HOW MUCH FOR HUMAN DIGNITY? A KANT-MASLOW COMPARED APPROACH TO THE BASIC CONDITIONS OF LIFE

QUANTO VALE A DIGNIDADE HUMANA? UMA ABORDAGEM COMPARATIVA ENTRE KANT E MASLOW SOBRE AS CONDIÇÕES BÁSICAS DE VIDA

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RESUMO

O artigo discute o papel do direito ao mínimo existencial como requisito para a autonomia individual, a dignidade humana e as possibilidades de autorrealização. O problema abordado, nesse sentido, é a tensão entre a afirmação formal e universal da autonomia e dignidade humana e os requisitos concretos para sua concretização em situações particulares, em um mundo em que o status humano por si só não é suficiente para a afirmação ativa e material dos direitos. Com isso em mente, o estudo aborda as perspectivas de Kant e Maslow sobre a formação da vontade livre e os motivadores do comportamento humano, em uma abordagem comparativa, a fim de compreender o papel da satisfação das necessidades básicas, ou mínimo existencial, na estruturação da dignidade humana em geral e na formação da livre vontade, em particular. A pesquisa bibliográfica é a técnica essencialmente empregada para abordar essa questão. A principal contribuição apresentada neste ensaio é de natureza ideacional. É importante ter uma compreensão material da liberdade e dignidade nos tempos contemporâneos, em que fatores econômicos desempenham papel crucial na superação da heteronomia por meio da satisfação das necessidades básicas que se apresentam como pré-condições para a autonomia.

Palavras-chave: Mínimo existencial; Autonomia; Dignidade da Pessoa Humana; Immanuel Kant; Abraham Maslow.

ABSTRACT

The paper discusses the role of the right to basic conditions of life as a prerequisite for individual autonomy, human dignity, and the possibilities of self-realization. The problem addressed, in this regard, is the tension between formal universal affirmation of human autonomy and dignity and concrete requirements for their coming into being in particular instances, in a world in which human status alone is not enough for the active and material assertion of rights. With this in mind, the study covers Kant's and Maslow's takes on the formation of free will and on the motivators of human behavior, in a comparative approach, in order to understand the role of satisfaction of basic needs, or the basic conditions of life, in the structuring of human dignity in general, and in the formation of free will, in particular. Bibliographic research is the essential technique used to pursue this question. The main contribution sought in this essay is ideational in nature. It is important to have a material understanding of freedom and dignity in contemporary times, in which economic means play a crucial role in overcoming heteronomy through the satisfaction of the basic needs that present themselves as preconditions for autonomy.

Keywords: Right to basic conditions of life; Autonomy, Human Dignity, Immanuel Kant; Abraham Maslow.

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■ INTRODUCTION

A person without a home in Belo Horizonte said when asked about access to water: "to take a shower at the bus station, it was R$ 6.50, now it's R$ 8.00, but I can't afford that"[1, p. 5] Another added: "if a person who lives in the streets gets sick and goes to hospital, they won't accept him because he got there dirty, then you have to find somewhere to take a shower, but where will you take a shower?"[2, p. 6]. The sequence of statements is filled with legal and practical implications. Without money, access to water and hygiene is impaired. And so is treatment in a public hospital, contrary to the general legal evaluation that the right to health in Brazil is free of charge and universal in scope. Lack of basic resources led to lack of access to basic rights. One must ask: where is human dignity in situations like the one reported?

The idea that human dignity is universal in scope is a fixture in legal reasoning and normative systems at least since the Second World War. Neoconstitutionalism contributed to this end by placing human dignity as a core principle to guide legal thinking and application. However, the conception of dignity as a universal human attribute seems to be at least a modern novelty. In classical antiquity, for instance, dignity was an attribute of social position, a distinctive feature[3, p. 656]. As such, it was exclusive rather than universal: "Dignity, thus, was tied up with honor and entitled some individuals to special treatment and privileges. In this sense, dignity presupposed a hierarchical society and denoted nobility, aristocracy, and the superior condition of some persons over others"[4, p. 392].

It is true that modern liberal legal thought rejected immutable social hierarchies and upheld formal equality before the law. Yet, human status alone – that is, being a human person – was never enough to ensure actual access to rights legally recognized as universal[5, p. 221], given that economic aspects modulate the capacity to enjoy rights in practice[6]. In other words:

[1] NEVES-SILVA, Priscila; MARTINS, Giselle Isabele; HELLER, Léo. "A gente tem acesso de favores, né?". A percepção de pessoas em situação de rua sobre os direitos humanos à água e ao esgotamento sanitário. *Cadernos de Saúde Pública*, Rio de Janeiro, v. 34, n. 3, p. 1–10, 2018.

[2] *Ibid*.

[3] McCRUDDEN, Christopher. Human dignity and judicial interpretation of human rights. *European Journal of international Law*, Firenze, v. 19, n. 4, p. 655-724, 2008.

[4] BARROSO, Luís Roberto. Here, there and everywhere: human dignity in contemporary law and in the transnational discourse. *Boston College International & Comparative Law Review*, Boston, v. 35, p. 331–395, 2012.

[5] CASTRO, Marcus Faro de. *Formas jurídicas e mudança social: interações entre o direito, a filosofia, a política e a economia*. São Paulo: Saraiva, 2012.

[6] CASTRO, Marcus Faro de. A dimensão econômica da efetividade dos direitos fundamentais. *Revista Semestral de Direito Econômico*, Porto Alegre, v. 1, n. 2, p. 1–37, 2021.

> While human rights are adjudicated on the basis of the status of a person as a member of humanity, that status is never enough for the active and material assertion of those rights. The real enjoyment of these universal rights takes place in the lives of persons through the flow of time, and amidst the changing relations of which they are a part.[7, p. 42]

Consequently, a distinction must thus be made. One thing is to formally uphold or recognize dignity as a universal tenet, attributable to all human beings. This is a *normative* or a *prescriptive* register of speech. Quite another is to ascribe dignity to all humans based solely on their status as human beings in a *descriptive* sense, because it is necessary to take into account what it takes for a person to actually be dignified. This leads us to the issue of the basic conditions of life as an integral component of human dignity[8].

The concept of human dignity is polysemic[9, p. 659]. Despite definitional difficulties relating to the broad scope of a concept such as human dignity, due to its intrinsically open texture, there have been tentative definitions on its "minimum" or "core contents"[10, p. 679]. Barroso argues there are three elements at the core of human dignity: *intrinsic value*, *autonomy*, and *community value*[11]. The first relates to the intrinsic value of human beings, being directly related to Kant's philosophical tenet of regarding humans as ends in themselves rather than as means to and end. In Barroso's account, the first element of dignity relates to imperatives to safeguard the rights to life, equality, and integrity, both physical and psychical (or mental). Let the second element, *autonomy*, be put aside for a minute. The third element, *community value*, relates to necessary restrictions upon individual behavior harmful to legitimate social values and state interests. For instance, individual free speech limitations on nazi, racist, homophobic-transphobic content (and the like) do not undermine human dignity on account of legitimate community values.

What mostly interests us is, however, the aspect of individual autonomy as an element of human dignity. This is construed by Barroso as implying, first, *private autonomy*, "which expresses the right of every person, as a moral being and as a free and equal individual, to make decisions and pursue his own idea of the good life"[12, p. 392]. Secondly, *public autonomy*, meaning rights to political participation. Third, Barroso points out to a "fundamental social

[7] BALLESTERO, Andrea. What is in a percentage? Calculation as the poetic translation of human rights. *Indiana Journal of Global Legal Studies*, Indiana, v. 21, n. 1, p. 27–53, 2014.

[8] At the outset, it is important to clarify that by "right to the basic conditions of life" this essay refers to that which in Brazilian constitutional legal thought is usually referred to as "mínimo existential", as per Daniel Sarmento's translation. SARMENTO, Daniel. O mínimo existencial / The right to basic conditions of life. *Revista de Direito da Cidade*, Rio de Janeiro, v. 8, n. 4, 2016. Disponível em: http://www.e-publicacoes.uerj.br/index.php/rdc/article/view/26034. Acesso em: 31 mar. 2023.

[9] McCRUDDEN, Human dignity and judicial interpretation of human rights.

[10] BARROSO, Here, there and everywhere: human dignity in contemporary law and in the transnational discourse. In this respect, Christopher McCrudden points out to the threefold minimum content pervasively found in accounts of human dignity: (i) an ontological claim, pertaining to the intrinsic worth of human beings; a relational claim, regarding the need for recognizing and respecting such worth by others, and (iii) a limited-state claim, which "requires that the state should be seen to exist for the sake of the individual human being, and not vice versa". McCRUDDEN, Human dignity and judicial interpretation of human rights.

[11] BARROSO, Here, there and everywhere: human dignity in contemporary law and in the transnational discourse.

[12] *Ibid*.

right to minimum living conditions (the existential minimum)"[13, p. 369], or "the basic right to the provision of adequate living conditions"[14]:

> Equality, in a substantive sense, and especially autonomy (both private and public), are dependent on the fact that individuals are "free[...] from want", meaning that their essential needs are satisfied. To be free, equal, and capable of exercising responsible citizenship, individuals must pass minimum thresholds of well-being, without which autonomy is a mere fiction. This requires access to some essential utilities, such as basic education and health care services, as well as some elementary necessities, such as food, water, clothing, and shelter. The existential minimum, therefore, is the core content of social and economic rights, whose existence as actual fundamental rights—not mere privileges dependent on the political process—is rather controversial in some countries. Its enforceability is complex and cumbersome everywhere.[15]

Barroso specially remarks "autonomy cannot exist where choices are dictated solely by personal needs"[16, p. 373]. This allows us to understand why the right to basic conditions of life is treated as an aspect of individual autonomy in the definition of the core content of human dignity. Autonomy is denied by want. Utterly, thus, human dignity itself is denied by material precariousness.

Basic conditions of life, or freedom from want, and its relation to human dignity is our key concern in this essay. We seek to understand possibilities for the formation of free will, corresponding to autonomy, in a comparative approach that mobilizes Kant and Maslow. We are moved by the issue presented in the first paragraph of the introduction, where economic deprivation unchained lack of access to water, which then resulted in practical denial of healthcare in a public hospital. Can Kant and Maslow help us understand the role of satisfaction of basic needs, or the basic conditions of life, in the structuring of human dignity in general, and in the formation of free will, in particular? The provocative question in the title, "how much for human dignity?", seeks to capture the tension between formal universal affirmation of human dignity and concrete requirements for its coming into being in particular instances, in a world in which (human) status alone is not enough for the active and material assertion of rights.

Using the method of comparative textual analysis, the investigation explores intersections and disparities between Kant's and Maslow's perspectives on the role of basic human needs. Bibliographic research is the essential technique to pursue this question. The analysis involves examining aspects of selected texts to approach the formation of free will and dignity in Kant in relation to Maslow's idea of self-actualization and its position in his hierarchy of human needs. The particular focus is on the portrayal of the impact of basic needs in these philosophical frameworks. The specific objects for our comparative analysis, taking into account the broader context of Kant's and Maslow's works, are detailed below.

Immanuel Kant centered his contributions to philosophy on the abstract foundations of human thought and action, determined *a priori*. This involved a search for *transcendental*

[13] *Ibid*.

[14] *Ibid*.

[15] BARROSO, Here, there and everywhere: human dignity in contemporary law and in the transnational discourse.

[16] *Ibid*.

criteria, underived from sensible experience[17, p. 67–69]. In a first moment, in his *Critique of pure reason*[18], of 1781, Kant sought to define the transcendental structure or *a priori* nature of the human soul, enabling the formulation of indubitable judgments about empirical facts of nature. In a second moment, reaching beyond epistemology and into moral philosophy, he aimed to establish how to form human dispositions essentially free from sensible experience, through the publications of *Critique of practical reason*[19], in 1785, and of *Groundwork of the Metaphysics of Morals*[20], in 1788. Both pertain to moral philosophy and to Kant's efforts in determining *transcendental* laws of freedom. However, it is in the latter that Kant articulates *the categorical imperative*, serving as the basis for the moral law and rational duty. Dignity, as section 1 emphasizes, has a pivotal role in this endeavor. In a third moment, Kant also sought to establish transcendental criteria for aesthetic judgment through the publication of *Critique of Judgment*[21] in 1790. For the purposes of the comparative analysis intended in this research, we are however especially interested in how autonomy is defined in opposition to heteronomy, external determinations that impede the formation of free will, an aspect he dealt with in his *Groundwork of the Metaphysics of Morals.*

We also consider Maslow's work. Abraham Maslow initiated his career in experimental psychology, concentrating on empirical studies of primates, which emerged as the subject of his initial publications in 1932[22, p. 190]. Despite his roots in behaviorism, Maslow later emerged as one of its critics[23, p. 6], contributing to the establishment of "humanistic psychology". He envisioned this field as an alternative to both behavioral psychology and psychoanalysis[24, p. 191]. Humanistic psychology aimed to encompass the full spectrum of human experience and to overcome the fragmentary nature of competing psychological perspectives through a more comprehensive and integrative approach[25, p. 192]. Maslow's research on human motivation pursued the development of a theory that could underpin our understanding of individuals within society, striving to consider the individual in relation to their social environment[26, p. 6]. His 1943 article, "A Theory of Human Motivation" [27], is his most frequently cited work[28, p. 7] and introduced key propositions for the theory of motivation. These ideas were further elaborated in his 1954 book, "Motivation and Personality" [29]. Later in his career, Maslow shifted his focus towards the study of what he termed "self-actualized" individuals and their implications for social change[30, p. 193]. Within the broader scope of Maslow's contributions, the present paper

[17] CASTRO, Marcus Faro de. *Política e relações internacionais*: fundamentos clássicos. Brasília: UnB, 2005.
[18] KANT, Immanuel. *Critique of pure reason*. Cambridge: Cambridge University, 1998.
[19] KANT, Immanuel. *Critique of practical reason*. Cambridge: Cambridge University, 1997.
[20] KANT, Immanuel. *Groundwork for the metaphysics of morals*. Binghamton: Vail-Ballou Press, 2002.
[21] KANT, Immanuel. *Critique of judgment*. Indianapolis/Cambridge: Hackett Publishing Company, 1987.
[22] CASTELO BRANCO, Paulo Coelho; SILVA, Luísa Xavier de. Psicologia humanista de Abraham Maslow: recepção e circulação no Brasil. *Revista da Abordagem Gestáltica*, Goiânia, v. 23, n. 2, p. 189-199, 2017.
[23] SAMPAIO, Jáder dos Reis. O Maslow desconhecido: uma revisão de seus principais trabalhos sobre motivação. *Revista de Administração*, São Paulo, v. 33, n. 1, p. 5-16, 2009.
[24] CASTELO BRANCO; SILVA, Psicologia humanista de Abraham Maslow.
[25] *Ibid*.
[26] SAMPAIO, O Maslow desconhecido.
[27] MASLOW, Abraham H. A theory of human motivation. *Psychological Review*, [*S. l.*], v. 50, n. 4, p. 370–396, 1943.
[28] SAMPAIO, O Maslow desconhecido.
[29] MASLOW, Abraham H. *Motivation and personality*. New York: Harper & Brothers, 1954.
[30] CASTELO BRANCO; SILVA, Psicologia humanista de Abraham Maslow.

focuses on how unsatisfied basic needs hinder self-actualization. This investigation is conducted within the framework of Maslow's conception of basic human needs, organized in a "hierarchy of relative prepotency", aiming to understand human motivation and the "active determinants or organizers of behavior"[31, p. 375]. We thus focus upon his 1943 seminal and most widely known work as the object of our study.

Both Kant's and Maslow's contributions highlight a tension between a higher purpose and aspects of the sensible world. In Kant, elements of the sensible world offset the autonomy associated with dignity. In Maslow, unattended basic needs thwart human self-actualization. The forthcoming conceptual dialogue between Kant and Maslow posits that individuals unburdened by economic hardship are more likely to experience freedom in the form of autonomy of the will and self-realization. Conversely, those who are engaged in a daily struggle for survival are also likely to be deprived of freedom and human flourishing.

The main contribution sought in this essay is ideational in nature. Colin Hay[32] emphasizes that political actors strategically appropriate a world full of institutions and ideas about them. For Hay, the perception regarding what is viable, legitimate, possible, and desirable is shaped both by the institutional environment and by existing paradigms and worldviews. Such elements, which correspond to *referential frameworks* or *ways of thinking*, operate, for Hay, as "cognitive filters" on the patterns of action of individuals, governments, and organizations[33, p. 65]. In the field of political science, the so called "ideational turn" opened up space for emphasis on ideas as relevant factors for explaining the construction, persistence, change, and rejection of institutions[34]. Accordingly, it is important to have a material understanding of freedom and dignity in contemporary times, in which economic means play a crucial role in overcoming *heteronomy* through the satisfaction of the basic needs that present themselves as preconditions for *autonomy*. This is legally significant, to the extent that human dignity is a legal tenet which incorporates autonomy as one of its elements, and freedom from want is one of its integral aspects. Legal actors and policymakers may use these elements as part of the "cognitive filters" used to understand the meaning and scope of human dignity in practice. Ideas and ideal interests – and not exclusively material interests – play a role in defining how people determine their behavior and engage with public issues[35, p. 89].

Following the methodology delineated above, the rest of the essay is structured in two parts. The first part approaches aspects of the Kantian conception of autonomy and dignity. The second part is dedicated to elements of Maslow's contributions regarding the place of basic needs in his theory of human motivation. The two parts are followed by final remarks and a list of references.

[31] MASLOW, A theory of human motivation.

[32] HAY, Colin. Constructive institutionalism. *In*: RHODES, R. A. W.; BINDER, S. A.; ROCKMAN, B. A. (Org.). T*he Oxford handbook of political institutions*. Oxford: Oxford University, 2006, p. 56–74.

[33] *Ibid*.

[34] SCHMIDT, Vivien A. Discursive institutionalism: The explanatory power of ideas and discourse. *Annual review of political science*, San Mateo, v. 11, p. 303–326, 2008.

[35] EASTWOOD, Jonathan. The role of ideas in Weber's theory of interests. *Critical Review*, [*S. l.*], v. 17, n. 1–2, p. 89–100, 2005.

1 THAT WHICH HAS A PRICE CAN HAVE NO DIGNITY: KANT AND HETERONOMOUS DETERMINATION OF HUMAN ACTIONS

In the *"Groundwork for the metaphysics of morals"*, of 1785, Kant valued the "abstract foundations of thought and action, determined *a priori*" in defining the moral worth of human conduct. He aimed to develop a critical examination of the human mind's activity focused on distancing itself from the circumstantial events of life. Moral value is rather derived from following transcendental criteria, "underived from sensible experience", which he takes as transcendental laws of freedom, meaning "laws of human will 'free' from any dependence on elements arising from natural and social circumstances." Such transcendental laws correspond to the categorical imperatives he puts forward as tenets for ascribing moral worth to human conduct. These amount to ethical laws which "concern the fundamental and 'internal' motivations of personality as the source of individual will to fulfill a moral 'duty', in which case such will remains exempt from any influence of elements connected to the 'external', as in the cases of inclination and interest."[36, p. 67–70]

Kant endeavored to present a "pure moral philosophy" fully cleansed of anything empirical[37, p. 5]. He specifically stated the purpose of this *Groundwork* as "the search for and establishment of the supreme principle of morality"[38p. 7], on entirely abstract foundations, that is, upon "pure reason"[39, p. 7].

In casting aside empirical or material factors as the basis for moral worth of human conduct in the search for its abstract or pure foundations, Kant first discards utility or the consequences of actions as guides for morality: "good will is good not through what it effects or accomplishes, not through its efficacy for attaining any intended end, but only through its willing, i.e., good in itself"[40, p. 5]. Instincts, desires and other mobiles of human conduct are also rejected: if one acts out of inclinations rather than duties, the conduct lacks moral worth[41, p. 10]. The sensible world is no source of morality.

Where is it to be found, then? Three connected propositions set the tone of the rest of the book. First, Kant states that action has moral worth only if done from duty. Secondly, he states that

> an action from duty has its moral worth not in the aim that is supposed to be attained by it, but rather in the maxim in accordance with which it is resolved upon; thus, that worth depends not on the actuality of the object of the action, but merely on the principle of the volition, in accordance with which the action is done, without regard to any object of the faculty of desire.[42, p. 14]

Moral worth is thus to be found in what guides the will: the principle of the volition. This entails shaping actions from duty, in complete abstraction from any "material principle".

[36] CASTRO, *Política e relações internacionais*: fundamentos clássicos.
[37] KANT, Immanuel, *Groundwork for the metaphysics of morals*, Binghamton: Vail-Ballou Press, 2002.
[38] *Ibid*.
[39] *Ibid*.
[40] *Ibid*.
[41] *Ibid*.
[42] *Ibid*.

At this point, Kant presents the third proposition: "Duty is the necessity of an action from respect for the law"[43, p. 15], which he then goes on to explain:

> an action from duty is supposed entirely to abstract from the influence of inclination, and with it every object of the will, so nothing is left over for the will that can determine it except the law as what is objective and subjectively pure respect for this practical law, hence the maxim of complying with such a law, even if it infringes all my inclinations.[44, p. 16]

Human conduct conforms to duty when "nothing other than the representation of law in itself" determines the will[45, p. 17]. No consequences of the action, instincts, desires or material constraints should be taken into account; nothing that could entail doing something for an aim other than on pure, *a priori* grounds. Kant is not saying that natural instincts, desires and material factors – that is, aspects of the sensible world – do not influence the formation of the human will. They do. The issue is not empirical, but moral: reason has influence on the formation of the will, and its "true vocation" must be "to produce a will good in itself"[46, p. 12], to be determined completely on "a priori grounds"[47, p. 24]. This means reaching "the pure representation of duty and the moral law in general, mixed with no alien addition from empirical stimuli", that is, obtained "by way of reason alone"[48, p. 27]. Kant points out that "every thing in nature acts in accordance with laws", but only a "rational being has the faculty to act in accordance with the representation of laws, i. .e, with principles, or a will."[49, p. 29] While many factors influence the will, and reason alone does not "sufficiently determine" it, he conceives that "the will is a faculty of choosing only that which reason, independently of any inclination, recognizes as practically necessary, i.e., good"[50].

Here, Kant reaches the notion of a categorical imperative, as a command of reason that represents "an action as objectively necessary for itself, without any reference to another end."[51, p. 31] After setting aside hypothetical imperatives as commands that "represent the practical necessity of a possible action as a means to attain something else which one wills"[52], he then states that:

> there is one imperative that, without being grounded on any other aim to be achieved through a certain course of conduct as its condition, commands this conduct immediately. This imperative is categorical. It has to do not with the matter of the action and what is to result from it, but with the form and the principle from which it results; and what is essentially good about it consists in the disposition, whatever the results may be. This imperative may be called that of morality.[53, p. 33]

[43] *Ibid*.
[44] *Ibid*.
[45] *Ibid*.
[46] KANT, Immanuel, *Groundwork for the metaphysics of morals*, Binghamton: Vail-Ballou Press, 2002.
[47] *Ibid*.
[48] *Ibid*.
[49] *Ibid*.
[50] *Ibid*.
[51] *Ibid*.
[52] *Ibid*.
[53] *Ibid*.

Accordingly, the first formulation of the categorical imperative is presented: "act as if the maxim of your action were to become through your will a universal law of nature"[54, p. 38]. In dealing with examples such as whether a promise could be broken out of convenience, or whether a merchant could take advantage of innocence and overcharge a child buying at his shop, Kant highlights that:

> if we attend to ourselves in every transgression of a duty, then we find that we do not actually will that our maxim should become a universal law, for that is impossible to us, but rather will that its opposite should remain a law generally; yet we take the liberty of making an exception for ourselves, or (even only for this once) for the advantage of our inclination. [55, p. 42]

The idea of "an action as objectively necessary for itself" sets an absolute parameter for morality. Acting according to duty is an end in itself. The consideration of what is absolute or relative good leads Kant to the distinction between price and dignity, as he first remarks that the "purity of morals" stems from "the sublime worth of a will absolutely good in itself and elevated above all price"[56, p. 43]. The idea of price reflects relative worth, while dignity denotes "inner" or "absolute" worth. "What has a price is such that something else can also be put in its place as its equivalent; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity."[57, p. 53] Dignity is an attribute of that which "exists as an end in itself", a quality that Kant attributes to "the human being, and in general every rational being"[58, p. 46]. This allows for a distinction between persons and things:

> The beings whose existence rests now on our will but on nature nevertheless have, if they are beings without reason, only a relative worth as means, and are called things; rational beings, by contrast, are called persons, because their nature already marks them out as ends in themselves[59].

Having established that rational nature in general, and human nature in particular, have dignity, Kant then provides an alternative formulation for the categorical imperative: "Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as and end and never merely as a means"[60, p. 46–47]. Subsequently, Kant emphasizes the link between the "idea of the dignity of a rational being" and the aspect that such a being "obeys no law except that which at the same time it gives itself"[61, p. 56]. This entails the idea, as McCrudden puts it, of "dignity as autonomy"[62, p. 659].

Giving oneself the laws that guide one's conduct reflects the principle of the autonomy of the will[63, p. 51], faced as "the supreme principle of morality"[64, p. 58]. "Autonomy of the will is the property of the will through which it is a law to itself (independently of all properties of

[54] *Ibid*.
[55] *Ibid*.
[56] KANT, Immanuel, *Groundwork for the metaphysics of morals*, Binghamton: Vail-Ballou Press, 2002.
[57] *Ibid*.
[58] *Ibid*.
[59] *Ibid*.
[60] *Ibid*.
[61] *Ibid*.
[62] McCRUDDEN, *Human dignity and judicial interpretation of human rights*.
[63] KANT, *Groundwork for the metaphysics of moral*.
[64] *Ibid*.

the objects of volition)"[65]. In the third and final part of the *Groundwork*, Kant then goes on to establish an explicit link between autonomy and freedom, "for freedom and the will giving its own laws are both autonomy, hence reciprocal concepts"[66, p. 66–67]. And while freedom is linked to the use of reason, natural necessity is presented as a countering category:

> freedom would be that quality of this causality by which it can be effective independently of alien causes determining it; just as natural necessity is the quality of the causality of all beings lacking reason, of being determined to activity through the influence of alien causes.[67, p. 63]

Acting to satisfy one's desires, needs or instincts, for instance, does not amount to freedom. As Sandel[68, p. 149] puts it while commenting Kant's take: "if you didn't choose those desires freely in the first place, how can you think of yourself as free when you're pursuing them?" Empirical elements, things emanating from the senses, the sensible world: none of these can be the basis of free action, just as "all representations that come to us without our choice (like those of sense)"[69, p. 67]. In absence of a qualified choice, that is, one attaining to the pure use of reason, "independently of all properties of the objects of volition", one is in the realm of heteronomy, the opposite of autonomy. Here, "the will does not give the law to itself, but rather an alien impulse gives it by means of the subject's nature"[70, p. 62].

Throughout the book, Kant mentions several heteronomous factors in shaping human conduct, that act as "alien impulses": fear, inclinations[71, p. 58], natural necessity[72, p. 63], desire, natural instincts[73, p. 75] and, generally, every action intended as a means to another end; those are all heteronomously determined. And thus, deprived of moral worth. These are all elements from the world of senses, the empirical world. And it must be remembered that Kant is putting forward a view of morality erected upon reason alone, purely on *a priori* grounds. Freedom and morality are aspects of the "world of understanding", as opposed to the "world of sense": "independence of determinate causes of the world of sense (such as reason must always attribute to itself) is freedom"[74, p. 69]. While the sensible world is linked to heteronomy,

> freedom of the will is grounded on consciousness and the admitted presupposition of independence of reason from all merely subjectively determined causes, which together constitute that which belongs merely to sensation, hence under the general term "sensibility".[75, p. 73]

In summary, in Kant's *Groundwork,* the moral value of an action is derived from being guided by duty, which, in turn, can only be possible through the exercise of autonomy. Human conduct can only really be free when it is pursued out of duty. That is, following categorical

[65] *Ibid*.
[66] *Ibid*.
[67] *Ibid*.
[68] SANDEL, Michael J. O que importa é o motivo: Immanuel Kant. *In*: *Justiça*: o que é fazer a coisa certa. Rio de Janeiro: Civilização Brasileira, 2019, p. 133–174.
[69] KANT, *Groundwork for the metaphysics of morals*.
[70] *Ibid*.
[71] *Ibid*.
[72] *Ibid*.
[73] *Ibid*.
[74] *Ibid*.
[75] *Ibid*.

imperatives. However, autonomy is negated by heteronomy, exterior determinations closely associated with material wants rooted in the sensible world.

The Kantian perspective on how autonomy is thwarted by elements of the sensible world allows for considerations on how the right to basic conditions of life connects to the exercise of free will. Kant does not deny that the will is affected by the sensible world. Rather, he upholds that moral worth consists in using reason to be the sole determinant of the will, against instincts, inclinations or desire. That, however, seems impossible in the face of hunger, thirst, homelessness or economic anguish. Material precariousness sets a person outside the Kantian scope of freedom. Being dominated by sensible afflictions, one's will is bound to be determined heteronomously.

It is true that Kant means his moral philosophy to be articulated on purely *a priori* grounds, and that the present rationale brings his concepts back to *this* world. Kant meant to disregard or overcome "alien determinants" to the exercise of "pure reason" in defining moral worth. Here, we value his insight of heteronomy as an obstacle to the free use of reason in order to reflect on the conditions needed for the exercise of autonomy; thus, not on *a priori* grounds. Given that Kant presents freedom as presupposing the use of reason for determining the will without alien determinants, the practical (and not *a priori*) exercise of freedom and autonomy become paradoxically connected to external socioeconomic conditions. For instance: not having the mind bothered by starvation, not being consumed with daily struggles for survival and the like. Through those lenses, there is a Kantian quality in stating that "The hungry, homeless, and illiterate individual will not have the conditions to effectively exercise the freedoms of thought, expression, assembly, or association, as well as other rights"[76, p. 235]. As in Kant, impairments arising from the sensible world compromise autonomy and dignity, and thus connect to the Kantian issue of "determining the conditions of external freedom"[77, p. 500].

In this regard, Pablo Gilabert's reading of the role of dignity in contemporary human rights discourse comes in handy. He explores a conceptual network involved in defining dignity. Gilabert uses "status dignity" to refer, much in Kantian fashion, to an ontological idea of dignity characterized as being inherent, non-instrumental, egalitarian, and of high priority[78], p. 122. To this idea, Gilabert adds the notions of *conditions, circumstances* and *basis* of *dignity*, which, in Kantian terms, refer us to the realm of sensible experience. These notions entail attention to the contingent situations human beings are positioned in, and which are context specific[79, p. 126-31]. This amounts to recognizing that "When human beings have dignity, they have the deontic status of being owed (reasonable and feasible) support by every agent who can affect the fulfillment of their interests in retaining, developing, and exercising the human capacities that give rise to that dignity" [80, p. 130].

It is true that Kant's conception of freedom takes place inside the individual's mind and in abstraction of everything sensible and empirical. It is, in that sense, otherworldly. Yet, when

[76] BARCELLOS, Ana Paula de. Liberdade. *In*: DIMOULIS, Dimitri (Org.). *Dicionário brasileiro de direito constitucional*. São Paulo: Saraiva, 2012.

[77] MILOVIC, Miroslav. Emmanuel Kant. *In*: BARRETTO, Vicente de Paulo (Org.). *Dicionário de filosofia do direito*. Rio de Janeiro: Renovar, 2009, p. 498–501.

[78] GILABERT, Pablo. *Human Dignity and Human Rights*. Oxford: Oxford University Press, 2018.

[79] *Ibid.*

[80] *Ibid*.

read with a mind on what it takes to realize Kantian freedom *in this world*, his take on heteronomy can be presented as an implicit recognition that socioeconomic conditions matter to the practical exercise of freedom and autonomy.

Thus, just as Gilabert goes beyond exclusive attention to abstract notions such as "status dignity" to contextually rich aspects such as *conditions, circumstances* and *basis* of *dignity*, we seek to highlight a possibility of reading Kant's contributions as entailing that, while his conception of freedom is inherently abstract and otherworldly, the practical realization of freedom in the tangible world requires factoring in socioeconomic conditions.

The daring scenario of water deprivation depicted in the introduction points us to the relevance of basic conditions to the empirical fruition of dignity. Lack of water hindered even its most fundamental aspects, such as recognition as a rights-bearing person. After all, the homeless person stated the belief that, in absence of a shower, they would not be granted the right to healthcare at a hospital, which the Brazilian Constitution recognizes as a universal fundamental right. This provides an example of lack of dignity being understood as entailing absence of a "decent life". However, there is much more into human dignity. Just as Gilabert differentiates *basic* and *maximal* dignity through the emphasis on the achievement of a "flourishing life" rather than a merely "decent one"[81, p. 205], we connect the issue of human dignity to Maslow's pursuit of a hierarchy of needs leading up to self-actualization. This allows for a reading that connects the Kantian ideas of autonomy and dignity to Maslow's ideas of self-actualization.

2 UNATTENDED BASIC NEEDS AS OBSTACLES TO SELF-ACTUALIZATION IN MASLOW

Abraham Maslow's *"A theory of human motivation"*, of 1943, presented a hierarchy of needs suggesting that "humans are driven by innate needs for survival, safety, love and belonging, esteem, and self-realization, in that order." His ideas have "resonated powerfully in scholarship across disciplines" and are well known beyond scholarly contexts[82, p. 508].

The core of his contribution consists in arranging human needs according to a hierarchy of prepotency. In this setup, unattended needs at a more basic level hinder the feasibility of directing efforts to the satisfaction of higher needs[83, p. 370]. In this sense, the levels of needs determine what the individual will be most motivated to pursue[84]. The most basic needs, of highest pre-potency, are physiological needs. For instance, a person suffering from hunger directs all capacities "into the service of hunger-satisfaction", prioritizing it over other needs:

> Undoubtedly these physiological needs are the most prepotent of all needs. What this means specifically is, that in the human being who is missing everything in life in an extreme fashion, it is most likely that the major motivation would be the physiological needs rather than any others. A person who is

[81] GILABERT, Pablo. *Human Dignity and Human Rights*. Oxford: Oxford University Press, 2018.

[82] ABULOF, Uriel. Introduction: Why We Need Maslow in the Twenty-First Century. *Society* [*S. l.*], v. 54, n. 6, p. 508–509, 2017.

[83] MASLOW, A theory of human motivation.

[84] CAVALCANTI, Thiago Medeiros; GOUVEIA, Valdiney Veloso; MEDEIROS, Emerson Diógenes de; *et al*. Hierarquia das Necessidades de Maslow: Validação de um Instrumento. *Psicologia*: Ciência e Profissão, Porto Alegre, v. 39, 2019.

> lacking food, safety, love, and esteem would most probably hunger for food more strongly than for anything else.[85 p. 373]

Maslow then goes on to ask: "what happens to man's desires when there is plenty of bread and when his belly is chronically filled?" At this moment, other needs emerge "and dominate the organism. And when these in turn are satisfied, again new (and still 'higher') needs emerge and so on." According to Maslow, the satisfaction of physiological needs cause them to "cease to exist as active determinants or organizers of behavior"[86, p. 375], thus opening the way for the focus on other, less prepotent needs.

Safety needs succeed physiological needs in Maslow's hierarchy[87, p. 376]. This is a broad category, encompassing much more than safety from direct physical harm, as in threats from "wild animals", "criminals", of "assault and murder" and so on. Maslow includes in his account safety from "extremes of temperature" – thus resulting in the need for shelter – and other aspects which can be read as socioeconomic concerns. The key seems to be what makes a person feel endangered. Thus, a person whose immediate physiological needs are sated, but who is an "economic and social underdog", has unattended safety needs which will become the main drive to motivation. Maslow sees the safety needs of humans reflected, for instance, in "the common preference for a job with tenure and protection, the desire for a savings account, and for insurance of various kinds (medical, dental, unemployment, disability, old age)"[88, p. 379].

Further higher in hierarchical standing are love needs. "If both the physiological and the safety needs are fairly well gratified, then there will emerge the love and affection and belongingness needs"[89, p. 380]. Still further are esteem needs, related to feelings of self-confidence, worth, strength, capability and adequacy of being useful and necessary in the world[90, p. 382]. As to these, Maslow points out that:

> All people in our society (with a few pathological exceptions) have a need or desire for a stable, firmly based, (usually) high evaluation of themselves, for self-respect, or self-esteem, and for the esteem of others. By firmly based self-esteem, we mean that which is soundly based upon real capacity, achievement and respect from others. These needs may be classified into two subsidiary sets. These are, first, the desire for strength, for achievement, for adequacy, for confidence in the face of the world, and for independence and freedom. Secondly, we have what we may call the desire for reputation or prestige (defining it as respect or esteem from other people), recognition, attention, importance or appreciation.[91, p. 381–2]

[85] MASLOW, A theory of human motivation.
[86] *Ibid*.
[87] *Ibid*.
[88] MASLOW, A theory of human motivation.
[89] *Ibid*.
[90] *Ibid*.
[91] *Ibid*.

These needs distance themselves from direct or indirect threats coming from the environment one lives in. Rather, they concern needs pertaining to human relations. They are, in this sense, "higher needs"[92, p. 512].

Finally, highest in hierarchy, comes the need for self-actualization. Even if all needs are satisfied – physiological, safety, love and esteem needs – "we may still often (if not always) expect that a new discontent and restlessness will soon develop, unless the individual is doing what he is fitted for"[93, p. 382]. This is the scope of human flourishing, or *eudaimonia*[94, p. 524]. Maslow depicts self-actualization with an Aristotelian touch of fulfilling one's purpose, of realization of one's essence: "the desire to become more and more what one is, to become everything that one is capable of becoming". Accordingly, a "musician must make music, an artist must paint, a poet must write, if he is to be ultimately happy. What a man can be, he must be. This need we may call self-actualization"[95, p. 382]. It is, in other words, the "individual need for fulfillment"[96, p. 517].

Given, however, that there is a scale of prepotency in which unattended more basic needs drive priority and narrow the scope of concern towards higher needs, self-actualization is hardest to achieve. Maslow recognizes this as he states that "in our society, basically satisfied people are the exception, we do not know much about self-actualization"[97, p. 383].

Maslow adds some exceptions to the rigidity in the hierarchical setup of basic needs. First, he warns that these needs are subject to temporary reversal in prepotency. Maslow exemplifies the point: a person may decide to quit his job rather than withstand humiliations at the workplace. This means the need for self-respect, and aspect of the need for esteem, overthrows the prepotency of the more basic need for safety. However, "a man who has given up his job rather than lose his self-respect, and who then starves for six months or so, may be willing to take his job back even at the price of losing his self-respect"[98, p. 387].

Secondly, Maslow considers that the needs are subject to relative degrees of satisfaction. Rather than requiring full satisfaction of physiological needs for safety needs to become important, and so on, higher needs may drive human motivation upon partial satisfaction of lower needs:

> We have spoken in such terms as the following: "If one need is satisfied, then another emerges". This statement might give the false impression that a need must be satisfied 100 per cent before the next need emerges. In actual fact, most members of our society who are normal, are partially satisfied in all their basic needs and partially unsatisfied in all their basic needs at the same time. A more realistic description of the hierarchy would be in terms of

[92] ETZIONI, Amitai. The Moral Wrestler: Ignored by Maslow: I. Foundations. *Society* [*S. l.*], v. 54, n. 6, p. 512–519, 2017.

[93] MASLOW, A theory of human motivation.

[94] GRAHAM, Carol. The High Costs of Being Poor in the Land of the Dream: II. Society and Politics. *Society*, [*S. l.*], v. 54, n. 6, p. 524–526, 2017.

[95] MASLOW, A theory of human motivation.

[96] ETZIONI, The Moral Wrestler.

[97] ETZIONI, The Moral Wrestler.

[98] MASLOW, A theory of human motivation.

> decreasing percentages of satisfaction as we go up the hierarchy of prepotency.[99, p. 388]

The exceptions introduced by Maslow suggest that his hierarchy of needs should be faced as a general scheme to the prepotency of human motivations, rather than a rigid or deterministic arrangement.

Maslow's theory provides valuable grounding for the right to basic conditions of life. Human flourishing is viewed as impaired by unattended basic needs. In particular, Maslow opens the way for economic and social rights when he alludes to safety needs as comprising more than absence of direct physical threats. Safety needs are met by not feeling endangered, which includes economic perils to one's foreseeable future, that is, "material precariousness"[100, p. 534]. Individuals who face daily stress often find it difficult to engage in long-term planning due to being overwhelmed by their immediate challenges. "Their focus is primarily on surviving each day rather than considering broader aspects of human well-being, such as experiencing a sense of fulfillment and purpose, known as eudaimonia"[101, p. 524]. His depiction of "economic and social underdogs"[102, p. 379] as persons whose safety needs are compromised allow for the emphasis on economic and social rights as necessary remedies. This also holds true in respect of physiological needs, which likewise directly relate to socioeconomic conditions. Maslow's theory, after all, recognizes the impact of socioeconomic factors on the possibilities of self-realization, that is, of human flourishing.

Thus, Maslow can be read as implying that psychological health and flourishing should be made possible as a result of a basic social contract aiming to provide for all. However, Whippman affirms that self-realization has been increasingly presented "as the result of individual effort, divorced from our circumstances or the societies in which we live"[103, p. 528]. This ideological stance, which Whippman depicts as a "cultural narrative around human wellbeing", inverts Maslow's pyramid, "positing self-realization not just as something to pursue when the basic fundamentals are in place, but as a viable alternative to those fundamentals"[104, p. 527]. In Maslow's account, material precariousness affects and hinders the possibility of self-realization. Yet, the "emphasis on individual control has led to an almost belligerent denial in recent years of the impact of social and political context on wellbeing"[105, p. 528]. Maslow's model, in this sense, also provides materials for a critical perspective on approaches that situate the individual as an *entrepreneur*, solely responsible, regardless of environmental conditions, for the pursuit of happiness, or the likeness of *eudaimonia*.

The stark reality of homelessness and water deprivation highlighted in the introduction underscores how material precariousness stands in the way of any possibility of human flourishing. The attention Maslow affords to the meeting of basic needs in order to allow for concern for higher human needs in his scale of prepotency provides an important intellectual

[99] *Ibid*.

[100] TRÉHU, Julia. The Shaky Foundations of Millennials' Basic Human Needs: III. Young Perspectives. *Society* [*S. l.*], v. 54, n. 6, p. 533–534, 2017.

[101] GRAHAM, The High Costs of Being Poor in the Land of the Dream.

[102] MASLOW, A theory of human motivation.

[103] WHIPPMAN, Ruth. Where were we while the Pyramid was Collapsing? At a Yoga Class: II. Society and Politics. *Society* [*S. l.*], v. 54, n. 6, p. 527–529, 2017.

[104] *Ibid*.

[105] *Ibid*.

foundation for economic and social rights. The idea of a *scale* of needs, organized according to prepotency, also seems to fit well with Gilabert's differentiation between *basic* and *maximal* dignity by highlighting the pursuit of a "flourishing life" as opposed to a merely "decent one"[106, p. 205].

Just as material precariousness in Maslow sets a person apart from the possibility of self-realization, our reading of Kant suggested that it places an individual outside the Kantian scope of freedom, and thus of human dignity. Our final remarks, presented below, underscore how the joint reading of Kant and Maslow may contribute to intellectual elaboration on the tension between formal universal affirmation of human dignity and concrete requirements for its coming into being in particular instances. This is relevant for the role played by economic and social rights in the material construction of freedom, dignity, and human flourishing.

■ FINAL REMARKS

How much for human dignity, after all? In the case presented at the introduction, economic deprivation of a homeless person resulted in lack of access to water, because it cost R$ 8.00 at the bus station. Not being able to take a shower was next associated with practical denial of healthcare in a public hospital. It is necessary to take into account what it takes for a person to actually be dignified. Material deprivation is a threat to human dignity.

It is true that Kant presents human dignity as an intrinsic attribute of human beings due to their use of reason. The issue is, however, not normative. It does not concern ascribing dignity as an inherent feature of human existence stemming from human status alone, or "status dignity". In the case alluded to in the introduction, a person living in the streets of Belo Horizonte perceives that cognition as a recipient of the right to health does not automatically accrue from human status alone. The perception of an *undignified* human is a hindrance to the fruition of rights. There are certain basic conditions of life that stand as prerequisites for human dignity. Provocatively, it may be said: if only the person in question had R$ 8.00 to pay for a shower at the bus station, he could have been recognized as a human being and granted treatment at the hospital. R$ 8.00 seems to have been the price of dignity at this particular stance.

Without minimal conditions that allow for distancing from heteronomous factors affecting the formation of the will, there can be no autonomous use of reason. That is, individual autonomy assumes a minimum standard of material welfare. Kant advocates for the use of pure reason as the basis of autonomy and consequently as grounds for ascribing moral worth to human conduct. However, he acknowledges that factors stemming from the sensible world affect the formation of human will. His standard for moral value consists of using reason as the sole determinant of the will. That is, using reason independently of any instincts, inclinations or desires, of any "alien" causes, since the individual does not choose these elements. Acting out of pure reason seems impossible, however, in the face of extreme material deprivation. In that situation, the will cannot freely give the law to itself, as alien – or unchosen – impulses give such law to the individual. In other words, the use of reason cannot be "pure"

[106] GILABERT, *Human Dignity and Human Rights*.

when a person is facing hunger, for instance. We have sustained that, given that Kant presents freedom as presupposing the use of reason for determining the will without alien determinants, the practical (and not *a priori*) exercise of freedom and autonomy become paradoxically connected to external socioeconomic conditions. Autonomy cannot therefore take place where choices are determined by imperative personal needs[107].

Maslow reinforces this perception. According to his theory of human motivation, humans are motivated by needs for survival, safety, love and belonging, esteem, and self-actualization, in that order. These needs form a hierarchical structure, where unmet lower-level needs hinder the pursuit of higher-level needs. For example, when physiological needs such as hunger are unfulfilled, they take priority over other needs. As lower-level needs are (at least partially) satisfied, higher-level needs emerge and become the focus of motivation. Given that socioeconomic factors are directly linked to the most basic needs (physiological and safety), Maslow's theory contributes to positioning basic conditions of life – through the affirmation of economic and social rights – as necessary to the path of human flourishing, or self-realization.

A parallel between the two approaches is possible. In Kant, human dignity derives from rational nature, and the use of reason is the key to achieving conduct that is simultaneously autonomously determined and therefore imbued with moral worth. However, obstacles from the sensible world – and here one can think of desires and instincts, but also more specifically of hunger, thirst, physical threats and the like – are heteronomous sources of motivation for human conduct, depriving it of moral worth if attended to. In Maslow, these elements of the sensible world are organized in a hierarchy of basic needs. At the top, self-actualization comes as the highest human need, also hindered by unsatisfied needs below it in hierarchy. In both authors, a higher purpose – autonomy in Kant, self-actualization in Maslow – is presented in tension to aspects of the sensible world – heteronomy in Kant, basic needs in Maslow. And, in particular, material precariousness can be positioned as an obstacle both to autonomous use of reason in Kant and to the path to self-realization in Maslow.

The proposed conceptual dialogue between Kant and Maslow also suggests that individuals that do not suffer the constraint of economic deprivation are closer to experiencing freedom as autonomy of the will and self-realization, while those who struggle for survival are also deprived from freedom and fulfillment in the sense outlined above. Autonomy, which Kant highlights as underlying dignity, is only truly possible upon the satisfaction of a minimum existential condition that includes basic, security, and social needs according to Maslow's hierarchy. Meeting these requirements is essential not only for autonomy, but also for human dignity. Therefore, the question of needs, which forms the core of the right to basic conditions, directly affects the capacity for freedom as autonomy and, consequently, reflects on human dignity itself. In the absence of minimum thresholds of well-being, formal affirmation of autonomy – and of dignity – is mere fiction.

[107] We therefore use Kant's premises but diverge from his conclusions. The distinction between autonomy and heteronomy of the will is incorporated. However, while Kant argues that moral worth stems from the use of pure reason in spite of heteronomous forces deriving from the sensible world, we posit that his take on heteronomy may as well lead to the conclusion that unattended basic material needs are a relevant impairment to the formation of free will. That is to say: Kant assumes a rational being capable of complete distance from the sensible world in determining their will; we do not.

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