

Book Review

MARTHA C. NUSSBAUM, 2012. PHILOSOPHICAL INTERVENTIONS. NEW YORK: OXFORD.

Jeremy C Bradley

In 1951, four-year-old Martha Nussbaum joined a group of girls in the midst of talking about party dresses. Hearing of the fantastic, dream-like dresses the girls were describing, Nussbaum assumed they were playing make-believe and so she imagined a bejewelled velvet dress in pink. As it turns out, the girls were describing dresses they actually owned. When Nussbaum told them of her imaginary dress, the girls were harsh and condescending. Martha Nussbaum has never again joined a group.¹ She has called this the most embarrassing moment of her life, but perhaps it was a blessing in disguise, for Nussbaum's acute understanding of the concepts of imagination and justice have made her one of the world's most well-respected moral and political philosophers.

Nussbaum's newest book *Philosophical Interventions* is a collection of reviews published between 1986 and 2011. This is no ordinary compilation though. Nussbaum's reviews are not book reports or plot summaries; they are scholarly synopses on some of the most-pressing contemporary law and governance issues coupled with a strong sense of Socratic and Aristotelian dialecticism, which proves to be the book's forte. Importantly, it is clear that Nussbaum's main concern is justice, not as some far-fetched or theoretical concept, but as real-world fairness. For her, justice is not just about what happens in the courtroom but is equally concerned with situations akin to being left out of a group of young girls discussing their party dresses. Moreover, justice is about working to understand and improve the political and social institutions that govern our day-to-day lives. What is perhaps most striking, though, is the relatively unchanged commitment Nussbaum has held to justice. Whether reviewing Roger Scruton's *Sexual Desire: A Moral Philosophy of the Erotic* or Gilles Lipovetsky's *The Empire of Fashion*, justice is the theme Nussbaum has been grappling with for more than a quarter-century.

Philosophical Interventions begins with an Introduction, the only wholly new section of the book. To the readers' surprise, these introductory remarks read as a memoir of sorts as we learn as much about Nussbaum's professional and personal growth as we do about her process in collecting the reviews for inclusion in this volume. She is particularly concerned that we see book reviews as not a one-sided presentation of facts but as

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an interactive dialogue, philosopher with public. In a culture ‘given to sound bites, macho denigration, and hysterical invective’² we badly need the insight such dialogues can provide; they are the device through which the ‘public intellectual may find her public’.³ This is the clarity with which Nussbaum aims to write, ever cognizant of connecting with an audience broader than the academy. Such lucidity is refreshing amongst the jargon so pervasive in much of political and philosophical texts today.

Indeed, Nussbaum is not afraid to take issue with theorists that write wonky, privileged discourse. Her scathing and much-discussed review of four of Judith Butler’s works and her deflationary critique of Alasdair MacIntyre’s *Whose Justice? Which Rationality?* are must-reads in this volume but are by no means any less concerned with the role of governance structures in ensuring justice. The standouts in this volume are not, however, the critiques of the likes of Butler or MacIntyre but of Charles Taylor, Philip Zimbardo, and Nicola Lacey.

I

Politicians in the Western world are prone to rhetorical simplifications. Watching a U.S. presidential debate is proof of this; rather than grapple with complex issues, the candidates tend to spew out one-liners, skewed statistics, and unsubstantiated ‘facts’. The reason for this reductionism is, in some ways, understandable: the format of most political exchanges is designed to be fast-paced and to win over supporters, the opposite to truly dialectical debate. One also gets the sense that politicians perceive the general public as either not interested or not intelligent enough to take in any more than a few well-rehearsed sound bites. The public then is reduced as much as the rhetoric is. Martha Nussbaum’s review of Charles Taylor’s *Sources of Self: The Making of Modern Identity* questions how we deal with complex public identities and the risks posed to those identities by political and social action.

Nussbaum begins her review of Taylor’s 1989 book by quoting J.L. Austin: ‘If only we could forget about the beautiful and get down instead to the dainty and the dumpy’. Nussbaum heeds Austin’s point that political and legal theory is too often concerned with the abstract. While ‘the language of philosophy and social theory’ are often used to talk about human relationships, she fears that the talk is ‘impoverished’ and ‘deliberately reductive’.⁴ The threats posed by reductionism can be read as risks that governance structures and political bodies must be keenly aware of avoiding and thus Taylor’s book serves as Nussbaum’s example of how this awareness can be fostered.

How are identities initially reduced in meaning? One common way is when an observer adopts a detached perspective to persons and events. Similarly, the person being observed or ‘dealt with’ can be treated as an object devoid of any real significance. In both these strategies, the competing choices that humans often face as a result of our vulnerability are treated as little more than subjective preferences.

To use an oft-discussed example from criminology, it is easier to think of Myra as a vicious murderer of children than to see her as a victim of Ian Brady or worse still as ‘love struck’.⁵

There are also strands of reductionism in economics, public policy, and the social sciences. Proponents of these forms, as Nussbaum notes, tend to see human experience as based on political illusion.⁶ By referencing theorists such as Foucault and Nietzsche, they argue that all decisions are ultimately controlled, or at least influenced, by the 'dominant group's exercise of social control'.⁷ Taylor is critical of all these forms of reductionism and he argues that they do not help us to make sense of how we actually live our lives.

Impressively, Nussbaum is able to link Taylor's work to historical narratives from theorists as diverse as Plato, Montaigne, and Locke. Her goal, as it is in so much of her work, is to show how identities are constructed deeply and emotionally and to prove that the way to access these identities is through empathetic reflection. Both Taylor and Nussbaum relate the ability to empathize with others with narrative fiction. The way in which novels are able to narrate 'ordinary lives in such a way that their daily particularities take on a rich significance ... provides a basis for viewing all human lives on the same footing'.⁸

Finally, Nussbaum asks that we read Taylor's work as a call to self-reflection. To deal with oneself and with the challenges to one's self-identity concept is a prerequisite for construction, as the opposite of reductionism. To see others as not simply the by-products of power structures or as misdirected objects is to take a step toward fairness in our reactions to tough situations.

II

The Stanford Prison Experiment (SPE) began in August 1971 when two-dozen young men were offered fifteen dollars a day for two weeks to enact the nuances of 'prison life'. Twelve of the men were randomly assigned as guards and the other half as prisoners. Prisoners were asked to stay in the makeshift prison, built on Stanford University property, for the entire two weeks while the guards worked eight-hour shifts. The experiment was conceived by psychologist Philip Zimbardo who wanted to study isolation and the loss of individuality experienced by those imprisoned in real-life.

There was little direction provided to the prisoners in the experiment. Zimbardo promised them there would not be physical abuse and that they'd be free to leave the experiment at any point. The guards, on the other hand, were given a detailed 'orientation' and directed to take their positions in the experiment seriously. The goal was to make the prisoners feel as though this was more than just a game as Zimbardo ideally wanted to observe the power dynamics between the imprisoned and the imprisoners. It did not take long for the experiment to become a complete disaster. Five days into the expected two weeks, Zimbardo called off the entire experiment. The prisoners, despite Zimbardo's promises to the contrary, were deprived of sleep and experienced extreme humiliation inflicted by the guards who apparently overly-heeded the direction to make the experiment seem real.

It is no wonder that Martha Nussbaum is keenly interested in Philip Zimbardo's 2007 book *The Lucifer Effect: How Good People Turn Evil* which takes the SPE as its focal point. Nussbaum is clear in her resolve that emotional development is key to securing justice. The most prominent characteristic that can be developed is empathy, which is

both an emotion itself and a response to the narratives of others. What the prisoners' guards in the experiment lacked was empathy of the kind to treat prisoners as humane. That they let power, however artificially created, go to their head is indicative of a system that by its nature is morally risky. H.L.A. Hart made this point poignantly in *The Concept of Law* when he wrote that 'So long as human beings can gain sufficient cooperation from some to enable them to dominate others, they will use the forms of law as one of their instruments'.⁹ 'Situations are held in place by systems,' Zimbardo argues, and the SPE is just one fictional example of a much larger systemic problem.

As Nussbaum points out, though, Zimbardo's conclusions (while accurate) are not well proven by the SPE. The experiment was deeply flawed, not only through design, but by the fact that the guards were encouraged to act-up their roles. Other psychologists doing this sort of work almost never inform the participants of the desired outcomes as this will, of course, influence their behavior.¹⁰ Most unfortunately, Zimbardo does not focus on empathy as an appropriate response to the institutionalized nature of power struggles. Empathy involves the ability to recognize the feelings of another and ideally leads to compassion and justice for the other's plight. Empathy must be cultivated and Nussbaum is right to question why Zimbardo did not wish to explicitly take his readers on this journey.

III

Martha Nussbaum's strength is in her interdisciplinary approach. Appointed in law, philosophy, and divinity at the University of Chicago, her work is (refreshingly) not easy to place within the academic silos. This is quite clear from her review of Nicola Lacey's 2008 *Women, Crime and Character: From Moll Flanders to Tess of the D'Urbervilles*. Like Nussbaum, Lacey is able to transgress the boundaries between literary fiction, politics and governance structures, and law.

The novels Lacey draws from in her expose on feminine and criminal behavior are indicative of the legal changes occurring in the nineteenth century. Her thesis is that public consciousness shifted from a focus on the external nature of crime to the internal concept of personal responsibility. Women's behavior, in particular, became highly policed by governing bodies so as to ensure that no breach of expected norms occurred.

Not surprisingly, the main threads of this change in thought about crime are still around in today's criminal justice systems, albeit in less nuanced and, with any luck, less-gendered ways. Nonetheless, Nussbaum wants us to think about why women commit crimes in the first place. Surely some of them do so for the 'normal' reasons – greed, anger, jealousy, and insanity – but do they also commit crimes as an act of subversion, to 'raise themselves above the quagmire of what we call love'?¹¹ If this were true, it would certainly explain why women's criminal behavior has been sanctioned so much more strictly, at least in theory, than men's. Is it any wonder then that murderesses like Myra Hindley are seen as the faces of evil? We do not think it 'natural' for women to

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commit crimes as heinous as murdering children and therefore would rather label them unnatural or somehow un-womanly than to see them as ‘playthings for men’.¹²

Lacey’s work is an important step forward in our understanding of the formation of the criminal justice system. Her work, along with those of Zimbardo and Taylor, has been brought to even wider audiences through Martha Nussbaum’s *Philosophical Interventions*. These are important reads for those interested in gender, sexuality, and the shifting relationships between norms, expectations, and governments. Nussbaum should be praised for drawing from such a rich range of sources to cast light into the corners of too many of our governance structures which remain shrouded in political strategy and rancid rhetoric.

NOTES

- ¹ As reported in an interview with Rosanna Greenstreet for *The Guardian* (27 October 2007) <<http://www.guardian.co.uk/theguardian/2007/oct/27/weekend7.weekend>>.
- ² Martha C. Nussbaum, *Philosophical Interventions* (OUP 2012) 4.
- ³ Ibid. at 5.
- ⁴ Ibid. at 79.
- ⁵ Between November 1963 and December 1965, Myra Hindley and Ian Brady murdered five children in and around Manchester, England. Many feminist critics argue that Hindley was a victim of Brady’s sadomachistic and violent tendencies. The Crown prosecutor in the criminal trial seemed to agree saying that ‘Brady was the initiator of these crimes, and the actual killer; she was cast as his willing accomplice, corrupted and dominated by him’ (R v. Secretary of State for the Home Department, ex p Hindley [1998] Q.B. 751, 760, per Lord Bingham C.J.). Nonetheless, Hindley was never released from prison and died there in 2002, being held most of her life as, what some have called, a political prisoner.
- ⁶ Nussbaum, op cit, note 3 at 80.
- ⁷ Ibid.
- ⁸ Ibid. at 85.
- ⁹ HLA Hart, *The Concept of Law* (Clarendon 1961 / 1990) 205-206.
- ¹⁰ Nussbaum, op cit, note 3 at 363.
- ¹¹ Anthony Trollope, *The Way We Live Now* (Chapman and Hall 1875).
- ¹² Ibid.

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