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THE CONCEPT OF DIGNITY IN THE CAPABILITY APPROACH *A Personalist Perspective*

ABSTRACT: My attempt in this paper is to develop a conceptual account of human dignity that does not exclude persons with mental disabilities. On one hand I share Martha Nussbaum's critic on the rationalistic reductionism of the dominant concept of dignity; a reductionism that consists in the grounding of human dignity in the concepts of free will, individual autonomy, and the ability to be a party of the social contract. On the other hand however, I think that Nussbaum's conception of dignity is a tautological one. That is why I elaborate on this concept further by referring to the approach of the personalist philosophy, and especially to the very fruitful attempt of Gabriel Marcel to conceptualize dignity first by contrasting it to its opposite, which is according to Marcel the "spirit of abstraction". On the ground of Marcel's philosophy I argue that human dignity consists in the very basic capability to resist to one's own stigmatization and reification by the others as well as to struggle for one's own recognition as a valuable particular person.

KEYWORDS: Dignity, Capability Approach-Foundational Issues, Personalism

My attempt in this paper is to develop an account of human dignity which could grasp conceptually the normative status also of persons with mental disabilities. It is obvious that this account must avoid the rationalistic reductionism of the common concepts of dignity. The exclusion of persons with mental disabilities is one of the three central problems of justice, identified by Martha Nussbaum as unsolved problems of several rationalistic social contract theories. However, since the concept of dignity plays a key role as foundational issue in the capability approach to social justice, developed by Nussbaum herself, I cannot agree with her that it is enough just to use our intuitive understandings of what human dignity means.

That is why I shall first systematize the implicit and explicit uses of the concept of dignity in Nussbaum's version of the capability approach, but then I shall turn my attention to alternative perspectives on dignity, and especially to the philosophical tradition of personalism, where 'human dignity' is a central and constant theme. In particular, I shall focus here on Gabriel Marcel's essay *Human Dignity*¹.

¹See Gabriel Marcel, *Human Dignity*, The Existential Background of Human Dignity (Cambridge, Massachusetts: Harvard university Press 1963)

Finally, on a base of the analyses of the uses of the concept in question in the personalist tradition, I shall sketch out a way to develop a new account of the concept of dignity that could serve as philosophical foundation of Nussbaum's capability approach.

1. Reconstructing the concept of dignity in the Capability Approach

During the last years Martha Nussbaum developed an innovative approach to social justice that departs from the classical social contract paradigm, but that is both critical and supplemental to it. Nussbaum's starting point is the understanding that the interrelated problems of gender inequalities, poverty and religion² on one hand, and many of the problems of people with disabilities³, on the other, are problems of justice that could not be adequately approached, if we understand personhood and citizenship basically in terms of rationality, that is, in terms of free, equal and independent persons, who get together in social cooperation for the purpose of their mutual advantage. The conditions of justice as they have been described in the classical theories of social contract are no more plausible when we take into consideration the situation of persons with physical and mental disabilities, or the situation of citizens of poor nations, whose life-chances and opportunities to practice their rights are not equal with the chances and opportunities of the citizens of wealthy countries. With regard to that situation Martha Nussbaum re-exams critically the interrelated questions of what could be the purpose of social cooperation, and who can qualify as a citizen. Generally speaking she puts in question the priority of the distributive paradigm of justice as an adequate perspective for catching and solving these questions.

The capability approach is her alternative framework for the topics of justice. She claims that when one starts from the premise, that many different types of dignity are worthy of respect, then the capacity to function as a party of social contracts, as well as the abilities that practices of mutual advantage presuppose, are not necessary conditions of being a citizen who has dignity and who deserves to be treated with respect as an equal fellow with regard to the plurality of her life-activities.⁴

The central philosophical claim of a capability-centred theory of justice is that there are various different types of dignity. To accept this claim implies that rationality and language lose their status of central and solitary characteristics of humanity. Rather, they are to be understood simply as life-activities that exist among many other expressions of humanity. According to this pluralistic notion of humanity, the purpose of justice becomes to provide and secure a minimal threshold level of developing various human capabilities which a life worth of dignity presupposes.

Nussbaum's project is a normative and evaluative one since according to her not every capability should be supported, but only the ones which refer to the intuitive notion of a life in dignity. She presents a list of ten basic human capabilities⁵ and claims that they must be

²Marta Nussbaum, *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000)

³Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Harvard University Press, 2006)

⁴See: Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 17

⁵ Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 76-78

pursued politically for each and every person, because they are intuitively inherent to the notion of a truly human life, or of a dignified life⁶.

However, it seems to me that Nussbaum's intuitive justification of the capability approach to dignity is insufficient. It is ever possible that someone might not share her intuition of what dignity consist in. This trivial possibility is a serious argument against the attempt to justify Nussbaum's universalistic theory only on the base of intuitive understanding of which capabilities human dignity presupposes. Keeping in mind the status of the dignity concept as foundational point of reference for all central claims of Nussbaum's philosophical project, we should not neglect the lack of a systematical and exhaustible account on what human dignity precisely means.

In my following attempt to overcome that deficit I first try to explicate those aspects in the usual philosophical accounts on dignity, from which Nussbaum tries to distance her own concept. On first sight this attempt seems not that difficult. In Nussbaum's book on the philosophical foundation of capability approach "*Frontiers of Justice*" there is only one short chapter on dignity with the title "*Dignity: Aristotelian, not Kantian*"⁷. Despite this title we should be aware that at one point Nussbaum fully shares the Kantian notion of dignity: That is the demand of respect for each person as end in herself. ¶For Nussbaum, like for Kant, every person deserves respect simply because she belongs to the humanity.

This common place of both Kant and Nussbaum is the first analytical key to the concept of dignity. And the demand to treat *each person as end in herself* is also the leading principle of the personalistic philosophy, which I will consider in the second part of my paper. Here the notion of dignity comes close to the idea of "things" that have an inherent value – and not an instrumental one. This aspect of the Kantian concept of dignity fits well to Nussbaum's critics on the notion that mutual advantage is the only possible aim of social cooperation: If we think of the society only as joint-venture for mutual advantage, we would for example not acknowledge the dignity of persons with mental disabilities. But according to Kant persons have their own inestimable worth in themselves – and according to Nussbaum it is not their productivity that makes persons human.

However, the differences between Kant's and Nussbaum's accounts on dignity become clear, when one put to them the following question: What the inherent value of persons that is not exhaustible from any price or from any utility consists in?

According to Kant that inherent value consists in the free will of the reasonable man, who acts in accordance with the universal moral law – and who is also an author of that law. Kant's principle of respect involved in the formulation of the categorical imperative presupposes the ability of moral judgment which requires the capacity of abstract thinking. That implies a high level autonomy from empirical or social dependency. So the dignity of the man, his inherent value, consists in the ability to ignore the imperatives of needs, desires, and habits, and to act only with accordance to the primary moral duty of reason.

But what about the dignity of persons with mental disabilities? Kant would probably say that this is an empirical problem, and not a philosophical one. But it could be also a problem of the theoretical framework within which we define who is a person, and what personal dignity is about. In any rate, Nussbaum thinks that here we face a structural problem

⁶ Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 78

⁷ Nussbaum, *Frontiers of Justice .Disability, Nationality, Species Membership* ,159

– and not just an empirical one⁸: The Aristotelian and Marxian, that is, the non- Kantian notion of dignity, which she defends, is based on the understanding of the human not primarily as a rational being, but as a political animal. This is an idea that Nussbaum shares with Aristotle. She states:

It (the Capability Approach – A. M.) sees the rational as simply one aspect of the animal, and, at that, not the only one that is pertinent to a notion of truly human functioning.⁹

According to her, there are different kinds of animal dignity, which deserve respect, so that with regard to humans we should not construct an opposition between animality and rationality.

The second distinction of Nussbaum from the Kantian perspective comes from Marx. This is the notion that the human is creature “in need of plurality of life-activities”¹⁰.

To dignify different capabilities as having equal status to the rationality is a crucial move in a theory of justice that tries to include also the particular fate of persons with mental disabilities. That move at first place simply reminds us, that there are very different reasons and ways to value human live. However, Nussbaum links this understanding of humanity only in a selective way to the concept of dignity, by discriminating between certain human activities that should be treated as sources of dignity, from other activities that do not deserve such treatment.

What is valuable in itself for Nussbaum is not simply the plurality of life-activities. Rather, her list of capabilities that grounds her concept of dignity is normatively selected¹¹. Nussbaum asserts:

”Of course human beings have all sorts of capabilities, meaning activities to act and choose. The items of my list, however, are the result of an evaluative argument, that ask the question: What opportunities are entailed by the idea of a life worthy of human dignity? The approach then, does not read capabilities off from the factual observation of human nature as it is. Many capacities in our nature are bad (e.g. the capacity for cruelty); and many are too trivial to be inherent in the idea of a life worthy of human dignity. My approach, then, does not value capabilities as such, or freedom as such. Some freedoms or opportunities to act are good and some bad, some important and some trivial”¹²

I quote this long passage, because it seems to me, that if we cannot formulate the concept of dignity independently of the definitions of capabilities, we could not also (except intuitively) figure out which capabilities are specifically human, which are good, and which are bad ones, which are trivial and which are linked to the idea of respect for each human being as end in itself. In this very central point, the definition of Nussbaum seems to be a tautological one: to live in dignity means to have the list of capabilities which a life worthy of

⁸ See: Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 127

⁹ Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 159

¹⁰ Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 159

¹¹ Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* 2006, 162

¹² Martha Nussbaum, “Capabilities, Entitlements, Rights: Supplementation and Critique” *Journal of Human Development and Capabilities*, vol.12, №1 (2011):23

See also: Martha Nussbaum, “Capabilities as Fundamental Entitlements”, *Feminist Economics* №9:33-59

dignity presupposes. This tautological argumentation is the main weakness of Nussbaum's conception of dignity.

That is why in the following part of my paper I will turn my attention to alternative and more systematic concepts of dignity in order to provide an answer to the question whether the fulfillment of Nussbaum's list of ten capabilities is really a necessarily and sufficient condition of a life in dignity.

2. The concept of dignity from Gabriel Marcel's personalistic perspective

The concept of human dignity has been investigated in its various forms and conceptual relations in the book "The Existential Background of Human Dignity"¹³ of the philosopher and play-writer Gabriel Marcel. In this paragraph I shall distinguish the central features of Marcel's concept of dignity as they can be found in his essay "Human dignity". What makes this text so interesting and fruitful for my aim in this paper is that the conceptualization of dignity as inherent to every person from the fact of her birth is here approached by first explicating the antithesis of dignity. According to Marcel, the opposite of dignity is not its absence, but the guilty conscience or the affected dignity. He also introduces a concept of a so called "decorative dignity". There is a relation between these three negative concepts of dignity which now I attempt to reconstruct systematically.

2.1. Affected dignity and the spirit of abstraction

In a first approach to the understanding of what the opposite of dignity is, Marcel refers to one of his drama-works – "Le Dard"¹⁴. Through the structure of the actions of his main hero he describes dramatically how a certain kind of personal success becomes a source of resentment and so causes a kind of ideological consciences and pathological conduction. Marcel describes ideology by the term '*spirit of abstraction*': In the drama he quotes, the spirit of abstraction appears in the compensatory efforts of the main hero to justify his life and career advances, which he won by his marrying into a rich family. The bitterness and the resentment in the hero come from the notion, that by this marriage he has betrayed the class to which he belonged. This notion becomes pathological and totalitarian one, because every opinion and every judgment of the hero are inspired by his desire to remain in line with a certain class ideology. For example, as his friend states, our hero likes even Beethoven not for his music, but because he ascribes to Beethoven an ideology very similar to the one of his own. His friend often accuses the hero also of judging others not on the base of their intrinsic qualities, but on the base of categories under which he subsumes them. And the pathological

¹³ Gabriel Marcel, *The Existential Background of Human Dignity* (Cambridge, Massachusetts:Harvard University Press, 1963)

¹⁴ Gabriel Marcel, *Le Dard, pièce en trois actes*. (Paris, impr.-édit. Plon, 1936)

character of the guilty consciences on which the concept of spirit of abstraction, or of ideology is based, become even more obvious by the unjust and hateful behavior of the hero to the people he actually loves.

In order to elaborate analytically on the phenomenon that in the drama is signified as 'spirit of abstraction' as the opposite of human dignity, I shall highlight one crucial point: Obviously for Marcel there is a link between the totalitarian character of the ideological conscience on one hand and the practice of depersonalization on the other, a link, which makes us unable to see and to treat human beings as human beings instead of subordinating each and every individual under abstract designations.

According to Marcel the totalitarian character of ideology has something common with the inability to make distinctions between different kinds of rules and principles that ground different ways of dealing with different kinds of "objects". This inability expresses itself in cases, in which one conducts all own actions and judgments on the base of a single or solitary principle only, so neglecting every kind of differences. When this neglecting regards the difference between persons and objects (in this case we can use the term "reification"), or between persons and ideas, this phenomena should not be seen just as 'wrong judgment', In addition, it is also a pathological one.

It is worth noting that when Marcel considers this kind of pathological behavior of his hero in "Le Dard" to persons who are close to him, Marcel asserts that the most important feature of that behavior is the lack of love.¹⁵ It seems that according to Marcel ideology consists basically in the lack of love, or more precisely, in the destruction of love and sensitivity for concrete others in their inherent and specific values by resentment and guilty conscience. The concept of love is used here in the very common sense of valuable relation to a concrete person. And the opposite of the principle of love is the practice of bad abstraction. But why this practice should be also the opposite of dignity? It is obvious that we do not feel humiliated, if not everyone loves us. While we demand legitimately that everyone should respect our dignity, we could not expect that everyone should love us.

Let's link this distinctive interrelation between love and dignity to the main questions of this paper, namely 1) How can we develop a conceptual account of dignity, which does not exclude persons with mental disabilities, and 2) How can we overcome the rationalistic reductionism of the dominant concepts of dignity?

In the light of Marcel's considerations on dignity the later appears as nothing else, but as the ability to resist against the ideological treatment of oneself as a "thing", a treatment that stands in contradiction to the ways one learned to know and value oneself by one's relations of love with one's significant others. If we did not lose the sense for our dignity, we intuitively resist in our everyday practices against forms of bad abstraction – and we are quite sensitive for them in cases in which they oppress our own personality or the personality of our close relatives and friends.

The so described practice of resistance seems to have a clear moral impact in a Kantian sense. However, unlike Kant, the ability for abstract thinking does not play a central role here. Rather, to have the ability to resist against a false or disturbed construction of oneself depends on having basic sense of who you are (and who you are not) as well as on your pre-

¹⁵ Marcel, *The Existential Background of Human Dignity*, 123

cognitional conviction that you are a valuable person. Probably, at the very basic level of that self-awareness we should not insist that the latter entails a developed moral consciousness, but it does entail a sense of dignity. We should consider that even one's aggressive and destructive resistance against one's subordinating under abstract humiliating categorizations like for example one's labeling in racist terms, or, say, as having 'mental retardation', are in fact expressions of and attempts to keep one's own human dignity.

As Gabriel Marcel notes, in the constant desire of his hero not to betray the social milieu of his birth may appear something noble as well¹⁶. Guilty conscience is first of all an attempt of compensation, of correction – but it is a pathological attempt. Marcel seems to endorse the notion that the guilty consciences or the antithesis of dignity is paradoxically a perverted derivative of a kind of essential dignity which is inherent to every human being. However, in accordance with what was said here about the role of resistance in the concept of dignity, also the term “inherent” must be clarified: Instead of asserting, like Marcel, that human dignity is inherent to every human person from the very fact of her birth, it would be better to turn our attention to the conditions that make possible the development of self-awareness and self-esteem as well as the ability for non-pathological forms of resistance against reification and ideological treatment. To understand these conditions will enable us also to understand how one could, in the sense of Marcel, lose her real dignity and substitute it by the pathological forms of affected or decorative dignity, forms, which build themselves on the ground of ideology

2.3. Conclusion

The moral of the story I tried to tell here is that dignity consists basically in the ability of the person to resist to attempts to subordinate her upon abstract and ideological categories and upon forms of oppression, whose basic feature is that they destruct moral thresholds which are necessarily conditions for us to feel ourselves as persons – and not as mere instruments, objects or animals. Such attempts are not only acts of humiliation, but also acts of dehumanization. To put it in the terminology of Nussbaum: the ability to resist dehumanization is the very fundamental capability that makes the human life worth living and that should be ascribed to every human being who participates in relationships of love. Hence, the answer of the question whether or not the capabilities in the list of Nussbaum necessarily belongs to the concept of dignity, depends on the further question, whether or not these capabilities contribute to the development of the central capability to resist against one's own subordination upon abstract, impersonal terms and schemes, and to affirm oneself as a person, who deserve to be respected in her concrete features.

¹⁶ Marcel, *The Existential Background of Human Dignity*, 119

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