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To Thrive in These Times: Capabilities, Negativity, and the Pandemic

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Abstract: The COVID-19 pandemic has laid bare many of the inadequacies of our capitalist systems, as Žižek extols in *Pandemic! COVID-19 Shakes the World (2020)*. This essay explores how the capabilities approach, as outlined by Amartya Sen and Martha Nussbaum, may be re-examined in the light of this new viral reality by the contributions of Slavoj Žižek and Byung-Chul Han. The capability approach, as it stands, suffers from two missing pieces: that of an acknowledgement of the necessity of negativity as a foil to positivity within the capabilities as articulated by Nussbaum, and the existence of the material root of all capabilities, namely the need to have the capacity to be capable. A "capability for boredom," and a "zeroth capability" are discussed as solutions, means by which to fill these gaps. Finally, an universal basic income is discussed as a means by which to support the functioning of a "zeroth capability," the goal being to avoid a descent into bare life during this time of pandemic capitalism.

Keywords: Slavoj Žižek, Byung-Chul Han, UBI, Pandemic, Capabilities Approach

To Thrive in These Times: Capabilities, Negativity, and the Pandemic

"With the forest trees cut,
The lake lies naked and lost
In the bare hills."
– Richard Wright, Haiku: This Other World (1998)

The viral threat of the COVID-19 pandemic has spread far beyond our bodies of flesh-and-bone. We increasingly find ourselves in a reality where "we can expect viral epidemics will affect out most elementary interactions with other people and objects around us, including our own bodies." (Žižek 2020: 43) Byung-Chul Han wrote that we have left behind the viral and immunological ages as we entered the 21st century, no longer were they the "signature affiliations" of the age. Now, we find ourselves in an age characterized by neurological fears and afflictions, ones that are "not infections, but infractions; they do not follow from the *negativity* of what is immunologically foreign but from an excess of *positivity*." (Han 2015: 1) AHDH, depression, and anxiety are the hallmarks of our age, rather than influenza. One cannot help but wonder that now, with the global spread and (mis)management of the novel coronavirus, whether or not we will be haunted now by a double-spectre, one of viral and neurological fears. A malaise of both the body and the mind; infections and infractions in tandem. A crisis that transcends the economic and the political; an existential crisis. (Barria-Asenjo and Žižek 2020: 3)

The defining feature of the times we are in now, in relation to the pandemic, is the idea of "social distancing." A paradoxical state of being where the greatest act of love that we can show is to be physically distant from the object of our affection. (Žižek

2020: 1-4) The most visceral change that many have felt, regardless of their actual exposure or lack-there-of to the virus itself, is the widespread use of “stay-at-home” orders. The virus has expanded even to our language itself, rarely it seems has language spread from the academy to the general public so quickly with the phrases “flattening the curve” and “contact-tracing” appearing on everyone’s tongue. Perhaps most bizarre of all has been a return to the language of capitalist animism. (Žižek 2020: 44) The market and the economy are being once again anthropomorphized at a dizzying rate. Pundits and journalists speak of the “health” of the economy and that markets are in “panic” in an attempt to elicit empathy and sacrifice for a formless abstraction. While it may be true that “spirit is a bone,” as Hegel teaches us, the same cannot be said for the economy; the economy is not a body. (Hegel 1977, quoted in Žižek 2006: 76)

What we are seeing around us, with the cries for “open the economy” gaining momentum as “stay-at-home” orders and their lesser incarnations remain, is just how closely our capabilities, of the sort discussed by Amartya Sen and Martha Nussbaum, are connected to our material reality. (Sen 1979; Nussbaum 2006) The capability approach, it would seem, rests upon the necessity of a material base. Individuals have been ordered in many cases to “stay-at-home” but they lack the capability, through a depravation of material means, to “live-at-home” much less “thrive-at-home.” The virus may be “democratic” in its spread, but it is not in its effects. Žižek warns of the possible existence of a not-to-distant future which mirrors Boccaccio’s *Decameron*, a tale in which a group of young men and women withdraw to a villa outside of Florence to wait out a plague effecting the city. Our risk, through the depravation of capabilities to those who must work and endure the viral reality, is that reality will mirror art in this instance where “the financial elite will similarly withdraw into secluded zones where they will amuse themselves by telling stories in the manner of *The Decameron*, while we, ordinary people, will have to live with viruses.” (Žižek 2020: 77) In light of these, and many other, possible situations one is compelled, as was Marx, to “face with sober senses his [sic] real conditions of life, and his relations with his kind.” (Marx and Engels 1978: 476) Something is needed to ensure the flourishing of human capabilities through this and future calamities, both natural and artificial.

Our project here is twofold: first, one must acknowledge that, with the double-spectre of the pandemic looming, that one needs to be given the freedom *not to be*. For this the capability approach, as articulated by Martha Nussbaum, must be injected with a clear strain of *negativity* (in the sense of Han and Žižek). One must be allowed to *not* be capable, if they so choose. The capability approach, as it stands, is one that is motivated by incessant positivity, driven by what one "can" do, negativity is needed, an appreciation for what one may choose not to do, if one is to endure. The second issue arises is one in which we hear echos of the question that was posed to John Rawls, who was asked whether his conception of "justice as fairness" required the presence of an unconditional floor, to which he famously proclaimed "no." (Rawls 1971: 11; Rawls 1998) In revisiting that particular debate, the question will be redirected towards the capability approach as a methodology and as a means of justice. Namely, if one's capabilities are intrinsically tied to one's own material base, then does the capability approach, as a means of acquiring a manner of economic justice across individuals, require something of an unconditional floor as well, in the vein of an "universal basic income"? The expansion of capabilities would seem to require, or at least strongly suggest, the necessity, but not sufficiency, of the existence of an unconditional floor to ensure a basic level of human flourishing, particularly in light of the reality of pandemics present and future. To exorcize our double-spectre we must give people the tools by which to flourish, mentally and physically, by "thriving-in-place." To have to capacity to seek something more than the "bare life" afforded to them by mere capitalist survival, even while under the shadow of pandemic. (Han 2015: 18)

I: Finding the "Can" in Capabilities

Byung-Chul Han writes that we have entered what is to be called an "achievement society." (Han 2015: 8) One that is characterized by a relentless positivity, not in the sense of any normative measure of goodness but rather of additivity. Where the "unlimited *Can* is the positive modal verb of achievement society. Its plural form—the affirmation, 'Yes, we can'—epitomizes achievements society's positive orientation. Prohibitions, commandments, and the law are replaced by projects, initiatives, and

motivation." (Han 2015: 8-9) Nowhere in economics, as a discipline and a perspective, is this more apparent then in our measure of growth. Within the relentless drive for limitless growth and the over reliance on GDP-based measures of growth. The capability approach of Nussbaum, though while still impregnated with the positive modal verb "*Can,"* offers the possibility of a step away from this maddening path, with some modification.

The capability approach was first articulated by Amartya Sen in his 1979 Tanner lecture. Sen sought, in part, to "construct an adequate theory of equality on the combined grounds of Rawlsian equality and equality under the two welfarist conceptions, with some trade-offs among them." (Sen 1979: 217) In this Sen sought to break away from the "fetishism" inherent in Rawls conception of primary social goods, the heaping of undue importance to material things. Turning attention from the material goods themselves to the relationship that these goods have with the individuals utilizing them. From this perspective it becomes clear that:

> "It is arguable that what is missing in all this framework is some notion of "basic capabilities": a person being able to do certain basic things. The ability to move about is the relevant one here, but one can consider others, e.g., the ability to meet one's nutritional requirements, the wherewithal to be clothed and sheltered, the power to participate in the social life of the community. The notion of urgency related to this is not fully captured by either utility or primary goods, or any combination of the two." (Sen 1979: 218)

In this way the system of Rawlsian social justice is expanded into a new transcendent horizon, one that deals with relations rather than brute commodities.

The question remains however, what exactly do these capabilities entail? Rawls includes into his list of primary social goods "rights and liberties, powers and opportunities, income and wealth." (Rawls 1971: 62) Sen however is more cautious, arguing that one should not "freeze" a list of capabilities "for all societies for all time to come, irrespective of what the citizens come to understand and value." (Sen 2005: 158) But that is not to say that no such list exists, or that the creation of such a list could not

be of some use to both theories and activists. Martha Nussbaum has created a list of capabilities that, in an Aristotelian sense, provides for a minimum core of social entitlements that "is compatible with different views about how to handle issues of justice and distribution that would arise once all citizens are above the threshold level" in this it also does not "insist that this list of entitlements is an exhaustive account of political justice." (Nussbaum 2006: 75-76) Even the skeptical Sen sees the narrow application of this particular list of Nussbaum's as a "powerful use of a given list of capabilities for some minimal rights against deprivation." (Sen 2005: 159)

Since our concern is for the deprivation of individuals due to the double-sprectre of the pandemic, we will be using Nussbaum's list of capabilities as our foundation. The list, called the "Central Human Capabilities," is reproduced in its entirety here:

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; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of red production.
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 works and events of one's own choice, religious, literary, musical, and so forth. Being able too use one's own 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 nonbeneficial 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. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
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. (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 nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination 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 movable goods), 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." (Nussbaum 2006: 76-78)

The issue with the list that is put forward by Nussbaum is that it is still hopelessly *positive*, in the sense of Han and of Žižek. Though Nussbaum does acknowledge the difference between capability and functioning, there is still more to be found by going into the void. (Nussbaum 2000: 44) For this list to be more complete, it must include an aspect of negation. The capacity to choose *not to be capable*.

II: Being Able Not To Be Able

Why is it necessary to expressly include the ability to *not* be capable? Namely because "the power of negativity lies in the fact that things are enlivened precisely by their opposite. Mere positivity lacks any such power to animate." (Han 2017: 13) Here we do not mean a negative capability in the sense of a un-capability, or the lack of a capability. Instead it is more of "a kind of bodily gesture of (self-)mutilation, the introduction of a minimal torsion, of the curved space of drive, for the void around which a drive circulates." (Žižek 2006: 84) A negativity that enlivens by opening up space; room to breathe amidst relentless positivity. This negativity can be expressed within the radical act of saying "no" or, more specifically, the ability to say "I would prefer not to." (Žižek 2006: 381)

In this one can turn to the character of Bartleby from Herman Melville's *Bartleby, The Scrivener* (1853), story often alluded to by Žižek. In the short story Bartleby refuses many an instruction from his boss to the tune of "I would prefer not to." This seemingly innocuous phrase is, in fact, a "gesture of subtraction at its purest, the reduction of all qualitative differences to a purely formal minimal difference which opens up the space for the New." (Žižek 2012: 1007) How is such a thing possible? Namely, since Bartleby's response is to be taken quite literally. As Žižek stresses, Bartleby is careful to say "I would prefer not to," not "I don't prefer (or care) to." In this Bartleby does not "negate the predicate; rather he affirms a non-predicate: he does not say that

he *doesn't want to do it;* he says that *he prefers (wants) not to do it*." (Žižek 2006: 381; *emphasis in original*) The important twist that occurs as a result of this is that Bartleby, though his assertion of a non-predicate, starts not at a point of abstract negation, which would then would have to be overcome through an application of positivity, but rather "a kind of *arche*, the underlying principle that sustains the entire movement: far from "overcoming" it, the subsequent work of construction, rather, gives body to it." (Žižek 2006: 382)

How does this relate to the insertion of negativity into Nussbaum's capability approach? Here we are not saying that "I don't want that capability" but rather, in the guise of Bartleby, we are saying that "I would prefer not to do that capability." The choice is in not expressing the capability, in a way not wholly dissimilar from Sen's conversation on the choice of fasting, that there is a fundamental difference between involuntarily starving versus fasting. (Sen 1988: 290) Yet, the differing gesture here, the (self)mutilation, is a constructive one. The cut, as it were, is a necessary act. The act of being able not to be able, or *nicht-können-können* to use Han's original formulation, represents the ability to go beyond mere impotence. (Han 2017: 11; Han 2015: 24)

The necessity of the cut comes from the cacophony of positivity that surrounds us within Han's achievement society; a moment of peace is needed within the maelstrom. For, as Han describes it, "if one only possessed the positive ability to perceive (something) and not the negative ability not to perceive (something), one's senses would stand utterly at the mercy of rushing, instructive stimuli and impulses." (Han 2015: 24) The capabilities outlined by Nussbaum all represent positive aspects, namely additive ones, things that are driven by the positive modal verb "Can." One must be able to work, to be able to participate, to be able to play. In Han's conception of our current achievement society, the issue is, in part, that the subject is a "subject of affirmation." (Han 2015: 36) The concern is that individuals, as "entrepreneurs of themselves," are not given the freedom to not be, and so breeds depression and other neurological ills. As Han articulates it the "complaint of the depressive individual, 'Nothing is possible,' can only occur in a society that thinks, 'Nothing is impossible.'" (Han 2015: 9-11) For individuals who find themselves isolated and disconnected from their normal routines by our double-spectre of the pandemic this complaint becomes all

consuming. One can see this manifesting in the many social media posts and blogs that question how are you improving yourselves within this pandemic, or within the academy that asks how are you improving your research productivity during this pandemic (the irony of which is not lost upon the author). As if keeping one's self happy and safe is not enough during this time is not enough.

What shall we call this new capability, this ability not to be able? Perhaps we will call it the capability for boredom, in retaliation to the self-exploitation that comes with achievement society. For is not boredom one of the great transgressive acts (and perhaps one of the most decadent of luxuries) in our multi-tasking and achievement-driven society? The allowance of a negative, contemplative, space could curb some of barbarism of the achievement society. (Han 2015: 15) Boredom, as a negative antidote to the positivity of can, is in many ways can be conceived of as the void as a pregnant pause. As Žižek describes it "…boredom is a form of the reflected void, it signals that we have reflexively noted the limitations of what is given [in this case the relentless positivity of the achievement society], of our situation. Therein also resides the link between boredom and *creatio ex nihilo*: boredom is the *nihil* out of which we create." (Žižek 2014: 86) Boredom is a necessary component to any future and possible change. It is from this "profound idleness" that creativity is given its space to act. This capability is increasingly lost in our achievement society, where "without such contemplative composure, the gaze errs restlessly and finds expression for nothing." (Han 2015: 13-15). Hyper-attention, the roving gaze going from point to point endlessly, is the predominant form of awareness in the achievement society. Boredom, as a contemplative state, is needed as a foil. A means of utilizing the negative model verb form "I would prefer not to" as a foil to the positive modal verb "can."

Yet, in the midst of the pandemic, held in place by our double-spectre, we see that our capabilities, positive or negative, are eroding. Individuals faced with prolonged quarantines and "social-distancing" find themselves in need of some form of material support to ensure the continuation of the capabilities that we do have. Which bring us to the question of, what is to be done of a capability (or capabilities) that can regress?

III: No Exit Through the Gift Shop

Albert Hirschman, in his work *Exit, Voice, and Loyalty* (1970), puts forward the idea of "exit." Exit refers to the ability to be able to exercise an "exit option," namely to disentangle one's self from a situation and become removed in such as ways as to make the motion "uniquely powerful: by inflicting revenue losses on delinquent management, exit is expected to induce that 'wonderful concentration of the mind' akin to the one Samuel Jackson attributed to the prospect of being hanged." (Hirschman 1970: 21) One might naturally suppose that our conception of a "capability for boredom," or even the idea of "being able not to be able," to be something akin to Hirschman's exit. For are they not fulfilling a similar purpose? Yet, upon closer inspection one would find deviations, or perhaps flaws, in Hirschman's conception of exit that leave it incompatible with our capability for boredom.

The primary flaw that emerges out of our reading of Hirschman is that of the necessity of a place to exit to. While this may hold true on the market, or even the national, level it reaches an impasse when applied to the level of systems. Here we are confronted by the dilemma of an almost Fukuyama-esque reality of the "end of history," namely is it possible for one to exit from capitalism? (Fukuyama 2006) The issue here is that the hegemonic force of capitalism is itself a limiting horizon of sorts. Since the collapse of the Soviet Union, society has founded itself inscribed within a state of "capitalist realism," a "persuasive *atmosphere*, conditioning not only the production of culture but also the regulation of work and education, and acting as a kind of invisible barrier constraining thought and action." (Fisher 2009: 16; *emphasis in original*) Nothing, and by extension no-where, is seen as *outside* of capitalism. There is, in effect, no exit from capitalism.

The 'reality' of this is notwithstanding, capitalist realism functions at the level of ideology. It posits itself as the natural order of things, a situation upon which we should cast a discerning eye, since, as Lacanian psychoanalysis teaches us, one should be "suspicious of any reality that presents itself as natural." (Fisher 2009: 17) This is, in a way, the "highest form of ideology, the ideology that presents itself as empirical fact or (biological, economic) necessity." (Zupančič 2003, quoted in Fisher 2009: 17) The

essence of the issue is that as long as one embraces the ideologically-mediated reality of capitalist realism one will accept that there is nothing outside of it, therefore rendering any “exit option” for them to be impotent, or perhaps worse, non-existent. What we find is that our moment of clarity at the end of the rope, to expand on Hirschman’s metaphor, is that there is no where else to go.

This reality is reflected in the story of Bartleby as well. Even as he intones “I would prefer not to” he makes no effort to leave the building, instead merely gazes at the wall, while the narrator eventually comes to the realization that Bartleby is living within the building as well. Even as the ownership of the building is transferred to a new business, Bartleby remains, sitting upon the stairs and sleeping in the doorway. Bartleby does not leave until he is forcibly removed. What we see is that Bartleby was unable to (willingly) remove himself from the confines of the business he inhabits, the wall upon which his gaze rested hemmed him in. It is no big leap here to read into this something of the reality of capitalist realism; one cannot see beyond the confines of the ideologically-mediated horizons of capitalism, and so must make their gesture within the boundaries it establishes. One cannot exit, but one can gesture.

If one was to confine our discussion of “being able not to be able” and a capability for boredom into the duality of economic/political movements that Hirschman envisions, one might find something of a kindred-spirit in Hirschman’s conception of “voice.” Voice being defined by Hirschman as “any attempt at all to change, rather than to escape from, an objectionable state of affairs, whether through individual or collective petition to the management directly in charge, through appeal to a higher authority with the intention of forcing a change in management, or through various types of actions and protests, including those that are meant to mobilize public opinion.” (Hirschman 1970: 30) For Hirschman, “no-exit situations” (of which he chiefly identifies monopolies) can be improved if “voice can be made into an effective mechanism once these consumers or members are securely locked in.” (Hirschman 1970: 55) One can imagine a situation where the capability for boredom, or “being able not to be able,” may fall under this aegis, however imperfectly.

One final lesson, however, can be drawn from Bartleby’s tale in regards to Hirschman’s duality of exit/voice. Hirshcman’s assertion of an exit option (as well as, it

can be argued, his assertion of voice) still belies an underlying reliance on the positive modal verb “can.” The assertion of “I can exit this situation and so choose to do so” is necessary. It is a positive motion, rather than a negative gesture, that is being expressed. With an exit motion we find ourselves asserting the negation of a predicate, in the form of the exit, which requires then an application of positivity to overcome it, namely that one must then exit into something different, and arguably better in Hirschman’s logic, than where they started. Exit relies on the negation of the predicate; the capability for boredom, in the spirit of Bartelby, rests upon the invocation of a non-predicate. In this we are attempting to resist, through a negation of the “can” of the achievement society, that capitalist formulation, which we can express as a rephrasing on George Bataille’s famous dictum, that capitalism is assenting to work up to the point of death. A phrase that gains a new level of accuracy in our viral reality. One cannot help but empathize with the narrators final exclamation of “Ah Bartelby! Ah humanity!” (Melville 2013: 30)

IV: I, Economist or the Positronic Social Theorist

Even with the introduction of negativity into the capabilities approach, in the form of our capability for boredom, something is left unresolved. The issues at stake here are twofold: the impermanence of our capabilities and the materiality of capabilities. The impermanence of our capabilities recognizes them as a transient state, one that an individual can move in and out of depending on their circumstances. One can lose a capability just as one can gain a capability. This is due, in part, to the second issue: the materiality of our capabilities. One’s ability to act upon, and utilize, one’s capabilities is tied closely to their material well-being. Reflecting upon Nussbaum’s list, we can see this to be true in terms of capabilities such as education, political involvement, and the like. This is what is meant when it is said that we must *be capable to be capable*. As much as we are given the freedom to act, we must also be able to express those actions. The pandemic has certainly thrown this into a new light, as individuals have, some for the first time, seen their capabilities erode before their eyes. Something is needed in order to preserve our ability to be able, a capability that lies within and before

the others in Nussbaum's list. This brings to mind the stories of Isaac Asimov, where his positronic-brained robots conceive of a "Zeroth Law of Robotics," a law that is suggested and hidden within the original three. (Asimov 1985: 397)

As with the positronic-brained robots of Isaac Asimov, we can conceive of a Zeroth Capability, a capability that acts beyond and behind all others. An ur-entitlement that allows for the subsequent existence, and protection of, all other entitlements. The Zeroth capability must therefore be that we have the capability to be able. We must be able to be able to begin with. This, in some ways, can be seen as a perversion of the Nussbaum Lemma, in the sense of an aberration, a twist in the original weave. The Nussbaum Lemma states that it is "implausible to suppose that one can extract justice from a starting point that does not include it in some form." (Nussbaum 2006: 57) Or, as Deirdre McCloskey so eloquently puts it, one cannot pull a just rabbit out of a purely prudential hat. (McCloskey 2011: 7) Here is put forward that one cannot have capabilities, if one does not first have the material support to ensure the continuation of those capabilities. You cannot grow in a barren field.

The creation of a fertile material base from which our capabilities can spring would seem to require "a change of social attitude so profound that we must think deeply about both the dangers and the opportunities." (Goodman and Goodman 1947: 193) The positronic social theorist need not strain too hard to consider what the change maybe be since the solution, or rather a solution, has existed in one form or another for the last five centuries. We see it fist written in Thomas More's *Utopia* (1516) in which the Portuguese traveler Raphael Nonsenso, recounting an earlier conversation, claims that:

> "Upon this, I (who took the boldness to speak freely before the Cardinal) said, 'There is no reason to wonder at the matter, since this way of punishing thieves was neither just in itself nor good for the public; for, as the severity was too great, so the remedy was not effectual; simple theft not being so great a crime that it ought to cost a man his life; no punishment, how severe soever, being able to restrain those from robbing who can find out no other way of livelihood. In this,' said I, 'not only you in England, but a great part of the world, imitate some ill

> masters, that are readier to chastise their scholars than to teach them. There are dreadful punishments enacted against thieves, *but it were much better to make such good provisions by which every man might be put in a method how to live, and so be preserved from the fatal necessity of stealing and dying for it*.'" (More 2016, p. 40: *emphasis added*)

This idea, often referred to as "Raphael's solution to theft," is deceptively simple: if people have enough to live, they will not need to steal. The modern positronic social theorist however would recognize this more familiarly in its modern incarnation as an universal basic income.

An universal basic income is a form of income maintenance, one of many that include such deviations as a negative income tax, or a wealth dividend. The definition used here will be the one invoked by Philippe Van Parijs and Yannick Vanderborght, in which an universal basic income is "a regular income paid in cash to every individual member of a society, irrespective of income from other sources and with no strings attached." (Van Parijs and Vanderborght 2017: 4) The universality of an universal basic income, that fact that it is given to all within society and with no stings to hold one down, is precisely what makes it applicable to our Zeroth Capability.

Haunted as we are by the double-spectre of viral and neurological fears within this old-made-new "pandemic economics" it is becoming increasingly clear that our capacity for capabilities is eroding. Nussbaum's list of capabilities, with the addition of our injection of negativity, is supposed to represent "central requirements of a life with dignity" anything less would reflect an undignified life and any society which cannot guarantee even these minimum entitlements "falls short of being a fully just society, whatever its level of opulence." (Nussbaum 2006: 75) Yet, as one can see within the United States, with the closure of schools and the movement of classrooms to online platforms one's education becomes a function of one's internet speed, or as we've witnessed within some of the state's primary elections that people are not participating in the democratic process, not out of apathy, but rather out of a concern for their own safety. An universal basic income, in the guise of our Zeroth Capability, would allow for the fitting of an unconditional floor beneath our capabilities, creating a situation where

our capabilities have the material capacity to be utilized. Making it so that our human dignity, to borrow from Nussbaum, is not subject, as directly, to the whims and often capricious nature of our material conditions.

V: John Rawls Doesn't Surf, But We Should

The conversation of whether or not an universal basic income fulfills the role of a necessary "Zeroth Capability" in any serious application of the capability approach mirrors a debate that occurred in the late 1980s with John Rawls. When confronted with the question as to whether or not his theory of "justice as fairness" required, or at the very least justified, the existence of an universal basic income that was irrespective of one's capacity to work, Rawls famously struck out against the surfers in Malibu. Leisure, Rawls would argue, can be argued to be part of one's primary social goods. This results in a sort of exchange where "this extra leisure time itself would be stipulated as equivalent to the index of primary social goods of the least advantaged. So those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds." (Rawls 1988: 257)

Rawls's response is emblematic of a capitalism that prioritizes the bare life over the good life, the primacy of mere survival over flourishing. (Han 2015: 50) The surfers have chosen to embrace leisure, and in doing so, in the eyes of Rawls, have chosen to push away all other social goods. They have chosen their basket, and it is full of leisure with room for nothing else. This, Žižek warns, is the problem of all universalists in the vein of Rawls and even Habermas. The universalists problem is that they are always everywhere too narrow. Their contractional position one that is "grounded in an exception, in a gesture of exclusion (it represses the *différend*, does not even allow it to be properly formulated)." (Žižek 1999: 172) The rules are already established (for Rawls ever since the mythical original position), so that there is no room for negotiation. This leads to a maximin criterion that is based not of the desires of the individual who finds themselves allowed their primary social goods, but rather on the index of the primary social goods itself. (Sen 1979: 214)

Returning to the conception of “bare life” under capitalism, Han argues that capitalism “absolutizes bare life. It’s telos is not the *good* life.” (Han 2017: 21; *emphasis in original*) Rawls, in a not entirely dissimilar gesture, absolutizes the index of primary social goods. The surfers, by embracing leisure, have in a way rejected the Rawlsian “just” allocation of primary social goods, and in doing so have tacitly rejected the Rawlsian allocation system as a whole. The surfers then find themselves on the outside, clutching only their leisure to their breasts. They are unable to articulate and create a life, or in the abstract an allocation of primary social goods, that fits their own conception of the “good,” rather they are bound to the “bare” life offered by the Rawlsian allocation, or exclusion.

The capability approach, as articulated by both Nussbaum and Sen, goes beyond the Rawlsian formulation in that it allows people to form their own conception of the “good,” and, by extension, of the “good life.” Nussbaum in particular enshrines this in her capability of “Practical Reason” which entails “being able to form a conception of the good and to engage in critical reflection about the planning of one’s life.” (Nussbaum 2006: 77) Here now we can redirect (and re-articulate) the question posed to Rawls and the difference principle onto Sen, Nussbaum, and the capability approach: does the Zeroth Capability, the necessity of an unconditional floor, hold for the capability approach? The list of capabilities articulated by Nussbaum represent a minimum of basic human dignity, to fall below them is to find oneself in a wholly unjust position, in this way we can conceive of them as equivalent to the “bare life” of Han, synonymous with mere survival as a human person. Our Zeroth Capability, in its formulation as an universal basic income, then allows for a minimum threshold to be maintained, a level of bare life, of survival, that it is reasonably impossible for one to fall beyond. This gives our surfers a firm, dignified floor upon which to stand, allowing them to exercise their choice in capabilities beyond that of their mere threshold level. Bare life becomes the floor, not the norm. In this we are in resonance with Nussbaum’s desire that her minimum core social entitlements be “compatible with different views about how to handle issues of justice and distribution that would arise once all citizens are above the threshold level.” (Nussbaum 2006: 75) Once their capabilities fluctuate beyond their

guaranteed threshold, the surfer are able to truly define for themselves what is the "good life."

Being able to forge one's own conception of the good life, as well as having the capability to reach for it, is vital in the era of pandemic that we find ourselves embroiled in. Returning yet again to Han, he argues that capitalism is:

> "sustained by the illusion that more capital produces more life, which means a greater capacity for living. The rigid, rigorous separation between life and death casts a spell of ghostly stiffness over life itself. Concerns about living the good life yields to the hysteria of surviving. The reduction of life to biological, vital processes makes life itself bare and strips it of narrativity. It takes the *livingness* from life, which is more complex than simple vitality and health." (Han 2015: 50; *emphasis in original*)

In our time of pandemic economics, or more appropriately pandemic capitalism (used here as perhaps a more temporally specific notion of Naomi Klein's "disaster capitalism"), no where is this more apparent. (Klein 2007) In the quest to exorcise the double-spectre we must not yield to calls for "barbarism with a human face," what Žižek describes at "ruthless survivalist measures enforced with regret and even sympathy, but legitimized by expert opinions." (Žižek 2020: 86) One cannot substitute the good life for a bare one, without the loss of some of the livingness from life.

VI: Pandemic Capitalism

Žižek discusses how ethics, as a system of norms, is "thus not simply given, it is itself the result of the ethical *work* of 'mediation,' of me recognizing the legitimacy of others' claims on me." (Žižek 2006: 126; *emphasis in original*) We are confronted by this ethical reality in much the same way that we are confronted by our new viral reality. Those who have been deemed "essential workers," more often than not those in the most vulnerable socio-economic positions, have been entangled in an one-sided application of this definition. The general populace has asserted the legitimacy of their

claim upon the labour and bodies of the essential worker, yet has in many cases repayed them in only applause. The same ethical work has not gone in reverse, the essential worker has not been able to lay legitimate claim to the labour and bodies of those that they have served. Yet, the Zeroth Capability and in many ways the capability for boredom, requires that we recognize the legitimacy of the claims of society, as a whole, upon ourselves. It asks us to give some of ourselves for that of the whole. This is perhaps the truest reason why a universal basic income requires of us "a change of social attitude so profound that we must think deeply about both the dangers and the opportunities." (Goodman and Goodman 1947: 193)

The double-spectre of our viral-immunological epoch, this *geist* of infections and infarctions, hangs above us much like the starless planet in Lars von Trier's *Melancholia*. In *The Agony of Eros* (2017) Byung-Chul Han notes that the characters within the film are enlivened by the approaching apocalyptic rogue planet, it is in their "catastrophic fatality" that they find their salvation. (Han 2017, p. 8) This sentiment, within the confines of our very real pandemic, is echoed in a sense by Žižek as well, who extols that:

> "This is what those who deplore our obsession with survival miss. Alenka Zupančič recently reread Maurice Blanchot's text from the Cold War era about the scare of nuclear self-destruction of humanity. Blanchot shows how our desperate wish to survive does not imply the stance of 'forget about changes, let's just keep safe the existing state of things, lets save our bare lives.' In fact the opposite is true: it is through our effort to save humanity from self-destruction that we are creating an new humanity. It is only through a mortal threat that we can envision a unified humanity." (Žižek 2020: 105)

No "quinoa socialism" is desired here, instead Žižek invokes a "new communism" that can, or perhaps must, rise out of the pandemic. (Galarsoro 2020: 4; Žižek 2020: 97) A premise that is, as Žižek himself reports, mocked by Han, amongst others. (Žižek 2020: 97) Our other potentialities, however, appear to revolve around a masked barbarism-with-a-humanface. A pandemic capitalism made permanent. The invocation of the

Zeroth Capability, and the addition of explicit negativity to the capability approach, does little to curb this vision. It is perhaps a necessary, but by no means a sufficient, step towards resisting the worst of all possible worlds. In this one must be very clear, a universal basic income, as a mechanism by which to support a Zeroth Capability, is no panacea. Neoliberal tools can never dismantle the neoliberal house. Its goal, such as it is, is to follow the ethical imperative that we should reduce suffering wherever we are capable of doing so. To stave off a descent into the "bare life" of survivalism by allowing people the chance to thrive in pandemics present and future.

For it is the pandemic, this illicit double-spectre, that has thrown all of these concerns into sharp relief. The labour here has been to reveal two aspects of the capabilities approach made clear by this; the necessity of the clear inclusion of negativity, of "I would prefer not to," into the "can"-motivated list of Nussbaum's capabilities, as well as the underlying necessity to be capable of being capable, of the material base necessary for our capabilities, in the form of our Zeroth Capability. While there exists a multitude of policy prescriptions that could fulfill the criteria for our Zeroth Capability, an universal basic income seems to be the most direct and the most possible, in a way a job guarantee and the like perhaps could not be, in this current state of pandemic capitalism, one that is also, arguably, permissible, if we are to embrace cynicism for a moment, within the confines of capitalist realism.

Perhaps our "catastrophic fatality" may not lead to a new communism as Žižek imagines, but nor does it necessarily have to lead to a strengthening of existing capitalist structures. Embracing an universal basic income as our means of supporting our Zeroth Capability can fulfill a duel role: one that allows for individuals to "thrive-at-home" during this pandemic in order to avoid falling into the "bare life," as well as strike a blow at that first link in the capitalist chain, that of subsistence work. Divorcing our subsistence from our work has perhaps never been more urgent then now, in a reality where your very means of subsistence threatens to introduce the viral threat into your home. In this the Brothers Goodman had an interesting perspective, where one could "divide the economy and provide subsistence directly, letting the rest complicate and fluctuate as it will. Let whatever is essential for life and security be considered by itself, and since this is a political need in an elementary sense, let political means be used to

guarantee it." (Goodman and Goodman 1960: 191) Capabilities are essentials for life, that is a life worthy of the dignity of the human person, let them be supported directly, so that we can allow the catastrophe to fluctuate as it will.

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