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Book Review

Frontiers of Justice: Disability, Nationality and Species Membership, by Martha Nussbaum. Cambridge, Massachusetts: Harvard University Press, 2006. Pp. XVI + 487 (Notes, References, Index). ISBN 0-674-01917-2 (cloth).

Martha Nussbaum's new book, *Frontiers of Justice*, is both a criticism of the tradition of social contract theory and a defense of Nussbaum's version of the capabilities approach. The book, based on a series of Tanner Lectures given by Nussbaum in 2002 in Australia and in 2003 in the UK, is dedicated to the memory of John Rawls. The book engages with the three most important normative questions left unanswered by Rawls' work on distributive justice (according to Rawls himself). These are the issues of disability, of transnational justice and of justice towards animals. Classical theories of the social contract had little to say about these issues and Rawls himself, while acknowledging their importance, admitted that his theory of justice does not have the necessary resources to deal with them. In *A Theory of Justice*, he suggested that the problem of providing for people with disabilities be dealt with at a subsequent legislative stage, after having decided on the main structure of a well-ordered society. As in the case of animal treatment, he thought that disability issues are more appropriately the objects of duties of compassion and humanity – rather than those of distributive justice. As for international justice, Rawls' later work, especially *The Law of Peoples*, did address it, but in a less than satisfactory way, according to Nussbaum. She argues that Rawls' primary focus was on questions of war and peace and he had too little to say about economic justice across national borders. In the context of the contemporary world, all these issues, which did not appear that pressing for the founders of the social contract theory, have become particularly urgent. (Together with the three issues mentioned earlier, Rawls thought that inter-generational justice was one of the "frontiers of justice" but this problem is not addressed by Nussbaum. Also, she does not talk about environmental justice – which is arguably another under-theorized problem of justice that requires urgent treatment – but she suggests that her version of the capabilities approach can and perhaps will be extended to deal with this issue.)

Nussbaum aims to prove that all three issues are problems of justice, whose solution should not depend on the vagaries of some people's charity. At the same time, she argues that contractarianism, even in its best form (which she takes to be Rawls'), cannot address these three problems adequately. By contrast, she claims, the capabilities approach has the theoretical resources for recognizing them as problems of justice and providing due solutions.

The book is structured into seven chapters. The first is a lengthy exposition of the way in which social contract theories, both classical and contemporary, (fail to) address the three issues of justice. The next five chapters form three clusters, analyzing the problem raised by disability (chapters two and three), by international justice (chapters four and five) and by animals' treatment (chapter six), respectively. The final chapter is a short exposition of the role moral sentiments should play in the

capabilities approach.

The first chapter, “Social Contracts and Three Unresolved Problems of Justice”, constitutes about a quarter of the book. Nussbaum introduces the three unresolved problems to be discussed throughout the book and offers a very helpful explanation of why exactly they have remained unresolved. Some attention is given to classical authors such as Hobbes, Locke and Grotius. She offers an introduction to two very different contemporary types of contractarianism: that of David Gauthier, starting from the entirely non-moralised assumption of self-interested individuals, and that of Thomas Scanlon (in ethics) and Brian Barry (in political philosophy) who take, as a premise, the entirely moralised conception according to which all individuals are owed justice. But Nussbaum focuses her analysis, and criticism, on Rawls’ theory which she considers the strongest version of social contract theory. This is so because, unlike Gauthier, Rawls starts from rich, moralised assumptions (which are more adequate and allow for more adequate conclusions) and, unlike Scanlon, he develops a comprehensive theory of political justice.

According to Nussbaum, Rawls’ contractarianism is a combination of different and ultimately conflicting elements, a feature which it shares with the contractarian theories of Kant and even Locke. On the one hand, it starts from a depiction of the original position characterized by approximate equality of the parties and moderate scarcity of resources (the Humean circumstances of justice). Thus, the point of establishing social cooperation is to gain mutual advantage, which, for reasons of simplicity, Rawls measures in purely economic terms. He takes income and wealth to be the indicators of social success and Nussbaum shows that a more complex index would make the application of the difference principle very complicated. On the other hand, Rawls embraces a Kantian political view of the person, according to which all those who are able to have a conception of the good and a conception of the right enjoy equal moral status. Thus, the veil of ignorance is a necessary device to ensure that the negotiations taking place in the original position are fair (by eliminating partiality). The tension, according to Nussbaum, stems from the procedural nature of Rawlsian justice, granting legitimacy to whatever outcome is reached through negotiations. But, to remain true to his Kantian political view of the person, Rawls should argue that all people are owed justice independently of the result of their negotiation. The aim of the social contract should be to ensure substantive justice – i.e. to go beyond economic advantage.

According to Nussbaum, the above mentioned characteristics of Rawls’ theory explain why contractarianism, even if revised, is unable to address the issues of disabled people, of people living in impoverished nations and of animals adequately – i.e. as problems of justice. Because of the assumption of approximate equality – a condition these people obviously do not meet – they cannot take part in the framing of the social contract. Since contractarianism conflates the question “who makes the contract?” with the question “for whom is the contract made?”, the interests of disabled people cannot be given the same priority as those of parties in the contract. Their situation is to be regulated at a latter, legislative, stage of establishing the society, and not at the initial stage of deciding on its basic structure. In the case of animals, most notably, Rawls believes that what is owed to them is not justice but duties of compassion and humanity. Because the point of the contract is supposed to be mutual advantage understood in economic terms, it is difficult to argue that social space should be fashioned in an inclusive way, which would permit disabled people to lead lives as independently as possible and to have their basic needs met to the same extent as the needs of non-disabled people. No matter how productive these people could be in ideal conditions,

it is unlikely that the economic gain would offset the incurred expenditure.

The Kantian emphasis on some kind of rationality as the basis of moral entitlement present in Rawls' theory also raises fundamental problems of inclusion, particularly for people with cognitive disabilities and for animals.

What kind of revisions should a contractarian theory undergo in order to accommodate the interests of disabled people, non-human animals, and needy people living worldwide, as issues of justice? To start with, it should give up the assumption of parties as free, equal and independent beings in order to better accommodate the reality of dependency (about which more is said in the chapters on disability). Then, it should stipulate that the point of social cooperation is more than mutual economic advantage; for Nussbaum, people's natural sociability, a love of humankind and of justice are the most important reasons for living together. Finally, it should give up the Kantian assumption that rationality alone is the basis of people's entitlement to moral treatment. If all the main elements of (Rawlsian) contractarianism, however, are being challenged, the question is whether the metaphor of the contract would retain enough of its relevance to make it worth using it. Nussbaum herself advances a theory of social justice that is deeply indebted to that of Rawls but, by suffering the above modifications, is not a proper social contract theory.

Before I proceed with an exposition of what Nussbaum's capabilities approach has to say about the three issues of justice, let me offer an introduction to the capabilities approach, mostly developed in the first chapter. This represents, in a nutshell, the constructive argument put forward in the book.

Nussbaum's arguments in favour of her version of the capabilities approach will not be unfamiliar to the reader of her earlier works (such as *Women and Human Development*, which she often quotes). In the first instance, the capabilities approach was conceived by Amartya Sen as a criticism of the utilitarian way of measuring the quality of life, as well as of Rawls' index of social success. Sen famously argued that the usual indicators used to measure the level of development, such as the GNP per capita, are not necessarily relevant for understanding the quality of peoples' lives. To start with, such indicators are aggregate numbers and so they do not tell us how the resources are divided between the individuals; high GNP figures may stand for extremely wide gaps of income. Therefore, there are countries relatively well-off in terms of GNP that have not resolved the issues of poverty and gross inequalities. But the fundamental criticism is that what really matters for the quality of life is not what resources people have at their disposal, but what they can actually do with those resources. People are of course unevenly endowed with the ability to transform resources into adequate functioning. Thus, according to Sen, the task of social justice cannot simply be that of maximizing aggregate welfare (as utilitarians would have it) and not even that of redistributing primary goods among individuals (as Rawls' theory of justice commends). Instead, justice should aim to ensure that all people have the relevant *capability* to function well. Nussbaum herself adopts a version of this theory that, unlike Sen's, proposes a list of core capabilities (which happen to be ten). Core capabilities are entitlements with respect to life; health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation; relationships with other species; play; and control over one's environment. The version of the capabilities approach defended by Nussbaum has a number of other distinctive characteristics whose importance she emphasizes throughout her book.

From Kantianism, Nussbaum's theory embraces the foundational concept of dignity – one which,

unlike Kant's, is not based on rationality. All human beings are ends in themselves, whose well-being should not be sacrificed for the sake of an even greater aggregated well-being. From Aristotelianism, she adopts a view of humans as being one type of animal, whose dignity is therefore a kind of *animal* dignity, and also the belief that there are some universal features of all human lives in which individuals will be able to do better or worse. The point of social justice is to ensure that all people have the necessary capability to do well in these respects. (This idea is explicit in Nussbaum's earlier works, where she argued extensively for a liberal version of neo-Aristotelianism. It is only implicit in the capabilities approach as exposed in *Frontiers of Justice*, but very important for the stage of designing specific lists of core capabilities, universal in character). Like Rawls, Nussbaum embraces a kind of political liberalism – as opposed to liberalism as a comprehensive view – and this results in a focus on capabilities rather than functioning. What is important is that people have access to, for example, education, or to political activity, but it is up to them whether they will or will not exercise their capabilities. (With respect to children, severely disabled people, or animals, however, Nussbaum thinks that functioning, rather than mere capabilities, should be ensured in areas such as health and education.) Nussbaum's capabilities approach thus represents a theory of the good, but one which, she hopes, can gain an overlapping consensus because it is universal enough to be desirable for all people, irrespective of their more comprehensive conceptions of the good. The emphasis on capabilities is, once again, important: those whose comprehensive doctrines of the good exclude certain functionings can reject them for themselves. But, if reasonable, they will have to tolerate these functionings in others and thus to acknowledge the normative importance of the respective capabilities.

Also, Nussbaum's approach is a theory of justice which is moralized “all the way down” (as the author puts it). A core concept of capabilities is that capabilities are normative; they represent entitlements that derive from human dignity. Here, Nussbaum sees herself as a follower of Grotius. The capabilities approach is thus a version of the human rights theory, whose language it adopts. Nussbaum explicitly says that her theory is grounded in the natural rights tradition embraced by some classical contractarians. Unlike them, she aims to make a theory of natural entitlements the sole basis of a theory of justice, thus avoiding internal conflicts between entitlements and procedures based on the maximization of self-interest. Nussbaum characterises her theory as outcome-oriented.

Finally, Nussbaum's capability approach does not claim to be able to solve all the issues of distributive justice. It is a theory of minimal justice, because it requires that all people possess the core capabilities up to a threshold that allows them to lead a fully flourishing human life. It is silent on the redistribution of resources after the threshold has been reached.

The second chapter of the book, “Disabilities and the Social Contract”, explains why contractarianism cannot provide adequate answers to disability issues. Here Nussbaum draws on previous feminist work and especially on Eva Kittay's *Love's Labour* to argue that disability in its various forms and degrees, and entailing dependency on others, is the norm rather than the exception in human life. Disability poses two problems to justice: one with respect to the treatment of disabled people as equal citizens, the other one concerning the fair treatment of those who provide the necessary care during the permanent or temporary phases of deep dependency of others. Much of the second chapter on disability (the third of the book), entitled “Capabilities and Disabilities”, is dedicated to the argument that the capabilities approach is inclusive towards both

the cared-for and the care-givers. It also discusses examples of good practices, including that of securing guardianship and education for disabled people, mostly from Europe and Israel.

From the three issues discussed by Nussbaum in this book, international justice is by far the one which Rawls did most work on, both in *A Theory of Justice* and in *The Law of Peoples*. His suggested two-stage contract – the first internal, among the members of each society, and the second among parties representing states – is criticized by Nussbaum on several accounts in the fourth chapter, “Mutual Advantage and Global Inequality: The Transnational Social Contract”. Nussbaum argues that Rawls focused on nation states, failing to capture the importance of other global actors, such as international and supranational organizations, multinational corporations, non-governmental organizations and various social movements. In his theory, states appear as having a fixed structure, which fails to reflect the normatively important fact that other global actors can press for moral improvements in domestic politics (for example, agencies that protect human rights). He assumes states to be self-sufficient units, which does not reflect the reality of a globalized world. Finally, his distinction between decent (although illiberal) and non-decent states gives too much legitimacy to illiberal states (thus condoning the power of dominant groups over those who are marginalized or exploited). It also results in too quick a readiness to accept economic and military intervention in the affairs of non-decent states.

The attempts of Charles Beitz and Thomas Pogge to argue in favour of a global contract, in which the contracting parties represent people across national boundaries, look more promising to Nussbaum. However, Pogge’s approach is able to justify economic redistribution from richer to poorer nations (a conclusion cherished by its author) only by giving up the assumption that parties are approximate equals contracting for the sake of mutual advantage. Given the wide inequalities and huge disparities between the life prospects and bargaining powers of individuals living in very poor nations, compared to those of the better-off nations, the assumption of parties’ equality would be an over-idealization. In the absence of equality, only with the adoption of an underlying human rights approach can such redistribution be achieved, according to Nussbaum.

The fifth chapter, “Capabilities across National Boundaries”, argues, against Onora O’Neill, that capabilities (as positive rights) are primary and duties are derivative. It also claims that the list of ten capabilities can meet an overlapping consensus worldwide, first because the list is open-ended and subject to debate and revision, and second because the items on the list are abstractly specified to allow for different interpretations according to the cultural context.

To ensure the implementation of capabilities worldwide, duties of justice should be assigned to institutions. In terms of institutional design, Nussbaum does not favor the creation of a world state, which she deems unaccountable, adverse to diversity, potentially dangerous and tyrannical and not respectful enough of national sovereignty. Nussbaum argues that national sovereignty is morally important as a main form of exercising autonomy. Instead, global institutions should remain decentralized and not different in kind to the ones we currently have. Nussbaum proposes that we follow ten principles of global justice that she introduces at the end of the chapter. In short, these principles state that responsibility for the implementation of capabilities should be over-determined (assigned to both domestic and international structures); national sovereignty should be respected; well-off nations should give a percentage of their GDP to poor nations; multinational corporations should promote capabilities through responsible business; the global economy should be fair to poor and developing countries; we should develop a global public sphere; all institutions and individuals

should work for the elimination of disadvantages; care for the dependents should be a general priority; the family should not be treated as a private sphere; and education should be assumed as a global responsibility by all institutions and individuals.

In the sixth chapter, “Beyond ‘Compassion and Humanity’: Justice for Nonhuman Animals”, Nussbaum defends, with respect to animals, the same theory of capabilities as basic entitlements that she endorses for human beings. This is not surprising, since human dignity is defined as just one sort of animal dignity; the latter is as morally relevant as the former. Each species has its own core capabilities and the role of justice is to ensure that a minimal level of functioning has been made possible.

The implications for the most discussed questions of animals’ treatment (killing animals for meat and fur, using them for advancing scientific knowledge and the conditions in which it is permissible to raise domestic animals) are clear. They are not all that different from those of a refined version of utilitarianism. These examples aside, the reader is left wondering how Nussbaum’s capabilities approach could ever work as a normative ideal in the case of all animals. Sharp conflict between animals’ functionings is the rule rather than the exception. Most animals are predators. Focusing on the example of the tiger and the gazelle, as Nussbaum does, is misleading because it sends our imagination to the wild life and could make us disregard the less spectacular, but very regular, cases of preying closer to home. Even herbivores, which are not predatory, depend on the activity of predatory animals as part of an interdependent ecological system.

The conflict between ensuring human and non-human capabilities is equally pervasive. In order for any human being to exist, lots of non-human animals – more or less complex – have to die prematurely (even if the human being is a vegetarian, does not use fur and so on). Countless animals have to be killed to preserve crops: some of these will be non-sentient, like insects and worms, others may be sentient (like birds) or even mammals (like rats). The same is true in order to obtain the necessary milk and eggs, especially if the hen and cows are to be free-ranging (a policy that Nussbaum’s theory obviously favors). In order to build homes and urban infrastructures we need to greatly harm lots of animals, and, unless we adopt the practices of Buddhist priests, even our getting around by foot will kill huge numbers of (mostly non-sentient) animals. Finally, every few years threatening epidemics make it necessary to kill large numbers of mammals or birds. Most trivially, in order to live our bodies constantly kill germs and bacteria. Even if we accept Nussbaum’s distinction between the worthiness of living a certain life (proportional to the level of complexity and the number of capabilities it has) and the value of that life, the question appears whether the good of promoting one human life offsets the wrong of destroying so many other non-human ones.

According to the capabilities approach, human lives are more worth living than non-human ones because of their complexity and multiple capabilities. But, given Nussbaum’s theory’s emphasis on animal dignity – of which human dignity is just one kind – and on the moral relevance of core capabilities, some of which are shared by all animals, sentient or not, no animal killing can be morally neutral. It is puzzling that Nussbaum sometimes says, just like utilitarians and for the same reasons, that killing non-sentient animals has no moral significance. Other times she claims that it does represent some moral damage – but only a minimal one. But it is difficult to see how these claims can hold true within the framework of the capabilities approach. Take for example the case

of the garden snail, a relatively simple kind of animal, who does not even possess sentience. It obviously has no need for an entitlement to vote (not even the much more complex rabbit needs it – as Nussbaum correctly notes several times) and, compared to many other animals, its core capabilities are indeed very limited. But life is definitely one of its core capabilities, and it also possesses the capability to move around purposefully. And, as Nussbaum says, “any failure to secure a capability at a minimum level is a failure of justice” (p. 381).

Given the central premises of the capabilities approach, namely that all animal lives are morally valuable and that all core capabilities require equal protection (no trade-off being morally permitted so that some capabilities would be achieved at the cost of other capabilities), the conclusions it entails with respect to animal welfare are extremely demanding. Justice, according to Nussbaum, would require no less than ensuring a decent life for *all* animals, unless tragic sacrifices have to be made in order to prevent even greater damage (to humans).

Applied to animal welfare, Nussbaum’s approach is extremely demanding for yet another reason. Because the capabilities approach is a theory of entitlements, its normative conclusions go beyond the regulation of the treatment of animals by humans. The theory tells us that harming animals is morally wrong whatever its source, and that people are morally obliged to prevent it. But, of course, animals constantly inflict various harms on each other. Moreover, much of this harm comes as a result of animals’ exercising their core capabilities. The solution advocated by Nussbaum, well-designed zoos where tigers would prey on rubber balls instead of gazelles, has in fact an extremely limited scope, not only because it cannot be applied to wild life but also because – as I have already argued – even in domestic contexts non-human animals constantly destroy each other. In spite of her attempts to avoid the idealization and romanticization of nature, Nussbaum is compelled by her theory to aim for

“the gradual formation of an interdependent world in which all species will enjoy cooperative and mutually supportive relations. Nature is not that way and never has been. So it [the capabilities approach] calls, in a very general way, for the gradual supplanting of the natural by the just.” (p. 399-400)

This most unrealistically utopian (even as a normative ideal) image of Eden does not render Nussbaum’s theory very convincing – especially given the author’s criticism of other philosophers’ works as unrealistically utopian. By contrast to the case of humans, Nussbaum cannot expect much from education as a way of cultivating animals’ sense of justice. Nor do I see much hope for humans’ ability to interfere so closely with nature as to be able to ensure respect for the core capabilities of all animals. To prevent killing and fights over power, this would probably necessitate a complete separation of the lives of species, and sometimes even of individuals. Even if it were possible, it would not be clear that such a strategy fulfils the requirements of the capabilities approach because it would compromise several capabilities.

The book ends with a short chapter on moral sentiments, “The Moral Sentiments and the Capabilities Approach”. Here, Nussbaum contrasts her own and Rawls’ approach regarding the role of moral sentiments in political theory to the approach generally advocated by classical theorists of the social contract (such as Hobbes and Locke), but also to the critics of classical contractarianism (Hume). To the scepticism of the social contract tradition, Nussbaum contrasts her optimism with respect to the malleable nature of moral sentiments. To an even larger extent than Rawls’ theory of

distributive justice, Nussbaum's version of the capabilities approach needs to rely on widespread feelings of benevolence and sympathy as a necessary basis for people to create and maintain the political institutions required for the provision of basic capabilities to all humans (and animals). The source of Nussbaum's optimism is her faith in the role of education and the influence of culture, especially when it comes to the cultivation of emotions such as compassion and benevolence. How this is to be done is the subject of a promised forthcoming book.

Apart from the worries already mentioned, there are two kinds of problems raised by the arguments of this book. A first group of comments concerns the attractiveness of Nussbaum's version of the capabilities approach as an account of social justice.

The main contention of the book is that contractarianism, even in a modified form, cannot include disabled individuals on equal terms. To me it is not clear, however, that all options of transforming contractarianism into a more adequate answer to disability issues have been explored. A possibility would be to argue (as her reliance on Kittay's work allows her to do) that the presupposition of "free, equal and independent" parties contracting in the original position be replaced by parties facing significant risks of either being disabled or becoming temporarily so. By introducing ignorance with respect to one's abilities and a high likelihood that one will have to shoulder the burdens of disability at some point in life (one's own or the responsibility for a dependent one) would lead to conclusions about the necessity of including disabled people on equal terms.

Another question concerns the very basis of "dignity", which constitutes a cornerstone of Nussbaum's theory. Traditionally, the concept made sense in a theological context as being conferred directly by the creator; Nussbaum rejects, for obvious reasons, the religious understanding of dignity. Alternatively, the concept could carry a strong Kantian legacy intimately connected with (some sort of) rationality that confers humans a special moral status. But Nussbaum rejects the Kantian grounding of dignity in rationality and the idea of humans' separateness from other animals as both inadequate and having the potential to exclude too many people (and all non-human animals) from the status of moral beings. She tries to argue for the dignity of human beings as a kind of animal dignity. In turn, (human) dignity is explained by – or based on – the spontaneous wonder and awe we (may) feel when confronted with the mere existence of (human) beings. Apart from being very vague and lacking focus (since, as Karl Jaspers said, one may feel wonder in front of all that is), a sense of wonder and awe seems to me a metaphysical basis for dignity. And metaphysical justifications are exactly what Nussbaum wants to avoid.

Finally, the capabilities approach, as formulated in *Frontiers of Justice*, does not address the reality of non-moral, or anti-social, emotions. The tradition of the social contract theory accounts for a very important fact of modern (and post-modern, for that matter) life: that people can hurt each other – either from sheer lack of benevolence and compassion, or due to legacies of resentment and fear, or because they disagree on fundamental normative questions or, as is most often the case, for a mixture of reasons. The capabilities approach advocated by Nussbaum is able to preserve, from social contract theory, the importance of cooperation (by broadly redefining "mutual advantage" to go beyond economic gain) and reciprocity (as not necessarily tied to symmetrical relationships). But it cannot account for the problem of the potential danger people pose to each other. It starts from the assumption of a sociability relatively easy to educate; but of course people are not only endowed with sociability but also with aggression, egoism and anti-social dispositions. Not enough attention is given to the anti-social sentiments that human beings actually harbor and whose legacies

they have been carrying throughout history; many readers will probably find this optimism highly unrealistic.

A second group of comments concerns how convincing and interesting the insights of Nussbaum's capabilities approach are for the three issues discussed in *Frontiers of Justice*.

The argument that compassion (or "charity") is inadequate is not convincing in the case of the treatment of animals if we are talking about "duties of compassion" (as Rawls does) as opposed to supererogatory charity. If charity is seen as something one is morally obliged to give, as the expression "duties of charity" implies, is the distinction between charity and justice so sharp and important? (If charity is not supererogatory, but represents a duty, is it not another name for justice – perhaps a different aspect of justice than the distributive one?) Nussbaum's argument is that compassion can, in principle, be felt for sufferings that are nobody's fault. By saying that we owe compassion, not justice, to animals, we risk obscuring the fact that humans are responsible for much of the animals' suffering. The argument, however, has rhetorical rather than logical force: compassion can be felt for sufferings for which no one is at fault, but it may equally be felt for sufferings that result from the culpable neglect of someone's duties (in this case, people's duties of humanity towards animals). Thus, compassion may after all be an adequate ground for deciding how we should relate to animals, one that could perhaps avoid some of the extravagant consequences of an entitlement theory of animal welfare. Some gains would be theoretical (we would not need to say that there is any moral wrong in a tiger killing a gazelle, or a bird eating a worm), others would be practical (we might come up with feasible practical conclusions).

Another worry is that, in spite of Nussbaum's efforts to avoid this, the capabilities approach will symbolically (if not materially) exclude those who, in spite of all social efforts, cannot be capacitated in certain respects – including the traditionally "disabled". Nussbaum argues that we should conceive people with even very severe disabilities neither as a different species, having different core capabilities than human beings, nor as having different relevant thresholds of adequacy. The first solution, she says, is politically dangerous, as it risks allocation of inadequate resources to ensure the capabilities of disabled people (who, even more than people who are not disabled, need individualized and therefore expensive care). The second solution is avoided by insisting that, with enough care and resources, disabled people can enjoy capabilities similar to others. No matter how many examples of good practices in this respect Nussbaum gives, it is however clear that some people will never have all the capabilities on the list. (And they do not even need to be disabled, at least in the usual sense of the word. Perhaps some people do not have the capability to play, or – without suffering from autism – to have much emotional connection with others.) The conclusion that these people will not have access to full human flourishing is difficult to avoid, although Nussbaum would not want to endorse it.

Moving on to the practical policies favored by Nussbaum's capabilities approach, in the case of people with disabilities, it generally entails the policies favored by supporters of the disability movement. I take this to be an attractive feature of the theory, since it offers a much needed general justification of these demands. But some suggestions – for example that even people with mental impairments which make them unable to use language should be allowed to exercise political rights by proxy – are not convincing. Nussbaum argues that much of the value of capabilities is that they make agency possible. What capability of an impaired person would be promoted by having a

guardian vote for her/him if he/she is not able to grasp the meaning of voting?

With respect to international justice, some of the policy implications are trivial – for example that we should prefer that states sort out troubles via democratic processes rather than by foreign intervention. Others are murky, as when Nussbaum concludes that nations and individuals are entitled to support, by economic action, causes they favor, without, however, giving operational criteria when such support is legitimate and without specifying the permissible means. Would the capabilities approach, for example, support giving aid to states that try to undermine the political power of a deeply illiberal, entirely despotic, state that acts as a global terrorist – even if the aid took the form of military aid? The book does not engage with such hard cases.

In the case of animal justice, Nussbaum's capabilities approach does not seem to lead to different practical suggestions than that of refined versions of utilitarianism; when confronted with "hard cases", it falls back on utilitarian solutions and reasoning.

With respect to style, *Frontiers of Justice* is a very repetitive book. On the good side, this means that each chapter or cluster of chapters can be read as a more or less independent unit. Some repetitions are also good for pedagogical reasons because the author makes a real effort to render each step of her argument clear. On the down side, too much recapitulation of the main arguments – including repetition of examples used to illustrate various points – make for cumbersome reading and render the reader unsure whether he/she is confronted with mere repetition or whether some new argumentative element is being introduced.

In her exposition of other authors, Nussbaum does not always do justice to those theories which she criticizes or from which she wants to depart. For example, the analyses of Kittay (p. 217-220) or O'Neill (p. 273-281) are not entirely convincing.

The book is clearly written, for the most part, and it is very rich in material on many contractarian authors. Thus, it will be particularly useful as a general introduction to the ways in which classical and contemporary social contract theories have addressed (or failed to address) the "marginal" issues of justice it discusses. At the same time, it contains a clear exposition of the main articulations of different versions of contractarianism, their contradictions and ensuing weaknesses, and of possibilities for moving beyond the contractarian tradition in search of more adequate answers to some of the most pressing issues of justice of the contemporary world.

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