



**University of  
Zurich**<sup>UZH</sup>

**Zurich Open Repository and  
Archive**

University of Zurich  
University Library  
Strickhofstrasse 39  
CH-8057 Zurich  
[www.zora.uzh.ch](http://www.zora.uzh.ch)

---

Year: 2020

---

## **Human dignity: final, inherent, absolute?**

Muders, Sebastian

DOI: <https://doi.org/10.4000/estetica.7319>

Posted at the Zurich Open Repository and Archive, University of Zurich

ZORA URL: <https://doi.org/10.5167/uzh-212070>

Journal Article

Published Version



The following work is licensed under a Creative Commons: Attribution-NonCommercial-NoDerivatives 4.0 International (CC BY-NC-ND 4.0) License.

Originally published at:

Muders, Sebastian (2020). Human dignity: final, inherent, absolute? *Rivista di estetica*, 75(3):84-103.

DOI: <https://doi.org/10.4000/estetica.7319>



**Rivista di estetica**

75 | 2020

Ethics of the Environmental Crisis

---

## Human Dignity: Final, Inherent, Absolute?

Sebastian Muders

---



**Electronic version**

URL: <https://journals.openedition.org/estetica/7319>

DOI: 10.4000/estetica.7319

ISSN: 2421-5864

**Publisher**

Rosenberg & Sellier

**Printed version**

Date of publication: 1 December 2020

Number of pages: 84-103

ISSN: 0035-6212

Brought to you by Zentralbibliothek Zürich



**Electronic reference**

Sebastian Muders, "Human Dignity: Final, Inherent, Absolute? ", *Rivista di estetica* [Online], 75 | 2020,

Online since 02 February 2021, connection on 07 April 2022. URL: <http://journals.openedition.org/estetica/7319> ; DOI: <https://doi.org/10.4000/estetica.7319>

---



Rivista di Estetica è distribuita con Licenza Creative Commons Attribuzione - Non commerciale - Non opere derivate 4.0 Internazionale.

# the environment and human rights

Sebastian Muders

HUMAN DIGNITY: FINAL, INHERENT, ABSOLUTE?

## *Abstract*

In the traditional understanding, human dignity is often portrayed as a «final», «inherent», and «absolute» value. If human dignity as the core of the status of a human being did indeed have those characteristics, this would yield a severe limitation for obligations that stem from the moral status of non-human animals, plants, eco systems and other entities discussed in environmental ethics; for obligations that arise from human dignity standardly take priority over the duties toward entities with non-human moral status. Yet, many theorists of human dignity nowadays have given up the traditional picture in favour of a more «contingent» understanding of human dignity that abandons one or more of its traditional characteristics.

In this paper, I argue that to the contrary, we have good reasons to think that the three characteristics of human dignity just mentioned can indeed be attributed to a value that deserves the name «human dignity». In a first part, I argue for a specific understanding of the three value characteristics under consideration. After these preliminaries, I show in a second part that given such an understanding, we have ample evidence that we can indeed say that human dignity is an inherent, absolute and final value; and also that these three characteristics are properties of a single value.

## *1. The concept of human dignity in philosophy*

The question which ethical responsibilities humans have toward the environment not only must be answered with reference to the moral status of non-human entities such as non-human animals, plants, or eco systems, but first and foremost with reference to the moral status of human beings, for obligations that arise from the latter plausibly often take priority over the duties toward entities with non-human moral status. While I might arguably not run over a cat in order to avoid a mildly rude behaviour toward a fellow human being, obligations that are justified by referring to the core of the moral status

which we ascribe to human beings – that part that usually goes by the name of «human dignity» – are supposed to trump or even silence conflicting moral considerations of almost any sort: For instance, if torture is prohibited because it violates human dignity, maybe even taking into account the good things that could be achieved by making an exception would, in Bernard Williams' famous phrase be, «one thought too many»<sup>1</sup>. Thus, understanding the urgency of our obligations toward nature makes it necessary to get a clearer picture of our obligations that stem from human dignity; and this in turn makes it necessary to clarify the notion of human dignity in order to get a better grip on the nature and weight of the obligations that block or override many of the demands outside interpersonal morality.

Here, a good starting point to shed light on our everyday notion of human dignity is to examine its concept as depicted by ethical theory. A brief overview of several introductory texts about the concept of human dignity in moral theory quickly identifies three characteristics as especially salient. The first concerns the *bearers* of human dignity. In a survey article on the subject, Ariel Zylberman, for instance, notes that «[a]ll human beings have the same dignity» and calls this the «scope» of dignity<sup>2</sup>.

A second characteristic often mentioned addresses the *special normative weight* that dignity norms are supposed to have. In an introductory piece, Marcus Düwell e.g. remarks that «references to human dignity are justifying duties towards others that have the form of *categorical* obligations [...] [i.e.] duties that are overriding with regard to other action-guiding considerations»<sup>3</sup>. As he elaborates, «other action-guiding considerations» do not include «other duties that follow from the respect for human dignity»<sup>4</sup>: If refraining from a would-be dignity violation inevitably led to thousands of moral misdeeds of the same type, this might count as an exception for carrying it out.

Finally, a third characteristic is concerned with dignity's significance as an endpoint of our practical deliberation. Even Non-Kantians frequently claim that human dignity and the respect it demands provide the central or even sole endpoint for all our moral actions. According to John Tasioulas, human dignity is «foundational to interpersonal morality generally»<sup>5</sup>; Ronald Dworkin maintains that «any moral theory worth its salt needs to proceed from it [i.e., human dignity]»<sup>6</sup>; and Martha Nussbaum's influential Capabilities Approach

<sup>1</sup> Williams 1981: 18.

<sup>2</sup> Zylberman 2016: 201.

<sup>3</sup> Düwell 2014: 27.

<sup>4</sup> Düwell 2014: 28.

<sup>5</sup> Tasioulas 2013: 304.

<sup>6</sup> Dworkin 2011: 203.

similarly begins with the question «What does a life worthy of human dignity require?»<sup>7</sup> in order to justify her famous list of central capabilities.

In face of the widespread consensus to ascribe these features to human dignity, it seems that we should have little doubt that human dignity actually *has* these characteristics. Yet, so far, our observations were made exclusively in the area of conceptual considerations. And mere conceptual claims, even if true, all by themselves cannot ensure the existence of the thing described by them.

Hence, do we have good reason to believe that human dignity exists in the form characterized so far? – Many sceptics of the idea of human dignity answer in the negative, yet this does not turn them into moral nihilists. On the contrary, these people usually agree with most of the normative output any theory of human dignity aims to defend – that we should not torture, humiliate or instrumentalize other people. They just do not think that we need human dignity as depicted in the above paragraphs to make sense of this. Thus, for instance, they can allow that something like human dignity plays the role described above, with the exception that it is not this value which, in the end, explains why we have to respect its bearers in certain ways, but another normative property – their autonomy, for instance<sup>8</sup>. Or they believe that dignity is indeed finally valuable, but express doubts that it can be attributed to the vast majority of human beings, and hence replace human dignity with a kind of dignity that has a more narrow range of bearers<sup>9</sup>. Or they argue against the view that dignity-related norms have a special priority which, due to their source, override any other moral consideration that cannot appeal to human dignity<sup>10</sup>.

In contrast to these alternatives, I think that we have good reason to attribute the three characteristics under discussion to a value named «human dignity». In a *first part*, I will argue for a more specific understanding of these three characteristics, which I label as «inherent», «absolute» and «final» (sec. 2). While my own conceptions of these characteristics will take the philosophical suggestions given above as their starting point, I believe these are not completely satisfying with regard to the broad variety of legitimate interpretations of the concept of human dignity. In a *second part*, my task will be to examine whether all three value characteristics can reasonably be attributed to an existing value of human dignity.

The latter task involves three steps. First, I will argue that there are no conceptual dependencies between the characteristics: Something can have one

<sup>7</sup> Nussbaum 2001: 32.

<sup>8</sup> Cf. e.g. Macklin 2003: 1419 f.

<sup>9</sup> Cf. e.g. Gesang 2010: sec. VII.

<sup>10</sup> Cf. e.g. Michael Rosen, who critically examines some (legal) conceptions of dignity and concludes that he finds interpretations of «dignity as an inner kernel of human value that may never be compromised or balanced hard to sustain» (Rosen 2012: 114).

of them without having the others (sec. 3). Thus, there can be a value which constitutes an important part of the moral status of human beings that only possesses one or two of the characteristics, as the sceptical positions mentioned above claim. Nevertheless, I will argue that observations about paradigmatic examples of human dignity violations give ample evidence that we can indeed say that human dignity is an inherent, absolute and final value (sec. 4); and also that these three characteristics are properties of a *single* value (sec. 5).

## 2. Three value characteristics

What does it mean to call dignity a «final», «absolute», and «inherent» value? The first thing to note concerns the different *roles* of these characteristics. While I interpret the former two as referring to *normative* characteristics exhibited by dignity, the latter refers to an *ontological* characteristic. Normative properties naturally come equipped with characteristics that qualify the normative component of the relevant properties<sup>11</sup>. The role of the latter is to guide our behaviour in some way, so the normative characteristics give us a better picture in what way this is exactly supposed to happen. An ontological characteristic, on the other hand, provides more information about the way a property is exhibited by its bearer. We will get a better grip of this distinction by drawing our attention to the characteristics that are of interest for this paper.

Let us start with «final» as a value characteristic. My usage of the term refers to the idea that the value under consideration works as a *justificatory endpoint*: The reasons and norms generated by it do not have to be justified further<sup>12</sup>. For instance, actions that are directly aimed at cultivating friendship (say, meeting a friend for coffee, or writing her a postcard) do not need to be further justified because friendship plausibly is something valued for its own sake. Other frequently mentioned examples of goods – things with value – that are also valued finally or for their own sake include freedom of pain, achievement and knowledge. In contrast, non-final values are instrumental values (such as the monetary worth of money) or constitutive values (such as the contributory value of pain for certain achievements)<sup>13</sup>.

It might be objected that my examples of final values have a distinctive feature not present in human dignity: They all refer to goods of wellbeing, things that

<sup>11</sup> The idea that normative concepts often not merely have normative but also descriptive components is perhaps most obvious in the case of so-called thick evaluative concepts, such as being cruel, being generous, and so on.

<sup>12</sup> The terminology goes back at least to Korsgaard 1983, who sought to distinguish the way in which something is valued from the grounds that make it valuable, a distinction that is conflated in Moore's employment of the notion of "intrinsic value" (cf. fn. 16 below).

<sup>13</sup> Cf. e.g. Dworkin 1988: 80 f. for this understanding of «contributory value».

have value *for* someone. Human dignity, on the other hand, is not something that is good for someone – to possess human dignity does not mean that one is necessarily better off than without it –, but a moral value. We have no reason to assume, though, that the distinction between final and non-final values is restricted to well-being. For example, the moral value of being honest is often seen as being dependent on the moral value of trust, and this in turn might be dependent on the moral significance of our autonomy: We ought to value honesty in order to form trustworthy relationships, and we ought to value these relationships because they allow us to lead a self-determined life – which is not only good for us, but something to be respected by others as well, regardless of whether it might be good for them<sup>14</sup>.

That we find this distinction also in values of well-being points to a further aspect of a value's finality even in the moral case: Namely, that it by no means needs to be exclusive. Standard objective theories of well-being, for instance, usually list various final goods that are often regarded as incommensurable with each other<sup>15</sup>. Thus, it should come as no surprise if human dignity is not the sole final value in the moral domain, despite the fact that the quotations by Dworkin, Tasioulas and Nussbaum suggest otherwise.

Moving on to inherence as a further value characteristic, I suggest that it signifies the *ontological stickiness* to its bearer. I understand ontological stickiness as a complex idea: It combines the thought that the value in question makes its bearers itself valuable (instead of a certain valuable state of affairs that they happen to exhibit, as when we admire the beauty of a flower in full bloom) with the thought that this value is not grounded by any kind of attributive goodness of its bearer (as in the case of a skillful sculptor who might *herself* be admired *because* of her skill), but exists in virtue of a property that generates its own natural kind<sup>16</sup>. An example is the value granted by the capacity to be sentient. According to pathocentrism<sup>17</sup>, each of the members of the natural kind formed by this property – the kind of sentient beings – is morally equal in the sense

<sup>14</sup> Cf. Honneth 2014. As the examples of friendship and autonomy show, the finality aspect of values is not confined to ways of responding to them by means of promotion: To value a friendship will often not augment a given friendship or lead to additional friendships, but will simply involve paying respect to the friends I have, and the same will often be true when I value the autonomy of a person.

<sup>15</sup> Cf. e.g. Finnis 2011 or Murphy 2001.

<sup>16</sup> Here my use of “inherent” clearly departs from the more familiar Moorean conception of “intrinsic” value (cf. Moore 1922), for he thinks that certain states of affairs are the bearers of this type of value. Moreover, the grounding property I envisage – a property that generates a natural kind – hardly qualifies as non-relational in Moore's sense.

<sup>17</sup> Cf. e.g. Regan 1983 or Wolf 1988.

that we have at least a general *prima facie* duty not to bring any of its bearers in a condition to feel pain<sup>18</sup>.

This way of spelling out inherence appears to be at odds with the way it was introduced in the case of human dignity, as a universal characteristic which all members of the human species share. I believe, though, that my proposal does not exclude this reading: Depending on human dignity's grounding property, all human beings might share it. Yet it also provides room for the option that only a certain subclass of human beings has human dignity – namely, if the natural kind generating property does not include all human beings, but picks out a different kind which merely includes the vast majority of human beings. I think this is the first of two advantages over Zylberman's suggestion: Although a substantial number of current theories of human dignity seem to endorse it<sup>19</sup>, it would be wrong to suppose that the only way to fulfil the requirements of human dignity's concept would be to show that *each and every human being* possesses human dignity. For there is a variety of so-called marginal cases – e.g. people in a PVS or anencephalic newborns – for whom possession of human dignity has been questioned. Still, to judge that theories of human dignity which argue that members of these groups are not among its bearers are ruled out as theories of its subject *simply because of conceptual constraints* would be too harsh.

Second, my proposal on how to understand dignity's inherence can explain the fact that all dignity bearers also have dignity to the *same degree*, which is part of Zylberman's «scope» claim. How is the fact that all human beings have human dignity related to the fact that they possess it to the same degree? According to my suggestion, the grounding base of a being's dignity has to be a property that describes a natural kind without including any forms of attributive goodness typical of this kind. This explains that all human dignity bearers must be treated equally insofar as this part of their moral status is concerned, since membership in a natural kind does not come in degrees – either something is gold, or a tiger, or it isn't.

Finally, how should we conceive of *absolute* as a characteristic of a value? A standard understanding of absolute moral norms defines them as norms that cannot be overridden in any circumstances, whose associated duties must be fulfilled and whose rights can be enjoyed without exception<sup>20</sup>. This is even

<sup>18</sup> The inherent value of sentient beings is one of most important moral values in the debate about our moral obligations toward non-human beings within environmental ethics. Note that this value is also a pretty good candidate for a final moral value; it seems plausible that to prevent a living being from suffering does not require any further justification. Since the concepts of human dignity and the value of sentient beings are on equal footing so far, the question about priority mentioned in the introduction becomes all the more pressing. We will look into this in a moment.

<sup>19</sup> Cf. e.g. Lee/George 2008; FitzPatrick 2017.

<sup>20</sup> Cf. Gewirth 1994: 130.



stronger than Düwell's «categorical» interpretation of human dignity, which allows that other considerations that appeal to human dignity might justify a dignity violation.

On closer inspection, however, even this “categorical” understanding seems to be too demanding when specifying the limits any conception of human dignity must observe. For are we really under the obligation to refrain from the slightest human dignity violation – say, a moderate humiliation – even if this was the only way to stop the victim from killing thousands of cats or other *non-dignity bearers* in a painful way? Hence, it seems that we should add the prevention of what Russ Shafer-Landau calls catastrophic events<sup>21</sup> – exceptional situations where other persons' human dignity or other basic goods from moral patients such as freedom from pain are at stake – to our list of *possible* justifications of human dignity violations: If someone allows for the violation of someone's dignity in these circumstances, it would be wrong to accuse them of not speaking about human dignity at all.

On the other hand, suggestions which conceive of human dignity norms as «especially exigent, such that the dignity of persons cannot be easily traded-off or aggregated»<sup>22</sup> appear to be comparatively less specified: Surely the promise to help my friend to move cannot be easily traded off – for example, it won't help to point to a very interesting movie I would like to watch instead –, but it would be a wild exaggeration to jazz up every instance of promise breaking into a violation of the promisee's dignity. Thus, I conclude that the most promising manner of characterizing a norm as «absolute» in the way employed in debates about human dignity is to regard it as non-overrideable except for preventing catastrophes in the sense given above. While this is admittedly still rough, it keeps the concept sufficiently broad to not rule out prematurely meaningful debates about the weight and the limits of dignity norms.

### 3. *No conceptual implications*

Having clarified my understanding of «final», «inherent» and «absolute», I next turn to the second part of my paper. I argue that there do not exist any relations of conceptual implication between these terms. This serves to demonstrate that from the fact that dignity possesses one value characteristic, we cannot conceptually infer that it has the others.

To conceive of friendship as having final value, for example, does not commit one to also attributing to it inherent or absolute value. If what constitutes a friendship is the mutual sympathy and benevolence two people show for each

<sup>21</sup> Shafer-Landau 2012: 217.

<sup>22</sup> Zylberman 2016: 202.

other for the sake of the other, a given friendship does not exhibit inherent value: As for the first component of this complex idea, it is indeed true that my interest in a friendship is not focused on the relation in which the other stands to myself, *but on the other directly*: I am not interested in my friend in order to have a good friendship, but the friendship is important because the other is important. Yet, as for the second component of the complex idea of inherent value, friendships *do* vary in terms of the weight of reasons they give us to care for the other. This is true both with regard to different friendships as well as within a given friendship: We do not think that each of our friends' requests to help them with their moving has the same importance for us just because they are our friends – there are good friends and very good friends. Likewise, the depth of a friendship can change over time, and so do the moral obligations that flow from it.

Likewise, friendship has no absolute value: Behaving toward friends in ways demanded or advised specifically by the institution of friendship is important, but the norms constitutive of a friendship can be overridden even in cases that are far from catastrophic in the sense explained above: When my young daughter feels nauseous and no one else can look after her, it seems perfectly legitimate to decline even an urgent request from my friend to meet her for coffee. Of course, there might be exceptional cases – I might have good reason to fear that my friend is going to compromise her dignity if I do not respond to a request. But note that in these cases, the *additional* weight of my duty to prevent this because the would-be victim is my friend is not what lifts this duty in the region of norms that could only be overridden by catastrophic events in the sense explained above: Other things being equal, the fact that a complete stranger could be compromised in her dignity if I do not act immediately should alone be sufficient to mark the duty to help as «absolute».

Moving over to a candidate for an absolute moral norm, let us consider the prohibition to kill the last exemplars of a harmless biological species as an example, where «harmless» means that they do not threaten vital human interests. Again, the value of the preservation of such a species that underlies this norm seems to be a major part in many moral theories that deal with the obligations we have toward ecological systems; we should not only care for individuals, but also about species or some similar taxonomical structure. In the case at hand, we might agree that we are not allowed to kill these last exemplars even if we provide good reasons: For instance, if they provide the tastiest meat imaginable, or if their corpses could be used as a resource for all sorts of meaningful and important experiments, it could still be impermissible to hunt them down. Of course, when it comes to «catastrophic» cases, where their killing is required to save the life of many human beings (perhaps the creatures are bearers of an important genetic information that we need to have in order to provide a cure for a serious illness) or to keep entire ecosystems alive (perhaps these last exemplars have just entered the ecosystem in question as a highly dangerous

invasive species), things might be different, but, as I explained above, this is no hindrance to call this norm «absolute».

Although we can admit that the norm is fulfilling the requirements for absolute norms as laid out in section 2, the view that the value we attach to the lives of these exemplars is neither final nor inherent is still compatible with this finding. It is not final in the example, for we value it for the sake of something else: The final aim is to save a species from extinction, not to save the lives of particular exemplars of the species, although the latter is, in the depicted circumstances, *constitutive* for the purpose at hand<sup>23</sup>. Likewise, the life of these creatures is not inherently valuable, at least as far as the value of their lives works as a justifier for the norm in question. For we do not regard each exemplar of the species as equally valuable, but only insofar as they exhibit an attributive goodness related to their kind: Should it turn out that some of them are no longer fertile, taking their life will no longer be absolutely forbidden. Also, it is not specifically *them* to which we attach the value, but merely their capacity to create new offspring in order to keep the *species* in existence.

Switching to inherence as an ontological characteristic of certain values, we can similarly find examples that show its independence from the other two characteristics. To take up the example from section 2, let us assume that being sentient is inherently valuable in the sense specified above, meaning that all members of the natural kind of sentient beings have an equal moral status, as many animal ethicists believe.

This claim notwithstanding, the moral reasons that follow from this fact are far from being classified as «absolute» in the sense explained above: Even the fact that a mosquito annoys me could provide me with a valid reason to kill it<sup>24</sup>. And of course we do not have to stop at insects. As indicated in the introduction, our treatment of non-human living beings up to most mammals is far less restricted than in the case of human persons, especially when strong human interests are at play. Even hard-nosed animal rights activists such as Tom Regan think that non-human animals will and should typically loose out if their rights are weighted against those of persons<sup>25</sup>. And this of course goes way beyond catastrophic cases. May we kill a dog in order to spare a human

<sup>23</sup> Couldn't we then just say that the relevant absolute norm in question is simply to preserve a species from extinction? This might well be an absolute norm which is justified by a final value, but it clearly is a different norm when compared to our example, for under different circumstances, there might be *other* absolute requirements how to accomplish the aim of preserving the species' existence.

<sup>24</sup> That insects like mosquitos are sentient is of course a controversial matter. For a quick survey of the issue, cf. Tye 2017: ch. 8.

<sup>25</sup> Cf. Regan 1983: 325, where he admits that in a life lifeboat scenario, where either four humans or a million dogs can be saved, then his «rights view still implies that, special considerations apart, the million dogs should be thrown overboard and the four humans saved.»

being of ten days of immense headache? Most people are indeed inclined to respond affirmatively. May we do the same thing with a human person? Here the answer seems unsurprisingly «no».

Also, the inherent value of the bearer of the property of sentience might be admitted without granting the bearer final value as well. Welfarists like Wayne Sumner, who think that being sentient does indeed suffice for making an entity the object of our moral concern, need not think that it is the valuable entity *itself* to which our moral efforts, in the end, should be directed. Alternatively, one could argue that what finally matters are the welfare states of that entity which take axiological precedence over their inherent value; the latter merely functions as an indicator of the location where the finally valuable welfare states occur. As Sumner puts it: «That moral status [of an entity] is not independent of and logically prior to the prudential value of their lives; it is instead conditional on that value»<sup>26</sup>.

#### 4. *Dignity as final, inherent and absolute*

As a result of these considerations, we cannot infer that the attribution of one value characteristic to human dignity, say finality, will itself ensure that the other two value characteristics are also applicable to the very same value. Looking back to the references mentioned in the introduction, this leaves us with three alternatives:

1. *Either* these texts misattribute one or another of these value characteristics as defining features of human dignity; this way, we will not have to explain why human dignity exhibits all three of them.
2. *Or* human dignity indeed possesses all these value characteristics, but simply because the very same term is used to refer to three different normative properties that the bearer of human dignity possesses.
3. *Or* human dignity indeed possesses all these value characteristics, and its notion furthermore refers to only one evaluative property.

In what follows, I will examine these alternatives. I start by arguing against alternative 1). One way to do so would be to examine the different theories of human dignity on the market and see whether the most promising one makes use of any, some, or all the value characteristics in question.

To do justice to the tight limits of this paper, however, I will pursue a different strategy. Following a suggestion by Ralf Stoecker<sup>27</sup>, I will concentrate on

<sup>26</sup> Sumner 2011: 84.

<sup>27</sup> Cf. Stoecker 2010: 10f.

paradigm cases where we feel naturally urged to employ the notion of human dignity. As Stoecker observed, the most obvious cases where human dignity pre-theoretically becomes relevant are not those where someone's dignity is respected, but those where it is *violated*. In fact, these are the cases which call for moral philosophy to give an adequate account of human dignity in the first place. Hence, every phenomenologically adequate account of human dignity should seek to explain and possibly justify our talk of human dignity on these occurrences.

Beginning with the value characteristic of absoluteness, we can easily see that violations of human dignity are not just plain moral wrongs. Humiliation, degradation and torture are not situated in the same category as stealing or lying, and only the former are considered to be candidates for dignity violations: Even someone convicted with multiple murders has to be treated with some degree of respect, and no matter how much I dislike my colleague, I am not permitted to bully him until he has to quit his job. As I made clear above, calling norms that are typically justified by appealing to human dignity «absolute» does not rule out the possibility that these norms may be overridden in exceptional circumstances.

Yet a sceptic of human dignity might admit that humiliation and other norms frequently justified by appeals to human dignity are indeed absolute, but nonetheless deny that we need human dignity to explain this fact. It is not possible to give this concern its adequate treatment within the scope of this paper. However, let me briefly illustrate why I think that this kind of objection will have a hard time to convince friends of human dignity. Andrea Sangiovanni has recently proposed to abandon the concept of human dignity in favour of a more promising basis that explains the specific wrongness of different types of action that all express what he calls «social cruelty». According to Sangiovanni, humiliation, degradation and similar misdeeds are all ways of attacking our «integral sense of the self,» our «sense of being in control of their environment and their bodies in a way that preserved their ability to express a self-conception without fear of retribution»<sup>28</sup>. As he argues, our «central interests» in such a self can equally account for the widespread belief that no person ought to be treated at odds with this interest.

In response, we might ask why these interests are classified as «central» in the case of human beings. Presumably this is because our ability to express a self-conception belongs to the category of attributes «which are the subject of our most humane concern with ourselves and the source of what we regard as most important and most problematical in our lives», as Harry Frankfurt puts it<sup>29</sup>. However, having this ability is then precisely what, according to Frankfurt's suggestion, «being a person» amounts to; and the special part of our moral status

<sup>28</sup> Sangiovanni 2017: 77.

<sup>29</sup> Frankfurt 1988: 12.

that protects the specific interests we have as persons is just what human dignity conceptually is about. Regardless of which of our properties are mentioned to explain why human beings have dignity, they usually are tightly connected to the attributes Frankfurt writes about. So, no wonder that critics of Sangiovanni have pointed out that he is not so much in the business of replacing human dignity but rather offers his own favoured conception of it<sup>30</sup>.

These reflections lead us to the second value characteristic of inherence. What makes one a bearer of human dignity is the subject of an endless dispute, and one standard explanation for this is that many of the standard proposals have notorious difficulties in securing dignity as an inherent value, i.e., something that makes its bearers themselves valuable regardless of whether they exhibit some goodness characteristic for their kind. No matter whether we conceive of human dignity as grounded in the capacity for self-awareness, or autonomy, or reason – all of these suggestions seem to be subject to the worry that they exclude a significant part of the human population, namely those that do not appear to possess the capacity in question. Grounding human dignity more broadly in a feature which we already considered as a plausible conferrer of inherent value – the capacity for sentience – is of no help either, since identifying human dignity with this value seems to lead to absurd consequences regarding the range of dignity bearers and the norms that would equally apply to all of them. Although there are some in the debate on animal rights and moral status that think we should get rid of the notion of a single moral value inherent in all and only human beings altogether<sup>31</sup>, no contemporary author in environmental ethics seems to defend the radical thesis that all sentient beings should be treated equally in the sense that there is no reason to prefer human beings over non-human life forms in standard circumstances.

Given these difficulties, why should we suppose that human dignity is inherent in the first place? Again, pointing to paradigm cases of dignity violations may provide a quick answer. Take the Nazis' so-called «extermination of worthless life» in the «Aktion T4»: The murdering of innocent people with mental illnesses or physical disabilities. Merely talking about «murder» in these circumstances, true as it may be, is obviously a massive understatement of what happened. What should at least be added is that the victims were killed with a horrible disregard of their humanity: They were treated as if, due to their condition, they didn't any longer deserve the respect that we owe to each human being. But this kind of respect that Stephen Darwall and others call «recognition respect»<sup>32</sup> is precisely what is justified by appealing to the dignity of the human being. And since our judgment that a dignity violation has taken place in this case does not rely

<sup>30</sup> Cf. Galeotti 2018: 194f.; Rozeboom 2017: 508.

<sup>31</sup> Most notably Singer, cf. e.g. Singer 1983: 129.

<sup>32</sup> Cf. Darwall 2004.

on a throughout examination of the exact physical or psychological condition of these people, the attribution of human dignity to T4's victims plausibly is not grounded in any kind of attributive goodness ascribable to them, but in a property that merely marks them as members of a certain kind.

One could argue that what is at stake here is not so much human dignity but rather a basic moral equality that every member of the human family ought to enjoy. But it has proven to be rather difficult to spell out in detail what «basic moral equality» refers to without getting into dignity-talk. For it seems clear that we are allowed to treat our fellow human beings unequally in many respects without getting anywhere near morally wronging them, let alone committing a dignity violation: There is in general nothing problematic about buying a beer for one of my two colleagues but not the other, just because I like one of them more, or because I think only one deserves a free round but not the other. Specifying the ways in which we ought to behave towards others in order to preserve their *basic* moral equality, on the other hand, is typically achieved by citing examples of specific moral misdeeds that are drastic enough to make it natural to group them into the category of dignity violations. So again, it comes as no surprise that talk about basic moral equality and talk about human dignity often go hand in hand<sup>33</sup>.

The last characteristic under consideration claims that human dignity is a «final» value. The most important norm that is usually justified by appealing to human dignity is the «Formular of Humanity» of Kant's Categorical Imperative: «Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end»<sup>34</sup>. As many have pointed out, this hardly covers the whole of dignity violations: For instance, cases like the one above where people are killed because they are simply regarded as «unworthy life» are not examples of a murder for the sake of something else.

Despite this, there is little doubt that the «Formula of Humanity» nonetheless *is* able to identify a broad range of actions that threaten human dignity: For treating someone as a pure means – imagine, for instance, a guard who summons a prisoner in order to wipe their dirty shoes at them<sup>35</sup> – is usually a very efficient way for the perpetrator to show that their victim does not count. And showing people that they do not count is degrading in the sense that they are given a lesser status than they deserve.

Given this, it would be odd if the prohibition to treat others this way stems from a value – human dignity – that is itself to be respected *only for the sake of something else*; since, as a result, the «Formula of Humanity» as one of the main norms justified by the value would only be in place *because* of some other

<sup>33</sup> Cf. e.g. Arneson 2015: 30 and Waldron 2017: 3.

<sup>34</sup> Kant 1993[1785]: 36.

<sup>35</sup> Cf. Schaber 2017: 53f.

valuable thing or state of affairs, which effectively means that we may treat people *indeed* as a means – instrumental or constitutive – to some further end: We would respect them in accordance with this value for some ulterior good. An analogous example would be a case where I pay my respects to a father in order to increase my chances to get his consent for marrying his daughter: Although the object of my respectful behaviour is the father, and not his capacity to grant me to wed his child, he is not the person who is really of interest to me; in fact, I may not care for him at all, but merely regard him as an obstacle that has to be overcome in order to get what I really want. But if this is indeed the only source of my respect for him, surely my attitude would be morally problematical, to say the least.

### 5. *The uniformity of dignity*

Against option 1), dignity indeed seems to be rightfully called final, inherent and absolute. But what about alternative 2)? Maybe in the end, all three value characteristics must be attributed to three *different* normative properties?

Consider the following example where alternative 2) seems to be plausible. A golden brooch I inherit from my grandmother may possess instrumental value – I can sell it to buy something else – as well as some sort of inherent value: Its specific history makes it emotionally valuable to me. I write «some sort of inherent value», since although the brooch itself is what I take to be valuable, not some state it happens to exhibit, and although the brooch does not need to possess any characteristic which makes it a good exemplar of its kind, it is unclear whether the brooch's value-conferring properties do generate a natural kind. While I admit this difference from the complex idea of an inherent value at work in human dignity, I don't think that this weakens the following argument.

It is plausible to think that both value characteristics belong to *different* values of the brooch. The brooch's instrumental value evidently is a characteristic of its material value, which in turn depends ontologically on the actual supply and demand for the material it was made of, the specific skill with which it was made, and other features related to its status as a commodity. The brooch's inherent value, on the other hand, is a characteristic of its emotional value, a value grounded in the fact that it was purchased, owned and given to me by my grandmother who I hold dear.

Shifting our attention to human dignity, can we expect similar results? Are there three different normative properties called «human dignity», with different value characteristics? I think the answer is no, for the following reason: The norms that can be justified by appealing to human dignity do in fact not change or are modified when we consider them from the particular perspective of one of the three value characteristics in a given paradigmatic example for a



dignity violation, and then switch to another characteristic. The prohibition to humiliate people, for instance, if we regard it as absolute in the sense explained above, does not deliver different results depending on the capacities a possible victim has developed, capacities that grant their bearers different degrees of attributive goodness; we are not allowed to torture healthy adults, and the same goes for babies and severely demented persons.

One might object that the foregoing claim is false and argue as follows: A baby or a severely demented person is no longer or not yet able to perceive that she is humiliated. And surely this makes a difference with respect to the *graveness* of the wrong committed? – Regardless whether this is true or not, I do not think that the graveness of the particular wrong makes a difference to the norm's absoluteness. Consider a comatose person as a drastic example. Sumner discusses the fate of The Bride, the main character in Quentin Tarantino's *Kill Bill*, who is being abused and humiliated by a male nurse while in a comatose state<sup>36</sup>. Sumner employs this narrative in order to show that humiliation as a dignity violation is not dependent on the person's actual cognitive capacities. Evidently, The Bride's condition does not give the male nurse the slightest justification to abuse her for whatever reason. That she will not be able to recognize what is done to her strikes me as no different from a case where someone merely *factually* does not realize that they are humiliated. Yet, even if the perpetrator can be sure that his victim won't become aware of his misdeed, this does not in the slightest way change the action's deontic state – it is *no less forbidden* than if the victim became aware of the humiliation.

Also, the finality of this absolute norm – we do not have to justify the prohibition to humiliate by pointing to other valuable things or states of affairs besides the bearer of human dignity which are thereby promoted – does never conflict with its absoluteness: Of course we may justify the norm *also* by pointing to other valuable states of affairs it helps to realize. For instance, not being humiliated will strengthen people's self-esteem, and this in turn could make them more content with themselves, presumably a valuable state of affairs. In this case, it is hard to believe that the norm in question should be absolute – that the norm to make other people happier by applying this norm can only be overridden to prevent catastrophic scenarios. If this norm is absolute at all, then only to respect entities which have final value – such as people as the bearers of human dignity.

Lastly, the inherence of human dignity is always compatible with its being a final value in the sense that all its bearers are *not* protected just for the sake of some other good. Again, this might be put into question: Reinhard Merkel has argued that some human beings, such as people in a persistent vegetative state,

<sup>36</sup> Sumner 2017: 64. Cf. also Rosen's even more extreme (but nonetheless plausible, I think) claim that we would violate the dignity of dead human beings when we degrade our enemies when they are dead, 2011: 128.

*do* possess human dignity, but that important absolute norms like the right to life which are justified by that value strictly speaking protect not them, but «also and even primarily the general prohibition of killing as one of the fundamental norms of ethics and law»<sup>37</sup>. In other words, the prohibition to kill persons in a PVS does not serve *their* interest (for they have none, according to Merkel) but *our* interest in a stable moral and legal system. Closer inspection, however, reveals that Merkel's interpretation of the dignity of people in a PVS is not the inherent human dignity we are after, but another kind of dignity which Merkel calls «species-bound dignity», a dignity that protects the «normative-symbolic image humanity has of itself»<sup>38</sup>. Hence, Merkel does not deny that every bearer of *inherent* human dignity is also of final value.

This uniformity that dignity norms factually show regardless of the value characteristics under consideration has no match in the brooch example: The brooch's instrumental value as a commodity gives me a *pro tanto* reason to sell it under appropriate circumstances. On the other hand, even if I am in desperate need for money, the emotional value of the brooch will always act against selling it by providing me with a *pro tanto* reason to keep it. Since the two value characteristics are connected to norms that guide the agent in opposite directions, we have decisive reason to assume that the underlying values cannot be the same: Leaving aside the question of ontological priority, it seems safe to say that norms and values are at least epistemologically bound together<sup>39</sup>: My recognition of the presence of a value has to be spelled out in terms of certain norms that will guide my behaviour, at least when certain background conditions are fulfilled. The beauty of the Mona Lisa, for example, will give me a *pro tanto* reason to pay the painting a visit if I happen to be in Paris, and it is difficult to tell what it means to understand that something is valuable if I do not even have the slightest idea what this implies for my behaviour. Given this relationship between values and norms, if we are confronted with something valuable whose norms point to contradictory acts, it remains unclear what *single value* might underlie them.

### *Conclusion*

In conclusion, we have good reason to think that option 2) is incorrect and that we should accept option 3). Since the uniformity of the value characteristics of human dignity cannot be secured by means of a conceptual entanglement existing between them, the most promising explanation points to the property

<sup>37</sup> Merkel 2002: 147. All quotes from Merkel are my translation from the German original.

<sup>38</sup> Merkel 2002: 136.

<sup>39</sup> Cf. Wallace 2010: 513-519.

(or properties) in virtue of which human beings have dignity. These either might be further normative properties, or else be non-normative properties, or a mix of both. As we have seen in section 4, to identify the right set of grounding properties already proves to be a difficult task even with respect to the value characteristic of inherence; and to provide a successful account that is able to explain the simultaneous occurrence of *all three* value characteristics in the evaluative property of human dignity is even more challenging and remains an object for further research.

What we can estimate, however, are the effects the existence of such a value has for the demands that arise from entities with a moral status that does not include human dignity as its part. That human dignity equally inheres in its bearers no matter how these fare in terms of the kinds of attributive goodness ascribable to them means that none of its individual bearers can be willfully ignored in favour of other entities who do not possess it, regardless of how much excellence they exhibit on their own terms. What is more, since these bearers of inherent dignity are simultaneously the bearers of a final value, they always have to be respected for their own sake. Finally, this value also gives rise to norms that can be characterized as “absolute”, meaning that at the most only the prevention of catastrophic events will allow moral agents to justifiably restrain from fulfilling the obligation these norms dictate.

At first glance, these considerations still seem to leave significant room for manoeuvre: Depending on the nature of the natural kind generating property that grounds human dignity, not all humans need possess it; and depending on the “absoluteness” at work within human dignity’s norms, threatening incidents that put at peril life and the fundamental well-being of a large number of sentient beings might already be sufficient to override these norms. Still, as the focus on paradigmatic examples of human dignity violations has shown, the actual space left for our obligations toward the non-human entities that constitute our environment is considerably smaller: Arguably we are not allowed to let something like T4 happen in order to prevent the extinction of a species of mammals that do not qualify as human dignity bearers, even if that species is in itself considered to be absolutely, inherently, and finally valuable<sup>40</sup>.

<sup>40</sup> As we have seen, the prevention of the death of the last fertile exemplars of a species might have some absolute value. And as I admitted in fn. 23, this state of affairs might get its value from the fact that preserving a given harmless species is finally valuable. And we might even allow the latter state of affairs to be inherently valuable – maybe “being a species” is a kind generating property that does bring this type of value in its wake. So whenever something is a species, it is as a species valuable, regardless what kind of attributive goodness it might exhibit in addition. Of course, all these three value characteristics might be contested; my point is that even if they are not, the value of preserving a species will nonetheless lose out against paradigmatic violations of human dignity. This claim does not conflict with the finding that human dignity and the value of preserving a species are *both* absolutely valuable; for this result leaves it open whether we can meaningfully differentiate between different kinds of catastrophic state of affairs that

Furthermore, a second important value we encountered that enjoys widespread support within environmental ethics – the final and inherent value of sentient beings – was considered not to be absolutely valuable, which explains why it cannot outweigh human dignity violations in virtually all conflict cases.

Thus, while a moral theory that suggests a very moderate interpretation of the value characteristics shared by human dignity does not disqualify itself as a theory that also takes into account the requirements we have towards dignity bearers, it will bear the burden of proof to convince us with its picture of human dignity. These findings might explain why the strength of our responsibilities toward the environment is significantly shaped not only by considerations of the moral status of the entities that populate it, but also by reflections about the moral status of the entities that occupy the centre of interpersonal morality: human beings. As this paper has shown, the value that forms a crucial part of this moral status indeed has characteristics that mark it as possibly unique and hard to be outweighed by conflicting normative considerations<sup>41</sup>.

### References

ARNESON, R.

- 2015, *Basic equality: Neither acceptable nor rejectable*, in U. Steinhoff (ed.), *Do All Persons Have Equal Moral Worth?*, New York, Oxford University Press.

DARWALL, S.

- 2014, *Respect and the second-person standpoint*, “Proceedings and Addresses of the American Philosophical Association”, 78, 2: 43-59.

DÜWELL, M.

- 2014, *Human dignity: concepts, discussions, philosophical perspectives*, in D. Marcus, J. Braarvig, R. Brownsword, D. Mieth (eds), *The Cambridge Handbook of Human Dignity*, Cambridge, Cambridge University Press.

DWORKIN, R.

- 1988, *The Theory and Practice of Autonomy*, Cambridge, Cambridge University Press.
- 2011, *Justice for Hedgehogs*, Cambridge (MA), Harvard University Press.

FINNIS, J.

- 2011, *Natural Law and Natural Rights*, Oxford, Oxford University Press.

FITZPATRICK, W.

- 2017, *The value of life and the dignity of persons*, in S. Muders (ed.), *Human Dignity and Assisted Death*, New York, Oxford University Press.

possess a different normative urgency. Thus, human dignity violations could always be far more catastrophic than the extinction of a species, so the prevention of the latter state of affairs can never be pursued at the cost of letting the former happen.

<sup>41</sup> This research was generously supported by the Swiss National Science Foundation (SNF) (grant no. 100015\_163111).

- LEE, P., GEORGE, R.G.  
 – 2008, *The nature and basis of human dignity*, “Ratio Juris”, 21, 2: 173-193.
- GALEOTTI, A.E.  
 – 2018, *Book review: Andrea Sangiovanni, humanity without dignity*, “Argumenta” 4, 1: 193-197.
- GESANG, B.  
 – 2010, *Kann man die Achtung der Menschenwürde als Prinzip der normativen Ethik retten?*, “Zeitschrift für philosophische Forschung”, 64, 4: 474-497.
- GEWIRTH, A.  
 – 1994, *Are there any absolute rights?*, in J.G. Haber (ed.), *Absolutism and Its Consequentialist Critics*, Lanham (ML), Rowman and Littlefield.
- HONNETH, A.  
 – 2014, *Freedom’s Right*, New York, Columbia University Press.
- KANT, I.  
 – 1993 [1785], *Grounding for the Metaphysics of Morals*, 3<sup>rd</sup> edition, trans. by J.W. Ellington, Cambridge (MA), Hackett.
- KORSGAARD, C.  
 – 1983, *Two distinctions in goodness*, “Philosophical Review”, 92: 169-195.
- MACKLIN, R.  
 – 2003, *Dignity is a useless concept*, “British Medical Journal”, 327: 1419-1420.
- MERKEL, R.  
 – 2002, *Forschungsobjekt Embryo: Verfassungsrechtliche und ethische Grundlagen der Forschung an menschlichen embryonalen Stammzellen*, Stuttgart, dtv.
- MOORE, G.E.  
 – 1922, *Philosophical Papers*, London, Routledge.
- MURPHY, M.  
 – 2001, *Natural Law and Practical Rationality*, Cambridge, Cambridge University Press.
- NUSSBAUM, M.C.  
 – 2001, *Women and Human Development: The Capabilities Approach*, Cambridge, Cambridge University Press
- REGAN, T.  
 – 1983, *The Case for Animal Rights*, Berkeley, The University of California Press.
- ROSEN, M.  
 – 2012, *Dignity: Its History and Meaning*, Cambridge (MA), Cambridge University Press.
- ROZEBOOM, G.J.  
 – 2017, *Book review: Andrea Sangiovanni, humanity without dignity*, “Ethics”, 128, 2: 505-509.
- SANGIOVANNI, A.  
 – 2017, *Humanity without Dignity*, Cambridge (MA), Harvard University Press.
- SCHABER, P.  
 – 2015, *Die Bedeutung von Instrumentalisierung und Demütigung als Würdeverletzung*, in D. Demko, K. Seelmann, P. Becchi (eds), *Würde und Autonomie*, Stuttgart, Franz Steiner.  
 – 2017, *Würde als Status*, in M. Brandhorst, E. Weber-Guskar (eds), *Menschenwürde: Eine philosophische Debatte über Dimensionen ihrer Kontingenz*, Berlin, Suhrkamp.

- SHAFER-LANDAU, R.  
 – 2012, *The Fundamentals of Ethics*, 2<sup>nd</sup> edition, Oxford, Oxford University Press.
- SINGER, P.  
 – 1983, *Sanctity of life or quality of life*, “Pediatrics”, 72, 1: 128-129.
- STOECKER, R.  
 – 2010, *Three crucial turns on the road to an adequate understanding of human dignity*, in P. Kaufmann, H. Kuch, C. Neuhaeuser, E. Webster (eds), *Humiliation, Degradation, Dehumanization: Human Dignity Violated*, Dordrecht, Springer.
- SUMNER, L.W.  
 – 2011, *Assisted Death: A Study in Ethics and Law*, New York, Oxford University Press.  
 – 2017, *Dignity Through Thick and Thin*, in S. Muders (ed.), *Human Dignity and Assisted Death*, New York, Oxford University Press.
- TASIOULAS, J.  
 – 2013, *Human dignity as a foundation for human rights*, in C. McCrudden (ed.), *Understanding Human Dignity*, Oxford, Oxford University Press.
- TYE, M.  
 – 2017, *Are Animals Conscious?*, New York, Oxford University Press.
- WALDRON, J.  
 – 2017, *One Another’s Equals: The Basis of Human Equality*, Cambridge (MA), Belknap Press.
- WALLACE, R.J.  
 – 2010, *Reasons, values and agent-relativity*, “Dialectica”, 64, 4: 503-528.
- WILLIAMS, B.  
 – 1981, *Persons, character and morality*, in B. Williams, *Moral Luck*, Cambridge, Cambridge University Press.
- WOLF, U.  
 – 1988, *Haben wir moralische Verpflichtungen gegen Tiere?*, “Zeitschrift für philosophische Forschung”, 42, 2: 222-246.
- ZYLBERMAN, A.  
 – 2016, *Human dignity*, “Philosophy Compass”, 11, 4: 201-210.