

Chapter 2

Dignity in the West

People must not be humiliated, that is the main thing.

Anton Chekhov, 1887 (Hospital 1990)

Abstract What is dignity from a Western perspective? This chapter provides a short history of dignity in the West, focusing on Immanuel Kant's concept of dignity, dignity in legal instruments and dignity in bioethics supplemented by fiction, politics and everyday life (e.g. sports). A taxonomy of dignity is developed and illustrated in a diagram.

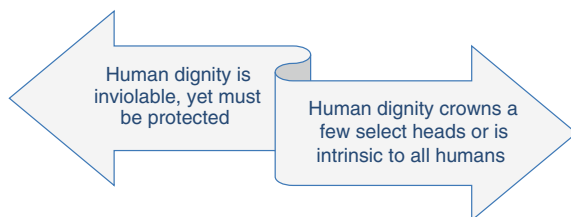
Keywords Dignity • Kant • Bioethics • Virtue • Self-worth

2.1 Introduction

What is dignity from a Western perspective? The answer to this question covers such a vast area that a focus is needed, and this will be provided through two riddles (Fig. 2.1). One is a riddle of law or political science, the other a riddle of moral theory.

Riddle 1: The German constitution states in article 1(1) that 'human dignity is inviolable' *and* that 'its protection is the duty of all state powers' (Germany 1949: art. 1 I, DS translation). Why would something that is *inviolable* (meaning secure from attack, assault or trespass) need protection?¹

¹Of course the verb in 'Die Würde des Mensch *ist* unantastbar' should normally be translated with 'is' (human dignity *is* inviolable), if the aim of translation is to translate, and not to interpret. However, sometimes the verb is given as 'shall' in English translation: 'Human dignity shall be inviolable.' This is presumably done to resolve the riddle. Since this book is not a text in jurisprudence and the riddle is only used for illustrative purposes, it is easy to justify using a literal translation here. Note that 'is' is also used in the English text written by the German Federal Government Commissioner for Human Rights Policy at <http://www.young-germany.de/topic/live/life-style/human-dignity-is-inviolable>.

Fig. 2.1 Dignity riddles**Table 2.1** Dignity: synonyms and related concepts (Thesaurus. Microsoft Word 1997–2003)

Decorum	Formality	Nobility	Self-respect
Restraint	Reserve	Graciousness	Self-esteem
Good manners	Stiffness	Decency	Self-worth
Modesty	Primness	Nobleness	Pride
Etiquette	Correctness	Goodness	Confidence

Riddle 2: Who is right? According to Germany's most famous poet, Johann Wolfgang von Goethe (1749–1832), 'a laurel is much easier bound than a dignified head for it found'.² In other words, dignity crowns only a few select heads. But according to Germany's most famous philosopher, Immanuel Kant (1724–1804), dignity is intrinsic and cannot be denied even to a vicious man (more on this in Sect. 2.4.4.1) (Kant 1990: 110 [463], DS translation). In other words, dignity is not selective: in Kant's interpretation, it belongs to all human beings

The riddles will be used to distinguish between different meanings of dignity in the West, looking not only at academic debates, but also at the term's historical meaning, its use in legal instruments and its occurrence in fiction, as well as in political and everyday life (Fig. 2.1).

Most Western and northern European expressions for dignity go back to the Latin *dignitas* (*dignité*, *dignità*, *dignidade*, *dignidad*, *dignity*)³ or the Old German *wirdi* (*Würde*, *waardigheid*, *värdighet*).⁴

The Latin term *dignitas* itself is directly related to the Latin noun *decus*, which means ornament, distinction, honour or glory. The equivalent verb *decet* can be linked to the Greek term *dokein*, which means to show or to seem (Lebech 2004).

If one looks for synonyms of dignity, in order better to understand the term, the following suggest themselves: decorum, formality, nobility and self-respect—and each of these nouns has others associated with it, as the following table shows (Table 2.1).

²Translation by one of the authors (DS) from the German: 'Ein Kranz ist gar viel leichter binden, als ihm ein würdig Haupt zu finden' (Goethe n.d.).

³French, Italian, Portuguese, Spanish, English.

⁴German, Dutch, Swedish.

Looking at the terms in the above table, one could already arrive at a solution to one of the two riddles: Goethe is right, dignity is something that does not crown every head. To be modest, restrained, correct, noble, confident and so on is *not* an *intrinsic* property of all human beings. These are characteristics to which humans may *aspire*. One would also have to conclude that the protection of dignity by state powers, as noted in the German constitution, does not make sense if good manners, graciousness and correctness are among possible synonyms.

Let us see whether the term's use in everyday life and fiction can provide more clues for the riddles.

2.2 Dignity's Omnipresence

The term 'dignity' can be found in legal documents, politics, fiction and various aspects of everyday life. Once one starts looking, it seems omnipresent.

In sports, a journalist writing for a New Zealand outlet summed up the 2015 Rugby World Cup under the heading 'Northern hemisphere rugby has lost its dignity'. He wrote: 'Northern hemisphere rugby has exited the 2015 World Cup with the same haste and dignity as referee Craig Joubert's sprint for the toilet' (Reason 2015).

Just under ten years earlier, a football event so enraged journalists that commentators used the term 'dignity' in entirely contradictory interpretations. In the final of the 2006 FIFA World Cup, the captain of the French team, Zinedine Zidane, attacked a member of the Italian team, Marco Materazzi, ramming his head into Materazzi's chest. Zidane later alleged that Materazzi had made defamatory comments about his mother and sister. The next day, the German regional newspaper *Kölner Stadt-Anzeiger* led its sport section with a headline declaring that a great player had lost his dignity (Löer 2006). At the same time, the Parisian newspaper *Le Nouvel Observateur* noted that Zidane's head-butt was an existential act, as 'dignity is more important than sport. You do not swallow an insult' (Dart 2006). The German journalist may have thought of dignity in the context of restraining one's temper, showing good manners, being modest, reserved and correct: all possible synonyms of dignity from Table 2.1. The French journalist might have thought of dignity as standing up for one's family's pride, defending their self-worth and so on: other synonyms from Table 2.1. But even without surmising what the journalists thought, it is clear that their interpretation of dignity was characteristics-based. Their judgements would not make any sense if dignity were inviolable and all human beings possessed it. With regard to the first puzzle, Goethe would be right. Dignity crowns only a few select heads and it is an effort to be thus worthy.

In 2015 and 2016, the term was used often in the context of the refugee movements from the Middle East and across the Mediterranean sea. For instance, a member of the European Parliament (MEP) wrote the following in a British newspaper:

This international crisis needs an international response. The European Union and its member states should avoid finger pointing. It is high time to manage the refugee crisis. Only a common European solution will be the answer to the diverse internal and external cross-border challenges we face. This is first of all a matter of humanity and of human dignity. And for Europe it is also a matter of historical fairness (McAllister 2015).

Whose dignity is at stake and what dignity means in the context of the refugee crisis is not clear from this quotation, but many readers may have sympathised with the MEP's call for action.

There is more that one can quote from the fields of politics and human rights activism. Nelson Mandela said:

It should never be that the anger of the poor should be the finger of accusation pointed at all of us because we failed to respond to the cries of the people for food, for shelter, for the dignity of the individual (Crwys-Williams 1997: 62).

Former Norwegian Minister of International Development Hilde F. Johnson expressed the same belief:

We have but one world and one measure of the value of human dignity. Extreme poverty is a violation of human dignity (Johnson 2005: 21).

In his request, Mandela asks the affluent and comfortable to respond to the cries of the poor and help provide food and shelter. It is unclear how dignity fits into this appeal. By referring to food, shelter and dignity together, he almost seems to suggest that the affluent could give dignity to the poor, just as they can give food and shelter. This fits neither of the dignity riddles. Dignity is then not an inviolable property of all human beings, which cannot be lost. If it were, it could not be given to the poor. Nor is it a property that human beings obtain through merit (Goethe), if it can be given by some to others, and if the only reason the givers are in the position to do so is that they are affluent. One could possibly venture that Mandela uses the term emotively here, in exhorting the affluent to assist the poor, but this is done at the expense of clarity.

Likewise Johnson: had she said that extreme poverty was a violation of human rights, it would arguably have been a clearer claim than the claim that dignity is being violated. For instance, article 25(1) of the Universal Declaration of Human Rights proclaims that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (UN 1948).

Those living in extreme poverty do not have a standard of living adequate for their health and well-being, because they lack food, clothing, housing, and medical and social care. But if extreme poverty were a violation of human dignity, as Johnson notes, would this mean that human dignity and human rights were identical? If so, why use a term (dignity) that is less clear (Schroeder 2012)?



Fig. 2.2 Dignity in recent politics

While the Mandela and Johnson quotes do not immediately help with the riddles, one can see a glimpse of something that might be important. As Avishai Margalit has noted, it is easier to understand negative concepts than positive ones. For instance, ‘it is easier to identify humiliating than respectful behaviour, just as it is easier to identify illness than health’ (Margalit 1998: 5). One could venture that Mandela and Johnson are pointing towards the circumstances of extreme poverty, where the lack of food and shelter make it extraordinarily difficult to maintain the value of human dignity, for instance by being able to resist coercive offers (and to maintain honesty and integrity) (Fig. 2.2).

Moving from politics to literature, Paul Ricoeur has remarked that ‘literature proves to consist in a vast laboratory for thought experiments’ (Ricoeur 1995: 148). A range of quotations from literature involving dignity will be presented to show the concept’s omnipresence, and also to move forward with the two riddles.

Her gloves, as Razumihin noticed, were not merely shabby but had holes in them, and yet this evident poverty gave the two ladies an air of special dignity, which is always found in people who know how to wear poor clothes. Razumihin looked reverently at Dounia and felt proud of escorting her. ‘The queen who mended her stockings in prison,’ he thought, ‘must have looked then every inch a queen and even more a queen than at sumptuous banquets and levées.’ (Dostoevsky 1917)

Fyodor Dostoevsky’s short description of two ladies who have fallen into poverty is highly evocative thanks to his use of the term ‘dignity’. It conjures up an image of quiet pride and resilience in the face of hardship, as well as a sense of preserved self-esteem. While Dostoevsky does not speak of extreme poverty, as Mandela and Johnson do, it is noticeable that he ascribes dignity to a way of coping with poverty. Thus, going back to the two riddles, Goethe rather than Kant would be right in claiming that dignity requires effort and striving.

They had always been very close to each other, united by indistinguishable close bonds of love and intelligence ... They had never seriously quarrelled, never been parted, never doubted each other’s complete honesty ... Their love had grown, nourished daily by the liveliness of their shared thoughts. They had grown together in mind and body and soul as it is sometimes blessedly given to two people to do Certain subjects the instincts of their affections made taboo. They never spoke later of the lost child. ... Though they were playfully and demonstrably loving together they kept a rein upon certain runs or courses of

sentiment. Their language was chaste and there was a reticent dignity in their love. (Murdoch 1980: 21f)

The picture that Iris Murdoch draws with this paragraph is of a couple who lead a quiet, contented life, united rather than destroyed by the suffering of losing a child, a couple who carry their pain with dignity. Again, this way of life requires resilience and effort and cannot be ascribed to all human beings, thus giving more weight to Goethe's insights rather than Kant's.

'A man's love is a fire of olive-wood. It leaps higher every moment; it roars, it blazes, it shoots out red flames; it threatens to wrap you round and devour you – you who stand by like an icicle in the glow of its fierce warmth. You are self-reproached at your own chilliness and want of reciprocity. The next day, when you go to warm your hands a little, you find a few ashes!' ... 'You speak so because you do not know men,' said Em, instantly assuming the dignity of superior knowledge so universally affected by affianced and married women in discussing man's nature with their uncontracted sisters. (Schreiner 1989: 167)

Olive Schreiner uses the term 'dignity' to describe the potentially pretentious feelings of superiority that married women have over their unmarried 'sisters'. She thereby uses the term to refer to a particular status that one group has achieved simply by virtue of its position. Such a position might be reached with effort, but positions can also be achieved without any effort. For instance, a woman whose parents are very rich might find it easier to join the club of 'contracted sisters', as Schreiner calls them.

Early in our friendship, Trause told me a story about a French writer he had known in Paris in the early fifties. I can't remember his name, but John said ... [he] was considered to be one of the shining lights of the young generation. He also wrote some poetry, and not long before John returned to America ... this writer acquaintance published a book-length narrative poem that revolved around the drowning death of a young child. Two months after the book was released, the writer and his family went on a vacation to the Normandy coast, and on the last day of their trip his five-year-old daughter waded out into the choppy waters of the English Channel and drowned. The writer was a rational man, John said, a person known for his lucidity and sharpness of mind, but he blamed the poem for his daughter's death. Lost in the throes of grief, he persuaded himself that the words he'd written about an imaginary drowning had caused a real drowning As a consequence, this immensely gifted writer, this man who had been born to write books, vowed never to write again ... When John told me the story, the daughter had been dead for twenty-one years, and the writer still hadn't broken his vow. In French literary circles, that silence had turned him into a legendary figure. He was held in the highest regard for the dignity of his suffering, pitied by all who knew him, looked upon with awe. (Auster 2004: 187f)

According to Paul Auster, those who knew the French author who had lost his daughter looked upon him with awe. This awe stemmed from admiration of his strength to deal with suffering in a dignified manner: to stick steadfastly to his belief that he should no longer write, while carrying his burden with poise. Clearly Goethe rather than Kant speaks from this quote. Dignity crowns only a few select heads.

Christoph Kömüves' hair had greyed prematurely since he was promoted to the central office. He had gained a little weight and his bodily condition was not pleasant to him. ... Even though he could not settle on one of those modern diets, as he felt they were girlish

..., he caught himself from time to time thinking about his body. Yes, he appeared older than he was, almost a gentleman of mature age ... with grey hair and the beginnings of a belly. Sometimes he joked about it with good friends, who replied: ‘A belly means esteem.’ This comforted him, as he always endeavoured to exude dignity ... to distract from his youth. (Márai 2005: 19f, DS translation)

Sándor Márai’s use of dignity seems to be concerned mostly with appearances. For his character, Christoph Kőműves, dignity seems to equate with maturity in age and a stature that creates esteem. If a belly can be linked to dignity, it is neither a universal feature nor one that, in most cases, requires special effort and striving.

He had not slept a wink, and he felt better for it; in fact he was quite sure ... that he would never want to sleep again. His lips curled in an involuntary sneer as he looked around the train carriage and saw how many of the passengers were already – so early in the day! – either dozing, or napping, or nodding off, or snoozing, or snatching forty winks, their mouths hanging stupidly open, their heads lolling, their eyelids drooping heavily. Did these people have no sense of dignity, no self-respect? (Coe 1997: 312).

Coe introduces the reader to a character who is indignant at a particular habit he finds undignified, namely sleeping in public. Instead of keeping up appearances, the travellers nod off and show such undignified sides of themselves as open mouths and lolling heads—comportment they could have refrained from with a little effort. The narrator therefore sides with Goethe in seeing dignity as a selective property (Fig. 2.3).

What the above figures from literary fiction have in common is this: either they have a certain position or appearance that leads to the external perception of dignity or lack thereof (the married woman, the greying office worker, the snoozing passenger), or they make an effort, sometimes a heroic effort, to preserve their dignity (the Russian ladies, the loving couple, the grieving poet). In all instances, dignity is

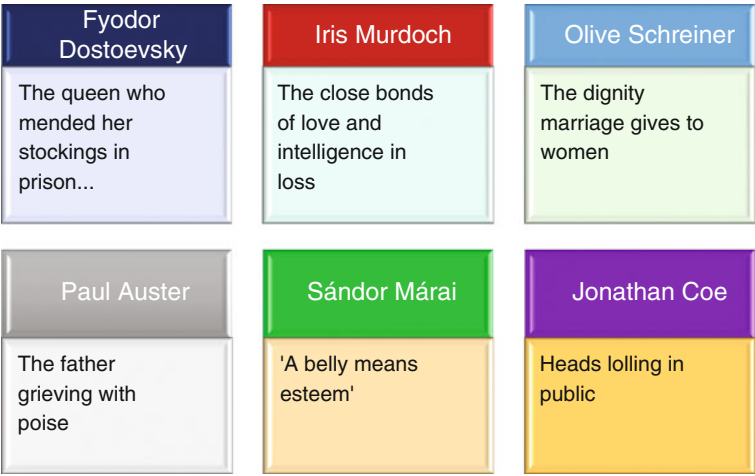


Fig. 2.3 Dignity in literature

something one can aspire to that could lead to a laurel, as in Goethe's poem, if achieved. It is not something intrinsic in humankind, as the German constitution, via the earlier riddle, assumes.

If somebody from a culture that does not have a word for dignity is learning English, would the above help her understand the concept? In some respects yes. She would probably come to the conclusion that, in most cases, authors use the term as a descriptive property. Among other things, characters can be humble, modest, pleasant, charming, plain, lazy, mean, vicious, aggressive, serene, and—dignified. They can demonstrate intelligence, beauty, arrogance, pride, languor, humility and—dignity. In almost all of the quotes above, one learns something about particular human beings that sets them apart from others; some show dignity, others do not. If dignity were an inherent property of all human beings, it would have no useful meaning in fiction. No author would use it to describe their characters, as it would not set them apart from others. The phrase 'a dignified old lady' would be identical in meaning to the phrase 'an old lady'. This is clearly not the case. Bertolt Brecht's short story 'Die unwuerdige Greisin',⁵ about an allegedly undignified old lady, would not make sense.

Hence, in fiction and poetry, dignity is a useful descriptor precisely because some people display it and others do not. Judged from its use in the above quotes alone, dignity would seem to be a property that is not inherent in all human beings; it can be seen and recognised, but not all humans possess it. Therefore dignity does not seem to be inviolable and intrinsic. Its presentation in the quotations above comes down firmly on the side of the first riddle. Of course, the selection of excerpts might have been highly selective, designed to give that impression—and besides, these quotations are too few to represent the breadth required for the blanket conclusions to be drawn. But one can say that in fiction, at least sometimes, dignity is used as a descriptive property which sets people apart, as opposed to a property that applies universally to humankind.

The following two excerpts show the use of dignity in fiction in a much broader way than in the earlier examples.

I found a run-down café. ... I sat there for an hour. I thought that somewhere in the universe must lie the other world ... a sun-golden world, a dignified world. Where every human found the one meant for them, where every love was true love and where one lived eternally. And, of course, I immediately thought of those who could not live even there; who were not suited for such generous, sumptuous grace. The damned, who would take their own lives even there. (Grossman 2003: 250, DS translation).

Grossman invokes the image of an ideal world, where everybody finds true love and lives eternally. He decides to call this a dignified world. He thus equates dignity with perfection, ideals, dreams, a sun-golden world. This excerpt from fiction would probably please opponents of the concept of dignity. To equate everything

⁵Strangely, the English translation of the story gives 'unseemly' rather than 'undignified' for 'unwürdig' (Brecht 2003: 144). The German equivalent of 'unseemly' is 'unziemlich' or 'unpassend', which is only partly related to dignity.

perfect and ideal with dignity makes it either very vague (what does 'perfect' or 'ideal' mean exactly?) or superfluous (if one knows what 'perfect' and 'ideal' are, one does not need to talk about dignity).

Friedrich Schiller, Goethe's and Kant's contemporary, has a broad understanding of dignity similar to Grossman's. In 'Die Künstler' (The Artists), one of his most famous poems, he refers to the dignity of humankind and demands that we all protect it. In this regard, he comes very close to Kant and also very close to the German constitution, which demands that dignity be protected.

Der Menschheit Würde	<i>The dignity of Man,</i>
ist in eure Hand gegeben,	<i>into your hands is given</i>
Bewahret sie!	<i>Protector be!</i>
Sie sinkt mit euch!	<i>It sinks with you!</i>
Mit euch wird sie sich heben!	<i>With you it is arisen!</i> (Schiller n.d.)

Hence, literary fiction and poetry also make broad reference to dignity, Grossman and Schiller being examples. But while it could be maintained that the earlier examples of dignity give the reader some information about what it is, the later examples leave the content blank. Schiller demands that we should all protect humankind's dignity, without indicating what it actually is. And Grossman chooses to equate all that is perfect with all that is dignified, leaving unclear why he thinks so and what this would add to the concept of dignity.

Of course, one cannot generalise *strong* claims from the above examples, few as they are. But it is nevertheless significant that in these selected novels and poems the use of dignity points towards it being a personal characteristic, and that the broader use of dignity in selected fiction tends to be vague.

If the foreign visitor who was invoked above were also to judge the football example, she would probably frown and ask how two people (the German and French journalists) could use the same term, 'dignity', to describe complete opposites. One of the journalists believed that Zidane had lost his dignity by attacking his Italian colleague, the other that he had kept and defended it. Matters would be complicated further if the visitor came across other quotes from the people mentioned above. For instance, Nelson Mandela said the following in an address to the South African parliament to mark ten years of democracy in 2004: 'We accord persons dignity by assuming that they are good' (Mandela 2004). This seems to contradict his earlier quoted view that the affluent must never fail to respond to the cries of the poor for food, shelter and dignity. If dignity were equated with being good, poverty cannot take this away or, in fact, make any difference.⁶

It seems that we have not progressed much in finding answers to the two riddles, which are, of course, related. The first riddle asks why something that is inviolable needs to be protected. This presupposes that human dignity is universal and therefore an intrinsic part of human beings. The second riddle asks whether dignity

⁶Moral luck and potential exceptions to this statement will not be dealt with here, as this chapter is confined to a general overview.

is indeed intrinsic to human beings, or whether one has to strive to achieve it. The next chapter will provide a brisk walk through philosophical history related to the concept of dignity and thereby also illuminate the origins of the two riddles.

2.3 A Very Short History of Dignity

In early modern Europe, different ‘dignities’ marked off different levels of aristocrat from each other, and dignity separated all aristocrats from all the plain and ordinary people who altogether lacked dignity.

Wood (2008: 48)

In pre-modern times the word ‘dignity’ referred to stratified societies in which some people were valued more highly than others. The German word *Würdenträger* (carrier of dignity, dignitary) clearly reflects these traditions. Carriers of dignity were invested with secular or religious positions of high rank, and they behaved in a dignified manner when acting in accordance with those positions. Often it was assumed that God invested carriers of dignity with their rank or that it was handed down through noble families. Kings, popes and other nobles would be regarded as dignified if their conduct befitted those of high rank (Beyleveld and Brownsword 2001: 58). Thus, dignity was restricted to an infinitesimally small number of human beings and strongly associated with their hierarchical position. Early in the concept’s history, therefore, our two dignity riddles did not exist. Neither was dignity inviolable—carriers of dignity could lose their ranks, for instance, by losing wars—nor was dignity a universal feature.

Two prominent thinkers whose understanding of dignity was very much rank-related were Niccolò Machiavelli and Jeremy Bentham. In 1523, Machiavelli wrote:

I answer that the principalities of which one has record are found to be governed in two different ways; either by a prince, with a body of servants, who assist him to govern the kingdom as ministers by his favour and permission; or by a prince and barons, who hold that dignity by antiquity of blood and not by the grace of the prince. (Machiavelli 2015)

In 1823, Bentham wrote:

In order to obtain a post of rank and dignity, and thereby to increase the respects paid you by the public, you bribe the electors who are to confer it, or the judge before whom the title to it is in dispute. (Bentham 1831)

In Western philosophy, two of the earliest thinkers who moved the concept of dignity away from positions of high rank and hierarchies were Cicero (106–43 BC) and Pico della Mirandola (1463–1494). In *De Officiis*, Cicero makes an eloquent plea for dignity of character, a character ‘free from every disturbing emotion, not only from desire and fear, but also from excessive pain and pleasure, and from anger’. Such control of emotions, he says, will lead to ‘that calm of soul and freedom from care which bring both moral stability and dignity of character’, and

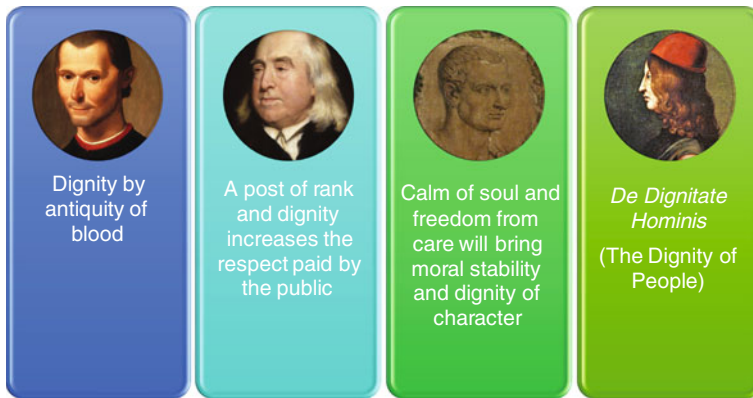


Fig. 2.4 Philosophers on dignity

that ‘sensual pleasure is quite unworthy of the dignity of man’ (Cicero 1913). In this regard, Cicero believes, with Goethe, that dignity can be achieved through effort. The fictitious childless couple and the poet who lost his daughter would be examples of people who controlled their emotions to achieve calm and dignity of character, despite their pain.

Some 1500 years later, Pico della Mirandola, an Italian Renaissance philosopher, wrote a pamphlet entitled *De Dignitate Hominis* (English title: Oration on the Dignity of Man) (Pico della Mirandola 2012). From the title alone, one can infer that Mirandola sees dignity as an attribute of human beings in general, rather than a rank. For Michael Rosen, dignity, in Mirandola’s work, ‘goes from being a matter of the elevated status of a few persons in a particular society to being a feature of human beings in general, closely connected with their capacity for self-determination’ (Rosen 2012: 15). Mirandola paved the way for the philosopher who has most influenced dignity debates in the West, Immanuel Kant (Fig. 2.4).

2.3.1 Immanuel Kant’s Concept of Dignity

Kant is widely regarded as the greatest Western philosopher in post-medieval times, if only because he is the only philosopher since Plato and Aristotle whom all others are expected to have read (Roberts 1988: 9). Given his role in defining dignity as an inviolable characteristic of human beings, it is worth looking at his philosophy in a little more detail.

Kant was not a preacher who developed his own moral code, but a thinker who believed that most human beings had the ability to distinguish good from bad actions intuitively. What he aimed to add with his philosophical work was a proof that a supreme law of morality (Kant 1997: 5 [4:392]) could be deduced from moral common sense. One of his most important thoughts was that ‘it is impossible to

think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will' (Kant 1997: 7 [4:393]).

What does this mean? It means that to distinguish a moral action from an amoral or immoral one, one cannot rely on judging outcomes, but has to focus on intentions and motives instead. For example, a person gives a substantial sum to charity. Common moral sense would make a clear distinction between the following motives for the donation:

1. The donor intends to conquer the heart of a loved one with this generous gesture.
2. The donor hopes that her contribution will secure a position for her nephew in the administration of the charity.
3. The donor was moved to tears by a TV advertisement asking for donations and immediately transferred money into the charity's account.
4. The donor wanted to play her part in redressing injustice in the world.
5. The donor misread the instructions for an e-banking transaction and transferred money into the charity's account by mistake.

These actions seem to fall naturally into a moral hierarchy. Action 5, transfer by mistake, is morally neutral. Actions 1 and 2, with their hidden agendas, are morally deficient, action 2 probably more so than action 1. Actions 3 and 4 are both morally praiseworthy, but one's upbringing and moral judgements would determine which one a person would deem more worthy.⁷ For instance, those who believe that empathy and compassion are the essence of morality, like David Hume (1711–1776) and Arthur Schopenhauer (1788–1860), would rate action 3 more highly. Kant himself would favour action 4.

How do human beings judge between good and bad actions? They require the human faculty of reason. Only because human beings are rational is it possible for them to be moral, to decide between right and wrong. This human ability to be rational and to make decisions is the basis for their dignity, according to Kant. Human beings have an 'unconditional and incomparable worth that unlike a price admits of no equivalence'; they have dignity (Hill 1992: 202–203). Or as Kant says:

[A] human being regarded as a person, that is, as the subject of a morally practical reason, is exalted above any price; for as a person ... he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself from all other beings in the world. He can measure himself with every other being of this kind and value himself on a footing equal to them. ... Humanity in his person is the object of the respect which he can demand from every other human being (Kant 1996, 6:434 ff).

Why do human beings have absolute inner worth (*absoluten innern Wert*) (Kant 1990: 74 [435])—in other words, dignity? Because of humanity's 'rational nature in its capacity to be morally self-legislative' (Wood 1999: 115). Thanks to their

⁷For an excellent summary of Hume's and Schopenhauer's 'ethics of sympathy' (*Mitleidsethik*), see Tugendhat (1993: 177–196).



Fig. 2.5 Kant's concept of dignity according to Allen Wood

capacity for reason, human beings can establish and justify their own moral laws. They can ponder on whether it is morally right to lie in order to obtain a loan,⁸ and they can come to the conclusion that it is not. This conclusion is open to all rational humans; humans can think and give themselves moral commandments. They are autonomous and, according to Kant, 'Autonomy is ... the ground of the dignity of human nature and of every rational nature' (Kant 1997: 43 [4:436]). Allen Wood paraphrases this idea of Kant's in the following, more accessible, manner (Fig. 2.5):

We could sum up the qualities Kant thinks make for dignity if we said that dignity belongs to the capacity to think for oneself and direct one's own life with responsibility both for one's own well-being and for the way one's actions affect the rights and welfare of others. (Wood 2008: 54)

Surprisingly, dignity was not a term used often in philosophy before Kant (with the exception of Cicero and Mirandola). For instance, neither Plato nor Aristotle discussed the term. In legal debates, the concept's prominence was delayed even further.

2.3.2 *Dignity in Legal Instruments*

The term 'dignity' was not part of the language of law or jurisprudence before the 20th century. It was first mentioned in the constitution of the Weimar Republic in 1919, followed by the Portuguese constitution in 1933 and the Irish constitution in 1937 (Tiedemann 2006: 13). However, it was the concept's inclusion in international legal documents that marked its ascendancy. Table 2.2 lists some major legal instruments which make prominent reference to dignity, starting with the Universal Declaration of Human Rights in 1948.

The term 'human dignity' is present in constitutions around the world, including the Middle East, as the constitutions of Iran and Saudi Arabia show. However, the

⁸For more on this standard Kantian example, see below.

Table 2.2 Dignity in legal instruments and guidelines

Origin	Quote
UN Universal Declaration of Human Rights, 1948 (UN 1948: preamble)	... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...
International Covenant on Civil and Political Rights, 1966 (UN 1966: preamble)	Recognizing that these rights derive from the inherent dignity of the human person ...
Treaty on European Union (EU 2008: art. 2, art. 21)	The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities The Union's action on the international scene shall be guided by the principles which have inspired its own creation, ... [including] respect for human dignity
German constitution, 1949 (Germany 1949: art. 1, DS translation)	Human dignity is inviolable
Indian constitution, 1949 (India 2015: preamble)	We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens: justice ... liberty... equality ... to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation ...
Iranian constitution, 1979 (Iran 1979: art. 22)	The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law
Saudi Arabian constitution, 1992 (Saudi Arabia 1992: art. 39)	Mass media and all other vehicles of expression shall employ civil and polite language, contribute towards the education of the nation and strengthen unity. It is prohibited to commit acts leading to disorder and division, affecting the security of the state and its public relations, or undermining human dignity and rights. Details shall be specified in the Law
Russian constitution, 1993 (Russia 1993: art. 7)	The Russian federation shall be a social state, whose policies shall be aimed at creating conditions, which ensure a dignified life and free development of man
South African constitution, 1996 (South Africa 1996: art. 1)	The Republic of South Africa is one, sovereign, democratic state founded on ... [h]uman dignity, the achievement of equality and the advancement of human rights and freedoms

Iranian constitution does not regard human dignity as inviolable, as it can be overridden in cases sanctioned by law. The Saudi Arabian constitution mentions dignity only in the context of privacy rights, prohibiting all dignity violations by the media and other vehicles of expression. It does not mention dignity violations by the government or other forces.

Whether the concept of dignity is cited in the legal rulings of a country seems to be independent of whether it is included in the constitution concerned. For instance, the Canadian Supreme Court decided in 2008 that dignity was not to be used in anti-discrimination cases any longer as it was ‘confusing and difficult to apply’.⁹ By contrast, German courts use the concept frequently. A famous example is described in Box 2.1.¹⁰

Box 2.1 The Daschner case, Germany

On 27 September 2002, 11-year-old Jakob von Metzler, a banker’s son, was abducted on the way home from school to his parents’ house in Frankfurt, Germany. A large ransom was demanded and the alleged kidnapper, Magnus Gäfgen, was taken into custody following police observation. The case was discussed widely within Germany and abroad (Jenkins 2004), as Frankfurt deputy police chief Wolfgang Daschner threatened duress in order to obtain information regarding Jakob’s whereabouts. At the time, Daschner assumed that Gäfgen might be a lone kidnapper and that Jakob might be dying of thirst in an unknown prison. However, Gäfgen had already killed Jakob (Der Mordfall Jakob von Metzler 2006).

In February 2003, Gäfgen was charged with abduction and murder. On 27 July 2003, he was found guilty of both, and sentenced to life imprisonment with no possibility of early release, due to the seriousness of the crime (Bourcarde 2004: 7f).

In February 2003, Daschner was charged with extortion of testimony by duress. In December 2004, a regional Frankfurt court ruled that Daschner had acted unlawfully. He was found guilty of the charge. In her summing up the chair of the court affirmed article 1 of the German constitution, which enshrines the inviolability of human dignity. She insisted: ‘Human dignity is inviolable. Nobody must be made into an object, a bundle of fear’ (Rückert 2004, DS translation). No human being may be treated as a mere carrier of knowledge that the state wants to access. According to the judges, Daschner lost his head under severe pressure and violated the principle of human dignity.

⁹R. v Kapp (2008) at para. 22: ‘[H]uman dignity is an abstract and subjective notion that ... cannot only become confusing and difficult to apply; it has also proven to be an additional burden on equality claimants, rather than the philosophical enhancement it was intended to be.’

¹⁰For an excellent philosophical treatise on torture and scenarios like the one described in Box 2.1, see Brecher (2007).

One area that one cannot omit when presenting an overview of dignity discussions in the West is bioethics.

2.3.3 *Dignity in Bioethics*

The field of bioethics emerged in the 1960s in the wake of remarkable medical advances, such as organ transplantation, kidney dialysis, artificial respiration, contraception by pill and prenatal diagnosis. Simultaneously, people's consciences about the detrimental effects of technological advances on the environment were awakened, leading to the creation of green movements and parties. The possibilities that science was opening up were questioned, not only by environmental groups, but also increasingly by feminists. In this time of change, the field of bioethics was developed. According to Daniel Callahan, bioethics

has come to denote not just a particular field of human inquiry – the intersection of ethics and the life sciences but also an academic discipline; a political force in medicine, biology, and environmental studies; and a cultural perspective of some consequence. ... Bioethics is a field that ranges from the anguished private and individual dilemmas faced by physicians or other healthcare workers at the bedside of a dying patient, to the terrible public and societal choices faced by citizens and legislators as they try to devise equitable health or environmental policies. (Callahan 1995)

The term 'dignity' achieved major prominence through two unconnected publications, both from the United States. One, known as *The Philosophers' Brief* (Dworkin et al. 1997), was written in the context of end-of-life decisions and used the concept positively. The other, written in the context of medical ethics and bioethics in general, rejected the use of the concept in those fields. This latter contribution from Macklin (2003) will be described in a separate, later section (see Sect. 2.5.2).

The Philosophers' Brief

In 1997, a group of highly eminent philosophers (Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, Thomas Scanlon, and Judith Jarvis Thomson) submitted a brief as *amici curiae* to the U.S. Supreme Court prior to its rulings on two physician-assisted suicide cases (see Boxes 2.2 and 2.3). In it they said:

The Solicitor General concedes that 'a competent, terminally ill adult has a constitutionally cognizable liberty interest in avoiding the kind of suffering experienced by the plaintiffs in this case.' ... He agrees that this interest extends not only to avoiding pain, but to avoiding an existence the patient believes to be one of intolerable indignity or incapacity as well. (Dworkin et al. 1997)

The philosophers argued as follows:

Most of us see death – whatever we think will follow it – as the final act of life's drama, and we want that last act to reflect our own convictions, those we have tried to live by, not the convictions of others forced on us in our most vulnerable moment.

Different people, of different religious and ethical beliefs, embrace very different convictions about which way of dying confirms and which contradicts the value of their lives. Some fight against death with every weapon their doctors can devise. Others will do nothing to hasten death even if they pray it will come soon. Still others, including the patient-plaintiffs in these cases, want to end their lives when they think that living on, in the only way they can, would disfigure rather than enhance the lives they had created. Some people make the latter choice not just to escape pain. Even if it were possible to eliminate all pain for a dying patient – and frequently that is not possible – that would not end or even much alleviate the anguish some would feel at remaining alive, but intubated, helpless, and often sedated near oblivion.

Box 2.2 State of Washington v. Glucksberg

Dr Harold Glucksberg (together with four other physicians and three terminally ill patients, as well as a not-for-profit organisation advocating physician assisted-suicide) brought a case against the State of Washington claiming that the ban on physician-assisted suicide was unconstitutional.

The case was decided unanimously in favour of the State of Washington.

The Court held that the right to assisted suicide is not a fundamental liberty interest ... since its practice has been, and continues to be, offensive to our national traditions and practices. Moreover, employing a rationality test, the Court held that Washington's ban was rationally related to the state's legitimate interest in protecting medical ethics, shielding disabled and terminally ill people from prejudice which might encourage them to end their lives, and, above all, the preservation of human life. (Washington v. Glucksberg n.d.)

Box 2.3 Vacco v. Quill

Dr Timothy E Quill (together with other physicians and three seriously ill patients) brought a case against New York's attorney general Dennis Vacco, challenging the constitutionality of the New York State ban on physician-assisted suicide.

The case was decided unanimously in favour of Vacco and echoed some of the phrasing used in the earlier ruling.

Employing a rationality test ..., the Court held that New York's ban was rationally related to the state's legitimate interest in protecting medical ethics, preventing euthanasia, shielding the disabled and terminally ill from prejudice which might encourage them to end their lives, and, above all, the preservation of human life. Moreover, while acknowledging the difficulty of its task, the Court distinguished between the refusal of lifesaving treatment and assisted suicide, by noting that the latter involves the criminal elements of causation and intent. No matter how noble a physician's motives may be, he may not deliberately cause, hasten, or aid a patient's death. (Vacco v. Quill n.d.)

While the courts in *State of Washington v. Glucksberg* and *Vacco v. Quill* decided against the plaintiffs, other cases brought on the basis of dignity have been granted.

In *Bouvia v. Superior Court* 28-year-old Elizabeth Bouvia sought a court order to remove her feeding tubes in order to allow her to die. Bouvia was quadriplegic, and had suffered from degenerative arthritis as well as severe cerebral palsy since birth. The court allowed the removal on the basis of her right to autonomy and thus her right to refuse lifesaving treatment:

Here, if force fed, petitioner faces 15 to 20 years of a painful existence. ... Her condition is irreversible. ... Petitioner would have to be fed, cleaned, turned, bedded, toileted by others for 15 to 20 years! Although alert, bright, sensitive, perhaps even brave and feisty, she must lie immobile, unable to exist except through physical acts of others. Her mind and spirit may be free to take great flights but she herself is imprisoned and must lie physically helpless subject to the ignominy, embarrassment, humiliation and dehumanizing aspects created by her helplessness. (Vukadinovich and Krinsky 2001: 206)

Discussions of *The Philosophers' Brief* and the court rulings above often use the concept of dignity. The philosophers refer to 'intolerable indignity' which they go on to say involves being 'intubated, helpless, and often sedated near oblivion'. In their very graphic ruling on *Bouvia v. Superior Court*, the judges refer to situations that could be equated with indignity. However, as Shepherd (2012: 501) has aptly put it, it is one thing to accept a competent person's decision on the matter of life-sustaining treatment and quite another to dwell gratuitously on somebody's helplessness and toileting needs. 'Clearly the judges believe that a life such as Ms Bouvia's would be intolerable for them' (Shepherd 2012: 503). Instead of projecting their own ideas onto the case, they should have expressed an 'interest in or concern about the quality of care Ms Bouvia has received' (Shepherd 2012: 503). In fact, according to Shepherd, the court's assessment quoted above is 'so shockingly insensitive from any ethical standpoint that it does not take a French philosopher to point out its problems' (Shepherd 502).

As part of this short history of dignity discussions in the West, it is worth noting that there do not seem to be any major feminist theories of dignity. Lois Shepherd's emphasis on empathy and compassion in bioethics (as apparent from her commentary on the Bouvia case) has a feminist angle, but is not part of a feminist theory of dignity. The only exceptions seem to be articles, usually written by nursing scholars, which apply feminist theories to the problem of neglect of vulnerable individuals in health care (Aranda and Jones 2010).

The remainder of this chapter will attempt to disambiguate different concepts of dignity in the West. But first, one needs to ask whether dignity in legal instruments and bioethics can contribute to solving the two riddles.

Riddle 1: Why would something that is inviolable need protection?

Riddle 2: Is dignity merited, requiring constant effort, or is it intrinsic to human beings?

Riddle 1 can only be solved if the terms are changed. In contrast to the Iranian and Saudi Arabian constitutions, the German constitution wants to say that human dignity *should always* be inviolable. The emphasis is on both ‘always’ and ‘should’. No factors or exceptions override the upholding of human dignity in all cases. As shown in the Daschner case, not even the life of a child can override the right not to be put under duress by the state. Hence, dignity *is not* inviolable but *should always be* inviolable. The judge presiding over the Daschner case insisted: ‘Human dignity is inviolable. Nobody must be made into an object, a bundle of fear’ (Rückert 2004, DS translation). She should have said that human dignity *should* be inviolable, not that it *is* inviolable, especially since she goes on to give an example of a dignity violation (the threat of torture and duress). If dignity were inviolable, no such example could be given. Hence, it is clear that the pronouncement of dignity as an allegedly inviolable attribute of human beings relies on legal protection, which explains why the German constitution starts with two statements, namely that ‘human dignity is inviolable’ and—importantly—that ‘its protection is the duty of all state powers’ (Germany 1949: art. 1 I, DS translation).

The second dignity riddle is more difficult to resolve, as it is about more than a legal contract or agreement. It is here that the disambiguation of different concepts of dignity is most important.

2.4 Disambiguating the Main Concepts of Dignity

So many roads, so much at stake
 So many dead ends, I’m at the edge of the lake
 Sometimes I wonder what it’s gonna take
 To find dignity

Dylan (1991)

One response to Bob Dylan’s quest to find dignity would be to ask what he is looking for. An ideal and perfect world, a dignified world as David Grossman describes? A place where no state transgressions of torture or duress are allowed, as the ruling in the Daschner case required? A place where pain and disability are managed through empathic care and pain management, as might have been appropriate in the Bouvia case? A place where refugees are accepted without racism and based on considerations of historical fairness, as demanded by David McAllister, MEP? A place where nobody sleeps in public with their mouths lolling open, as Jonathan Coe’s protagonist demands? It is clear from this short list that different concepts of dignity are at issue. We will attempt to disambiguate them, introducing new examples for emphasis. Before this, we lay a foundation for this disambiguation by asking what kind of concept dignity is.

2.4.1 *What Kind of Concept Is Dignity?*

A concept is an abstract idea, something one cannot touch or see or smell. It is a non-observable abstract entity. However, human beings can agree on the essence of concepts through language. An analogy with freedom might help clarify what kind of concept dignity is.

Nobody would claim that they can see, hear or smell freedom, but few would say that it cannot be explained or made intelligible to others. One could define freedom as the power to act or think without constraint or hindrance. Once one accepts this, or a similar definition, it is possible to experience violations of it with one's own senses. As soon as one understands the concept, one knows when it is violated.

For instance, sending somebody to prison violates their freedom of movement: they no longer have the power to act as they want to, for instance to go for a meal at the local Thai restaurant. Forcibly giving somebody hallucinogenic drugs violates their freedom of thought. It is contended that communicating what freedom of movement and freedom of thought require and knowing when those freedoms are violated are quite straightforward, even across cultural barriers. How does dignity fare by comparison?

Freedom and dignity are similar in some respects and different in others. The main similarity is that human freedom and human dignity need to be justified in a secular framework. Why should human beings have the power to act without constraint? Why should human beings have dignity and the consequent rights accorded through most modern constitutions? Answers to these questions cannot be taken for granted; justifications are required for both. However, in contrast to dignity, freedom can be broken down into smaller freedom packages: the freedom of movement, the freedom of choice and so on. These freedoms can be explained easily within and across cultural borders. If Ndugu Umbo, the little Tanzanian boy from the film *About Schmidt*, had wanted to travel to the United States to visit his sponsor, Warren Schmidt (played by Jack Nicholson), but failed to obtain a visa, his freedom of movement would have been restricted. People around the world would understand this explanation. Readers of Ray Bradbury's famous novel *Fahrenheit 451* readily understand that the systematic burning of books violates freedom of expression. If nobody can write down their thoughts and imaginings in books and have them preserved for others to read, they cannot be said to be free to express themselves.

Dignity, it seems, cannot so easily be broken into smaller dignity packages. For instance, as discussed above, Kant equates dignity with absolute inner worth. If one compares this explication of dignity with our short definition of freedom (the power to act without constraint), one sees that 'absolute inner worth' is simply a phrase equivalent in meaning to the word 'dignity'; it does not clarify what dignity is or implies. By contrast, 'the power to act without constraint' *explains* freedom. When one considers this explanation together with freedom's property of separability into individual parcels, in particular for purposes of illustration, it becomes clear why agreement on the meaning of 'freedom' can be achieved. Hence, if one accepts that

‘dignity’ and ‘absolute inner worth’ are no more than two different expressions of the same concept, one still needs a clarifying definition or explanation of what that concept means exactly. This task is tackled in the following sections, beginning with the question: is dignity a virtue?

2.4.2 *Is Dignity a Virtue?*

Non-violence is the law of our species as violence is the law of the brute. The spirit lies dormant in the brute and he knows no law but that of physical might. The dignity of man requires obedience to a higher law – to the strength of the spirit.

Gandhi (1920)

Earlier, a list of synonyms for ‘dignity’ was presented. They included ‘correctness’, ‘graciousness’, ‘goodness’, ‘nobleness’, ‘restraint’, ‘pride’ and ‘reserve’. These could all be called virtues. Yet, to answer the question ‘Is dignity a virtue?’ one first needs an answer to the question ‘What is a virtue?’

According to Solomon (2006: 91), ‘virtues are cultivated responses and actions that may require no deliberation’. If somebody has to think too hard before acting virtuously, this may be an indication that the virtue concerned is not fully developed. For instance, if somebody with reasonable means takes weeks to decide whether to donate to an emergency charity appeal, pondering what else the money could buy or whether or not her donation is really necessary, she is not truly generous (generosity being a virtue). This aligns with Aristotle’s belief that the test of virtue is enjoyment of a virtuous action. Those who always behave virtuously live life as it ought to be lived, according to Aristotle, and will enjoy *eudaimonia* (happiness) (Aristotle 2000: 5–19 [1095a–1101b]).

Philippa Foot, one of the founders of contemporary virtue ethics,¹¹ believes that

virtues are ... beneficial characteristics ... that a human being needs to have, for his own sake and that of his fellows. ... Nobody can get on well if he lacks courage, and does not have some measure of temperance and wisdom, while communities where justice ... [is] lacking are apt to be wretched places to live ... (Foot 1978: 3, 2)

This take on the virtues is again reminiscent of Aristotle and his belief that it is only the virtuous life that leads to human flourishing. Foot also emphasises another feature of virtue, which Aristotle noted in the *Nicomachean Ethics* (Aristotle 2000: 107 [1140b]): a virtue is different from a skill or an art (Foot 1978: 7). The difference between virtues on the one hand and skills or arts on the other can best be understood through the distinction of voluntary from involuntary error. If somebody is very good at spelling, but makes a deliberate mistake, which he later explains, his skill as a speller is not put into doubt. Yet if somebody acts unjustly and later claims that it was done deliberately, this is an even worse reflection on

¹¹http://en.wikipedia.org/wiki/Philippa_Foot.

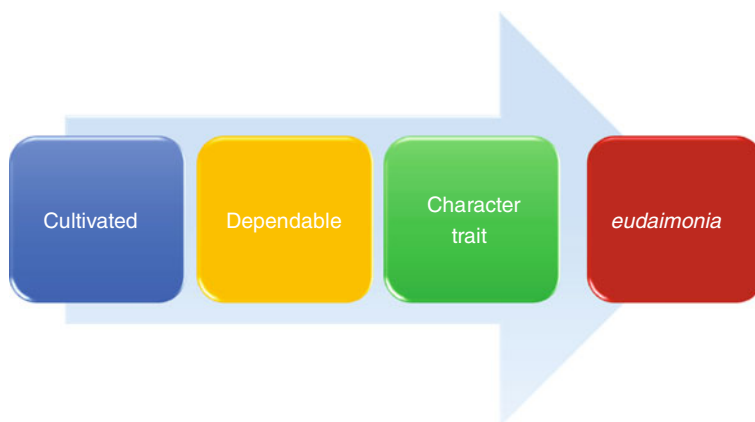


Fig. 2.6 Virtues

him. ‘In the matter of arts and skills ... voluntary error is preferable to involuntary error, while in the matter of virtues ... it is the reverse’ (Foot 1978: 7). A skill is unaffected by voluntary error, whereas a virtue disappears through voluntary error. Somebody who purposely undertakes an unjust action is simply not just.

If one possesses a virtue, one has not merely a moderate tendency towards a particular action, but a strong disposition towards it. For instance, if somebody is honest, one can reliably expect them to be so even under difficult circumstances. They will be honest, even if it is disadvantageous to them. They will value honesty in their friends and they will try to instil it in their children. Virtues, when present, are strongly entrenched, and to turn a genuinely honest man into a dishonest man or vice versa requires a profound change, for which one would normally expect some sort of unusual explanation (such as drugs or religious conversion) (Foot 1978: 11–14). One could therefore define virtues as follows (Fig. 2.6):

Virtues are cultivated, dependable character traits, which human beings need in order to flourish.

Two of the literary examples of ‘dignity’ used at the outset fit the definition of ‘virtue’. The couple that Iris Murdoch describes have achieved a quiet, though restrained, happiness despite the loss of a child. In his *Nichomachean Ethics*, Aristotle says: ‘For the truly good and wise person, we believe, bears all the fortunes of life with dignity and always does the noblest thing in the circumstances’ (Aristotle 2000: 18 [1101a]). Hence, Aristotle sees dignity in how one copes with life’s accidents: to bear those with patience, courage and strength is the hallmark of dignity. The French writer whose story Paul Auster tells in *Oracle Night* bears a similar fate (losing a child) by resolving never to write again, carrying his suffering with fortitude.

A 2013 film from Germany, *Die Frau, die sich traut* (The Woman Who Dares) has a similar theme, and the film critic’s summary refers to ‘ethics and dignity’

(Hörzu 2015, DS translation). In the film, a former champion swimmer of the then German Democratic Republic discovers, at the age of 50, that she has terminal cancer as a consequence of doping. Instead of despairing, she reorganises her life for one last challenge, to realise her teenage dream of swimming across the English Channel. The way she copes with life's accidents and endures suffering with fortitude and strength is presumably what led the critic to use the term 'dignity'.

Dignity as a virtue fits the Goethe poem that is the basis of one of our riddles: 'A laurel is easier bound than a dignified head for it found.' One could also put the excerpt from the Dostoevsky novel in the category of dignity as virtue. It is his use of the term 'dignity' that makes his short description of two ladies who have fallen into poverty so evocative. It conjures up the image of quiet pride and resilience in the face of hardship, as well as a sense of preserved self-esteem, as noted earlier. While Dostoevsky does not speak of extreme poverty, as Mandela and Johnson do, it is noticeable that he sees dignity as a way of coping with poverty.

Another Russian author, Leo Tolstoy, elaborates his views on dignity in many of his novels. According to Clifton Fadiman,

in Tolstoy's view evil and cruelty can never have dignity. Only the good man or he who strives for the good can have dignity. It follows then that no conqueror can have dignity. Someday the human race will learn this, and it will despise conquerors as it despises necrophiles. (Fadiman 1955: 198)

Examples that collaborate Tolstoy's view of dignity as a virtue can be drawn, again, from literature, politics, philosophy and everyday life.

In November 2015, the Ukrainian government stopped electricity supplies to the peninsula of Crimea, a region claimed by both Ukraine and Russia. In early January 2016, Ukrainian president Petro Poroshenko offered to restore power supplies on certain conditions. This is how the response of Crimeans was reported by Tass, the Russian news agency, quoting Irina Yarovaya, chairperson of Russia's State Duma security and anti-corruption committee:

'... the Crimeans once again showed that they are Russians, the Russian people who never give up or sell out,' she said. 'Poroshenko's proposals falls into the category of obscene ones and the usual reaction to such thing is perfectly well known but Crimea answered "no" gently and with dignity.' [T]he data on a poll of residents of the Republic of Crimea ... showed that 93.1% of those polled spoke against an agreement on purchases of electric power from Kiev if the latter document called Crimea and Sevastopol to be part of Ukraine. Also, 94% respondents said they were prepared to tolerate interim discomforts linked to short outages of electricity in the next three or four months if the electricity agreement with Ukraine was not signed. (TASS 2015)¹²

'Selling out' is a pejorative term for compromising one's integrity in return for personal gain (e.g. money). Thus refusing to sell out—in other words, tolerating discomfort to avoid compromising one's integrity—can be considered a virtue.

¹²This excerpt was chosen for its use of language. We cannot vouch for the accuracy or balance of its contents.

Nelson Mandela is frequently cited as a person with dignity. For instance, one of his biographers, Barry Denenberg, writes that Mandela's 'ability to conduct himself in a forceful yet dignified manner gradually won him the respect of the prison officials' (Denenberg 1995: 89). Called a man with 'breath-taking courage' and an 'almost messianic figure' (Crwys-Williams 1997: xii, xi), Beyleveld and Brownsword chose Mandela as an example of the personification of dignity, writing that 'if dignity is a virtue, it is found in the *character* of humans wrestling with the limitations of human finitude and the problems of social order' (Beyleveld and Brownsword 2001: 58). How Mandela dealt with his imprisonment, the fortitude displayed in the face of adversity, deserves almost universal admiration (Beyleveld and Brownsword 2001: 139).

From the above, one can conclude that there is at least one possible meaning of dignity that may be equated with virtue: the dignity to bear the accidents of life with poise. This would be one example of dignity as a cultivated, dependable character trait that human beings need in order to flourish—and, in some of the above cases, not to despair. It would also support Goethe in the dignity riddle. If dignity is a virtue, it cannot be a universal feature of humankind, as virtues need to be aspired to. Regarding dignity as a virtue therefore does cover some of the examples given so far, so one disambiguation was achieved, but more are necessary.

2.4.3 Is Dignity an Individual Characteristic not Covered by Virtues?

Certain individuals in the examples given from literature are characterised in detail through the use of the term 'dignity', but without reference to cultivated, dependable character traits. For instance, Olive Schreiner's heroine assumes 'the dignity of superior knowledge so universally affected by affianced and married women in discussing man's nature with their uncontracted sisters' (Schreiner 1989: 167). Sándor Márai's protagonist is reassured when told that his weight gain ('belly') means esteem: 'This comforted him, as he always endeavoured to exude dignity ... to distract from his youth' (Márai 2005: 19f, DS translation).

Schreiner uses the term 'dignity' to describe the potentially pretentious feelings of superiority that married women have over their unmarried 'sisters'. She thereby uses the term to refer to a particular status that a group has achieved through its position rather than by cultivating a dependable, personal character trait. Throughout most of human history—and even today in many parts of the world—'wife of X' and/or 'mother of Y' was the most important position women could achieve on their own. Their consequent attitude of superiority towards unmarried women is emphasised through the terms 'assuming' and 'air of dignity'. Likewise Márai's use of 'dignity' seems to concern certain positions and the appearances necessary for them. The author describes a Hungarian gentleman who was promoted to a position in the 'central office' and has since aged prematurely, with signs

of grey hair and midlife weight increase. These signs are interpreted as indicating dignity, which links dignity for men with age and the positions they can attain in midlife. Jonathan Coe is also concerned with appearances, but not with rank. His character's disapproval of sleeping in public is independent of *who* sleeps thus.

Before further examples are provided it will be helpful to understand Jean-Paul Sartre's concept of the gaze, which he describes as follows:

The Other is the indispensable mediator between myself and me. By the mere appearance of the Other, I am put in the position of passing judgement on myself as an object, for it is as an object that I appear to the other. (Sartre 1958: 222)

What does it mean for the concept of dignity that the gaze of others turns us into objects, judged by them and by ourselves? The gaze is reminiscent of Jonathan Coe's traveller, who judges his fellow passengers on the train to be undignified. If dignity is inviolable, a property of human beings attached to them intrinsically and without external reference, as the first dignity riddle assumes, the gaze of others has no relevance. It is only when dignity is *bestowed* that others become important. Such dignity is meaningless for Robinson Crusoe, for example, assuming he will never re-enter human society. To be invested with such dignity requires at least one other person, which Robinson Crusoe does not have until Man Friday arrives.

In the examples given above that are role-related, the expectation of the gaze is dependent on the role. Jeremy Waldron explains that:

Dignity ... was once tight up with rank: the dignity of a king was not the same as the dignity of a bishop and neither of them was the same as the dignity of a professor. (Waldron 2015: 12)

The dignity of a married woman or of a recently promoted office worker is not the same as the dignity of a schoolgirl or an apprentice. Bringing the two (the roles and the gaze) together, one could argue that it is acceptable to switch dignified conduct on and off as appropriate to the relevant roles. If a priest who solemnly leads a funeral procession during the day puts a tea cosy on his head and leaps around giggling at night, this need not be incompatible with the requirement that he show dignity as an incumbent of the priest's role.

In the case of Jonathan Coe's traveller, roles are irrelevant; only the presence or absence of onlookers is important. Going back to Thesaurus equivalents of dignity, it is good manners and etiquette that fit with Coe's protagonist's dismay at those sleeping in public. Societies have myriad rules about dignified comportment, and the protagonist in Coe's novel strongly believes that sleeping in public with one's mouth open and head lolling violates at least one of them. This example therefore relates directly to society's expectations of good manners and comportment. In the same way as Coe's protagonist believes it is undignified to sleep on the train, it could appear undignified to tell a rude joke at an official dinner with one's mouth full, to giggle at an obituary, to kiss one's beloved in a Catholic church (except at a specific point of the marriage ceremony, if one is the bride or groom), to spit onto the street, to undress or relieve oneself in public, to wear dirty clothes etc. Under normal circumstances, all of these are avoidable, the most important thing being, as

with table manners, to know the local rules and to have the ability to fulfil one's basic needs (e.g. to have access to a bathroom and clean clothes). And as with role-specific dignity, comportment dignity depends upon the gaze of others. As Sartre put it, at its extreme: 'Nobody can be vulgar all alone!' (Sartre 1958: 222) To be offensive and rude (i.e. vulgar) requires a second person.

Individual people can thus be characterised further, using the term 'dignity', in two respects that are independent of virtues:

1. An individual's role-specific conduct can be described, which is linked to their rank and position.
2. An individual's compliance with rules of propriety and decency can be described. This is their comportment.

Further examples will clarify this distinction. The highly popular UK TV show *Strictly Come Dancing* sees celebrities learn to dance from professionals and perform their new skills in front of an audience and very critical judges. In 2010, a former minister of the UK government, Ann Widdecombe, took part. She says that when originally asked whether she would participate, she had 'replied with a horrified "No way!" I was still a serving politician. ... I'm retired now and need worry less about my dignity' (Widdecombe 2010). Ms Widdecombe was thus concerned about her rank- or position-specific dignity, not her personal dignity. As a serving politician, she did not want to take part in a dance competition, but as a retired politician she was happy to. To have dignity, in the sense of displaying dignified conduct in accordance with rank and position, requires an audience in a way that virtue does not. If the politician Ann Widdecombe had danced in her private home, on her own, that would not have endangered her dignity.

In the memoirs of Madame Germaine de Staël (1766–1817), a French intellectual, there is a description of her father, Jacques Necker, Louis XVI's minister of finance: 'He was rather silent, but made sly remarks and sharp repartees. He wrote several witty plays; but, thinking it beneath the dignity of a minister of State to publish them, he burnt them' (Child 1854: 18). Like Ann Widdecombe, Monsieur Necker did not object to an activity as such; he refrained from publishing plays on grounds of his dignity as a minister of state.

Going back to Mercier's *Night Train to Lisbon*, João Eça was worried that he had lost his dignity when he became incontinent. This is a common concern to the extent that a US company now markets its incontinence supplies as 'Dignity Incontinence Products'. The range includes Dignity Overnight Briefs and Dignity Comfort Underwear.¹³ Another US company has developed a programme called Dignity Continence Solutions, which addresses the challenge of changing incontinence products regularly without excessively disturbing the incontinent person's sleep.¹⁴

¹³<http://www.northshorecare.com/dignity-incontinence-products.html>.

¹⁴<http://hartmannecs.com/>.

Fig. 2.7 Aspirational dignity

What these interpretations of dignity have in common is that they are contingent or aspirational.¹⁵ Hence, the types of dignity they describe cannot be inviolable, as the first dignity riddle assumed, nor can they be intrinsic to human beings and never lost. They are varieties of dignity human beings aspire to: to be virtuous, to have superior rank or position and to conduct oneself appropriately when others are present.

We have therefore now disambiguated three meanings of dignity that are easily distinguishable. They all require effort, so one could class them all as aspirational dignity (Fig. 2.7).

Many of the examples given earlier do not qualify as aspirational dignity. In particular, the most famous Western dignity philosopher, Immanuel Kant, is not covered. Neither are religious sources, such as the Catholic church, as will be seen below.

2.4.4 *Is Dignity Intrinsic to Human Beings?*

Immanuel Kant argued that dignity is intrinsic to human beings due to their capacity for self-legislation—that is, their ability to think for themselves and to take responsibility for their own lives and well-being and those of others. To understand what kind of concept Kantian dignity is, one needs to ask what this means in practice.

2.4.4.1 Kantian Dignity Revisited

In the *Metaphysics of Morals*, Kant writes: ‘He [the human being] possesses a dignity (an absolute inner worth) by which he commands (*abnötigen*) respect for

¹⁵While many philosophers use the term ‘contingent dignity’ to indicate the contrast with intrinsic dignity (see, for instance, Schaber 2012: 19), we use the term ‘aspirational’ here to emphasise the desirability of the features concerned: in other words, many humans aspire to displaying virtues or showing dignified comportment.

himself from all other rational beings in the world’ (Kant 1990: 74f [435f], DS translation). Kant uses a very strong word in this context, ‘command’. He thus wants the reader to focus strongly on the moral subject and their rights. A person with dignity is in the first place a right-holder. But what does it mean to be treated appropriately, as a being with dignity? The short answer to this is that one human being must not instrumentalise (i.e. [ab]use for one’s own agenda) another human being without their reasonable¹⁶ consent, or in Kant’s own words:

So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means (Kant 1997: 38 [4:429]).

This statement of Kant’s is also known as the *second categorical imperative* or the *Formula of Humanity* (Wood 1999: 111). If one follows this imperative, one respects the dignity of humanity through each individual action. Respecting human dignity is equivalent to ‘always treat[ing] humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end’ (Kant 1997: 38 [4:429]). Lying, for instance—that is, making a promise one does not intend to keep—in order to obtain money is an example of disrespect for the dignity of humanity. The person who gives the money on the assumption that it will be returned in two weeks will have been used merely as a means rather than as an end; he or she will have been used for somebody else’s agenda without consenting. And the person who lied

...wants to make use of another human being *merely as a means*, without the other at the same time containing in himself the end. For, he whom I want to use for my purposes by such a promise cannot possibly agree to my way of behaving toward him, and so himself contain the end of this action (Kant 1997: 39 [429–430]).

To contain the end of an action in oneself is Kant’s way of saying that one is giving consent. If one agrees to an action, one carries the action’s end in oneself. But liars do not reveal their true motives, they do not reveal their ends. Hence, it is not possible to consent to the ‘real’ action, as one is being deceived, used for another’s purposes. And hence, dignity is an intrinsic and inviolable property of all rational beings, which gives the possessor the right never to be treated simply as a means, but always at the same time as an end.

That dignity is an intrinsic or inviolable property can be derived partly from Kant’s claim that one cannot deny dignity even to a vicious man. At the same time, dignity is founded on the human ability to be self-legislative, and is therefore bound to rationality and restricted to rational beings. Kant’s Formula of Humanity can then be used to provide content to the meaning or at least the implications of dignity. Can one be satisfied with these definitions? No, for two reasons.

First, what does it mean to treat a person never simply as a means, but always at the same time as an end? Explanations of abstract concepts should be clear and not require philosophical training to be understood, assuming one can understand them at all. In this context, W.D. Ross has noted that the Formula of Humanity only has

¹⁶Later (Sect. 2.4.4.4) I will explain why I have inserted the word ‘reasonable’ into this statement.

‘homilectic value’ (Ross 1969: 53), which means that it belongs to the art of preaching or that it is suitable for the art of sermonising to address the spiritual needs and capacities of a congregation. Similarly, Marcus Singer has noted that the Formula of Humanity ‘has more an emotional uplift than a definite meaning’ (Singer 1971: 236). Formulated slightly more positively, ‘Kant’s discussions of the second formulation contain both dross and gold’ (Green 2001: 259). Clarifications are therefore necessary.

Second, why should dignity be an intrinsic or inviolable property? Freedom can be lost, so why can dignity not be lost? Even if one accepts that Kantian dignity is a concept wholly separate from the aspirational dignity described earlier, it is still unclear why all human beings should have this property. If human faculties to make reasoned moral decisions are the basis for dignity, what about those human beings who cannot make moral decisions because they lack rational abilities—such as toddlers, the severely mentally disabled, advanced Alzheimer’s sufferers, patients in a persistent vegetative state? Do they have dignity and, if so, why?

2.4.4.2 The Meaning of the Formula of Humanity

What does it mean to treat another person or oneself never simply as a means, but always at the same time as an end? Literally thousands of scholars and teachers around the world have been trying to answer this question since the publication of Kant’s *Groundwork of the Metaphysics of Morals* in 1785. Here is a brief selection of the most prominent ones.

Korsgaard (1998: xxiif) believes that never treating a person merely as a means equals respecting other people’s rights to make their own decisions, implying particularly strong prohibitions on coercion and deception. This is so because both coercion and deception disable people’s ability to make their own choices. The example that Kant uses in the *Groundwork*, which was mentioned before, is most instructive (Kant 1997: 32f [4:423]). Kant introduces his readers to a person who is suffering financial hardship; let us call him George. George considers borrowing money from a friend, knowing that he will not be able to pay it back. Hence, he will make a lying promise. In doing so, he is using his friend as a means to his own well-being only, without considering his friend as an end in himself, somebody with his own decisions to make. For instance, the friend may agree to lend George €1000—money he has set aside for his daughter’s university tuition—for two months, on the assumption that it will be paid back promptly. By making a lying promise, George potentially wrecks his friend’s plans without making him aware of this possibility. George thus instrumentalises or uses his friend for his own purposes.

Tugendhat (1993: 146) believes that never treating a person merely as a means equals respecting other people’s purposes and ends. However, it would be absurd to insist that other people never be used as means to fulfil one’s own ends. Buying flowers at the local garden shop implies using the shop assistant as a means to one’s

own aesthetic preferences. And why should this be forbidden? What is forbidden, in Kantian moral theory, is to use somebody *merely* as a means. In our example, the shop assistant presumably works willingly in the shop and is pleased when somebody comes to buy flowers. She therefore is likely to agree to such purchase transactions. But if she did not agree to the transaction, her purposes would not be respected. For instance, if the last flowers had already been sold and were awaiting collection, somebody who grabbed them, threw money onto the counter and ran out would be treating the shop assistant as a mere means to their own ends. This person would have instrumentalised somebody else for their own purposes.

Paton (1948) believes that treating a person merely as a means equals using them for the satisfaction of one's own inclinations without considering them as a person of unconditional and absolute value. Treating oneself merely as a means for one's own inclinations is apparent when one does not seek one's own perfection or the happiness of others. Paton's interpretation is demanding, in that it requires considerable altruism to promote other people's interests to achieve their happiness together with constant efforts at self-improvement. Kant himself did not assign significant moral force to the duty to secure the happiness of others.

Wood's (2008: 52) interpretation is worth quoting:

I think a more immediate conclusion from the fact that humanity is an end in itself is that human beings should never be treated in a manner that degrades or humiliates them, should not be treated as inferior in status to others, or made subject to the arbitrary will of others, or be deprived of control over their own lives, or excluded from participation in the collective life of the human society to which they belong.

So what does it mean to treat another person or oneself never simply as a means, but always at the same time as an end? The answer of this co-author (DS) is that never treating a person merely as a means equals respecting their sense of purpose and their sense of self-worth, unless the person themselves violates this principle—for example, self-defence against an attack would be allowed. Not respecting somebody's sense of purpose means restricting their pursuit of life-plans. Not respecting their sense of self-worth means humiliating them. To add the proviso for self-defence and related issues, one could define never treating a person merely as a means as not restricting their *reasonable* pursuit of life-plans nor humiliating them (more below in Sect. 2.4.4.4) (Fig. 2.8).

2.4.4.3 Do All Human Beings Have Kantian Dignity?¹⁷

If rationality gives human beings dignity, what about those who have lost or have never had the faculty of rationality? Would it not mean that with the loss of rationality they also lose dignity, which therefore cannot be intrinsic or inviolable?

¹⁷If the question were 'Do all human beings have dignity?' we would respond with Peter Schaber that the question has to be answered separately for each concept of dignity (Schaber 2012: 13). The question here is whether Kantian dignity can be intrinsic to all human beings.

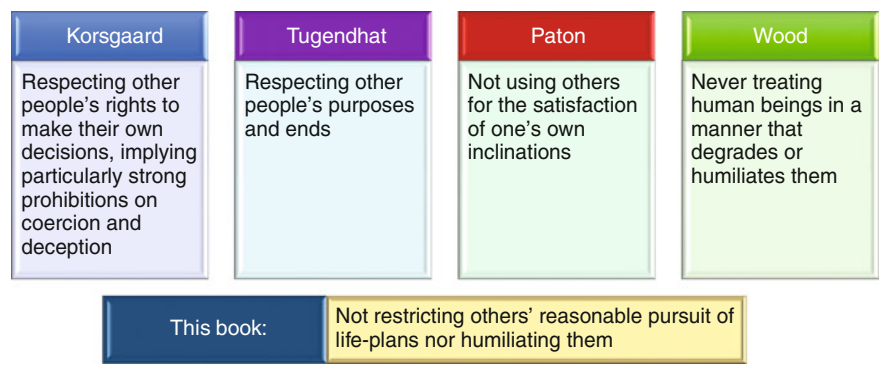


Fig. 2.8 Interpretations of the Formula of Humanity

According to Kant, ‘the dignity of humanity consists in just this capability, to be universally legislating’ (Kant 1997: 46 [4:440]). Ideally, all human beings would have this capability and therefore the entire species would be blessed with dignity. If this were the case, the only criterion needed for the conferment of dignity would be to be born of human parents. As soon as we saw a fellow human, we would see a carrier of dignity from birth to death. This is what the constitutions quoted previously (Table 2.2) suggest. But not all human beings have the capacity for rational decision-making and autonomy that Kant requires.

Kant ... [insisted] that persons are ends in themselves with an absolute dignity who must always be respected. ... [But] while all normally functioning human beings possess the rational capacities that ground respect, there can be humans in whom these capacities are altogether absent and who therefore, on this view, are not persons. ... (Dillon 2014)

This would mean that the progression from rationality or autonomy to dignity works only for those who have rationality. This is how Kant scholar Thomas E. Hill Jr. interprets Kant when he writes: ‘Kant attributes human dignity to virtually all sane adult human beings’ (Hill 1991: 169)’ If one’s purpose is to confer obligations or rights on entities that have dignity, one has a problem, which Allen Wood describes as follows:

No doubt some people are smarter or more rational than others in many respects. But less smart or less rational people, assuming they are responsible agents, are possessed of exactly the same dignity as smarter people. And every being with ‘humanity’ and ‘personality’ may be regarded as a co-legislator of the laws that are binding on the community of rational beings. So a morally bad person is just as much a person with dignity as a morally good person. There are complex questions regarding borderline cases of rational agency, or what some like to call ‘nonideal conditions’: for instance, how we should treat children, the mentally ill or people suffering from Alzheimer’s disease. Kantian ethics, along with other views, must deal with these questions, but I will not pursue them here. One sort of answer *not* open to Kantian ethics, closed off by the very concept of human dignity, would be to treat persons as unequal, some having greater dignity than others. (Wood 2008: 54)

Wood maintains that as long as people are responsible agents, they have dignity. In this regard, he follows Kant. He also sees that there are complex questions to be answered about borderline cases of rational agency, questions he does not pursue himself. Yet, at the same time, he maintains that it is not open to Kantians to deny dignity to any human being, including those who are not responsible agents. If one maintained, in line with Kant's dictum, that dignity requires rationality, one could come to shocking conclusions about not applying the Formula of Humanity to toddlers, for instance.

However, the first point to be made here is that it does not follow that those who have no Kantian dignity can be mistreated. One would require a separate discussion of (a) the rights of those without dignity and (b) the obligations of rational beings towards those without dignity.

Furthermore, Kantians have considered possible ways out of this dilemma. The most radical move is to argue that species rationality (Wetlesen 1999) (*zôon logon*, *animale rationale*) confers dignity, independent of the reasoning faculties of individual human beings. The argument would then be that the human species is a species of rational beings and that all those who belong to the species should enjoy the benefits that are obtained through common species features. This move is conceptually rather unsatisfactory, as it confers a feature on a group on account of certain characteristics that only some of the group own. It is therefore an untenable ad hoc accreditation that takes for granted a certain outcome (we want all human beings to have dignity) and tries against the odds to find a secular, Kantian justification for it. In doing so, it loses the justification Kant himself gave, namely that rationality confers dignity. Singer (1995) has shown that what he refers to as speciesism (of which species rationality would be an instance) is not philosophically tenable. George Kateb has also noted that species references in the context of dignity are a backward step. He writes:

The species, not the individual becomes the centre of thinking about human dignity, and we are threatened with being thrown back to earlier times before the concept of individual status had the central place or any place at all, and stature did practically all the work in dignifying and elevating human beings in their own eyes. (Kateb 2011: 211)¹⁸

The most common move to avoid the problem of excluding a large number of humans (e.g. all children) from the realm of dignity is to argue that 'potential rationality' confers dignity, not 'rationality' (Cohen 2001). This means that all those who are still developing the capacity of rationality (including children) or all those who have only lost it temporarily (e.g. those in a reversible coma) are included in the realm of dignity. If they were not, even people who are sleeping would have no Kantian dignity. Although Kant himself never pronounced judgement on the question, this would seem most counter-intuitive. Those who have a temporary lack of rational capacity must be included in the realm of dignity. However, those who have irrevocably lost the capacity to retrieve their rational faculties and thereby their

¹⁸Kateb makes this claim in the context of human beings' alleged superiority to all other living beings, not that of rationality.

ability for moral self-legislation cannot be included in the Kantian definition. As such dignity is not intrinsic or inviolable, even though the vast majority of human beings partake of it. This may be a deplorable result, but within the Kantian justification of dignity it is unavoidable. As Bontekoe puts it when writing about Kant's understanding of dignity:

The difference between being fully human and being merely a human animal – and thus the difference between possessing and lacking the dignity attendant upon one's humanity is a matter of one's possessing autonomy, a matter of being a free initiator of events rather than a mere conduit for impulses provided one by nature. (Bontekoe 2008: 6)

Unusually for a virtue ethicist, Martha Nussbaum puts this even more strongly and argues that the one who is not able to shape her own life as a dignified free being and for whom 'the absence of capability for a central function is ... acute ... is not really a human being at all' (Nussbaum 2000: 73). Similarly, Dieter Birnbacher claims that 'human dignity in its "concrete" and strong form is a normative property only of those human beings who are capable of self-consciousness' (Birnbacher 1995: 9, DS translation).

This move closes the reasoning gap on why most human beings have the right always to command respect for their reasonable sense of purpose and self-worth. Persons—as Kant calls them, the subjects of a morally practical reason—are exalted above any price and possess an absolute inner worth—that is, dignity—because of their capacity for moral self-legislation. As a result, they have rights. While one can thus justify rights via dignity, one loses the attribution of dignity to *all* human beings. For those who cannot accept this, Paul Tiedemann argues that unwanted implications of reasoning chains do not invalidate the chain. He notes that the unwanted exclusion of some human beings from the dignity realm

is no valid objection. The foundation of a concept cannot be dependent on wished-for results. Otherwise one does not provide a foundation, but instead utters more or less concrete ... intuitions, whose justification remains open. (Tiedemann 2006: 111–112, DS translation)

Those who object to a reasoning chain for no reason other than its result exclude themselves from rational discussion (Tiedemann 2006: 112). However, this does not mean that Kantians would have nothing to say about those human beings who do not belong to the realm of rationality. Dignity is not the only available moral principle to inform obligations and rights. However, the right to have one's reasonable sense of purpose and self-worth respected only accrues to rational beings. One would therefore derive obligations towards non-rational beings differently. Since that is not the topic of this book, one brief example of a possible approach has to suffice.

One could reason along the lines of the first rather than the second categorical imperative: namely, to act only according to that maxim whereby you can at the same time will that it should become a universal law (Kant 1997: 14 [4:402]).

Simplified, the first categorical imperative is a refined version of the Golden Rule, 'Do unto others as you would have them do unto you.' But it is not so much a simple prescription that one can follow as a testing mechanism which can be applied prior to action. For instance, if one were to consider whether to lie during a

job interview, one would need to ask whether the underlying maxim ('lie to get a job') could be universalised. What would happen if everybody lied to get a job? If this became a universal rule, interviews would no longer be conducted as the appointment committee would no longer be able to ascertain any meaningful information through the procedure. Kant is here specifically interested in the logical impossibility of universalising this maxim (if everybody lied in interviews, interviews would be abandoned altogether) rather than the non-desirability of the outcomes (e.g. if people lied to get jobs as doctors, that would endanger patients).

Applying the first categorical imperative can lead to what Kant calls contradictions in conception as well as contradictions of the will. A contradiction in conception means that the action, if universalised, would lead to the annulment of the basis for the action. In the above case, interviews would be abolished if everybody lied to get a job. Or if everybody robbed banks to get money, all banks would close, and as a result nobody could rob a bank. The basis for the action would be nullified.

Contradictions in will do not cause such severe complications, but cannot be willed by rational beings. For instance, one cannot will that all those with severe Alzheimer's should be left to die. Rational beings would not want to live in a world where the above maxim applied, partly because it might apply to themselves one day and partly because rationality, for Kant, is strongly linked with morality and therefore benevolence to others. But since severe Alzheimer's would not disappear even if this cruel maxim were realised, we have no contradiction of conception, but a contradiction of will.

While the above has argued that Kant could not extend dignity to all human beings, but only to all rational beings, a definition of dignity which is inclusive of all human beings can still exist in two separate ways. First, one could say that human dignity is a thought construct agreed upon by legitimate representatives of a country's peoples or even world leaders, which is then transformed into binding legislation. The existence of dignity would then have been agreed upon contractually for reasons of social utility, because this will lead to, for instance, a more peaceful society. And, of course, under such circumstances the legitimate representatives could agree that it applies to all human beings. It is an artefact, after all. However, this possibility faces obstacles. Usually dignity is given prominence in constitutional law and similar instruments as the foundation for detailed human rights. If dignity were a construct agreed upon by parliamentarians and then written into law to promote a more peaceful society, one might as well omit this step and agree the human rights directly. The reason dignity is so prominent—not only in law, but in literature, the media, politics and moral decision-making—is that many think it is not a mere thought construct.¹⁹

¹⁹Meir Dan-Cohen favours a social approach to dignity, which does not rely on Kantian metaphysics and *noumenal* selves. Dan-Cohen (2015: 8) argues that this approach could treat humanity as a biological species so that 'the extension of *Homo sapiens* is as naturally fixed as is the extension of *Loxodonta africana* [the African bush elephant]. *Who* is a human being is a given; *what* she is, is not.'

The alternative is to proclaim that dignity is God-given, and this belief has not lost its influence, even in an era when the authority of the Christian church—at least in many parts of the Western world—has waned. This will be recalled in the next section.

Before we add another disambiguation to the list of dignity meanings in terms of Kant's Formula of Humanity (always treat humanity never simply as a means, but always at the same time as an end), one loose end needs to be tidied up. The formula was explained in two ways, one formulated positively, the other negatively.

1. Human beings must *not* instrumentalise (i.e. use or abuse for one's own agenda) other human beings without their reasonable consent.
2. Human beings have the right always to command respect for their reasonable sense of purpose and self-worth.

What does 'reasonable consent' or 'reasonable sense of purpose' mean in this context, and why is it important? Answering this question will contribute to resolving the first dignity riddle, as we will see below.

2.4.4.4 Does Kant Protect the Sense of Purpose and Self-worth of a Criminal?

Does the respect for dignity inspired by the Formula of Humanity imply that one has to look at every single person's ends and purposes in one's moral actions? Does one have to treat others in accordance with their own purposes, determined by their own hopes, dreams, fears, and desires (Neumann 2000: 286)? After all, prominent philosophers such as Charles Taylor interpret Kant to mean that 'human dignity ... consist[s] largely in autonomy, that is, in the ability of each person to determine for himself or herself a view of the good life' (Taylor 1995: 245). This would mean that everybody's individual view of the good life is worthy of respect. In the words of Bjørn Hofmann, who interprets Kant similarly,

individuals have to be taken into account as whole persons, and their particular conception of the good life and individual way of prospering and flourishing in it has to be acknowledged. That is, one has to attend to and respect the dignity (Hofmann 2002: 89).

This implies that human beings with their different ideas about a good life, in all their diversity, deserve respect as entities with dignity. Yet, this is *very far* from Kant's understanding of respect for human dignity, 'for the criminal would argue on this ground against the judge who sentenced him' (Kant 1997: 39 [4:430]). This is a dilemma, of course. The Formula of Humanity could enable criminals to argue that their sense of purpose and self-worth are being violated through, for instance, punishment. However, this is not at all in line with Kant's spirit.

In order to explain Kant's response to the criminal, Kant's distinction between the *noumenal* and the *phenomenal* world is important. The Greek words *noein* (to perceive through thought) and *nous* (mind) combine to form the term *noumenon*, an object or a world that cannot be perceived through the senses, but only through pure

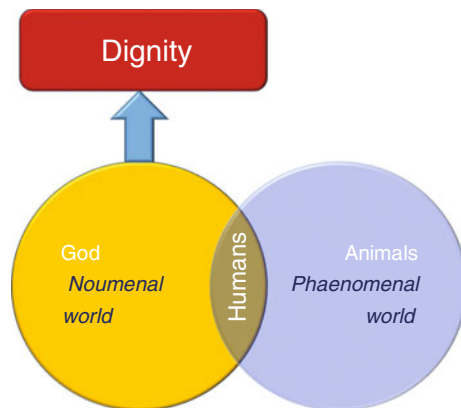
intellectual intuition. As humans are not capable of pure intellectual intuition (only God is, according to Kant) this world is sometimes thought of as an unknowable world, which cannot be proven. Kant also calls *noumenal* objects things in themselves (*Dinge an sich*). By contrast, the *phenomenal* world is the empirical world, which can be perceived and understood through the senses, the world as one sees it in time and space. The way objects present themselves is dependent on the perceiving mind. For Kant, God is entirely in the *noumenal* world, while animals only share in the *phenomenal* world. Human beings are part of both worlds: their rationality is part of the *noumenal* world, their bodies and their inclinations are part of the *phenomenal* world (Kant 1998).

Kant is not interested in humanity as comprising individual, highly diverse, empirical selves with their unique dreams, lives and purposes. These individual dreams and aspirations are part of the *phenomenal* world, which human beings share with animals. Kant is only interested in human beings as autonomous self-legislators and part of the *noumenal* world. As noted earlier, what gives human beings dignity, according to Kant, is their rationality, and it is this rationality that gives them access to the *noumenal* world (Fig. 2.9). As Neumann (2000: 286) aptly put it:

When I contemplate how to treat you, I'm in no way guided by your natural inclinations, your hopes, desires or dreams. These are put to one side. They are unworthy of you as a *person*, a *homo noumenon*, and belong to you only as an intrinsically worthless thing, a *homo phaenomenon*. Treating your rational nature as an end in itself, I ask whether my actions towards you are consistent with the universal principles of pure practical reason. I ask whether my act could be a universal practice, and willed as such. Once I have done so, I'm through with my moral deliberation: if the act is universalizable, I perform it; otherwise not. No messy consideration of what you want as a flesh-and-blood human is required; indeed it is positively excluded.

As Neumann has explained, those parts of human beings that make us distinct flesh-and-blood creatures—perhaps artists, plumbers, novelists, lawyers or criminals—are not relevant to moral decision-making for Kant. One does not need to

Fig. 2.9 Kant's moral world view



listen to and get to know another person in detail before being able to decide how to treat them. In one's dealings with other humans, it does not matter whether one is a woman from rural Nigeria and another a male from the capital of Sweden, with extraordinarily different life purposes. What matters is that the moral decision can be universalised across all human beings. For instance, since rational nature is an end in itself, in other words an entity with absolute inner worth, it is universalisable to prohibit the murder of humans. 'Do not kill' is therefore a universalisable moral precept. A woman from rural Nigeria cannot be stoned to death if she has committed adultery, and a man from Stockholm cannot be killed even if his liver would save the life of the pope. This leads to powerful demands, eloquently formulated by Allen Wood:

The demand that we treat every human being with equal dignity would challenge most ideas, in most cultures, about how people ought to regard one another. ... Human dignity is in this way very dangerous in that it threatens to undermine all traditional ways of life in all cultures. (Wood 2008: 62)

When Kant's thoughts on dignity were first quoted from the *Metaphysics of Morals*, one technical term (used in brackets by Kant) was left out. Now the quote in full.

[A] human being regarded as a person, that is, as the subject of a morally practical reason, is exalted above any price; for as a person (*homo noumenon*) he is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself from all other beings in the world. (Kant 1996: 144 [6:434ff])

Kant does not ask for respect for flesh and blood humans. He asks for respect for the part of humans that belongs to the *noumenal* world. Before proceeding to his view on dignity, Kant writes:

[I]n the system of nature, a human being (*homo phaenomenon*, *animal rationale*) is a being of slight importance and shares with the rest of the animals, as offspring of the earth, an ordinary value (*pretium vulgare*). Although a human being has, in his understanding, something more than they and can set himself ends, even this gives him only an extrinsic value for his usefulness (*pretium usus*); that is to say, it gives one man a higher value than another, that is, a price as of a commodity in exchange with these animals and things, though he still has a lower value than the universal medium of exchange, money, the value of which can therefore be called preminent (*pretium eminens*). (Kant 1996: 144 [6:434ff])

It is only through sharing in the world of rationality, of pure intellect, the *noumenal* world, that human beings are raised beyond ordinary value. This shows again that Kant did not think of dignity as independent of rationality. Only rational beings have dignity. It is now also clear what Kant would say to criminals. Criminals are dominated by their inclinations and desires, which are part of the *phenomenal* world. Had they been guided by reason rather than inclination, they would not have committed a crime. This explanation of the Formula of Humanity, which captures its Kantian spirit appropriately, might seem austere. However, for Kant, 'autonomy lies in the power to act on the basis of duty rather than inclination, whereas in American culture, with its strong libertarian streak, it means the power



Fig. 2.10 Aspirational and intrinsic dignity I

of acting on inclination rather than duty’ (Luban 2005: 826). To understand autonomy as the freedom of individuals to do and to be whatever they like, and human dignity as ensuring that this pursuit of life purposes remains sacrosanct, is to misunderstand Kant significantly (Hayry 2005: 645). Respect is not due to the part of human beings that is influenced by inclinations.

For the reasons given above, the term ‘reasonable’ (based on rationality, as part of the *noumenal* world, to use Kantian terms) was added to the clarifications of the Formula of Humanity, which we can now add as a separate disambiguation to the dignity categories (Fig. 2.10). The contribution of this move to the first dignity riddle will be spelled out in the conclusion of the Western dignity section, but we first need to return to the claim that dignity is intrinsic to all human beings, not only rational human beings, because it is God-given.

2.4.5 *Is Dignity God-Given? the Example of Christianity*

Religion and dignity will be examined in more detail in the section that analyses the concept in the context of Islam. However, a section on dignity in the West would be incomplete without reference to the Christian understanding of dignity. Given that many prominent pronouncements on the topic come from Catholic popes and that Catholicism is the oldest of the main Christian denominations, this section will focus on Catholicism. The Catholic understanding is also of interest because it covers all humans beings in a way that Kantian dignity does not, as was seen above.

For Catholics as Christians, dignity derives from God and the belief that human beings are formed in his image. The director of the Centre for Clinical Ethics in Toronto, an institution established by the Catholic Church, Hazel Markwell, describes this as follows:

The value of dignity of the individual arises from the belief that life has intrinsic worth because people are created in the image and likeness of God. (Markwell 2005: 1132)

Commenting on care for patients in a persistent vegetative state (who would be excluded from a Kantian dignity definition), the Archbishop of Philadelphia, Cardinal Justin Rigali, and Bishop William Lori say:

Our love and support for patients in P.V.S. should be modelled on God's love, which is based not on their current ability to act and respond but on their enduring dignity as human beings, made in his image and likeness and facing an ultimate destiny with him. (Rigali and Lori 2008: 15)

For theologian Ulrich Eibach, the 'character of an "image" implies that God has created and chosen man as his partner' (Eibach 2008: 68). The Christian anthropology of humans as created in the image of God is prominent, as the quotes above show. It has been expressed by Pope John Paul II as follows:

'Man, living man, is the glory of God.' Man has been given a sublime dignity, based on the intimate bond which unites him to his Creator: in man there shines forth a reflection of God himself. (John Paul II 1995)

In some Christian texts, human dignity is regarded as God-given primarily because humans are created in the image of God, but also because of Jesus' human sacrifice. Bishop James McHugh (2001: 441) says: 'Human dignity derives from God's creation of each person, redemption of Jesus Christ, and the call to eternal happiness'. De Chirico (2005: 255) believes that 'Jesus' assumption of human nature elevates man to 'divine dignity'". The Bishops of Texas and the Texas Conference of Catholic Health Facilities (2006: 190) explain very clearly that '[t]he life of each person has an inherent dignity. ... Each person is of incalculable worth because all humans are made in the image of God, redeemed by Christ'.

For practising Catholics, dignity therefore needs no other justification. It is God-given to all and does not require Kantian foundations such as the capacity for moral self-legislation. Hence, dignity is an intrinsic and inviolable property that God invests in *all* human beings. But as with Kantian dignity, it is important to examine what Catholic dignity actually means. In the Kantian example, the Formula of Humanity was helpful. We will now attempt to clarify the meaning of Catholic dignity by examining what violates such dignity.

Patrick Lee, a Catholic professor of bioethics, argues that 'suicide [is...] contrary to the intrinsic dignity of human persons' (Lee 2001). Presbyterian minister and bioethicist Holly Vautier maintains that the 'dignity of all human life has been influential in maintaining ... prohibitions against abortion' (Vautier 1996). Pope John Paul II declares that even '[t]he sick person in a vegetative state ... still has the right to basic health care ... even when provided by artificial means' (John Paul II 2004).

From the above prohibitions against suicide and abortion, and the equation of artificial means of health care with the right to basic health care, one can assume that God-given dignity makes human life sacred. If dignity forbids suicide, abortion and the removal of feeding tubes, then dignity demands respect for the sanctity of human life. This claim can be corroborated further by the following quotations.

It has been argued that Pope John Paul II identified 'new threats to the dignity of the human person. A new cultural climate is developing which gives attacks on, and threats to, human life a new and more sinister character' (McHugh 2001: 442). Here

the author clearly equates a threat to human dignity with a threat to human life. When Hazel Markwell discusses God-given human dignity, as noted above, she refers to the intrinsic worth of human beings because of their likeness to God. She follows this description of human dignity as God-given with the claim that ‘respect for human life results from this principle’ and that ‘life is said to be sacred’ (Markwell 2005: 1132). The Bishops of Texas and the Texas Conference of Catholic Health Facilities (2006: 190) also claim that ‘each person, regardless of age or condition, has exactly the same basic right to life’.

The link between dignity and the sanctity of life is most clearly expressed in Pope John Paul II’s *The Gospel of Life*, the encyclical issued in 1995:

[T]he Gospel of the dignity of the person and the Gospel of life are a single and indivisible Gospel. (John Paul II 1995)

He also writes that ‘every murder is a violation of the “spiritual” kinship uniting mankind in one great family, in which all share the same fundamental good: equal personal dignity’ (John Paul II 1995). Commenting on abortion, he asks: ‘How is it still possible to speak of the dignity of every human person when the killing of the weakest and most innocent is permitted?’ (John Paul II 1995).

Pope Francis agrees. In an address to the US Congress in September 2015, he condemned the death penalty and demanded its global abolition.

I am convinced that this way is the best, since every life is sacred, every human person is endowed with an inalienable dignity. ... (Francis 2015)

In Catholic belief, dignity and the sanctity of life are therefore inseparably linked. In fact one could say that the sacredness of life is the equivalent of the Kantian second categorical imperative. It lays the foundation for duties and rights with regard to human beings. This means that we now have two types of intrinsic dignity: the Kantian sense that applies to all rational beings and argues that they have inalienable rights never to be treated as mere means of somebody else’s ends, and the Catholic belief that the intrinsic dignity of all human beings can be equated with the sanctity of human life (Fig. 2.11).



Fig. 2.11 Aspirational dignity and intrinsic dignity II

2.5 Testing and Critiquing the Taxonomy of Dignity

Discussions have so far elicited a distinction between aspirational and intrinsic dignity, each of which has further elements. The preceding section presented a range of examples. These and a few additional final examples will now be used to test this taxonomy of dignity in the West. Is it clear? Is it comprehensive? Can new examples be grouped under the five headings set out in Fig. 2.11?

In 2008, the National Union of Journalists in the United Kingdom published *Stop Bullying: Challenging Bullies and Achieving Dignity at Work* (NUJ 2008). The document describes procedures to stop bullying interchangeably as ‘harassment’ or ‘dignity at work’ procedure (NUJ 2008: 16). The report defines harassment as:

Unwanted conduct affecting the dignity of men and women in the work place. It may be related to age, sex, race, disability, religion, nationality, sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. (NUJ 2008: 24)

Dignity is thus threatened by demeaning comments (or other actions) that refer to personal characteristics of the offended individual. This effort fits well into the Kantian Formula of Humanity, interpreted as a requirement not to humiliate other people.

A member of the European parliament claimed that a common European solution for refugees was ‘first of all a matter of humanity and of human dignity’ (McAllister 2015). Again, this example would fit well with the Kantian formula of humanity, this time interpreted as a requirement to respect other people’s reasonable sense of purpose and their sense of self-worth. Taking Syrian refugees as an example, one could argue the following. Given that neither their reasonable sense of purpose nor their sense of self-worth is respected by the civil war situation and the dictatorship in their native Syria, respecting their dignity requires first of all offering them a safe place and a possibility to establish livelihoods [Whether human beings, in this case Europeans, have a global duty to respect the Kantian dignity of distant strangers is a question that cannot be resolved here. John Rawls might reply with ‘no’ (Rawls 1999b) and Thomas Pogge emphatically with ‘yes’ (Pogge 2001)].

We have given examples from the world of sport: the rapid exit of all northern hemisphere teams from the 2015 Rugby World Cup and Zinedine Zidane’s famous headbutt in the 2006 FIFA World Cup. The former could easily be linked to dignity, in the sense of rank and position: that is northern hemisphere teams lost their ranking in rugby. The headbutt was interpreted in two different ways: a German journalist was appalled and claimed Zidane had lost all dignity, while a French journalist claimed he had been defending his dignity (assuming the headbutt was in response to an insult to Zidane’s family). On both counts, comportment dignity would have been at stake, with a hint of virtue dignity. From the perspective of the German journalist, one would assume, offences against etiquette, good manners, restraint and willpower were involved in the act. The French journalist, one could surmise, would talk about courage, honour, pride etc., when describing the attack as some kind of self-defence against humiliation.

Nelson Mandela and former Norwegian Minister of International Development Hilde F. Johnson noted that extreme poverty violates human dignity. Given the impact extreme poverty has on human lives, the dignity claim fits into both variants of intrinsic dignity. Extreme poverty is a violation both of the sanctity of life and of the individual's sense of purpose and sense of self-worth.

In *Les Misérables*, Victor Hugo evocatively describes the pain and suffering of extreme poverty, also using the term dignity. He writes:

A terrible thing it is, containing days without bread, nights without sleep, evenings without a candle, a hearth without a fire, weeks without work, a future without a hope, a coat out at the elbows, an old hat which evokes the laughter of young girls, a door which one finds locked on one at night because one's rent is not paid, ... the sneers of neighbours, humiliations, dignity trampled on, work of whatever nature accepted, disgusts, bitterness, despondency. (Hugo 1887)

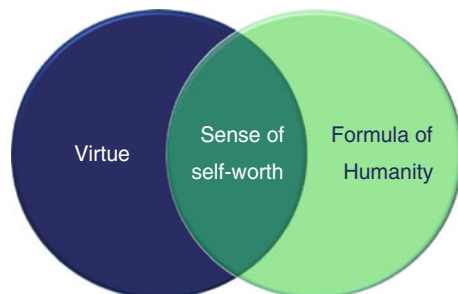
Before commenting on Hugo's description, another quotation is offered. In one of the most famous books in English literature, *Wuthering Heights*, a child of unknown parentage, Heathcliff, falls in love with Cathy, with whom he played during his childhood on the Yorkshire moors. One of the reasons he cannot marry Cathy, even though their passion is mutual, is that he is poor and of unknown parentage. One day Nelly Dean, the servant who narrates the bulk of the story, says to Heathcliff:

Who knows, but your father was Emperor of China, and your mother an Indian queen, each of them able to buy up, with one week's income, *Wuthering Heights* and *Thrushcross Grange* together? And you were kidnapped by wicked sailors and brought to England. Were I in your place, I would frame high notions of my birth; and the thought of what I was should give me courage and dignity. ... (Brontë 1996: 41)

Nelly clearly empathises with Heathcliff's solitude and lack of roots. She tells him that his dignity—his sense of self-worth and pride—can come from his imagination. A sense of self-worth is important for two of the five concepts of dignity. It is a virtue, but at the same time respect for other people's sense of self-worth is an essential part of Kantian dignity (Fig. 2.12).

It is this sense of self-worth that is undermined in Victor Hugo's description of serious poverty, through 'the sneers of neighbours', 'the laughter of young girls'

Fig. 2.12 Sense of self-worth and dignity



and the ‘humiliations’ leading to bitterness and despondency, ‘dignity trampled on’. Likewise, attacks on Heathcliff’s sense of self-worth are related to his poverty and inability to do in life what he wishes to do, to fulfil his life plans, including to marry Cathy. As such a link can be found between dignity as a virtue and dignity as in the Formula of Humanity through the sense of self-worth that is important in both.

David Grossman describes a ‘dignified world’ as a world ‘where every human found the one meant for them, where every love was true love and where one lived eternally’ (Grossman 2003: 250, DS translation). This is a clear ascription of dignity to a precise state of affairs. He could also have called this world a ‘golden world’, ‘an ideal world’, a ‘utopian world’, a ‘dream world’ or any other positive term. It is unclear why Grossman calls this world dignified, and the quote cannot be fitted into the taxonomy, nor can it be called vague. However, one could argue that it is not important to fit a completely unrealistic vision into the general understanding of a concept, which is meant to be of some use in ethical and other debates.

In 2015, the Singapore President’s Challenge Social Enterprise of the Year award was given to Project Dignity, which gives ‘employment, training and dignity to people with disabilities’ (Straits Times 2015). The project has several sub-activities, one of them being Dignity Mama, which sells donated used books in hospitals. This charity’s work too can be linked neatly with Kantian dignity. To be able to contribute to society through trained employment may be more difficult for disabled citizens than for non-disabled citizens. To assist in this enterprise could be interpreted as giving disabled citizens better means to develop further their sense of purpose and self-worth.

In August 2015, Gill Pharaoh died at an assisted suicide clinic in Switzerland at the age of 75. She was a retired palliative care nurse, ‘a contented, affluent woman, in good health, with a loving partner, two children and a grandson’ (Douglas Home 2015). ‘I do not want people to remember me as a sort of old lady hobbling up the road with a trolley’ (Donnelly 2015). For the Spectator, Isabel Hardman wrote that ‘not everyone will think that being “an old lady hobbling up the road with a trolley” is an unbearable loss of dignity, as Pharaoh did’ (Hardman 2015). Pharaoh’s concerns fall into the area of comportment dignity. A UK study showed that ‘dignity was salient to the concerns of older people’ (Woolhead et al. 2004: 166) and that it consisted of elements such as respectable appearance. ‘Participants stated that lack of attention to people’s appearance by hospital or residential staff, such as haphazard buttoning of clothes or dishevelled dress, reduced dignity’ (Woolhead et al. 2004: 166).

To sum up: when we searched for examples of dignity being used as a concept, we encountered a range of examples that did not fit into the given taxonomy. However, none was precise enough to refine or broaden the existing taxonomy. Instead, they were all as vague as Ruth Macklin and others have claimed. They used dignity as a slogan rather than with a precise meaning. These will be discussed briefly now.

2.5.1 Dignity and Vagueness

Friedrich Schiller's 'Die Künstler' (The Artists) is a beautiful poem about dignity, but what it means is not clear.

Der Menschheit Würde	<i>The dignity of Man,</i>
ist in eure Hand gegeben,	<i>into your hands is given</i>
Bewahret sie!	<i>Protector be!</i>
Sie sinkt mit euch!	<i>It sinks with you!</i>
Mit euch wird sie sich heben!	<i>With you it is arisen!</i> (Schiller n.d.)

Schiller could be referring to almost all concepts of dignity. He could be appealing to people to be virtuous, to behave with propriety, to adhere to the Formula of Humanity or to respect the sanctity of a life. As a result, one can conclude that his use of dignity is vague (which is less of an offence for a poem than a political manifesto, of course).

In 2015, Pope Francis addressed the US Congress as follows:

Your own responsibility as members of Congress is to enable this country, by your legislative activity, to grow as a nation. ... You are called to defend and preserve the dignity of your fellow citizens in the tireless and demanding pursuit of the common good, for this is the chief aim of all politics. (Francis [2015](#))

While Pope Francis spoke out against the death penalty as an affront to dignity at the same event, this excerpt from his speech is vague and slogan-like. To preserve the dignity of citizens, as the chief aim of all politics, can mean almost anything or nothing. It can refer to the safety of citizens, their welfare, their prospects and more. To subsume this all under one heading, dignity, is unhelpful when trying to understand what is being advocated.

Maithripala Sirisena took office as President of Sri Lanka in 2015. He noted at a Commonwealth Heads of Government Meeting attended by the Queen in November that year that he was satisfied with progress made on behalf of his people. He emphasised improvements in the areas of 'poverty eradication, promotion of trade, sustainable development, involvement of youth in development activities, growth, equality and dignity of the citizens' (CHOGM [2015](#)).

The President said that what is important is common values and not the power of wealth. He emphasized the imperative need to achieve growth, equality and dignity for the people. (CHOGM [2015](#))

The President listed areas his government's policies were focusing on to improve the life of Sri Lankan citizens. However, it was unclear which improvements were related to the dignity of citizens. Hence, one could say that this, like Pope Francis's exhortation to the US Congress, was an instance of the vague use of the concept, as it not only does not fit into the current taxonomy, but fails to suggest any additional element to the taxonomy.

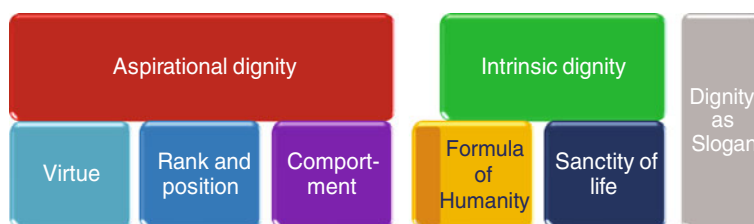


Fig. 2.13 Six types of dignity

In 2010, Tsutomu Yamaguchi died. He had survived both the Hiroshima and the Nagasaki atom bombs. He was described as ‘both the luckiest man in the world and the unluckiest’ (The Week Staff 2010) and quoted as saying the following:

The reason that I hate the atomic bomb is because of what it does to the dignity of human beings (Ryall 2010).

While the obvious death-bringing power of atom bombs could link this statement to the Catholic understanding of the sanctity of life, Yamaguchi’s claim, however moving, is too vague to verify. A separate category of dignity as slogan will therefore be added to the taxonomy. ‘Slogan’, in this context, stands for a memorable phrase that is suitable for repetition and will create different ideas in different listeners without requiring precision (Fig. 2.13).

One response to the ‘dignity as slogan’ category came from Ruth Macklin, who requested that the concept be replaced by respect for persons.

2.5.2 *Could Dignity Be Replaced with Respect for Persons?*

In 2003, Ruth Macklin famously argued that dignity ‘is a useless concept in medical ethics and can be eliminated without any loss of content’. One should simply talk about respect for persons and their autonomy (Macklin 2003: 586). Harvard professor Steven Pinker went even further and argued in response to a 555-page report on dignity from the US President’s Council on Bioethics (Pellegrino et al. 2008) that it is ‘a squishy, subjective notion’ used mostly ‘to condemn anything that gives someone the creeps’ (Pinker 2008).

Macklin’s article was an editorial just over one page long, which received a remarkable 35 official responses in the BMJ (British Medical Journal). By comparison, Amartya Sen’s landmark article ‘Missing Women’ in the BMJ (Sen 1992) received none, and his editorial ‘Missing Women—Revisited’ (Sen 2003) received 15. Macklin’s argument can be summarised as follows:

1. An analysis of appeals to dignity reveals that they are either very vague or used to describe something that could be captured more precisely with other concepts.
2. When the term is used in the context of health care and medical research, ‘dignity’ means nothing other than ‘respect of persons’, which requires informed consent, the protection of confidentiality and the avoidance of discrimination and abusive practices.
3. When the term is used in the context of human cloning, the concept is so hopelessly vague that it is impossible to determine criteria for when it is violated or not. As a result, it is a mere slogan.
4. The reason why dignity is used in so many debates in health care ethics is the use of religious sources.
5. Macklin concludes: ‘Although the aetiology may remain a mystery, the diagnosis is clear. Dignity is a useless concept in medical ethics and can be eliminated without any loss of content’ (Macklin 2003: 1420).

As early as 1840, similar concerns were raised by Arthur Schopenhauer (1788–1860) when commenting on Immanuel Kant’s use of the term ‘dignity’ to mean absolute inner worth. Schopenhauer predicted that dignity would develop into the shibboleth²⁰ of all thoughtless philosophers: a hollow hyperbole inhabited by a nagging worm, the *contradictio in adjecto*.²¹ This means that absolute inner worth carries a contradiction in itself, like ‘square circle’. According to Schopenhauer, ‘worth’ is the estimation of one thing in comparison to another, invariably involving relativity, as the Stoics and Romans already recognised:

[W]orth is the remuneration or equivalent value for something fixed by an expert; just as it is said that wheat is exchanged for barley plus a mule (Dioegenes Laertius, cited in Schopenhauer 2009: 166).

Kant’s understanding of dignity—an incomparable, unconditional, absolute worth—is, like many things in philosophy, according to Schopenhauer, a word for an idea that cannot be thought, such as the highest number or the largest space.

How can one respond to Schopenhauer and Macklin? While Schopenhauer objected to dignity in its totality, without even suggesting a replacement concept, he objected mainly to Kant’s definition of dignity as absolute inner worth. If one links Kantian dignity to the second formula of the categorical imperative, as in our earlier section on Kant, the *contradictio in adjecto* disappears.

²⁰A shibboleth is a peculiarity (originally relating to pronunciation) that reveals to which group one belongs. It goes back to the Old Testament: ‘[W]hen any fugitive from Ephraim asked them, “Let me cross over,” the men from Gilead would ask him, “Are you an Ephraimite?” If he said “No,” they would order him, “Pronounce the word ‘Shibboleth’ right now.” If he said “Sibboleth,” not being able to pronounce it correctly, they would seize him and slaughter him there at the fords of the Jordan River. During those days 42,000 descendants of Ephraim died that way’ (Judges 12:5–6, International Standard Version).

²¹Similar to oxymoron, a *contradictio in adjecto* implies that an adjective added to a noun has caused a contradiction, e.g. ‘married bachelor’, ‘living corpse’.

As for Ruth Macklin's suggestion, one might surmise that Macklin encountered the use of dignity as slogan frequently. This would probably be highly frustrating when one is dealing with pressing practical problems in medical ethics. It is unlikely that her short editorial was meant to criticise the widespread use of the word 'dignity' in legal instruments and other areas such as fiction. That being so, Suzy Killmister responded to Macklin's assertion in an article in the BMJ's *Journal of Medical Ethics* entitled 'Dignity: Not Such a Useless Concept':

In her 2003 article in the *British Medical Journal*, Ruth Macklin provocatively declared dignity to be a useless concept. ... A recent response to Macklin has challenged this claim. Doris Schroeder attempts to rescue dignity by positing ... [several] distinct concepts that fall under the one umbrella term. She argues that much of the confusion surrounding dignity is due to the lack of disambiguation among these ... [different] concepts (Killmister 2010: 160).

In conclusion, Killmister claims that 'Macklin's assessment of dignity as a useless concept was premature', as a disambiguated concept of dignity 'can continue to serve as a guiding principle in medical ethics' (Killmister 2010: 164). In terms of the disambiguation developed further in this book, Macklin's criticism applies only to intrinsic dignity as defined by Kant, as well as dignity as slogan, a focus too narrow to do the concept justice.

2.6 A Common Core of Dignity Building Blocks?

'Such high hopes, and to end like this.'

'Yes, I agree, it is humiliating. But perhaps that is a good point to start from again. Perhaps that is what I must learn to accept. To start at ground level. With nothing. Not with nothing but. With nothing. No cards, no weapons, no property, no rights, no dignity.'

'Like a dog.'

'Yes, like a dog.'

Coetzee (1999: 205)

Before we conclude this discussion of dignity in the West and move on to dignity in the Middle East, are there any building blocks of dignity that are common across the five elements (setting aside dignity as slogan), namely: dignity as virtue, dignity as rank and position, dignity as comportment, dignity equated with Kant's Formula of Humanity and dignity as sanctity of life? Do they have a common core? We would argue that self-worth may be such a common denominator (Fig. 2.14).

In the philosophical and psychology literature, self-esteem and self-respect are described in detail. For John Rawls, 'the most important primary good is that of self-respect' (Rawls 1999a: 386). Rawls uses 'self-respect' and 'self-esteem' interchangeably.

We may define self-respect (or self-esteem) as having two aspects. First of all ... it includes a person's sense of his own value, his secure conviction that his conception of his good, his

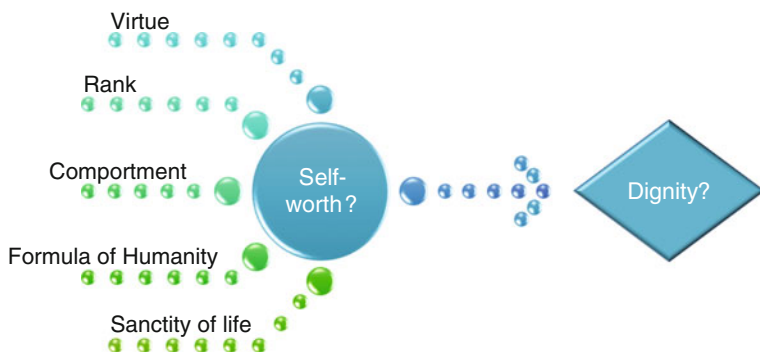


Fig. 2.14 Self-worth and dignity

plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfil one's intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution. Nor plagued by failure and self-doubt can we continue in our endeavours. It is clear then why self-respect is a primary good. Without it nothing may seem worth doing. ... All desire and activity becomes empty and vain, and we sink into apathy and cynicism. (Rawls 1999a: 386)

Feminist writers in particular, have criticised the equation of self-respect with self-esteem. For instance, Michele Moody-Adams argues that self-esteem is confidence in one's life plan and that self-respect is having a solid sense of one's own worth (Moody-Adams 1995). By this definition, it is clear why they would differ. Persons in captivity would have no reasonable confidence in their life plans, but could still maintain a solid sense of their own worth. This also aligns with Laurence Thomas's definition of self-respect: 'A person has self-respect ... if he has the conviction that he is deserving of full moral status, and so the basic rights of that status' (Thomas 1995).

The term 'self-worth' has been chosen here for two reasons: first, to create a link with the Kantian understanding of absolute inner worth, given that Kant was one of the most influential Western theorists of dignity; and second, to avoid disputes about the distinctions between self-respect and self-esteem. It is possible, for instance, to undermine self-respect (understood as a solid sense of one's own worth as a being who deserves respect and has life plans) through the constant undermining of self-esteem (the ability to believe in one's capacity to realise one's life plans). For example, parents who constantly criticise their children as not being good enough, not being able to perform to their parents' expectations, who never give praise, may very well have this effect. Choosing the term 'self-worth' as encompassing both self-respect and self-esteem avoids having to specify the undefinable borderline between the two.

Can virtue, rank, comportment, Kant's Formula of Humanity and sanctity of life all be linked to self-worth in the context of dignity? (Table 2.3)

Table 2.3 Can self-worth be linked to all Western concepts of dignity?

Virtue	A sense of self-worth is highly prominent in virtue ethics. For instance, Aristotelian <i>eudaimonia</i> (happiness) comes to those who always behave virtuously and live life as it ought to be lived. This way of life links well to a sense of self-worth and pride in virtue
Rank	Rank and a sense of self-worth are only indirectly linked. Generally, if the outside world reacts with approval to a person (as many are likely to if the person is highly ranked) this could be one contributing factor—psychologically speaking—for a stronger sense of self-worth
Comportment	Dignified comportment is usually associated with expressing a sense of self-worth, for instance in posture and general demeanour
Formula of Humanity	For Kant, a sense of self-worth is a duty to oneself, and therefore an essential element of human dignity
Sanctity of life	There is no obvious link between the Catholic sanctity of life and a person's sense of self-worth

As has already been noted, a strong sense of self-worth is the overlapping consensus between virtue theory's approach to dignity and the Kantian understanding of dignity. This is pleasing in so far as these are the two main philosophical theories that were examined. Catholicism is a religion and not a philosophical theory, and dignity as rank and dignity as comportment are only minor interpretations of the concept. One could therefore argue that, from a Western perspective, respecting and protecting human beings' sense of self-worth could be a step towards overcoming the differences between aspirational and intrinsic dignity.

2.7 Concluding on the Dignity Riddles

At the outset of the discussion on dignity from a Western perspective, two riddles were set.

- Riddle 1: The German constitution states in article 1(1) that 'human dignity is inviolable' *and* that 'its protection is the duty of all state powers' (Germany 1949: art. 1 I, DS translation). Why would something that is *inviolable* (meaning secure from attack, assault or trespass) need protection?
- Riddle 2: Who is right? According to Germany's most famous poet, Johann Wolfgang von Goethe (1749–1832), 'a laurel is much easier bound than a dignified head for it found'. In other words, dignity crowns only a few select heads. But according to Germany's most famous philosopher, Immanuel Kant (1724–1804), dignity is intrinsic and cannot be denied even to a vicious man. In other words, dignity is not selective; in Kant's interpretation, it belongs to all [rational] human beings

To come to a conclusion on the first dignity riddle, one has to ask: which concept of dignity does the German constitution support? And why does the constitution allow a logical difficulty in its first two statements?

There are two possible answers. Given that the German constitution appeals to intrinsic dignity, it could refer to the Kantian or the Catholic interpretation. Let us start with the first possibility: the German constitution uses the Kantian interpretation of dignity, the Formula of Humanity. Human beings possess a dignity by which they command respect for themselves from all other rational beings. This dignity gives them the right always to exact respect for their reasonable sense of purpose and self-worth. Human beings must never be instrumentalised for the sole use of others without their reasonable consent.

It was observed earlier that, grammatically speaking, the German constitution's first two statements, namely that human dignity *is inviolable* and that all state powers *must protect it* are contradictory. Why would something that is inviolable need protection? Dignity is either violable and needs protection or it is inviolable and does not need protection. This riddle can only be resolved by reference to German history, German jurisprudence and a comparison with other constitutions. As noted, the Iranian and the Saudi Arabian constitutions do not regard dignity as inviolable. In the Iranian constitution, dignity can be overridden in cases sanctioned by law. The Saudi Arabian constitution links dignity only with privacy rights and prohibits dignity violations by the media.

Examples of dignity violations are coercion and torture, as in the Daschner case (see Box 2.1). Other examples given by German legal experts are slavery and human trafficking, forms of discrimination which deny that certain persons belong to humanity, overriding the will through the use of truth serum, hypnosis or systematic humiliation, and intrusions and medical manipulation for reproductive purposes (Bourcarde 2004: 40) (Fig. 2.15). It is here that the Kantian interpretation of dignity makes more sense for the German constitution than the Catholic understanding of the sanctity of human life. First, none of the above instances of dignity violations has as its main purpose to threaten human life. Something else is at stake in systematic humiliation, slavery or torture, namely the instrumentalisation

Fig. 2.15 Possible dignity violations



of some for the sole use of others. Second, only rational beings (in the widest sense, for instance beings who are not in a persistent vegetative state) can have their will overridden by truth sera or can be systematically humiliated.

What the German constitution aims to secure with its first statement that human dignity is inviolable is a *complete* ban by the state on dignity violations such as the ones listed. Naming this principle as the first principle of the constitution is an attempt to prevent for all time the return of the atrocities committed by the German state in the 1930s and 1940s. According to jurisprudence specialists, it means that—in extreme cases—the state is allowed to intervene in all other basic rights (including the sanctity of life), but never in the principle of dignity (Bourcarde 2004: 39). Even if, as in the Daschner case, the deputy police chief assumes that a child victim of abduction may be dying of thirst in a hideout while the lone abductor is in police custody, the German constitution cannot even sanction the threat of coercion (as happened in this case, in contravention of the law). In this sense, human dignity is inviolable in the German constitution: dignity violations are always illegal and offend the first principle of the German constitution understood in a Kantian sense.

However, even if state forces always obeyed this rule (and the Daschner case shows that they do not), dignity violations (e.g. human trafficking) would still occur, which is why the second German constitutional principle states that the protection of human dignity is the duty of all state powers. Hence, to answer the first dignity riddle: the German constitution expresses a belief in Kantian dignity that is so strong that it produces a contradiction in its first two principles. This can be attributed to the powerful obligation felt by the fathers and mothers of the constitution to avoid, for all time, utterly unjustifiable violations of the reasonable sense of purpose and self-worth of any human being.

This tenet is so strong that it also deviates from Kant's belief that the Formula of Humanity applies not to all human beings, but only to those with rational faculties. The constitutional prohibition against dignity violations applies to all human beings. It is here that the dignity understanding of the German constitution aligns most closely with the Catholic precept of the sanctity of life.

Turning to the second dignity riddle, who is right, Goethe or Kant? Is dignity a crown that decorates only a few heads or an intrinsic property of all human beings? The answer to this riddle was given with the taxonomy of dignity. For some interpretations of dignity, Goethe is right, for some Kant. Dignity as virtue, as rank and as dignified comportment are selective. Dignity as understood by Kant (with the small proviso regarding the realm of dignity being aligned with the realm of rationality) and dignity as understood by the Catholic Church are intrinsic. Hence, Goethe is right and Kant is right, each for a different understanding of dignity.

We have therefore been able to resolve both dignity riddles, and also clarified the term through systematic disambiguation. The next section examines what dignity means in the Koran, written from a spiritual, rather than disambiguating, analytical perspective.

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Dignity in the 21st Century

Middle East and West

Schroeder, D.; Bani-Sadr, A.

2017, XIII, 101 p. 19 illus. in color., Softcover

ISBN: 978-3-319-58019-7