

# **Dignity as a Performative Concept**

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## **Abstract**

In my thesis I am looking at the way that dignity is used in political action, and how this can inform and enrich the way it is theorised. In the literature on dignity, there is suspicion and scepticism about the concept, whereas in protests it is used as a powerful and meaningful concept. Although there seems to be a discrepancy between these uses, the role of the concept of dignity in both domains is the same: it says something about how we ought to treat each other in virtue of a special quality. In the literature, dignity is conceptualised as something that we have, as a status concept, that is, as an inherent value. I will argue that instead we should focus on dignity as something we do, or as a performative concept. A performative concept sees dignity as something that is embodied and constituted through our doing. Therefore, it is better able to capture the way that dignity is experienced, the importance of the social and historical context in which it is used, and account for changes in the scope and meaning of dignity. It also becomes a politically much more interesting concept, because the account that we give of it matters politically, since the judgements and partialities that are present in every conception of dignity create inclusions and exclusions. It also means that dignity always has to be constructed and reiterated, which keeps open the possibility of iterating it differently, and consequently the meaning of dignity is not fixed or fixable.

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# Introduction

Dignity is a term that is often heard in a political context, for example, in political protests, debates, speeches and so on, and it has also received renewed attention from political theorists, with many works about dignity, or at least mentioning dignity, being published in the last decade. The recent protest movements in Europe and North America responding to the global financial crisis and the neoliberal direction of their governments are sometimes referred to as Indignant (citizens) movements. The term dignity also figured in the Arab spring where the Arabic word for dignity Karamah, was often heard during the protests.<sup>1</sup> However, the term dignity is not limited to those movements; it is also used by several NGOs, for example by Amnesty International in their Demand Dignity campaign to raise awareness of the conditions many refugees and displaced people have to live in. The use of the term dignity is not a recent phenomenon either, as it has figured in many political struggles from the civil rights movement in the US, to the dignity of labour movements, and many other political struggles.

Recently, quite a few political theorists have shown a renewed interest in the term, by publishing several books and articles about dignity. With this renewed interest also comes renewed criticism, and there is much suspicion and scepticism about the use of the term. Some say it is a messy and confused concept and, therefore, useless or even stupid. Others are suspicious about the concept, arguing that it covers up deep political disagreement or that it fails as a political concept because it is static and does not empower people, or that it is impotent because it has not prevented atrocities in the past, and does not seem to be doing a better job today.

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<sup>1</sup> The Tunisian uprising was locally known as the Dignity revolution. The name Jasmine revolution was given to it by Western media.

So, because of these problematical aspects that the critics bring up, how can we account for the fact that on the one hand, from a theoretical perspective dignity does not seem to be a political powerful concept, but on the other hand, people on the street, politicians and those participating in public debates still believe it is a powerful and meaningful term, otherwise they would not continue to use it in slogans during their protests, debates and campaigns.

A cynical answer to this question may be that dignity is only utilised in a rhetorically strategic manner and that it does not have much normative power, but I think that this answer is too simplistic and that it does not take the way the concept is used in political action seriously.

In this thesis, I will work with the idea of dignity as a complex, multifaceted concept, which is hard (or impossible) to grasp as a whole. Thus, I will not attempt to give a complete account of the concept of dignity but focus on some of its facets. The facet that often receives the most attention is the idea of dignity as an inherent status, shared equally by all human beings. Another facet is the idea of dignity as being about how we ought to treat each other. This facet of dignity is much undertheorised. It is usually treated as a derivative of the idea of status, but I want to theorise it in its own respect because it can shed much light on the way that dignity is used in political action.

As I said, it appears that there is a significant discrepancy in the way that dignity is theorised and the way that dignity is used outside of academia, with theorists being unable to capture this use in its vibrancy and urgency. We could even ask the question if they are still using the term dignity in the same way or if they are using the same term to capture different concepts. To create some clarification in the myriad ways in which dignity is used, I will make a distinction between the *concept of dignity*, or the general way in which we use the term, and a *conception of dignity* that is a substantive account of what dignity means. For example, in the debate on euthanasia, both sides use the term dignity to argue for their position, but they reach opposite conclusions. The defenders of the practice use the phrase ‘dying with dignity’ to argue for the right to decide on how and when one wants to die. Barbara Kay, an opponent of euthanasia, argues that the practice of euthanasia cannot be defended by invoking dignity, for euthanasia requires not only taking away a person’s life but also their dignity. Kay claims that most proponents of euthanasia use a very narrow definition of dignity as physical autonomy, and try to suppress the fact that

“the final result is still a human being’s life purposefully ended by his fellow human being.” This is a practice that most proponents of euthanasia would probably abhor in the case of the capital punishment.<sup>2</sup> David Swanton, a defender of euthanasia, disagrees that the term dignity comes down to the protection of life. Instead, he argues that dignity requires that people should not be made to live in inhumane, degrading conditions and that some illnesses lead to just these kind of conditions. Swanton observes that opponents of euthanasia argue that a doctor’s duty is to cure people and not to harm them. From this, he infers that when dignity means that someone should not be harmed then euthanasia should be justified in those cases where staying alive is actually doing harm.<sup>3</sup> What this case shows is that both sides use the *concept* of dignity to argue whether or not euthanasia can be defended. They have however very different *conceptions* of what dignity means, and, therefore, they cannot reach an agreement. One side draws on the conception of dignity as the fundamental protection of life, the other on dignity as the protection of some minimum standard of living. These are both common interpretations of the same concept of dignity.

I am borrowing the distinction between concept and conception from Rawls, who uses it in *A Theory of Justice*. There, Rawls distinguishes between a concept and a conception of justice. He argues that although people disagree among each other what justice requires, they all hold conceptions of justice; they only interpret what justice means in a different way. He argues that we should, therefore, distinguish between a concept of justice, or the general idea about the role of the term, and the various substantive conceptions that people hold. Rawls says that the concept of justice is specified by the role that these different conceptions, or sets of principles, have in common. He follows H. L. A. Hart in saying that the role of justice is to ensure that institutions make “no arbitrary distinctions ... between persons in the assigning of basic rights and duties” and that there is “a proper balance between competing claims to the advantages of social life.”<sup>4</sup> Rawls argues that the concept of justice is about the fairness of institutions, and that the various substantive conceptions of justice differ on what this means, and therefore,

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<sup>2</sup> Kay, “Be Careful about Calling It ‘Death with Dignity’.”

<sup>3</sup> Swanton, “Submission to the National Human Rights Consultation,” Appendix 1.

<sup>4</sup> Rawls, *A Theory of Justice*, 5.

“[t]he notions of an arbitrary distinction and of a proper balance ... are left open for each to interpret according to the principles of justice that he accepts.”<sup>5</sup>

In a similar vein, I want to distinguish the concept of dignity from its different conceptions. As I briefly illustrated above with the example of the debate on euthanasia, there are many different substantive conceptions of dignity, and they disagree about what dignity means, what it encompasses, what it prescribes, how it is realised, and so on. However, even though the answers to these substantive questions differ greatly, the *role* that the concept of dignity plays is the same: it says something about how we ought to treat each other in virtue of a special quality. The different *conceptions* of dignity then disagree about the principles that guide or govern how we ought to treat each other, and about what this special quality is. More specifically, different conceptions of dignity can differ on what ‘how we ought to treat each other’ means, as it can both be interpreted as a threshold of what we minimally owe to others, or it can be used as a more capacious ideal that challenges us to treat others better. Furthermore, dignity can both be used to criticise the way that we treat each other or how we are being treated, and it is also used to signal that there is something (morally or politically) fundamental at stake. Moreover, the special quality mentioned above is often interpreted as something that all persons share, but there is no agreement about what this quality is precisely, which raises questions about who is included and why. Then again, it can also be interpreted as a quality that distinguishes some people from others, but then there is still disagreement about what this quality is and when to attribute it to someone. However, in the end, whatever the substantive conception is and whatever the answer that it gives to the question of what dignity means, it still has the same role: to say something about how we ought to treat others in virtue of a special quality.

In general, there is a tendency to talk about dignity as something that we *have*, that is, as a status concept. Dignity is seen as a special quality that human beings have, (either an inherent or an achieved value), and this status then implies that they should be treated in a certain way. The consequence of looking at dignity as a status concept is that the focus is on determining what this value is, how it is grounded and justified, and how we can recognise it in, or attribute it to, people. As a result, the question of how we ought to treat each other tends to become a

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<sup>5</sup> Ibid.

secondary question. This is precisely what is happening in the literature on dignity: dignity is treated as a status concept, as something that human beings *have* based on certain criteria, and much of the discussion about the concept is, therefore, focused on what this value is, how it is grounded, and how it is ascribed to people. This way of looking at the concept not only obscures part of what dignity is about, but it is also problematic in other ways, especially in a political context, which I will discuss further in Part I and II.

However, this is not the only way to interpret the general use of the concept. I will argue that by thinking of dignity differently some of the problematic aspects of the status concept of dignity can be circumvented. Instead of focusing on dignity as something that we *have*, we should focus on dignity as something we *do*, or as a performative concept. The term performative was used by J. L. Austin in his *How to Do Things with Words* to argue that, contrary to a positivist account of language, not all speech acts are describing reality (and can, therefore, said to be either true or false). Instead, some speech acts are better characterised as *doing* something, for example when we utter the words “I do” during a marriage ceremony, or when we take an oath in a courtroom. These utterances are not true or false, but can only be ‘felicitous’ or ‘infelicitous’ depending on whether they succeed in what they are trying to do.<sup>6</sup> In *Gender Trouble*, Judith Butler develops the idea of performativity further. She argues that gender identity is not an interior quality that gets expressed in outward behaviour, but that instead gender is constructed and shaped by our actions, gestures and speech acts, and, therefore, gets its meaning through our performance of it.<sup>7</sup> In a similar vein, I will argue that we should not see dignity as based in an interior quality (or status), but as something that is embodied, and constructed through actions. Furthermore, these actions are not performed on an empty stage, to keep with the performative metaphor; they are situated in a larger social and historical context that shape its meaning. The social and historical contexts, on the one hand, shape the way dignity is performed, but on the other, they do not exhaust the ways in which it can be performed. If we understand dignity as a performative concept, this means that it always has to be constructed and reiterated, which keeps open the possibility of iterating it differently, which means that the meaning of dignity is not fixed or fixable.

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<sup>6</sup> Austin, *The Works of J. L. Austin*, 6 & 14 et seq.

<sup>7</sup> Butler, *Gender Trouble: Feminism and the Subversion of Identity*.

In this work, I am not attempting to present a complete or comprehensive account of the historical and contemporary use of the concept of dignity.<sup>8</sup> Instead, I am proposing a shift in the metatheoretical approach to dignity. I do not defend a particular conception of dignity, but I am discussing a way to understand the concept that is politically much more interesting than a status concept. A performative concept is not passive but requires a *doing*. Furthermore, because it is not fixated on questions about *having* it is better able to accommodate thinking about dignity when it is unclear what the dignity of the other is and whose dignity is affected, for example in the case of nonhuman others, future generations, borderline line cases, and so on.

In the first part of this work, I will demonstrate how dignity is generally conceptualised by discussing several examples. By doing this, I will show that it is usually theorised as something that people *have*, a *status* they possess. The most common interpretation of dignity is that it is an inherent status that is shared by all human beings and that it is an inalienable value. There are other uses of dignity — mainly to confer distinction or elevation — but again, these are also seen as a status, or something that people have. The result of this is that much of the debate about dignity is focused on finding out what this specific value is and how it is grounded and justified.

This characterisation of dignity is problematic because it obscures many important aspects: in practice, dignity is not experienced as an abstract interior value, but in lived, embodied experiences. Seeing dignity as a status obscures the importance of this embodied experience. It also obscures the importance of the relational aspect of dignity, and the importance of others to recognise, affirm, realise, sustain or witness dignity. Furthermore, under normal circumstances, we are usually not very aware of our dignity. We mostly become aware of it when it is under threat or at stake. However, most theories of dignity not only ignore the way it is experienced, but they also ignore the social and historical context in which it gets its meaning. I will, therefore, argue that it is important to understand dignity in its context, and through its experience. When we try to theorise dignity in this way, it is no longer possible to treat it as if it has a definite or

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<sup>8</sup> There are several works that do a far better job with this than I could do. For instance, Düwell et al., *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, Rosen, *Dignity: Its History and Meaning*, Malpas and Lickiss, *Perspectives on Human Dignity: A Conversation*, Kirchhoffer, *Human Dignity in Contemporary Ethics*.

fixed meaning that we can uncover, but instead, it becomes a dynamic concept, which means that its use and meaning can change over time.

In this part, I will also address some of the sceptical and suspicious criticism that has been launched against the concept of dignity. I will argue that a performative concept is not as vulnerable to most of this criticism because the critique is mostly directed to the way that dignity is grounded or justified, or against the way that it pertains to a universally valid answer to what dignity is or means. A performative concept of dignity does not focus on giving an answer about what grounds the idea of dignity because dignity is constituted and shaped in our doing, and is not based in an interior quality. As a result, it does not claim that there is a fixed answer to what dignity means, but instead says that it is a dynamic concept and that reiterations of it can introduce new meanings.

In the second part, I will focus on how dignity is used in political theory. Again, dignity is usually seen as a status concept, and this status is used as a justification for inclusion. The argument is that if someone has dignity, she should be included in our moral deliberations, our political community or our political decision-making processes. Thus, it is supposed to be an inclusionary concept, that is, a ground for justifying that something is owed to everyone because they have (equal) dignity. However, because dignity is thought of as an inherent value that an individual has, it often fails in its purpose to be inclusive. One of the reasons for this is that dignity is seen as something that we have based on a particular ground or characteristics, which means that there are — often implicit — conditions for having dignity.

I will illustrate this by discussing three examples of how dignity is used in political theory, namely, the cosmopolitan theory of Kwame Anthony Appiah, the capabilities theory of Martha Nussbaum, and the critical theory of Rainer Forst. These examples show that while the authors intend to use dignity as an inclusive concept, the assumption that the criteria they use for attributing dignity are universal and generally acceptable hides their thick interpretation of these criteria, and thus they are not as universal and generally acceptable as these authors assume.

In political theory, dignity is generally theorised as a status concept, that is, as something that people have based on certain conditions. These conditions tend to be prescriptive rather than descriptive — there is an underlying normative idea about what a human being should be, rather

than just a description of what a human being is — and therefore, these conditions are often exclusionary. Therefore, many other political theorists are suspicious of the use of the term dignity, and there is no generally accepted way to think about dignity. Furthermore, theorising dignity as a status, or, in other words, an inherent value, makes it passive — one either has it or one does not — it does not involve any actions of the status-bearer to have dignity. Dignity as a status raises expectations about the rights that one ought to have, but it does not empower people in getting these rights, and it cannot enforce just treatment, and, therefore, dignity fails as a *political* concept. A performative concept of dignity avoids both these pitfalls: it does not pretend that there is a fixed answer to what dignity is, and it does not see it as a passive status, but as something that needs political work to be recognised and maintained.

In the third part, I will show how dignity is used in action: I will look at how the term dignity is used in protests and social movements, both to find out how people are actually using it in a political context and to see how this differs from the status concept. I will focus on three cases: The first is Dignity Village in Portland, Oregon, which grew out of a protest by homeless people who were fed up with the homeless shelter system, and who wanted to establish a more democratic and empowering community to get their lives back on track. The protest started in December 2000 when a group of homeless people moved out of the doorways and established a tent city on public land — called Camp Dignity at first — to provide themselves with a safe place to stay, to make the problem of homelessness visible, and to create alternative housing options. They were chased away from this location and several others until the council offered them a place to stay on the outskirts of the city. The group eventually accepted this location, and although the odds were against them, they built a community there which is still operating and offering shelter to approximately 60 people a day.

The second case study is the Egyptian uprising in 2011, which began on 25 January and ended with the resignation of Mubarak on 11 February. The slogans that were heard were not only the famous ‘the people want to bring down the regime’, or just a simple ‘leave’ to Mubarak and his government, but the protesters were also united by the slogan ‘Freedom, Dignity, Social Justice’, or in its simpler form ‘Bread, Freedom, Dignity’. However different the specific interpretations of the protesters of these terms were, they could all agree that the Mubarak



regime had not provided them. The protesters had many grievances against Mubarak and his regime: violations of civil and political rights, corruption, unfair elections, police brutality, bad economic policies and high unemployment. All these grievances were captured by these three concepts: freedom, justice, and dignity. These three ideas represented the failure of the Mubarak regime because it did not provide any of them and was instead oppressive and abusive.

The third case study is that of 15M in Spain. 15M is a network of activists in Spain who protest against the economic austerity measures of the Spanish government, which chose to bail out the banks while at the same time cutting back on many social programmes (like, for example, worker protections and the pension age). On 15 May 2011, there were mass protests all over Spain. The protests themselves passed off without major incidents, but afterwards the police clashed with protesters and, as a result, the protesters decided to occupy the Puerta del Sol, a large square in the centre of Madrid. This kind of occupation was repeated in other major squares in Spanish cities as well, with thousands of protesters all over Spain. This movement is better known abroad as the Indignados (or the indignant), and while they do not seem to be very fond of that term themselves, they have organised several Indignant Peoples Marches in 2011 and 2012, and again in March 2014, the Marches of Dignity, which descended on Madrid from all over Spain.

By discussing examples of how the term dignity is used in these contexts, I will show that it is easier to understand these uses if we think of dignity as a performative concept than as a status concept. In these protests, dignity is not used as a passive status, but is experienced as something that is precarious or at stake and needs to be practised and asserted in order to be recognised and maintained. The protesters do not experience dignity as a status that protects them, but as something that is at stake and has to be expressed and asserted in order to be recognised by others. This recognition by others matters because dignity is something that has to be constituted in social relationships. The ideal of dignity that is pursued in all these protest emerges in contrast with the indignities that are experienced, but it is not explicitly spelt out. These uses of dignity cannot be accommodated by the status concept, because, even though the protesters still regularly use the language of dignity as something that they *have*, it

is not experienced as a stable status, but as something that has to be practised and sometimes asserted in protest in order for it to be recognised. Dignity is active, something that we *do*, and, therefore, it makes more sense to theorise it as a performative concept.

## **Part I:**

### **Conceptualising Dignity**

In the Introduction, I argued that there is a significant discrepancy between the way that political activists use dignity and the way that academics theorise it. The latter often regard it as a problematical concept lacking a clear definition. If one listened to everything that the critics are saying about dignity, it would appear that it is a messy and confused concept as many of them express their scepticism about its usefulness or suspicion about the way it is used. Moreover, the academics that argue favourably about the concept have not been able to address many of the critics' concerns. Meanwhile, in practice, it is still a popular term. It is often heard in political protests or popular debates, and politicians also regularly use it in debates and speeches. In these cases, it seems to be a vibrant and meaningful term that expresses something distinctive. In the Introduction, I said that even though these uses of dignity seem very different, they still use the term dignity in a similar way, namely, to say something about how we ought to treat each other in virtue of a special attribute. The difference is that in theory, this idea is interpreted in a narrow way as a status concept: dignity is seen as something that we *have*. In practice, the term is used in a much broader way, and it would be helpful to see it as a performative concept: dignity is something that we *do*.

In this part, I will discuss how academics commonly theorise dignity, namely, as a status concept. Often, these theories are based on the intuition that everyone has equal dignity, and that dignity is something very valuable that deserves protection. In order to ground this idea of dignity in a strong and secure way, most academics treat it as a special status of human beings that is grounded in some human quality. Although this seems to be a plausible way to find a stable foundation for the concept, I will argue that it is problematic. It is not only very hard

to find the right kind of foundation that is not exclusionary and at the same time sufficiently precise, but it also is a narrow way of thinking about dignity, which leads to an abstract and static account of dignity. Furthermore, it focuses the debate on finding out what this particular value is and how it is grounded and justified, and, therefore, obscures many important aspects of the way dignity is used in practice. For example, it does not account for the experience of dignity — or more often, for the experience of its absence; and it pays insufficient attention to the role of the social or historical context in determining what dignity involves. A performative concept can account for these issues, and is therefore much better suited to theorise the way that dignity is used in political practice.

This part consists of three sections. In the first section, I will discuss how academics theorise dignity as a status concept. To make sense of the multivalence of the concept, and still find a unified way to capture the whole concept at once, several authors argue that the concept is used in two different ways, either as an inherent status or as an achieved status. The difference between the two is that the first applies to everyone equally and cannot be lost, and the second is used as a way to distinguish people. We can have this second kind of dignity to different degrees, and because it is something that can be achieved, it can also be lost again. A significant similarity between the two is that both are seen as a status, as a value that a human being has or can possess.

In the second section, I will discuss aspects of dignity that the status concept ignores, but which the performative concept can account for. The status concept focuses on dignity as an interior attribute, and it does not say much about how dignity is experienced, namely, that it is embodied and that the experience of indignity is phenomenologically often prior to the experience of dignity: we usually experience dignity when there is something wrong or at stake. The status concept also often ignores the social and historical context in which dignity functions. As the multivalence of the concept shows, the social context in which dignity figures is essential to its meaning, and as history has shown, the meaning and scope of dignity have significantly changed. These changes show that dignity is not a static concept with a fixed content, but that it is dynamic and relational.

In the third section, I will discuss some of the criticism of the concept of dignity. I will argue that most of this critique focuses on the way that dignity is grounded, or on the way that it pertains to give a universally valid answer to what dignity means. Therefore, a performative concept of dignity is not nearly as vulnerable to this criticism as the status concept.



## **Dignity as a Status Concept**

In academia, the concept of dignity, which says something about how we ought to treat each other in virtue of a special quality, is usually conceived as something that people *have* no matter what: it is inalienable, and everyone has it equally because we are human beings or persons. Dignity as status is a value that demands respect or respectful treatment. Moreover, the dignity of a person warrants protection because it is supposed to be irreplaceable.

Meanwhile in our everyday language, dignity is also used in a different way to convey distinction, and, in this case, it is seen as something that is acquired, and that is precisely not possessed by all human beings, but rather only by those who deserve special respect because of their actions and not simply because of who they are. Theories of dignity usually focus on the first, normative idea of dignity, as the most important.

This notion is a normative concept, because it establishes rules and standards about what dignity is and who has it, and these rules are prescriptive. Because dignity is a status, it is something that is given, we do not have to do anything to acquire it, but this also means that it is passive. Because it is normative, it generates expectations of how others should treat us, namely, we expect that others will respect our dignity.

### ***The multivalence of dignity***

Dignity is a multivalent term; it is used differently in different contexts, which is often puzzling and confusing for theorists who try to come up with a theory of dignity and want to explain what dignity means. As I have shown in the introduction, the concept of dignity can also be used by opponents in a debate to support opposing claims. This phenomenon is often used by critics of the concept to argue that it is useless because there is no agreement on its content, or that it is suspicious because it has many different interpretations and these other interpretations are swept under the rug.

The idea of dignity becomes even more complicated when, on the one hand, there is the intuition that everyone has equal dignity and should, therefore, be treated with equal respect. On the other hand, when we are asked to think of a dignified person, we usually think of someone we find praiseworthy, like Nelson Mandela, for example, or Aung San Suu Kyi, and certainly not of a murderer, torturer or rapist. So while there is the idea that everyone has equal dignity, we also think that some people have more dignity than others, and some maybe have none at all.<sup>1</sup>

To make sense of this predicament, and to attempt to answer the critics, most theorists split the use of dignity in two groups: They argue that the most important use of dignity is that of an inherent value that all human beings have in common. In this case, dignity is conceived as something that is inalienable; as something that we have because we are human beings or persons; and this status demands respect and special protection. The other uses can all be seen as remnants of an older and different use of dignity and are meant to convey high distinction or praiseworthiness. In this case, dignity is conceived of as something that is acquired, and that is precisely not possessed by all human beings, but only by those who deserve special respect because of their actions and not simply because of who they are. Most theorists find these latter uses philosophically not very interesting and dismiss them as irrelevant.

Oliver Sensen argues that the interpretation of dignity as an inherent value that all human beings share is a very recent usage of the term if one looks at the history of the concept. Sensen's claim might come as a surprise, considering that it is the most common way that it is theorised today, and considering that some theorists claim this use goes back a long way, for example to Kant. Sensen argues that this usage of the term, which he calls the contemporary paradigm of dignity, is very different from the way it was understood traditionally, namely to express distinction or the elevation of human beings as a whole.<sup>2</sup> He characterises the contemporary paradigm as the idea that "human beings possess the objective and inherent value property called 'dignity', and because of this they can make rights claims on others."<sup>3</sup> He argues that this use of dignity only

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<sup>1</sup> Schroeder, "Dignity: Two Riddles and Four Concepts."

<sup>2</sup> Sensen, "Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms."

<sup>3</sup> Ibid., 72.



entered the scene in the 20th century and that the development of the term as it is understood now can be seen if we look at its role in UN Documents. Earlier documents' usage of dignity to express the idea of the worth of human beings is more ambiguous and still reminds of the traditional usage, but in following documents dignity is firmly used in the contemporary sense and is stated to be an inherent value that is the basis of rights.<sup>4</sup>

Sensen argues that the traditional paradigm of dignity was more prevalent in the history of philosophy and that in this case, dignity was used to describe the place of human beings in the universe: "human beings are distinguished from the rest of nature in virtue of certain capacities they have, particularly reason and freedom. The term 'dignity' is used to express this special position or elevation." In this case, dignity is not used in a moral, but in an existential way. This traditional paradigm only gets moral relevance because of the added claim that one has the duty to fully realise one's dignity.<sup>5</sup>

Sensen then discusses three significant differences between the contemporary and the traditional paradigms. Firstly, he argues that in the traditional conception, dignity expresses a relative status and not an intrinsic characteristic of a person (even though this relative status can be based on the presence of certain intrinsic characteristics). Thus, in the traditional conception, dignity is an existential claim about the nature of human beings: they have dignity because they are elevated over other beings based on capacities such as reason or freedom. In contrast, in the contemporary concept dignity is used as a moral claim about human beings and this claim is the basis for the attribution of rights.<sup>6</sup> This idea that dignity is the basis for the attribution of rights brings Sensen to his second point: he argues that the traditional conception of dignity emphasises duties and not rights: "The thought is not that one can make claims on others because one has freedom and reason. Instead, having reason or freedom is said to yield the duty to make a proper use of one's capacities."<sup>7</sup> Furthermore, these duties do not flow immediately from the mere possession of dignity but are based on a second premise that one ought to make good use of one's capacities to realise one's initial dignity, that is, to make good on the claim that human

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<sup>4</sup> Ibid., 73–74.

<sup>5</sup> Ibid., 75.

<sup>6</sup> Ibid., 83.

<sup>7</sup> Ibid.

beings have an elevated status over other beings.<sup>8</sup> The idea that dignity needs to be realised, leads to the third distinction that Sensen mentions, namely, that in the traditional conception the primary focus is on the realisation of one's *own* dignity, and not on that of others. While the contemporary conception of dignity holds that dignity is used as the basis for a morality that is other-regarding, in the traditional conception, it is used as the basis for an ethics to perfect one's own dignity.<sup>9</sup> Sensen concludes that the relatively recent contemporary conception of dignity cannot be easily grounded on the traditional conception (which many theorists do), because these conceptions differ in such fundamental ways.<sup>10</sup>

### ***Dignity as inherent status***

As I mentioned before, the status concept is an attempt to theorise the powerful intuition that everyone has equal dignity. Theorising dignity as a status is meant to ensure that this intuition has a secure ground. To ensure that everyone has dignity equally it is seen as a status that all human beings share, based on an inherent attribute that everyone has in common. It is often grounded in a foundational way and theorised as an absolute or a non-relational property, which means that the fact that human beings *have* dignity depends only on this inherent attribute, and not on other criteria or relations.<sup>11</sup> As a result, dignity cannot be lost or gained and it does not come in different degrees, where some people have more of it than others. What this inherent attribute is and how it is grounded is however conceptualised in many different ways.

Many theorists see Immanuel Kant as the source of this idea and draw on his work in the *Groundwork of the Metaphysics of Morals* to define and defend this inherent value. In the *Groundwork* Kant argues that human beings should always also be treated as ends in themselves and never as means alone because they have an inner worth, and he calls this inner worth dignity:

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<sup>8</sup> Ibid., 83–84.

<sup>9</sup> Ibid., 84–8.

<sup>10</sup> Ibid., 85.

<sup>11</sup> Ibid., 72–73; Debes, “Dignity’s Gauntlet,” 47; Nordenfelt, “The Varieties of Dignity,” 77–78.

In the kingdom of ends everything has either a price, or a dignity. What has a price can be replaced with something else, as its equivalent; whereas what is elevated above any price, and hence allows of no equivalent, has a dignity.

[...] but what constitutes the condition under which alone something can be an end in itself does not merely have a relative worth, i.e. a price, but an inner worth, i.e. dignity.<sup>12</sup>

Kant argues that human beings are ends in themselves because they have a rational nature.<sup>13</sup> This means that they can decide between right and wrong for themselves. They do not slavishly follow the laws to which they are subjected, but are only subject to these laws because these are laws that they give to themselves. So, even though humans are perceived to submit to someone else's laws, they are not forced to do this, but only submit because they are the authors of these laws:

One saw the human being bound to laws by his duty, but it did not occur to anyone that he is subject only to his own and yet universal legislation, and that he is only obligated to act in conformity with his own will which is, however, universally legislating according to its natural end.<sup>14</sup>

Typically, a conception of dignity that is grounded in Kant's ideas argues that people have dignity because they are ends in themselves, and they are ends in themselves because they have the capacity for moral reasoning. The capacity for moral reasoning is used both as a justification for attributing dignity and as a criterion for establishing whether someone has dignity. It is used as a justification for dignity because only beings with a capacity for moral reasoning have an inherent worth, which should never be compromised by treating them only as means. However, in justifying the attribution of dignity in this way, it also becomes a criterion to establish whether someone has dignity because only beings that possess the capacity for moral reasoning possess this special inherent worth. The consequence of this view is that those who do not have a capacity for moral reasoning do not have dignity, but only a relative worth.

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<sup>12</sup> Kant, *Groundwork of the Metaphysics of Morals: A German-English Edition*, 97–99.

<sup>13</sup> Ibid., 87.

<sup>14</sup> Ibid., 93.

Several Kantian scholars argue that Kant himself held a more traditional interpretation of dignity, namely, that dignity means that something is elevated. Sensen argues that if we look at all instances of the term dignity in Kant's work, we will notice that it is different from the contemporary interpretation, because in Kant, "[o]ntologically 'dignity' refers to a relational property of being elevated, not to a non-relational value property."<sup>15</sup> Kant uses dignity to argue that human beings are elevated over other beings and that morality is elevated above all else. When Kant talks about how people should treat each other (more akin to the contemporary conception of dignity), he does not use the term dignity explicitly but instead uses the categorical imperative.<sup>16</sup>

Other authors have argued for different ways to ground dignity. They usually define one or more capacities that are essential to human beings and argue that these are what make human beings special and ground human dignity. One popular set of capacities is a combination of rationality, perfectibility (or indeterminacy) and autonomy: the power of rationality is specified as the human ability to be conscious of the self; the capacity of perfectibility draws on our indeterminacy and, therefore, our power to define ourselves; and autonomy is seen as the power to create our own norms and values.<sup>17</sup> In bioethics, a very popular way to ground dignity, which is inspired by Kant and Kantians, is in autonomy.<sup>18</sup> However, these ways of grounding dignity have also received much criticism, and several authors have sought for alternatives, and ground dignity in other capacities, for example, the capacity to love and care for others.<sup>19</sup> Another way to ground dignity is in a range of capabilities that together enable human flourishing, as Nussbaum does.<sup>20</sup>

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<sup>15</sup> Sensen, "Kant's Conception of Human Dignity," 310.

<sup>16</sup> Sensen, "Kant's Conception of Human Dignity"; Sensen, "Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms," 80–83; Bayefsky, "Dignity, Honour, and Human Rights: Kant's Perspective."

<sup>17</sup> Nordenfelt, "The Varieties of Dignity," 78; Kirchhoffer, *Human Dignity in Contemporary Ethics*, 83–84, argues that this idea draws on the Renaissance idea of Man.

<sup>18</sup> See for example Beyleveld and Brownsword, *Human Dignity in Bioethics and Biolaw*, who point to Gewirth as one of their inspirations.

<sup>19</sup> Kirchhoffer, *Human Dignity in Contemporary Ethics*, 84–85, Miller, *The Ethics of Need Agency, Dignity, and Obligation*..

<sup>20</sup> I will discuss Nussbaum's work in more detail in the next part.

This way of grounding dignity in a particular capacity or a set of capacities tries to capture what is essential about human beings and grounds dignity in this capacity. This attempt at justifying dignity by pointing to some quality that makes human beings special is problematic and dangerous. First of all, it is problematic because there is no consensus about what the capacity is that grounds dignity. Consequently, grounding dignity in a different way can lead to completely different answers to what one ought to do, and this often leads to entrenched positions and stalled debates, as we have seen in the debate on dying with dignity.<sup>21</sup> Secondly, it can be dangerous to ground dignity in a particular capacity or set of capacities, because it can be exclusionary. If a particular capacity is used as the grounds for dignity and if someone does not have that particular capacity, then that means that she does not have dignity and does not have to be treated with the same kind of respect.<sup>22</sup>

Dignity has been grounded in other ways than in a particular capacity, usually by making an ontological claim about the nature of human beings. One example of this is a Christian justification of dignity that says that human beings have inherent worth because they are created in the image of God, and this makes their lives sacred.<sup>23</sup> In this case, the justification for dignity is not the presence of a particular capacity, but instead the idea that human beings are created by God in his own image, and this justifies why human beings should be treated with respect.

In recent years, there is a tendency in Christian thought to equate the gift of dignity with the gift of life, leading to the view that human life in whatever stage or condition<sup>24</sup> needs to be protected.<sup>25</sup> There are also non-religious ways to ground dignity in an ontological given, with some theorists arguing that human beings have dignity because they are part of the human species.<sup>26</sup>

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<sup>21</sup> See the discussion in the Introduction.

<sup>22</sup> I will discuss this objection in more detail later on.

<sup>23</sup> Schroeder, "Dignity: One, Two, Three, Four, Five, Still Counting," 122; Kirchhoffer, *Human Dignity in Contemporary Ethics*, 76–78.

<sup>24</sup> This therefore includes human egg cells and human DNA, hence the argument that these should not be experimented on or discarded. This tendency to equate human dignity with human life is problematic, because it can create a gliding scale about what counts as human life with far-reaching consequences.

<sup>25</sup> Kirchhoffer, *Human Dignity in Contemporary Ethics*, 78.

<sup>26</sup> *Ibid.*, 81–82.

The upside of this way of grounding dignity is that it is attributed to every human being, without further discussion about whether or not they have some specified inherent capacity. The downside is that it is either not generally accepted because it is faith based, or it that it is a very vague claim that needs to be substantiated to be meaningful, and this substantiation then runs into trouble.

### *A metatheory of dignity*

In response to the many ways in which dignity is conceptualised and grounded, Remy Debes argues that the existing literature on human dignity is not able to give a satisfying answer to what the *nature* of dignity is. He states that the cause of this is a lack of a critical apparatus against which to frame this question, or in other words, a metatheory that can establish formal criteria for an adequate concept of dignity.<sup>27</sup> On the one hand, he is inspired by Kant and others and sees dignity as a value that is meant to set off that what has dignity against other considerations. On the other hand, he finds the idea of dignity as an internal value problematic. Therefore, he wants to make his metatheory independent of this. Instead, he recognises that the concept of dignity has relational properties and argues that the existence of a moral community is an important background assumption for a concept of dignity, saying that “[d]ignity’ ... purports to allege the existence of a kind of moral community between humans, the ‘membership’ of which is unearned.”<sup>28</sup>

However, Debes still firmly holds a contemporary conception of dignity. He even argues that the older connotations of dignity as merit or distinction are “not *human* dignity in any distinctive, philosophically interesting sense. Human dignity, if it exists, and whatever else it may be, isn’t something that must be earned or bequeathed. Instead, in some sense or other and at least to some degree, human dignity is inherent and unearned.”<sup>29</sup> So the metatheory that Debes is developing is one for the contemporary, status concept of dignity. The aim of his metatheory is to “pick out a distinctive value belonging to humans.”<sup>30</sup> With this claim, he does

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<sup>27</sup> Debes, “Dignity’s Gauntlet,” 47.

<sup>28</sup> Ibid., 57–58.

<sup>29</sup> Ibid., 47.

<sup>30</sup> Ibid., 61.

not mean that this value belongs distinctively to humans, and not to other non-humans, but he means that it has to be a value that is human and that all human beings could have.

According to Debes, a metatheory of dignity consists of two parts, a formal account which spells out the necessary and sufficient conditions for the concept, and a substantive account which gives a full-fledged account of the nature of dignity. This substantive account can then ground the normative claims that are made based on dignity.<sup>31</sup> In his article, Debes only discusses the formal account of a metatheory and argues that there is probably a plurality of substantive accounts that satisfy his conditions.<sup>32</sup>

He argues that there are three criteria that a proper account of dignity has to satisfy: (a) dignity is something that is unearned, and not merit-based; (b) dignity is not commensurable with other values; and (c) dignity has unusual qualities, and, therefore, trying to describe it as just another value does not capture its meaning. Debes adds that criteria (a) and (b) together are the necessary and sufficient conditions to maintain that dignity is a distinctive concept.<sup>33</sup> He then elaborates on the criteria in reverse order.

The third criterion that dignity has unusual qualities is in itself not a sufficient criterion — and one might even question why it is there because (a) and (b) together do all the work, and this criterion just seems to specify (b). Debes adds it to stress that dignity is not just a descriptively distinct concept, but also an ethically distinct concept. The term dignity does not just describe one value among others; it is an ethically distinct value that is meant to set off that what dignity is applied to in practical deliberations. The minimal function of dignity is to sound an alarm signal, drawing attention to that which has dignity and needs to be protected. A proper account of dignity should be able to explain what qualities make it stand out among other values.<sup>34</sup>

Debes then turns to his second criterion, that dignity is incommensurable with other values. He argues that dignity should be incommensurable with other values in order to set off that what has dignity in practical deliberations. He wants dignity to provide an ultimate protection to persons,

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<sup>31</sup> Ibid., 51.

<sup>32</sup> Ibid., 67.

<sup>33</sup> Ibid., 61.

<sup>34</sup> Ibid., 61–62.

which he argues was also the spirit of Kant's idea of dignity as unconditional, incomparable worth. For dignity to provide this role, Debes insists that it has to be strongly incommensurable, because he fears that weak incommensurability leaves the door open to anti-dignity casuistry, permitting a set of excusable cases. Besides, by allowing cases where dignity can be traded off, it runs the risk that dignity can play no role at all in those cases in the future.<sup>35</sup>

Debes explains what he means by incommensurable by quoting Kant's formula on dignity: "What has a price can be replaced by something else as its equivalent; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity."<sup>36</sup> He interprets this to mean that dignity cannot be validly compared to another object of value. To explain why such a comparison would be invalid, Debes turns to the contrast that Kant makes between that which has dignity and that which has a price or an equivalence. Debes argues that the most relevant comparison here is not with 'price', the word that most philosophers focus on, but with 'equivalence', because this makes better sense of the minimum function that dignity has. Debes demonstrates that the focus on dignity as the opposite of price is not helpful. The focus on price introduces the misleading contrary of priceless, and this still leaves the concept in the domain of exchange. Dignity can only fulfil its special function in practical deliberation if it radically departs from an exchange dynamic. Therefore, Debes wants to focus on the term equivalence. If dignity is the contrary of equivalence, it is non-equivalence, as in "being incomparable qua beyond exchange."<sup>37</sup> Something that has no equivalence is irreplaceable, and, therefore, is both distinct and must be set off in practical deliberations, because there is no just compensation for the destruction of it. By contrast, something that is priceless could be compensated by offering something in its place.

Therefore, Debes emphasises that 'priceless' is only a highlighting concept, it draws attention to the valuableness of something in practical deliberations, but it does not set it off. Something that is irreplaceable should not just be highlighted; it should trigger a stronger response. Furthermore, something that is irreplaceable resists any attempt to compensate it. Debes puts it even stronger by insisting that something that is irreplaceable is offended by compensation: "To

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<sup>35</sup> Ibid., 62.

<sup>36</sup> Ibid., 63 quoting Kant AK 4:434.

<sup>37</sup> Ibid.



call something irreplaceable brings to mind the idea of a space that, if abused, could be forever lost, forever vacant. Such loss is insulted by the proposal of compensation. Be quiet, mourn, dismay! But nothing else.”<sup>38</sup> Debes hastens to add that although it is invalid to compare dignity to any other value, this does not mean that its destruction can only ever be comprehended as evil. Sometimes, dignity is in conflict with itself, and the outcome of such a practical deliberation will always be a tragic loss. The term evil can only be applied when the deliberators have failed to be vigilant, that is when they have not paid attention to that which has dignity in their deliberations.<sup>39</sup>

Although Debes seems to express a valuable and powerful intuition here, namely, that dignity is something that is irreplaceable and not in the domain of exchange, his attempt to theorise it as an absolute and incomparable *value* is problematic. As Arthur Schopenhauer has argued in response to Kant’s work, the idea of an absolute and incomparable *value* makes no sense at all, because the term value is precisely an evaluative term that compares things and ranks them accordingly. Schopenhauer argues that Kant’s definition of dignity, which lies at the heart of the second criterion of Debes’ metatheory, is based on a contradiction. Kant uses the term “an unconditioned, incomparable value”, and Schopenhauer argues that the term value implies relativity because “[e]very value is the estimation of one thing compared with another; it is thus a conception of comparison, and consequently relative.”<sup>40</sup> According to Schopenhauer, the concept of dignity is, therefore, unthinkable, since there is no such thing as an unconditional, incomparable value.<sup>41</sup> Schopenhauer is not alone in his critique of the idea of an absolute, incomparable value, and because this is often the backbone of the contemporary account of dignity, it has received much criticism and scepticism.

The final criterion that Debes discusses is the criterion that dignity is unearned. With this Debes means that someone’s dignity does not depend upon the actions, attitudes or judgements of other agents. Consequently, a subject does not have to show gratitude back to those others that bestow dignity on her. Debes calls this the ‘no-backwards merit’ condition. Although he allows

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<sup>38</sup> Ibid., 64.

<sup>39</sup> Ibid.

<sup>40</sup> Schopenhauer, *The Basis of Morality*, 101.

<sup>41</sup> Ibid., 102.

for an external assessment of dignity, where others can assess whether a certain subject meets the criteria given by a substantive account of dignity, he strongly insists that these criteria should not be subjective. Debes needs this elaborate formula because the simple view that dignity is unearned seems to suggest that it cannot be gained, because there is nothing that one can do to acquire dignity. However, this has the implication that it cannot be regained after it has been lost since there is nothing that one can do to gain it. By contrast, the ‘no-backwards merit’ condition does not have this implication, because one can regain dignity when one meets the criteria that are given by a substantive account of dignity.<sup>42</sup>

According to Debes, another advantage of the ‘no-backwards merit’ interpretation is that it “divorces the meaning of ‘unearned’ from any substantive implication about what it takes to have dignity, in favour of a claim about its recognition.”<sup>43</sup> Debes wants to avoid saying that the idea of unearned involves no relational properties, that it amounts to something like the internal worth in Kant’s idea of dignity. Any definition that refers to an internal worth is highly contentious and invites the ambiguity and uncertainty that Debes is trying to avoid back in. The whole point of this article is to show that the ambiguity that is caused by the different conceptions of dignity does not touch the heart of the matter. Reintroducing ambiguity in one of the criteria would, therefore, be self-defeating. Furthermore, Debes shows that he has already relied on relational properties in describing the minimum function of dignity. By insisting that dignity gets its conceptual distinctiveness from the role that it plays in intersubjective deliberation about it, the demands that the concept makes on such deliberation form an essential part of its definition.<sup>44</sup> Moreover, a substantive account of dignity should be able to tell how dignity is set off in deliberations. In his formal account, Debes has focused on the outcomes of such deliberations, and the criteria that he defined are meant to ensure that other values do not outweigh dignity in deliberations and that a subject does not have to show gratitude for the recognition of her dignity.

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<sup>42</sup> Debes, “Dignity’s Gauntlet,” 65.

<sup>43</sup> *Ibid.*, 65–66.

<sup>44</sup> *Ibid.*, 66.

What this criterion shows very clearly is that Debes wants a conception of dignity to do two things at once. On the one hand, he treats dignity as an absolute and incomparable value that belongs to an individual. Having dignity does not depend on whether a community recognises it or not. Quite the opposite, a community should recognise the dignity of every individual who satisfies the conditions of a substantive account of dignity. Furthermore, dignity trumps all other values and sets off that what has dignity in practical deliberations. In sum, Debes wants dignity to be a powerful and independent value. On the other hand, Debes acknowledges the importance of the role of the community in recognising and deliberating about dignity. He even argues that these relational properties are crucial in explaining the minimum function that dignity fulfils. In the end, I do not think that Debes gives a satisfactory account of how these relational properties of dignity fit together with it being an absolute value. Furthermore, most of the substantive conceptions of dignity that satisfy his formal criteria (if there are any) will still be open to much of the criticism that is launched against a status concept of dignity.

### ***Dignity as achieved status***

Next, I want to discuss the other ways that dignity is used, which are usually theorised as dignity as an achieved status, instead of an inherent status that all human beings share. In everyday language, the term dignity is often used to express distinction or to evaluate people as having more or less dignity. When it is used in this evaluative sense, dignity is something that comes in degrees, with some people being seen as more dignified than others. As a result, dignity is not regarded as an inalienable value, but as something that can be achieved, and therefore also lost, or regained. This kind of dignity is not something that one has automatically, but it depends on how one lives one's life. In most cases, it requires an effort to achieve dignity and live up to certain standards set by society.

Several authors have described ways to understand and classify these other uses of dignity, but they usually come up with slightly different categories and terms to describe these uses, which sometimes overlap and sometimes do not. They all differentiate dignity as an achieved status from the idea of inherent status that I discussed in the previous section. The latter is conceptualised as a stable and inalienable status while these notions of dignity are about

something that is achieved based on what one does. Nevertheless, since dignity is still theorised as a status concept, most authors see these kinds of dignity as a status too, not one that a human being automatically *has*, but one that she has to *achieve*.

One of the oldest ways to use the term dignity goes back to Roman antiquity where ‘*dignitas*’ was used as a term that denoted excellence, and was associated with high offices or social ranks.<sup>45</sup> This use of the term is still visible in our word ‘*dignitaries*’ for people in high official positions. We also still use dignity in this way when we talk about “the outwardly displayed quality of a human being who acts in accordance with her superior rank and position.”<sup>46</sup> There are many examples of the attribution of this kind of dignity: in the political domain to a president or prime minister; to other heads of state like the queen and other royalty; in the judicial domain to judges, especially to those of the highest court; in the religious domain to those occupying high official positions like the pope, an imam, a rabbi, the Dalai Lama, and to other officials of religions; in the social domain to people in respected professions, such as doctors or teachers or to community elders.

This use of dignity is closely linked to a particular position in society and the performance of the duties associated with this position. Characteristic for it is that it is mostly bestowed upon people through a formal act, such as an appointment, but it can also be hereditary, as is the case with royalty and some religious positions.<sup>47</sup> Sensen argues that this notion differs from the contemporary and the traditional concept of dignity that he discussed because it is purely relational. It has no moral component, but only refers to one’s relative position in society.<sup>48</sup> Nordenfelt on the other hand, argues that this kind of dignity is not just relational and that it comes with special rights or forms of treatment that should be respected when the person acts

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<sup>45</sup> Schroeder, “Dignity: Two Riddles and Four Concepts,” 233; Pollmann, “Embodied Self-Respect and the Fragility of Human Dignity: A Human Rights Approach,” 246; Nordenfelt, “The Varieties of Dignity,” 71–72; Sensen, “Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms,” 75–76.

<sup>46</sup> Schroeder, “Dignity: Two Riddles and Four Concepts,” 233.

<sup>47</sup> Nordenfelt, “The Varieties of Dignity,” 72.

<sup>48</sup> Sensen, “Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms,” 76.

in the capacity of their position.<sup>49</sup> In the literature, this type of dignity is referred to in several ways, for example, archaic<sup>50</sup> or aristocratic dignity,<sup>51</sup> or dignity as achievement<sup>52</sup> or merit.<sup>53</sup>

According to Sensen “[i]t was Cicero who used the aristocratic Roman term *dignitas* to express the idea of human beings’ elevated place in the universe. He thereby universalised *dignitas* to apply to *all* human beings: All human beings have a rank or elevated position in nature.”<sup>54</sup> Thereby, he stood at the beginning of the traditional conception of dignity, where human beings were seen as elevated over animals because they have reason, and because of this elevation, one should use one’s faculties and live a life of reason.<sup>55</sup> For early Christian thinkers, the dignity of human beings lay in the fact that they were created in the image of God, and again, this is accompanied by the further premise that one should live up to this image.<sup>56</sup> Later on, several other writers expressed similar ideas about dignity. They believed that human beings are elevated over other beings because of their nature, which is an initial dignity, and because human beings have this nature, they have the duty to fulfil it and realise their initial dignity in the best way possible. According to this view then, dignity is both an inherent (as potential) and an achieved status (as realisation).

The traditional concept of dignity still resonates in the way that we think about dignity and moral behaviour. We often think of people who live up to or exceed moral standards as praiseworthy or dignified — especially when they are doing this in adverse or difficult circumstances. People like Nelson Mandela, Aung San Suu Kyi, Mother Theresa and Martin Luther King are often admired and praised for their moral standards and behaviour. In the same way, we use it to distinguish or praise people in our community that we admire because of their moral standards and behaviour. Schroeder equates this use of dignity with the Aristotelian virtues and argues

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<sup>49</sup> Nordenfelt, “The Varieties of Dignity,” 72.

<sup>50</sup> Sensen, “Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms,” 88, n. 26.

<sup>51</sup> Ibid., 75. and Schroeder, “Dignity: Two Riddles and Four Concepts,” 233.

<sup>52</sup> Pollmann, “Embodied Self-Respect and the Fragility of Human Dignity: A Human Rights Approach.”

<sup>53</sup> Nordenfelt, “The Varieties of Dignity,” 71.

<sup>54</sup> Sensen, “Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms,” 76.

<sup>55</sup> Ibid., 77–78.

<sup>56</sup> Ibid., 78–79.

that we ascribe dignity to people who display these virtues in their behaviour.<sup>57</sup> Nordenfeldt notices that this notion of dignity is not just about acting in a way that receives respect from society, but more so about preserving one's moral identity even when this is at odds with the moral standards of one's community. In some cases, this leads to a tension between the public image of a person's dignity and their own perception of what the right sort of behaviour is.<sup>58</sup> In the literature, it is usually referred to as meritorious dignity<sup>59</sup> or dignity as moral stature.<sup>60</sup>

Another way to talk about dignity is related to the way that people comport themselves in public, commonly referred to as dignity of comportment.<sup>61</sup> Certain displays of self-control or a certain level of seriousness are associated with dignity, but also more generally, dignity is thought of as "the outwardly displayed quality of a human being who acts in accordance with society's expectations of well-mannered demeanor and bearing."<sup>62</sup> Societies have many implicit and explicit rules about how one ought to behave in public and these usually involve a control over the self and the body. There are norms about how much of the body it is appropriate to reveal in public — which, of course, differs between public places since what is appropriate on a beach is usually not appropriate in, for example, a religious site. Other norms are about the control of bodily functions that are not deemed to be appropriate in public, such as relieving oneself, having sex, and some even think sleeping or eating in public places is inappropriate.<sup>63</sup> Lastly, there are norms about proper self-control, since a loss of self-control, for example, because of intoxication or by overwhelming emotions, is also often seen as not dignified.

When people fail to live up to these rules, they are often perceived as behaving in an undignified and shameful way. Likewise, people who inadvertently break one of the rules, for

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<sup>57</sup> Schroeder, "Dignity: Two Riddles and Four Concepts," 234–235.

<sup>58</sup> Nordenfeldt, "The Varieties of Dignity," 72–74.

<sup>59</sup> Schroeder, "Dignity: Two Riddles and Four Concepts," 234.

<sup>60</sup> Nordenfeldt, "The Varieties of Dignity," 72.

<sup>61</sup> Schroeder, "Dignity: Two Riddles and Four Concepts," 233.

<sup>62</sup> Ibid., 234.

<sup>63</sup> See Schroeder, "Dignity: Two Riddles and Four Concepts," who discusses Jonathan Coe's *The House of Sleep*, in which he describes sleeping bodies in a train as undignified; and see Pinker, "The Stupidity of Dignity: Conservative Bioethics' Latest, Most Dangerous Ploy," who comments on Kass's disgust over people licking an ice cream cone in public.

example by losing control over their body and stumbling in public, can sometimes feel very humiliated.

Lastly, an idea of self-control can also be found in the notion of dignity as being about identity and integrity. It is a sense of dignity that “we attach to ourselves as integrated and autonomous persons, persons with a history and persons with a future with all our relationships to other human beings.”<sup>64</sup> This idea of dignity is closely linked to feelings of self-respect and self-worth, and it is vulnerable to impacts from the outside. Dignity is used in this way to explain the wrongs of humiliating treatment:

People’s feeling of worth is to a great extent tied to how they are looked upon by other people, irrespective of the nature of the values held by these people. The inhuman treatment entails some kind of social exclusion—the SS officer by his brutal acts tells the prisoner: you do not belong to us, we are the elite—and this social exclusion is humiliating even if one does not the least adhere to the values of the SS officer.<sup>65</sup>

Although the psychological impact on the subject plays a significant role in this idea of dignity, Nordenfelt argues that it is not reducible to *feelings* or a *sense* of self-respect. It is not a purely subjective idea of dignity, but one that has an objective component.<sup>66</sup> Nordenfelt associates it with how people are treated by others, but he argues that these feelings of exclusion or humiliation can also result from non-human causes like illness, impairment, disability or old age.<sup>67</sup>

He argues that it differs from the idea of dignity as inherent status (or *Menschenwürde* as he calls it) because this kind of dignity can be lost and acquired, not so much by what someone does herself, but by impacts from the outside. Other differences are that it can come in degrees, and it is changeable and not an inviolable whole. Furthermore, it is not just vulnerable to actions of other people, but also to impacts where no rights are violated, such as accidents, illnesses or

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<sup>64</sup> Nordenfelt, “The Varieties of Dignity,” 76.

<sup>65</sup> Ibid., 75.

<sup>66</sup> Ibid., 76.

<sup>67</sup> Ibid.

natural forces. Finally, the integrity of an individual can also be violated after death while the idea of status only applies to the living.<sup>68</sup>

### ***Problems for dignity as status***

As I said at the beginning of this section, the idea of dignity as an inherent status (as something we *have* based on an inherent quality) is a relatively new configuration of how dignity is understood, and it breaks with the tradition of seeing it as an evaluative notion that expresses distinction. In this traditional idea, dignity is not inviolable, but it has to be realised. Many authors draw on Kant for the contemporary conception of dignity, but some theorists have pointed out that Kant never explicitly uses the term dignity in this way. Instead, he argues that persons are inviolable and that, consequently, they should be treated as ends in themselves. In the contemporary account, dignity has come to refer to this quality, but as I have shown, and will continue to argue in the rest of this part, it is not helpful and even problematic to use dignity in this way.

Many philosophers are struggling to make sense of the uses of dignity in our language that are remnants of the traditional or archaic conceptions of dignity. We still use dignity in a way that is evaluative of a person or expresses high social status, as I showed in the previous section. Besides, even though there are many differences between achieved and inherent status, many theorists also argue that there are significant similarities. As Nordenfelt says:

1. "Dignity" refers to a special dimension of value. In the case of Menschenwürde [= inherent status] there is only one position on that scale, but with the other kinds people can have different positions on the scale; they can be more or less dignified.
2. The dignity of a person is worthy of respect from others and from the person him or herself.
3. The dignity has a ground, normally a set of properties, belonging to the subject.<sup>69</sup>

When ones take these three elements as characteristic of the concept of dignity, and many theorists do, then it makes sense to conceptualise it as a status. In that case, the main focus is on

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<sup>68</sup> Ibid., 79.

<sup>69</sup> Ibid., 70.



dignity as an inherent status as the philosophically most interesting notion, and the other uses of dignity are seen as a form of social status. This social status has to be achieved in the eyes of a community, and this gives it a certain objectivity that is more than a mere sense of dignity or self-worth, which would be purely subjective.

So, most academics distinguish between a normative idea of dignity as a human value (or inherent status) that applies to everyone equally and is a matter of public concern, and an ethical idea of dignity as distinction (or achieved status) that is only achievable by some and is not seen as a philosophically interesting or important issue. Nevertheless, this distinction is not as simple or unproblematic as it seems, because first of all, it is problematic to treat social status and the inequality of it as something that is philosophically uninteresting because it can have an enormous impact on people's sense of dignity and their well-being. Secondly, in attributing dignity, we often rely on (outward) signs of someone being worthy of dignity, so inherent status and achieved status are not as easily distinguishable as they initially seem. There are many cases in which the inherent dignity of persons is not respected because they are not recognised as people with the same value. There are many historical examples, like the Jews during the Holocaust, and people of colour before the recognition of their civil rights. However, there are also many contemporary examples, for instance, in the way that 'Boat people' are talked about and not recognised as real refugees with a right to ask for asylum. Likewise, in the way the Intervention has suspended the Racial Discrimination Act and has taken away some of the fundamental rights and infringed on the right to self-determination of Aboriginal communities in the Northern Territory.



## **What the Status Concept Cannot Account For**

Apart from other problematic aspects, the status concept of dignity is also unsuccessful in theorising the intuition that everyone has equal dignity since it can have exclusionary outcomes. Furthermore, this way of conceptualising dignity does not seem to be capturing the way it is experienced and used, and I want to indicate some of the major lacunae when dignity is theorised as a status.

For example, the idea of dignity as a status confers the idea that there is an objective, normative idea of dignity. Therefore, it cannot make sense of the different uses of dignity in various contexts or of the changes that the concept has undergone, other than saying that there is a correct way to use dignity and that the other uses are incorrect.

Furthermore, dignity is supposed to be a status that ensures protection, but instead, it is often experienced as something that is precarious and that can be threatened. It is often not experienced as something that is inherent, given or inalienable, but as something that cannot be taken for granted and needs to be recognised to offer protection.

Therefore, I am looking at performative theory to theorise the importance of the context in which dignity is used, and the way that dignity is experienced, because this is better able to capture dignity as an embodied, contextual and dynamic concept.

### ***Dignity in context***

When we look at the idea of dignity as an achieved status that I discussed before, we can see that the attribution of dignity depends on the actions and behaviour of the persons that we ascribe dignity to, so these uses seem to fit quite easily into a performative concept. The reason that I am taking a closer look at it here is because it also shows that social context plays a significant role in what is seen as dignified and to whom we ascribe dignity.

When using dignity in the sense of the proper way to comport ourselves in public, it seems obvious that this depends on the social context that we are in because these rules differ in different social contexts, cultures and historical times. Take for example dress codes and the practice of covering up the body in public. In Victorian England, it was common practice to cover the body up in public with low hemlines and high collars. Many women also wore corsets to restrain their figures. The body was something that needed to be covered up and restrained in public and to dress otherwise or to show too much skin was considered to be shameful. To many people today, the practice of covering up completely — for example by Muslim women wearing the burqa — is seen as undignified and denigrating because it is interpreted as a sign of oppression and a restraint of autonomy. However, for the women who choose to wear the burqa it is often an ultimate expression of dignity, since the burqa signifies a commitment to piety, and in this context it is, therefore, something that is highly appropriate.

The same applies to the dignity of dignitaries, or people in high social positions. We attribute dignity to people in a particular rank or position and expect them to act in accordance with this position. For example, we expect a judge to display seriousness and authority when she is in the courtroom to convey the idea that she is competent and that we can trust her to make the appropriate judgements. Although, in the case of dignitaries, there is a sense in which we expect them to uphold their dignity in other public places<sup>1</sup> and behave according to the laws and social conventions of a particular society, we do not expect her to behave in the same serious and restraint matter when she is not performing her official function, for example when she is taking her kids to the zoo in her role as a mother. While her role as a dignitary means that we expect her to show a minimal sense of dignity in public, the dignity associated with being a judge is only expected in the sphere of the courtroom.

It might be less obvious how social context figures in the case of dignity as praiseworthy (moral) behaviour because we often think about moral standards as independent of particular societies. What I want to show, is that what is recognised as appropriate moral behaviour is also highly depended on social context. Take for example the case of Nelson Mandela: there is a vast

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<sup>1</sup> Hence the outrages over drunken or otherwise intoxicated politicians in the public sphere.

discrepancy in the way that, during the apartheid era, the establishment in South-Africa judged his activism against the regime, how significant parts of the international community judged him at the time and how he is seen in the South-Africa of today. Mandela was arrested and prosecuted by the South-African government for being part of a terrorist organisation. In his process, he justified his actions by arguing that both his cause and his methods were justified. Mandela defended his actions against the South-African regime by arguing that their laws of segregation were unjust and led to high poverty and a lack of human dignity among the non-white population.<sup>2</sup> He defended the method of his group — that is, the sabotage of infrastructure — by arguing that, because the government did not listen to the non-violent protests of the ANC, violence had become inevitable since legislation had closed other modes of opposition. Moreover, by escalating their protests to sabotage they canalised and controlled the feelings of their supporters, who were desperate for change, in a responsible and controlled way and thereby prevented more excessive violence.<sup>3</sup> The sabotage only created material damage and was done in a way to minimise the possibility of casualties, because human casualties would risk the foreclosure of the possibility for future reconciliation. So while in South-Africa Mandela was seen as a violent terrorist who was a threat to the state, an increasing part of the international community praised him for his commitment to a just cause and his restraint in the process of ending the apartheid regime. Later on, he again received much praise for his role in the reconciliation process. Of course, after reconciliation Mandela was praised in his own nation too and became one of its heroes. This example shows that what is seen as just and unjust, and therefore whether civil resistance through violent actions is considered to be justified (or something that we should praise) or not, depends on the context from which one judges.

These three examples show that social context matters for our understanding of what dignity is and who can achieve it. There is no objective meaning to dignity or an objective way to ascribe dignity to people that holds in all circumstances. It not only shows that the meaning of dignity changes depending on its context, but also that it is dynamic and can change over time.

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<sup>2</sup> Mandela, *I Am Prepared to Die: Nelson Mandela's Statement from the Dock at the Opening of the Defence Case in the Rivonia Trial*.

<sup>3</sup> Ibid.

The phenomenon that the interpretation of what dignity means changes over time does not only apply to the idea of dignity of achievement, as I just discussed. Although the idea of dignity as an inherent value that everyone shares is seen as an objective value that is not dependent on a social context, it is not as static and objective as it seems. The scope and interpretation of the concept have often been challenged in social and political struggles, which sometimes take the form of a struggle for the recognition of dignity.

The term dignity also played an important role in the civil rights movement, and Martin Luther King Jr. frequently uses the concept in a variety of ways. In a speech that he delivered in 1962, King uses the concept of dignity to criticise segregation and to argue that desegregation alone is not enough to recognise the dignity of his constituency, but that what they wanted was true integration. King argues that the equal dignity of all human beings stands at the foundations of North American religious and political institutions: “Deeply rooted in our political and religious heritage is the conviction that every man is an heir to a legacy of dignity and worth.”<sup>4</sup> The American Declaration of Independence refers to this idea of dignity, and refers to the idea that all human beings are created equally and endowed with the same inalienable rights, such as ‘life, liberty and the pursuit of happiness’. King also refers to the biblical tradition, which supposes that man has dignity because he is created in the image of God: “This innate worth referred to in the phrase the image of God is universally shared in equal proportions by all men. There is no graded scale of essential worth; there is no divine right of one race which differs from the divine right of another.”<sup>5</sup>

King argues that because this idea of the equal dignity is at the backbone of the Constitution, segregation is unconstitutional, which was also the conclusion of the US Supreme Court since 1954. With others before him, like Frederick Douglass in his lecture on the Constitution, he points out that the declaration uses the language ‘We, the people’ and it makes no distinction by race, class, and not even by citizenship status. This language includes all the inhabitants of the territory of the United States, and King uses it to argue that since people of colour are

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<sup>4</sup> King, “The Ethical Demands for Integration,” 118.

<sup>5</sup> Ibid., 119.

inhabitants of the United States, they are entitled to all the benefits that the Constitution is supposed to protect.<sup>6</sup>

He also argues that desegregation alone is not enough, but that integration is required to truly recognise the equal dignity of all human beings. He draws on Kant's Categorical Imperative to argue that segregation is opposed to the principle of the sacredness of the human being:

The tragedy of segregation is that it treats men as means rather than ends, and thereby reduces them to things rather than persons. ... The colloquialism of the southern landed gentry that referred to slaves and/or Negro labor as 'hands' betrays the 'thing' quality assigned to Negroes under the system. Herein lies the root of paternalism that persists even today. The traditional southerner is fond of 'his Negro' as he is of a pet or a finely-tooled fire arm. 'It' serves a purpose or gets a job done. The only concern is performance, not well-being.<sup>7</sup>

King argues that treating persons as things, and not as a person, that is someone who is sacred in herself and who has a potentiality, desecrates that person. Only in an integrated society, every human being is truly treated as an end in themselves.

King's use of dignity is more complex than just the idea of dignity that everyone shares since she is created in the image of God, which is associated with his idea of somebodyness. He also uses it in connection with self-respect and as the need to stand up against injustice; as a way of being human in political struggles, which is connected to taking the moral high ground; and he uses it as a goal for society.<sup>8</sup>

King explains the success of the civil rights movement by arguing that people of colour have had enough of the injustices and were no longer going to take it. Sociological and historical changes like the forming of strong communities, better education, upward social mobility and the creation of a middle class, combined with judgements of the Supreme Court against segregation, and a connection to other global struggles<sup>9</sup> led to a greater sense of self-respect and dignity, and an awareness of the structural injustices in society. A great example of standing up

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Baker-Fletcher, *Somebodyness: Martin Luther King, Jr., and the Theory of Dignity*, 45.

<sup>9</sup> King, "The Rising Tide of Racial Consciousness," 145–146.

for one's dignity is, of course, Rosa Parks, who stood up for herself by refusing to stand up and give her seat to a white passenger that just boarded the full bus. King talks at length about this event:

Actually, no one can understand the action of Mrs. Rosa Parks unless he realizes that eventually the cup of endurance runs over, and the human personality cries out, 'I can take it no longer.' Mrs. Park's refusal to move back was her intrepid affirmation that she had had enough. It was an individual expression of a timeless longing for human dignity and freedom. She was not 'planted' there by the NAACP, or any other organization; she was planted there by her personal sense of dignity and self-respect. She was anchored to the seat by the accumulated indignities of days gone by and the boundless aspirations of generations yet unborn.<sup>10</sup>

Rosa Parks was arrested for not giving her seat to the white passenger, and her arrest sparked the peaceful Montgomery bus boycott that lasted for over a year and ended when the bus company gave in and desegregated the buses. King had his qualms over the boycott because this method was also used by white citizen councils to get their way and intimidate activists and businesses who were in favour of desegregation. In the end, King justified his actions by arguing that he was working for a just cause to create change, whereas they were trying to stop change and perpetuate injustice. Furthermore, he realised that he had to do something and could not just stand by and do nothing. Standing up in protest is the only way to defend one's dignity:

'He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil is without protesting against it is really cooperating with it.' When oppressed people willingly accept their oppression they only serve to give the oppressor a convenient justification for his acts. Often the oppressor goes along unaware of the evil involved in his oppression so long as the oppressed accepts it. So in order to be true to one's conscience and true to God, a righteous man has no alternative but to refuse to cooperate with an evil system.<sup>11</sup>

King always urged his followers to use nonviolent ways to protest, and not to resort to violence and respond to hate with hate. A struggle *for* dignity should always be done *with* dignity:

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<sup>10</sup> King, "Stride Toward Freedom," 424.

<sup>11</sup> Ibid., 429.



Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic height of meeting physical force with soul force.<sup>12</sup>

The main thing that I wanted to convey in this section is that dignity is not a static and stable concept, but its interpretation can be challenged and reinterpreted, which has happened again and again in social and political struggles such as the civil rights movement.

### *The experience of dignity*

The next thing that I want to address is that there is a discrepancy between the way that dignity is experienced and the way that dignity is theorised. The intuition that dignity is an inherent status that everyone shares, which is generally the way that dignity is theorised, is conceptualised as an abstract status that everyone has and that is inviolable. I will argue that this is not the way that dignity is usually experienced by people because it is not seen as an abstract status, but as something that is embodied and experienced in lived realities. It is not experienced as inviolable, but as something that can be threatened and is vulnerable and, therefore, has to be protected. Moreover, it is something that has to be realised in relations and is not just an attribute of an individual.

First of all, I will expand on my comment that dignity is not experienced as an inviolable status. I will argue that it is mostly experienced in its absence, in its violations, rather than its presence, and in this aspect it is analogous to health. Under normal circumstances, that is, when people are healthy, they do not notice their health, they take it for granted. They only notice it when it is absent or under threat, that is, when they become sick, or are diagnosed with an illness. When health is experienced as a presence, it is usually in contrast with its absence: one experiences and appreciates one's health after one has been sick for a while, or after a health scare that turned out to be a false alarm, or also in contrast with the absence of health in other people.

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<sup>12</sup> King, "I Have a Dream," 218.

The experience of dignity displays a similar phenomenology. Dignity is usually not experienced as a presence, but as an absence, or when it is experienced as a presence it emerges in contrast with its absence. In general, we take it for granted that we are treated in a way that does not impinge on our dignity. We become acutely aware of our dignity the moment the relationships that are supposed to uphold dignity break down, and our dignity is ignored, or when it is at stake, or threatened. Only once dignity is at stake, we become acutely aware of it, as something that is precious and vulnerable and in need of protection. This does not only apply to a threat to our own dignity, but also applies when we witness a threat to another's dignity, just as we can become aware of our own health when we witness sickness in others. Similarly to health, we become aware of dignity in contrast with its absence, when dignity is restored, or when it is affirmed in an unexpected way.

Since the experience of the absence of dignity is often much more clear than the experience of its presence, it is much easier to agree on what indignity is than what dignity is. This is a common feature of the phenomenology of moral concepts and shared with many other concepts since it is much easier to reach agreement on what injustice or inequality is, but not on what justice or equality encompasses because there are many overlapping or competing ways to conceptualise them.

Some theorists therefore argue that “we learn most about human dignity when we look at its violations and focus on what it means for people to be degraded, humiliated and wronged in many other ways.”<sup>13</sup> Therefore, they argue that when we want to understand what dignity means, we should take a negative approach.

However, this approach overlooks that what we perceive as a violation of dignity is shaped by our perception of what dignity is. (See for example the discussion about euthanasia in the introduction where the opponents of euthanasia see the killing of a human being as the greatest indignity because they interpret dignity as the sanctity of life, but the proponents of euthanasia judge that the suffering that these people experience is a greater indignity, because they interpret dignity as the ability to live a life without unnecessary suffering.) So even though I argued

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<sup>13</sup> Kaufmann et al., “Human Dignity Violated: A Negative Approach – Introduction,” 2, paraphrasing Margalit, *The Decent Society*.

earlier that we experience the absence of dignity more clearly than its presence, this does not imply that we should define what dignity means in terms of its absence. It is a claim about the phenomenology of dignity and not about its epistemology.

Another problem with a negative approach to defining dignity is that it might be biased towards a certain type of indignities, namely those that are most visible:

It will focus more easily on injustice that manifests themselves in individual cases, meaning cases that have to do with face-to-face-relationships with individual people instead of structural injustice of the political order. Such an inductive approach will furthermore prioritise injustice that is already manifest and visible instead of injustice that is not yet visible (for example our treatment of future generations).<sup>14</sup>

A negative approach to defining dignity might, therefore, end up claiming that they have given a comprehensive account of dignity while there are still many elements missing that cannot be defined in terms of perceptible indignities.

Secondly, dignity is usually not experienced as an abstract status, but in concrete, lived experiences. Most importantly, indignities are often experienced in an embodied way: “violations of human dignity and autonomy are so often inextricably linked to violations – both literal and symbolic – of corporeal integrity, which in turn impacts upon other core concepts such as identity, voice, and recognition.”<sup>15</sup> The experience of indignities such as torture, rape, suffering extreme poverty or illness often vigorously confronts us with our embodiment. In some of these cases, the body is no longer experienced as one’s own, because it is a part of this horrifying experience, and it threatens not only our feeling to be at home in our body, but it also threatens our sense of self and the integrity of the body.<sup>16</sup> Thinking about dignity as a status is too abstract to make sense of these experiences. However, when we acknowledge the importance of the embodied experience of dignity this has all sorts of implications:

To truly think dignity as embodied, however, implies more than this: it involves a re-imagining of the human so as to include within its category that which was hitherto excluded. It involves

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<sup>14</sup> Düwell, “Human Dignity and Human Rights,” 217.

<sup>15</sup> Oliver, “Dehumanization: Perceiving the Body as (In)Human,” 90.

<sup>16</sup> Ibid.; see also the discussion of dignity as integrity before.

bearing witness to the body as part of human as well as inhuman experience, thereby refusing to accept bodily suffering and abjection as dehumanizing. If dignity is embodied, then it is inclusive of pleasure and suffering, beauty and disease, strength and vulnerability, life and death. If dignity is embodied then it is local as well as universal; always situated, it cannot be understood as distinct from the individual who carries it, and any defense of dignity must acknowledge and recognize the specificity of its circumstance. To respect the embodied dignity of a human being, therefore, is first and foremost an act of recognition: to recognize as human every aspect of their experience, however abject and foreign it may seem, to acknowledge the specificity of their person, and by doing so to affirm the place of the other alongside the self within the human community.<sup>17</sup>

As Sophie Oliver shows in her article on dignity and embodiment, when we take the embodied experience of dignity seriously, we cannot think about it as an abstract status, but should think about how it plays out and is realised in concrete circumstances.

Through his experience of dignity and indignity as an Austrian Jew during World War II Jean Amery comes to a similar conclusion. Amery left Austria and emigrated to Belgium where he joined the resistance. He was arrested for these activities and tortured by the Gestapo. When they were done with him, they send him to a concentration camp. His experience of torture made him question the idea of dignity as a useful concept because dignity as a status clearly did not protect the Jews from prosecution, since this status was so easily stripped away from them:

the granting and depriving of dignity are acts of social agreement, sentences against which there is no appeal on the grounds of one's 'self-understanding,' so that it would be senseless to argue against the social body that deprives us of our dignity with the claim that we do indeed 'feel' worthy [...] But luckily, things are not entirely the way this logic claims. It is certainly true that dignity can be bestowed only by society, whether it be the dignity of some office, a professional or, very generally speaking, civil dignity; and the merely individual, subjective claim ('I am a human being and as such I have my dignity no matter what you may do or say!') is an empty

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<sup>17</sup> Ibid., 95–96.

academic game or madness. Still, the degraded person, threatened with death, is able—and here we break through the logic of the final sentencing—to convince society of his dignity by taking his fate upon himself and at the same time rising in revolt against it.<sup>18</sup>

And Améry did revolt against it. He describes an incident where one of the guards in Auschwitz hit him in the face over a minor incident. At that moment, he felt the urgent need to openly rebel, and he struck him back. “My human dignity lay in this punch to his jaw.”<sup>19</sup> Of course it ended with him getting an immense thrashing but Améry goes on:

I was satisfied with myself. But not, as one might think, for reasons of courage and honor, but only because I had grasped well there are situations in life in which our body is our entire self and our entire fate. I was my body and nothing else: in hunger, in the blow that I suffered, in the blow that I dealt. My body, debilitated and crusted with filth, was my calamity. My body, when I tensed to strike, was my physical and metaphysical dignity. ... To be a Jew meant the acceptance of the death sentence imposed by the world as a world verdict. To flee before it by withdrawing into one's self would have been nothing but a disgrace, whereas acceptance was simultaneously the physical revolt against it. I became a person not by subjectively appealing to my abstract humanity but by discovering myself within the given social reality as a rebelling Jew and by realizing myself as one.<sup>20</sup>

In his discussion, Améry shows the importance of the bodily experience of dignity to make sense of the concept, and he also points to the failure of the idea of dignity as status. Furthermore, he also highlights another crucial aspect about the experience of dignity, namely the importance of the community and the recognition of dignity. The status concept of dignity is seen as an attribute of the individual, but the way dignity is experienced brings out the importance of the relational aspect, and the role the community plays in acknowledging the dignity of the individual.

As Améry shows, dignity is not purely an individual status, but it has a relational aspect. This does not mean that there is no appeal to the verdict of society, but it does mean that an individual

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<sup>18</sup> Améry, “On the Necessity and Impossibility of Being a Jew,” 89.

<sup>19</sup> Ibid., 90.

<sup>20</sup> Ibid., 90–91.

cannot realise their dignity without the recognition of society. When someone's dignity is denied, they have to convince a community of their personal dignity by revolting against the verdict of that community.<sup>21</sup>

Debes also mentions the importance of this relational aspect in the article I discussed before. Although he does not want to make the attribution of dignity dependent on a moral community, he acknowledges their role in assessing whether or not someone satisfies the criteria of a particular substantive account of dignity.<sup>22</sup> Moreover, he does argue that dignity only makes sense in an interpersonal context, because, "what human dignity is partly depends on, i.e. is defined by, how other people respond to it."<sup>23</sup>

Hannah Arendt, when she discusses dignity,<sup>24</sup> also points to the relational aspects of dignity and the importance of its recognition by a political community. Arendt's idea of dignity is closely related to her critique of human rights: Arendt argues that one of the fundamental problems of human rights is that they are only enforceable as national rights. Although human rights are supposed to protect all persons equally, a person can only call on the law to protect her basic needs when she is a part of a political community. When people have been deprived of their nationality, often because of a political conflict, they become effectively rightless, especially if there is no other country willing to take care of them, as often happens when large groups of people become stateless at the same time. While human rights are supposed to apply to all people equally, in reality they can only apply to people in a political community that is governed by law. They are supposed to be a safety net on which people can rely if all else fails, but when people find themselves in a situation where they need this safety net, it turns out that it does not exist because there is no authority responsible for them. Or in Arendt's own words:

If a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of

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<sup>21</sup> Bernstein, "Améry's Body: 'My Calamity ... My Physical and Metaphysical Dignity'."

<sup>22</sup> Debes, "Dignity's Gauntlet," 65–66.

<sup>23</sup> Ibid., 67.

<sup>24</sup> Mainly in Arendt, "'The Rights of Man': What Are They?" an article that forms the basis for the famous 'right to have rights' argument in Arendt, *The Origins of Totalitarianism*.

such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man.<sup>25</sup>

When Arendt speaks about human dignity, she connects it to a specific understanding of humanity, that is, it is not about humanity as a natural condition or as a historically defined political entity, but about humanity as politico-linguistic existence:

Arendt thus uses the term ‘dignity’ (or ‘humanity’) to designate what would be lost beyond all human rights, with the loss of the status of being a member of a polity and thus with the loss of the right to have rights itself: “Its loss entails the loss of the relevance of speech (and man, since Aristotle, has been defined as a being commanding power of speech and thought), and the loss of all human relationship (and man, again since Aristotle, has been called the ‘political animal’, that is, one who by definition lives in a community), the loss, in other words, of some of the most essential characteristics of human life”.<sup>26</sup>

So for Arendt, dignity is profoundly relational: when one takes away a person’s ability to belong to a community, one takes away her dignity. For Arendt, dignity is thus not reducible to a characteristic of an individual human being, that is, dignity is not the human capacity to speak, or the ability to associate with other people, but these faculties have to be realised in relations: “[dignity] consists in nothing other than their politico-linguistic existence: their speaking, judging, and acting as faculties, which they have essentially through, with and in relation to others.”<sup>27</sup>

Thinking about dignity as a status, or something that we *have*, seems to be unable to do justice to the aspects I just discussed, and, therefore, I want to see if focusing on dignity as something that we *do*, and, therefore, seeing it as a performative concept is more helpful.

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<sup>25</sup> Arendt, *The Origins of Totalitarianism*, 381.

<sup>26</sup> Menke, “Dignity as the Right to Have Rights: Human Dignity in Hannah Arendt,” 338, quoting Arendt, “‘The Rights of Man’: What Are They?,” 30.

<sup>27</sup> Menke, “Dignity as the Right to Have Rights: Human Dignity in Hannah Arendt,” 338.

## *Dignity as a performative concept*

The context in which Judith Butler develops her ideas on performativity seems to be very different from the context in which I want to use the term. Butler is responding to feminist debates on the meaning of gender, and she develops her theory of performativity in response to questions about identity, which at first sight, seems to have very little in common with the debates about dignity. However, the work that the idea of performativity does in Butler's work is similar to the work that I want it to do in the case of dignity.

Butler argues that gender identity is not an expression of an internal feature of ourselves, but is instead the result of a sustained set of acts. In short, gender is not a being but a doing. In consequence, gender identity is not fixed or determined, either by the body or by cultural norms, it is therefore not a passive status but has a political dimension. The work that performativity does in the context of gender is precisely the work that I want it to do in the context of dignity, and, therefore, it seems to be a helpful framework for theorising dignity.

Butler's work is a critique of the metaphysics of substance or the idea that there has to be an ontological subject on which we can predicate attributes. According to this way of thinking, there has to be a female body to which we attribute feminine or masculine attributes. Butler shows that the idea of an ontological gendered substance is superfluous since gender is produced by culturally established practices of gender coherence. She, therefore, concludes that gender is performative: "that is, constituting the identity it is purported to be. In this sense, gender is always a doing, though not a doing by a subject who might be said to preexist the deed."<sup>28</sup> She is thus repeating Nietzsche's challenge to the metaphysics of substance in *On the Genealogy of Morals* for rethinking gender identity. Where Nietzsche claimed that "there is no 'being' behind doing, effecting, becoming; 'the doer' is merely a fiction added to the deed—the deed is everything."<sup>29</sup> She argues that "There is no gender identity behind the expressions of gender; that identity is performatively constructed by the very 'expressions' that are said to be its result."<sup>30</sup>

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<sup>28</sup> Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 33.

<sup>29</sup> Ibid., 33, quoting.

<sup>30</sup> Ibid., 33.



In a similar vein, I argue that we do not need an inherent quality of dignity that is behind our expressions of dignity and our recognition of dignity in the other. Dignity is performatively constructed through our doing.

This does not mean that dignity or gender identity is any less real or relevant. It is a claim about the ontological status of dignity or gender, and the argument is that it is not based on an inherent substance, but that it is constructed. This does not mean that it is an illusion or an artificial construct, but rather that it is produced through cultural, social and political practices, and not by an internal essence.<sup>31</sup>

Butler argues that because we see the *effects* of gender, we expect that it is an expression of some inner core that is revealed through these expressions: this expectation conjures its object, namely the idea that there is a gendered essence.<sup>32</sup> Butler turns this expectation on its head and argues that there is nothing more than expressions and that these constitute gender identity.

In other words, acts, gestures, and desire produce the effect of an internal core or substance, but produce this *on the surface* of the body, through the play of signifying absences that suggest, but never reveal, the organizing principle of identity as cause. Such acts, gestures, enactments, generally construed, are *performative* in the sense that the essence or identity that they otherwise purport to express are *fabrications* manufactured and sustained through corporeal signs and other discursive means. That the gendered body is performative suggests that it has no ontological status apart from the various acts which constitute its reality. This also suggests that if that reality is fabricated as an interior essence, that very interiority is an effect and function of a decidedly public and social discourse, the public regulation of fantasy through the surface politics of the body, the gender border control that differentiates inner from outer, and do institutes the 'integrity' of the subject. In other words, acts and gestures, articulated and enacted desires create the illusion of an interior and organizing gender core, an illusion discursively maintained for the purpose of the regulation of sexuality within the obligatory frame of reproductive heterosexuality.<sup>33</sup>

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<sup>31</sup> Ibid., 43.

<sup>32</sup> Ibid., xiv–xv.

<sup>33</sup> Ibid., 173.

If we think about dignity as a performative concept, it poses a serious challenge to the status concept of dignity. The status concept purports the existence of an inherent value that is prior to our expression of it in our actions and behaviour. This inherent value is the basis of our ascription of dignity to others. A performative concept holds that this inherent value is a fiction that is created as an explanation to why we ascribe dignity to other beings. There is no inherent value of dignity. Instead, it is performative and is constructed through social and political practices and norms that regulate our actions.

The problem with thinking about dignity or gender as an interior quality or essence is that it assumes that what this quality or essence is can be known and captured in advance. However, as Butler shows, the category of woman is hard to capture in an exhaustive way: there will always be an excess that can not be captured by the predicates that we use to try to describe this category.<sup>34</sup> The result is that these categories only represent — linguistically, but also politically — those subjects that are recognised and acknowledged within the description that is given.<sup>35</sup> As I will show in the next Part, this is precisely what happens with the status concept of dignity. The status concept of dignity assumes that there is a core meaning of dignity that can be known and exhaustively described, and can then be used to ascribe dignity to all human beings as a protective status. The problem is that they fail in this endeavour because their meaning of dignity is too narrow and is unable to capture all of the different manifestations of it.

Both dignity and gender are often seen as something passive, something that we simply have. In the case of gender, feminist theorists have often described it as the cultural interpretation of someone's biological sex or as a prescribed social construct.<sup>36</sup> It is usually seen as something that is either determined by the biological characteristics of a person's body, or by the social roles of their community. However, when we no longer think about gender as an inner essence that is expressed, but rather as something that is constructed through performative practices, gender is no longer a passive and determined identity, but something that requires agency.

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<sup>34</sup> Ibid., 182.

<sup>35</sup> Ibid., 4.

<sup>36</sup> Ibid., 11–12.

Butler departs from conventional ideas about agency that “claims ontological priority to the various roles and functions through which it assumes social visibility and meaning.”<sup>37</sup> With Nietzsche, she rejects this idea of agency that relies on some internal feature as a fiction, as I discussed before. Butler argues that the philosophical polarity of determinism and free will is not helpful because both see the body as a passive medium:

Within those terms, ‘the body’ appears as a passive medium on which cultural meanings are inscribed or as the instrument through which an appropriative and interpretive will determines a cultural meaning for itself. In either case, the body is figured as a mere *instrument* or *medium* for which a set of cultural meanings are only externally related. But ‘the body’ is itself a construction, as are the myriad ‘bodies’ that constitute the domain of gendered subjects.<sup>38</sup>

Butler insists that the body is also a construction and that there is no ‘I’ or internal essence that is the cause of signification of gender. Instead, gender identity and gender norms are constructed through practices of signification.

Similarly, we should think about dignity, not as a status concept that is based on an internal quality that determines whether or not we have dignity, but as something that is constructed through our doings. When we rethink dignity in this way, it is not a passive status that we can attribute to someone, but it is constructed through our practices.

When dignity is used as a status concept, it is not only passive, but there is also the assumption that it is possible to give a clear and universal definition of the concept, which can then be used as a basis for normative claims. Butler challenges this kind of foundational reasoning in thinking about gender:

The foundationalist reasoning of identity politics tends to assume that an identity must first be in place in order for political interests to be elaborated and, subsequently, political action to be taken. My argument is that there need not be a ‘doer behind the deed,’ but that the ‘doer’ is variably constructed in and through the deed.<sup>39</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 12–13.

<sup>39</sup> Ibid., 181.

Similarly for dignity, we do not need to give a precise, complete and universal account of dignity to act it out or act upon it. Dignity can take many forms and shapes, and the problem with foundationalist reasoning is that it will never be able to capture them all in one solid definition, and the pretence that it can has the consequence that it is exclusionary, as I will show in Part II. Every attempt to give an exhaustive account of dignity is doomed to fail. Butler shows that theories of feminist identity that attempt completeness by elaborating “predicates of color, sexuality, ethnicity, class, and able-bodiedness invariably close with an embarrassed ‘etc.’ at the end of the list.”<sup>40</sup> This inability to be complete is not a failure of the theorist, but a sign that there is always an excess that escapes capturing.<sup>41</sup> Every attempt to give an account of what dignity means makes judgements about what matters to this concept and what not, it is not possible to give an account of the concept without those judgements, and, therefore, it is not possible to give a neutral or impartial description that is universally acceptable.

This feature of dignity as a performative concept is what makes it a politically interesting concept. First of all, when we no longer think about dignity as a neutral and descriptive concept, the account that we give of it matters politically, because the judgements and partialities that are present in every conception of dignity create inclusions and exclusions, which can be scrutinised and debated. Secondly, it is no longer a passive concept, but it requires agency and is dynamic.

### ***Benefits of a performative concept***

In this section, I have discussed some of the lacunae that the status concept of dignity can not account for. I have discussed the way that dignity is experienced, and have argued that in practice, dignity is not experienced as an abstract interior value that is inviolable, but in lived, embodied experiences. The status concept of dignity — where dignity is a status that is inviolable and that everyone has no matter what — can not make sense of the way that dignity is experienced. Dignity is often experienced as precarious and under threat, and not as a stable inviolable status. It is lived in everyday, embodied practices, or in embodied sufferings, and

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<sup>40</sup> Ibid., 182.

<sup>41</sup> Ibid., 182–183.

not as an abstract status. Moreover, it is not something that is firmly located in the individual because we always need others to recognise, affirm, realise, sustain or witness our dignity.

When we see dignity as a performative concept, that is, as something that is constructed and sustained in actions and practices, we are better able to make sense of these aspects of the experience of dignity. A performative concept is an embodied concept of dignity, that is, dignity is not seen as an interior quality or an abstract value but as something that is constructed through bodily actions and practices. This also means that dignity is a relational concept because actions and practices are not performed in isolation but in front of an audience, that is, they get their meaning through intersubjective practices.

I also discussed how the meaning and scope of dignity can change, and that the social context in which it operates plays a major role in what is seen as dignified and to whom we ascribe dignity. Social context matters to our understanding of dignity, and the status concept, that sees dignity as a universal, fixed concept is unable to make sense of how the scope and meaning of dignity have changed, other than saying that a previous account was wrong, but that there is the possibility to get it right. A performative concept is aware of the importance of social and cultural norms in shaping our ideas about dignity, but it also allows for change through the constant interpretation and reinterpretation of accounts of dignity.

In the previous section I argued that the status concept is problematic because it can be exclusionary: it attempts to give a fixed and complete account of what dignity means and founds this in some interior quality. This attempt inevitably means that some people do not live up to this account of dignity and, therefore, are excluded. A performative concept of dignity rejects this foundational logic. This does not mean that the multiple thick conceptions of dignity that are available to us in everyday practices are not exclusionary. However, when we see dignity as a performative concept, we acknowledge that every account of dignity has its limitations and that there are always multiple ways in which to perform dignity that are also valid. There are no true or false accounts of dignity, only successful and unsuccessful performances. Whether a performance of dignity is successful depends on whether it is recognised as such by other members of the community. This means that while someone's performance of dignity might

not be recognised as such under one interpretation of dignity, it might still be recognisable as dignity under another aspect.

This might seem an insignificant point, but if we look at examples of the misrecognition of dignity that I mentioned at the end of the previous section, it actually is quite significant, and an important source to challenge prevailing conceptions of dignity. For example, the civil rights movement in the US started to flourish when the black population regained a sense of their own dignity. Many factors contributed to this feeling of dignity, one of them being the development of stronger black communities, which were educated and economically better off, which affirmed their dignity within their own community. This was followed by a Supreme Court decision about the injustice of segregation that was an affirmation of dignity external to the community.<sup>42</sup> These affirmations of dignity gave many people the strength and the passion for resisting segregation and the conception of dignity that accompanied it, and to argue for more capacious accounts of dignity and a more just society.

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<sup>42</sup> See King, “The Rising Tide of Racial Consciousness,” 145–146 who discusses five factors that contributed to the new sense of dignity.

## Critique on the Status Concept

In the previous two sections, I have set out to describe the way the status concept of dignity is theorised, and I have indicated some of the problematic aspects and major lacunae of the status concept, and how a performative concept can address these. In this section, I will discuss some of the criticism that is often directed against the concept of dignity. I will argue that this critique is usually directed against the *status* concept of dignity since that is the way that the concept is generally theorised, or that it is directed against a particular conception of dignity. Therefore, these criticisms do not harm a performative concept of dignity as much as the status concept because it already deals with some of these criticisms, or because the critique becomes irrelevant.

I discuss four articles that together cover a wide variety of lines of critique. In my discussion, I will both discuss how a proponent of the status concept could respond to these lines of critique and how or whether it also affects a performative concept.

### ***Dignity is useless***

In 2003, Ruth Macklin published a short article with the provocative title *Dignity Is a Useless Concept*. In this article, she is responding to the rising popularity of the term dignity in medical ethics. She voices a common opinion that the term dignity does not add anything useful to these debates because there are already other concepts — like the autonomy of the patient — which one could use to make the same point in a more precise way. I am discussing her article because her main point is a common form of critique against the use of the concept of dignity in many areas, namely that the term dignity is too vague or rhetorical, and one should use more specific notions instead.

Macklin starts her argument by saying that “[a] close inspection of leading examples [of the use of dignity in medical ethics] shows that appeals to dignity are either vague restatements of other, more precise notions, or mere slogans that add nothing to the understanding of the topic.”<sup>1</sup> She then discusses several examples of the use of dignity and comments on the usefulness of the term for medical ethics.

Her first example is the use of dignity in human rights documents. She argues that these documents are generally not about medical ethics, or, when they are, then the use of the term dignity refers to already established practices in medical ethics, such as respect for persons and their autonomy.<sup>2</sup> With her second example she makes the same point: she interprets the debate about the right to die with dignity, and the legislature surrounding this, as again being about respect for the autonomy of the patient and her choices about her treatment, or withdrawal from treatment.<sup>3</sup>

Next, she discusses the medical educational practice of using newly dead bodies, and the critique of some theorists in medical ethics that this is a violation of the dignity of the dead person. Macklin quickly dismisses this use of the term dignity on the grounds that a dead body is no longer a person, and, therefore, she no longer has autonomy. Macklin, therefore, suggests that this critique should be reformulated in terms of the wishes of the relatives of the deceased.<sup>4</sup> Because she has reduced the meaning of dignity to respect for the autonomy of a person, Macklin is unable to recognise this as a valid way of using dignity in medical ethics. One could argue instead that this example shows precisely why dignity is an important concept for medical ethics: human beings should be treated with respect not just because of a capacity to make autonomous decisions, but because they are in meaningful relationships with others. These meaningful relationships help to explain why it is important to treat people with dignity, and that we continue to attribute dignity to a person, even when she has lost her ability to make autonomous decisions, for example in the case of severe trauma, progressive disease or death. Reducing this to respecting the wishes of the relatives of the deceased or severely ill is not an

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<sup>1</sup> Macklin, “Dignity Is a Useless Concept,” 1419.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 1420.



accurate description of the matter. It is not about a recognition of the dignity of the persons that are in a relation with the deceased or the severely ill; it is about respecting the dignity of that person *themselves* because they matter to other people through meaningful relationships.

Her next example is that of the report on human cloning, where the term dignity is frequently used without giving appropriate criteria for what counts as a violation of dignity, hence, according to Macklin, the term remains an empty slogan.<sup>5</sup> This critique does not apply to her next example, a report on human genetics, but, in this case, Macklin claims that the definition that is given is essentially nothing more than respect for the autonomy of persons.<sup>6</sup> Macklin wonders why so many people refer to dignity as if it is something more than simply respect for autonomy, but she sticks to her own diagnosis: “Dignity is a useless concept in medical ethics and can be eliminated without any loss of content.”<sup>7</sup>

In response to this form of critique, Daniel Sulmasy has argued that Macklin, and others making similar claims, offer no substantial argument that dignity can be reduced to another notion, like respect for autonomy or whatever they are arguing for. He argues that Macklin starts with a preconceived idea that the term dignity means nothing more than respect for autonomy, and, therefore, she sees all her examples through this spectrum, which makes her conclude that dignity means nothing more than respect for autonomy. According to Sulmasy, “[i]f one defines a word completely in terms of another concept more to one’s liking, it will always follow that the word in question adds nothing to the concept one already endorses.”<sup>8</sup> In her article, Macklin does precisely this. She attempts to show through her examples that the term dignity amounts to nothing more than respect for the autonomy of persons, a concept that she is obviously more comfortable with than dignity. However, all she does in this article, is defining the term dignity as respect for the autonomy of a person, and then concluding that dignity does not add anything to the discussion and can be replaced by respect for the autonomy of persons, a mere rhetorical move on the part of Macklin herself, it seems.

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Sulmasy, “Human Dignity and Human Worth,” 9–10.

Although I agree with Sulmasy's criticism that Macklin's account is circular and that she dismisses all uses of dignity that do not fit her reduction, the fact remains that a lot of theorists do try to give a definite answer to the question what dignity is and argue that it comes down to respect for the autonomy of persons. So Macklin's argument that 'dignity is nothing more than respect for the autonomy of persons' is caused by the fact that many theorists who use dignity in a positive way do reduce it to, for example, respect for autonomy. As I showed in the first section of this part, many theorists reduce dignity to an inherent value based on certain conditions and they dismiss other uses of dignity as irrelevant or archaic remnants in our language. In their attempt to find a stable and universal foundation for dignity, they often are at risk of reducing it to one of its aspects, and they are unable to capture the full meaning of the term, and maybe in those cases, they should stick to other 'more precise notions', as Macklin suggests.

When we see dignity as a performative concept, it is much easier to argue that it is not reducible to the concepts in terms of which it is defined, because one of the aspects of a performative concept is, that it is dynamic and that it is not reducible to any of its previous iterations. A performative concept is also able to make sense of uses of dignity that are not reducible to a respect for the autonomy of the person, because it sees dignity as relational (and therefore, we can understand why we talk about the dignity of the dead) and it is contextual (and can, therefore, also be used in contexts where autonomy is not at play).

### ***Dignity is stupid***

In his *The Stupidity of Dignity* Steven Pinker criticises the 2008 report on Human Dignity and Bioethics by the President's Council on Bioethics and its conservative Christian agenda. In this short article, Pinker voices three distinct arguments against the use of dignity. Firstly, he argues against the conservative Christian conception of dignity that this report imposes on bioethics; secondly, he argues against the use of dignity as a foundation for bioethics because it is relative, fungible and can be harmful; and thirdly, he argues that in those case where dignity seems to be useful, it could just as easily be replaced by other principles. The reason that I include his criticism is because it shows patterns that are familiar to other criticisms of dignity. Firstly, that a criticism of a particular conception of dignity, in this case, a conservative Christian conception,

leads to a dismissal of the whole concept; secondly, that the idea of achieved status and that of inherent status are not clearly distinguished; and thirdly, the criticism that I discussed before, that dignity can be replaced by more precise notions.

Pinker argues that the Council's report is a response to Macklin's essay and that it attempts to make dignity the centre of bioethics, instead of the principle of personal autonomy. He polemically claims that the general tendency of the report is to argue that "even if a new technology would improve life and health and decrease suffering and waste, it might have to be rejected, or even outlawed, if it affronted human dignity."<sup>9</sup> He blames this outcome on the composition of the Council and the contributors to the volume, especially the Council's director Leon R. Kass, who try to push a conservative Christian agenda. Pinker characterises the idea of dignity that emerges from the report as being rooted in Judeo-Christian doctrine and as being against innovation and intervention in biomedical matters. He worries about a person's right to make autonomous choices about her own body and life, in the face of the rigorous moral standards that the reports prescribes that reject 'bare-bones individualism'.<sup>10</sup> Pinker rejects this interpretation of dignity because "this government-sponsored bioethics does not want medical practice to maximize health and flourishing; it considers that quest to be a bad thing, not a good thing."<sup>11</sup> He blames them for conjuring up dystopias and doomsday scenarios to block new developments, and not representing the opinions of the majority of the American population.<sup>12</sup> However, Pinker fails to see that the rejection of this particular conception of dignity does not mean that the concept as a whole is flawed.

In the next section, Pinker argues that dignity is not suitable as a foundation of bioethics. He gives three reasons for this. First, he argues that dignity is relative because "ascriptions of dignity vary radically with the time, place, and beholder."<sup>13</sup> The examples that he gives to substantiate this claim are all examples of what I have discussed as dignity as comportment and not the idea of dignity as an inherent value (which of course has also changed in scope

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<sup>9</sup> Pinker, "The Stupidity of Dignity: Conservative Bioethics' Latest, Most Dangerous Ploy," 28.

<sup>10</sup> Pinker, "The Stupidity of Dignity: Conservative Bioethics' Latest, Most Dangerous Ploy."

<sup>11</sup> Ibid., 28.

<sup>12</sup> Ibid., 31.

<sup>13</sup> Ibid., 30.

over time). Then, he says that dignity is fungible. “The Council and Vatican treat dignity as a sacred value, never to be compromised. In fact, every one of us voluntarily and repeatedly relinquishes dignity for other goods in life.”<sup>14</sup> Again, the examples that Pinker gives are about dignity as comportment, about control over our body and behaviour that we are willing to abandon temporarily for other goods.<sup>15</sup> Lastly, he argues that dignity can actually be harmful. He is responding to the rhetorical question if anything good can come from denying or constricting dignity and his answer is an emphatic ‘Yes’.<sup>16</sup> His argument revolves around the restriction of the dignity of repressive political and religious leaders and their imposition of their conception of dignity on their population. So, in this case, he is talking about the dignity of rank, another form of achieved dignity. A typical reply from a proponent of the status concept of dignity to this critique would, therefore, be that Pinker is not talking about dignity in the same way, because all of his examples are about dignity as achieved status, and not about an inherent status, which is not relative, fungible and harmful, and, according to proponents of the status concept, is therefore a very strong ground for moral reasoning.

In the end, Pinker argues that dignity is not entirely useless because it does have an identifiable sense that is important in moral considerations. He argues that signs of dignity trigger us to recognise the other as worthy of esteem and respect. According to Pinker, “These features include signs of composure, cleanliness, maturity, attractiveness, and control of the body.”<sup>17</sup> He argues that it is important for people to uphold their sense of dignity, and when we use dignity in this specified sense, it is just another application of respect for personal preferences and the principle of autonomy.<sup>18</sup>

One of the problems of this article is that Pinker and the proponents of a status concept of dignity do not seem to be talking about the same thing. Pinker is talking about dignity as something that is “skin-deep”, an appearance of dignity and dignified behaviour that is necessary for our sense

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<sup>14</sup> Ibid.

<sup>15</sup> But the reason that we are comfortable to relinquish some idea of dignity as self-control in a medical setting, is that dignity is context specific: There is an assumption of professionalism and care in a medical setting which makes it possible to put up with this. It does not mean that dignity is something that we trade of just like that. It just means that what is seen as a threat to dignity changes with context and over time.

<sup>16</sup> Pinker, “The Stupidity of Dignity: Conservative Bioethics’ Latest, Most Dangerous Ploy,” 30.

<sup>17</sup> Ibid., 31.

<sup>18</sup> Ibid.

of dignity and self-respect. On the other hand, most proponents of a status concept of dignity see this use of dignity as philosophically unimportant and interpret dignity as an inherent status, which is the moral ground for respectful treatment because it is considered to be objective and irreplaceable. Although Pinker is right to signal that it is important to recognise and respect a person's sense of dignity and avoid degrading circumstances in medical practices, most proponents of the concept would argue that this is not what is at stake in difficult bioethical questions, such as whether or not we should accept stem-cell research or other innovative medical research.

On the one hand, it seems that Pinker's conception of dignity is much closer to a performative concept of dignity than a status concept, because he shows how its meaning and ascription are dependent on a social context, and he also shows the importance of others to recognise and respond to the dignity of a person: "We may be impressed by signs of dignity without underlying merit, as in the tin-pot dictator, and fail to recognize merit in a person who has been stripped of the signs of dignity, such as a pauper or refugee."<sup>19</sup> However, on the other hand, he is closer in his thinking to the proponents of the status concept, because, with them, he seems to think that there is the possibility of finding an objective foundation for bioethical questions (respect for autonomy in this case) that can function in all contexts.

### ***Dignity is ineffective***

John Wallach develops his critique of the concept of dignity in his *Dignity: The Last Bastion of Liberalism*, a review of four recently published books on dignity.<sup>20</sup> His main criticism is that dignity is a static concept, it is an abstract notion that is attributed to a subject. The authors that he discusses are unable to give a credible account of the relation between dignity and agency or power, and therefore, dignity remains ineffective: having dignity does not empower or even protect the subject. This article is discussed here because it voices a frequent concern that dignity is ineffective: the notion of human dignity has been around for a long time, but it has

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<sup>19</sup> Ibid.

<sup>20</sup> The books he discusses are Dworkin, *Justice for Hedgehogs*, Kateb, *Human Dignity*, Rosen, *Dignity: Its History and Meaning* and Waldron, *Dignity, Rank, and Rights*.

not prevented atrocities against human beings from happening in the past, and it still is not able to empower those people whose dignity is at stake.

Wallach says that in the wake of recent questions about and attacks on the notion of human rights, there is a tendency to look for a firmer ground for human rights in the notion of dignity. Hence, the recent interest in the term. In his review, Wallach focuses on four authors who write in a liberal tradition and who have recently published a book on Dignity: Dworkin, Kateb, Rosen and Waldron. What they all have in common is that they draw on dignity's ability to signify both equality (or human value) and inequality (or distinction).<sup>21</sup> Another similarity is that they "all fold an ethically substantive notion of 'virtue,' originally religious or secular, into a morally formal, apodictic notion of 'rights,' thereby accommodating kinds of inequality and equality within a single conceptual framework, a move typical of liberal political philosophy."<sup>22</sup> So, while the notion of dignity guarantees a moral minimum of how we ought to treat others,<sup>23</sup> it thereby also erases the public responsibility for inequality, reducing it to either a fact of nature, luck or personal achievement:<sup>24</sup> "Therefore they justify inequality by associating it with good luck, misfortune, moral ignorance or turpitude, or the genius of the market, the effect of which is to emphasize personal responsibility and deny public responsibility for individuals' lots in life."<sup>25</sup>

Wallach also comments that historically, dignity was often used in a condescending way because it was "invoked by the haves on behalf of the have-nots."<sup>26</sup> This condescension does not only stem from the way they "bestowed equality on the unequal", but also from the association of dignity with "solace in the midst of suffering."<sup>27</sup> He illustrates this by arguing that in religious thought, people were encouraged to find solace from degradation in seeing themselves as 'dignified' creatures (of God), and this gave them an apolitical status, which made just treatment or political transformation unnecessary.<sup>28</sup> Wallach argues that this same

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<sup>21</sup> Wallach, "Dignity: The Last Bastion of Liberalism," 314.

<sup>22</sup> Ibid., 315.

<sup>23</sup> Ibid., 316.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., 321.

<sup>26</sup> Ibid., 316.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 317.

tone of condescension is still present in the authors he discusses because they have limited regard for social reality in the way that they articulate their theories of dignity, in particular how political inequality persists and is not challenged by their theories: Dignity is still bestowed by the haves on the have-nots as something that we should all respect, but it does not challenge substantial social, economic or political inequalities in any way.<sup>29</sup>

This brings me to another point of Wallach's criticism, namely that dignity is static: "Having 'dignity' does not suggest empowerment or action; rather, it suggests a status that upholds the honor of humanity, in a person or a group, against attempts to dishonor that (relatively indeterminate) aspect of being human."<sup>30</sup> The reason for this criticism is both that the authors in question do not give a satisfactory account of agency, and treat human beings and their rights more like objects with certain attributes,<sup>31</sup> but also, that the term dignity has historical roots in an idea of 'standing' which is a static notion. Seeing dignity in this way means that it depends more on others — having status in the eyes of society — than on the way that one lives one's life.<sup>32</sup>

What is interesting about Wallach's review is that he does not just complain that dignity is ineffective, but that he also gives a thorough analysis of why this is the case. He traces some of its problems to the distinction that a liberal conception of dignity makes between a normative idea of dignity as a human value (or inherent status) that applies to everyone equally and is a matter of public concern and an ethical idea of dignity as distinction (or achieved status) that is only achievable by some and is not seen as a politically interesting or significant issue. In this way, the concept of dignity is not used to address systemic inequalities in societies and these are treated as politically irrelevant. To add to the problem, in a liberal account dignity is static. It is something that is attributed to a person — or bestowed upon them — and there is no sense of the agency of the person in this. The liberal conception of dignity, therefore, obscures both agency and power.

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 316.

<sup>31</sup> Ibid., 322.

<sup>32</sup> Ibid., 324.

That dignity is theorised in a static matter, or that it has historical roots in an idea of standing, does not mean that it *is* a static concept. As I discussed before, in political protests dignity is used in ways that are not static, and it is a powerful concept that people use to stand up for themselves and claim or assert their dignity and rights. The status concept of dignity cannot really account for these uses of dignity, but a performative concept can. Dignity as a performative concept, is able to make sense of agency because dignity is a doing and is constructed through our actions. It is a dynamic concept that is open to reinterpretation and change. It is also able to account for power because dignity is no longer thought of as a neutral, impartial concept, but as one that gets its meaning in a social context and, therefore, every conception of dignity gives a particular account of what dignity encompasses and, therefore, creates inclusions and exclusions.

### ***Dignity masks differences***

In his 2012 lecture, *The Secret History of Constitutional Dignity*, Samuel Moyn criticises the concept of dignity and argues that dignity is an essentially contested concept and that its use hides a deep disagreement about its meaning. The ease with which dignity is used, masks deep disagreement and conflicting interpretations of dignity, mainly between a liberal interpretation of dignity as grounded in autonomy, and a Catholic interpretation of dignity that often calls for a restriction of the unlimited autonomy of individuals in favour of the common good. Furthermore, he argues that dignity is unable to break loose from its historical roots in theological thought, and, therefore, it is unsuitable in the legal domain. This lecture develops a common line of critique that the term dignity masks deep disagreement and makes debates about these disagreements impossible because it makes it invisible, and that, therefore, dignity is practically useless in debates.

Moyn is suspicious about the current popularity of the term dignity in law and philosophy, and he argues that we should be aware of the historical roots of the term in debates about constitutionalism because they still matter:



History matters to the current enthusiasm over human dignity, because while all political and legal concepts are malleable, none ever proves to be exactly as malleable as any other. All bear the marks of their historical trajectories, so long as partisans of continuity in their meaning remain to fight on its behalf.<sup>33</sup>

Moyn argues that contrary to common conceptions of the historical emergence of the term dignity in human rights law and constitutionalism, the term dignity did not emerge in these debates after World War II, and it was not based in the Kantian tradition of an individual's worth.<sup>34</sup> Instead, it emerged earlier, and it is based on a tradition of Catholic thought. He argues that dignity played a significant role in the preparation of the constitution of Catholic countries like Ireland and that the scope of the term underwent a substantial change around the same time. Before the 1930s, the term dignity was only used in Catholic thought to refer to groups, but by the end of that decade, it came to refer to individuals too.<sup>35</sup> The term emerged in response to the rejection of the 'modern, liberal secular republic' and their emphasis on the rights of man. To defend the 'natural' social hierarchy established by God and the importance of the human person in this, one strain of Catholic thought introduced the idea of the dignity of the human person to defend this idea. In this case, human dignity is not at all about human rights, but more about the proper place of the person in society, which includes her place in religious hierarchies and institutions and in the patriarchal family as the cornerstone of society.<sup>36</sup>

Moyn argues that these historical roots are problematic because they still persist today, which means that dignity has a rich 'moralistic' content that is in conflict with 'secular freedom'.<sup>37</sup> He then goes on to acknowledge that a concept is not tethered to the way it was first used in a particular context, and he shows that the recent popularity of the idea is based on a Kantian idea of dignity that is more congruous with liberal ideas of autonomy and secularity.<sup>38</sup>

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<sup>33</sup> Moyn, "The Secret History of Constitutional Dignity," 2.

<sup>34</sup> *Ibid.*, 5.

<sup>35</sup> *Ibid.*, 8.

<sup>36</sup> *Ibid.*, 10.

<sup>37</sup> *Ibid.*, 28.

<sup>38</sup> *Ibid.*, 29–31.

Moyn concludes that today dignity is an essentially contested concept and that it is not useful in the legal domain because it hides differences and depoliticises debates by making disagreement less visible.<sup>39</sup>

Although I agree that the term dignity is sometimes used in an uncritical way to prevent a discussion of contentious issues, I disagree with Moyn that this means that dignity is an essentially contested concept. I would certainly not dispute his claim that there are different conceptions of dignity, on the contrary, there are many more conceptions of dignity at play in today's use of the term than just the two he mentions, and they often give conflicting answers to what dignity means, what it amounts to, and what it would require. However, this does not mean that dignity is an *essentially* contested concept. Otherwise all thick concepts (like justice, kindness, courage and many others) would be essentially contested concepts because there are multiple and conflicting ways to conceptualise them. Even though, in the case of dignity, there can be fierce disagreement about what dignity amounts to, I would argue that they are still using the same concept: they use dignity to indicate how we ought to treat each other in virtue of a special quality.

The usefulness of the term dignity, even in the legal domain, thus lies in the fact that it signals that there is a threshold of how we ought to treat others and that we should ensure that this is upheld. Even though we might disagree over what is required to uphold this threshold, the idea that there is a minimum threshold of what we owe to each other is not that controversial. The term dignity is therefore often used to either signal that this threshold is not met, or to argue that the threshold should be raised. In the examples that Moyn discusses, both sides agree that there is a threshold of what we owe to others and how we should treat each other, but they disagree about the principles that should guide and justify these decisions. The result is that there are different conceptions of what dignity means, not that the concept itself is essentially contested.

Moyn's lecture shows that dignity is not a concept with a neutral or universally accepted content, and, therefore, it raises suspicion about the pretense that it is a universal concept with a clear and uncontested meaning. Instead, dignity is a thick concept, and just like other thick concepts, there are different contesting conceptions about how it is best realised.

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<sup>39</sup> Ibid., 33–35.

Presenting dignity as a status concept reinforces the idea that it is a neutral term that is universal in its meaning while instead it is a thick concept with an evaluative content that can differ from context to context. A performative concept of dignity should be able to overcome this suspicion because it does not pretend to be universal in its content, but instead sees it as constructed, and, therefore, it gets its meaning in its (social, cultural, historical) context. A performative concept of dignity embraces its plurality instead of trying to overcome it, and it does not try to hide these differences.

I agree with Moyn that dignity is too often used as a depoliticising term that assumes that there is one correct way to interpret dignity. A performative concept of dignity repoliticises dignity, and encourages us to challenge fixed conceptions of dignity and acknowledges that questions about what a dignified life is are deeply political. A performative concept of dignity cannot give a fixed answer to what dignity is because this is an open-ended and context dependent question.

### ***Dignity is both too distinctive and not distinctive enough***

In this section I have attempted to show that the critics of the concept of dignity challenge it in many different ways: it is said to be unclear and messy and not distinctive enough, and therefore not useful in practice; it is said to be ineffective because it is passive and does not empower people; it is also said to hide differences because it masks disagreements under a pretence of universality.

The interesting thing is that the critics seem to blame the concept for two quite opposite defects. Some critics blame it for not being distinctive enough, and not being able to come up with a coherent universal answer to what dignity means. While others criticise it for hiding plurality and imposing a particular answer to what dignity means that depoliticises and masks deep disagreement. This effect can be traced to the idea that dignity is a 'neutral' and 'universal' concept that is shared by everyone in the same way when in fact there is a plurality of interpretations that sometimes have widely divergent ideas about what dignity encompasses. It is not a neutral concept, but like other thick concepts (such as justice, freedom, or kindness and courage), it has not only a descriptive but also an evaluative content. As a result, it is

problematic to ignore this evaluative content and try to use it as a 'neutral', 'universal' concept. While most of the critics do not directly address this point, it does help to understand some of this criticism a bit better, and to understand how a performative concept could escape it.

In this section, the first two writers seem to be looking for a strong and universal ground for moral reasoning, especially in bio-ethical questions, and they argue that the concept of dignity is unsuitable for the job because the theorists are unable to conceptualise it in a clear and universal way. They pick up on the multiple ways in which proponents try to theorise the concept, and on the even greater plurality of meanings of dignity that seem to be 'out in the world' and criticise it as a messy and unclear concept (Macklin), or they criticise a particular conception of dignity, and argue that it is an unhelpful way to conceptualise dignity (Pinker). The status concept tries to satisfy these critics by arguing that there is a 'neutral' and 'universal' way to conceptualise dignity, and they attempt to show that they are onto it. A performative concept, on the other hand, would argue that this is not the right way to conceptualise the concept. Although there is core meaning to dignity in the role that it has in debates, it is always conceptualised in multiple different ways, and there is not a single 'true' definition of what dignity means.

The last two writers seem to be focusing on the political dimension that is absent in the concept. They criticise the way in which dignity is theorised as a universal and neutral concept that is shared by everyone in the same way and argue that it is a passive and ineffective concept, which cannot account for agency and power and is, therefore, unsuitable in a political context (Wallach), or they criticise the way that the use of dignity purports that there is agreement while it, in fact, hides disagreement and thus obscures and depoliticises important issues (Moyn). The status concept is unable to give a satisfying answer to this criticism because it tries to come up with a right answer to what dignity is and what it encompasses, and most theorists of dignity would not like to acknowledge that there are multiple valid ways to conceptualise the concept. A performative concept would argue that there is not one single correct interpretation of dignity but that there are always multiple conceptions operating at the same time. It also sees dignity as something that is constructed, and this brings in both agency and power.

A performative concept of dignity can acknowledge the fact that dignity is a thick concept because it recognizes the importance of the context in which the term is used, and says that this

context actively shapes and constructs the meaning of the term. Although it does not give a clear and unequivocal answer to what the meaning of dignity is, something that some of its critics do seem to want, I actually think that this is part of its strength. We should not try to look for the perfect interpretation of the term, but instead look at the different interpretations that are given, and the various ways that it is used, and let this inform us of the complex and rich meaning of the term. Trying to find the right answer to what dignity means inevitable leads to conflict over what this interpretation is, and it leads to the silencing of voices that seek to express a lesser known or more unusual interpretation of the term while allowing this multiplicity can give rise to a richer and better understanding and use of the term.



## **Can We Do Without the Status Concept?**

In this Part, I have argued that in contemporary philosophy, dignity is usually conceptualised as a status concept and that this concept has several flaws. Therefore, I proposed to rethink dignity as a performative concept. The performative concept is not only free of some of the flaws of the status concept, it also better captures the role that dignity plays, both in theoretical discourses and in its practical uses.

In the Introduction, I have indicated that the role of dignity in these discourses is to say something about how we ought to treat each other in virtue of a special quality. The status concept focuses on determining what this special quality is. However, there are several problems with this approach—its foundational logic, its focus on what grounds dignity, and the search for a correct/ true account of dignity—which I will briefly recapitulate below. In contrast, the performative concept avoids these problems because it sees dignity as constructed and sustained in actions and practices and it does not rely on a metaphysical grounding of the concept. The performative concept also recognises that dignity is a thick concept with an evaluative content, and it can account for its contextuality, relationality and embodiment, which I will also briefly expand upon below.

Thus far, I have discussed several flaws of the status concept. I have argued that the status concept tries to capture the intuition that everyone has equal dignity, by providing a secure ground for dignity in an inherent quality that all human beings share. However, this foundational logic is problematic because it tries to give a fixed, definite answer to what dignity means, and locates this in an internal quality of an individual. This fixation on an internal quality creates—often unwanted or unnoticed—exclusions of those who are regarded as lacking this internal quality. Another problem with this focus on the special value that grounds dignity is that it shifts attention away from the question of how we ought to treat each other, becoming a secondary question at best. And finally, those conceptualising dignity as a status concept have so far been

unable to reach a satisfying conclusion on what this internal quality is. There is a lot of debate and disagreement about it, but because they are all trying to come up with the one ‘true’ answer to the question, there is no resolution in sight.

The performative concept avoids all these problems by avoiding a foundational logic. Dignity is not conceptualised as based on an internal quality but is instead seen as constructed through action and practices. As a consequence, it is sensitive to context and to change: there is not a single true answer to what dignity means and encompasses, but there are multiple possible answers, some of them better than others. This opens up the concept and allows for multiple ways to perform, think about, and enact the term in both practical and theoretical discourses. Allowing for this multiplicity, and acknowledging that every conceptualisation has its boundaries, brings into awareness the exclusions that are created by concrete interpretations of the concept, and it allows for new iterations that might overcome unwanted exclusions.

A performative concept of dignity can also acknowledge the fact that dignity is a thick concept: dignity does not only have a descriptive content, but also an evaluative one. When dignity is conceptualised as a status concept, this evaluative content gets obscured because it is assumed that this content is universally shared, which it is not. A performative concept is better equipped to deal with this because it allows for multiple interpretations to co-exist: dignity is a concept that gets its meaning from the lived and embodied experience of a person, and therefore it is always highly contextual and evaluative. The performative concept is also much better equipped to explain the importance of the relational aspect of dignity: dignity does not only rely on someone ‘having’ it, but more importantly on others recognising, acting upon, affirming, realising, sustaining and/or witnessing that dignity. If dignity is seen as an inherent property of persons, then we lose sight of a crucial aspect of dignity as it is lived and practised. In the performative concept, this aspect does take centre stage because dignity only emerges in an interpersonal context.

In sum, the performative concept of dignity avoids several problems that the status concept is faced with, and it also has more theoretical instruments available to theorise important aspects of the term. Although it does not give a clear and unequivocal answer to what the meaning of dignity is, something that some of its critics do seem to want, this is actually part of its strength.



We should not try to look for the perfect interpretation of the term, but instead, look at the different interpretations that are given, and the various ways that it is used, and let this inform us of the complex and rich meaning of the term. Trying to find the one true answer to what dignity means inevitable leads to conflict over what this interpretation is, and it can lead to the silencing of voices that seek to express a lesser known or more unusual interpretation of the term, while allowing this multiplicity can give rise to a richer and better understanding and use of the term.

An important question is whether this means that we can do away with the status concept altogether, or if there still is something valuable in there that is worth retaining. It seems quite unproblematic to capture what the status concept labels as dignity as an achieved status with a performative concept, but what about dignity as an inherent status? Dignity as an inherent status is meant to capture the intuition that everyone has equal dignity. Can this be captured as something that we *do*, or is there something in the idea of dignity as something that we *have* that is important to retain and which can not be captured by the performative concept?

This question is an important one, because when we believe that someone has equal dignity, this entails that we ought to treat the other in a respectful way. I want to see if we can do without the idea of dignity as something that we *have* by thinking through what happens when an idea of dignity as something that we have would not be available to us, and we would have to rely on dignity as something that we *do*.

One might say that if we have to rely solely on dignity as something that is done we run into problems when a performance of dignity is unsuccessful, that is, when others do not recognise what we are doing as an expression of dignity. This kind of misrecognition is fairly common, especially when something is considered to be dignified in one context, but not in another. Take for example the discussion about the donning of the veil or burqa that I mentioned before.

In many Western countries, the veil is often seen as a symbol of women's oppression or subjection in Islam, and, therefore, they see the practice of wearing the veil as denigrating and undignified for women. For many women who wear the veil, this practice has an entirely different connotation. When they choose to wear the veil, they do not experience it as denigrating, but

as an intentional practice. Some of them wear it to express piety and restraint, both of them qualities that are often associated with dignity, and when we see the wearing of the veil in this context, it is a very dignified practice.<sup>1</sup>

Whether or not this practice is recognised as dignified depends on the context in which it is performed and interpreted. For a performance to be successful, the agent has to behave in a dignified way, *and* the spectators have to recognise this behaviour as dignified. As a result, whether or not a performance of dignity is successful highly depends on whether others recognise it as successful. So, even when someone thinks that she behaves in a dignified way, others may not recognise it as such. As a consequence, she could be pushed to change her behaviour against her will. In the case of the veil, this is exactly what is happening in many European countries that have forbidden the wearing in public of the burqa and other garments that cover the face. For some women, this will lead to considerable tensions as they are made to behave in a way that feels very undignified to them, namely, to appear in public without facial covering, but which according to the norms of the community is what she ought to do. Similarly, women who have never worn a veil and who are made to wear one when they visit an Islamic country where wearing a veil in public is compulsory, might find it very denigrating and experience it as an infringement on their agency.

This misrecognition of dignity is not just a problem of a performative concept because the same problem occurs with the status concept: when dignity is dependent on a quality or capacity that a person has, we still have to recognise that she indeed has this quality, and we often need outward signs (like the things she *does*) to interpret whether or not a person *has* a certain capacity.

To complicate matters a bit further, I want to consider another example, namely that of someone who is not *doing anything*, for instance, a patient who is in a deep coma. We still believe that we owe her respectful treatment based on an idea of equal dignity. How can we account for this if we cannot base this dignity in something that she *has* but have to base in in what she is *doing*,

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<sup>1</sup> Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, 195, and for instance 50-51.

which is not very much at the moment since a coma is a state of lasting unconsciousness where the patient does not visibly respond to external stimuli and does not perform any voluntary actions.

In this case, the performance of dignity is left to the ones who are interacting with the patient, namely her family and other relations and the medical staff. According to the status concept, this respectful treatment is based on our recognition of the dignity that the patient *has*, but do we really need an account of *having* to make sense of this respectful treatment?

For those close to the patient, the reasons for treating her with dignity are better captured, not by drawing on an abstract idea of equal dignity that everyone shares, but by drawing on their relations of love and care that are established through years of interactions with each other.

I also want to question whether the status idea of dignity can explain why medical staff treat their patients with dignity. Although this practice is underpinned by an idea of respect that is owed to other persons because we all share an equal human dignity, I wonder if the status concept is really helpful in explaining how the idea of dignity justifies this practice. First of all, when medical staff encounter a patient, they assume that all their patients have dignity, and they treat them accordingly. They do not test whether their patients satisfy the criteria set out by the status concept, and some of their patients would fail these tests if it were up to the status concept. As I discussed before, the status concept usually bases dignity in the presence of a certain capacity, such, as for example, the capacity for rationality, or active striving as a condition for having dignity, which rules out comatose patients and some children with congenital defects such as anencephaly.

Nevertheless, all of these patients are treated with the same respect for their person. In the case of anencephalic children, this has led to a discussion about whether they can be organ donors. Since these children are born with the major part of their brain missing, they generally die within hours of birth. Some of the parents would like their children to be organ donors since there is such a great lack of donated organs that are suitable for small children. However, this is generally not permitted, because organ donation is only permitted once a person is brain dead, and by that time, the organs of the infants are in general not suitable for donation anymore.

This practice shows that in medical ethics, these children are considered to be full persons and that they are given the same consideration as other persons, even when they fail the criteria for dignity according to many interpretations of the status account.

It might, therefore, be more appropriate to see the concept of dignity that underpins these medical practices as being a performative concept: they are about *doing* medical practices in a dignified way or treating their patients with dignity. Even though this is underpinned by the intuition that everyone has equal dignity, this idea does not necessarily take the form of a status concept where an individual's dignity depends on her having the appropriate capacities. Whether or not an individual has these capacities does not seem to be a prerequisite for the medical profession to treat these patients with respect.

The last example shows that the intuition that everyone has equal dignity is a very powerful intuition that grounds our moral thinking about how we ought to treat others. Many philosophers have theorised this idea in slightly different ways. For Kant, it takes the form of a respect for persons that he grounds with his categorical imperatives; Simone Weil has written about the impersonal, that we should respect and protect in everyone over and above their personality or particular qualities;<sup>2</sup> and Martin Luther King has expressed it as the idea of somebodyness that grounds his thinking about dignity.<sup>3</sup>

Even though this intuition is often formulated in terms of an idea of dignity that everybody *has*, the status concept has been unable to come up with a satisfying way to theorise it. Grounding it in a particular characteristic does not seem to capture what is at stake in this intuition, namely the idea that we owe a minimum form of respect to everyone, no matter what qualities they possess.

The performative concept might be able to do a better job here when we see the intuition that everyone *has* equal dignity not as an ontological claim about some internal quality, but as a moral guideline about how we ought to act and behave that is present in many contemporary societies already. Unfortunately, we do not always get it right and behave according to these guidelines. Hence, many groups of people protest when they feel indignant and believe that their dignity is not respected.

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<sup>2</sup> Weil, "Human Personality."

<sup>3</sup> Baker-Fletcher, *Somebodyness: Martin Luther King, Jr., and the Theory of Dignity*.

## **Part II:**

### **Dignity in Political Theory**

In the previous Part, I discussed how dignity is conceptualised in contemporary philosophy, namely, as a status concept. Although the status concept attempts to capture the powerful intuition that everyone has equal dignity, it has problematic aspects that create unwanted exclusions. The topic of dignity has become very popular in political theory lately, not just because several political theorists have published works on the concept of dignity itself, but also because it is often *used* in defence of a particular argument or theory by making an appeal to it. Since dignity is meant to be an inclusionary concept in political theory, the problems of the status concept get exacerbated. In political theory dignity is used to argue that because everyone has equal dignity, this status requires that one should be granted equal human rights or one should be included as an equal in moral deliberations, political communities, or political decision-making processes. However, since dignity is conceptualised as a status concept, the foundational logic of the status concept that tries to give a fixed and definite answer to what dignity means and encompasses, thwarts the inclusionary intentions.

In this Part, I want to zoom in on this problem and discuss how the use of dignity as a status concept frustrates the appeal to dignity in arguments that political theorists make. The main problem is that dignity as a status concept is believed to be impartial, but the concept actually has a thick evaluative content which means that this evaluative content seeps into the argument, and it is not as inclusive as it is thought to be. When dignity is used as a status concept, it is seen as something that we *have* and which is grounded in certain characteristics. Having dignity then becomes (often implicitly) conditional on the presence of these characteristics. The problem is that these characteristics are usually interpreted in a particular way, which creates exclusion

of those who do not display the characteristics according to that interpretation: for example, autonomy is often construed as being free from cultural attachments, but this excludes people who are emerged in their culture, even if they freely choose and engage with the norms that they live by. Furthermore, in many of these arguments, there are also implicit and explicit ideas at work about what it means to have dignity and what it encompasses, or, in other words, what should be the outcome of recognising someone's equal dignity. As a result, other interpretations of dignity and what it means to lead a dignified life can become suppressed or discounted as valuable options, and a particular conception of dignity is forced upon people who do not regard their life choices as lacking dignity. Finally, a status concept locates dignity in the individual, which undermines the political aspect: when dignity is seen as a status it does not have to be realised, it is already there, the problem is one of recognition only. Having this status thus raises expectations about how one ought to be treated, but it does not empower people to effect this treatment.

In this Part, I will discuss three examples where dignity is used as a ground for inclusion. I will briefly discuss the argument that is made and discuss how dignity is used and how it is, explicitly and implicitly, interpreted. I will then show how this leads to problems in the argument and that it can result in a failure in its purpose to be inclusive. I have chosen these particular examples as illustration because the authors are all aware of the plurality that exists in contemporary society and while they are sensitive to these issues, they are still caught up by the pitfalls that come with using dignity as a status concept. The first example that I discuss is Appiah's defence of cosmopolitanism. He argues that cosmopolitanism is preferable over liberalism because it takes the equal dignity of all human beings as its starting point and does not let arbitrary state borders dictate moral deliberations. For Appiah, dignity is about autonomy and freedom of choice and a freedom to choose one's cultural ties. However, he gives an implausible account of how people relate to their culture that portrays people who are part of strong collective identities as unfree, and therefore in need of emancipation from their cultural ties, and he does not recognise their free, autonomous choice to participate in those collectives. The second example is Nussbaum's work on capabilities in which she argues that the capabilities approach ensures that everyone's dignity is recognised and that it enables people to live a life worthy of dignity. In Nussbaum's

work, there is a tension between dignity as an inherent value that should be protected and dignity as an achievement in the realisation of a particular kind of life. Both these uses of dignity have a thick evaluative content, which means that Nussbaum is promoting a very precise idea of the good life, which is not as impartial and widely shared as she sets it out to be, and this obscures other ideas about what counts as a life worthy of dignity. The last example is Forst's work on the right to justification that he grounds in dignity. According to Forst, all human beings have dignity because we are justifying beings. Having dignity gives everyone a right to justification, which means that political decision-making processes have to follow certain procedures to ensure that the outcomes can be justified to all relevant people. Forst gives a rich, normative understanding of what justification means and what counts as a good reason. These answers are not as impartial and universal as Forst assumes, and, therefore, they unfairly disqualify some reasons or ways of justification from the political decision-making process, thereby, in fact, denying some people's right to justification. What these examples show is that when we use the concept of dignity, it is very hard to give a thin, universally acceptable account of it, because it quickly becomes saturated with a rich content, which creates in- and exclusions.





# **Cosmopolitanism: A Defence of the Equal Dignity of All People?**

One of the theories that often appeals to the equal dignity of all human beings is cosmopolitanism. Cosmopolitan theory offers a framework for thinking about globalisation and international politics where all individuals matter equally. Cosmopolitan theory is based on the idea that if someone has dignity, she should be included in our moral deliberations, our political community or our political decision-making processes. Many cosmopolitan theorists argue that cosmopolitanism does a better job at recognising this equal dignity than other theories because all people are equally assumed to be citizens of the world: they do not just matter as citizens of a particular nation-state, but each of them matters for themselves. I will focus on one text in particular that defends cosmopolitanism, namely Kwame Anthony Appiah's *Cosmopolitan Patriots*, and show how dignity is used in his argument, and how his theory fails to respect the equal dignity of everyone as it purports to do.

Generally, cosmopolitanism is perceived to be an inclusive theory, because the underlying thought of the theory is that everyone has equal dignity, and therefore, one should not let arbitrary state borders determine moral or political deliberations. I will argue that many accounts of cosmopolitanism fail to be inclusive because they use a status concept of dignity. Theorists use it as a neutral and objective term, but it is not neutral because it hides prescriptive ideas about what a human being is, and how she should comport herself, which means that some people are not treated with equal dignity after all.

## ***Appiah's cosmopolitanism***

Appiah defends cosmopolitanism by arguing that it holds the idea of the equal dignity of all persons — which is also a cornerstone of liberal theory — in a more consistent way than

liberalism itself, which only applies it to fellow citizens.<sup>1</sup> Cosmopolitanism, on the other hand, says that we should not let our moral deliberations be determined by arbitrarily drawn state borders and should also bear in mind the rights and interests of people outside our state borders because everyone is equally a citizen of the world.

This view of cosmopolitanism is often criticised for being rootless because it promotes an abstract community of all humanity over the particular communities that people belong too. Appiah rejects this criticism and says that he wants to promote an idea of cosmopolitan patriotism, where

everyone is a rooted cosmopolitan, attached to a home of one's own, with its own particularities, but taking pleasure from the presence of other, different places that are home to other, different people.<sup>2</sup>

So, for Appiah, cosmopolitanism is also about a love of plurality or the multiple ways in which humanity manifests itself in social and cultural life.

However, when these two come into conflict, the idea of equal human dignity is the most fundamental aspect of cosmopolitanism, and it is more important than its love of variety. Pluralism is valuable for what it enables for individuals, namely freedom of choice, and it is therefore only valued when it contributes to this. For Appiah this means that cosmopolitans should oppose all groups that want to impose uniformity on people:<sup>3</sup>

Cosmopolitanism values human variety for what it makes possible for free individuals, and some kinds of cultural variety constrain more than they enable. In other words, the cosmopolitan's high appraisal of variety flows from the human choices it enables, but variety is not something we value no matter what. There are other values. You can have an enormous amount of diversity between societies, even if they are all, in some sense, democratic. But the fundamental idea that every society should respect human dignity and personal autonomy is more basic than the cosmopolitan love of variety; indeed, as I say, it is the autonomy that variety enables that is the fundamental argument for cosmopolitanism.<sup>4</sup>

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<sup>1</sup> Appiah, "Cosmopolitan Patriots," 620.

<sup>2</sup> Ibid., 618.

<sup>3</sup> Ibid., 635.

<sup>4</sup> Ibid.

Hence, attachments to cultures that are deemed to be imposing uniformity on their members, are seen as dangerous or obstructive; they are seen as something that limits the autonomy of individuals to make their own choices and judgements, and therefore as something that the individual should be defended against.

According to Appiah, culture should be a resource that enables people to freely create their identities. He sees our social and cultural background as a place where these resources are transmitted, which provide two elements that allow self-creation:

first, they provide ready-made identities—son, lover husband, doctor, teacher, Methodist, worker, Moslem, Yankee fan, mensch—whose shapes are constituted by norms and expectations, stereotypes and demands, rights and obligations; second, they give us a language in which to think about these identities and with which we may shape new ones.<sup>5</sup>

Appiah thus sees a person's identity as a freely chosen compound of intersecting identities. The cultural background that enables this is hybrid: it is not essentialist, but open to the creation of new meanings.

To Appiah, a person's relation to an identity, and the groups she associates herself with should be free, and she should always retain the right to exit.<sup>6</sup> He is therefore very cautious about collective identities because

they have a tendency [...] to go imperial, dominating not only people of other identities but the other identities whose shape is exactly what makes each of us what we individually and distinctively are.<sup>7</sup>

Consequently, people should be protected against collective identities that impose unity on their members, and that interfere with the intersecting identities of a person and do not allow her to freely choose and shape her other identifications.

As I said before, this suspicion of collective identities leads to a clash between the two principal pillars of Appiah's cosmopolitanism: its esteem for the equal dignity of all human beings and its

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<sup>5</sup> Ibid., 625.

<sup>6</sup> Ibid., 621.

<sup>7</sup> Ibid., 632.

love of plurality. Appiah argues that when these two come into conflict, that is when a cultural community does not respect the equal dignity of its members because it imposes an identity on them, then cosmopolitans should oppose such cultural communities.<sup>8</sup>

However, his suspicion of collective identities also leads to a strange contradiction. On the one hand, the respect for the equal dignity of all human beings is the most important aspect of Appiah's cosmopolitanism. This respect means that "we respect people's autonomous decisions for themselves, even when they are decisions we judge mistaken—or simply choices we would not make for ourselves."<sup>9</sup> On the other hand, Appiah talks about collective identities and common culture in a way that makes these options seem to be either unrealistic, outdated tribal fantasies,<sup>10</sup> or based on coercion, instead of free choice.<sup>11</sup> Therefore, common culture is something that a cosmopolitan must either oppose when it is based on coercion, or merely tolerated when it is not:

A society could in theory come to be centered on a single set of values without coercion. [...] Freely chosen homogeneity, then, raises no problems for me; in the end, I would say good luck to them. But what British Tories and Hindu chauvinists and Maoist party bosses want is not a society that chooses to be uniform, but the imposition of uniformity. That the cosmopolitan patriot must oppose.<sup>12</sup>

This presentation of common culture as either a threat or an unrealistic option does not correctly represent the way that many people associate themselves with a collective identity, and it does not treat this as a serious and freely chosen cultural attachment for people.

So even though cosmopolitanism starts out with the premise to include everyone on equal footing because they all have equal dignity, in the end, people who are deeply attached to a cultural community that is seen as oppressive, are not included on an equal footing.

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<sup>8</sup> Ibid., 621, 635.

<sup>9</sup> Ibid., 621.

<sup>10</sup> Ibid., 626.

<sup>11</sup> Ibid., 632, 635.

<sup>12</sup> Ibid., 635.

### ***What happened to equal dignity?***

How does dignity, which is meant to operate as an inclusionary concept, suddenly become exclusionary? To answer this question, we should take a closer look at what Appiah means by dignity. Since he does not give us a definition of the term, we can only surmise what this meaning is by looking at how he uses it.

The first time that Appiah mentions dignity is when he argues that cosmopolitanism holds the core ideas of liberalism in a more consistent way: “At the heart of the liberal picture of humanity is the idea of the equal dignity of all persons.”<sup>13</sup> This idea replaces the earlier view that dignity belongs only to an elite. Appiah’s idea of equal dignity conveys the same intuition that is usually theorised as a status concept, that is, dignity is a status that applies to everyone equally, and which means that everyone is entitled to be treated with respect.

Appiah argues that respect for equal dignity can be realised in different ways, but it all comes down to respecting and protecting the freedom of the individual. He also explicitly mentions that his cosmopolitanism celebrates the various ways in which humanity manifests itself. As a result, he sees freedom essentially as the freedom of self-creation. Respect for the equal dignity of all persons thus means that we should respect people’s autonomous decisions, even when we do not agree with them.<sup>14</sup>

The idea of dignity that emerges from this is one that is very familiar and commonly used in political theory. Dignity is seen as an inherent status of the individual that is grounded in certain capacities, like autonomy and rationality, and a respect for the equal dignity of a person means that we should respect and protect these capacities. Attachments to collective identities are treated with suspicion because they are considered to hinder a person in fulfilling their capacities: the belief is that when a person is deeply attached to a collective identity, she is unable to think and act for herself, and uncritically accepts what her culture tells her to think and do.

The problem is that this idea of dignity is seen as a neutral concept and that rationality and autonomy are seen as impartial criteria, but they are not. As I argued in Part I, dignity is

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<sup>13</sup> Ibid., 620.

<sup>14</sup> Ibid., 621.

a thick concept, it is not just a thin status, but it is saturated with ideas about what a good and dignified life is, and what should be done to achieve this. Similarly, rationality and autonomy are interpreted in a particular way, which means that the rationality and autonomy of people with strong attachments to collective identities is not recognised as such.

In the remainder of this section, I will expand on the problem of the purported objectivity of dignity and how ignoring the thicker content of the concept results in unintended exclusions. In the next section, I will take a closer look at Appiah's suspicion of group attachments and the view of culture that informs this suspicion.

Using dignity as a status concept, like Appiah does, implies that it is a neutral and impartial concept. However, dignity is not a neutral concept, it does not only have a descriptive content as an equal status of all human beings, but also an evaluative content of what it means to lead a dignified life and what this amounts to. The concept of dignity is a thick concept, but when dignity is used as a status concept, the focus is on the descriptive content, and, therefore, it is presented as universal and impartial. The evaluative content of the concept is ignored, but it is still present in the judgements that Appiah makes, and what kind of measures he suggests for protecting dignity.

In Appiah's case, the implicit evaluative content of dignity comes through in his focus on the individual and the need to protect her from (oppressive) influences of others. To Appiah, having one's dignity respected seems to come down to protecting individuals from interference from others. As a result, Appiah does not recognise the dignity of a person that is deeply attached to a collective identity and lets this identity guide her decisions. From Appiah's point of view, such a person is not able to make free and independent choices, because the collective identity dictates what she should think and do. Protecting her equal dignity does in this case no longer mean that we should respect her choices, but instead that we should help her to emancipate herself from her collective identity so that she will be able to make 'truly' autonomous decisions.

The problem is that Appiah is not evaluating from a neutral perspective, but from a liberal, cosmopolitan perspective. This perspective has particular background ideas about freedom, agency, autonomy, culture, rationality, and so on and he imposes this view on others who might have different background ideas and different ideas about what dignity means and how it could

be accomplished and protected. However, because he assumes that he is using an objective and universally accepted concept, other possible evaluative interpretations of dignity are ignored, or even silenced, by presenting his form of cosmopolitanism as the morally superior theory.

As Craig Calhoun argues: “cosmopolitanism is a presence not an absence, an occupation of a particular positions in the world, not a view from nowhere and everywhere. All actually existing cosmopolitanisms, to be more precise, reflect influences of social location and cultural tradition.”<sup>15</sup> Cosmopolitanism is not a neutral theory, but takes a particular standpoint, with the result that it is not impartial in its assessment of cultural resources. On the contrary, as Appiah repeatedly argues, the plurality of ways in which humanity manifests itself is only valuable for what it enables for individuals, and not in itself.<sup>16</sup> Moreover, since Appiah’s cosmopolitanism is based on a strong defence of the individual, he preferences those cultural manifestations that enable individualism:

When cosmopolitan appeals to humanity as a whole are presented in individualistic terms, they are apt to privilege those with the most capacity to get what they want by individual action. However well intentioned, they typically devalue the ways in which other people depend on ethnic, national and communal solidarities—among others—to solve problems in their lives. And they typically neglect the extent to which asserting that cultural difference should be valued only as a matter of individual taste undermines any attempt to redistribute benefits in the social order across culturally defined groups.<sup>17</sup>

This presumption of impartiality is very problematic because it obscures the background assumptions of the author and presents these as impartial or objective claims. It then uses these claims to devalue or dismiss those claims that do not concur with these background assumptions. The presumption of impartiality makes the (justified or unjustified) biases of a position invisible and treats the (justified or unjustified) biases of others as ‘wrong’ when they conflict with the position that is presumed to be objective.

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<sup>15</sup> Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” 294.

<sup>16</sup> Appiah, “Cosmopolitan Patriots,” 635.

<sup>17</sup> Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” 295.

It does not follow from these problematic aspects that we should refrain from giving an evaluative meaning to the term dignity and have a rich understanding of what it means to have dignity, who has it, how it should be protected, and so on. It does, however, mean that this rich understanding is always situated in particular background assumptions, which should be acknowledged and not made invisible. We should not refrain from developing a rich understanding of terms like dignity, but such an understanding always involves a judgement on what is relevant and what is irrelevant to an understanding of dignity in a particular context. Such a judgement qualifies some interpretations as unimportant or irrelevant in that particular situation and, therefore, needs a strong defence to justify this judgement.

The problem with the presumption of impartiality is that it makes other options invisible and denies that they can have a valid claim. It supposes that there is only one true understanding of the concept of dignity and that this understanding is the one that the author just described. Furthermore, it imposes this understanding on other persons and uses it to judge whether or not they have dignity and what should be done to change this. Instead of this fiction of a true or right understanding of the concept of dignity, they should acknowledge that there are multiple meanings, sometimes overlapping, sometimes conflicting, but that there can be valid reasons to defend another interpretation than the one that they give.

### *A suspicion of group identities*

One of the main background assumptions that is hidden and presumed to be universally shared in Appiah's account of cosmopolitanism, is his ideas about collective identities and culture. As I discussed above, according to Appiah, culture should be a resource for self-creation, it gives us the building blocks from which we can pick the elements that suit us to create our identity. To enable this, a culture must be hybrid and open to constant change, renegotiation and the creation of new meanings and practices. He warns against cultures that have strong collective identities and do not allow for this hybridity.

Appiah thus seems to create a dichotomy between two sorts of ideas of culture. Either a cultural community is 'good' because it is hybrid and allows its members to associate freely



with it and recreate it, or it is ‘bad’ because it imposes a uniform set of identities on people. However, this idea of culture is not only simplistic and inaccurate, but it is also problematic.

Many people in the world do not recognise themselves in this idea of self-creation where an individual picks and chooses the bits of identity that suit her. Instead, they think of their identity in relation to the different communities that they belong to. They do not feel that their ideas about themselves, their practices and culture are chosen in the way Appiah describes, but they are rather the result of a deep connection to the social and cultural communities that they belong to, which is not simply a matter of choice. The communities that they belong to make up an important part of who they are. Their culture gives meaning to their everyday goods and practices.

As a result, goods and practices from a particular culture cannot simply be appropriated in bits and pieces by others without changing their meaning. This alternative idea of culture sheds another light on the cosmopolitan ideal of hybrid cultures, because access to other cultures does not necessarily increase the options an individual has. The bits and pieces that are appropriated from other cultures — food, music, art and craft works, and so on — are often those things that can easily fit into a Western culture. Moreover, when they are appropriated, they often lose their original meaning, or their meaning does not pose a threat to the culture by which it is appropriated.<sup>18</sup>

It seems that the cosmopolitan picture of a person who picks and chooses her cultural practices from all the resources that are available to her is just not an accurate picture of how the majority of the people relate to goods and practices. It only describes how people like Appiah *think* they relate to cultural goods, and it completely ignores the fact that our cultural options are highly determined by the social circumstances we are born into. A large part of the people in the world dwell in places where the contact they have with other cultures does not have much impact on their lives; they might not feel the need to engage with other cultures because they do not have the luxury to do so, or they feel deeply immersed in their culture. Thinking of themselves as individuals who pick their cultural practices at will would be an absurdity to them, it either does not make sense to them at all, or it can threaten their sense of self.

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<sup>18</sup> Mehta, “Cosmopolitanism and the Circle of Reason,” 628–630.

Appiah's idea of culture as hybrid is not an objective one, but it is highly normative. It makes cultural change and fluidity the norm and sees cultures that want to hold on to their meanings and practices as backwards and dangerous. Likewise, it makes contestability and the infinite renegotiation of meanings and practices the norm and sees holding on to a collective identity as imperial and oppressive. Furthermore, it makes a disengaged stance towards cultural goods the norm, that is, these goods are seen as something to pick and choose from and not something to immerse oneself in. It also makes an individualistic relation to cultural attachment the norm, where how one relates to one's culture is entirely up to the individual. Finally, it makes a view of culture where only the strongest and most adaptable cultures survive the norm, with no qualms about the impact this may have on minority cultures that may not survive.<sup>19</sup>

This account of culture is both implausible and problematic. It is implausible because, with so much emphasis on change, contestability and renegotiation, it is no longer able to make sense of the continuity of culture over time. However, we should not think about culture in the opposite way as something static that is unable to be reinterpreted and changed, but instead: "What we need is a conceptual and normative perspective that grasps both continuity (identity) and discontinuity (non-identity) without one-sidedly favouring one over the other."<sup>20</sup> A complex concept of culture emphasises the importance of preserving and continuing cultural meaning and practices and doing this in such a way that it is both faithful to the past and ready for the future by reinterpreting these meanings and practices in such a way that there is both continuity and discontinuity.

Minority cultures are often at a disadvantage in this task because they are under pressure from majority cultures around them to change, and political claims for group rights are often disregarded or discounted as being oppressive to the members of that group. Appiah recognises the risk that globalisation poses to some cultures, even a risk of extinction of those forms of human life, but he is not worried about this because of his confidence that new forms of culture will be created which are a mix of (established) local and (new) global influences.<sup>21</sup> He therefore

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<sup>19</sup> Kompridis, "Normativizing hybridity/Neutralizing Culture," 322.

<sup>20</sup> Ibid., 334.

<sup>21</sup> Appiah, "Cosmopolitan Patriots," 619.

completely disregards the importance of these cultural recourses and does not recognise that the loss of these cultures would mean a loss of meaningful cultural possibilities.<sup>22</sup>

Appiah not only disregards the importance of cultural practices and meanings to make sense of the world, but he also fails to recognise his own dependence on cultural meanings, and how his cultural background thoroughly shapes his cosmopolitanism. Even though he starts his article on *Cosmopolitan Patriots* by talking about his father and how he combined his patriotism with cosmopolitanism and also a love for his region, Asante, and his continent, Africa,<sup>23</sup> he seems to think that he has completely abstracted his theory from these cultural meanings into something universal. However, the values that he expresses in his works are not completely his individual choice, but they were values that he was brought up with, and that get their meaning from a cultural background.

Appiah's cosmopolitanism reflects values like individual liberty and respect, and they get their meaning in a cultural context. As Appiah discusses at the end of his article, his father's cosmopolitanism had its roots in Asante conceptions and liberal theory. His father's commitment to the protection of individual rights stems both from key Asante concepts like *animuonyam* (respect), and from his experience of an oppressive colonial regime.<sup>24</sup> The way that colonial governments treated their subjects was not only illiberal, it also clashed with Asante conceptions of how others ought to be treated: "Treating others with the respect that is their due is a central preoccupation of Asante social life, as is a reciprocal anxiety about loss of respect, shame, disgrace."<sup>25</sup> Appiah seems to conclude from this that a convergence of ideas about respect, individual rights and restraints on government "is a reflection of its grasp of a truth about human beings and about human beings."<sup>26</sup> What he fails to notice is that these so-called truths get their meanings in different social contexts, and therefore, they can play out differently in different circumstances and for different people. That there is a convergence of human experiences and

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<sup>22</sup> Kompridis, "Normativizing hybridity/Neutralizing Culture," 322.

<sup>23</sup> Appiah, "Cosmopolitan Patriots," 617–618.

<sup>24</sup> Ibid., 636–638.

<sup>25</sup> Ibid., 637.

<sup>26</sup> Ibid.

human responses does not mean that they are identical and that they are the only appropriate way to respond.

Appiah's emphasis on the importance of individual rights obscures the positive aspects of collective identities and what they enable individuals to be and do. For an individual, attachments to communities can give her life meaning, they give a larger context to her choices and her reasoning, and they can give her a sense of security because she has a place where she belongs and where she can expect solidarities that can support her when needed.<sup>27</sup> However, attachments to communities not only matter for the sake of an individual, Calhoun argues that they also provide structure and stability to societies.

[Such belonging] joins people together in social relations and informs their actions. Without it, the world would be a far more chaotic place. Outright coercion or more formal organizations could replace it only to a degree, with considerable added cost, and with the loss of the informal but powerful social glue that comes from the embeddedness of self in the habituated reproduction of interactive social fields.<sup>28</sup>

Because cosmopolitan theorists focus only on the individual in an atomistic way, it is very hard for them to develop an account of solidarity that can apply to humanity as a whole, but as Calhoun shows, this is necessary if one wants to create a just and peaceful political structure.<sup>29</sup> A more positive account of collective identities would therefore not only result in a theory that is less biased, but it could also help cosmopolitan theories to give a stronger account of why it is important to try to cultivate the community of all humanity as one of our communities of belonging.

Another line of critique is that Appiah's suspicion of collective identities makes him question the autonomy of the members of these groups. He seems to think that attachment to a group means that its members will just do and think what they are told. Again, there is a double standard here. Appiah does not consider his cultural background to hamper his autonomy, but

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<sup>27</sup> Calhoun, "Social Solidarity as a Problem for Cosmopolitan Democracy," 295.

<sup>28</sup> *Ibid.*, 286.

<sup>29</sup> *Ibid.*, 300.

he does see some other cultural backgrounds in this way. He sees his reliance on liberal and Asante values as pure, free choices, but he is not able to see how others act as agents in what he considers to be authoritarian cultures.

Saba Mahmood gives an interesting account of the agency and subjectivity of women in the Islamic piety movement, a movement that is often seen as conservative and illiberal. Through an analysis of the practices and stories of these women, she gives an account of agency as inhabiting norms, thereby questioning the dichotomy between subversion and submission in most accounts of agency, and instead describing the bodily aspect of agency as embodied practices.

The piety movement is part of the Islamic Revival Movement in the Arab world, where there is a revaluation of the norms and practices of Islam, and norms of virtuous behaviour and piety that for example involves adopting the veil. This tradition is often seen as oppressive to women, who are accorded a subordinate status in this tradition. Therefore, the women who submit to these practices are seen as oppressed, or acting out of false consciousness, because the norms of this tradition are seen as inimical to the interests of women, and, therefore, they ‘should’ oppose the practices instead of participate in them.<sup>30</sup>

Mahmood wants to question the idea of human nature that informs these critiques where human nature is based on a desire for freedom, and agency is seen as acting against social norms.<sup>31</sup> The binary between subverting and submitting to social structures or norms is not an analytically helpful distinction. One reason for this is that when an agent subverts the norms of one social structure or tradition, she often submits to the norms of another social structure or tradition. One might say, for example, that young Bedouin women who are challenging parental authority by wearing sexy lingerie are trying to subvert the norms of their cultural tradition, but at the same time, they are also submitting to Western or urban ideals of beauty and to capitalist consumerism.<sup>32</sup>

The connection between free will and action might not be that simple either, because while it is often supposed that one’s desires elicit certain actions, it is also well known that actions and

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<sup>30</sup> Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, 1–2.

<sup>31</sup> Ibid., 8.

<sup>32</sup> Ibid., 9.

practices can influence one's desires and emotions, for example when one is creating habits to quit smoking. Mahmood, therefore, suggests to see "agentival capacity [...] not only in those acts that resist norms, but also in the multiple ways in which one inhabits norms."<sup>33</sup> Take for example the norm of female modesty that is endorsed and valued by many Egyptian Muslims. While there is a consensus on its importance, there is still considerable disagreement about what this norm means and how it should be realised, especially around the question whether or not it requires the donning of the veil. One side sees modesty as a character trait that one can try to develop; it does not need a particular form of expression, but its expression can take many different forms. This side relies on agency as reflective endorsement in trying to develop certain character traits. The other side sees the veil as a necessary component of the virtue of modesty because it is both an expression of true modesty and the means through which modesty is acquired. For them, there is a close relation between the norm of modesty and the bodily form that it takes because bodily behaviour is the necessary means of creating and expressing that virtue.<sup>34</sup>

Many of the women in the piety movement do not take up the norms of the Islamic tradition because they have to, but because they find them compelling. They are not forced by anyone to think or act in a certain way. Instead, they take up these norms because they believe them to be the right norms to follow, and they believe that, therefore, they have to follow them to be in a respectful relation with God. Thus, they engage with these norms and try to interpret them and make them their own. This engagement with the norms shows agency because these norms are not accepted at face value, but interpreted and applied in a specific way that fits that person and is consistent with the other norms that she upholds.

These women are thus doing exactly what Appiah wants them to do, namely they are taking up norms by choice, and not out of coercion, and they are engaging with these norms and make them their own. However, because Appiah has a very particular idea about agency as free choice, he is unable to recognise the agency of those people who rely on authoritative sources.

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<sup>33</sup> Ibid., 15.

<sup>34</sup> Ibid., 23.

## *Concluding remarks*

Appiah's account of cosmopolitanism is grounded in the equal dignity of all human beings and is meant to be inclusive and impartial, but his ideas about how human beings relate to culture mean that some people's relations to their cultural attachments are regarded with suspicion.

Appiah argues that cosmopolitanism takes the intuition of the equal dignity of all human beings more seriously than liberalism because it applies this dignity to everyone. It does not let moral deliberations be determined by arbitrarily drawn state borders, and instead includes the rights and interests of people outside particular state borders, because everyone is equally a citizen of the world. For Appiah, respect for someone's dignity ultimately comes down to recognising the other's autonomy and freedom of choice. Appiah also argues that cosmopolitanism is about a love of plurality, and the multiple ways in which humanity manifests itself both socially and culturally. However, this plurality is only valuable when it enables choice, and he holds that some kinds of cultural variety constrain more than they enable. So, in the end, the equal dignity of all persons is more important than variety, which means that pluralism can only be tolerated when it does not threaten this autonomy.

However, because Appiah has particular ideas about what a person is and how she should relate to her culture, he is not able to recognise agency in people who relate to their culture in a different way. As a result, their dignity in choosing these life paths is not sufficiently recognised. Appiah has a particular idea about culture, which means that cultures should be hybrid, and allow their members to freely associate and engage in it. He is suspicious of cultural identities that do not allow for this sort of hybridity and sees them as outdated tribal fantasies or based on coercion. His ideas about how people relate to their culture are not impartial and objective but are informed by an atomistic, liberal view about people and their cultural attachments which is both implausible and problematic.

Appiah's ideas about culture and individuals mean that he does not treat strong collective identities as a freely chosen cultural attachment for people. So even though cosmopolitanism starts out with the premise to include everyone on equal footing because everyone has equal dignity, in the end, people who are deeply attached to a cultural community that is seen as oppressive, are not included on an equal footing.





## **Capabilities as Promoting a Life Worthy of the Dignity of a Human Being**

A capabilities approach starts from the premise that the individual's freedom to achieve well-being is of the utmost importance. This well-being can not be determined by solely looking at outcomes, or at the availability of social goods, but it depends on the capabilities that people have, in terms of what they are actually able to do. This approach is used in different contexts, like economics, human development studies and other social sciences. Martha Nussbaum uses the capability approach as a political theory and proposes a core set of human capabilities which a just society should provide for their citizens. She defends these capabilities by appealing to dignity, that is, Nussbaum argues that these capabilities enable a person to lead a life worthy of the dignity of a human being. Nussbaum develops her ideas about capabilities in several works, but I will focus mainly on her later works on the topic: *Woman and Human Development: The Capabilities Approach*; *Frontiers of Justice: Disability, Nationality, Species Membership*; and *Creating Capabilities: The Human Development Approach*.

Nussbaum has based her list of core capabilities on extensive consultation and debate with others, and she firmly believes that they constitute a universal, unbiased list. Furthermore, she states that it is up to the individual to develop her capabilities into functionings, leaving them the freedom to choose as they see fit. I will argue that her account of dignity is problematic because she has a perfectionist idea of dignity and what a life worthy of a human being would encompass, which conflicts with the freedom to develop capabilities into functioning, and which raises questions whether all human beings can be considered choosers.

### ***Nussbaum's capabilities theory***

Nussbaum develops her capabilities approach in response to questions about social and political justice. She is trying to "provide the philosophical underpinning for an account of

basic constitutional principles that should be respected and implemented by governments of all nations, as a bare minimum of what respect for human dignity requires.”<sup>1</sup> She argues that a utilitarian approach fails to provide an adequate account of quality of life, because it not only aggregates results over individual lives (which means that a country might score well on some points, like GNP, even if this is realised by a rich minority and a poor majority), but it also aggregates across elements of a person’s life, like health, education and economic well-being, which are all equally important and should not be traded off against each other.<sup>2</sup> An approach that focuses on the fair distribution of basic resources, like that of John Rawls, also fails, because it does not take into account the variation in the needs of people. Some of these variations in need are physical, like the need for nutrition that can vary with age, physical condition, and physical activity, or the resources required to be mobile that vary for people with the full use of their limbs and eyes and those who have a more limited use of them; others are social or cultural and more resources are needed for those that encounter prejudice or traditional hierarchies.<sup>3</sup> The purpose of the capabilities approach is to provide “an approach that is respectful of each person’s struggle for flourishing, that treats each person as an end and as a source of agency and worth in her own right.”<sup>4</sup>

Nussbaum, therefore, wants an approach that focuses on what people are actually able to do and to be. It is important here to make a distinction between functioning, that is, what people are actually doing and being, and capabilities, namely, the ability or opportunity to choose a specific functioning. Although, according to Nussbaum, functionings, and not mere capabilities, are what make a life truly human, she also wants to respect the different choices that people make in their functionings, and, therefore, her goal is only to determine a set of basic capabilities that should be safeguarded.<sup>5</sup> Nussbaum proposes a list of ten core capabilities that should be respected and protected by all governments. These capabilities are:

Life;

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<sup>1</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 5.

<sup>2</sup> Ibid., 62., Nussbaum, *Creating Capabilities: The Human Development Approach*, 51–52.

<sup>3</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 68–69, Nussbaum, *Creating Capabilities: The Human Development Approach*, 57–58.

<sup>4</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 69.

<sup>5</sup> Ibid., 87.

Bodily health;

Bodily integrity;

Senses, imagination, and thought;

Emotions;

Practical reason;

Affiliation, both interpersonal and public;

Other species;

Play;

and Control over one's environment, both political and material.<sup>6</sup>

The capabilities on the list can be realised in multiple ways, that is, they do not prescribe a fixed set of functionings, but the idea is that each of them represent an element that is of central importance to a human life.<sup>7</sup> Nussbaum appeals to the concept of dignity to defend these core capabilities since these capabilities make it possible for people to pursue a life worthy of human dignity.<sup>8</sup>

On the one hand, Nussbaum uses dignity to defend her list of core capabilities that would allow people to choose their own path in life, and not only lead a life worthy of dignity, but most of all, a life that they choose themselves. Most of the time, she insists that the political goal should be to focus on capabilities, and not on functionings, to respect the dignity of persons by respecting their freedom of choice. However, on the other hand, she also insists that a life worthy of human dignity is a life of human functioning, not a life where all the capabilities are present, but none of them are realised.<sup>9</sup> Therefore, she argues that in some cases, we should require actual functioning instead of a mere capability to ensure that a life is worthy of dignity.

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<sup>6</sup> Ibid., 78–80, Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 393–401, and Nussbaum, *Creating Capabilities: The Human Development Approach*, 33–34.

<sup>7</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 74.

<sup>8</sup> Ibid., 5.

<sup>9</sup> Ibid., 87.

Furthermore, a respect for freedom of choice only extends to adults who are capable choosers. As a result, in the case of children and the mentally impaired, she insists that we should focus on protecting functionings, and not capabilities. She argues that they are not capable of making informed choices yet, and in the case of children if functionings are not developed in childhood, then capabilities might not be available to the adults they will become.<sup>10</sup>

It seems that Nussbaum is using dignity in two different ways that conflict with each other. On the one hand, she uses dignity as an inherent value that sees human beings as choosers which requires freedom of choice and she believes that people should be free to choose which capabilities they develop into functionings. However, on another level, she also uses dignity as an achieved value by insisting on an idea of a life worthy of the dignity of a human being, and in this sense, dignity is used in a more perfectionist way, that does not allow the same kind of choice. On this level, certain types of functioning are required to ensure that people will have access to all the capabilities and are then able to have the dignity of freedom of choice.

As a result, Nussbaum is working with two ideas of dignity that sometimes come in conflict with each other. On the one hand, she associates dignity with freedom of choice and being recognised as a person who is capable of making their own life plans, on the other hand, she uses the idea of dignity to promote lives that are worthy of a human being. The first kind of dignity suggests a respect for whatever sort of path in life one chooses even if others might think it undignified. The other kind of dignity suggests that people must have access to ‘a life worthy of dignity’ which according to Nussbaum involves educating them to be able to choose this path, but then leaving it up to them to choose it.

What is problematic about Nussbaum’s capability theory is that she believes it is impartial and universally applicable. This claim might be plausible if we look at it on a theoretical level, abstracted from the reality in which these capabilities are realised in particular functionings. However, functionings are substantial, realised manifestations of the capabilities, and are not universal or impartial. Therefore, Nussbaum’s instance on functioning becomes problematic, because it imposes a certain way of realising a capability into functioning on people, which does not leave them the freedom of choice that she also wants to defend.

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<sup>10</sup> Ibid., 89–90.

## ***What happened to dignity as autonomy?***

Although Nussbaum's emphasis on humans as choosers resembles a Kantian approach that grounds dignity in autonomy, Nussbaum places her account of dignity in the Aristotelian tradition. She relates her idea of dignity to the Aristotelian notion of human flourishing and argues that, contrary to Kant, who contrasts the humanity of human beings (that is, their rationality) with their animality, her approach sees these aspects of human beings as thoroughly unified.<sup>11</sup> She maintains that this idea of flourishing requires the idea of human beings as choosers, saying: "Aristotle was no liberal, but he did think that satisfaction achieved without choice is unworthy of the dignity of human beings."<sup>12</sup>

Nussbaum's idea of dignity fits the criteria of a status concept because she sees dignity as an inherent quality of all agents: "human dignity, from the start, is equal in all who are agents in the first place."<sup>13</sup> Dignity is grounded in an idea of what counts as a *human* life:

In other words, we say of some conditions of a being, let us say a permanent vegetative state of a (former) human being, that this just is not human life at all, in any meaningful way, because the possibility of thought, perception, attachment, and so on are irrevocably cut off. (Notice that we do not say this if just one or more of the perceptual modalities is cut off; we say this only if the entirety of a group of major human capabilities is irrevocably and entirely cut off.)<sup>14</sup>

Her status idea of dignity suffers from the same problem as all foundational accounts of dignity: it excludes those who do not possess the grounds that are given for attributing dignity. In Nussbaum's case, these are children born without a brain, comatose people, and others who do not possess the capabilities to live a human life.

There seems to be another notion of dignity present in Nussbaum's work too, which is more akin to dignity as an achieved status that I discussed earlier. Here she uses dignity in an evaluative way to determine whether or not one is able to flourish:

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<sup>11</sup> Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 154.

<sup>12</sup> Nussbaum, *Creating Capabilities: The Human Development Approach*, 125.

<sup>13</sup> *Ibid.*, 31.

<sup>14</sup> Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 181.

The claims of human dignity can be denied in many ways, but we may reduce them all to two, corresponding to the notions of internal capability and combined capability. Social, political, familial and economical conditions may prevent people from choosing to function in accordance with a developed internal capability: this sort of thwarting is comparable to imprisonment. Bad conditions can, however, cut deeper, stunting the development of internal capabilities or warping their development. In both cases, basic human dignity remains: the person is still worthy of equal respect. In the former case, however, dignity has been more deeply violated.<sup>15</sup>

In her discussion of this second form of dignity, she focuses on the living conditions that would allow or would not allow a person to live a life that is worthy of human dignity, saying that when they are not met, dignity “is like a promissory note whose claims have not been met.”<sup>16</sup>

As Nussbaum argues throughout her work on capabilities, every person should have the ten capabilities that she describes to be able to live a life worthy of dignity. This list is a comprehensive list of goods that human beings need, and she argues that it is universally acceptable. However, as she herself shows, some people choose not to develop some of these capabilities into functioning, like the Amish who choose not to vote, or a monk who chooses to live in celibacy. Since capabilities and functionings are not as easily separated as Nussbaum claims, as I will show later, there is a problem with the perfectionism that is hidden in Nussbaum’s account of dignity. It seems that the conclusion is that some lives are more worthy of living than others because of the choices that people make, and that Nussbaum’s insistence on the presence of certain capabilities makes these life paths the norm.

In the remainder of this section, I will discuss two related tensions that arise from Nussbaum’s use of a status concept of dignity. The first tension results from a perfectionist idea about what human flourishing is that comes into conflict with the idea of human beings as free choosers. As a consequence, her two ideas of dignity sometimes clash. The respect for the free choice of human beings that is associated with their basic status sometimes comes in conflict with her idea of dignity as expressed by a life worthy of the dignity of a human being. This conflict

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<sup>15</sup> Nussbaum, *Creating Capabilities: The Human Development Approach*, 30–31.

<sup>16</sup> *Ibid.*, 30.

happens when she seems to insist on functioning instead of capabilities (and thus, goes against her own idea of free choice).

The second tension arises in her discussion of people with mental impairments. On the one hand, she insists that her capabilities theory is more inclusive because it treats them the same as people without an impairment and that the government of a just society has the duty to provide all their citizens with the opportunity to realise their capabilities. On the other hand, she recognises that depending on the specific condition of an individual, she might never be able to realise all of her capabilities, and that she thus might never be able to live a fully flourishing human life. Her focus on ‘a life worthy of human dignity’ and the way that it is crystallised in the list of capabilities makes it impossible for some people to realise this idea of dignity.

### ***The tension between capabilities and functioning***

Both these tensions arise from Nussbaum’s ideas about capabilities and functionings, so I want to take a closer look at the meaning of these terms in her work. Nussbaum uses the term capabilities to denote the *ability* to function in a particular way. Hence, one does not have to function in a certain way to still have the capability. This distinction is important to Nussbaum because it can do some work: there is a clear difference between someone who is fasting and someone who is starving. Both are *functioning* in the same way since they are *doing* the same thing: they are both not eating. However, the person who is fasting is refraining from taking food where she could take it: she is both able to fast and to eat, and the person who is starving does not have this option. So, although they are functioning in the same way, they have different capabilities.

In some cases, Nussbaum argues that having the capabilities alone is not enough, and she insists on promoting functioning. To understand this claim a bit better it is important to look at how Nussbaum develops her idea of capabilities. She says that there are three types of capabilities: First of all, the basic capabilities are those capabilities that we are born with, such as one’s senses, a capacity for love and care, and practical reasoning. These are very rudimentary when we are born and they need development to become full functionings. These

basic capabilities form the basis for developing the more advanced capabilities.<sup>17</sup> Secondly, there are internal capabilities, that is, one has an internal capability if one would be able to perform the functioning. They are “developed states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions. Unlike the basic capabilities, these are mature conditions of readiness.”<sup>18</sup> Some of them just require time and maturity, but most of them develop only in a supportive surrounding environment. Finally, there are the combined capabilities that Nussbaum aims for: “internal capabilities *combined with* suitable external conditions for the exercise of the function.”<sup>19</sup> The distinction between the last two is not very sharp because the development of an internal capability often depends on a suitable environment. However, it is still important to make sense of changes in material conditions which means that someone can have developed the internal capability in a more supportive environment, but now no longer has the combined capability due to changed circumstances in which she can no longer choose to function in that way.

As this elaboration on capabilities shows, the development of capabilities often requires functioning at a certain point in time. For example, the capability to ride a bicycle means that one has to practice actually riding the bicycle before one can confidently say that one has that capability. Similarly, the capability to speak a language, whether one’s own or a foreign language, requires practice in speaking that language.

Nussbaum’s theory about capabilities and function does not seem to be very problematic or controversial at first sight. Nonetheless, it becomes more problematic when we realise that the list of capabilities might appear to be an impartial and universal list, but that functionings are substantial, and always carry with them particular ideas about the good life. For example, Nussbaum mentions religious affiliation in several iterations of her basic capabilities, but one is never merely religious, religion always manifests itself in a particular substantial functioning, that is, one is a South American Catholic, a Tibetan Buddhist or an Iranian Shiite. Even something as seemingly uncontroversial as the capability of speech is always realised in a particular language that opens up specific ideas about the good life and makes other invisible.

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<sup>17</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 84.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid., 84–85.



To learn a language means that one has to become familiar with a particular way of ordering and seeing the world since languages differ not only in vocabulary, noun declinations and verb conjugations but also in the terms that they have to express certain phenomena. For example, some languages have many words with slight nuances to express certain phenomena that other languages all lump together under the same term.

Consequentially, once one has been trained to function in a particular way to develop a capability, it is not always simple or uncomplicated to later realise the same capability through a different functioning. In other words, the way that the capabilities are acquired through functioning shapes the possible ways in which one can function later on. For example, if a second language that one wants to learn has a very different world view and uses many words to express phenomena that one's first language all lumps together then it might be very hard for someone to successfully distinguish these terms and make oneself intelligible in the other language.

As I illustrated above, functionings are not impartial or universal. This aspect of her theory becomes problematic when Nussbaum argues that a just society should not only make sure that all citizens are enabled to have the ten basic capabilities, but she also maintains that governments should promote actual functioning in some cases.

In her work, Nussbaum discusses three reasons for the promotion of functioning instead of capabilities, and in his article 'Capability Paternalism' Rutger Claassen identifies two more areas in which Nussbaum implicitly argues that the focus should be on functioning instead of capabilities. He also argues that although Nussbaum treats these instances as 'exceptions to the rule', many of these instances can be extended to other capabilities on her list, so there is the risk that her approach in effect becomes a functionings approach instead of a capabilities approach.<sup>20</sup> I will briefly discuss the five areas in question below.

The first category where Nussbaum argues that functioning should be promoted instead of capabilities is in the absence of capacities for voluntary choice. Nussbaum discusses the case of people with severe mental impairments. She argues that when individuals are unable to make

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<sup>20</sup> Claassen, "Capability Paternalism," 58.

choices, a guardian should step in to protect their well-being and make the choices for them.<sup>21</sup> Nussbaum groups children under this heading too, and argues that since they are not capable of making informed choices in all areas yet, governments should aim to promote function for them too. She also argues that we should promote functioning in children to ensure that they have the capabilities in their adult life,<sup>22</sup> but this is a different matter, and Claassen identifies this as a separate category, namely capability training. Although Nussbaum thinks that this training (and thus an insistence on actual functioning) is only necessary for a limited time, Claassen argues that this image is misleading, because the important question is not whether childhood has ended, but whether one has acquired the capability, and this might take regular training to make sure the capability is not lost. Hence, the promotion of functioning in the case of capability training is not limited to childhood and is much more extensive over a person's lifetime than Nussbaum suggests.<sup>23</sup>

The second type of situation where Nussbaum argues for the promotion of functioning is when she says:

Even where adults are concerned, we may feel that some of the capabilities are so important, so crucial to the development or maintenance of all the others, that we are sometimes justified in promoting functioning rather than simply capability, within limits set by an appropriate concern for liberty.<sup>24</sup>

Claassen calls this category capability support but indicates that it is very hard to judge when a functioning is necessary to support the other capacities and that all capabilities can be constructed to play a supportive role in the creation and maintenance of the others to some extent. There is thus the risk that Nussbaum's capability approach turns into a functioning approach for all the capabilities on her list.<sup>25</sup>

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<sup>21</sup> Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 172 et seq., Claassen, "Capability Paternalism," 63–64.

<sup>22</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 89–90.

<sup>23</sup> Claassen, "Capability Paternalism," 64.

<sup>24</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 91.

<sup>25</sup> Claassen, "Capability Paternalism," 65–66.

The third type of situation that Nussbaum identifies is where “we may suspect that the absence of a function is really a sign that the capability itself has been surrendered.”<sup>26</sup> Nussbaum distinguishes between two variations, which Claassen classifies as involuntary and voluntary capability surrender.<sup>27</sup> As an example of the first, Nussbaum discusses emotional health: we usually infer that a person who is always suspicious and afraid of others has a damaged capability to love, rather than claiming that such a person has this capability but chooses not to function in that way.<sup>28</sup> Claassen argues that involuntary capability surrender is better understood as an instance of the absence of voluntary choice with respect to a particular capability.<sup>29</sup> Nussbaum also discusses cases where people surrender a capability without apparent coercion, such as in the event of suicide, certain clauses in marriage contracts, drug use and other unsafe behaviour. However, according to Claassen, she is not very clear in giving an argument for whether this is problematic from a capability approach viewpoint.<sup>30</sup>

Claassen adds another category that Nussbaum does not mention, but which is suggested by her discussion of voting as an example of involuntary capability surrender. Claassen argues that: “This is an example of a situation in which making available a capability requires an ongoing practice in which at least a certain number of individuals participate to a certain extent.”<sup>31</sup> The practice of voting can only be sustained if there is a sufficient number of people who exercise their vote, and thus the capability of voting can only be sustained if there is a large enough group of people who actually function as voters. Many other capabilities, such as for example accessible health care, also require practices to uphold not only one’s own, but also other’s capabilities. In most cases, this does not require an intervention of a government, but when cultural or other obstacles prevent people from desiring certain capabilities, it does require more or less coercive government incentives.<sup>32</sup>

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<sup>26</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 93.

<sup>27</sup> Claassen, “Capability Paternalism,” 66–67.

<sup>28</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 93.

<sup>29</sup> Claassen, “Capability Paternalism,” 67.

<sup>30</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 93–94, Claassen, “Capability Paternalism,” 67.

<sup>31</sup> Claassen, “Capability Paternalism,” 67.

<sup>32</sup> *Ibid.*, 68.

Claassen's paper addresses the problem whether Nussbaum's capabilities approach runs the risk of becoming a functionings approach, and, therefore, becomes paternalistic. The capability approach usually counters the critique of paternalism by arguing that capabilities, and not functionings are the relevant object of normative concern. However, in several situations Nussbaum, in fact, insists, implicitly or explicitly, that actual functioning should be promoted. Claassen argues that these paternalistic tendencies can be kerbed by setting a threshold level for each capability, the extensiveness of the capabilities list, and the extent to which individual responsibility for capability losses is accepted, so they do not have to be damaging to a capabilities approach.<sup>33</sup>

Meanwhile, this is not the only problem. Another objection to Nussbaum's capability approach is that it is perfectionist because it identifies a specific set of capabilities that governments should provide for their citizens, which favours some people's ideas about the good life and unfairly disadvantages those with other views. Nussbaum usually counters this objection by saying that governments should only promote capabilities, or the opportunity for citizens to function in a particular way, and this leaves plenty of room for choice, not only whether to develop a capability, but also how to develop them.<sup>34</sup> However, there are several instances where Nussbaum insists on promoting functioning to protect and promote capabilities. Promoting functioning is not just problematic for paternalistic reasons since it limits freedom of choice, it is also problematic for perfectionist reasons because functionings are not impartial and universal. Even though Nussbaum does not prescribe one particular way of functioning to all human beings, her argument that states should promote functioning is still problematic for people who's ideas about the good life deviate significantly from the majority opinions of the states they live in.

As I argued before, functionings are not impartial and universal, they are a substantive way to realise a particular capability. An insistence on functioning means that a particular way of realising a capability can be forced upon people, which shapes the way that they will be able to realise their capabilities in the future. So, when Nussbaum, for example, argues that states

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<sup>33</sup> Ibid., 70.

<sup>34</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 51–55.

should educate children in all capabilities, and not just focus on literacy and other basic skills,<sup>35</sup> she ignores the way that this plays out for children from minority groups who might have different ideas about how to realise the capabilities into functioning and which capabilities should be developed at all. Through education, a certain form of life is presented as the norm to children, which makes it harder for children from a minority group to freely choose to deviate from this idea of the normal when they are not equally taught about the alternate forms of life possible within their own culture.

Another way in which this perfectionist tension emerges in Nussbaum's work is when we consider what it means to live a life worthy of a human being. On the one hand dignity is used as an inherent status that applies equally to all persons, based on the idea of whether or not someone is capable of leading a human life.<sup>36</sup> On the other hand, there is an evaluative notion of what dignity amounts to, which is a flourishing human life, and this idea is dependent on functioning: "It is perfectly true that functionings, not simply capabilities, are what render a life truly human, in the sense that if there were no functioning of any kind in a life, we could hardly applaud it, no matter what opportunities it contained."<sup>37</sup>

Nussbaum's idea of what a human life is, already excludes some human beings from having dignity, when they do not possess any modalities to communicate and interact with other human beings, such as comatose people or anencephalic children. Nussbaum is aware of these exclusions but argues that this is not a *human* life in any meaningful way.<sup>38</sup> She argues that all other human beings have dignity equally, even though they might have an impairment that prevents them from ever functioning in the sense of a flourishing human life. Nussbaum, therefore, insists that we should stick to the same set of capabilities for all human beings, and not develop a new list for, say, people with a mental impairment. Her reasoning for this is that every person has a unique set of abilities and impairments which defies the purpose of

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<sup>35</sup> Ibid., 90.

<sup>36</sup> Ibid., 69, Nussbaum, *Creating Capabilities: The Human Development Approach*, 31.

<sup>37</sup> Nussbaum, *Women and Human Development: The Capabilities Approach*, 87.

<sup>38</sup> Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, 181.

classifying them into types, but it also means that some people will not live up to the idea of a fully flourishing human life.<sup>39</sup>

On the one hand, the insistence on a single set of capabilities can be seen as a strength of Nussbaum's theory because it raises a tougher challenge to governing bodies. It challenges governments to make sure that there are no obstacles or handicaps for people with an impairment to develop their capabilities into functionings. Nussbaum's idea of combined capabilities, or an insistence on creating suitable environments that enable people to function in a particular way, challenges governments to make those opportunities available to everyone. It is not enough to establish suitable conditions for people without an impairment; a government has to take the extra step to remove obstacles and make functioning available to everyone. In the case of people with a mental impairment such as autism or down syndrome, this means that governments have to allocate extra funds to make education available to them too.<sup>40</sup>

On the other hand, there is a danger in her evaluative idea of a life worthy of human dignity. Her focus on 'a life worthy of human dignity' that is realised through the presence of her list of capabilities and which has to be brought about through functioning, makes it impossible for some people to accomplish this idea of dignity. This focus seems to imply that the lives of those people that either cannot (for instance people with a severe mental impairment) or do not want to (for instance people with other ideas about the good life) develop some of their capabilities is less worthy of a human being. Although on one level all people are treated equally, on another level some lives are judged as unfortunate because they do not fully realise their potential of a flourishing human life. Nussbaum's capability approach is perfectionist in the sense that it makes certain life paths the norm, she argues that a just governments should provide their citizens with the opportunities to realise those kinds of life paths, and this puts an unfair burden on those who do not or cannot live up to these norms.

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<sup>39</sup> Ibid., 187 et seq.

<sup>40</sup> Ibid.

## *Concluding remarks*

Although Nussbaum sets out to formulate her capabilities approach in a way that is impartial and universal, her ideas about what dignity is and what a life worthy of the dignity of a human being amounts to results in the implicit evaluation of some life paths as less worthy to live.

In her work, Nussbaum uses dignity to justify the capability approach. She argues that this approach ensures that each person's dignity is recognised and that the set of capabilities that she describes should be promoted by all governments because they enable a person to live a life worthy of human dignity. These uses of dignity point to two different ideas about dignity: one points to an idea of dignity as an inherent value that should be respected and protected, the other to an idea of dignity as an achieved value that should be enabled and promoted.

Nussbaum attempts to use dignity in an inclusive way: everyone's dignity should be recognised, and everyone should be able to live a life worthy of dignity, but because she has perfectionist ideas about both these elements of dignity her approach is not as inclusive as it attempts to be.

Nussbaum's insistence on the promotion of functioning in several instances, suggests that she is distrustful of the capacity of people to be capable choosers. Because she sees the ten capabilities as necessary elements of a life worthy of dignity, she argues that governments should ensure that everyone has these capabilities. Moreover, to secure the capabilities, governments have to promote actual functioning in their citizens, because, apparently they cannot be trusted to develop their capabilities when left to their own devices. It seems that Nussbaum thinks that a person can only be a capable chooser when she has all ten capabilities.

Furthermore, Nussbaum promotes her specific list of capabilities because she believes that these are required to live a life worthy of human dignity, but the fact that not everyone wants to develop all of the capabilities shows that there are multiple ideas about what a life worthy of dignity would look like. These other ideas are obscured or seen as less worthy by insisting on a particular set of capabilities.





## Critical Theory and the Right to Justification

Theories of public reason and discourse ethics usually appeal to an idea of discursive respect: other people should not just matter as *objects* of moral concern, they matter as *subjects* whose capacity to form their own opinions and to deliberate on them has to be respected. Rainer Forst has recently defended this idea in *The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification*, by rethinking dignity as the right to justification. He argues that issues of human dignity are not just about state of affairs that are dignified or undignified, but about social relations and the recognition of being a person that is owed justification. He builds on Habermas' idea of public reason to specify what justification encompasses, and he sees societies as orders of justifications. In these public realms of justification, we should leave our particular, value-laden ideas about the good life to the side, and should focus on expressing our ideas in terms of universally acceptable norms.

Again, dignity is meant to operate in an inclusive way by acknowledging and respecting the capacities for justification of all people. Nevertheless, Forst's strict distinction between norms and values and his procedural account of justification raise problems for recognising and respecting these capacities in people who are unable to translate their justifications in terms that are acceptable to all relevant others. As a consequence, they are not recognised as acting with dignity, and it also means that they are not treated with equal dignity because the burden of being recognised as a justifying being is unequally placed with them.

### ***Forst's right to justification***

Forst develops his ideas on dignity and justification in response to the use of the concept in social struggles. He argues that these forms of critique address both a perceived wrong in the real world and an ideal normative dimension that is the ground for the critique. In his article, Forst argues that claims about dignity are grounded in the idea of "the person as a justifying

being, as a being who uses and ‘needs’ justifications in order to lead a life ‘fit for human beings’ among his or her fellows.”<sup>1</sup> Therefore, he argues that the worst violations of dignity are not about being in substandard circumstances, but are being treated in a substandard way:

Thus the central phenomenon of the violation of dignity is not the lack of the necessary means to live a ‘life fit for a human being’ but the conscious violation of the moral status of being a person who is owed justifications for existing relations or specific actions.<sup>2</sup>

He finds support for this account in the history of the concept and his interpretation of the Stoic and republican uses of dignity as being about ‘freedom from arbitrariness’. The Stoics focus on non-arbitrariness in one’s own conduct, and the republicans on non-arbitrariness in how one ought to be treated.<sup>3</sup> Forst argues that later on in history, dignity becomes more explicitly connected to self-determination: “To *possess* human dignity means being an equal member in the realm of subjects and authorities of justification — an attribute, I should add, that does not depend on the active exercise of the capacity of justification, which would exclude infants or disabled persons.”<sup>4</sup>

Forst goes on to specify what he means by proper ways of justifying morally relevant actions in a social context by specifying three criteria. He argues that when one justifies or challenges a moral norm, one should satisfy these three conditions: reciprocity of contents, which means that one cannot claim for oneself what one would withhold from others; reciprocity of reason, which means that one cannot assume that others share one’s reasons and should let them speak for themselves; and generality, which means that the reasons that are used to legitimatise a norm should be acceptable to all.<sup>5</sup> Forst believes that these principles lead to a core set of human rights, acceptable to everyone. The idea of human dignity as the right to justification is therefore politically relevant because it not only leads to a basic set of human rights but most importantly to a right to be included in the political process.<sup>6</sup>

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<sup>1</sup> Forst, “The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification,” 966.

<sup>2</sup> Ibid., 967.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 968–969.

<sup>5</sup> Ibid., 969.

<sup>6</sup> Ibid.

Forst argues that this account of dignity can withstand the critique that it is too 'western', and, therefore, he thinks that it is a universalisable account of dignity. Forst argues that there is a distinction between moral autonomy and ethical autonomy. Moral autonomy means that we take others serious in the space of reasoning and justification and that we adhere to the rules for justification that he specified. Ethical autonomy means that one is free to choose and to pursue one's conceptions of the good life. Nonetheless, according to Forst, the first does not imply the latter, that is, one does not have to be 'autonomous' in one's choice of the good life in order for us to respect her moral autonomy and right to justification. Therefore, Forst concludes that his idea of moral autonomy does not involve a specific conception of the good life, and is compatible with multiple ideas about what the good life would involve.<sup>7</sup>

What Forst fails to acknowledge here is that his argument is based on a typically 'western' idea, or more specifically on a liberal idea, of a strict separation between a moral (universal) domain and an (particular) ethical domain. He assumes that it is possible to have a rigid distinction between morality and ethics, that is, between a universal realm of norms, where one can create a definite idea about what counts as a good reason and what does not; and a realm of ethical ideas about the good life where norms and values are particular and derive their meaning from a cultural background. What he fails to see is that reasons and norms in the moral domain also derive their meaning from a cultural background and that they can never be completely detached. One's ideas about morality are influenced by one's cultural and social (and thus one's ethical) background.<sup>8</sup> It does not follow, however, that there is no possibility of agreement on moral norms, but it does follow that they are not universally available in a simple way.

Forst thinks that all morally relevant claims in the public domain can be rephrased in terms of universally understandable and acceptable reasons. He does not perceive how this provision often puts a greater demand on people from a minority culture that is unlike that of the majority, since they will have to make a greater effort to translate their reasons in terms that the majority can understand. This leads to an unbalanced burden that is placed on cultures that share less

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<sup>7</sup> Ibid., 971.

<sup>8</sup> Charles Taylor has made this point in his critique on liberalism, see Taylor, "Atomism", and many others have made similar observations in debates on public reason.

of a cultural background with the majority both in trying to understand the norms and reasons that others bring to the public domain and in formulating norms and reasons that they bring themselves.

The implication is that some reasons will be seen as cultured and other reasons are seen as objective or shared, and there will be a demand on the ‘cultured’ reasons to reformulate them in terms that everybody can understand, which is not always possible. Take for example the importance of land and place to many indigenous people. Although many people recognise and acknowledge that land is important to indigenous people because of its cultural significance, the question is whether they truly understand what this significance is, especially when most of them come from a cultural background that sees the land as capital, or a resource that should be exploited. So although it might be generally recognised that land and place is important to indigenous people, it is very hard to give general and shared reasons about what this significance is.

### ***What happened to dignity as justification?***

Although Forst wants to avoid some of the pitfalls of the status concept of dignity, he still operates within its framework. One of the problems that he mentions is the tendency to think about dignity in terms of the satisfaction of basic needs or social conditions that are ‘fit for human beings’. These approaches treat dignity as something passive and overlook its active component, namely, the role that it plays in social struggles. Therefore, Forst wants to emphasise the importance of social relations:

In issues concerning human dignity, therefore, one should not think in terms of the end, of (objective or subjective) *conditions* or *states of affairs*, but of social *relations*, of processes, interactions and structures between persons, and of the status of individuals within them.

He argues that the worst violation of dignity is not so much a lack of basic needs, but the fact that other people have caused these conditions, or that others do not remedy these conditions were it in their power: “The violation of dignity consists in being ignored, not counting, being ‘invisible’ for the purposes of legitimizing social relations.”<sup>9</sup>

Another pitfall that he wants to avoid is the problem of exclusion. He argues that his idea of the dignity of the human being as captured in the right to justification avoids this issue. He believes that it is universalisable and not too ‘western’, because of his strict distinction between ethical and moral autonomy that I mentioned before.<sup>10</sup>

However, because he still operates with the same parameters as the status concept, he is unable to avoid these pitfalls. Just like the other accounts of the status concept, Forst grounds dignity in a particular characteristic of human beings and in a notion of what a human being is, namely, a justifying being.<sup>11</sup> He first highlights certain characteristics that warrant the attribution of dignity, and then he uses these as the basis to claim certain (moral) rights that others should respect, namely, the right to justification.<sup>12</sup> He concludes that a recognition of the dignity of other human beings means that one should recognise her right to justification of those actions and norms that affect her in a morally relevant way.<sup>13</sup> That is why he argues that the core violation of dignity lies in exclusion from social relations of justification.<sup>14</sup> Just like the status concept, dignity is something that an individual has: “To *possess* human dignity means being an equal member ...”;<sup>15</sup> and it is something that everyone has equally and that confers a special status: “‘human dignity’ refers to a *status* that applies to human beings as human beings regardless of their specific identity.”<sup>16</sup>

The way that Forst theorises dignity is still a passive conception. It is based on an existential idea about what a human being is, namely a justifying being, and from this, he derives a moral

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<sup>9</sup> Forst, “The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification,” 967.

<sup>10</sup> Ibid., 971.

<sup>11</sup> Ibid., 966.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., 967.

<sup>15</sup> Ibid., 968.

<sup>16</sup> Ibid., 967.

claim, namely the right to justification, which should be recognised and acted upon in social relations. However, he also wants to use it in an active way, as the *duty* to justify oneself to others and thereby respect them as justifying beings:

Correspondingly, to *act* with dignity means being able to justify oneself to others; to be *treated* in accordance with this dignity means being respected as such an equal member; to *renounce* one's dignity means no longer regarding oneself as such a member but as inferior; and to *treat* others in ways that violate their dignity means regarding them as lacking any justification authority.<sup>17</sup>

Forst's conception of dignity draws on Kant's ideas about autonomy and persons as "lawgiving-member[s] in the kingdom of ends."<sup>18</sup> By drawing on Kant and his ideas on dignity, Forst is mixing the contemporary paradigm of dignity (which sees dignity as an inherent value on which right claims can be based), with the traditional one (which expresses the distinction of human beings from the rest of nature).<sup>19</sup> These paradigms are based on very different premises and they express distinct ideas. Dignity as a status that gives one a right to justification is not the same thing as acting with dignity by justifying oneself, and Forst gives no clear account of how these two senses of the term relate.

Furthermore, Forst's account of dignity is not as easily universalised as he supposes, and therefore, it is unable to avoid the problem of exclusion. His idea of humans as justifying beings is much thicker than he supposes. Even if everyone is a justifying being, this does not imply that one has the same understanding of what this would encompass. Forst's project is based on a constructivist idea of good reasons or reasonableness. That is, for Forst, good reasons are those reasons that all reasonable persons could accept. Whether or not a reason is good is thus constituted by its acceptability. However, this is not the only way to look at the relation between the goodness and the acceptability of reasons. One could instead argue that a reason is good when it corresponds with the truth, independent of whether it is acceptable to all relevant others. Forst would not accept such a reason as a good reason, unless it was also acceptable to everyone

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<sup>17</sup> Ibid., 969.

<sup>18</sup> Ibid., 968.

<sup>19</sup> See Sensen, "Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms" who discusses the differences between the two paradigms, as discussed above.

else and could be ‘translated’ into general, universalisable terms. Forst thus seems to assume that it is possible to ‘translate’ all reasons to one universal scale, and measure them against each other. However, this idea is based on his strict separation between the moral and ethical domain, which is not as uncontroversial as he seems to assume. Therefore, the rules that he sets for what counts as proper justification are not universalisable, and they create unequal burdens in the rights and duty to justification.

### ***Universal norms and the space of reason***

Forst believes that his project of defending the right to justification is a universal and objective project, because it is based on an idea of humans as justifying beings, something that we all share, no matter what our cultural background is. However, in his defence of the project, Forst makes several assumptions that he does not defend and some of them he does not address at all. Some of these assumptions are much more problematic than he thinks.

One of these assumptions is the distinction between the moral and the ethical domain. This assumption lies behind his claim that there is a difference between moral and ethical autonomy. He defends moral autonomy by drawing on a respect for human dignity and one’s right to justification, but he does not want to say that in the ethical domain, one has to autonomously choose one’s form of life in order for it to be the ‘good’ life.<sup>20</sup> From his brief remarks, there emerges a picture of the moral domain as something that is objective, general and universal, and the ethical domain as something that is (inter)subjective, particular and embedded. The ethical domain is the place for conceptions of the good life and cultural attachments, the moral domain transcends these particularities and is about those moral principles that we all share and can agree on, no matter what our particular background is.

However, this dichotomy is not as clear as Forst portrays it. The ethical domain both shapes our ideas about the moral domain and it motivates which moral principles one finds compelling or significant. Although Forst seems to have taken heed from the discussion about the unencumbered self that I mentioned before, he still has an overly individualistic conception of the self. He recognises the embeddedness of people in their culture and conceptions of the good

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<sup>20</sup> Forst, “The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification,” 971.

life, but he relegates this embeddedness to the ethical domain and seems to think that this can be transcended and left behind in the moral domain. However, when one takes a closer look at Taylor's discussion of social atomism, the moral domain is not free from social embeddedness either.

In his article on Atomism, Charles Taylor responds to the idea of the unencumbered self that is put forward by Robert Nozick and other contract theorists. They defend the rights of the individual against demands that societies make upon them and present a purely instrumental view of society.<sup>21</sup> He contrasts their views on human nature and the human condition with the view, going back to Aristotle, that human beings are social animals:

Man is a social animal, indeed a political animal, because he is not self-sufficient alone, and in an important sense is not self-sufficient outside a polis. Borrowing this term then we could say that atomism affirms the self-sufficiency of man alone or, if you prefer, of the individual.<sup>22</sup>

In his discussion, Taylor focuses on the role that society plays in the development of characteristically human capacities, such as rationality, moral agency, autonomy and responsibility.<sup>23</sup> Contract theorists, such as Nozick want to protect the individual from demands that societies make upon them by arguing that individuals have the freedom to choose how and where they want to belong, but Taylor shows that we can only become a certain type of agents in certain societies. As a consequence, if people like Nozick value the sort of agents that are capable of free choice, they should also support the kind of societies that are able to produce and sustain such individuals, which means that societies can make legitimate demands on individuals to ensure their continuation.<sup>24</sup>

Although Taylor's argument is directed at justifying the obligations that we have towards sustaining the societies we grew up in (when these societies allow us to develop our human capacities), it also shows the importance of societies in shaping us, and enabling us to develop our capacities. He shows that moral principles are not free from social context: when we affirm

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<sup>21</sup> Taylor, "Atomism," 187.

<sup>22</sup> Ibid., 189.

<sup>23</sup> Ibid., 190–191.

<sup>24</sup> Ibid., 197.



that certain rights and principles are important, we are articulating standards for what we believe to be a good life.<sup>25</sup> The moral and ethical domain are thus much more intertwined than Forst presupposes.

Forst seems to think of the moral domain as an unencumbered domain: a place where we can transcend our particularities and find commonality in general reasons that can be shared by all persons. However, when we are shaped by the societies that produce us, it might not be possible to create a universal space of reasons that everyone can share.

Pratap Bhanu Mehta is pessimistic about the possibility to create a universal space of reasons. He agrees with Forst that “[c]ultural norms and practices exist in a context of reasoning and deliberation.”<sup>26</sup> From this premise, Forst draws the conclusion that all cultures would accept his idea of dignity as the basic right to justification. Furthermore, he thinks that when we respect the basic right to justification of all people, we can infer a core set of human rights to which everyone would agree.<sup>27</sup> However, Mehta does not think that reason and reasonableness automatically lead to agreement because it is not clear what counts as a good reason:

[t]he embeddedness of culture in the activity of giving reasons does not rest on a definitive view of what counts as good reasons, reason with a capital ‘R’. It claims only that they stand in the space of reasons. To respect a culture or cultural practice is to take their standing in this space seriously.<sup>28</sup>

According to Mehta, the main obstacle to reaching agreement in intercultural dialogue is not necessarily the intelligibility of the reasons that are presented, but their persuasiveness. He argues that while it is possible to present cultural practices as standing in a space of reason, it is much harder to answer why these particular reasons are important. “Questions like these become difficult to answer, not because there are no answers but because the persuasiveness of those answers rests in part on sharing a form of life—sharing that is a whole range of other presuppositions about human existence, the human condition, and so forth.”<sup>29</sup> Mehta shows that

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<sup>25</sup> Ibid., 199.

<sup>26</sup> Mehta, “Cosmopolitanism and the Circle of Reason,” 625.

<sup>27</sup> Forst, “The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification,” 969.

<sup>28</sup> Mehta, “Cosmopolitanism and the Circle of Reason,” 625.

<sup>29</sup> Ibid., 627.

when we enter into an intercultural dialogue over the reasons for certain cultural practices, we do not only exchange these reasons, we also evaluate them. However, what counts as good and persuasive reasons depends on the background understanding of our way of life. In evaluating reasons, we tend to fall back on our own (cultural) conceptions of good reasons. This means that there is no impartial way to decide which reasons are the best:

the entire range of good reasons cannot be arrayed on a single scale and made commensurable for even the most reflective consciousness. Just because a reflective standpoint is available is no guarantee that one can in principle participate in and choose the best among the goods that emanate from a diverse array of sources. When confronted with questions about the importance of reasons we give, we may be left with nothing other than a point of inarticulacy.<sup>30</sup>

The problem with Forst's project is that he does presume that there is one such scale on which we can evaluate our own reasons and judge the reasoning that is provided by others. Mehta is more sceptical about this and asks what would happen if deep disagreement still continues after the free exercise of reason in deliberative projects: "The dilemma is this: we can say that the exercise of reason can result in plural outcomes. But if that is the case, where is the authority of any of these sets of reasons to be grounded?"<sup>31</sup> He argues that intercultural dialogue and the free exchange of reasons will not always result in agreement, but can, on the contrary, heighten our sense of the diversity in those reasons and also the inability to reach a common answer.<sup>32</sup>

The possibility of plural outcomes is a huge problem for projects like the one that Forst is pursuing, namely, those that formulate a formal and discursive conception of critical reason. Mehta puts this down to the fact that they typically "radically underdetermine what counts as a good reason."<sup>33</sup> The result is that when the procedure does not work in dissolving deep disagreement, this is not seen as a failure of the procedure itself, but it is put down to other reasons. For example, that the procedure was not followed correctly, or that people were not presenting reasoned trains of thought but that other influences like personal preferences influenced their arguments.

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 634.

<sup>32</sup> Ibid., 627–628.

<sup>33</sup> Ibid., 633.

Mehta's diagnosis is that these projects are based on a hidden or implicit assumption about a shared form of life which all people should take as a starting point for their reasoning. In the case of Habermas, this shared form of life is 'modernity' and a whole set of assumptions about what that means for one's reasoning, one's background understanding of the world, and so on. However, this authority is never defended but just taken for granted.<sup>34</sup> The same goes for Forst. He has the assumption that we all participate in a shared form of life which makes it possible to reach agreement on important moral issues. However, he gives no account of what this shared form of life is, other than saying that humans are justifying beings, but this is not enough to establish a shared form of life.

Another assumption that deeply informs Forst's project is a constructivist idea of good reasons. His criteria for whether a justification is valid are that they should be general and reciprocal: good reasons are those reasons that are acceptable to all relevant others. In his article *On Discursive Respect* Thomas Besch discusses how many projects on discursive respect rely on a constructivist idea of good reasons. This assumption about what makes a reason good is not suitably neutral because it is contestable and not universally held, and, therefore, it needs justification itself, which is usually not provided.

In his article, Forst argues that people do not just have moral standing, but that they have a discursive form of moral standing because we are all justifying beings. He specifies what this means by giving three criteria for justification, namely reciprocity of contents, reciprocity of reasons and generality. In doing so, he places constraints on practices of justification and what would count as a good reason, namely only those reasons that are shared by all relevant others. Forst thus takes a constructivist approach to what good reasons are, and this approach is not universally shared. On the other end of the spectrum is the position that holds that "the goodness of good reasons is a property that holds or does not hold independently of whether anyone sees that this is so."<sup>35</sup> By seeing good reasons in a constructivist way, Forst limits what can count as a good reason, and, therefore, excludes some reasons as not appropriate in a practice of justification because they cannot be generally shared.

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<sup>34</sup> Ibid., 634.

<sup>35</sup> Besch, "On Discursive Respect," 207–208.

In fleshing out what discursive respect encompasses, theorists have to negotiate the effects of the definition of their terms on the depth, scope and purchase of discursive respect. The depth of discursive respect depends on the different levels of practices of reasoning and decision-making on which one is seen as having discursive standing. That is whether discursive respect is accorded in decision-making processes on actions, or whether it is accorded on deeper levels too.<sup>36</sup> The scope of discursive respect depends on who is included as a relevant other and the ground on which they are included. It also depends on the ontological status of those that are included: are they included as real people (concrete others) or as abstracted, idealised version (general others).<sup>37</sup> The purchase of discursive respect, or how valuable it is to those on whom it is bestowed, depends on how the acceptability of good reasons is constructed. On some accounts of acceptability, a reason is acceptable if someone actually accepts it. On others, however, it is acceptable if one would not reject it upon consideration, or if one would not reject it if one were fully reasonable. There are even accounts of acceptability that would hold that a reason is acceptable if it is consistent and one has the mental capacity to accept it.<sup>38</sup> How acceptability is constructed is thus vital for the purchase that it has for us:

Discursive respect can have little purchase for you if I may take my grounds to be suitably acceptable by you so long as I see reason to believe that you would not be committed to reject them if you viewed them in what *I* take to be the right light—even if it is inconsistent from your actual point of view to accept my grounds or to ever view them in this light.<sup>39</sup>

In his article Forst does not give an in-depth discussion of the meaning of the terms he uses. With respect to scope, he says that all people have a right to justification and should, therefore, be treated with discursive respect, but he does not qualify if these are concrete or general others. He also does not say anything about what acceptability encompasses, and therefore, it is unknown what the potential purchase of his project would be. He seems to assume that his approach has much purchase, which would mean that his notion of acceptability is very close to what a person actually believes and would accept. He does discuss the depth of discursive

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<sup>36</sup> Ibid., 213–214.

<sup>37</sup> Ibid., 215.

<sup>38</sup> Ibid., 216–217.

<sup>39</sup> Ibid., 217.

respect by insisting that it is not limited to discussions about actions or principles, but that it also operates on the level of discussions about the relations of justification itself.<sup>40</sup> What is notably absent is discursive respect over the criteria for justification and what counts as a good reason itself.

Besch argues that Forst's project is self-undermining because the discursive inclusion that it wants to accomplish cannot be accommodated.<sup>41</sup> One way of reading Forst is that he is pursuing a form of discursive respect that has great depth, and people can have a say about what is reasonable and acceptable to them on several levels. However, this would imply that he should also accord discursive respect to everyone on the level of discussion about what the normative framework for justification should be; whether this should be built on a constructivist idea of what good reasons are, or whether there are other criteria for what would count as a good reason. Allowing discursive respect on the level of the normative framework is problematic for Forst because it would put his whole project in jeopardy: "For in widening the scope of inclusion so as to accord full discursive status — that is, a right to justification — also to people who reject the doctrine of constructivist justification that underpins this emancipatory narrative, the offered rationale for inclusion collapses."<sup>42</sup> The problem is that, when Forst wants to uphold his claim that everyone has a right to justification of the political principles that one has to abide by, he also has to include those that do not believe in a constructivist idea of good reasons. As a result, he either ends up with an unsolvable disagreement on a level where the framework for justification is discussed, or he is forcing a constructivist approach on non-constructivists and therefore not respecting their right to justification.<sup>43</sup>

Another way to read Forst is that he is defending a rich normative framework that requires public justification to be general and reciprocal. This reading would not be problematic in itself, but it does not sit well with Forst's claim that his framework is neutral and that the principles that come out of a procedure of justification that uses this framework are therefore universal and uncontestable.<sup>44</sup> Besch argues that, instead of being a neutral, moral framework, Forst's

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<sup>40</sup> Forst, "The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification," 972.

<sup>41</sup> Besch, "Reflections on the Foundations of Human Rights," 3.

<sup>42</sup> Ibid., 10.

<sup>43</sup> Ibid., 16.

<sup>44</sup> Ibid., 7.

position rests on ethical assumptions, and places the good of these assumptions before the right: “For Forst-type constructivism, instead of providing an alternative to ‘ethical’ approaches to human rights, seems to suppose for its very reasonableness a defence of the good of constitutive discursive standing — a good, that is, which, at least prior to such a defence, can reasonably be rejected.”<sup>45</sup> What Forst presumes to be universal, moral claims, are actually contestable, ethical claims about procedures for justification and good reasons. To ground his constructivist project, in the end, Forst has to rely on non-constructivist, perfectionist ideas about why constructivism is good.<sup>46</sup>

So although Forst claims that his framework is universal and acceptable to all, it actually relies on contestable assumptions. Even if we agree that human beings are justifying beings and, therefore, have a right to justification, this does not automatically give us a procedure for justification that is acceptable to all. By presenting his framework for justification as universal, Forst is, in effect, putting an unfair burden on people who have different ideas about the proper way to justify reasons, or about what count as a good reason. This issue is especially problematic for minorities who, in their justifications, rely on reasons that are not generally accepted by all relevant others, even when these reasons might count as good reasons according to their own standards, and when these reasons might carry much weight for them.

### ***Concluding remarks***

Forst grounds discursive respect in the right to justification, which all persons have because they are justifying beings. According to Forst, if we grant this right to justification to everyone and follow the correct procedure, we can come up with a core set of human rights which are acceptable to everyone. His procedure is however based on theoretical assumptions that are contestable and not acceptable to everyone, and therefore, the result is not as universally acceptable as he presumes.

According to Forst, violations of dignity are not so much about state of affairs that are undignified, but about being social relations, namely, that one is compelled to live in those

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<sup>45</sup> Ibid., 19.

<sup>46</sup> Ibid.

state of affairs by other people who have brought on these conditions or who are not preventing or mitigating them. Therefore, Forst conceptualises dignity as being about social relations of legitimisation and sees it as the right to justification. To respect this right to justification, he argues that this process of justification has to satisfy certain criteria and that the reasons that are used in these justifications have to be general and reciprocal. He concludes that in this way, we can reach universally acceptable political principles. However, his idea of justification is not as neutral as he assumes. It is based on particular ideas about justification and what good reasons are, and, therefore, can not accommodate differing styles of justifications or ideas about what counts as a good reason.

Forst's idea of justification is based on a strict distinction between the moral and ethical domain, and he believes that ideas about the good life should be left behind or reformulated in more neutral or universally acceptable reasons in the moral domain. He assumes that all reasons can be evaluated on a single universal scale, and he does not recognise that our evaluation of reasons often partly depends on ideas about the good life. Furthermore, he heavily relies on a constructivist idea about good reasons, namely, that a reason is good when it is acceptable to all reasonable people, which is in itself not a neutral or universally accepted claim.

In the end, Forst presents as universally acceptable and neutral a conception of justification and reason-giving which is much more perfectionist than he acknowledges, and does not recognise the 'ethical' assumptions that he is making himself. Just because people are justifying beings, this does not imply that they all have the same conception of what justification entails and what would count as a good reason.





## Recent Interest in the Concept

Recently, there have been several political theorists who have published works on the concept of dignity, in which they contribute to the discussion about the meaning of the concept. They all have their own distinct interpretation of this meaning, but what they share is that they see dignity as a normative concept. That is, they present dignity as a concept with a clear idea of what it is, who has it, what the conditions are for having dignity, and what sort of treatment one can expect when one has dignity. Presenting dignity as such a normative concept results in a passive account of dignity, namely, a status account. I will illustrate this, by briefly discussing some of these recent works.

In his work on human dignity George Kateb argues that to grasp the meaning of the concept we have to make sense of both dignity as the equal status of the individual and dignity as the stature of the species as a whole. According to Kateb:

The core idea of human dignity is that on earth, humanity is the greatest type of beings ... and that every member deserves to be treated in a manner consonant with the high worth of the species.<sup>1</sup>

Although his distinction between dignity as status and dignity as stature has similarities with the distinction between what Sensen called the traditional and the contemporary conception of dignity,<sup>2</sup> it is not quite the same. The crucial difference is that Kateb wants to join them together in one concept, which is an existential value, and not a moral one, because what is at stake according to Kateb is not human suffering, but human identity.<sup>3</sup>

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<sup>1</sup> Kateb, *Human Dignity*, 3–4.

<sup>2</sup> See Sensen, “Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms”, and the discussion in Part I.

<sup>3</sup> Kateb, *Human Dignity*, 10.

Although his account differs from the usual way in which the status concept is developed, it still has many of the same problematic characteristics: it is an inherent status based on uniquely human traits and attributes.<sup>4</sup> This status creates expectations about how one should be treated, namely, that one's human rights should be protected.<sup>5</sup> According to Kateb, the remaining social inequalities that exist between people in a society that respects these rights, are the result of unequal innate abilities and not a matter of justice.<sup>6</sup>

Underlying his account of dignity is the view that liberal constitutionalism is the best form of government and one that all reasonable individuals would endorse. Kateb seems to be very sceptical about the value of democracy, seeing it as a threat to dignity and the free exercise of human traits and attributes unless it is kept in check by constitutionalism.<sup>7</sup> His idea of dignity is limited by these hidden assumptions, and favours a very individualistic and liberal interpretation of dignity, thereby obscuring other possible interpretations of dignity.

Besides, his account of dignity is more about political ethics, or how politics should be organised to become better and more just, and not directly political.<sup>8</sup> It is a static concept that bestows dignity on an individual, but it has no account of agency or power, and it is unable to explain how the dignity of the individual is to be protected or how this equal status has to be realised.

In his *Dignity, Rank and Rights*, Jeremy Waldron offers a different interpretation of the concept of dignity. He argues that the natural habitat of dignity is not morality, but law, and that we should not conceptualise dignity as a value, but as a status.<sup>9</sup> According to Waldron, we should think of dignity as a universalised high social rank.<sup>10</sup> He draws on the ancient, Roman conception of dignity, and argues that the high status that was once attributed to dignitaries only has been

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<sup>4</sup> Ibid., 113 et seq.

<sup>5</sup> Ibid., 1 et seq.

<sup>6</sup> Ibid., 174.

<sup>7</sup> Ibid., 77.

<sup>8</sup> Wallach, "Dignity: The Last Bastion of Liberalism," 319.

<sup>9</sup> Waldron, *Dignity, Rank, and Rights*, 13 et seq.

<sup>10</sup> Ibid., 14.

universalised and everyone is now elevated to the same high rank.<sup>11</sup> This social status offers protection by the law and equality before the law.<sup>12</sup>

Waldron recognises that “[a] status account will present dignity (however defined) as foundation-*ish* (or, as we might say, foundational)”<sup>13</sup> and he argues that dignity should not be seen as a conditional status (applied in virtue of certain conditions one is in) but more like a sortal status. Even though the idea of sortal status assumes that there are different kinds of people, Waldron still thinks that this is an appropriate category because he argues that in our current time, for the law, there is only one kind of person.<sup>14</sup>

Waldron’s idea that it is possible to create one, universal high status that applies to everyone does not only have the problematic aspects of the status concept in general; it is also problematic in itself. One of the reasons for this is that in the past, having a high rank depended on others having lower rank, and, therefore, fewer rights and privileges.<sup>15</sup> In addition, although Waldron argues that dignity applies to everyone equally, the law only applies to the citizens of a particular nation-state, and the protections of the law do not extend in the same way to non-citizens. It seems, therefore, that in Waldron’s account of dignity, citizenship is an essential condition for the recognition of one’s dignity, which means that it is not universal. Furthermore, if one’s dignity is not recognised by the law or its agencies, there do not seem to be clear avenues to address this because dignity is a passive status: one either has it or one does not.

A promising insight that can be drawn from Waldron’s work is that he shows the history and social construction of the concept and how this has changed over time, which shows that the interpretation of the concept is not fixed or fixable, but that it is adaptable to social circumstances.

Michael Rosen aims to give a comprehensive, historical account of the meaning of dignity, instead of presenting his own interpretation of the concept.<sup>16</sup> He identifies four senses in which dignity is used: dignity as status (in the sense of high (social) rank),<sup>17</sup> dignity as intrinsic value

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<sup>11</sup> Ibid., 33, see Part I for a discussion of the ancient conception of dignity.

<sup>12</sup> Ibid., 48 et seq.

<sup>13</sup> Ibid., 21.

<sup>14</sup> Ibid., 58-59.

<sup>15</sup> See also the comments made by Herzog, “Aristocratic Dignity?”

<sup>16</sup> Rosen, *Dignity: Its History and Meaning*.

<sup>17</sup> Ibid., 11.

(for example in the Kantian<sup>18</sup> and Catholic<sup>19</sup> tradition), dignity as dignified behaviour,<sup>20</sup> and dignity as being treated with dignity.<sup>21</sup> Concerning the latter, he makes a distinction between respecting dignity through observing the claims that dignity makes on us in our behaviour towards others (respect as observance) and respectful behaviour towards the person that embodies these claims (respect as respectfulness).<sup>22</sup> Although this latter form of respect is a crucial element of treating someone with dignity, in attempting to respect it, one should not overlook the equally important element of respect as observance, because if one does, this leads to awkward and counterintuitive policies and case law, which Rosen discusses in his second chapter.<sup>23</sup>

In the last chapter, he offers a different interpretation of Kant's use of dignity,<sup>24</sup> which seems to be the interpretation of dignity that he endorses. He argues that Kant sees dignity as an inner kernel of intrinsic value, which leads to a duty towards the self to treat this dignity with proper respect.<sup>25</sup> He says that this duty to humanity, comes down to expressing respect as respectfulness, and is thus principally symbolic:<sup>26</sup>

Our duty to respect the dignity of humanity is [...] fundamentally a duty toward ourselves.

By which I mean not that we are benefited when we observe our duties, but that our duties are so deep a part of us that we could not be the people we are without having them. In failing to respect the humanity of others we actually undermine humanity in ourselves.<sup>27</sup>

What is helpful in Rosen's account is that he acknowledges different strands in which dignity is used, including dignified behaviour and being treated with dignity, which opens up space for conceptualising dignity as something that we *do*, and not just something we *have*. His interpretation of Kant has, however, some problematic similarities with a status concept of

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<sup>18</sup> Ibid., 20–21.

<sup>19</sup> Ibid., 16–17.

<sup>20</sup> Ibid., 31–31.

<sup>21</sup> Ibid., 57–58.

<sup>22</sup> Ibid., 58.

<sup>23</sup> Ibid., 104 et seq.

<sup>24</sup> His interpretation differs from that of most modern Kantians, but it bears resemblance to that of Sensen which I discussed in Part I.

<sup>25</sup> Rosen, *Dignity: Its History and Meaning*, 147.

<sup>26</sup> Ibid., 157.

<sup>27</sup> Ibid.

dignity, because it still relies on an intrinsic value which shapes our humanity. Furthermore, although Rosen explicitly states that his work is a contribution to political theory,<sup>28</sup> the account he gives of dignity nowhere becomes political. He does not address politically pertinent questions, but only discusses how dignity is used in case law. In the end, the account he gives of dignity remains static: it is something that we *have* and that creates expectations about how we ought to be treated.

These examples of how political theorists conceptualise dignity show that they too generally treat dignity as a status, as something that we *have*, even though they not necessarily treat it as a moral status. However, this idea of dignity as a stable status of an individual is unable to make sense of the way that dignity is experienced.<sup>29</sup> In practice, and especially in a political context, dignity is seen as something that can be at stake and under threat, and it needs work to recognise and protect this. Theorising dignity as a universal status is unable to capture the idea that dignity is something that is vulnerable and can be lost or is at stake, which is clearly the way in which many people experience dignity, and it is often a powerful motivator to protest or take political action. However, when dignity is treated as a status that belongs to an individual, it becomes passive and it cannot do much political work, especially when it is not specifically theorised in connection with agency or political relations. A status is something that other people attribute to someone based on certain criteria that one has to satisfy, so there is not much agency required of the person having this status. In the case of dignity as an inherent status, there is very little a person can do to meet the criteria, and she must trust others to recognise it in her, which is not always the case if an account of dignity is based on exclusionary criteria.

Additionally, when dignity is theorised as a status, the focus tends to be on what dignity is, what it encompasses, and what the criteria for having it are. This focus means that often questions about how we ought to treat someone based on the dignity that she has come second at best, and the answers are often caught up in problematic implications of the account that is given about what it means to have dignity. The question of how we should treat others with dignity is therefore often undertheorised or overlooked in a political context. However, the

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<sup>28</sup> Ibid., xv–xvi.

<sup>29</sup> As I discussed before in Part I.

use of dignity in a political context accompanied by the idea that everyone has equal dignity raises expectations about how one ought to be treated and these expectations are not always met. Without a proper account of agency and of how dignity plays out in political relations, the concept of dignity remains hollow, because it does not empower people to effect this treatment. All that people can do is insist that they have this status and that others ought to treat them in a certain way. Theorising dignity as something that we *do*, as a performative concept might be able to address some of these problems because it is able to address questions about agency and political relations.

## **The Limitations of a Status Concept of Dignity**

In this Part, I showed that while dignity is usually used as an inclusionary concept in political theory, the rich evaluative content of the concept creates unwanted exclusions. Through the discussion of the work of Appiah and Forst, I showed that autonomy, freedom and rationality — attributes that are often used to ground dignity — often have implicit thick interpretations, and are therefore not neutral or impartial. As a result, these interpretations in effect rule out some people from being perceived to have dignity. By discussing Nussbaum's work on capabilities and functioning I showed that, while this distinction is theoretically very important, in our assessment of whether or not someone *has* dignity we rely on actual functioning. One can only know for sure if someone has a capability when she functions accordingly. However, functioning is always done in a particular, conceptually rich way, while a capability is meant to be a thin and universally applicable concept. Although many theorists want to use the concept of dignity as a thin, universal concept, it is not a neutral or impartial concept because the way that it is conceptualised shapes who is deemed to have dignity and who is excluded from this conceptualisation and needs to change or be emancipated to attain dignity.

Another characteristic of the use of dignity in political theory is that it is seen as a status, something that people have and which creates expectations about how one should be treated. This characteristic is apparent in the examples that I discussed, which focus on the moral status of individuals and not on their political agency. Dignity is seen as something passive, a status that should be properly recognised through inclusion in certain practices, and not as something that is actively constituted and fostered in social and political relations. Even though Forst thematises the importance of social relations, he still locates dignity in the individual and he does not give a proper account of what this means for social relations, other than the recognition of the status of dignity of the individual through proper procedures for political interaction.

If we want to use dignity as a political concept, and not just as a moral status, there has to be an account of agency and of how dignity figures in political relations. Furthermore, if the term dignity is used in a political context and it is claimed that everyone has equal dignity, this raises expectations about how one ought to be treated. However, without a proper account of agency and of how dignity plays out in political relations, it remains a hollow concept because it does not empower people to effect this treatment.



## **Part III:**

### **Dignity in Political Action**

After discussing how dignity is conceptualised in contemporary philosophy in Part I and taking a closer look at the use of the concept in political theory in Part II, I now want to discuss how dignity is used in political action. As I said before, there seems to be a discrepancy between the way that dignity is used in theory and how it is used in political action, where it is a powerful and meaningful concept: It can mobilise people, and it can bring people from different backgrounds together when they experience or perceive the same indignities. By discussing three cases, I want to explore how this use fits with the common ways of theorising dignity, and how it can be used to enrich our thinking about dignity.

It might seem a bit counterintuitive to look at protests for the meaning of the term dignity because the behaviour that is displayed during protests is often seen as undignified. Protests can be disruptive, noisy or engaging in other behaviour that is not in line with social expectations of how one should behave in public, and it certainly does not confirm to the idea of dignity as being composed and serene (although some protests do). The reason that I still decided to look at the use of dignity in protests is because it is often used in those cases and seems to be a very powerful and meaningful concept for the protesters. Therefore, I am looking at protests and not, for example, political debates because it captures the embodied, ‘everyday’ use of dignity by people in a political context which does not necessarily or explicitly rely on theories.

The protests that I will discuss are the Dignity Village protest in Portland, Oregon, which started in December 2000. The protesters were homeless people who were fed up with the homeless shelter system, and who wanted to establish a more democratic and empowering community to get their lives back on track. In the end, they managed to create a community there which is still

operating and offering shelter to homeless people. The second protest is the Egyptian uprising in 2011, where dignity frequently appeared as part of the slogans and chants of the protesters. The protesters had many grievances against Mubarak and his regime: violations of civil and political rights, corruption, unfair elections, police brutality, bad economic policies and high unemployment. The protest started on 25 January and ended with the resignation of Mubarak on 11 February. The third case is the anti-austerity protests in Spain, which are known as the Indignados or 15M. This protest started in May 2011, and 15M is still inspiring activism in Spain today. They protest against economic austerity measures and the neoliberal government, who chose to bail out the banks while at the same time cutting back on many social programmes (like, for example, worker protections and the pension age). As part of their protests, they have organised several Marches of the Indignant, and Marches of Dignity all over Spain.

Several other protests that I could have discussed also use the term dignity. The reasons that I discuss these particular ones are that they all took place fairly recently, so it can be assumed that the way they use dignity reflects a current understanding of the term. Furthermore, they use the term dignity explicitly, instead of using only the idea of dignity, which can be expressed in several other related terms, such as equal respect, self-respect, recognition, autonomy, inclusion, pride, human rights, and so on. Additionally, they use the term dignity to make claims for themselves, and they are not speaking on behalf of others: they are addressing the indignities that they experience themselves, and they are claiming or reclaiming their own dignity. Finally, I choose these cases because they are in some sense very different from each other: they take place in different corners of the world, in various languages and cultures and around diverse issues. Despite these differences, they all use the term dignity in their protests. Since the use of dignity in these protests is not limited to or particular for a certain culture or issue, I hope to avoid generalisations based on cases that are too similar.

In the subsequent section, I will give a rich description of these protests, based on articles, interviews and videos found online and in newspapers and magazines and on scholarly articles, lectures and books that discuss these protests. The account of these protests are not just a factual description of what happened, but I also try to show why these protests happen and what the

term dignity means for the protesters. By giving such an account, I want to describe not just what happened and how dignity was used, but also indicate why the term dignity is meaningful in these protests.

By taking a closer look at this use of dignity, I will show that it outruns a status concept of dignity and that we can make better sense of these uses by looking at dignity as a performative concept.



## Dignity Village

Dignity Village in Portland, Oregon grew out of a protest by homeless people who were fed up with the homeless shelter system, and who wanted to establish a more democratic and empowering community to get their lives back on track. The protest started in December 2000 with the establishment of a tent city on public land. The aim of the protesters was to provide themselves with a safe place to stay, to make the problem of homelessness visible, and to create alternative housing options. They were chased away from their first location and from several others until the council offered them a place to stay on the outskirts of the city. The group eventually accepted this place, and although the odds were against them, they build a community there which is still operating and offering shelter to approximately 60 people a day.

Portland is a large city in the Northwest of the US. It is the largest city in Oregon, with a population of over half a million people. Homelessness is a significant problem in Portland with a homeless population of up to 4,000 people, many of whom are unsheltered.<sup>1</sup> Data shows that homelessness affects on average 55 per 10,000 people in the Portland area in recent years, which is almost three times as much as the national average of 20 people per 10,000.<sup>2</sup>

### *We are coming out of the doorways*

The protest started when on 16 December 2000 a group of eight homeless men and women raised five tents on a piece public land next to the Broadway Bridge and called it Camp Dignity. The first camp did not last very long: the police and fire marshal forced them to move two days

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<sup>1</sup> Meaning that they were not staying in a shelter or another form of transitional housing.

<sup>2</sup> Data for the Portland average comes from the “Homelessness” report and covers the period from 2006 to 2013. The national average covers only 2011 and 2012 and comes from Homelessness Research Institute, “The State of Homelessness in America 2012” and Homelessness Research Institute, “The State of Homelessness in America 2013.” In those years the average in the Portland area was 63, well over three times as much as the national average. In 2000 when the protest started, the numbers were not better, and might have been even worse. See for example, Hubbard, “Camp Dignity Is No Indignity, It’s an Answer.”

later. The group marched to a new site with a shopping cart parade, trying to draw as much attention from the public as possible. They were chased away from several places, and headed to a new location with shopping trolley parades that grew bigger and bigger each time they moved since many homeless people joined in their protest. With every move, they drew more media attention to their protest, even from the international press.<sup>3</sup>

A video of the protest shows people with shopping carts marching under an overpass. The voice-over comments: “We came out of the doorways, out from under the bridges, from under the bushes from public parks and places like that, in the cold winter of 2000, Portland Oregon.”<sup>4</sup> The purpose of the parades was to draw attention to the protest, but it was also a way to show that the protesters were no longer ashamed. They were fed up with the indignities they had to suffer and stepped out to make the problem of homelessness visible: “They stepped out and then they went and got shopping carts which they found on street corners and put their stuff in those shopping carts and said, we are coming out of the doorways, we are not hiding anymore, and we are not gonna be ashamed, and America is gonna have to face this.”<sup>5</sup>

The fact that the group decided to frame their protest through the lens of dignity is significant because homelessness is generally seen as an undignified condition and it is socially stigmatised. Homelessness is usually seen as something to be ashamed of, and not as something to draw attention to by parading around the city in a shopping cart parade. Although homeless people lead a very public life in the sense that they are regularly out on the street all day, they are at the same time often made invisible and ignored by society.

Homelessness is usually seen as a predicament that only happens to ‘the bad, the mad, or the sad’. These three main characterisations of the reasons for homelessness circulate both in official circles and among homeless people themselves. Homelessness is seen as a result of a person’s own deviant or bad behaviour (the bad); as a result of mental health problems (the mad); or as a result of the failure of the state or societies provisions (the sad).<sup>6</sup> It is thus

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<sup>3</sup> Tafari, “A Brief History of the Out of the Doorways Campaign, Part One,” and Bayer, “Dignity Village Today.”

<sup>4</sup> “*Why a Tent City?*” *From the Tent Cities Toolkit*.

<sup>5</sup> Ibid.

<sup>6</sup> Somerville, “Understanding Homelessness,” 388, see especially note 7 on 410.

associated with a sense of failure to live up to the norms of society, and hence as something to be ashamed of.

The use of the name Dignity Village for the tent city challenges established conceptions of dignity in several ways. First of all, it is a reminder to society that homeless people are people with dignity too. Therefore, they have the right to a dignified life and to adequate housing. Homelessness is presented as not just a personal problem, but as a problem of society as a whole: the protesters challenge the city to provide more adequate housing options and services. Meanwhile, it also challenges societies conceptions of dignity: the first camps that the protesters established were a hotchpotch of tents and other semi-permanent structures, it did not look like a place that one would associate with dignity, but still, it was exactly that, since it was a place that people could call home, where they were included as valuable members of that community, and, therefore, it was a place where they could find dignity.

To better understand what the protesters are doing and what they want to achieve, it is helpful to see the problem of homelessness as not just a lack of adequate shelter. It is a multidimensional problem, as Peter Sommerville explains:

Homelessness is not just a matter of lack of shelter or lack of abode, a lack of a roof over one's head. It involves deprivation across a number of different dimensions — physiological (lack of bodily comfort or warmth), emotional (lack of love or joy), territorial (lack of privacy), ontological (lack of rootedness in the world, anomie) and spiritual (lack of hope, lack of purpose). It is important to recognize this multidimensional character, not least because homelessness cannot be remedied simply through the provision of bricks and mortar — all the other dimensions must be addressed, such as creature comforts, satisfying relationships, space of one's own, ontological security and sense of worth.<sup>7</sup>

The protest and the creation of Dignity Village are about much more than just shelter. When someone becomes homeless she not only has to deal with the loss of her home, but also with other problems, such as the insecurity about organising a place to sleep for the night, a sense of failure for losing her home and not being able to find a new one, dealing with the social stigma

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<sup>7</sup> Ibid., 384.

of homelessness and the prejudices of others, and getting used to living on the street and the dangers and lack of privacy there.

Apart from a personal sense of failure that many homeless people have to deal with, there is also the social stigma and the way that society treats them. This is especially difficult in the US, which is known for its harsh system and the uncaring way that homeless people are treated by public services, the police and society in general:

The sheer cruelty and vindictiveness of the US system, indeed, is sometimes difficult for Europeans to fathom. ... As homeless, they are ill-treated by the police and city authorities, who destroy their makeshift shelters and attempt to drive them off the streets. They are frequently arrested and imprisoned, even for trivial offences, incurring huge costs for the criminal justice system. The homeless industry simply provides insufficient material resources to lift these people out of homelessness, even ... in the richest country in the world. ... The majority of homeless people in the USA, therefore, have to fend for themselves as best they can.<sup>8</sup>

This system reinforces the social stigma and the feelings of failure and unworthiness.

Although Portland is a progressive city and has several services for the homeless, which makes it a less harsh city to be homeless, the homeless still suffer from social stigma and police harassment. At the time, Portland had an anti-camping ban which meant that the police was permitted to evict people from outdoor places where they slept and stored their belongings, thereby in effect criminalising homelessness.

The protesters of Dignity Village challenge the city and the way they take care of their homeless population, but they do this by creating their own alternative way of dealing with the problem of homelessness. They do not just want the city to offer better housing options; they want a say in how this housing is organised, namely, in a way that empowers them. The name they chose for their camp, namely Camp Dignity, and later on Dignity Village is, therefore, significant. It is not only meant to contrast with the indignities that people experienced but also to signify that it is a place where people can regain a sense of dignity and self-worth by empowering them:

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<sup>8</sup> Ibid., 407, talking about a book about homelessness in San Francisco.



Many homeless people believe they are incapable of personal achievement, self-worth, pride and accomplishment. Dignity Village assures each and every one of us that this is simply untrue.<sup>9</sup>

The protester's solution to the problem is therefore also more than just a tent city; it is a community where all of the residents are required to participate in the upkeep and development of the community. Residents are more than just dwellers in the village: through their activities, everyone can become a valuable member of the community. Dignity Village does not only give its residents shelter, but it also gives them a sense of purpose and achievement, which helps them to reconnect with their sense of self-worth and dignity.

One of the main triggers for the protest was the overhaul of the anti-camping ordinance in September 2000 that had been in place in Portland for 19 years. This ordinance gave the police the power to evict people from outdoor places where they slept and stored their belongings. This ordinance was challenged several times before, but until then it was always successfully defended.

In this instance, a father and a son who were living in their truck received a ticket and were told to move along, because a resident had complained that their vehicle had been parked on the street for several days and that people were camping in it. Their lawyer challenged the constitutionality of the ordinance on the ground that it violates homeless people's right to travel and that it is criminalising homelessness. This time the judge, Judge Stephen L. Gallagher Jr of Multnomah County Circuit Court, ruled in their favour and agreed with both claims. He agreed that the ordinance places an unfair burden on homeless people who have no place to keep their belongings and have to carry their bedding with them at all times. People who have no place to store their belongings have no choice but to carry them with them because they need them to make a temporary place to sleep: "By denying (them) the opportunity to possess their belongings with them while travelling throughout the city, they are being denied the basic necessities required for daily living," Gallagher wrote. "This infringes on (their) ability to travel freely."<sup>10</sup> He also agreed with the second ground that the ordinance criminalises homelessness. The night that the ticket in question was issued was a cold February night, and, therefore, all the

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<sup>9</sup> "Dignity Village. 2001 & Beyond."

<sup>10</sup> Roberts, "Homeless Camping Ban Voided."

shelters were full and the claimants had nowhere else to go. The judge ruled that the city could not punish them for being homeless and needing sleep. “Performing such life-sustaining acts as sleeping with bedding is necessary action for someone without a home. This act of sleeping is not conduct that can be separated from the fact of the individual’s status of being homeless.”<sup>11</sup> He, therefore, ruled the ordinance to be unconstitutional because it “punishes the status of being homeless.”<sup>12</sup>

The homeless community was very pleased by this ruling because it affirmed that the city and the police were in the wrong by upholding the anti-camping ban and thereby criminalising their homelessness. One can also imagine that this ruling by the court validated the feelings of indignation towards the city and the police of the homeless because the judge ruled that their basic needs were not being met, and when they tried to meet them themselves, they were criminalised.

Galvanised by this ruling, in October 2000 the first meeting for a tent city campaign was held at the office of the local street newspaper, Street Roots. The meeting drew a large crowd, not just of homeless people but also of supporters from the wider community. After much planning, it led to the occupation of the first site in December of that year.

### ***The indignities of homelessness***

The main reason for the protest was that homeless people in Portland were dissatisfied with their situation, with the shelter system, and with the options that were available to them to overcome their homelessness. A general critique of the shelter system was that it was an: “oppressive, depressive, repressive environment.”<sup>13</sup> According to many homeless people, the rules of the shelters were not helping them to get their lives back together because the rules were controlling and prevented them from making the choices they wanted to.

For one thing, most shelters provide shelter for only males or females, which means that families and couples cannot stay together. In addition, shelters do not allow pets, who for many homeless people are their only reliable companions. Both of these rules deepen the lack in the

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Howe Verhovek, “In Oregon, a City Provides Public Land for Homeless.”

emotional dimension of homelessness.<sup>14</sup> Shelters usually do not offer a place to leave personal property, which means that people have to carry all their belongings with them all the time during the day. Furthermore, because there are more homeless people than spots available in shelters, they are often crowded, and there is a lack of privacy. Both of these factors aggravate the lack in the territorial dimension of homelessness. Moreover, shelters have strict curfews and lockout times, making them useless for people who work late-night shifts, and forcing people on the streets during the day. Finally, because many shelters are run by missions, there is often a sanctimonious message that accompanies the services, which is distasteful to many people.<sup>15</sup> In short, the shelter system was only able to provide people with a roof over their head for a night, it did not help to address their homelessness.

Many homeless people are unsheltered, either because they do not want to stay in a shelter or because they can not since these are often full. Their only option then is to remain on the street and sleep in public places like doorways, parks or under bridges. However, the street is not a safe place to stay. Homeless people are easily victimised because there is no one to protect them. The police often do not take their complaints very serious because they are only marginal people, and they are therefore left to fend for themselves. They are often preyed upon by drug dealers, sexual predators, and violent thugs looking for an easy victim. They can also fall prey to people who offer housing at exorbitant prices; to loan sharks offering emergency financial assistance at outrageous rates; and to landlords charging application fees while already knowing that they will turn them down as tenants. The police often contribute to the problem by issuing nuisance tickets in an attempt to move them out of a neighbourhood. In addition, the streets are not a safe place for people's health: sanitary facilities like public showers or toilets have limited opening hours, and unsanitary conditions and exposure to the weather can lead to medical problems. Homeless people also have to deal with stereotypes and the disapproval of society in general. Companies do not want homeless people on their doorsteps because it is considered to be bad for business; people do not want homeless people in their neighbourhood because they

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<sup>14</sup> See the multidimensional approach to homelessness that I discussed before.

<sup>15</sup> Tafari, "We Need a Tent City," "Why a Campground for Homeless People," "Worksheet: Frequently-Asked Questions – An Information Sheet for Neighbors" and "Dignity Village. 2001 & Beyond."

think they are unsanitary or that they will increase crime in the area; and this leaves them with nowhere to go. On the streets, people have to scramble to get along, leaving them little time to move towards recovery and out of homelessness.<sup>16</sup>

Since people on the street have to be in survival mode, and since people in shelters have to comply with the regimes, homelessness can become a vicious circle. When someone is homeless, it is very hard to find a job and earn a salary that would allow one to be housed again. There are several obstacles to getting a job. One of them is the job interview: one cannot show up at an interview carrying all one's belongings with one, but homeless people have nowhere to store their possessions. Another obstacle is the lack of a postal address that most companies require as a contact address. This and other similar conventions make it very hard to escape the vicious circle of homelessness without a stable living arrangement such as the one that Dignity Village provides.

Homelessness is a grave threat to the poor and the unemployed in the US since the cost of living in the US is very high. Even people who are fully employed but earn only minimum wages cannot afford to rent a property at average market costs. In the US in 2011, the poorest 20% of the population spend 87% of their income on housing, the next 20% spend around 45%, whereas housing is only considered to be affordable when it makes up no more than 30% of a household's income.<sup>17</sup> As a result, when something unforeseen happens, like unemployment or large medical bills, people in precarious situations run the risk of becoming homeless.

Of course, poverty is not the only reason that people can become homeless. There are many other reasons for homelessness, for example, mental health problems, substance dependence, domestic violence and other relational problems or break ups are also common reasons why people may have to leave their home. The problem is that once one is homeless, it can be hard to become housed again because all the conventions around employment assume that one has a home and address.

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<sup>16</sup> "Why a Campground for Homeless People" and "Dignity Village. 2001 & Beyond."

<sup>17</sup> Homelessness Research Institute, "The State of Homelessness in America 2013," 18.

In response to these indignities and others, the protesters decided to take matters into their own hands and organise a tent city to give themselves shelter. Camp Dignity, which later became Dignity Village, is both a protest and an alternative way of living: the protesters demanded that the city takes notice of their plight and that they would take action to provide better housing options.

In August 2001, under a busy overpass of the Fremont Bridge, the protesters came to a final standoff with the city. After being chased away from several locations, the village had set up camp under a noisy and busy highway bridge on a strip of empty public land close to downtown Portland. A big yellow flag with the words Dignity Village fluttered proudly above the tent city. The village was a hotchpotch of tents and make-shift homes. A large tent functioned as a meeting room, and there were also cooking and sanitary facilities on the site. The city did not want the villagers to establish themselves there, and they had given the protesters an ultimatum: they had until the first of September to accept a new location that the city had approved, and after that any person still camping on the site would be chased away by the police.

For many of the protesters, leaving the site under the Fremont bridge was not really an option, because it had become their home, and they had nowhere else to go: “We are going to run with this and we are going to call this damn thing Dignity Village our home, cause this is alls we have in the whole world, and we will make this work because we have nothing else. We will take public land because we are the public, thank you very much.”<sup>18</sup>

However, the city was determined to move the protesters from the location under the Fremont Bridge and eventually offered them the use of Sunderland Yard, a location in an industrial area close to Portland International Airport, and in between a state prison and the city’s leaf compost yard. This site was far from ideal for the protesters, and one of the supporters of the village formulated their perception of the new site during a council meeting:

On one side stands the jail, on the other a fenced asphalt lot, 40 minutes by bus to downtown Portland, 2 miles from the nearest store which is a mini mart, not even a grocery store, I am just wondering how could people get off the street like this, how do people work, go to school, and

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<sup>18</sup> *Doorways to Dignity Documentary Trailer.*

access other social service agencies, closed off, outside of the city, behind a fence, it feels like a concentration camp.<sup>19</sup>

The villagers were divided among themselves on whether or not they should move to Sunderland Yard. On the one hand, the site offered a longer term solution (the city committed to leasing the site to Dignity Village for at least a year) and this meant that the villagers could start to realise their visions for Dignity Village. On the other hand the location of the site was far from ideal: it was on the outskirts of the city and far from other services, and it was an isolated and dreary place that felt like a dump. One of the supporters of the villagers commented:

It was the same choice as that which Native Americans were faced with when they were forced to remove. The choice is that you stand your ground, and can possibly be annihilated, or you wrap up your pride, and your dignity and your self-respect and you swallow it. And you go along with the greater authorities, the city government, or in the case of the Native Americans the federal government's wishes and you move to a place where you are much more likely to fail.<sup>20</sup>

On the last days of the protest, the site was filled with villagers and supporters. The media had also shown up in large numbers with even some international media present because an article about the protest and its colourful shopping cart parades was picked up by CNN and the BBC. The villagers and supporters held a press conference where they voiced their disappointment with the site that was offered to Dignity Village. Some wanted to continue the protest at a different location or stand their ground under the Fremont Bridge and risk being arrested. The group risked becoming fractured, but there was also a strong sense of solidarity between them, created by the community that they had become during their long protest together and by living together in Dignity Village. One protester addressed the group: "All I ask you is that you keep the struggle in mind. I don't ask that you don't go there, I don't ask that you don't compromise, all I ask is that you keep the struggle in mind. You keep dignity in your heart, keep dignity in your head, Dignity!"<sup>21</sup>

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

Another protester addressed the crowd with this speech:

Americans are willing to embrace the fact that racism is wrong. Americans are willing to embrace the fact that homophobia is wrong, that sexism is wrong. It is time to embrace the fact that classism is wrong, it's discrimination, we will not stand for it. We will stand united, and we will die with dignity if need be, If you try to sweep us, I promise on my grave that there will be more tent cities. If you sweep us, we will come back. If you sweep us, we will come back. If you sweep us, we will come back and back and back and back and back and back and back and back and back, until victory.<sup>22</sup>

The public responds by chanting with him: "and back", and then they all chanted "Dignity".

Through their protest, where they stood up for themselves and each other, and through living together in Dignity Village where they were valuable members of the community, the protesters had created a strong sense of dignity that they wanted to protect and continue.

### ***Dignity Village is ...***

Dignity Village still persists today. It continues to be located at the Sunderland Yard, and although this is not an ideal location, the villagers have succeeded in realising their vision for Dignity Village. The village is self-governed, is drug and alcohol-free, and based on principles of participation and love and respect for self and others. Residents of the village are bound by a set of five basic rules, which are part of their membership agreement:

1. No violence to yourselves or others;
2. No theft;
3. No alcohol, illegal drugs or drug paraphernalia on-site or within a one-block radius;
4. No constant disruptive behavior;
5. Everyone must contribute to the operation and maintenance of the Village. A minimum of 10 hours are required per week.<sup>23</sup>

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<sup>22</sup> Ibid.

<sup>23</sup> "Dignity Village Intake Packet."

These rules help to create a community where people can trust and rely on each other, and where everyone can be a worthy member of the community. Such a safe environment is essential for people to confront their problems and work towards getting their lives back together again. Participating in the Dignity Village community not only provides a supportive environment, but it also helps people to recognise their own skills and to develop them.

What emerges from the stories of the protesters of Dignity Village is that the problem of homelessness cannot be addressed by simply putting a roof over people's heads, because that does not solve the whole problem. This experience, therefore, concurs with what Peter Sommerville writes about homelessness as a multidimensional problem, as I discussed before.

The shelter system only focuses on the housing part or the physiological dimension of homelessness, but it does not address the other dimensions and does very poorly on the territorial dimension because of the notorious lack of privacy in shelters. The protesters of Dignity Village do not use the same terms as Sommerville, but there is a clear analogy between Sommerville's analysis of the five dimensions, and the way that Dignity Village operates since it addresses all of the dimensions that Sommerville mentioned:

The physiological dimension is addressed by the housing structures that provide shelter for the elements, and can be made into comfortable living quarters. The territorial dimension is addressed by providing all residents with their own space, which they do not have to share with a stranger, and where they can store their belongings. The emotional dimension is addressed by allowing residents to cohabit with spouses or partners, by allowing pets, and by nurturing a community where they can build long term friendships. The ontological dimension is addressed by creating a community of loving and supportive relationships so that villagers gain a sense of community and human connection again, and where they are not daily stereotyped and criminalised because of their low economic status. Finally, the spiritual dimension is addressed by encouraging residents to take ownership of their lives again and to recover from institutional dependency, by encouraging them to use and develop their skills in running the village.<sup>24</sup> These practices in Dignity Village are meant to restore the residents' sense of dignity by making them into valuable and beloved community members again:

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<sup>24</sup> "Dignity Village. 2001 & Beyond."



Every person living in the Village is capable of something, and each member of our community is required to work at least 10 hours per week in the Village to pay their rent – we call this sweat equity.<sup>25</sup>

And:

Dignity Village realizes that institutionalization doesn't work for everyone. By warehousing human beings in a sterile environment owned and operated by someone else, the opportunity for personal pride and pride of ownership is abandoned. It is the purpose of the Village to reinforce self-worth, pride and a sense of ownership in all products of the Village, tangible and intangible.<sup>26</sup>

Over the years, the facade of Dignity Village has changed a lot. The villagers have converted the tarp structures of the first settlement into semi-permanent wooden houses, often decorated with colourful murals by local artists or residents. There is a main road that runs through the village and the houses are organised in little groups around raised garden beds, where villagers can cultivate food and flowers. All the structures are raised at least 18 inches above the grounds. Not just because of poor drainage, but mainly to prevent the rodents from entering the houses or destroying the greens. The rodents are one of the reasons why many cats have also found a home at Dignity Village and are considered to be valuable residents.

Besides the individual houses there are also several communal buildings, like the community building where people can gather, hold meetings, use the computer and so on. There is also a greenhouse to grow food, a windmill that provides electricity to the communal buildings, a donated bus that serves as a library, a bathhouse with hot showers and a donation shop that gathers and sorts the donated items and then distributes them or sells them to raise funds.

Dignity Village does not just provide shelter; it is a self-governing community that has its own council, bylaws, and bureaucratic system. All members of the Village are expected to attend its bi-monthly meetings while the daily running of the village is left to the council and the

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<sup>25</sup> “Why Do I Call the Transitional Structure in Dignity Village ‘My House?’”

<sup>26</sup> Ibid.

committees. It has not-for-profit status and is currently paying all of its bills and the lease of the yard by itself, through the contributions of the villagers and the donations that they receive.<sup>27</sup>

By now, Dignity Village has allowed hundreds of people to move off the streets and get back on their feet again. The average stay is a year and a half, with some only needing a couple of months to transition back to society, and some staying for several years.<sup>28</sup> Dignity Village does not only help its residents, but it also opens its facilities to other homeless people who can come in during the day to use them.

Dignity Village also has its critics and challenges. Critics say that the village is unsafe, that the houses are a fire hazard, that the site is too isolated and that Dignity Village costs the city too much, and that this money should be spent on services for all homeless people.<sup>29</sup> Most of this criticism is countered by the Villagers. They cooperate with the police and the Fire Department to ensure safety, and the Villagers are currently paying their own bills through donations and their own contributions.

Dignity Village has also faced internal power struggles and challenges to their ground rules, but so far, the Village has been able to maintain its core ideals and its democratic way of operating.

“At so many points along the way, they could have failed,” [Wendy] Kohn goes on to say. “It could have flamed out and become an example of a group of people trying to do something positive and coming up short — like so many times throughout history. Instead we see, over a ten-year period, a group of people who haven’t failed and are still recreating themselves through a democratic process.”<sup>30</sup>

The Village has been a life changing experience for many of its residents. Not just because it offers them shelter at a time when they are in need of it, but more importantly, because it offers them membership in a community where they are respected and loved: “‘Quite frankly, being here has been the best period of my life,’ [Pirate Steve] said. ‘Not the time when I had

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<sup>27</sup> Bayer, “Dignity Village Today.”

<sup>28</sup> “Why Do I Call the Transitional Structure in Dignity Village ‘My House?’”

<sup>29</sup> Kershaw, “Home for the Homeless, But Can It Continue?: Oregon Experiment Reaches a Crossroads.”

<sup>30</sup> Bayer, “Dignity Village Today.”

my sports car, my condo and my jewellery.”<sup>31</sup>; it provides people with a sense of belonging: “‘We get along like a big family,’ said Tim McCarthy .... ‘We have our tiffs and bouts like any big family, but we look after each other.’”<sup>32</sup>; it functions as a safe haven: “‘It was a relief to be able to take a breath from being homeless and surviving,’ says Shirley Smith, describing her arrival at the village two months ago. ‘I can’t tell you how hard it is to survive as a woman on the streets. Being able to have a safe and supportive place to relax was a blessing I can’t really describe. ... It’s a step up from living in a constant state of fear. I feel very good about myself today.’”<sup>33</sup>; and it is a place to pick up the pieces and put them back together again: “Demichele and his partner became homeless after he lost his job. ‘The idea that we had become homeless left us both in complete shock,’ says Demichele. ‘Dignity Village has been a blessing in our lives. We’re hoping to be able to stop and rebuild our lives.’”<sup>34</sup>

Dignity Village has been an important place for many residents. Together with their supporters, they have done much work to create information about the village that can be used by others to create similar tent cities elsewhere. As part of this tent city toolkit, they made several videos, including one entitled ‘Dignity Village is’. In this video, several of the residents share what Dignity Village means to them: It is not only a source of alternative housing, but for many people Dignity Village is a foothold out of homelessness and a way to get back on their feet. It is a place to rest and heal, and where they can start to feel empowered again, and make plans for the future. Dignity Village is a community where people show respect for each other, and where people can build ties of friendship, camaraderie and love. It is also a democratically governed place where people can participate in the way the village is run, where they have a choice, and can exercise their voice. Most of all, it is a place that offers its residents a home again, a safe place to stay, where they can allow themselves to hope again.<sup>35</sup>

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<sup>31</sup> Campbell, “America’s Homeless Become New Small-Town Pioneers. Decision Day Nears on Future of Oregon’s Experiment in Community Living.”

<sup>32</sup> Ibid.

<sup>33</sup> Bayer, “Dignity Village Today.”

<sup>34</sup> Ibid.

<sup>35</sup> “*Dignity Village Is...*” from the *Tent Cities Toolkit*.



# **Egyptian Revolution**

The Egyptian Uprising of 2011, part of the Arab Spring, began on 25 January and ended with the resignation of Mubarak on 11 February. The focus of the protests was Tahrir Square in Cairo, but there were protests and clashes with police in other major centres too. During the protest, Tahrir Square was occupied by protesters and became a revolutionary micropolis and the central hub of the protest. The protesters main demand was the resignation of the Mubarak regime. Mubarak had led a repressive government for almost three decades, and the people of Egypt had many grievances against his regime: violations of civil and political rights, corruption, unfair elections, police brutality, bad economic policies and high unemployment. An important slogan that summed up these grievances and that was able to create a shared framework that could unite protesters from different backgrounds was 'Freedom, Dignity, Social Justice'. However different the particular interpretations of the protesters of these terms were, they could all agree that the Mubarak regime did not provide them.

## ***The video that sparked a revolution***

Asmaa Mahfouz posted several video blogs on Facebook before and during the Egyptian revolution. As an activist, she was involved in the 6 April movement, and she had followed the uprising in Tunisia with a keen eye. On Tuesday 18 January, she posted a video blog in which she talks about the death of a young man who had set himself on fire in protest of the Mubarak regime, and about her disappointment when, earlier that day, only three people showed up to join her in a protest in response to his death. In the video, she uses the term dignity several times. She uses the video to urge other people to join her in protest on 25 January. The video quickly went viral and helped to mobilise people for the protest a week later.

In the video she talks about the self-immolation of four Egyptians who were protesting the humiliating and degrading conditions they were living in under the Mubarak regime: “Four Egyptians have set themselves on fire thinking maybe we can have a revolution like Tunisia, maybe we can have freedom, justice, honour and human dignity.”<sup>1</sup> Her video responds to the death of one of them, and to the responses people gave to this news on Facebook, saying that he died in vain and committed a sin by killing himself.

These desperate protests were triggered by the self-immolation of Mohamed Bouazizi on 17 December 2010 in Tunisia, and his death on 4 January which sparked the Tunisian uprising, an uprising that was eventually successful in overthrowing an oppressive regime ten days later.<sup>2</sup>

Bouazizi came to this desperate act because of his mistreatment by local authorities and the constant harassment that he suffered from local police officers. He worked as a street vendor selling fruit beside the road because he was unable to find another job. As on most other days, he had acquired a considerable debt buying his wares, and that day local authorities bullied him and confiscated his goods. He had no connections or money to bribe the police, and when he went to the governor’s office to complain, he was refused entry. In an act of anger and desperation, he set himself alight.<sup>3</sup>

Many people in Tunisia recognised his story and took to the street following his death, eventually leading to the resignation of the president. Many people in neighbouring Egypt also recognised themselves in his situation: the difficulty to make ends meet or to make a decent living and the random harassment by police and administrative authorities were all too familiar to them.

As Asmaa says, several protesters in Egypt set themselves on fire in the hope of attaining the same result as in Tunisia: they hoped that their protests would finally lead to change and help the people in Egypt to get ‘freedom, justice, honour and human dignity.’ However, instead of turning to the street *en masse* upon the news of the death of one of the protesters, people commented that his death was for nothing and that there would be no change in Egypt.

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<sup>1</sup> *Meet Asmaa Mahfouz and the Vlog That Helped Spark the Revolution - YouTube*, transcription available on “Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising.”

<sup>2</sup> Singerman, “Youth, Gender, and Dignity in the Egyptian Uprising,” 15.

<sup>3</sup> *Ibid.*, 15.

Asmaa was angry with this fatalistic response; she had hoped that something good might come from the death of this protester and that it would spark a similar revolution as in Tunisia. She was especially frustrated with the fact that many people were saying that people in Egypt should do something too, but that nobody actually did anything. Therefore, she posted on Facebook that she was going to Tahrir Square to “demand the rights of the people who died and the right of my country” and that she would hold up a sign saying “Four Egyptians have died from humiliation and poverty.”<sup>4</sup> She even posted her phone number, so others could contact her and join in the protest. However, to her disappointment only three others showed up: “No one came except three guys — three guys and three armored cars of riot police. And tens of hired thugs and officers came to terrorize us.”<sup>5</sup>

In the video, she urges people to come to Tahrir Square on 25 January to protest. She says: “I’m making this video to give you one simple message: we want to go down to Tahrir Square on January 25th. If we still have honour and want to live in dignity on this land, we have to go down on January 25th. We’ll go down and demand our rights, our fundamental human rights.”<sup>6</sup> She calls on people to take a stand and protest for their rights because the situation in Egypt has become intolerable, and people have to stand up for themselves and demand their human rights because the government is not going to change by itself.

The protest on 25 January had been planned for a while. It was not organised on a random day on the Egyptian calendar, but on Egypt’s National Police day. On this day in 1952, British troops still had a significant presence in Egypt. Despite being declared independent in 1922, Egypt was still part of the Commonwealth, hence, the presence of the British troops. On 25 January 1952, they ordered two police stations in Ismailia to surrender their weapons and evacuate the stations. The Interior Minister asked the police officers to disobey those orders and to act as Egyptian patriots and hold on to the stations. When the police officers refused to surrender to the British troops, the latter used brute force and attacked the stations. The fighting over the stations lasted for three hours and 3 British soldiers and 41 Egyptian police

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<sup>4</sup> *Asmaa Mahfouz, Organizer of Egypt Demonstrations, Talks About Her Use of Facebook to Take Action - YouTube.*

<sup>5</sup> *Meet Asmaa Mahfouz and the Vlog That Helped Spark the Revolution - YouTube*, transcription available on “Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising.”

<sup>6</sup> *Ibid.*

officers were killed, and many more were injured. The police officers eventually surrendered to the greater force of the British army. Amid the widespread anti-British sentiments, the police officers were seen as heroes, defending the Egyptian honour against the British oppressor.<sup>7</sup>

When Mubarak declared the day a public holiday in 2009, the police were no longer seen as the protectors of the people, but more as their persecutors. In 2010, the 6 April movement and other groups had used the day to protest against the regime and police brutally. The plan to protest again on 25 January 2011 was made long before the unrest in the Arab world. However, after the protest in Tunisia, where for the first time in generations an Arab people stood up against their president, the protest became much broader and targeted many other grievances the people had with the Mubarak regime. Instead of focusing just on police brutality, the protesters also demanded the resignation of the Minister of Interior who is responsible for the police, an end to State corruption, the end of Egyptian emergency law, and term limits for the president.<sup>8</sup>

In the video, Asmaa uses affective language to get her message through. She finds the way that people talk about the self-immolators shameful and contrasts this with the honour of standing up for oneself and one's people by joining the protest. She urges people to take a stand, because their dignity is at stake, and they have to act to keep it. She also refers to the honour of men, who should join the protest and protect the women who will be there, arguing that those who say that women should not protest because they will be beaten should instead join the protest: "If you have honour and dignity as a man, come. Come and protect me and other girls in the protest."<sup>9</sup> Not acting, not protesting and staying at home will lead to humiliation, not only of the protesters but of the Egyptian people as a whole. She wants people to let go of their fear of the security forces and argues that they are not safe anywhere. She says that people should not be afraid of the government, the only one that they should fear is Allah, saying that "He will not change the condition of a people until they change what is in themselves."<sup>10</sup> However, most of all she wants people to hold on to hope. She argues that people should not think that there is

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<sup>7</sup> Osman, "Egypt's Police: From Liberators to Oppressors."

<sup>8</sup> Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 281–282.

<sup>9</sup> *Meet Asmaa Mahfouz and the Vlog That Helped Spark the Revolution - YouTube*, transcription available on "Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising."

<sup>10</sup> Ibid.



no possibility of change. She urges them to do something positive on 25 January, if they will not come to Tahrir Square, they should go out and do something else to show that they are free citizens. “Never say there’s no hope. Hope disappears only when you say there’s none. So long as you come down with us, there will be hope.”<sup>11</sup>

Asmaa posted another video blog on Monday, on the eve of the protest. In it she expresses her joy about the response to her video. She is pleased that so many people are spreading the news about the protest; from teenagers to elderly people, everyone is printing posters and distributing them. Although she cautions people not to expect too much from the protest, she expresses her hope that the next day will be the start of something new:

I’d like to tell everyone that tomorrow is not the revolution and is not the day we’ll change it all. No, tomorrow is the beginning of the end. Tomorrow, if we make our stand despite all the security may do to us and stand as one in peaceful protest, it will be the first real step on the road to change, the first real step that will take us forward and teach us a lot of things. Our solidarity in planning is a success in itself.<sup>12</sup>

Even though the organisers of the protest were unsure about how many people would actually show up and how much impact the protest would have, the moment of the protest, only 11 days after the fall of the Tunisian government caused high tensions and expectations. The security forces were well prepared and had a significant presence on the streets of Cairo. Everyone who ventured to go near the Interior Ministry was looked at with suspicion and encouraged to move along.<sup>13</sup> The people kept each other informed about the police via social media:

Around noon, the dynamics of the day began to shift. Once again, Twitter provided the best window on what was happening throughout the city. Rather than a single mass of people, activists were coming together in smaller groups, protesting, clashing with police, and then dispersing, only to regroup somewhere else. It was protest by flashmob. Each group, however, moved in the

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<sup>11</sup> Ibid.

<sup>12</sup> *Asmaa Mahfouz’s Vlog on the Eve of the Revolution - YouTube*, transcription available on “Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising.”

<sup>13</sup> Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 281–283.

direction of Tahrir, where a first group of protesters broke the police cordon around the square early in the afternoon, allowing thousands more to flood in.<sup>14</sup>

The protest was a huge success with 15 to 25 thousand people gathering at Tahrir Square. After midnight, the police tried to clear the square with tear gas and water cannons, but their actions had the opposite effect and within two days a million protesters gathered in the square.

Obviously, in the next video blog that she posted the day after the protest, Asmaa was elated with the turnout. She talks about the success of the protest: so many people showed up that the riot police could not control them. “What we learned yesterday is that power belongs to the people, not to the thugs. Power is in unity, not in division.”<sup>15</sup> She adds that it is untrue what the government says that the Egyptians are a disorderly people and that a revolution would lead to chaos. Instead, during the protest, the people showed that they can act in unity and take care of each other: they defended each other, there were no fights, stealing or harassment among the people, but instead, people brought food and water for each other and kept the square clean and free from garbage. At the end of the video, Asmaa says that the fight is not won yet and that they must continue on the same footing.

### ***Freedom, Dignity and Social Justice***

During the protest, there were many slogans that people chanted. Apart from the famous chant ‘the people want to throw down the regime’ that was often heard during the protests, another popular slogan was: ‘Freedom, Dignity and Social Justice’ or in its shorter form: ‘Freedom, Dignity and Bread’. These three concepts together framed the concerns that the people had, and the failure of the Mubarak regime in providing them.

Although the word for dignity in Arabic, *karamah*, has a similar meaning as the English term, it also has a slightly different connotation. Similar to dignity in English, the Arabic term is historically related to God and his grace and signifies distinction, but it also applies to human dignity. The etymology of the term gives it its different connotation: The English term dignity is

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<sup>14</sup> Ibid., 283.

<sup>15</sup> *Asmaa Mahfouz Describes Jan 25th and Gears for the Big Friday - YouTube*, transcription available on “Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising.”

derived from the Latin *dignitas*, which has as its root *dignus*, which means worthy or deserving. The root of the Arabic word *karamah* is *karam*, which means generosity. As Albena Azmanova explains:

In Arab culture, ‘karamah’ is a fundamentally social concept. The word is derived from *karam* (generosity); in this sense dignity is grounded on the capacity to give rather than receive. Violations of dignity were caused by the humiliation of degrading social conditions, and not the assault on political freedoms. Significantly, calls for ‘al hurriyah’ (non-oppression) were secondary, and related to the realization that the degrading living conditions were caused by the corrupt and oppressive ruling elites. The link between ‘karamah’ and ‘al hurriyah’, the call for dignified existence and the rejection of oppression brought in a crucial concept – that of the social responsibility of public authority.<sup>16</sup>

Azmanova’s analysis of the use of dignity as a framework in the protest also explains the urgency of the main slogan of the protest — The people want to bring down the regime — since the regime did not show social responsibility and, therefore, the people had many grievances against them. The government failed the people on many different levels, there were grievances about economic policies and social security, about government corruption and political rights, and about civil rights, security and bodily safety, and I will discuss some of these perceived indignities and the political organisation around them in more detail.

Even though Egypt was not a poor country according to some economic indicators, there was an enormous disparity in wealth with over 25 percent of the population living in poverty.<sup>17</sup> The neoliberal economic policies of Mubarak’s regime benefited some, mostly those with relations to the regime, but it had adverse effects on most parts of the population. While there was a boom in gated communities on the outskirts of major urban areas, there was also high unemployment, and rising inflation meant that prices for food and other basic necessities went up.<sup>18</sup>

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<sup>16</sup> Azmanova, “Democracy against Social Reform: The Arab Spring Faces Its Demons.”

<sup>17</sup> See “World Development Indicators.” Other sources have poverty levels at 40 percent of the population, for example Shahin, “The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square.”

<sup>18</sup> Shahin, “The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square,” 50–51.

Unemployment was even more prevalent under young people because a demographic youth bulge meant that more people wanted to enter the workforce than were exiting.<sup>19</sup> As a result, many young people were unable to earn enough money to set up their own house and marry, and since in Egyptian society being married and starting one's own family is socially equated with adulthood, many young people found themselves in social limbo. Diane Singerman calls this position waithood: "Waithood, as a phenomenon, is fueled by four factors: the youth bulge, delayed marriage, youth unemployment, and the high costs of marriage."<sup>20</sup> This precarious position of many young people contributed to their discontent with the government and the feeling that they had not much to lose, and this made them all the more eager for change.

During the whole of Mubarak's reign Emergency Law was in place. Emergency Law was already in force before Mubarak's regime: It came into effect in 1958, was briefly suspended in 1980, but was reinstated by Mubarak when he came into office after the assassination of Sadat in 1981. As a consequence of Emergency Law, constitutional laws are suspended and the police have extra powers. Its introduction meant censorship of the media and a closure of newspapers and periodicals that did not abide by the new rules; restrictions on unions; a general limitation on political organisations which have to be monitored by the Interior Ministry; and the creation of a parallel juridical system that dealt with public safety and national security, which lacked proper guarantees such as due process and a limited number of options for appeal.<sup>21</sup>

The lack of constitutional oversight led to massive corruption and misuse of power by officials. Not only were civil and political rights repressed, but there was also an arbitrariness in the execution of the rules, so people would never know what to expect. Moreover, it was not just people involved in the opposition who had to face the brutality of the police and security forces, ordinary citizens were killed and tortured too.<sup>22</sup> Many people were afraid of the police, as Asmaa illustrates: "These self-immolators were not afraid of death but were afraid of security forces."<sup>23</sup>

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<sup>19</sup> Singerman, "Youth, Gender, and Dignity in the Egyptian Uprising," 9.

<sup>20</sup> Ibid., 10.

<sup>21</sup> Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 82.

<sup>22</sup> Ibid., 280.

<sup>23</sup> *Meet Asmaa Mahfouz and the Vlog That Helped Spark the Revolution - YouTube*, transcription available on "Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising."

By repressing the opposition, Mubarak stifled any attempts at change. He kept the opposition weak and divided and banned or harassed political parties that could form a threat.<sup>24</sup> Since the early 2000's Mubarak had been grooming his youngest son Gamal as a possible successor to power. With the support of the National Democratic Party (NDP), Gamal was building his power base among the new wealthy businessclass.<sup>25</sup> Many people feared that, since there were no other leading figures in the NDP, upon his death, Mubarak would be replaced by his son and there would be no political change, just as had happened in Syria where Bashar Al-Assad took power after his father's death in 2000.<sup>26</sup>

Another major affront to the people were the fraudulent elections in November 2010. Despite promising free and fair elections, the success of the NDP at the ballot, a 97 percent majority in parliament, was secured by violence, vote rigging, intimidation and repression. This fraud was widespread and blatantly obvious with activist recording many incidents of election manipulation on camera and posting them on the internet.<sup>27</sup> However, Mubarak did not listen to the critical voices and declared that the elections were 'fine',<sup>28</sup> leaving the people with little hope that the next presidential elections in September would be free and fair.<sup>29</sup>

Even though the regime tried to stifle all political action that was not supporting the government by kerbing civil and political rights, there were still many political activist or politically engaged people, especially among the youth. These youth groups were desperate for change and they had three characteristics working in their favour: they were flexible and moved around different groups which helped to create networks and coalitions; since these groups were fairly recently established, its members were largely unknown to the regime and the security forces; and they frequently used social media to reach out to the larger public and create awareness and expose the regime.<sup>30</sup>

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<sup>24</sup> Shahin, "The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square," 52.

<sup>25</sup> Ibid., 51.

<sup>26</sup> Ibid., 52–53.

<sup>27</sup> Ibid., 53, Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 278–279.

<sup>28</sup> Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 279.

<sup>29</sup> Shahin, "The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square," 53.

<sup>30</sup> Ibid., 54–55.

The oldest of these youth groups was the 6 April Movement, which started in 2008 to support a worker's strike in an industrial city in the Nile Delta. The group started the strike on 6 April and used the date as a name for the group, to commemorate the date on which Gandhi ended his Salt March in 1930. This name reflects both the intention of peaceful resistance to an oppressive regime and the fact that they expected to be in it for the long haul.<sup>31</sup> The strike turned into a national strike, with many people staying at home and wearing black that day while others took to the street in protest.<sup>32</sup> The 6 April movement played a crucial role in mobilising people for the protest on 25 January 2011 by distributing leaflets and explaining to people why they should join the protest.<sup>33</sup>

Another group that was involved in organising the protest was the We Are All Khalid Said Facebook page, which was the first to post the call to join the protest.<sup>34</sup> This page had exposed the police brutality that killed Khalid Said in Alexandria in June 2010. Khalid Said was not an activist, but an ordinary citizen. One day, he was stopped by the police and because he dared to ask why he was being arrested, he was brutally beaten and died from his injuries in police custody. When his family went to identify his body, they were able to take a picture and publicise what the police had done to him. Making the picture public was the beginning of the We Are All Khalid Said campaign, reminding Egyptian people that Khalid was just an ordinary citizen, and what happened to him could have happened to anyone.

One of the more established groups that joined the protest was Kifaya! which means Enough. They formed in 2004 as a coalition of different political organisations and activist groups. They called for political change, most importantly an end to emergency law, and a change in the political system to stop power being concentrated in the hands of a few. One of their main slogans was 'No extension for Mubarak, no hereditary succession'.<sup>35</sup> They organised several demonstrations, but were never able to get mass support, and after a couple of years they lost

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<sup>31</sup> Ibid., 55–56.

<sup>32</sup> Slackman, "Day of Angry Protest Stuns Egypt."

<sup>33</sup> Shahin, "The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square," 56.

<sup>34</sup> Ibid., 61.

<sup>35</sup> Ibid., 52.

momentum and many of their supporters joined some of the other youth protest groups that were forming around that time.<sup>36</sup>

The Muslim Brotherhood also participated in the 2011 uprising. The Mubarak regime viewed them as their biggest political rival and thus, they were a frequent target of harassment and repression. The Muslim Brotherhood was portrayed as a threat to the secular state, and for a long time the party was either banned or limited in its activities, and many of its leaders were harassed, prosecuted and even tortured by the police.<sup>37</sup> The regime wanted to portray the uprising as led by Islamic fanatics to justify the violent suppression of the protests, but the Muslim Brotherhood had deliberately refrained from participating in the organisation of the Police Day protest, and only encouraged their members to join in.<sup>38</sup> They became fully involved three days later and helped to organise and mobilise for the protests on the following Friday, the Day of Rage.<sup>39</sup>

The slogan ‘Freedom, Dignity and Social Justice’ was able to capture the numerous grievances that the protesters had, because it expressed the struggle against repression, indignities and injustices that they all shared. There were many other slogans that the protesters used, and the term *karamah* figured in several of them:

In Tahrir Square protesters built solidarity with slogans such as *Karamitna munhana* (our dignity is humiliated), *Namut bikarama* (we will die with dignity) and *Inha’i el zul wa zulm* (the end of humiliation and injustice).<sup>40</sup>

The people of Egypt felt humiliated by the regime that had reduced many of them to poverty, made them fear for their safety, and did not allow them to lead the life that they wanted to live. These grievances had been building up for so long, that, when the police day protest was not immediately quelled by the security forces something extraordinary happened:

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<sup>36</sup> Ibid., 53.

<sup>37</sup> Ibid., 57.

<sup>38</sup> Ibid., 58.

<sup>39</sup> Ibid., Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 285.

<sup>40</sup> Singerman, “Youth, Gender, and Dignity in the Egyptian Uprising,” 19.

Some grievances are so deep-rooted and shared by a very large group that when there is a possibility for some political action—a change in the conditions of repression—the revolt spreads like ‘wildfire’ looking like a very organized, coordinated uprising, when in fact, it was not.<sup>41</sup>

### ***The occupation of Tahrir Square***

The protest in Egypt against the regime lasted for 18 days until President Mubarak resigned on 11 February. After the first mass protests on Police day, the unrest in Cairo remained and spread to other cities. On Friday’s ‘Day of Rage’, many more Egyptians joined the protest and after fierce battles with the police, the protesters took over Tahrir Square, which became one of the main sites of protest.<sup>42</sup> Within a few days, the square was transformed into a functioning tent city. The community that emerged provided the protesters with everything that they needed: from food to medical services and security.

The community on Tahrir Square developed quite spontaneous, there were no leaders, and there was no preconceived plan about what to do, but the protesters figured out what to do, what they needed and how to organise themselves by their continuing presence on the square.<sup>43</sup>

Over the course of 18 days, the plaza had turned into a veritable polis, where people were bound together by more than a common political demand. Together, the people of Tahrir forged a society, marked by interdependence and collective decision-making — at times even hierarchies. They were preoccupied with everything necessary for the smooth functioning of a social order, from basic necessities — food, shelter, security — to questions of political strategy. Even the most mundane acts — sweeping the streets, preparing food, pitching tents — became moments of inspiration that proved the people’s ability to sustain themselves, despite the regime’s attempts at sabotage.<sup>44</sup>

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<sup>41</sup> Ibid., 4, quoting Scott, *Domination and the Arts of Resistance Hidden Transcripts*, 224.

<sup>42</sup> Shokr, “The 18 Days of Tahrir.”

<sup>43</sup> Rashed and El Azzazi, “The Egyptian Revolution: A Participant’s Account from Tahrir Square, January and February 2011,” 27.

<sup>44</sup> Shokr, “The 18 Days of Tahrir.”



Over time, the tent city became more and more organised, and many of the protesters also volunteered in the running and maintenance of the community. There were several medical emergency sites where doctors worked tirelessly to take care of the wounded, the protesters organised security troops at the periphery of the square to make sure that the people on it were safe, and there was a hygiene crew that took care of cleaning and waste removal.<sup>45</sup>

During the day, protest marches and mourning processions to commemorate those that were killed during the clashes with the government troops were circling the square. There were also fiery speeches and animated debates about Egypt's future, and music and poetry to lighten the mood.<sup>46</sup>

The government was unable to find a good response to the protest. At first they had used two tactics: on the one hand, they said that they allowed the protest and that this was proof that Egypt was a free country and respected its citizen's civil rights, and, on the other hand, they said the protests were organised by the Muslim Brotherhood, and that it was just an Islamist protest.<sup>47</sup> On Saturday Mubarak addressed the nation and told them that he had listened and made changes (namely firing prime minister Ahmed Nazif and appointing Omar Suleiman as vice-president), but his speech had little effect.<sup>48</sup> On Tuesday Mubarak addressed the nation again. This time, he promised that he would not seek reelection and that he would modify the constitution to change the number of terms and the qualifications for the presidency. Again, his speech had no effect, so on Wednesday the regime organised armed forces — police officers, hired thugs, and even freed prisoners — to move into the square. After 24 hours of violence and fierce battles the military intervened and split the two sides.<sup>49</sup> However, Mubarak's tactics had the opposite effect: rather than spreading fear, the confrontation galvanised the opposition.

The protesters responded by tightening security. Everyone who wanted to enter the square was asked for their ID and respectfully searched. When someone entered the square who aroused suspicion, he or she would be surrounded by protesters and handed to the soldiers who

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<sup>45</sup> Rashed and El Azzazi, "The Egyptian Revolution: A Participant's Account from Tahrir Square, January and February 2011," 25, Shokr, "The 18 Days of Tahrir."

<sup>46</sup> Shokr, "The 18 Days of Tahrir."

<sup>47</sup> Cook, *Struggle for Egypt: From Nasser to Tahrir Square*, 285.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid., 287–8.

surrounded the square but remained a neutral party.<sup>50</sup> Barricades protected the main entrance to the square, and when there was an attack, the guards on the periphery would warn the others by loud banging: “the drums of war calling for men to rush to the ‘Front’ and defend Liberation Square.”<sup>51</sup>

The constant possibility of an attack meant that the mood at the boundary of the square was one of paranoia, the volunteers were always questioning whether a person was ‘with us’ or ‘one of them’.<sup>52</sup> However, this hard work at the Front created a safe space on the square, where the revolution could continue.

The success in defending the square was transformational, both for the protesters and for the uprising. Many new people joined the protest, recognising the possibility that this time, the protests could lead to something.<sup>53</sup>

“The moment we were able to keep Tahrir was the happiest moment of my life,” said one young filmmaker who took part in the battle. “The Mubarak regime had always forced us to be losers.

For the first in my life, I feel like I belong to the winning side. Now I cannot leave this place.”<sup>54</sup>

The longer the protesters held on to the square, the more they gained a sense of pride in what they were doing and hope that they would succeed. “It became imperative to hold on to Tahrir until their key demands were met.”<sup>55</sup>

Another task that gave the protesters a great sense of hope and pride was oddly enough the simple task of keeping the square clean and livable. This pride becomes much less odd when one looks at the failure of the Mubarak regime to keep the streets of Cairo clean. This failure was not just a result of the fact that the city had become much more densely populated, but mostly of the regime’s approach to waste management. For decades, the city had been cleaned by *zabbalin* — independent contractors who collected the garbage at the peoples’ doorsteps, used pigs to clean the streets from organic matters and recycled about 80% of the trash they

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<sup>50</sup> Rashed and El Azzazi, “The Egyptian Revolution: A Participant’s Account from Tahrir Square, January and February 2011,” 25.

<sup>51</sup> Ibid., 25.

<sup>52</sup> Ibid., 25.

<sup>53</sup> Ibid., 27.

<sup>54</sup> Shokr, “The 18 Days of Tahrir.”

<sup>55</sup> Ibid.

collected. However, Mubarak privatised the sector and gave the contracts to large companies whose equipment was not suited for the Cairo streets, resulting in filthy streets, illegal dumping of trash, lower recycling rates, and worse conditions for the workers.<sup>56</sup>

The much-publicised efforts of the protesters to keep Tahrir Square clean can be interpreted in multiple ways: First of all, it is one of the important (and often overlooked) tasks to keep a tent city, or any city for that matter, livable. The cleaning of Tahrir Square can thus be seen as one of the mundane tasks that are necessary for the basic functioning of a protest camp. In addition, it can be interpreted as a critique of the Mubarak government who failed to deliver this invaluable service to their constituency. Furthermore, the cleaning can be interpreted as a symbolic act. After the protesters had succeeded in ousting Mubarak, many of them spent the next day in cleaning up Tahrir Square, and clearing the rubble that the revolution had left behind. They also spend time repairing the damage that years of corruption had left. In this sense, the cleaning can be interpreted as a getting rid of the old regime and its ways, and making a fresh start. Finally, by cleaning up and beautifying Tahrir Square, the protesters also reclaimed it as their own space. Many of the protesters felt a sense of responsibility for the square: “this is our square, our home, we must keep it clean.”<sup>57</sup> They showed their responsibility and care for the space by finding dignity in the mundane task of cleaning their square:

Fighting for political and economic reform is important, they say, but so is doing it with dignity.

With quiet determination, they are trying to restore that dignity by sweeping away charred metal, rocks and bullet fragments that litter the streets and sidewalks.<sup>58</sup>

What the occupation of Tahrir Square and the emergence of a micropolis showed to the people was that the narrative of the regime was simply untrue. The regime had always said that Egyptians were a disorganised, chaotic people and that they were not ready for democracy and needed strong leadership to govern the country.<sup>59</sup> On the square, the protesters showed that they

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<sup>56</sup> Winegar, “Taking Out the Trash.”

<sup>57</sup> Rashed and El Azzazi, “The Egyptian Revolution: A Participant’s Account from Tahrir Square, January and February 2011,” 25.

<sup>58</sup> “Fighting For Freedom In Egypt, With Dignity.”

<sup>59</sup> Winegar, “Taking Out the Trash,” 34, *Asmaa Mahfouz Describes Jan 25th and Gears for the Big Friday - YouTube*, transription available on “Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising.”

were organised: they managed to create a functioning community without leaders who told them what to do but through cooperation with each other:

The spontaneous formation of leaderless committees of volunteers reflected the heterarchical nature and democratic aspirations of the society of protesters, and was a poignant erasure of the relations of political domination and subordination to which Egyptians have become so accustomed. In addition to being logistically useful, the formation of committees was reassuring, furnishing an embryonic community, one in which we all behaved in an idealized manner. It was both a message to the regime that we could manage ourselves without any imposed government or police presence, and a practical expression of the feeling that Tahrir Square was now liberated territory: it was truly empowering.<sup>60</sup>

What they showed in the square was that they could be responsible citizens and that they could restore dignity to everyday Egyptians. The longer they were able to hold on to the square, the stronger this hope for new possibilities grew.

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<sup>60</sup> Rashed and El Azzazi, “The Egyptian Revolution: A Participant’s Account from Tahrir Square, January and February 2011,” 27.

## 15M

15M got its name from the protests that started on 15 May 2011 in Spain. These protests against the lack of political choice in the upcoming elections and against the austerity measures that both the government and major opposition party supported were the first in a series of protests, occupations and marches all over Spain. 15M was initially better known abroad as the *indignados* (or the indignant ones), but since it is much more than a movement of indignant citizens, most of the people involved in it reject this moniker. Nonetheless, the protesters have organised several ‘marches of the indignant’ and also ‘marches of dignity’. Besides organising protests and marches, 15M is inspiring people to think differently about the social and political realities they find themselves in. It offers alternative practices to work in communities and address problems that arose as a result of the austerity measures, such as housing and unemployment, thereby creating alternative ways of doing and thinking about politics.

15M enjoys widespread support in Spain due to a general discontent about the way that the government responded to the global economic crisis and the austerity measures that were developed to deal with the countries debt. Research shows that three-quarters of the Spanish population agree with the arguments of 15M, and half of them also agree with their strategies. This support is not limited to a particular section of the population, but is present in different age groups, genders, social-economic backgrounds and levels of urbanisation, although support in some subsections is more pronounced than in others.<sup>1</sup>

### *The indignados of Spain*

The protests on 15 May 2011 were organised by the *Democracia Real Ya!* (Real Democracy Now) platform, a collaboration of activists from different backgrounds. Their call to go out and protest in the lead up to the regional and municipal elections of 22 May 2011 inspired

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<sup>1</sup> Sampedro and Lobera, “The Spanish 15-M Movement: A Consensual Dissent?” 64–68.

the spontaneous creation of working committees all over Spain to organise a protest in their community. Many people were galvanised by this demand for real democracy because they were fed up with the government's austerity measures and they felt they did not have a real political choice in upcoming elections. As a result, the local committees were able to mobilise many people to protest under the slogan of "We are not merchandise in the hands of politicians and bankers."<sup>2</sup> These first protests were a huge success. There were simultaneous demonstrations in 60 cities all over Spain and it is estimated that 130 thousand people attended.<sup>3</sup>

One of the main grievances of the protesters was that they felt they had no real political choice in the upcoming elections. Although Spain is a multi-party democracy, in the last decades the country was ruled by either the PSOE (Partido Socialista Obrero Español, the Spanish Socialist Workers' Party), which held government in 2011, or the PP (Partido Popular, the Popular Party), which was the biggest opposition party in 2011, but won the November 2011 elections and has been holding government since. The protesters believed that the institutional arrangements favoured these two main political parties, and consolidated power in a political and economic elite, thereby depriving smaller parties and their supporters of their political voice.<sup>4</sup> They argued that a democracy is supposed to belong to the people and represent the whole population, but that they had the feeling that political parties did not listen to them.<sup>5</sup> They observed that the current system served only a political elite and did not provide the population with living standards that one would expect in an advanced society like Spain:

- These are inalienable truths that we should abide by in our society: the right to housing, employment, culture, health, education, political participation, free personal development, and consumer rights for a healthy and happy life.
- The current status of our government and economic system does not take care of these rights, and in many ways is an obstacle to human progress.

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<sup>2</sup> Antentas, "Spain: The Indignados Rebellion of 2011 in Perspective," 138.

<sup>3</sup> Monterde et al., "Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity," 933.

<sup>4</sup> Hughes, "'Young People Took to the Streets and All of a Sudden All of the Political Parties Got Old': The 15M Movement in Spain," 409.

<sup>5</sup> ¡Democracia real YA!, "Manifiesto (English)."

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- Lust for power and its accumulation in only a few; create inequality, tension and injustice, which leads to violence, which we reject. The obsolete and unnatural economic model fuels the social machinery in a growing spiral that consumes itself by enriching a few and sends into poverty the rest. Until the collapse.

- The will and purpose of the current system is the accumulation of money, not regarding efficiency and the welfare of society. Wasting resources, destroying the planet, creating unemployment and unhappy consumers.<sup>6</sup>

What the protesters wanted was a real democracy, where their voices were heard and where politicians would promote the political participation of their constituencies, instead of getting rich at their expense.<sup>7</sup>

The political culture in Spain is a result of the turbulent political history of the country. In the 1930s, the country had descended into a bitter civil war, which was the outcome of a polarisation between different groups in Spanish society. The war started when the military, backed by Nationalists groups in the country, revolted against the Republican government, which had ousted the King and established the Second Republic. The Nationalists eventually won the conflict and established a dictatorial regime under the leadership of General Franco, who reigned until his death in the 1970s. After his death, King Juan Carlos, whom Franco appointed as his successor, led the Spanish transition to a constitutional democracy, a move that was widely supported by the population.

However, the transition to democracy was not straightforwardly accomplished by re-instituting a democracy, since the polarised views that fuelled the civil war were still present in society. Followers of Franco could still count on support from the army, and many left-wing groups deeply distrusted the King because Franco had appointed him. Thus, there was a tacit agreement among politicians that conflict and polarisation should be avoided by demobilising the population and leaving politics to an elite.<sup>8</sup> As a result, Spanish political culture became

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Sampedro and Lobera, "The Spanish 15-M Movement: A Consensual Dissent?" 71.

characterised by “interparty consensus and intraparty discipline,”<sup>9</sup> and conflict was regarded as something that should be avoided at all time. Therefore, many controversial issues were not addressed in public for fear this could lead to conflict again, and consequently, these issues were obscured and there was no avenue to challenge or discuss them. The political elite tried to build consensus and reduce or stifle political and social conflict. Of course, ignoring the issues that could cause conflict did, in the end, not have the desired effect: “Taking the most controversial issues out of political agendas, public debate resulted in a progressive estrangement between citizens and institutional politics, and the polarization of the main political parties.”<sup>10</sup>

15M challenges this forced consensus and calls for an ethical revolution that creates a space to democratically discuss problematic issues, where citizens are not barred from political participation, but instead facilitated to engage.

One of the main reasons that the protest was able to gain mass support was that the country was hit hard by the economic crisis, and many people were dissatisfied with the way the government was handling the crisis. Since 2008, unemployment in Spain was on the rise, and youth unemployment even rose to 40%. The state of the labour market left many young Spaniards with the difficult choice to either move abroad to find work or to stay and possibly face long-term unemployment.<sup>11</sup> Around the same time, the property bubble, which had fuelled economic growth and tax revenue in the past decade, burst. The construction boom was driven by speculation and led to soaring house prices and banks offering unattainably high mortgages; it was also linked to corruption and bribery at the municipal level. In the end, much more houses were built than needed, which resulted in many vacant buildings. However, because many homeowners bought their home when prices were high, they were unable to keep up with the down payments when the crisis hit, and many were evicted.<sup>12</sup> The collapse of the property bubble also aggravated the banking crisis. While the banks of Spain used to have a solid reputation based on their conservative rules and standards, these rules had been slackened

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<sup>9</sup> Ibid., 61.

<sup>10</sup> Ibid., 62.

<sup>11</sup> Hughes, “‘Young People Took to the Streets and All of a Sudden All of the Political Parties Got Old’: The 15M Movement in Spain,” 410.

<sup>12</sup> Ibid., 409.



during the property boom resulting in huge write-offs, and the need for bailouts, which the government provided again and again.<sup>13</sup>

As the crisis continued, the level of public debt rose to unsustainable levels, leading the government to introduce austerity measures by cutting spending and raising taxes. These measures had a considerable impact on the ordinary taxpayer, but the lenders and speculators were hardly impacted at all. While the government bailed out the banks, the general population was confronted with cuts in wages and benefits and an increase in tax, leaving many of them with considerable resentment against the government.<sup>14</sup> This resentment was especially fuelled by the fact that this was a social government in name, but that they failed to protect the workers and provided no alternative to neoliberal and pro-business policies.<sup>15</sup> As a result, the people no longer trusted the politicians to look out for their interests.<sup>16</sup> The Real Democracy platform voiced these concerns in a manifesto that they published on their website. In it, they summed up their outrage with a political and economic elite that prioritised their own well-being over that of the general population and demanded a change towards a political system that worked for the people. They end their manifesto by saying:

For all of the above, I am outraged.

I think I can change it.

I think I can help.

I know that together we can.<sup>17</sup>

This outrage or *indignado* became one of the battle cries of the movement.

On 15 May 2011, there were mass protests all over Spain. Even though mainstream media did not pay much attention to the press releases of the organising committees, they were still able

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<sup>13</sup> Antentas, "Spain: The Indignados Rebellion of 2011 in Perspective," Monterde et al., "Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity."

<sup>14</sup> Hughes, "'Young People Took to the Streets and All of a Sudden All of the Political Parties Got Old': The 15M Movement in Spain," 410.

<sup>15</sup> Ibid.

<sup>16</sup> Sampedro and Lobera, "The Spanish 15-M Movement: A Consensual Dissent?" 62, Antentas, "Spain: The Indignados Rebellion of 2011 in Perspective," 138.

<sup>17</sup> ¡Democracia real YA!, "Manifesto (English)."

to spread the word about the upcoming protests via other networks. Because the slogan ‘We are not merchandise in the hands of politicians and bankers’ resonated with so many people, they showed up in large numbers, much more in fact than the organisers had anticipated. The demonstrations in 60 major cities in Spain drew over a hundred thousand people to the street.<sup>18</sup> In general, the protests themselves passed off without major incidents. In Madrid, ten thousands of people took to the street and marched from Plaza de Cibeles to Puerta del Sol, a large square in the centre of Madrid. There, several speakers addressed the protesters. At the end of the demonstration, a group of protesters decided to stage a peaceful sit-in in a nearby street, which led to clashes with the police who used excessive force to remove the protesters. Shaken up by these clashes, a group of protesters headed back to Puerta del Sol and, inspired by the occupation of Tahrir Square earlier that year, around 40 of them spontaneously decided to camp. The police intervened again and dispersed the camp, arresting half of the protesters.<sup>19</sup>

In response to the police violence that was unleashed on the protesters, people in Madrid took to the street again and decided to occupy Puerta del Sol and created Acampada Sol. A similar response was seen in other cities in Spain: people took to the street to protest against police brutality and they decided to occupy major squares in their cities and towns. Soon camps had emerged in 130 cities in Spain, and even in about 60 other cities around the world where expats and other sympathisers organised camps near Spanish embassies.<sup>20</sup> What started out as a simple act of defiance soon mushroomed into a massive show of resistance against an unjust system.

Numerous commentators have described the encampments as an act stemming from political naivety. Nevertheless, the naivety, at most, can only be said to apply to the first fifteen minutes. That is to the initial action by forty people deciding to camp. The mass support for the encampment; the establishment of encampments in other cities; and their continuity all evolved

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<sup>18</sup> Monterde et al., “Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity,” 933.

<sup>19</sup> Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 92.

<sup>20</sup> Monterde et al., “Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity,” 933–934, Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 92.

in defiance to police brutality. It was a conscious act of disobedience against an unjust system of government. It is not naivety but a challenge that brings 15M to life.<sup>21</sup>

The people on the squares quickly decided that they would continue the encampment at least until 22 May, the day of the elections. The response to these encampments by the authorities differed from city to city. In some places, the camps were tolerated or even supported, in others the authorities, unsuccessfully, tried to remove them. The General Election Board called the protests illegal, but the people stayed and continued their encampments until far after the elections.

During the encampments, there were daily assemblies where people discussed ideas and strategies for new protests and actions. It quickly became apparent that people in the square had to meet and speak as individuals and leave ideologies behind. The assemblies facilitated powerful dialogues between people from different backgrounds and with different views. On the squares, they worked together around projects, not around ideas.<sup>22</sup>

This ‘being-together’ presented us with an opportunity to converge. We were converging in a physical space, a central public square. We seemed to be converging in communal indignation and repudiation of the current state of affairs. Yet, we were converging in collective dignity. As though in our collective consciousness we knew that we deserved something better. We knew that we needed to somehow work together towards it. We understood that we needed to work towards a radical collective transformation of our societies.<sup>23</sup>

The squares in the various locations were all connected to each other and were part of a continuing dialogue between the organising committees of each square to coordinate their actions. In this period, between 6 and 8 million people were engaging with the squares, which is around 15% of the Spanish population.<sup>24</sup> By mid-June, many encampments decided to break up and move their activities to the communities by creating neighbourhood assemblies because

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<sup>21</sup> Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 93.

<sup>22</sup> Ibid., chap. 1 & 2.

<sup>23</sup> Ibid., 144.

<sup>24</sup> Monterde et al., “Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity,” 934.

they felt that they could be more productive that way. As one of the protesters said: “We do not disappear, we expand.”<sup>25</sup>

### ***We are not the Indignados ...***

The Spanish media quickly made a connection between the indignation that 15M expressed and the essay *Indignez-vous* that was published by Stéphane Hessel, and the protesters became known as the *indignados*, a term that the movement did not use to describe themselves, but was imposed upon them by the media.<sup>26</sup>

In his essay, Hessel, who was part of the French Resistance during World War II, writes about the need for people to be indignant about injustices. Hessel argues that outrage inspires resistance. He writes how outrage against the French Vichy regime inspired him to join the French Resistance and how he is again becoming indignant with the French regime because the social rights that were defended by the Resistance are being squandered. France, like the rest of the world, is in the grip of capitalism and the power of money:

They have the nerve to tell us that the state can no longer cover the costs of these social programs.

Yet how can the money needed to continue and extend these achievements be lacking today, when the creation of wealth has grown so enormously since the Liberation, a time when Europe lay in ruins?<sup>27</sup>

Hessel urges everyone, especially young people, to get angry with what is happening because outrage motivates resistance.

Those in positions of political responsibility, economic power and intellectual authority, in fact our whole society, must not give up or let ourselves be overwhelmed by the current international dictatorship of the financial markets, which is such a threat to peace and democracy.<sup>28</sup>

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<sup>25</sup> Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 96.

<sup>26</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 140.

<sup>27</sup> Hessel, “Indignez Vous!” 16.

<sup>28</sup> Ibid.

He argues that the worst that someone can do is be indifferent to wrongs that are going on in the world because the capacity to be outraged is what makes us human.<sup>29</sup> He identifies two main challenges that face us today. One is the enormous gap between the very poor and very rich, and the other is human rights and the state of the planet.<sup>30</sup> He argues that the source of many wrongs in the world today is the rise of capitalism and their ideas about production:

The Western obsession with productivity has brought the world to a crisis that we can escape only with a radical break from the headlong rush for “more, always more” in the financial realm as well as in science and technology. It is high time that concerns for ethics, justice and sustainability prevail. For we are threatened by the most serious dangers, which have the power to bring the human experiment to an end by making the planet uninhabitable.<sup>31</sup>

The essay became a bestseller in France because it was able to tap into popular outrage about austerity measures in France and other perceived wrongs. Excerpts of the essay were published in *The Nation* and online and the essay was translated into several languages and has sold millions of copies worldwide.

Even though the protesters did not identify themselves as an indignant citizens movement, indignation was one of the motivators for the protesters. The protesters did not agree with the manner in which Spanish political establishment treated the population and wanted to create a different social and political environment.

Indignation is usually defined as anger that is provoked by a perception of unfair treatment.<sup>32</sup> Indignation is much stronger than mere irritation or annoyance about something. It is a passionate response to a perceived injustice or indignity.<sup>33</sup> The reason that indignation is such a strong passion might be that it is ignited when one perceives that there is something very important at stake, something that one deeply cares about.

Indignation can both arise when one perceives a wrong is being done to oneself and when someone else is wronged. Indignation is more than a moral emotion. When the indignation

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<sup>29</sup> Ibid., 17.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 19.

<sup>32</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 141.

<sup>33</sup> Ibid.

is directed towards the social order, it becomes a political passion and can motivate people to resist and stage a political rebellion.<sup>34</sup> This is also the case with 15M. Their indignation is directed towards the social and political order of Spain, where a powerful elite is putting their social rights at stake.<sup>35</sup>

Indignation can have many objects, and it can take many forms. Indignation can take the form of collective ire or exasperation when all hope for change is lost, for example, during the riots in the *banlieues* France in 2005, or in Great Britain in 2011.<sup>36</sup> In these cases, the indignant have lost all hope and cannot imagine anymore how the perceived wrongs might be righted other than lashing out against the wrongdoer. In other cases — among others, the protests that I have been discussing in this Part — the indignation is mingled with ideas about how to do things differently. It is mingled with hope, and with imaginations about different possible futures. In the case of 15M, their indignation was inspired by ideas about social justice, and they accompanied their expressions of indignation with their ideas for social change to make the country more democratic.<sup>37</sup>

Because for 15M their indignation is always accompanied by ideas about social change, several protesters had a strong dislike for the term *indignados*. They did not want to be reduced to their indignation and the wrongs that they were responding to because they see themselves as being part of a long history of social struggle that is working towards social change. Furthermore, they do not only want to be seen as protesting *against* something but want to be associated with the contributions that they are making towards re-imagining their common social and political future. A quote of one of the protester is a nice illustration of this sentiment: “We are not the indignant ones, we are the only ones who have dignity.”<sup>38</sup>

This remark seems to indicate that there is a tension between dignity and indignity. That, because indignity is an assault on someone’s dignity and lowers them to undignified circumstances, this would reduce their dignity. Technically, being indignant and having dignity

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<sup>34</sup> Ibid., Hessel, “Indignez Vous!” 18.

<sup>35</sup> ¡Democracia real YA!, “Manifesto (English).”

<sup>36</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 141.

<sup>37</sup> Ibid.

<sup>38</sup> Personal communication by Pablo Ouziel.

do not rule each other out. Indignation is a response to a perceived wrong to oneself or someone else. These wrongs, or indignities, can be seen as a threat to one's dignity, as something that might diminish someone's dignity. However, many people have shown great dignity in adverse circumstances. This observation does not mean that we can gloss over indignities because people can maintain their dignity regardless, but it does mean that even if someone's dignity is threatened from the outside, this does not necessarily reflect on their ability to respond in a dignified way.

Even though the term *indignados* was eventually rejected by 15M, the theme of indignity still figured in their protests in the early days, such as, for example, in the Indignant Peoples March (*Marcha Popular Indignada*) in June and July 2011. In 2014, the 15M organised a March of Dignity instead. These marches were deliberately called the Marches of Dignity (*Marchas de la Dignidad*), and not Marches for Dignity (which would have been called *Marchas por la Dignidad*). This choice of words reflects the idea of the protesters that they did not have to march to attain dignity or to ask the government for recognition of their dignity. On the contrary, they were marching because they felt they had dignity and were expressing it through their Marches.

The Indignant Peoples March moved in eight columns towards Madrid for a final demonstration and a Social Forum. The March started from different locations at the end of June when the encampments were being dissolved. The marchers wanted to spread the ideas of 15M to the rural areas. They wanted to initiate conversations about the needs and concerns of rural communities and to present these findings at the forum in Madrid. They also wanted to inspire people along the way to help them organise people's assemblies. The eight columns came together on the Puerta del Sol in Madrid on 23 July and were welcomed by banners reading Welcome Dignity (*Bienvenida dignidad*).<sup>39</sup>

In 2014, they marched again in the Marches of Dignity. Austerity measures were getting more severe while the social circumstances of the population were rapidly deteriorating. The governing party PP was caught up in corruption scandals and at the same time protest against

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<sup>39</sup> "Marcha Popular Indignada - 15Mpedia," Reyes, "A Road Made By Walking: Spain's 'Indignant' Movement Marches On."

the regime was heavily penalised by the Citizen Security Law, which was named ‘Anti-15M law’ by the protesters.<sup>40</sup> Therefore, many people felt a need to bring the protests and initiatives from all over Spain together again for a manifestation in Madrid. As the organisers expressed it in a manifest published in the Madrid 15M newspaper:

For these reasons we call for the streets of Madrid ... to be filled with dignity and rebellion on March 22 ... BREAD, WORK AND HOUSING. TO THE STREETS. IT IS TIME.<sup>41</sup>

This time, six columns were starting from different parts in Spain converging on Puerta del Sol. The March was a success again. Many thousands of people joining the peaceful marches towards Madrid, ending in a mass demonstration with over two million participants on 22 March.<sup>42</sup> However, the protest ended in fierce clashes with the police. The March entered Madrid in a colourful and peaceful manner, but it was met by a large police presence. At night, an hour before the manifestation was due to end, thousands of people were still on the streets listening to a performance of the 15M choir Solfónica. Then, police officers let themselves be provoked by a small group of rioters. Instead of quelling the riot and letting the peaceful gathering continue, they overreacted and charged. The choir and their audience responded by raising their instruments and their hands and chanting: “These are our weapons.” The police officers continued their charge regardless, saying that the crowd was inciting violence. The organisers responded by reminding the police that they were interfering with a legal and peaceful demonstration where people were claiming their dignity. They requested that the police officers leave the square and let them finish their manifestation, reminding them that there were children and elderly people in the audience too. The police officers, however, did not listen. They responded by using truncheons, rubber bullets and tear gas to clear the square. In the end, 24 people were arrested, 101 were injured, and many more were shaken by the brutal response of the police.<sup>43</sup>

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<sup>40</sup> Flesher Fominaya, “Spain’s Marches of Dignity, 22M, 2014: Not Anti-Politics.”

<sup>41</sup> Ibid.

<sup>42</sup> “Madrid 22-M, Marchas de La Dignidad - 15Mpedia,” Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 355.

<sup>43</sup> 22M: Madrid Protests on March 22, 2014 - YouTube, Spanish “Marches for Dignity” Violently Disrupted by Police - YouTube, Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” 355–356.



## ***Being 15M***

It is hard to give a precise definition of what 15M is. Some see 15M as a social movement, but others do not agree with this description. A social movement is usually described as an organised group of individuals and organisations that work together towards a common goal. However, what characterises 15M is that most of the individuals were not organised before the protests started.<sup>44</sup> Therefore, De Sousa Santos describes them as a presence. Political theory has largely ignored unorganised civil society because it sees it as unpolitical, but what 15M and other protests like it have shown is that there is a need to theorise these unaffiliated political subjects too. Current institutions are not able to represent them, and when there is a crisis, they assert their presence in the streets which they turn into subaltern public spheres.<sup>45</sup>

Others have analysed 15M through the metaphor of a swarm because it lacks centralisation and is characterised by dynamism. “Swarms ... are occasional and variable coalitions that dissolve after the attack since they are based on real-time information on the social media, and they have an enormous effective attack capacity.”<sup>46</sup> Although this metaphor captures some aspects of 15M, like the way it constantly reshapes and operates based on cooperation without an apparent leader, it completely obscures the political work that is done in communities that enables this episodic eruption.<sup>47</sup>

Most individuals identifying with 15M do not see themselves as being part of a network or organisation, but as *being* 15M. They identify with 15M through participating in demonstrations, encampments, assemblies, occupations, actions, eviction-stoppage, online activism and social networks.<sup>48</sup> People participate in 15M as individuals that speak for themselves.<sup>49</sup> This individualism is inspired by longstanding anarchist and libertarian traditions in Spain:

Modern individualism has two sides: a negative side, which refers to the destruction of social ties, narcissism, competition and isolation, and another positive side which has to do with the

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<sup>44</sup> Sampedro and Lobera, “The Spanish 15-M Movement: A Consensual Dissent?” 71.

<sup>45</sup> De Sousa Santos, “Towards a Socio-Legal Theory of Indignation.”

<sup>46</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 153.

<sup>47</sup> Ibid., 153–154.

<sup>48</sup> Monterde et al., “Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity,” 944.

<sup>49</sup> Sampedro and Lobera, “The Spanish 15-M Movement: A Consensual Dissent?” 71.

quest for autonomy and freedom and a rejection of the patriarchal family. This double side of modern individualism poses the challenge to combine individual freedom and autonomy with a strong social bond that allows collective personal realisation, avoiding both individual atomisation and the return of close traditional communitarianism.<sup>50</sup>

Individuals identifying with 15M see it as a way of being that challenges existing hegemonic ways of doing and thinking available to activists or citizens. It is seen as a question, not an answer, and challenges people to be the change they want to see. It has many faces and cannot be captured by a single definition. Its main traits are nonviolence, horizontality, solidarity in resistance, construction of alternatives, and confluence. Its nature is rhizomatic; it is a network without a central node.<sup>51</sup>

15M evolved from a mass protest on 15 May 2011 in several locations in Spain to encampments in even more locations during the next two months, into continuing activities and actions all over Spain. After the encampments had been dissolved, people started to organise themselves in neighbourhood assemblies where they worked on practical projects that mattered to these communities. The activities that emerged were very diverse: There were action to stop families being evicted from their homes once they had defaulted on their loans; there were groups mapping abandoned houses in neighbourhoods that could be occupied and used by families or for public uses; unused public lands and buildings were reclaimed by the people to grow food or to house social, cultural and educational centres; people organised actions in solidarity with irregular immigrants to try to prevent the police from arresting them for deportation; groups organised actions where they went to large supermarket chains and took basic necessities without paying to distribute them among the poor.<sup>52</sup>

Moving to the neighbourhoods did not mean that 15M became fragmented. The dialogue between 15M in different locations continued online through the creation of the 15M.cc portal. With this portal, 15M has created several tools to document, communicate and coordinate the

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<sup>50</sup> Antentas, "Spain: The Indignados Rebellion of 2011 in Perspective," 154.

<sup>51</sup> Ouziel, "'Vamos Lentos Porque Vamos Lejos' Towards a Dialogical Understanding of Spain's 15Ms," chap. 1 & 2.

<sup>52</sup> Ibid.

local and national activities of 15M. The portal includes, among other things, a 15M wikipedia, a bank of ideas where people can store and exchange material, and a wikibook that attempts to create a coherent narrative about 15M.<sup>53</sup>

Many other actions are more national in scope. People in public services, like those working in the education or health sector, have started to organise themselves in *Mareas* (tides) where they coordinate their actions. The *Plataforma de Afectados por las Hipotecas* (PAH) (Platform of People Affected by Mortgages), which predates 15M by two years but is seen by many as ‘the ministry of housing of 15M’, defends the right to decent housing and supports those who are struggling to pay their mortgage or are threatened with eviction. Furthermore, there are initiatives to use crowd funding to take legal action against those deemed responsible for the crisis, such as directors of banks that needed bailouts. Also, people take individual action by supporting boycotts or by fiscal disobedience.<sup>54</sup>

All these activities are done in the spirit of 15M that emphasises nonviolence, dialogue, democracy and being the change one wants to see.

It is important to remember that 15M did not emerge out of a void. It draws on rich traditions and is predated by several similar initiatives. The idea of being the change one wants to see is present in many movements, both historical and contemporary. In its emphasis on dialogue and horizontality 15M draws on a rich Spanish anarchist tradition that goes back to the 19th century. It also draws on a rich history of political struggles: “Autonomous social movement networks in Madrid have existed in Madrid since the 1980s, and the neighborhood assemblies that characterize much of the movement today date back to the end of the dictatorship.”<sup>55</sup> Similarly, one can see influences of the Global Justice Movement, which operated on the same principles as 15M.<sup>56</sup> Furthermore, several similar protests predate 15M, like the general strike

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<sup>53</sup> “15M.cc: ENGLISH.”

<sup>54</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 155, Monterde et al., “Multitudinous Identities: A Qualitative and Network Analysis of the 15M Collective Identity,” 934, Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms,” chap. 1 & 2.

<sup>55</sup> Flesher Fominaya, “‘Spanish Indignados and the Evolution of 15M: Toward Networked Para-Institutions’ by Ismael Peña López, Mariluz Congosto and Pablo Aragón,” 218.

<sup>56</sup> Ibid.

on 29 September the year before, demonstrations by Youth without Future, protests against healthcare cutbacks and so on.<sup>57</sup>

Nevertheless, 15M was able to capture the imagination of the Spanish population in a way that had not happened before and was able to reignite the political engagement of the population in their neighbourhoods. After the initial burst of activities, some initiatives have run out of energy and stopped or merged with similar projects. What remains is a 15M climate. Many protesters realise that there is a long way to go to change Spanish society, but they find inspiration in the slogan *vamos lentos porque vamos lejos* (we are going ever so slowly because we are going on forever). This slogan reminds them that there are no quick fixes to generate social change and that when they want to change society for the better, they have to ensure that the process through which this change occurs is completely done in the spirit of 15M.<sup>58</sup>

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<sup>57</sup> Antentas, “Spain: The Indignados Rebellion of 2011 in Perspective,” 139–140.

<sup>58</sup> Ouziel, “‘Vamos Lentos Porque Vamos Lejos’ Towards a Dialogical Understanding of Spain’s 15Ms.”

## Performing Dignity in Political Action

When we look at the way in which dignity is used in these protests, it becomes clear that it outruns the status concept. Although many protesters do think about dignity as something that they *have*, want to *have*, or should *have*, a status concept is unable to capture the significance of the use of the concept in its entirety. The protesters use dignity in multiple ways and with multiple meanings. They use the term dignity to express that they have dignity; they use it to claim or reclaim it for themselves; they use it to show that their dignity is at stake; and they also use it to indicate what they are striving towards.

In political theory, dignity is usually seen as an inclusionary concept, but when one looks at how dignity is used in these protests, there is much more at stake than just inclusion. If one looks at the aspect of inclusion from a performative perspective, it becomes much clearer that it is more about *how* one is included: the protesters want to have a say about how they are housed or how they are governed. They want to be included as equals or as agents and not just as objects of concern or subjects to be governed. Therefore, inclusion does not seem to be the most helpful way to frame the use of dignity in a political context, and it is certainly not the only way to frame this use.

The way in which dignity is used in political action is much better captured by thinking about dignity as a performative concept and I expand on this later in this section, but before I turn to that, I want to show briefly how the use of dignity in political action outruns the status concept and where there might be similarities.

There are some similarities between how dignity is used in political action and how it is usually theorised. In both cases, dignity is used as a signal that there is something important at stake which deserves protection. Also, dignity is seen as something that people *have*, although, in the case of the protesters, it is not seen as a stable status. Thus, they both see dignity as something precious that deserves special protection.

However, the way that dignity is used in practice far outruns the way it is theorised, and it poses many challenges to the status concept. The status concept is theorised as an abstract status that everyone has and that is based on particular characteristics. This status is unchangeable: it cannot be lost or gained, and one does not have to do anything to acquire it. The idea of dignity that emerges from the protests is not stable, dignity can be precarious or it can be lost and in need of recovery. In the cases I discussed, the protesters clearly perceive dignity as something that is at stake, and they are fighting for it to regain or protect it, because it requires action to be upheld.

Also, dignity is not perceived as an abstract status but dignity and indignity are experienced in everyday embodied realities: The indignity of being homeless and being treated with contempt by society. The indignity of living in poverty and fear in a dictatorial state. The indignity of seeing social rights eroded by a greedy and corrupt political elite. Or, alternatively, the experience of dignity in creating and living in supportive and empowering communities.

Furthermore, dignity as a status concept cannot account for the significance of the recognition — both by the community as a whole and by oneself — of dignity and the effect that this has on one's feelings of worth and self-worth. The protesters of Dignity Village felt empowered by standing up for themselves in protest and by being supported by members of the larger community. The protesters in Tahrir Square took immense pride in their ability to run a self-sustaining tent city on the square, in defiance of the government's narrative of the insolence of the Egyptian people. The status concept takes for granted that if one *has* dignity, it will be recognised, but as the protesters show, this recognition takes work and one has to stand up for it.

Finally, the status concept assumes that there is a right answer to what dignity is, what it encompasses and who has it, whereas the protests show that these answers are not that certain and that there are multiple ways in which dignity can be conceptualised and done. The ideas of dignity that are pursued in all these protest emerge in contrast with the indignities that are experienced. Sometimes it is very clear to them up front what dignity means and how they want to pursue it, but sometimes it is not and it emerges in the process of protesting and attempting to do things differently. In some cases, there is one idea of dignity that all the protesters agree

on and that they all pursue together, but in other cases, there are multiple, occasionally even conflicting ideas of dignity at play. In the cases I discussed, there are usually multiple ideas about dignity that are held at the same time. In the case of Dignity Village, they seem to be mostly overlapping and working together, in 15M there are more diverse, even agonistic ideas at play. In the case of Egypt, it appears that there is more of a clash between the positive ideas of freedom, dignity and social justice that most of the youth groups envisioned, and the interpretation of these concepts by, say, the Muslim Brotherhood.<sup>1</sup>

A performative concept is better able to capture the use of dignity in political action than the status concept because it sees dignity as embodied and as constructed through actions and practices. Dignity is not seen as something stable that we have, but as something that is constructed through our embodied actions and practices over and over again. These practices are intersubjective, and therefore, dignity is relational. Its meaning can be constructed in multiple ways, depending on the context and social and cultural circumstances. A performative concept rejects a foundational logic, and recognises that dignity can be constructed in multiple ways: there is not a fixed or fixable content to the meaning of dignity. As a result, there are no true or false accounts of dignity, only successful and unsuccessful performances. The success of a performance depends both on the person who is *doing* dignity and on those who are *perceiving* it, namely, whether it is recognised as a performance of dignity by other members of the community.

When one looks at the cases through the lens of a performative concept, one can see that the performance of dignity can have different functions. In the above cases, one can see at least three different ways in which dignity functions, which I will subsequently discuss: It functions as a way to assert or externalise dignity; as a way to communicate that one has dignity; and as a form of striving towards an idea of dignity that one wants to realise.

In the cases I have discussed, one of the ways in which dignity is used is to express the dignity of the protesters. The performance of dignity is used to externalise the feelings of worth or self-worth that the protesters have, and show it to the outer world.

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<sup>1</sup> This difference in interpretation might explain why the Muslim Brotherhood was unable to form a government that was supported by the whole population. Instead, there were new protests and the government was ousted by the military.

Take for example the ‘shopping trolley parades’ in the Dignity Village protest. The protesters used the fact that they had to move from site to site several times as an opportunity to organise a colourful parade to draw as much attention as possible. These parades were a very public display of their homelessness, but instead of being ashamed of it, they no longer tried to hide it but paraded with pride and playfulness. With these parades, the protesters showed that they were not ashamed of their homelessness and that there was no reason for them to be ashamed. They did not want to hide themselves because their homelessness made other people uncomfortable and they would not tolerate that others treated them as lesser persons.

In the video that Asmaa Mahfouz made to urge people to protest on 25 January, dignity functions in a similar way. She urges people to protest as a way to express their honour and dignity and claim their rights. The way she uses dignity thus has a double function: it is meant to express the honour and self-worth of the protester, and it is the basis for claiming rights.

15M used their Marches of Dignity to display their dignity. These marches were explicitly framed as marches *of* dignity, not *for* dignity, because the protesters felt that they did not have to ask the world to recognise their dignity, they had plenty of it, and they used the marches to display their dignity to the government.

Even though what *having dignity* means to the protesters differs from case to case, dignity functions in a similar way in these cases: it is supposed to externalise or assert the dignity of the protester through these protest, without trying to conform to social expectations about how dignity should be performed. By going out on the street and protesting, they are asserting their feelings of pride and self-worth unapologetically and stand up for themselves in protests.

Another way in which dignity functions in these cases is that it communicates to others that the protesters have dignity and that this is at stake. Dignity is a term that speaks to people; it has significant rhetorical value because it is meant to signal that there is something at stake that is precious and irreplaceable, and, therefore, it expresses a great urgency. The term dignity functions as a way to communicate that an injustice is being done, and it calls upon others to respond to this and to right the wrong.



The protesters of Dignity Village use the term to signal that homeless people have a right to a dignified place to live too. In Egypt, the protesters used dignity in their slogans to make their demands and to communicate to the government that they were failing their constituency.

15M rarely uses the term explicitly to communicate their demands. A reason for this might be because they do not believe that the current government and the political and institutional configurations of power are able to really hear what they are saying. They communicate their ideas about dignity indirectly through their practices, which highly resonate with the people of Spain, hence the overwhelming support they have.

Although sometimes expressing dignity and communicating dignity are very close together, there is a significant difference between the two. The first is focused on externalising the dignity that a person has in all its differences and particularities; the second is focused on communicating with others about a shared idea of dignity. The cases show that there is such a shared idea of dignity because the term resonates with people from different backgrounds and cultures and appeals to all of them. This core idea of dignity is that the term expresses that something fundamental is at stake, it expresses an urgency, its use is meant to trump other arguments, and it has to do with being recognised as a person that matters equally.

Another way that dignity functions in these protests, and the last one that I will discuss here, is that it functions as an ideal that people are striving for through their actions and practices. Dignity functions as an ideal that is pursued in contrast with the indignities that the protesters are experiencing and it is something that the protesters are trying to reach through their performances of dignity in their practices and actions. This ideal is often not precisely defined, but it emerges in contrast with the experienced indignities. It also emerges through practises among the protesters: they show by example how they want to be treated by performing dignity in their relations with each other.

Dignity Village is set up in a way to create a supporting and empowering environment for the villagers. It is run in a democratic way and people are encouraged to see themselves as valuable members of the community by contributing to the running of the village.

In Egypt, the protesters created a tent city that was run by the protesters. They took care of each other and their environment by taking pride in performing all tasks needed to run the place, even the more mundane ones like cleaning. They did not just want political change, but they wanted to take ownership of their streets and neighbourhoods in a spirit of care for each other.

15M see themselves, not as a protest movement, but as a way of being in the world. They are re-imagining their social and political realities through their practices and the way they engage with each other. There are no leaders who tell people what to do, but they remain open to dialogue. They do not attempt to fix meanings and interpretations but allow a multiplicity of them to exist together.

The ideal of dignity that is pursued in all these protest emerges in contrast with the indignities that are experienced, but it is not explicitly spelt out. In all these cases, dignity exceeds its instrumentality: it is meant to carve out a space in which people can flourish.

As I said before, these uses of dignity cannot easily be accommodated by the status concept. The status concept is a normative concept, establishing rules and standards that are prescriptive. Dignity is seen as a status that one has as a human being. It is something that is given, that is one does not need to do anything to have it. This means that it is passive. Because it is normative, it generates expectations of how one should be treated by others, namely, one expects that others will respect one's dignity.

What we find in political protests is, however, a much broader concept of dignity. Dignity is not a status, but something that has to be asserted, something that needs to be claimed or occupied, and is, therefore, active, something that we have to do. Therefore, it makes more sense to theorise it as a performative concept. Because it is not a status, dignity is not something that one can expect, but something that one has to act upon. It is not given but requires work to recognise and protect it.

This performative concept is politically much more interesting. The status concept is passive and does no political work. The main idea is that there is a right answer to the questions what dignity is, who has it and what it entails (and this answer has often been problematic and exclusionary). On the other hand, the performative concept says that what dignity is, who has it, and what it entails has to be worked out intersubjectively. Dignity is not passive and self-

evident but needs work to recognise and protect it, which means that we should constantly remain vigilant about how we 'do' dignity, and who we might be excluding if we impose a particular idea of dignity.



## To Conclude

To better understand the use of dignity in political action, we need a paradigm shift. Instead of thinking about dignity as something that we *have*, we should start to theorise it as something that we *do*. Throughout this work, I have shown several problematic aspects of the status concept, and I have argued that a performative concept of dignity is better able to capture the way that dignity is used in political action. It also avoids some of the problematic aspects of a status concept, both in general and when used in a political context.

The status concept purports the existence of dignity as an inherent value, which grounds rights and specifies criteria for inclusion. As a result, it focuses on what this value is and who has it, instead of addressing more pressing questions about how we ought to treat each other. The performative concept maintains that we do not need such an ontological claim to explain how dignity functions in regulating and evaluating behaviour since we can see it as a moral guideline that is already present in contemporary societies.

The status concept is also presented as a right or universally valid answer to what dignity means and encompasses. However, the criteria that ground dignity are never neutral or impartial because they depend on rich interpretations of these concepts, and therefore, they create exclusions. The performative concept recognises that there are several valid conceptions of dignity. Although this can lead to conflicting interpretations of dignity, it is better to acknowledge this conflict than to claim there is only one true conception of dignity that obscures other interpretations.

Furthermore, the status concept is a passive status that is bestowed on a subject; one does not have to do anything to have dignity. This passivity together with the focus on an inherent value precludes questions about agency and therefore, it is unable to conceptualise how dignity is used in political action. The performative concept sees dignity as something that we *do*, something

that is constructed through our actions and practices. Thus, it enables a richer understanding of dignity and the agency involved in it. As a result, it is much more interesting as a *political* concept.

Of course, seeing dignity as a performative concept does not magically resolve further practical or theoretical issues. There are still many areas that need to be explored, and that will probably raise new challenges. Below, I will briefly mention some of them.

One of these areas is the question about how dignity is performed, not just from a personal perspective, but also from the perspective of how others (persons or institutions) can either hinder or help such performances. The status concept sees dignity as something that everyone has equally, and that is inalienable. Nonetheless, there is also the belief that certain actions can threaten dignity, but if it is an inalienable status, then it can never be lost. For a performative concept, this predicament is less of a puzzle: because dignity is relational and context-dependent, it opens up a space to think about which actions and practices enable or nurture dignity and which damage or diminish it.

Sarah Clark Miller has addressed these questions in the realm of dignifying care, by arguing that it matters how care is given and that some care nurtures the dignity of the person cared for while negligent forms of care can humiliate a person and diminish her dignity.<sup>1</sup> However, there are many more domains of interpersonal interactions where these questions matter. The protests that I discussed show how interaction with political and social institutions can diminish a person's dignity, and how the communities that they created themselves helped to enable and nurture their dignity. It would be a sad thing if such supportive relations can only be accomplished in such small scale communities. Therefore, we need to theorise how dignity can be nurtured and enabled in institutions and interpersonal relations in the social and political domain.

Other questions that need further thought revolve around what constitutes a successful performance of dignity and what the criteria for success are. As I said before, a successful

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<sup>1</sup> Miller, *The Ethics of Need Agency, Dignity, and Obligation*.

performance of dignity depends both on the person who is trying to *do* dignity and an audience that has to recognise this as a performance of dignity. Butler argues that criteria of success can be found in authoritative practices that have established themselves over time: a performance is successful if it “echoes prior actions, and *accumulates the force of authority through the repetition or citation of a prior and authoritative set of practices.*”<sup>2</sup> As a result, for a performance to be successful, it has to show enough similarity to an established norm. Butler’s characterisation of success raises interesting questions and challenges, for example, about how these norms are challenged or changed. These issues are not necessarily a problem for a performative concept because a performance does not have to be an exact copy of the established norm to be successful, it just has to show enough similarity. With every iteration of the norm, small changes can occur, and when they are repeated enough, they can slowly become part of the established norm. If we understand dignity as a performative concept, we see it as something that is constructed and reiterated, which keeps open the possibility of iterating it differently, which means that the meaning of dignity is not fixed or fixable.

Finally, I want to address the question of who is included in a conception of dignity. As I said before, theorising dignity as a performative concept does not necessarily prevent exclusionary conceptions of dignity. However, a huge advantage of the performative concept is that it does not ground dignity in an inherent value and thus avoids a focus on the presence of certain criteria for dignity. One does not have to establish beforehand whether another being has a particular inherent value to treat the other in a dignified way. This opens up the possibility to include non-human others without having to argue that they possess certain characteristics that ground dignity and having to answer difficult ontological questions about these characteristics. Instead, one can see dignity as an ideal that one is reaching for in one’s relations with others.

So, without ignoring all the work that still needs to be done, I believe that dignity as a performative concept does more justice to the myriad ways in which dignity is used in political action and that it will provide a fruitful way to rethink dignity as a political concept.

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<sup>2</sup> Butler, “Constitutions and ‘Survivor Stories’: Burning Acts: Injurious Speech,” 206.





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