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Human Dignity as a Value

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Abstract: One promising candidate for entities that have an intrinsic or fundamental value seems to be human beings: We should treat other people with respect because they have a value the tradition calls "human dignity". Yet many philosophers today prefer to understand human dignity more in terms of a norm or attitude. In my paper, I seek to explore the prospects for a value account of human dignity. Taking seriously the insights of the competing proposals, I argue in the first part that while these theories of human dignity are not blatantly wrong in attributing dignity to a norm or attitude, they are seriously incomplete if they are not supported by an understanding that also identifies human dignity as a value. In the second part, I consider and refute a number of objections which claim that value conceptions of human dignity are ill-suited to explaining the core features of human dignity.

Keywords: human dignity, persons, dignity as a norm, dignity as an attitude, fundamental value

1 Introduction

While many theories of fundamental value[1] focus on the value of certain states of affairs, particularly those involving a creature's well-being (such as feeling happy, having friends, or perfecting one's talents), common sense suggests that other ontological categories, such as particular things, are also bearers of fundamental value. Thus, fundamental value not only comes in the form of being good for someone (like a book that is interesting or a pet that is lovely), but sometimes also signifies a type of goodness

[1] This value is also referred to as "final", "inherent" or "intrinsic" value. What is meant here is the value of something that terminates the chain of justifications we give to others or to ourselves when asked why we seek to realise a certain state of affairs; cf. e. g. Timothy Chappell, *Understanding Human Goods: A Theory of Ethics,* Edinburgh 1998, ch. 2.1.

that is non-relative (that is, good "sans phrase") and status-providing (for example, I should not torture cats, no matter whether I like them or not).[2]

The most obvious candidates for bearers of the latter kind of fundamental value are people. In our common understanding of intersubjective morality, our fellow human beings are considered the ultimate endpoint when justifying many standard moral norms, such as the prohibition of murder or the requirement to help others in dire need. In intersubjective morality, the entities to whom behaviour is owed are often addressed as "persons". As Charles Taylor puts it, "[w]here it is more than simply a synonym for 'human being', 'person' figures primarily in moral and legal discourse. A person is a being with a certain moral status, or a bearer of rights."[3] But if we ask *why* (at least most) human beings are considered persons with certain rights that impose obligations on us, the natural answer seems to be "because they have dignity". This is the case at least as far as general human rights are concerned, that is, rights that are not tied to a particular morally relevant role that one has in society (for example as a doctor, a parent, or a promisor). As normative properties, "having a certain moral status" and "possessing human dignity" are undoubtedly closely related. Although having a certain moral status does not necessarily imply having human dignity, the converse is true: if we give philosophical credit to both notions at all, then something that is a person is also a bearer of human dignity. It would be an odd coincidence if the moral status that comes with personhood is not connected to the moral status referred to by human dignity, although the latter may include more than just human dignity.

Yet a quick survey through the current literature swiftly prevents one from the conclusion that we have indeed found a value whose protection and respect, in the solemn phrase of the German Constitution, "shall be the duty of all state authority", and hence can count as fundamental in the sense of forming a normative endpoint in our deliberation. On the contrary, for the most part, the voices participating in the philosophical debate are sceptical about understanding human dignity as a value. If they consider human dignity significant for normative ethics at all, they seek to explain the status of persons with a conception of human dignity as a norm or as an attitude. Furthermore, philosophers who explicitly defend a value-based conception of human dignity rarely provide explicit reasons

[2] For this distinction and further differentiations, cf. Dietrich von Hildebrand, *Ethics,* Chicago 1972, 30, 119f.

[3] Charles Taylor, *Human Agency and Language,* Cambridge 1985, 92.

for why human dignity is best explained as a value. Instead, they tend to focus on other questions related to dignity.[4]

The following will outline a potential defence of human dignity as a value. The first section will explore the two primary alternatives to a value-based understanding of human dignity: norm accounts and attitude accounts. The conclusion of this section is not that theories of human dignity that identify dignity primarily with a norm or an attitude are blatantly *incorrect*, but rather that they are *incomplete* without an interpretation that understands human dignity also as a value. As this value forms an essential part of our understanding of human dignity, I argue that the value conception should be considered at least as central to our normative concept of human dignity as its alternatives.

The second section will address and refute a series of objections that argue for resisting the temptation to fill the explanatory gap within the theory of human dignity with a value that shares its name. According to these objections, we should resist this temptation, since value conceptions are not well-suited to explain important characteristics of human dignity: First, if human dignity is interpreted as a value, it must implausibly be regarded as absolute, meaning that its norms may never be overridden. Second, there are no grounding properties in sight that can explain the scope of human dignity bearers and the equal distribution of dignity between them. And third, seeing human dignity as a value involves a category mistake because values are gradable whereas human dignity does not allow for any more or less.

2 Three Accounts of Human Dignity

As stated in the introduction, most conceptions of human dignity do not interpret it as a value that plays an important role in the moral status of human beings (and possibly other living beings as well). Instead, they tend to view it as a norm or a set of norms. The most popular accounts are those that identify human dignity with certain fundamental rights. Examples of

[4] For instance, the question of whether all human beings possess human dignity is discussed in Patrick Lee / Robert P. George, *The Nature and Basis of Human Dignity,* in: Ratio Juris 21 (2008), 173–193, DOI: 10.1111/j.1467-9337.2008.00386.x; Robert Spaemann, *Was macht Personen zu Personen?*, in: Hans Thomas / Johannes Hattler (eds.), Personen: Zum Miteinander einmaliger Freiheitswesen, Frankfurt a. M. 2012, 29–44. As another example, the normative implications of possessing human dignity for both the bearer and others in certain bioethical contexts are explored in Christopher R. Kaczor, *A Defense of Dignity: Creating Life, Destroying Life, and Protecting the Rights of Conscience,* Notre Dame (Ind.) 2013; Friedo Ricken, *Menschenwürde und Recht auf Leben,* in: ThPh 86 (2011), 574–577.

this are interpretations of human dignity as a set of minimal human rights,[5] as a right not to be humiliated,[6] or as a right to justification.[7]

The norm account of human dignity has several advantages. Firstly, as a core moral concept within interpersonal ethics, human dignity certainly must be about moral norms at some level, that is, propositions about what we may not or must do. So, why should dignity itself not straightforwardly be interpreted as a norm as well? Secondly, human dignity is often cited as the normative basis for human rights. However, if this is the case, these rights should be somehow derivable from human dignity, and the most obvious way to do this is by logical deduction. But this would require human dignity, as the major premise, to be characterised in terms of a right as well; therefore, it must be a norm.[8] Thirdly, it is often said that disrespectful behaviour violates the dignity of the victims and that human dignity itself can be violated. However, it seems awkward to speak of violating a value, which can instead be respected or disrespected, promoted or demoted. However, norms or any type of standards can certainly be affected in this way. Therefore, the norm account of human dignity can score points in this respect.

A less commonly chosen but still viable alternative identifies the concept of human dignity primarily with an attitude. Michael Rosen has articulated such an account,[9] and traces of it can be found in the writings of Ralf Stoecker.[10] However, Eva Weber-Guskar is the most prominent advocate of the attitude account.[11] She roughly argues that we live in a dignified state when we are at peace with ourselves, meaning that our attitudes towards ourselves and the world align with our evolved self-image. This self-image functions as a normative standard that guides our behaviour and the behaviour of others towards us.

Like its norm competitor, the attitude account also has some natural advantages. Firstly, it can take seriously the history of dignity. The concept

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[5] Cf. Dieter Birnbacher, *Ambiguities in the Concept of Menschenwürde*, in: Kurt Bayertz (ed.), Sanctity of Life and Human Dignity, Dordrecht 1996, 107–121.

[6] Cf. Peter Schaber, *Menschenwürde als Recht, nicht erniedrigt zu werden*, in: Ralf Stoecker (ed.), Menschenwürde – Annäherung an einen Begriff (Schriftenreihe der Wittgenstein-Gesellschaft 32), Wien 2003, 119–131.

[7] Cf. Rainer Forst, *Die Würde des Menschen und das Recht auf Rechtfertigung*, in: DZPh 53 (2005), 589–596, DOI: 10.1524/dzph.2005.53.4.589.

[8] Cf. Jeremy Waldron, *Is Dignity the Foundation of Human Rights?*, in: Rowan Cruft / S. Matthew Liao / Massimo Renzo (eds.), Philosophical Foundations of Human Rights, Oxford 2015, 117–137, at 128–130.

[9] Cf. Michael Rosen, *Dignity: Its History and Meaning*, Cambridge (Mass.) 2018.

[10] Cf. Ralf Stoecker, *Menschenwürde und das Paradox der Entwürdigung*, in: idem (ed.), Menschenwürde, 133–151, sec. 6. However, he ultimately appears to favour the norm account.

[11] Cf. Eva Weber-Guskar, *Würde als Haltung*, Münster 2018.

of dignity dates back to ancient times: Cicero and the Stoics are commonly mentioned as early theorists on the subject.[12] For the most part of its history, dignity has been primarily understood as a set of attitudes that the bearer adopts, based on their role in society or as a human being. For the contemporary understanding, these requirements are now more flexible, and individuals are free to choose which roles align with their personal desires, preferences, and values.

Secondly, the attitude account of human dignity delivers a rational underpinning for the norm account in that it explains and justifies the norms that are linked to human dignity. As just noted, for the attitude account, human dignity roughly translates into a state in which one's attitudes are consistent with the various roles and chosen values that make up one's personality. The ability to do so and/or the state of standing in such fitting relations is of greatest importance to us, and hence we have reasons, in the form of moral norms, for achieving or maintaining such a "dignified state".

Thirdly, the attitude account can make intelligible why human dignity is ultimately about "what is constitutive for persons."[13] For on the surface, the justification of basic human rights frequently linked to human dignity could also be given a rule-consequentialist rationale: Here, what matters are not individual persons, but aggregates thereof. However, a core characteristic of human dignity, as we will see below, prohibits sacrificing individuals for the greater good: We must not humiliate someone to prevent two humiliations of the same type. The attitude account is able to provide an explanation for this phenomenon: Since human dignity is identified with a dignified state that is valuable for its holder, the justification of its norms must point to a type of relational goodness. This kind of goodness, however, is not available for *aggregations* of dignified states, since nothing can be good or bad for them.[14]

So much for the strengths of both accounts of human dignity. I think that they offer us important insights into human dignity's nature. I also believe, however, that they are decisively *incomplete* by ignoring the value-aspect of human dignity. Furthermore, I would like to argue that this value-aspect has at least *the same right* to be highlighted in any conception of human dignity as its two alternatives. In what follows, I will start by defending the first claim and provide *three reasons* why the value theory of human dignity is a suitable addition to the norm and attitude accounts.

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[12] Cf. Peter Schaber, *Menschenwürde,* Stuttgart 2012.

[13] Peter Schaber, *Instrumentalisierung und Würde,* Münster 2013, 16 (transl. by S.M.).

[14] As the *locus classicus*, cf. John M. Taurek, *Should the Numbers Count?,* in: PPAf 1977 (6), 293–316, at 303–307.

To begin, let us revisit Taylor's definition that a person "is a being with a certain moral status, or a bearer of rights." Although this definition appears to align with the normative concept of human dignity, a more precise understanding of moral status has been proposed by Jeremy Waldron. He emphasizes against Taylor that "a status term is never just reducible to a list of rights and duties; it also conveys the point of clustering those particular rights and duties together in a certain way."[15] This "point" should not just be understood as "a value or a telos; it is a matter of fleshing out and responding to a certain sort of standing or considerability that an entity or agent is supposed to have among us, in virtue of which things may be demanded of us and also of it."[16]

Despite Waldron's reservations about the value idea, it is evident that this type of quality is an apt candidate to do this job at the basic justificatory level. For instance, when considering what justifies our decision not to harm a cat for fun, a natural response is to highlight the fact that the cat is a sentient being. Harming sentient beings for fun is not merely wrong, but also a bad thing: bad for the cat of course, but also bad *as such*. If we further ask what makes this type of harm bad—why the world has become worse because of this act—, a plausible explanation is that the cat has been treated in a way that goes against the fundamental moral value that cats possess as sentient beings. But sentient beings are not the only entities that possess this kind of value; persons are also exhibiting it, and below I will provide reasons why the fundamental value of a person deserves the name "dignity". This gives us a *first reason* why the value account is attractive: it is a promising candidate to explain *why* certain norms are in place.

The example of the harmed cat immediately suggests a *second consideration* that supports the value account of human dignity. This consideration is based on the idea that the concept of value implies a gradable property: something can be more or less valuable. This in turn can explain why the norms that are justified by appealing to that value carry a certain weight.[17] The metaphor of a weight is employed as an illustration of the idea that some norms override others, with norms of dignity being among the highest ranked compared to other norms. This must be explained, and once again, values are a natural candidate to do so: If an entity is morally more valuable than another, the norms justified by reference to the former value will

[15] Jeremy Waldron, *Dignity, Rank, and Rights,* New York 2012, 139.
[16] Ibid.
[17] Cf. Barry Maguire, *The Value-Based Theory of Reasons,* in: Ergo 3 (2016), 233–262, DOI: 10.3998/ergo.12405314.0003.009, at 235, 241f.

carry greater weight. To take up the previous example, while cats possess fundamental moral value, so that we must not harm them without good reason, their moral significance ranks *lower* than that of human beings. This explains both why harming cats is allowed in more exceptional cases than harming human beings, and why harming a cat without a good reason is still *less wrong* than doing the same thing to a human being.[18]

The penultimate paragraph suggested that dignity as a value is "a promising candidate" for providing norms that together form a given status with a "point"; it is, however, not the only candidate. And indeed, the attitude account of human dignity, which posits that dignity forms a state of affairs that an entity can be in, offers a viable alternative to this approach. However, to uphold the status of individual persons as the ultimate bearers of dignity, it was added that this state of affairs must be somehow valuable for them, by improving their well-being or making them more complete. Still, we might ask how this kind of prudential or perfectional value can also be made *morally* relevant: The idea of human dignity, as the norms conceptually tied to it show, is situated within the moral sphere.

Linking the prudential or perfectionist value of dignity to morality does not seem too difficult at first sight: The interest in being in a dignified state—a valuable state that can rationally underpin the rights and duties commonly associated with human dignity—is presumably important enough to oblige others to treat its bearer in accordance with these norms. This is either because this interest lies at the heart of each person's well-being, or because it is a highly important precondition for developing the skills and capacities necessary for a fulfilling life as a person. However, the focus on dignity as a valuable state of affairs ultimately seems to cut off the deontological roots of dignity: as highlighted above, one advantage of the attitude account is that it makes clear why human dignity is ultimately about persons. On closer examination, however, it becomes clear that while this remains true, we now need to clarify that it is not directly about the persons themselves, but rather about certain states they may experience. While this may seem innocuous at first—perhaps we care about persons insofar as we care about their flourishing or happiness—it puts pressure on the attitude account as the ultimate answer to the question of what human dignity is. For if we consider what makes these states so significant that they prevent a consequentialist approach that aims to bring about as many of these states as possible in beings capable of experiencing them,

[18] Talking of the value of dignity as a gradable property has its own problems which we will explore in the next section.

regardless of whether this results in some individuals losing this state in exchange, the answer is clear: each of these states is uniquely significant only insofar as its bearer (the individual person) is uniquely significant. But to exchange the dignified state of one person for the dignified state of many others is still to treat the dignity of one person as something of lesser value. This is especially true if we assume that depriving a person of their dignified state is prohibited by their inherent dignity.

Indeed, this answer provides a key motivation for introducing a non-relational value in the Kantian tradition. For instance, David Velleman distinguishes between the person's good and the value of the person herself, a distinction developed from ideas by Elizabeth Anderson and Stephen Darwall.[19] Velleman labels the latter value "dignity" and argues that what is good for us is subordinated to the value we have as persons: we only have reason to care for our good if we have reason to care for ourselves. This aligns with our common thinking about human dignity, as the importance we ascribe to being in a dignified state, as stated by the attitude account, gains moral significance by the realization that we matter as beings who crucially depend on being in that state. This provides a *third reason* to embrace a value account of human dignity: it can provide a more natural justification for the idea that human dignity is more closely connected to individuals than its attitude-based competitor.

Of course, proponents of the norm account have alternatives to appealing to human dignity as a value or attitude that functions as the "point" of the status in which they participate. One group of options appeals to *moral values other than human dignity* to supplement the norm account, such as "basic equality" or "humanity".[20] I say more about these options in another paper.[21] In short, I think they have a hard time convincing human dignity advocates that they are not simply offering another version of the value-based approach, but with a different label.[22]

A second set of options might appeal to *non-moral states of affairs* that generate the "point" of moral status that Waldron seeks. For example, a

[19] Cf. J. David Velleman, *A Right of Self-Termination?,* in: Ethics 109 (1999), 606–628, DOI: 10.1086/233924, at 609–612.

[20] For "humanity", cf. Andrea Sangiovanni, *Humanity Without Dignity: Moral Equality, Respect, and Human Rights,* Cambridge (Mass.) 2017; for "basic equality", cf. Jeremy Waldron, *One Another's Equals: The Basis of Human Equality,* Cambridge (Mass.) 2017.

[21] Cf. Sebastian Muders, *Two Kinds of Human Dignity?*, in: Noel Kavanagh (ed.), Yearbook of the Irish Philosophical Society. Special Issue: Humans and Other Animals, Cork 2018, 248–276, at 272–274.

[22] Compare also the second reason I mention below for the claim that the value that completes the other accounts deserves to be called "human dignity".

contractarian conception of morality in the tradition of David Gauthier will argue that the measure of the justification of moral norms is to put them before the tribunal of a hypothetical bargaining process in which the enlightened self-interest of rational individuals will produce rules that work to everyone's advantage. But thinkers in this tradition will have little use for a distinctively moral conception of human dignity in the moral sphere, as leading contemporary contractarians are happy to admit,[23] and so there is no need for a norm account of their conception. Indeed, if such a theory is successful, one might easily be inclined to share Rüdiger Bittner's scepticism that the reasons against torture, discrimination, and exploitation are already well established by such a theory, and that nothing is gained by adding that these actions are also violations of human dignity.[24]

So far, I have argued that both competing accounts offer us important insights into the nature of human dignity, but that they are crucially incomplete because they ignore its value aspect. I have argued that, contrary to initial impressions, neither the norm nor the attitude account of human dignity directly precludes a value account; moreover, I have suggested that they leave open normative questions that can be answered by the value account of human dignity, and I have given three reasons for thinking so. Before I examine three objections that seek to undermine the plausibility of this account as a serious candidate to complement the others, let me argue for my second claim from above: Again, I will offer *three reasons* which suggest that dignity, understood as a value of persons, has at least as much right to be emphasized in any account of human dignity as its two alternatives, even if it is to supplement them rather than to replace them entirely. These are considerations that point to the *role* that dignity as a value plays in assigning moral status to certain entities; the normative priority that it assumes within reflections on that status; and the way that human dignity is used within important *moral traditions*.

The first argument relates back to the notion of a moral status as it has been used throughout this paper. I have followed Waldron in his argument that a status is not just a list of rights and duties but also contains a "point" that relates them to each other and justifies why they are there. If we follow my suggestion that the value of persons is a promising candidate

[23] Cf. Peter Stemmer, *Handeln zugunsten anderer,* Berlin 2000, at 250–254, 305f.

[24] Cf. Rüdiger Bittner, *Abschied von der Menschenwürde*, in: Mario Brandhorst / Eva Weber-Guskar (eds.), Menschenwürde. Eine philosophische Debatte über Dimensionen ihrer Kontingenz (Stw 2211), Berlin 2017, 91–112, at 111.

for this role, then this value becomes part of our understanding of human dignity and can thus be addressed as such, for example in contrast to the norms of human dignity that it justifies.

There seems to be an analogous case with respect to (personal) autonomy. The notion of personal autonomy is used in all sorts of ways—we speak of the capacity,[25] the value,[26] the principle[27] or the norm[28] of autonomy. Moreover, there is a further sense of "autonomy" in which the term refers to a distinct moral status that links all of the above phenomena. The latter usage reflects that the capacity for autonomous behaviour not only has tremendous (intrinsic as well as instrumental) importance for its bearers; it also confers on them a moral significance that urges us to respect its development and exercise, to the point of identifying this respect as one of the cornerstones of common morality (thus even referring to it as a "principle" of morality).[29] This connection allows us to use the concept in all these different respects, while at the same time avoiding any (big) argument about which of them has the exclusive right to the term "autonomy". It only depends on one's research interest which of its usages one takes as primary. The same, I think, applies to human dignity.

A further consideration in support of my claim that the value of persons is the value of human dignity argues in terms of its *normative priority*. If the value of the person is the "point" of the norms constitutive of the status of human dignity, then it functions as the purpose and *raison d'être* of that status: the norms are there because of the value, not vice versa. But given the status of this value in our argument about human dignity as the fundamental endpoint of our justification of certain actions, it would be odd if the norms of human dignity depended on another value that does not bear its name; for this would suggest that human dignity deliberately depends on another value and thus, despite appearances, does not constitute a deliberative endpoint.

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[25] Cf. e. g. Janet Delgado, *Re-Thinking Relational Autonomy: Challenging the Triumph of Autonomy Through Vulnerability,* in: Bioethics Update 5 (2019), 50–65, DOI: 10.1016/j.bioet.2018.12.001.

[26] Cf. e. g. John Harris, *Consent and End of Life Decisions,* in: Journal of Medical Ethics 29 (2003), 1–15, DOI: 10.1136/jme.29.1.10g.

[27] Usually this principle is called "principle *of respect for* autonomy" and is widely regarded as one of the cornerstones of contemporary bioethics, though of course not without dissenting voices; cf. e. g. Charles Foster, *Human Dignity in Bioethics and Law,* Oxford 2011.

[28] The norms are usually spelled out in terms of freedom rights generated by the value of our personal autonomy. For the case of human rights as the most basic rights, such an account is provided most famously by James Griffin, *On Human Rights,* Oxford 2008.

[29] As prominent adherents of such a view, cf. Tom L. Beauchamp / James F. Childress, *Principles of Biomedical Ethics,* New York 2013, ch. 4.

Finally, there is *the argument from tradition*: Both Roman Catholicism and Kantian ethics have a long tradition of interpreting human dignity as a value. Although the Roman Catholic Church's explicit thinking about dignity has its surprisingly recent main roots in the 19th century, starting with Pope Leo's encyclical *Rerum Novarum*,[30] and although there has been the influential suggestion that Kant's conception of dignity does not fit well with the contemporary understanding of human dignity as a value,[31] there is no doubt that many authors from both traditions think of human dignity in this way.[32] Again, it would be strange why a value that functions more or less in the way these scholars imagine should not be called "human dignity".

3 Three Objections

In the previous section, I argued that the value of persons is a promising candidate to complement existing normative and attitudinal accounts of human dignity. I also argued that such a value of persons would rightly bear the name "human dignity" and cannot be omitted from any complete account of human dignity.

It is, however, questionable whether the value of the human person is really the promising candidate I have so far suggested for this task. One might raise more general concerns that have nothing to do with the specifics of human dignity, but which articulate quite general axiological or moral concerns. For example, a buck-passing account of value might cast doubt on the suitability of values as fundamental endpoints for our practical reasoning. Another issue concerns the debate about the objectivity or subject-independence of moral values: clearly, human dignity is not merely in the eye of the beholder, and its validity is not limited to a particular society or culture.[33]

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[30] Cf. Daniel P. Sulmasy, *Death and Dignity in Catholic Christian Thought,* in: Medicine Health Care and Philosophy 20 (2017), 537–542, DOI: 10.1007/s11019-016-9690-9, at 538.

[31] Cf. Oliver Sensen, *Kant's Conception of Human Dignity,* in: KantSt 100 (2009), 309–331, DOI: 10.1515/KANT.2009.018.

[32] For a recent example of the Kantian tradition, cf. Dieter Schönecker / Elke E. Schmidt, *Kant's Ground-Thesis: On Dignity and Value in the Groundwork,* in: The Journal of Value Inquiry 52 (2018), 81–95, DOI: 10.1007/s10790-017-9603-z. For examples of the interpretation of human dignity as a value in the Roman Catholic natural law tradition, see fn. 4.

[33] Both of these objections lead to highly nuanced and complicated debates within metaethics and value theory, which cannot be discussed in detail here. But let me at least give an indication of the direction in which an adequate response to both objections should go: With respect to the buck-passing account of value, I think it is highly unlikely to succeed when applied to the value of human dignity. This is because the reasons that are typically given when

In what follows, however, I want to focus on a different kind of objections, namely objections that articulate concerns about the specifics of the value of persons when that value is identified with human dignity. As I have argued elsewhere,[34] the idea of human dignity—its concept, in Rawlsian terms—has three features that act as landmarks for any theory of human dignity. If a theory or conception lacks some or all of them features to a significant degree, it becomes very difficult to conceive of it as a theory of human dignity in the first place. These features are, first, *the overriding strength* of the norms of human dignity: when something is dictated by human dignity, other normative considerations are usually defeated or even silenced. Second, human dignity is something that *at least the vast majority of human beings should have,* including members of the most vulnerable groups (that is, the very young, the very old and the severely disabled). Third, all persons who possess human dignity *should have it to the same degree*; there are no persons who are less or more dignified than others in this respect.[35]

The first feature seems to put the idea of the value of human dignity under pressure from two sides simultaneously: On the one hand, Michael Rosen has pointed to the alleged absurdity of the idea that we must never

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we ask why we should treat all people in accordance with the claims of basic human rights—for example, that all people are morally equal in some crucial sense—are not easy to justify without reference to some claim about the equal *importance* of individual people. For example, the reason for treating all human beings equally cannot intelligibly be grounded simply in the fact that they possess certain capacities, such as rationality, because it is not people's rationality that we should respect, but people themselves. Although these capacities may explain why people are important, they cannot serve as the normative (as opposed to the ontological) basis of their importance. That importance resides directly in the bearers of these capacities, and there is no way to argue around the evaluative property we must therefore ascribe to *them*.

Furthermore, as far as the debate about the objectivity of values is concerned, it should be noted that even anti-realists such as Alan Gibbard and Simon Blackburn allow for the kind of objectivity inherent in our talk about human dignity, since they regard the talk about objective facts and true propositions as easy to have within normative ethics; cf. e. g. Simon Blackburn, *How to Be an Ethical Antirealist,* in: Midwest Studies in Philosophy 12 (1988), 361–375, DOI: 10.1111/j.1475-4975.1988.tb00173.x; Allan Gibbard, *How Much Realism? Evolved Thinkers and Normative Concepts*, in: Oxford Studies in Metaethics 6 (2011), 33–51, at 46. But as long as these positions are indeed able to fully capture our talk of moral objectivity when it comes to human dignity, I see no decisive reason to object to their stance here, since I also see my contribution as situated within normative ethics.

[34] Cf. Sebastian Muders, *Human Dignity: Final, Inherent, Absolute?,* in: REst 75 (2020), 84–103, DOI: 10.4000/estetica.7319.

[35] Many survey texts and handbook articles list these features as forming the core of human dignity in normative and legal discourse. Examples include Marcus Düwell, *Human Dignity: Concepts, Discussions, Philosophical Perspectives,* in: idem (ed.), The Cambridge Handbook of Human Dignity. Interdisciplinary Perspectives, Cambridge 2014, 23–50; Ariel Zylberman, *Human Dignity,* in: Philosophy Compass 11 (2016), 201–210, DOI: 10.1111/phc3.12317; Stephen Riley / Gerhard Bos, *Human Dignity,* in: The Internet Encyclopedia of Philosophy (2019), https://iep.utm.edu/human-dignity/, as at 5 July 2024.

compromise the dignity of a human being, even in cases where the lives of many innocent people are in danger.[36] To illustrate his point, he cites a case brought to the German Supreme Court in the debate over the *Air Safety Act*. The court, in the name of human dignity, legally prohibited the shooting down of a plane full of passengers in order to prevent it from being used as a weapon to kill more innocent people. Rosen asks rhetorically: "Why protect the lives of the airline passengers (who will anyway die shortly) at the cost of fulfilling the project of their murderers and the lives of those on the ground against whom the terrorists are aiming the aircraft?"[37]

On the other hand, if human dignity is taken as a value, then sacrificing the human dignity of a bearer may be too easy to achieve: if, for example, we can prevent the humiliation of two innocent persons by humiliating a third, respect for the value of human dignity seems to endorse or even require this course of action as the best option for promoting it.[38]

On closer inspection, however, both horns of this first objection appear to be based on misconceptions about human dignity. While the first is based on an overly narrow understanding of what human dignity must allow in order to be called "absolute", the second is based on the questionable assumption that different instantiations of human dignity can be compared in terms of value. To begin with the first, a reasonable conception of human dignity does not have to maintain that the rights associated with it can never be overridden by conflicting considerations. For example, Marcus Düwell, in an introductory essay on human dignity that serves as the opener to a handbook on the subject, observes that "references to human dignity are justifying duties towards others that have the form of *categorical* obligations [...] [, that is,] duties that are overriding with regard to other action-guiding considerations".[39]. As he elaborates, "other action-guiding considerations" do not include "other duties that follow from the respect for human dignity"[40]. In other words, if refraining from an alleged violation of dignity leads to hundreds of moral wrongdoings of the same kind, this might make it permissible. One may disagree with Düwell about this result (and I do), but it is surely a disagreement about the *specific conception of*

[36] Cf. Rosen, *Dignity*, 104–114.
[37] Cf. ibid.
[38] Thus, the worry is that a value-framework has difficulties to respect what appear to be deontological constraints that are incorporated into the overridingness feature of human dignity; cf. David McNaughton / Piers Rawling, *Agent-Relativity and the Doing-Happening Distinction*, in: PhSt 63 (1991), 167–185, DOI: 10.1007/BF00381686, at 169.
[39] Düwell, *Human Dignity*, 27f.
[40] Ibid.

human dignity; surely it would be wrong to accuse Düwell of not talking about human dignity at all.

But if we allow this to happen, are not we too easily exchanging the dignity of one person for the dignity of another? Why do we have to speak of hundreds of violations of human dignity; might not two of these misdeeds be enough to justify a violation of this kind? This is the second horn of the objection, and it would indeed be devastating to any conception of the value of human dignity if it allowed such comparisons. But nothing in the concept of value compels us to do so. If, for example, we regard the human dignity of different persons as incomparable values—values that cannot be compared with each other—then the duties we owe to the bearers of these values cannot be traded off in the way the objection suggests. Of course, we would then have to say something about the case mentioned above, where hundreds of violations of dignity are at stake and can only be prevented by another act of the same kind. Although I can only vaguely point to what I consider to be a promising solution, my proposal would be that, while Düwell is right that goods protected by human dignity can be endangered in extreme situations, acting with the intention of preventing a certain number of violations of dignity does not itself amount to a violation of the human dignity of the victim. If we believe, as Peter Schaber does,[41] that any violation of dignity must involve the belief that victims have no say in their own affairs, then my intention to kill, say, an innocent person in order to save hundreds of other people does not have to involve this belief. In this case, even if it is morally impermissible to kill the innocent person, there is no violation of dignity. *A fortiori*, if the killing is morally justified because of the number of lives saved, the same verdict should be reached.[42]

Turning to the second objection, it too can be formulated as a dilemma: either we regard the value of human dignity as subject to something like Nick Zangwill's "Because Constraint",[43] or we do not. In the former case,

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[41] Cf. Peter Schaber, *Würde als Status*, in: Brandhorst/Weber-Guskar (eds.), Menschenwürde, 45–59, at 51–53.

[42] For example, we might say that it is permissible to kill someone in order to save others, without this being a violation of human dignity, if we could justify this to the victim in such a way that neither they nor anyone else could reasonably object to a norm that would require it in the circumstances; cf. Thomas M. Scanlon, *What We Owe to Each Other*, Cambridge (Mass.) 1998, ch. 5. Being a contractualist (as opposed to a contractarian), Scanlon also grounds his version of contractualism on the equal moral status of persons; cf. Elizabeth Ashford / Tim Mulgan, *Contractualism*, in: Edward N. Zalta (Hg.), The Stanford Encyclopedia of Philosophy (2018), https://plato.stanford.edu/archives/sum2018/entries/contractualism/, as at 5 July 2024, sec. 2.

[43] Cf. Nick Zangwill, *Moral Dependence and Natural Properties*, in: ArSoc.SV 91 (2017), 212–243, DOI: 10.1093/arisup/akx007.

the evaluative nature of the property of human dignity requires that it be grounded, at least in part, in other non-evaluative properties. These properties would not only have to give us guidance as to which norms can be justified by reference to human dignity, but also define its scope, that is, the class of entities that possess it. Nevertheless, so the objection goes, there are simply no properties in sight that simultaneously fulfil all three of the above-mentioned orientations and are capable of explaining what makes the norms of human dignity so important, why (virtually) all human beings have them, and why all have them to the same degree.

If, on the other hand, we opt for the claim that human dignity is not grounded in any other properties, we are spared the problems of the former claim. We could simply say that it is a basic normative fact that the norms of human dignity have a special significance, that all human beings possess it, and to an equal degree. The drawback of this alternative is its implausibility. Although some philosophers, such as Robert Spaemann, at times seem to endorse it,[44] and although all philosophical explanations have to end somewhere, the claim that there is no interesting story to tell about why, for example, all human beings are endowed with a special moral dignity, while members of many other species are not, seems highly problematic. Moreover, to make human dignity a brute fact that cannot be further explained in terms of its grounding properties invites the objection that, understood in this way, human dignity can give us no guidance as to what it is good for: As Waldron laments, an understanding of human dignity as "the intrinsic worth that inheres in every human being [...] is quite thin. It is not conveying much more than the word 'value' conveys."[45]

Faced with this dialectical situation, I do indeed think we should say that human dignity can be further explained, both in terms of its scope and its sphere of protection, by referring to its grounding properties. I just do not think that the situation is as desperate as the first horn of the dilemma describes. For there *are* accounts which seek to ensure the human dignity of all people. For example, some neo-Aristotelian theories identify "basic capacities" of personhood to achieve this goal, capacities that are realised even in people who are not, not yet, or no longer capable of reasoning, making autonomous decisions, or showing any signs of self-respect.[46] There

[44] Cf. Robert Spaemann, *Essays in Anthropology: Variations on a Theme,* transl. by Guido de Graaff and James Mumford, Eugene (Or.) 2010, 52; Robert Spaemann / David L. Schindler, *Love and the Dignity of Human Life: On Nature and Natural Law,* Grand Rapids (Mich.) 2012, 28.

[45] Jeremy Waldron, *Dignity and Rank,* in: European Journal of Sociology / Archives Européennes de Sociologie 48 (2007), 201–237, DOI: 10.1017/S0003975607000343, at 206.

[46] Cf., for example, John Finnis, *A Philosophical Case Against Euthanasia,* in: John Keown (ed.), Euthanasia Examined. Ethical, Clinical and Ethical Perspectives (2010), 23–35, at 30–33.

are also Kantian theories that use transcendental arguments to establish a kind of practical necessity to regard not only one's own existence but also the existence of all other personal agents as endowed with human dignity.[47] Both types of positions have of course been challenged, be it that the former is accused of a highly controversial metaphysics[48] or be it that the latter has problems to include human beings who do not evidently have the capacities we usually ascribe to persons or agents.[49] But showing that each position defended in a particular field has weaknesses and open flanks is the easy part; the crucial part is to provide compelling evidence that other positions are comparatively better suited to overcome the difficulties they face.

But I fail to see how competing normative or attitudinal accounts of human dignity are in a better position; they also have to answer the question of how to ensure that (virtually) all human beings are endowed with dignity of the kind required. For why does the norm identified with human dignity apply not only to healthy, mature human beings but also to newborns or people suffering from dementia? And why do measures to ensure the possibility of acquiring the right attitudes that allow for a dignified life encompass the whole human family?

The last objection I would like to consider in this paper seeks to show that a value conception of human dignity has problems accommodating the idea that all human beings are morally equal by virtue of their possession of human dignity. Of course, one could separate these two ideas and argue that moral equality does not rest on human dignity; but given that the moral equality of human beings is usually bound up with rather basic and hard-to-override norms that are also associated with human dignity, the two notions seem to fit together quite naturally.

Schaber has argued that conceiving dignity as a value cannot produce the kind of equality that we expect human dignity to have, whereas norm accounts of human dignity that interpret it as a right or entitlement can

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Russell DiSilvestro defends a similar position, but calls these capacities "higher order capacities"; cf. Russell DiSilvestro, *Human Capacities and Moral Status,* Dordrecht 2010, ch. 2.

[47] For a sketch of a variety of theories that fall into this camp, cf. Marie Göbel / Marcus Düwell, *Die "Notwendigkeit" der Menschenwürde*, in: Brandhorst/Weber-Guskar (eds.), Menschenwürde, 60–90.

[48] Andrea Sangiovanni, for instance, argues that talk of "root capacities", in the end, either rests on a "sectarian conception of the soul" (Sangiovanni, *Humanity Without Dignity*, 35) or else cannot succeed in ascribing human dignity to all human beings.

[49] Cf. Deryck Beyleveld, *The Principle of Generic Consistency as the Supreme Principle of Human Rights,* in: Human Rights Review 13 (2012), 1–18, DOI: 10.1007/s12142-011-0210-2, at 8–12. Note that Beyleveld is prepared to accept that, within a Gewirthian approach, only human beings who qualify as agents enjoy all the rights that correspond to their having dignity.

explain just that.[50] According to him, the equality of human dignity requires us to see it as an all-or-nothing matter: either someone has human dignity or they do not. In contrast, the value of something, such as the value of one's life, can always change: my life can get worse or better for me. So dignity cannot be a value that our lives have. By contrast, entitlements, like dignity, *are* an all-or-nothing matter; hence these entitlements are far better candidates for the ultimate ontological category into which dignity falls. Schaber's argument also puts pressure on the idea that the entitlements characteristic of human dignity can be further grounded in dignity as a value: how can something that can change the amount of value it exhibits, such as the value of one's life, create obligations that are an all-or-nothing matter and thus unresponsive to the gradable nature of value?

There are a number of points to be made against this claim. First, while Schaber is right that the value of our lives in terms of our well-being is subject to change, it is wrong to simply identify our well-being with the intrinsic value of our being. As noted above, David Velleman and others have argued that even if the norms of dignity all unanimously protect certain aspects of our well-being, the question of why we should care about our own and our fellow human beings' well-being cannot be answered by pointing to that value. Rather, it is to be answered by introducing a kind of value of things that Velleman, as we have seen, identifies with dignity, a kind of value "that a person has in himself but not for anyone"[51].

Second, whether human dignity as a value comes in degrees will depend on the properties that ground its existence in an entity. For example, if a certain basic capacity is or is not present in a given life form, and if the mere existence of that capacity alone determines whether that life form has human dignity, then human dignity will also be an all-or-nothing matter.

Third, even if the characteristics that constitute human dignity can *potentially* vary in degree, this dignity could *actually* be exhibited to the same degree over the course of its bearer's lifetime and in all bearers of a particular type. To illustrate this, let us return to the idea of dignity as a fundamental value of things that command our moral considerations. As we have seen above, it does not seem implausible that other creatures such as cats might possess such a value. But surely, at least in ordinary circumstances, we should value people more than cats, and perhaps this

[50] Schaber, *Instrumentalisierung und Würde*, 102.
[51] Velleman, *A Right of Self-Termination?*, 111.

is because the former simply have more of this value than the latter. This does not mean, however, that different individuals of the same species do have more or less of it, or that it changes over the course of our lives.

4 Conclusion

To conclude, I think that these objections to human dignity, as far as its evaluative nature is concerned, do not succeed. In the first part of the paper, I have also tried to show that a value account of human dignity is a serious contender among competing attempts to clarify the question of what it is. In light of this, I conclude that the weak position that value accounts of human dignity currently occupy in the literature is unjustified: their further development might even help their rivals to substantiate their own claims regarding their role within a complete theory of their subject.

Of course, renewing the idea of human dignity as a value is only one building block within a complete theory of the matter. Beyond the question of the *ontological category* to which dignity belongs, there are further questions about its *specification*: What properties can be ascribed to it? What (if anything) provides its ontological grounding? And what is the precise relationship between the value, attitude, and norms of human dignity within the moral status they constitute? Moreover, while we should not expect classificatory considerations to have any direct bearing on questions about what concrete norms flow from this status, a complete theory of human dignity should include answers to these questions as well.

While I do not have the space to explore these issues further, I have already identified prominent properties attributed to human dignity at the beginning of the second part of the paper. There, I additionally referred to a further work of mine in which I provide a more detailed interpretation of them.[52] I have also explored questions about the grounding of human dignity in another paper;[53] and while I am still inconclusive about the preferred solution, I side with theories that offer a value-dependent reading of two prominent candidates for such a grounding, namely our capacities for rational and autonomous choice.[54] Finally, I have applied this richer conception of human dignity to the concrete case of poverty, asking whether

[52] Cf. Muders, *Human Dignity: Final, Inherent, Absolute?*

[53] Cf. Muders, *Two kinds of human dignity?*

[54] For a sketch of this type of theories, cf. Thomas Christiano, *Two Conceptions of the Dignity of Persons,* in: Jahrbuch für Recht und Ethik 16 (2008), 101–126. For two examples of such an approach, cf. also Sebastian Muders, *Natural Good Theories and the Value of Human Dignity,* in: Cambridge Quarterly of Healthc Ethics 25 (2016), 239–249, DOI: 10.1017/s0963180115000547.

we have a duty to help people living in miserable conditions in the name of human dignity.[55] So, while a more general linking of these different aspects remains to be done, the first steps towards a more complete value-based theory of human dignity have been taken.[56]

Zusammenfassung: Ein vielversprechender Kandidat für etwas, das einen intrinsischen oder fundamentalen Wert hat, scheinen Menschen zu sein. Wir sollten andere Menschen mit Respekt behandeln, weil wir es ihnen schuldig sind; und wir sind es ihnen schuldig, weil der Mensch einen Wert hat, den die Tradition „Menschenwürde" nennt. Gleichwohl verstehen heutzutage die meisten Philosophinnen und Philosophen den Status der Menschenwürde eher im Sinne einer Norm oder einer Einstellung. In meinem Beitrag erkunde ich die Aussichten für eine wertbezogene Auffassung der Menschenwürde. Indem ich wichtige Einsichten der konkurrierenden Vorschläge ernst nehme, argumentiere ich im ersten Teil, dass diese Theorien der Menschenwürde zwar nicht eklatant falsch sind, wenn sie Menschenwürde als Norm oder Haltung begreifen; sie bleiben aber unvollständig, wenn sie nicht von einem Verständnis getragen werden, das die Menschenwürde als Wert identifiziert. Im zweiten Teil prüfe und widerlege ich eine Reihe von Einwänden, die besagen, dass Wertkonzeptionen der Menschenwürde schlecht dafür geeignet sind, ihre Kernmerkmale zu erklären.

Schlagwörter: Menschenwürde, Menschenwürde als Norm, Menschenwürde als Haltung, fundamentaler Wert

[55] Cf. Sebastian Muders, *Ist Armut eine Verletzung der Menschenwürde?*, in: Jens P. Brune / Wolfgang Strengmann-Kuhn (Hg.), Menschenwürde und Existenzminimum, Basel 2024, 57–98.

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