fields in the arts and sciences. I like these people and enjoy talking with them and probably it would be not a bad idea to have some collaboration. However, I prefer to focus on a set of issues where I think I know the empirical data. Right now I am focusing on problems of women in developing countries, as a set of practical issues, together with the capabilities approach. If people from the Business School want to learn things from me that are pertinent it should be at a fairly high level of generality, like decision-making. It would be great if more people from the Business School came to the decision-making course! And I very much hope that our Business School will expand its international programs, because the people they teach will in effect be policy-makers in many parts of the world about which they right now know all too little.

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