

Perspectives on Human Dignity: A Conversation

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Foreword

The Honourable William Cox AC RFD ED,
Governor of Tasmania

The issue of human dignity was given a new impetus at the end of the Second World War as a reaction to the horrors of the Jewish holocaust and other Nazi atrocities. The immediate consequence was its recognition in such international documents as the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948). Several new national constitutions likewise gave it recognition. Though undefined, it was seen as a supreme value possessed by all human beings and one giving rise to rights and obligations in and upon them. In recent decades the existence of these rights has led to acceptance of procedures whereby they may be enforced, and to the overthrow of such doctrines constraining them as that of Sovereign Immunity.

In domestic law, too, there have been ramifications, while advances in medical science have raised ethical issues in respect of genetics, human cloning, and the termination or officious prolongation of life. It was timely then that consideration should be given to human dignity by a wide range of researchers and practitioners in disciplines such as law, philosophy, history, political science, medicine, the arts, and theology at the Colloquium in Hobart in 2004 organized by the editors of this volume.

Depending upon one's view of what constitutes human dignity, some meaningful attempt can be made at defining the nature and extent of human rights and obligations. For the Christian, human dignity derives from God's creative love. Genesis records that at each stage of creation God saw what He had created and found it to be good. In the case of mankind He bestowed a special gift—participation in His own life cycle. He made humanity in His image, that is to say, human beings became part of His perception of Himself, a perception so intense that it is personified in the Word or Logos. Because human beings are the object of God's love they have a special dignity which demands universal respect. Even when a person turns from God in favour of self, God's love for that person never wanes nor is that dignity lost. Humanists on the other hand see the source of human dignity in humanity's intellect and free will—that unique capacity to reason and to make moral choices. Whatever be the *raison d'être* of human dignity as a

characteristic possessed by human beings by virtue of their humanity alone, its centrality and importance in our world is now being increasingly recognized, and scholars from a multitude of disciplines are seeking to analyse its nature and to determine its consequences for, and application to, their fields of endeavour. This series of essays is presented as a conversation between international and national exponents of these disciplines, exchanging views each from his or her own perspective. As Norelle Lickiss says in her contribution, 'There are so many prisms through which the gaze may pass! It is obvious that the sciences concerning the human necessarily interpenetrate, with permeable boundaries.'

This volume is a most worthwhile channel through which to launch further analysis and reflection upon a subject which is of vital importance to our increasingly materialistic and utilitarian world in its daily intercourse and which, in view of our common mortality, inevitably affects us all.

Acknowledgements

This volume would not have been possible without the collaboration and support, not only of the participants included here, but also those who were part of the Hobart Interdisciplinary Colloquium that took place in Hobart, Tasmania in November 2004. Among those who were not able to be represented in this volume, the editors would particularly like to acknowledge Donna Marwick, Geoff Parr, and John Tooth. Thanks are also due to Mundipharma Australia for its generous support of the activities of the Colloquium, as well as to Amanda Wojtowicz and the University of Tasmania. The editors would also like to thank Fritz Schmuhl for his advice and encouragement, and to Eilidh Campbell St John for her invaluable assistance in the preparation of the final typescript.

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1

Introduction to a Conversation

Jeff Malpas and Norelle Lickiss

This book has its origins in an unusual meeting in Hobart, Tasmania, in November 2004. Over two days, some 25 historians, physicians, and others gathered together to participate in a single conversation on the subject of human dignity. The conversational character of the meeting was quite deliberate: although each participant came with some prepared material to present to the others, the aim was to encourage a true interdisciplinary engagement, and to encourage a dialogue between individuals that would allow new perspectives and ideas to emerge. Most of the participants had not met one another previously, and the only point in common was a shared contact with the two organizers.

It seems hardly possible that the idea of dignity that was the focus for that meeting, and the focus for this volume, could be approached adequately other than in such a multidisciplinary and ‘conversational’ manner—the idea does not fit easily into any particular disciplinary framework, it is called upon by lawyers, physicians, philosophers, and historians, it arises as a key concept in different contexts and with different intentions, and yet it is also a concept that remains in common usage even if sometimes imbued with varying meanings and connotations. It is also an idea that seems increasingly under threat from a number of directions: the treatment of refugees and so-called illegal immigrants in Australia and overseas; the use of torture in places such as Guantanamo Bay and Abu Graib; the continuing debate over voluntary euthanasia; new medical technologies from cloning to stem cell research; even changes in industrial legislation and the new face of contemporary work. As the world becomes a more stressful, demanding, and challenging place, so questions concerning the nature and worth of human being become all the more pressing, and it is to these latter questions that the concept of human dignity directs us. Moreover, just as the questions at issue here are large and complex and do not always admit of easy or clear-cut answers, so too does the concept of human dignity present itself as equally complex and multifaceted.

Far from being an indication of its uselessness or irrelevance, the breadth of the concept, its ubiquity, especially in legal and biomedical contexts, and the difficulty in giving of it a clear and unambiguous definition, all point towards its absolutely fundamental character. Dignity connects up with too many other concepts, and in too many ways, for it to be amenable to any simple rendering—it has to be seen as part of a network of concepts from which it cannot easily be

disentangled. Ruth Macklin's well-known and provocative claim (also briefly discussed by Daniel Sulmasy in his contribution to this volume) that 'dignity is a useless concept... and can be eliminated without any loss of content',¹ seems not only to lack any clear argument or substantiation in Macklin's own presentation (the importance of the claim seems at odds with the paucity of argument provided to support it), but it seems also to neglect the simple but crucial point that almost no key concept is amenable to the sort of definition that Macklin appears to demand—indeed, the more important the concept, the less likely it is that we can expect to be able to define it in an clear and unambiguous fashion. Dignity is, in this respect, no different from other foundational concepts. As the philosopher Donald Davidson has noted:

For the most part, the concepts philosophers single out for attention, like truth, knowledge, belief, action, cause, the good and the right, are the most elementary concepts we have, concepts without which (I am inclined to say) we would have no concepts at all. Why then should we expect to be able to reduce these concepts definitionally to other concepts that are simpler, clearer, and more basic? We should accept the fact that what makes these concepts so important must also foreclose on the possibility of finding a foundation for them that reaches deeper into bedrock.²

The essays contained in this collection deal with the idea of dignity, and more specifically, human dignity, from a wide range of different perspectives, and with respect to a variety of interests and approaches. The volume is organized into two parts. The first deals with the concept of dignity as such, with its nature and some of its history. With one exception, these essays are primarily philosophical in their orientation, and they attempt various explorations of the nature and significance of dignity in the broadest of senses. Although philosophical, many of these essays are also attuned, *pace* Macklin, to the role of dignity in medicine and medical practice, and yet they also go beyond the usual rather limited engagement of philosophy with medicine that goes under the name of 'bioethics'. In this regard, a number of the essays in this first section of the volume can be viewed as attempting something of that wider engagement between the medical and the philosophical that Henk Ten Have has forcefully advocated elsewhere.³ Daniel Sulmasy's essay begins the volume

¹ 'Dignity is a Useless Concept', *British Medical Journal*, 327 (2003), p.1420. Admittedly, Macklin includes here the qualification 'in medical ethics', although it is not clear what force this qualification actually carries—does Macklin accept that the concept has content in what she views as its original context of religious or human rights discourse? The tone and direction of her comments suggest that she does not. On a more charitable reading of Macklin's argument, one might take her to be pointing to the difficulty in giving an account of dignity that can adequately be operationalized within medical contexts, but this is probably more indicative of the shortcomings in the demand for operationalization than in the concept of dignity.

² Donald Davidson, 'The Folly of Trying to Define Truth', *Truth, Language and History* (Oxford: Clarendon Press, 2005), p.20.

³ See Henk Ten Have, 'From Synthesis and System to Morals and Procedure: The Development of Philosophy of Medicine', in R. A. Carson and C. R. Burns (eds), *Philosophy of Medicine and Bioethics* (Dordrecht, The Netherlands: Kluwer, 1997), pp.105–123.

with a general overview of the concept of dignity and its contemporary deployment; the essays by Malpas and Lickiss both explore, in different ways, the connections between dignity and our conception of human being; drawing on Confucian thought, Brennan and Lo discuss the way dignity is tied up with notions of honour and self-determination; Hursthouse looks at the way dignity is implicated with the idea of charity; Schultziner takes a more directly analytic approach, charting the roles and meanings associated with the concept, while, finally, Lewis provides us with an introduction to its conceptual history. The essays that comprise the second part of the volume treat of dignity in more specific terms, with respect to particular aspects or applications, or its appearance within particular contexts, including the literary, the legal, the biomedical, and the historical. Mason's and Brady's contributions both consider the way dignity appears within particular literary contexts—in Mason, the focus is on Forster's *A Passage to India* and Ishiguro's *Remains of the Day* and in Brady, Patrick White's *Tree of Man*; St John and Blackler take up the exploration of dignity with reference to a specifically Christian religious context; Dening and Tarling, both historians, examine the way dignity figures within certain historical and social contexts; Green, Chalmers and Ida, Davis, and Tate, all explore aspects of the way dignity currently figures within national and international legal theory and practice; and the final four essays, from Tattersall, Hacker, Christakis, and Coulehan, all take different approaches to dignity as it arises in medicine and medical practice.

Running across many of these essays is one clear line of debate: the relation between dignity and autonomy, or, as it sometimes also appears, between dignity and equality. Dignity is often understood, especially in contemporary legal and medical discourse, as best articulated in terms of these two concepts, such that human dignity is respected and upheld only when the autonomy of human decision-making is itself respected and upheld, and when human beings are treated in ways that are non-hierarchical and non-discriminatory. There are, of course, good reasons for understanding the concept of dignity in just this way—those individuals, societies, and governments that have acted in ways that tend to undermine human dignity have very often been individuals, societies, and governments that have also tended to act in ways that are corrosive of ideas of human autonomy and equality. Yet it nevertheless remains a question whether dignity can indeed be explicated in just those terms. One possibility, as a number of papers in this collection argue, is that dignity is best understood in terms of notions of mutuality, reciprocity, and relationality (implying a notion of the self akin, for instance, to Charles Taylor's, such that the self exists, as Taylor puts it, 'only within... "webs of interlocution"'⁴),

⁴ 'I am a self only in relation to certain interlocutors: in relation to those conversation partners who were essential to my achieving self definition. ... A self exists only within what call "webs of interlocution"', Charles Taylor, *Sources of the Self* (Cambridge, MA: Harvard University Press, 1989), p.36. Taylor writes further, 'To ask what a person is, in abstraction, from his or her self-interpretations, is to ask a fundamentally misguided question, one to which there couldn't, in principle, be an answer. ... We are only selves insofar as we move in a certain space of questions, as we seek and find an orientation to the good', Taylor, *ibid.*, p.34.

and not only does this temper any emphasis on autonomy alone, but it also forces one to recognize that, on some occasions, dignity may be possible precisely through the way in which human beings are able to find a place for themselves, and a sense of who they are, within what may otherwise appear to be unequal or hierarchical forms of social organization. That does not imply any simple endorsement of inequality, but it does suggest that the maintenance of dignity and the denial of inequality cannot be construed as simply identical.

While there are certainly differences that separate some of these essays—the issue of the relation between dignity and autonomy being the most notable—there are many more points of commonality that draw these essays together. The most obvious, perhaps, is indeed the shared recognition of the importance, even the urgency, that accompanies the question of dignity as it arises in the world today—an importance that clearly derives from the centrality of the concept of dignity to any attempt to think about, and respond to, our human situatedness. Yet what many of the contributions collected here also share is a view of the human, and of the dignity of the human, that is essentially ‘humanistic’ in the sense of looking to the humanities and the arts as providing essential insight into the issues at stake here. A sense of human dignity is perhaps most profoundly encountered, then, in poetry and story (both the story of history as well as literature), in art and music, and certainly not only in philosophical or legal analysis. The sense of human dignity that is at issue here involves, one might say, a feeling of and for the human—although this should not be taken to mean that it is in some way exclusionary of that which is other than the human, that it involves a lack of feeling for, as one might put it, the wider world. If the humanities and the arts can be seen to open up a proper sense of dignity through opening up a space for human being in which the human appears as human, then what must also appear there is the world within which such humanity is itself possible. A proper sense of the dignity of the human might thus be taken to imply also a proper sense of the dignity of the world—although to fully explore this line of thinking would require more pages than are available here.

In emphasizing the essays that make up this volume as constituting a conversation, the point is not merely to draw attention to the actual genesis of those essays in the Hobart Colloquium of 2004, nor is it merely to bring to the fore a dialogic conception of philosophical inquiry; more than this, it indicates a certain essential connection between dignity and conversation. True conversation is a mode of engagement that enables participation from different perspectives within a single ongoing movement. To engage in conversation is thus to recognize and allow for the worth of the other, and what they might contribute, through allowing the other a space in which to speak, be heard, and be responded to. In this way, true conversation can be seen to depend upon, and so also to embody a commitment to, the recognition of the dignity of conversational partners. Moreover, inasmuch as conversation is itself a mode of engagement into which we enter only inasmuch as we allow a space to those with whom we converse (conversation thus always involves a certain reciprocity), so the realm in which human dignity appears is surely also a realm that is similarly ‘conversational’ in structure. Dignity is surely not a matter of the assertion or affirmation of the individual alone, but rather of a certain form of response

to ourselves and to others that affirms and acknowledges our common worth, our shared humanity, that attends to it, and acts upon it.

Of course, the conversation that takes place in these pages neither can include, nor can it properly do justice to, all of those forms of indignity that constantly threaten; nor can it encompass the voices of all of those for whom the loss of dignity constitutes a real and immediate threat—the voices, for instance, of asylum seekers in leaky boats or in detention centres, persons in situations of destitution, individuals whose lives and communities have been uprooted by the cataclysms of nature, those in captivity, those on death row, women trafficked as commodities, mothers watching children dying of hunger, abused child soldiers, those who are the victims of malice or culpable ineptitude, those deemed disposable or unworthy of life, those whose powerlessness leaves them prey to the strong. Yet these voices cannot be absent here either, since the experience out of which they come provides the essential human background against which this conversation is set. If these voices are not heard directly in these pages, then, their echoes nevertheless resonate through each and every essay. Dignity remains a vital and significant concept if for no other reason than that it directs our attention to just these voices, insisting that they be heard, that they be recognized and that they be responded to.

This volume does not provide any definitive or complete account of human dignity, nor does it aim to do so. Rather the aim is to assist in opening up a conversation about human dignity, and about human worth, that will go beyond these pages. Where that conversation may lead cannot be wholly known in advance, although that it can and must continue is clear—just as we cannot cease the exploration of our own humanity, so we cannot cease the exploration of the meaning of human dignity. It is to be hoped that such an exploration, such a conversation, will not remain restricted merely to the exchange of ideas, but that it will also have some greater effect on the way we think, and, perhaps more importantly, on the way we act. Dignity is not an idea abstracted from human action, but has life only in the actual relations between human beings. Dignity is, in the end, evident only in the concreteness of human life and practice, and the extent to which our life and practice can be seen as enabling of human dignity is perhaps the best measure of its humanity.

I The Concept of Human Dignity

2

Human Dignity and Human Worth*

Daniel P. Sulmasy

Dignity appears to be an important concept in ethics. The word is used frequently in international documents such as the Universal Declaration of Human Rights of the United Nations¹ and the European Convention on Human Rights and Biomedicine.² As Ronald Dworkin has noted, the very idea of human rights depends upon ‘the vague but powerful idea of human dignity’.³

The invocation of dignity in bioethical argumentation, however, has provoked a spate of recent, vituperative criticism. Ruth Macklin has called dignity a ‘useless concept’, alleging that any meaning it has can be reduced to respect for autonomy.⁴ Similarly, Harris and Sulston have argued that dignity can be reduced to a Benthamite belief in human equity, ‘the idea that each is entitled to the same concern, respect, and protection as is accorded to any other’.⁵

The conclusion, however, that the concept of dignity has no moral relevance seems hasty. These critics have cast aside thousands of years of philosophical writing, dismissed the contemporary bioethical discourse of continental Europeans, and swept away a whole body of international law. The critics have offered no substantive arguments or logical or linguistic ‘proofs’ that dignity can be reduced to respect for autonomy or to equity. They have reached these conclusions merely by begging the question. If one defines a word completely in terms of another concept more to one’s liking, it will always follow that the word in question adds nothing to the

* This chapter is based on a presentation to the US President’s Council on Bioethics, Washington, DC, 2 February 2006.

¹ *Universal Declaration of Human Rights* (<http://www.un.org/Overview/rights.html>).

² ‘Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine’, ETS no.164 (<http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm>).

³ Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977), pp.198–199.

⁴ Ruth Macklin, ‘Dignity is a Useless Concept’, *British Medical Journal* 327 (2003), pp.1419–1420.

⁵ John Harris and John Sulston, ‘Genetic Equity’, *Nature Reviews Genetics* 5 (2004), pp.796–800.

concept one already endorses. While shrouded in rhetoric, this is precisely the structure of both of these discussions of dignity. Premise: dignity means nothing more than ‘respect for autonomy/human equity’. Conclusion: therefore dignity means nothing more than ‘respect for autonomy/human equity’ and (corollary) therefore dignity adds nothing to bioethical discourse.

The fact that one critic can see fit to reduce dignity to respect for autonomy while the other critics have reduced dignity to equity also suggests that something is amiss. At the very least, the existence of multiple competing claims provides evidence that contemporary Anglo-American philosophy has no obviously ‘correct’ interpretation of the meaning of dignity to offer. The opposition between the claims of these critics also highlights what seems to be a major problem with both projects. The concept of dignity offers a deeper ground for ethics than the critics seem willing to consider. Dignity, I shall argue, is not *either* respect for autonomy *or* equity, but the *ground* of both concepts. Dignity is the answer to the more fundamental questions: ‘Why *should* I respect people’s autonomy?’ and ‘Why *should* I treat people with equity?’ Dignity is the ground of rights, not a synonym for rights.

Given that the meaning and importance of the notion of dignity has been challenged so vehemently, however, and that no contemporary exposition of the notion of dignity has been sufficiently clear to satisfy the critics, a careful treatment of the topic is in order. In this brief chapter, I hope to supply the outlines of such an exploration of the concept of dignity. I will (1) say something about the history of the concept of dignity, (2) present an argument about the meaning of dignity on the basis of consistency, (3) present an argument about the meaning of dignity based on ‘axiology’ or the theory of value, and (4) gesture towards the relevance of this understanding of dignity for bioethics.

History

The word ‘dignity’ has an interesting history in Western thought. While it is often assumed that the idea of dignity is essentially religious, it is hard to make this case from the Jewish and Christian Scriptures.⁶ The Hebrew word translated as ‘dignity’, *gedula*, occurs rarely in the Hebrew Scriptures and means something more like nobility of character or personal standing in the community. The Greek *σεμνοτης* (*semnotes*) is sometimes rendered in English as ‘dignity’. It occurs, however, only three times in the Christian Scriptures and is probably better translated as ‘seriousness’. The word best translated today as ‘dignity’, *αξιοπρεπεια* (*aksioprepeia*), is not used in the New Testament at all.

⁶ see Daniel P. Sulmasy, ‘Death and Human Dignity’, *Linacre Quarterly* 61 (November 1994), pp.27–36; ‘Death With Dignity: What Does It Mean?’ *Josephinum Journal of Theology* 4 (1997), pp.13–23.

Aquinas uses *dignitas* and its cognates 185 times in the *Summa Theologiae* and it tends to mean the value something has proper to its place in the great chain of being; for example, plants have more dignity than rocks; angels more dignity than human beings. In a nutshell, as one observer has put it, while Christians may have always had some concept of human dignity, until very recently ‘it had not been developed into either a clearly defined literary form or an internally consistent set of ideas’.⁷

Nor does the Western notion of dignity come from the ancient Greek philosophers. Aristotle does not use the word *aksioprepeia* in his ethical writing. He uses the word *semnotes* only three times, and not at all in the *Nicomachean Ethics*. In the *Eudemian Ethics* he defines *semnotes* as a virtue, ‘the mean between servility and unaccommodatingness’.⁸ This hardly seems the way we use the word dignity today.

Roman stoics, particularly Cicero and Seneca, made copious use of the word. Recent translators note that for the Romans, this Latin word literally meant ‘worthiness’ and that in its common political sense, it meant a person’s ‘reputation or standing’.⁹

Renaissance writer Pico della Mirandola is credited with being the first to make a connection between human freedom and human dignity.¹⁰ By contrast, Hobbes tied dignity to power. He wrote that ‘The value or worth of a man, is as of all other things, his Price; that is to say so much as he would be given for the use of his power.’¹¹ In turn, he offered this definition of dignity: ‘The publique worth of a man, which is the value set on him by the Commonwealth, is that which men commonly call DIGNITY.’¹²

Although he never cites him, Kant’s notion of dignity seems to be a response to Hobbes. Kant writes:

The respect I bear others or which another can claim from me (*osservantia aliis praestanda*) is the acknowledgement of the dignity (*dignitas*) of another man, i.e., a worth which has no price, no equivalent for which the object of valuation (*aestimii*) could be exchanged.¹³

Kant connects this to human freedom—as the capacity for moral agency that is intrinsic to the nature of human beings.¹⁴ He insists elsewhere that ‘Humanity itself is a dignity.’¹⁵

⁷ Charles Trinkaus, ‘The Renaissance Idea of the Dignity of Man’, in: Philip P. Weiner, ed., *Dictionary of the History of Ideas*, vol. IV (New York: Charles Scribner’s, 1973), pp.136–147.

⁸ Aristotle, *Eudemian Ethics*, 2nd edn., 1221a.8, trans. Michael Woods (New York: Oxford University Press, 1991), p.17.

⁹ M.T. Griffin and E.M. Atkins, ‘Notes on Translation’, in *Cicero: On Duties* (New York: Cambridge University Press, 1991), pp.xlvi–xlvi.

¹⁰ Giovanni Pico della Mirandola, ‘Oration on the Dignity of Man’, in: Ernst Cassirer (ed.), *The Renaissance Philosophy of Man*, trans. Elizabeth L. Forbes (Chicago, IL: University of Chicago Press, 1948), pp.224–225.

¹¹ Thomas Hobbes, *Leviathan*, X., Richard Tuck, ed. (Cambridge: Cambridge University Press, 1991), p.63.

¹² *Ibid.*, pp.63–64.

¹³ Immanuel Kant, ‘The Metaphysics of Morals, Part II: The Metaphysical Principles of Virtue’, Ak462, in *Ethical Philosophy*, transl. James W. Ellington (Indianapolis, IN: Hackett, 1983), p.127.

¹⁴ *Ibid.*, Ak419–420, pp.80–81.

¹⁵ *Ibid.*, Ak462, p.127.

The Kantian notion has a familiar ring. In another very long story, one can trace how this Kantian idea of dignity was married to the notion of human beings having been created in the image and likeness of God by a Kantian theologian named Antonio Rosmini and how this subsequently made its way into Catholic theology, and was first explicitly used in the social encyclical *Rerum Novarum*,¹⁶ in which Pope Leo XIII defended the dignity of workers in the late 19th century.¹⁷ Thus, it is by the retroactive baptism of a Kantian idea that dignity became an important word in theology.

Given the history I have outlined, it is clear that many people have used the word ‘dignity’ to mean different things. I suggest that one convenient way to classify these uses is to distinguish between *attributed*, *intrinsic*, and *inflorescent* conceptions of human dignity.¹⁸

By *attributed* dignity, I mean that worth or value that human beings confer upon others by acts of attribution. The act of conferring this worth or value may be accomplished individually or communally, but it always involves a choice. Attributed dignity is, in a sense, created. It constitutes a *conventional* form of value. Thus, we attribute worth or value to those we consider to be dignitaries, those we admire, those who carry themselves in a particular way, or those who have certain talents, skills, or powers. We can even attribute worth or value to ourselves using this word. The Hobbesian notion of dignity is attributed.

By *intrinsic* dignity, I mean that worth or value that people have simply because they are human, not by virtue of any social standing, ability to evoke admiration, or any particular set of talents, skills, or powers. Intrinsic value is the value something has by virtue of being the kind of thing that it is. Intrinsic dignity is the value that human beings have by virtue of the fact that they are human beings. This value is thus not conferred or created by human choices, individual or collective, but is prior to human attribution. Kant’s notion of dignity is intrinsic.

By *inflorescent* dignity, I mean the way people use the word to describe how a process or state of affairs is congruent with the intrinsic dignity of a human being. Thus, dignity is sometimes used to refer to a virtue—a state of affairs in which a human being habitually acts in a way that expresses the intrinsic value of the human. This use of the word is not purely attributed, since it depends upon some objective conception of the human. Nonetheless the value itself to which this use of the word refers is not intrinsic, since it derives from the intrinsic value of the human. Aristotle’s use of the word is *inflorescent*, as are some of the Stoic usages.

¹⁶ Pope Leo XIII, *Rerum Novarum: On Capital and Labor Encyclical*, 15 May 1891, <http://www.papalencyclicals.net/Leo13/113rerum.htm>

¹⁷ Sulmasy, ‘Death with Dignity: What does It Mean?’ op. cit.

¹⁸ Ibid. The notion of derivative dignity is a later development of this theory and is presented at greater length in Daniel P. Sulmasy, ‘Dignity and the Human as a Natural Kind’, in: C.R. Taylor and R. Dell’Oro (eds), *Health and Human Flourishing* (Washington, DC: Georgetown University Press, 2006).

These conceptions of human dignity are by no means mutually exclusive. Attributed, intrinsic, and inflorescent conceptions of dignity are often at play in the same situation. Yet each has been taken as the central basis for particular moral claims in bioethics.

The Argument from Consistency

I next want to sketch out an argument that to be consistent in our use of moral words; to do the kind of moral work that Dworkin wants the word ‘dignity’ to do; to make good use of the word in bioethics, the notion of *intrinsic* dignity is foundational.

The argument is simple in its form. Consistency is at least a necessary condition of a valid moral argument, even if one would quickly add that consistency is not sufficient. In discussions about its fundamental moral meaning, the word ‘dignity’ can be defined as the value or worth that a human being has either: (a) in terms of some property, or (b) in terms of simply being human. I will show, however, that defining the fundamental moral meaning of dignity as the value human beings have by virtue of their possession of any particular candidate property leads to gross inconsistencies in our universally shared, settled moral positions. Therefore, one is led to the alternative: that dignity, in its fundamental moral sense, is defined in terms of simply being human. This kind of argument depends on the exhaustiveness of the list of candidate properties and is not decisive. But at least it puts the burden of proof on those who oppose assigning moral priority to the intrinsic sense of dignity to come up with an alternative property (such as age, size, or IQ) to define fundamental human worth or value.

What sorts of candidate human properties have been proposed? Some have argued that human dignity, in its most fundamental moral sense, depends upon the amount of pleasure and pain in a human life. Certainly, however, most of us are able to tell stories about the extraordinary lessons in human dignity we have learned from persons whose lives have been racked by pain, and most of us also know undignified human beings who have spent their whole lives in the pursuit of pleasure. Basing morality squarely on a balance between pleasure and pain has seemed, since the time of Aristotle, to be an *anaemic* account of morality and human dignity, and one that most persons would reject.

Some might think that Hobbes was right—human dignity depends upon social worth. But there are problems with such a conception of human dignity. The unemployed, the severely handicapped, the mentally ill, and all others who cannot contribute to the economic well-being of society would then have no dignity. Yet our society has gone to great lengths to recognise the dignity of such persons. If we did not believe that human dignity remains even if people are handicapped and lose their economic value to society, then we would not be making access ramps for them!

Some might think that human dignity depends upon freedom. But this view is also hard to sustain consistently. One would have to hold that those who have lost

control of certain human functions or have lost or never had the freedom to make choices, have lost or never had dignity. This would mean that infants, the retarded, the severely mentally ill, prisoners, the comatose, and perhaps even the sleeping would have no human dignity. This seems wrong.

Some might suggest that what counts is the *capacity* for control and freedom, and not the *exercise* of control and freedom. One might suggest that some individuals without full control and freedom nevertheless deserve to be treated with dignity either because they have a *potential* for such a capacity (so that children, for instance, come to be regarded as placeholders for actual persons with dignity), or they have a *history* of having exercised such a capacity (so that the demented, for instance, come to be regarded as remnants of persons with dignity). But these arguments are quite tenuous. Who would feel dignified and secure as a placeholder or a remnant? Further, these arguments still cannot answer why those who never could and never will make free, rational choices (such as the severely mentally retarded) are worthy of human dignity. The most fundamental meaning of human dignity is not human freedom and control. The famous photograph of the Rev. Martin Luther King, Jr. sitting in an Alabama prison cell is a portrait of human dignity in the face of lost freedom and control. Prison bars and the attitudes of others did not erase his dignity.

Some might think that human dignity is something individuals are free to define as they choose, according to their own inner lights. One might anticipate hearing the ultimate 'conversation stopper': 'You can't impose your views of human dignity on me.' But this view also leads to inconsistencies. First, the concept of a moral term implies that it has universal meaning, a position acknowledged both by Kant¹⁹ and by Utilitarians such as R.M. Hare.²⁰ Second, one cannot make an objective argument that morality is subjective. It is self-contradictory to make an objective moral claim that morality is subjective. Third, to say that human dignity is subjective is to claim that one person can never reliably recognise the dignity of another person, because one can never know exactly what the other thinks dignity is at any given moment. But morality seems to depend upon our mutual commitment to knowing that each of us has dignity before we open our mouths and explain our notions of dignity to each other. Human dignity cannot be a purely subjective concept.

Thus, the argument from consistency claims that fundamental human dignity must therefore be something each of us has simply because we are human. It is the notion of dignity that drove the civil rights movement. It is the notion the Rev. Dr. Martin Luther King, Jr. says he learned from his grandmother. 'Martin, don't let anyone ever tell you that you're not a somebody.'²¹ No matter what value others

¹⁹ Immanuel Kant, *Grounding for the Metaphysics of Morals*, Ak 421, trans. James W. Ellington (Indianapolis, IN: Hackett, 1981), p.30.

²⁰ R.M. Hare, *Moral Thinking: Its Levels, Methods, and Point* (New York: Oxford University Press, 1981), pp.107–116.

²¹ Garth Baker-Fletcher, *Somebodyness: Martin Luther King, Jr. and the Theory of Dignity*, Harvard dissertations in divinity, No. 31 (Minneapolis, MN: Fortress Press, 1993), p.23.

may attribute to persons because of properties such as skin colour, or how free they are to do as they would like, they have dignity because they are *somebodies*—human beings. Being somebody; being a human being, is the foundation of the notion of human dignity. The argument from consistency says that if this is what dignity means in civil rights, this is what dignity must mean in bioethics.

The Axiological Argument

I will very briefly outline another way to arrive at this conclusion that depends on the theory of value or axiology.²² Classically, axiology distinguishes between intrinsic and instrumental values. Instrumental values, however, are a subclass of attributed values. The primary distinction in axiology is between intrinsic values and attributed values.

Intrinsic value is the value something has of itself—the value it has by virtue of its being the kind of thing that it is. It is valuable independent of any valuer’s purposes, beliefs, desires, interests, or expectations. Truly intrinsic values, according to environmental ethicist Holmes Rolston, ‘are objectively there—discovered, not generated by the valuer’.²³

Attributed values are those conveyed by a valuer. Attributed values depend completely upon the purposes, beliefs, desires, interests, or expectations of a valuer or group of valuers. That is why I argue that instrumental values are a class of attributed values. An instrumental value is one that is attributed to some entity because it serves a purpose for a valuer. The instrumental value of the entity consists in its serving as a means by which the valuer achieves some purpose. But there can be non-instrumental attributed values as well, for example, the value of humour may serve no clear instrumental purpose.

The next step in the argument is that if there are intrinsic values in the world, the recognition of the intrinsic value depends upon one’s ability to discern what kind of thing it is. This brings me to the notion of natural kinds, a relatively new concept in analytic philosophy.²⁴ The fundamental idea behind natural kinds is

²² These ideas are developed at greater length in Daniel P. Sulmasy, ‘Death, Dignity, and the Theory of Value’, *Ethical Perspectives*, 9 (2003), pp.103–118 (reprinted in: P. Schotsmans and T. Meulenbergs (eds), *Euthanasia and Palliative Care in the Low Countries* (Leuven, Belgium: Peeters, 2005), pp.95–119; also in Daniel P. Sulmasy, ‘Dignity and the Human as a Natural Kind’, n. 14, above.

²³ Holmes Rolston III, *Environmental Ethics* (Philadelphia, PA: Temple University Press, 1988), p.116.

²⁴ Credit for initiation of the discussion of natural kinds is usually given to Saul Kripke, in his two essays, ‘Identity and Necessity’, in: Milton K. Munitz, ed., *Identity and Individuation* (New York: New York University Press, 1971), pp.135–164 and ‘Naming and Necessity’, in: Gilbert Harman and Donald Davidson (eds), *Semantics of Natural Language* (Dordrecht, The Netherlands: D. Reidel, 1972), pp.253–355. For a good contemporary approach to the concept of natural kinds, see David Wiggins, *Sameness and Substance* (Cambridge, MA: Harvard University Press, 1980), pp.77–101 and his *Sameness and Substance Renewed* (Cambridge: Cambridge University Press, 2001).

that to pick something out from the rest of the universe, one must pick it out as a something. This leads to what its proponents call a ‘modest essentialism’—that the essence of something is that by which one picks it out from the rest of reality as anything at all—its being a member of a kind. The alternative seems inconceivable—that reality is actually completely undifferentiated and that human beings carve up this amorphous stuff for their own purposes. It seems bizarre to suggest that there really are no actual kinds of things in the world independent of human classification—no such things, *de re*, as stars, slugs, or human beings. Thus, the intrinsic value of a natural entity—the value it has by virtue of being the kind of thing that it is—depends upon one’s ability to pick that entity out as a member of a natural kind.

I would then define intrinsic dignity as the intrinsic value of entities that are members of a natural kind that is, as a kind, capable of language, rationality, love, free will, moral agency, creativity, and aesthetic sensibility. This definition is decidedly anti-speciesist. If there are other kinds of entities in the universe besides human beings that have, as a kind, these capacities, they would also have intrinsic dignity—whether angels or extraterrestrials.

I agree with Dworkin that intrinsic dignity is the foundation of all human rights.²⁵ We respect rights because we recognise intrinsic dignity. We do not bestow dignity to the extent that we bestow rights. Human beings have rights that must be respected because of the value they have by virtue of being the kinds of things that they are.

Importantly, the logic of natural kinds suggests that one picks individuals out as members of the kind not because they express all the necessary and sufficient predicates to be classified as a member of the species, but by virtue of their inclusion under the extension of the natural kind that, *as a kind*, has those capacities. The logic of natural kinds is extensional, not intensional. Very few bananas in the bin in the supermarket express all the necessary and sufficient conditions for being classified as bananas. We might define a banana as a yellow fruit of a certain shape, etc. Yet some specimens in the bin are yellow, some are green, some are spotted, and some are brown. Nonetheless, they are all bananas. Health care depends profoundly upon this kind of extensional logic. It is not the *expression* of rationality that makes us human, but our belonging to a kind that is capable of rationality that makes us human. When a human being is comatose or mentally ill, we first pick the individual out as a human being, then we note the disparity between the characteristics of the afflicted individual and the paradigmatic features and typical development and history of members of the human natural kind. This is how we come to the judgement that the individual is sick; and because that individual is a member of the human natural kind, we recognise an intrinsic value that we call dignity. In recognition of

²⁵ Daniel P. Sulmasy, ‘Dignity, Rights, Health Care, and Human Flourishing’, in: G. Diaz Pintos and David N. Weisstub (eds), *Human Rights and Health Care*(Dordrecht, The Netherlands: Springer, 2006).

that worth we have established the healing professions as a moral response to our fellow humans suffering from disease and injury. The plight of the sick rarely serves the purposes, beliefs, desires, interests, or expectations of any of us as individuals. Rather, it is because of the intrinsic value of the sick that we serve them. Thus I would argue that intrinsic human dignity is the foundation of health care. The bottom line is that every patient is a somebody. We lose our grip on that notion to our common peril.

Relevance to Bioethics

Accordingly, understanding these differing conceptions of dignity and the centrality of the intrinsic notion of dignity *does* make a difference in bioethics. It should be obvious that this conceptual richness cannot be reduced to respect for autonomy or equity.

At the very least, this conceptual analysis helps us better to understand arguments in bioethics that invoke the word ‘dignity’. For example, arguments both for and against the morality of euthanasia invoke the word ‘dignity’. The conceptual analysis I have offered helps to make sense of this. It would appear that those who invoke ‘dignity’ in arguing for the legalisation of euthanasia are using the word in an attributed sense, and appear to be ignoring (or perhaps denying) the notion of an intrinsic sense. One might hear someone say, ‘I will have lost all my dignity if I am in diapers. If that happens, please do the merciful thing for me and put me out of my misery.’ Those who invoke ‘dignity’ in opposition to the legalisation of euthanasia appear to be using the word in an intrinsic sense. Sometimes these critics appear to be denying the existence of an attributed sense of the word, but all they really need to do is to argue, as I have above, that the attributed depends upon the intrinsic. Those who say, ‘Killing a human being, even out of a sense of mercy, is an offence against human dignity’, are arguing that there is a sense of dignity that is not lost when a person becomes dependent, unproductive, disfigured, or shunned by others. This notion is intrinsic, since it depends not upon any state of affairs but upon the person’s belonging to a natural kind that has, as a kind, the value I have called intrinsic dignity. Finally, some who oppose euthanasia appear to invoke an inflorescent notion of dignity in their arguments, suggesting, for instance, that to ask to be killed in the face of death or because of the loss of independence or productivity that sometimes precedes death, is an undignified way to face one’s end—unworthy behaviour for a creature that has intrinsic dignity.

Understanding bioethical arguments in light of these different notions of dignity can thus illuminate the bases for differences of opinion between the interlocutors. Further, if it is correct that intrinsic dignity is the most fundamental of the three notions of dignity, then this taxonomy can also help to resolve a question such as whether euthanasia ought to be morally permissible.