

What's So Special About Human Dignity?*

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I must confess that I don't know exactly what that is: human dignity.

- Jean Améry, *At the Minds Limits: Contemplations by a Survivor on Auschwitz and its Realities* (Bloomington: Indiana University Press, 1980), p. 27.

What a sorry state for the human mind to be in, that the most remote and trivial ideas about the revolution of the heavens should be better known than the moral notions which are near to hand and of the greatest importance... This apparent paradox vanishes if we consider how objects too close to our eyes become blurred.

- Cesare Beccaria, "Of Honour" (1764) in *On Crimes and Punishments and Other Writings* (Cambridge: Cambridge University Press, 1995), ed. Richard Bellamy, p. 26.

I

Human dignity is something special. Or so it seems to us humans at least. As one prominent theorist recently explains: "The core idea of human dignity is that on earth, humanity is the greatest type of being."¹ And who could deny it? Don't our unique human capacities (for reason, technological mastery,

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¹ George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011), pp. 3-4.

freedom, self-control, etc.) mark us out from the beasts, as it were? Don't they grant us a special dignity – an elevated place in the order of creation?²

It is a wonderful piece of self-flattery. But nothing in the concept of human dignity actually commits us to it. Dignity can be shared across species. There is no logical rule against this. Indeed, chickens may well have a dignity (i.e., chicken dignity) that rivals that of human beings, even if it may not impose the same practical requirements (such as the right to vote). At its core, talk about human dignity is simply talk about the kind of dignity attributable to human beings; it need not make any assumptions, positive or negative, about the dignity attributable to other animals. This is not a trivial point. As Michael Meyer puts it, it would be a “cruel irony” if human dignity, a foundational moral idea of our time if anything is, turned out to be an inextricably speciesist concept.³

This paper argues that human dignity is special in a rather different sense. If we think of normative concepts (justice, mercy, charity, freedom, equality, utility, etc.) as plural – that is, if we think there is more than one, and that each picks out a meaningfully distinct set of concerns – then we might wonder how the concept of human dignity fits into this varied landscape. Is there anything *special* about the concerns it raises, or the practical directives it issues? And if so, what?

In what follows, I suggest that dignity's concern is with social status and its markings – or what we sometimes call “honor.” What it requires is that we avoid subjecting people to the specific (socially oriented) harm of humiliation or degradation and, more positively, that we help protect them from such harm, too. In arguing this, I am taking sides in an established

² For a classic formulation of this (still popular) view, see Cicero, *On Duties* (Cambridge: Cambridge University Press, 1991), eds. M.T. Griffin & E.M. Atkins, Book 1 (105), p. 41. For more recent formulations, see Kateb 2011; Patrick Lee and Robert P. George, “The Nature and Basis of Human Dignity” in *Ratio Juris* (2008), Vol. 21, No. 2, pp. 173-93; James Rachels, *Created From Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), p. 171; and Jeremy Waldron, *One Another's Equals: The Basis of Human Equality* (Cambridge: Harvard University Press, 2017), e.g. pp. 3-4.

³ Michael Meyer, “The Simple Dignity of Sentient Life: Speciesism and Human Dignity” in *The Journal of Social Philosophy* (2001), Vol. 32, No. 2, p. 115. For more on this, see Will Kymlicka, “Human Rights Without Human Supremacism” in *Canadian Journal of Philosophy* (2018), Vol. 48, No. 5, pp. 763-92; Martha Nussbaum, “Compassion & Terror” in *Daedalus* (2003), Vol. 132, No. 1, p. 18; Peter Singer, *Animal Liberation* (New York: Harper Collins, 2002), pp. 198-9.

debate.⁴ But I offer new reasons for taking this side, and develop the technicalities of the view.

Theories of dignity are often stipulative.⁵ Some associate dignity with a duty to respect the moral inviolability of persons;⁶ others, with a duty to promote basic capabilities;⁷ others, with the virtue of self-control;⁸ and so on. Apart from observing certain obvious constraints – e.g., that human dignity must belong to all human beings, and generate reasons and/or duties – thinkers just seem to plonk down in favor of their preferred view. And this fuels a common perception that dignity is, in the end, just a placeholder (“nothing but a phrase”) on which nearly any theoretical agenda can be projected – a quality that some have argued is, ironically, key to its success.⁹

But dignity is not just a placeholder. On the contrary, it is rich in normative content. And this content is, once again, special; it has to do with our social lives, and social vulnerabilities, in particular. Moreover, we can demonstrate this by examining considered judgments about particular cases.¹⁰

⁴ In particular, I side with thinkers like David Luban, “Human Dignity, Humiliation, and Torture” in *Kennedy Institute of Ethics Journal* (2009), Vol. 19, No. 3, pp. 211-30; Avishai Margalit, *The Decent Society* (Cambridge: Harvard University Press, 1998), tr. Naomi Goldblum; Daniel Statman “Humiliation, Dignity and Self-respect” in *Philosophical Psychology* (2000), Vol. 13, No. 4, pp. 524-40; and Jeremy Waldron, *Dignity, Rank, and Rights* (Oxford: Oxford University Press, 2012).

⁵ I borrow the description from Waldron (2012, pp. 22-3).

⁶ Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), p. 198; John Rawls, *A Theory of Justice: Revised Edition* (Cambridge: Harvard University Press, 1971/1999), p. 513; John Tasioulas, “Human Dignity as a Foundation for Human Rights” in *Understanding Human Dignity* (Oxford: Oxford University Press, 2013), ed. Christopher McCrudden, pp. 307-8.

⁷ Martha Nussbaum, “Human Dignity and Political Entitlements” in *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C., 2008), pp. 351-81.

⁸ Michael Meyer, “Dignity, Rights, and Self-Control” in *Ethics* (1989), Vol. 99, No. 3, pp. 520-34.

⁹ See Charles Beitz, “Human Dignity in the Theory of Human Rights: Nothing but a Phrase?” in *Philosophy and Public Affairs* (2013), Vol. 31, No. 3, pp. 259-90; Kateb 2012, p. 4; Christopher McCrudden, “Human Dignity and the Judicial Interpretation of Human Rights” in *European Journal of International Law* (2008), Vol. 19, No. 4, pp. 675-8; John Tasioulas, “Human Rights, Universality, and the Values of Personhood: Retracing Griffin’s Steps” in *European Journal of Philosophy* (2002), Vol. 10, No. 1, p. 95.

¹⁰ I understand “considered judgments” in the classic Rawlsian sense (Rawls 1999, p. 42).

II

A complete philosophical theory of human dignity should have four main components. First, it ought to tell us something about human dignity's *nature*, or "what" it is. Is it a kind of value, status, or virtue?¹¹ Second, once we understand what human dignity is, we'll want to know what *grounds* it – that is, how and why one comes to possess or lose it. Third, as a normative concept, a complete theory of human dignity should tell us what its *practical requirements* are: what duties and/or reasons it generates. And fourth, there are *methodological* questions about how inquiry into all of this should proceed and be understood.

One natural way to construct such a theory is to begin by answering the first question, about human dignity's nature, and then to address the other questions accordingly. For instance, if we start by thinking of dignity as a virtue, this will structure our thinking about its grounds and practical requirements. On the one hand, it will have to be grounded in aspects of one's character and behavior (for example, the tendency to "stand up for oneself," or to keep composure under challenging circumstances). And as for its practical requirements, these will depend, at least in part, on our understanding of the correct response to virtue (or vice), such as praise (blame), admiration (contempt), or reward (punishment), etc.

My strategy here will be different, and in a sense opposite. Instead of starting with an account of its nature, I will start with some observations about human dignity's practical requirements – in particular, about the conditions of its "violation." The various accounts or theories of human dignity I consider below should be understood as accounts of these requirements, first and foremost. Once we are satisfied that we have the right practical account, we can then use it as a benchmark for understanding the idea more generally.¹²

III

To see why it makes sense to think of human dignity as (normatively) special, consider a familiar sort of event.

Bicycle Theft: Sheila bikes to work one morning. Upon arrival, she responsibly locks her bicycle to a rack on which plenty of other bicycles are also locked. At

¹¹ I am alluding, here, to helpful distinctions drawn by Michael Rosen in *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012).

¹² I attempt this, albeit briefly, in Section XI.

the end of the workday, she once again emerges, only to discover that her bicycle has been mercilessly stolen.

Sheila is, of course, morally wronged in this instance. If, like her, you own a bicycle, others have a corresponding duty not to take it without your consent. But however obvious it is that Sheila is wronged, it is not as clear that her human dignity is at stake, or in any way undermined. Indeed, I think most would resist understanding this as a violation of human dignity, at least on the current description.

The same is true of countless other ordinary moral wrongs. Consider a second case:

Vandalism: One evening, a group of adolescents get up to no good and, in a fit of juvenile delinquency, throw a rock through the window of a local corner store. Thankfully, it is after closing hours, so the shop is empty, and no one is hurt.

This too, of course, is a moral violation – one committed against the shop owner(s) in particular. But do the reckless adolescents violate anyone’s human dignity? Once again, this seems less clear.

Not all moral wrongs convincingly register as violations of human dignity, then. And this is evidence that dignity is normatively special – that its violation represents a particular *type* of wrong. Such a claim might seem obvious, in the abstract. But it happens to be at odds with a large body of existing theory. According to many theorists, for example, human dignity is concerned with humanity’s membership in the moral community – with “moral status” – rather than the provision of some particular moral good.¹³ This is what we might call a Gateway theory. Any treatment short of what is owed to human members of the moral community will violate dignity, on such a view.

What sort of conduct might this include? That depends on which type of Gateway theory we adopt. On a standard version of the view, human dignity requires respect for the moral “worth” of *Homo sapiens* – for the fact that, unlike rocks, cloud formations, and kitchen cabinets, human beings are objects of intrinsic (rather than merely instrumental) concern, and are owed a full gamut of moral observances in light of this.¹⁴ On another version,

¹³ Beitz calls these “encompassing” theories, to indicate their moral breadth: Beitz 2013, pp. 279-80.

¹⁴ It will of course matter what kind of “worth” this consists in, exactly (e.g., is it divine?). But just to give one typical example, Patrick Lee and Robert P. George suggest that treatment consonant with moral worth involves: (1) not killing human beings, (2) taking their well-being into account when we act, and even (3) complying with the golden rule (Lee & George 2008, p. 173).

popularized by thinkers like Joel Feinberg and Stephen Darwall, dignity demands respect for the moral “authority” of persons: the right to *claim* moral treatment, or “stand up” and insist that one actually gets what one is owed.¹⁵ This is sometimes understood as a requirement of respect for rights, i.e., an agent’s authoritative claims against others.¹⁶ But it is also understood in contractualist terms, as a basic demand to treat others in “justifiable” ways.¹⁷

Either way, Gateway theories can hardly make sense of our judgments about *Bicycle Theft* and *Vandalism*. Not only do these cases both involve (“unjustifiable”) moral wrongs, they both involve rights violations, and thus violations of dignity, on the Gateway view.

Perhaps this moves too fast. It is possible that these cases do in fact register as attacks on human dignity: just very minor (nearly undetectable?) ones. After all, as far as moral wrongs go, these are relatively harmless, and certainly not the worst kinds of things that can happen to a person. If minor wrongs like these come across as minor violations of human dignity, this is conceivably all well and good from the point of view of Gateway theories.

But this conciliatory strategy won’t work. For one, even if there is room for disagreement about this, it seems entirely natural to understand *Bicycle Theft* and *Vandalism* as posing *no* threat to human dignity. And that’s of course not something that can be explained by appealing to the *minor* nature of the wrongs themselves. More importantly, though, we shouldn’t confuse the gravity of a crime with its patency. Even if they aren’t especially grave, the two cases patently involve moral wrongs – indeed, rights violations. According to Gateway theories, they should also patently involve dignity violations. But they do not.

IV

These cases give us reason to think human dignity is special: that not *all* moral wrongs violate, attack, besmirch, or undermine it. Still, this only raises a further question. If dignity is special, what’s so special about it? What distinguishes “dignitarian” from “non-dignitarian” harms?

¹⁵ See Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), pp.13-4; Joel Feinberg, “The Nature and Value of Rights” in *The Journal of Value Inquiry* (1970), Vol. 4, No. 4, pp. 252-3.

¹⁶ Darwall 2006, pp. 18-20; Feinberg 1970, p. 252.

¹⁷ Rainer Forst, “The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification” in *Philosophy and Social Criticism* (2011), Vol. 37, No. 9, pp. 965-76. I consider a more minimal interpretation of the view in fn. 34, below.

To answer this, we need more data. And for that, we can consider variations on the preceding cases, and others. If we discover any patterns in these variations, or factors that consistently trigger (or assuage) concerns about dignity, this will be instructive. For instance, while the average bicycle theft isn't naturally (or normally) pegged as a violation of human dignity, much depends on the details. What if Sheila is a disabled person, and her bike is stolen as part of a premeditated attack designed to take away her only means of independent transportation – a modified bicycle custom-built for her at great cost? If this is part of the case description, it becomes more natural to think of it as an assault on dignity.¹⁸

Or imagine, in *Vandalism*, that the adolescents involved are young members of the Ku Klux Klan, and attack the store in order to intimidate its owners: an African American family that has just recently moved into a mostly white neighborhood. Once again, these details change things; they make it more natural to think of the case as an attack on human dignity.

Consider, in addition, a third case.

Homicide: Late one evening, Charlie is walking home. As he nears the doorstep of his apartment building, two armed assailants approach him, and attempt to steal his backpack. This creates a struggle, in the midst of which one of the assailants fires a gun at Charlie, striking him once in the chest. The injury proves fatal.

Unlike the previous cases, this is a grave crime from the start. Like those cases, however, altering its details can transform its dignitarian significance. Suppose, once again, that we introduce an element of discrimination: Charlie is attacked because he is an immigrant who, according to the assailants, does not “belong” in their country. Or, suppose we alter details about the manner in which Charlie is killed. What if Charlie is shot, not haphazardly in “the heat of the moment,” as it were, but in cold blood, at point blank range, in the head? Or what if Charlie is made to kneel or lie down before being shot from behind, in the style of a summary execution? What if he is beheaded on his doorstep?

These excruciating details transform the nature of the crime in a profound way. They inject a kind of offense (or outrage) into it that wholly engages concerns about human dignity. But what, if anything, does this tell us about the nature of such concerns?

V

¹⁸ For a related, real-world case: when baggage handlers lost his motorized wheelchair, Justin Levene, a paraplegic, dragged himself through Luton Airport to show that the loss was an issue of “personal dignity” (BBC, Nov 2nd, 2018).

The philosophical literature provides us with a litany of interpretive options here. Setting Gateway theories to one side, there remain a number of influential theories that tie human dignity to a specific moral value, principle, or injunction – one which, crucially, may be at issue in the case of some moral wrongs but not others. To simplify things, we can group these theories under two broad headings: Autonomy and Inviolability theories. Autonomy theories link human dignity to a requirement of respect for human autonomy. Inviolability theories link it to respect for the moral inviolability of persons or the rights thereof. Let's consider each group in turn.

Some Autonomy theories focus strictly on so-called “negative” liberty: that is, simple duties of non-interference.¹⁹ But most incorporate positive duties as well. For instance, James Griffin links human dignity to respect for “personhood” – our capacity to independently formulate a life plan and then to act on it.²⁰ Respecting this capacity involves non-interference, but it also requires material and educational assistance (what Griffin calls “minimum provision”).²¹ Similarly, Martha Nussbaum understands human dignity to require “creating the conditions” in which individuals can exercise and develop their “central human capabilities,” such as capacities for health, imagination, thought, sensation, emotion, practical reasoning, friendship, and play, etc.²² This isn't just a matter of leaving people alone. It requires providing them with reliable access to various life-enhancing goods.

These are attractive theories, considered on their own terms. But they have questionable interpretive power in the present context. It is true that, in *Bicycle Theft*, part of what distinguishes the more egregious, dignity-violating version of the crime is that, in it, Sheila loses not just a bicycle but her sole means of independent mobility – an important aspect of her personal autonomy. So, Autonomy theories do have some hope of explaining why that version of the case more naturally registers as an attack on dignity. But consider *Vandalism*. The variations on that case differ only with respect to the motives and identities of the parties involved. In both instances, the impact of the crime on the victim and (most importantly) their autonomy is the same: the victim's shop-window is broken. As such, it is unclear how Autonomy theories can explain the marked difference between the two versions of the case, with regards to their dignitarian significance.

The same is true of *Homicide*. Why, for instance, does a coldblooded gunshot to the head strike us as more of an affront to human dignity than a frightened gunshot to the chest, when both are squarely against the wishes of

¹⁹ David Boas, *Libertarianism: A Primer* (New York: The Free Press, 1998), Ch. 4.

²⁰ James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008), p. 33, 249.

²¹ *Ibid.*, p. 33.

²² Nussbaum 2008, pp. 359 (& 377-8 for the list of such capabilities).

the victim, and equally likely to result in death and the destruction of agency? Why do factors like the posture and position of a victim and perpetrator at the moment of killing so strongly amplify (or relax) our sense that human dignity is at stake? Why, when all else is equal, do facts about the attitudes of a perpetrator towards their victim, and whether these attitudes are discriminatory or not, demeaning or not, so strongly affect our sense of whether that perpetrator violates human dignity? These questions are not easily answered by Autonomy theories.

Inviolability theories face even graver interpretive difficulties. According to such theories, human dignity requires that every individual enjoy a set of basic entitlements (e.g., to life, privacy, autonomy, equality, minimum welfare, etc.) that, barring only the most extraordinary circumstances, are not to be overridden or traded off, even when this would serve some plausibly greater good.²³ As John Rawls puts it, it means that persons “possess an inviolability... that even the welfare of society as a whole cannot override.”²⁴ This idea is often associated with Kant, and his “Formula of Humanity,”²⁵ but it also finds expression in Catholic ethical doctrine, where dignity is similarly associated with an “inviolable” right to life – often in a markedly absolutist mode.²⁶

This is a popular way of understanding the practical import of human dignity: that it erects a strong (normative) “shield” around individual rights or persons. Still, it too has limited heuristic value in the present context. The main reason for this is that *all* of the cases described above, regardless of variation, break this shield, as it were – they all violate “inviolable” rights (e.g., to life, liberty, and property). According to Inviolability theories, the cases should therefore *all* come across as blatant violations of human dignity. But again, they do not; some register as more obvious attacks on dignity than others. And it is not clear how Inviolability theories can explain this. Where else might we look for insight, then?

VI

²³ See Dworkin 1977, p. 198; Tasioulas 2013, esp. pp. 307-8. For a high-profile legal example, see the 2006 *German Airliner Case*, helpfully discussed in Rosen 2012, pp. 104-7.

²⁴ Rawls 1999, p. 513.

²⁵ Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge: Cambridge University Press, 1785/1997), Translated by Mary Gregor, p. 38 (4:429). Oscar Schacter makes this association explicit in “Human Dignity as a Normative Concept” in *The American Journal of International Law* (1983), Vol. 77, No. 4, p. 849.

²⁶ See Pope John Paul II, *Evangelium Vitae* (March 25th, 1995), which takes a characteristically absolutist stance on issues such as stem-cell research, abortion, and euthanasia.

In 1970, the sociologist, Peter Berger, published a short essay entitled, “On the Obsolescence of the Concept of Honor.”²⁷ In it, he argued that the idea of “honor” has grown outdated: today, an individual asserting it “hardly invites admiration, and one who claims to have lost it is an object of amusement.”²⁸ In place of honor, Berger argues, the modern West has rallied around the notion of “human dignity,” which he understands to be importantly different.

Berger explains that the acquisition and maintenance of honor is a social achievement. It requires public display, external approval, and the fulfillment of social roles. Human dignity, by contrast, is a more inward-looking concept, in Berger’s view. It is something one is meant to possess and pursue *outside* of the strictures of society, as part of a romantic search for individual authenticity or self-enlightenment.²⁹

Berger’s thesis is interesting because it draws a contrast I think we’re best off rejecting. Like Jeremy Waldron and others, I believe it is more illuminating to focus on the *continuities* between the “old” notion of honor and the “new” concept of universal human dignity.³⁰ Much like insults to honor, violations of human dignity characteristically humiliate, shame, degrade, and embarrass. They attack our *social* standing, above all – undermining our sense of “pride” and belonging in society. This is, in short, what I think is special about human dignity. What it demands is that we avoid subjecting others to gross humiliation or degradation, and that we help protect them from such harm, too.³¹

According to the *Oxford English Dictionary*, to “degrade” means to “reduce from a higher to a lower rank, to depose from a position of honor or estimation.” If we think of human dignity as essentially concerned with a harm of this sort, we can make good sense of the cases (and variations) examined in Sections III and IV.

Consider *Bicycle Theft*, for example. Part of what separates the dignity-violating version of that case from its ordinary counterpart is not just its greater overall impact on the victim’s life, but its degrading or humiliating character. The case is degrading for a number of reasons. For one, unlike its more benign counterpart, it strips its victim of something ordinarily considered (and that we expect Sheila herself considers) crucial to one’s

²⁷ Reprinted in: Peter Berger, “On the Obsolescence of the Concept of Honor” in *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame: Notre Dame University Press, 1983), pp. 172-81.

²⁸ Berger 1983, p. 172.

²⁹ *Ibid*, p. 176.

³⁰ See fn. 4 for relevant references.

³¹ I do not draw any conceptual distinction, here, between humiliation and degradation.

pride or self-respect: independent mobility. In this regard, the sheer *impact* of the crime degrades its victim in a way that ordinary cases of bicycle theft do not.

Then there is the matter of the crime's *intent*. Unlike ordinary cases of bicycle theft, this is a malicious and premeditated attack on a disabled person, which is significant in two respects. First, it means that there is something distinctly personal about the theft. It is not a coincidence that the stolen bicycle is Sheila's; rather, the perpetrator steals Sheila's bicycle precisely in order to attack *her*. It is humiliating (not to mention terrifying) to be targeted for attack by others, particularly when this is to exploit a vulnerability (in this case, a physical disability) that is already a source of stigma for the victim involved. In this way, the dignity-violating theft reinforces, or forms part of, a more general pattern of social exclusion and discrimination that is degrading in its own right.

Second, the intended impact of the crime – to render Sheila dependent and immobile – suggests that it is meant not just to harm or disable but, indeed, to humiliate its victim: to attack her sense of pride and equal membership in society. Actions can degrade unintentionally. Torture, for instance, is degrading even if this is unintended. But when actions are purposefully designed to insult, humiliate, or degrade, this typically heightens the sense in which they do.³² By the measure of both its impact and intentions, then, the dignity-violating version of *Bicycle Theft* is notably more degrading than its counterpart. There is a positive fit, here, between the degrading character of a crime, on the one hand, and the patency of its status as a violation of human dignity, on the other.

This correlation bears out across the other cases as well. *Vandalism*, for instance, violates human dignity only when it becomes degrading in intent: that is, once it shifts from being a product of ordinary juvenile delinquency, into a hate crime. As a hate crime, *Vandalism's* intent is degrading in much the same way as above. First, it is no longer a random but, now, a targeted attack on an African American family, *because* they are African American (in our world, already a source of social stigma and systematic discrimination). Moreover, it is now meant not just to harm but to socially terrorize its victims: to make them feel unwanted, excluded, humiliated, and afraid.

Or consider *Homicide*. When the assailants make Charlie kneel down for formal execution, it is clear that they are interested in more than just a

³² As Daniel Statman notes: "The pure cases of humiliation are those in which the humiliator explicitly seeks by his actions to reject the victim, to humble and degrade him, to exclude him from a specific group or from the family of man altogether. The weaker these evil intentions are, the weaker the justification is for feeling humiliated. When no such intention exists, humiliation is often out of place." (Statman 2000, p. 531)

backpack. Their aim must be to add *insult* to injury – to say something demeaning about the victim (e.g., that he is worthless, base, despicable, etc.) and their relationship towards him (e.g., that it is one of subordination and/or antipathy). This makes the crime viscerally degrading in a way that it otherwise isn't, and a blatant offense to human dignity as a result.

VII

This completes the basic argument of this article. If we put abstract theory aside for a moment, and look instead at our concrete (“applied”) judgments about what human dignity practically requires, and when it is violated or most at stake, we see that it is preoccupied not simply with moral status (or even specific moral goods like respect for inviolability or autonomy) but with *social* status – with “honoring” a person, as opposed to humiliating or degrading them.

But just what is it to degrade or humiliate (or, by contrast, to “honor”) someone? If we can't say anything more about the nature of such a harm (or good), then it won't mean very much to say that dignity is concerned with it. This is not the place to offer a comprehensive account. But we can make decent sense of the preceding observations, at least. If we start, once again, from the general idea that to degrade is to “reduce from a higher to a lower rank, to depose from a position of honor or estimation,” we can identify at least three broad forms of humiliation or degradation.

(A) *Disrespectful Attitudes*

First, and perhaps most straightforwardly, an agent can degrade or humiliate by adopting a *disrespectful attitude* towards others. An attitude, as I shall understand it here, is “a complex set of dispositions to perceive, have emotions, deliberate, and act in ways oriented towards [someone].”³³ And an attitude is disrespectful if it has, quite simply, some contemptuous or demeaning component. This may involve moral disregard: a belief that someone has no (or lesser) moral value or authority – like a mere object or plaything.³⁴ Or it might involve something closer to disesteem: a failure of

³³ Elizabeth S. Anderson and Richard H. Pildes in, “Expressive Theories of Law: A General Restatement” *University of Pennsylvania Law Review* (2000), Vol. 148, No. 1, p. 1509.

³⁴ This means that there is a sense in which Gateway theories do capture an important dignitarian demand – providing they govern our *attitudes* towards others. Indeed, the same is true of Autonomy and Inviolability theories. It is quite plausible, and entirely consistent with the preceding case studies, to think of human dignity as demanding that we “see” human beings as morally valuable/authoritative agents

what Darwall calls “appraisal” (as opposed to “recognition”) respect.³⁵ If we think about the degradations of a caste society, for example, these are not just about moral discrimination, i.e., the assignment of lesser rights, value, and opportunities to certain members of the population. They are also about the attitudes of disgust, contempt, and subordination directed towards such persons, e.g., those deemed “untouchable.”

Attitudes can degrade because they are fundamental constituents of social relationships, and of social status in general. To fully inhabit a social position (friend, colleague, ruler, citizen, celebrity, etc.) others must reliably *take* one to have it – that is, one must be “seen” as having it.³⁶ Chloé and Lesley are not really friends, they do not really enjoy “friendship,” unless they both regard each other *as* friends (itself a socially constructed category). When others fail to adopt the relevant attitudes towards us, then, this can threaten, undermine, and even obliterate our social position, humiliating or degrading us.³⁷ And this is true even if others treat us *as if* we hold a position they do not regard us as holding, or as worthy of holding. A white supremacist may treat their black neighbor as an equal without regarding them as one – that is, without regarding them as genuinely deserving of such treatment. It may be better, all else equal, for the racist to dissemble here. But their supremacist attitude is degrading, nonetheless.

(B) *Expressions of Disrespect*

In addition to holding disrespectful attitudes, agents can degrade or humiliate by treating others in ways that *express* such attitudes.³⁸ Expressing

entitled to various freedoms, and/or inviolable protections. But this is not yet a standard of *treatment*. In the following two subsections, (B) and (C), I explore dignity’s bearing on the latter.

³⁵ Stephen Darwall, “Two Kinds of Respect” in *Ethics* (1977), Vol. 88, No. 1, pp. 36-49. In later work, Darwall understands “honor” as a “kind of recognition rather than appraisal respect.” (Stephen Darwall, *Honor, History, & Relationship: Essays in Second-Personal Ethics II* [Oxford: Oxford University Press, 2013], p. 17). I think honor can involve both.

³⁶ See Peter Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Penguin, 1966), pp. 120-1 (on the social power of “symbolic” universes); Gerald Cohen, “Notes on Regarding People as Equals” in *Finding Oneself in the Other* (Princeton: Princeton University Press, 2013), p. 197.

³⁷ Self-perception is a crucial factor here, too. Chloé is not really Lesley’s friend unless she sees *herself* as such. This may be why the maintenance of self-respect is so often considered pivotal to dignity.

³⁸ I rely heavily, here, on the technical account of expressive harm offered by Elizabeth S. Anderson & Richard H. Pildes (2000). Anderson and Pildes do not

an attitude involves manifesting it in one's actions or statements in some way – including via gesture, tone of voice, posture, forms of art, or other expressive media.³⁹ And the attitude expressed or manifested by an agent's behavior partly depends on intent, i.e., the reason(s) for which the agent acts. This is because intentions reflect the attitudes one has. For instance, to borrow an example from T.M. Scanlon, if I call my sick relative because I am concerned about her welfare, the call expresses my care for her. But if I call because I hate her and expect I will enjoy hearing how weak she sounds, the same act now expresses an entirely different (disturbingly sadistic) attitude.⁴⁰

Some actions express attitudes more overtly, because they are specifically designed to *communicate* them, i.e., to make others aware of an agent's attitudes by "sending a message." This is of course a particularly important form of expression.⁴¹ Consider *Vandalism*, once again. If the attack on the shop window is a matter of ordinary juvenile delinquency, it demonstrates a certain idiocy and recklessness, to be sure. If this is a hate crime, however, it transforms in two respects. First, it expresses a different (and notably darker) set of attitudes: hatred, domination, and exclusion. This alone is enough to mark the crime as an insult to human dignity. But there is something else. As a hate crime, *Vandalism* is also designed to communicate those attitudes, to make the shop owners (and perhaps others) *aware* of their unwantedness by hurling an insult – as if to say, aloud: "You don't belong here!"

All this helps us understand why intent matters in the way the foregoing analysis suggests. First, it explains why it is humiliating to *target* someone for mistreatment. I may be brazenly cut off by a fellow driver in rush hour traffic. This is of course a nuisance. And it expresses or demonstrates a certain jerkishness. But it is not an attack on my human dignity because it is not really (at least not normally) an attack on *me*. Like an indiscriminate bicycle theft, it does not matter to the driver that *I* am the person they cut off; indeed, they may hold no specific attitude towards me. They just want to get home from work as fast as possible (and I just happen to be in the way). But

themselves draw an explicit connection to dignity (though they do consider expressive harms to be "degrading" and "humiliating" – e.g. pp. 1544-5). Others make the connection more explicit: Sarah Buss, "Appearing Respectful" in *Ethics* (1999), Vol. 109, No. 4, p. 802; Rosen 2012, pp. 57-8.

³⁹ "...the trip of a foote, the thrust of an elbow, the making with the mouth or hand an [uncivil] signe... [expresses] the base reckoning, which they that offer these contempts, make of the person vpon which they braue them" Earl of Northampton, *A pvblication of his majesties edict, and severe censvre against priuate combats and combatants* (London, 1613), p. 13.

⁴⁰ T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge: Harvard University Press, 2008), p. 100.

⁴¹ Anderson & Pildes 2000, p. 1503.

all this changes if, as in the variations on the cases above, this somehow becomes a targeted attack; if the driver cuts me off because, say, I am from a low income neighborhood, and they hold no regard for people “like me.” In that case, the act comes to express a kind of social contempt that it otherwise does not.

Second, we can now better understand why expressly *intended* humiliations tend to be more profound examples thereof. Deliberate communications of disrespect – e.g., insults “to one’s face” – have unique social consequences. It is one thing, as discussed above, for someone (*x*) to hold me in low regard, or to think of me as, say, less than equal. Because my social position depends on the attitudes of others, this already makes me less than equal, so far as my relationship with *x* is concerned. But when *x* communicates this disrespectful attitude to me, at least if the communication is successful or “received,” my social demotion (*vis-à-vis x*) is more complete. Had I never known *x*’s true feelings, we could at least engage under the pretense of relational equality; now that they are out in the open, this becomes impossible, and the relationship must proceed on new, degraded terms.⁴² Of course, I may not accept these terms. I may openly defend my equality, my honor. But the publicity of *x*’s attitude denies me even the sad privilege of feigned respect. This is what the young Klan members deny the shop owners in the variation on *Vandalism*.

Important as intentions are, however, the expressive content of behavior is not wholly determined by them. For one, sometimes the revealing thing is what an agent *fails* to intend. A government that fails to fit public buildings with access for disabled persons expresses disregard towards such persons, even if this is inadvertent.⁴³ An agent may also act on reasons, or express attitudes, that they are not consciously aware of.⁴⁴ And third, there are social norms to consider. In some instances, I may be unaware of what we might call the “public meaning” of my actions, i.e., “social conventions or norms that set public standards for expressing certain attitudes.”⁴⁵ If I tell a sexist joke to my female colleague, this expresses a certain disrespect towards her (and, indeed, towards all women), even if I am somehow clueless about

⁴² As Anderson and Pildes note, “the communication of attitudes creates social relationships by establishing shared understandings of the attitudes that will govern the interactions of the parties.” (2000, p. 1503)

⁴³ *Ibid*, pp. 1512-3.

⁴⁴ *Ibid*, p. 1513.

⁴⁵ *Idem*. These are also called “systems of manners.” See Buss 1999, e.g., pp. 809, 814; Cheshire Calhoun, “The Virtue of Civility” in *Philosophy & Public Affairs* (2000), Vol. 29, No. 3, p. 255.

this.⁴⁶ Or consider again the variations on *Homicide*. It is (in theory) possible that the perpetrators have no real intention of humiliating Charlie when they make him kneel down for formal execution. Perhaps they even hold him in high regard. But what does it matter? This is a grave degradation, nonetheless.

This helps explain why, as remarked earlier, some actions (such as torture) humiliate or degrade regardless of intent. Treating others in a way that expresses respect (or contempt) is not just a matter of intending to do this, or believing one does; our behavior must also conform to relevant public standards. Equally, being treated with respect (or contempt) is not just a matter of *feeling* respected (or contemned). We do not always see or feel things right. I may take a joke the “wrong way,” perceiving an insult where there is none. Or vice versa: I may be oblivious to a genuine affront.⁴⁷

(C) *The Loss of Status Markers*

There are public standards for expressing attitudes: conventions that determine which actions (e.g., raising one’s middle finger) express which attitudes (e.g., scorn). But there are also public standards of what we might call social respectability. These are norms (of dress, appearance, conduct, condition, vocation, material circumstance, and lifestyle, etc.) by which a group determines whom is *worthy* of attitudinal respect, and expressions thereof, and whom is not.⁴⁸ They reflect what, in other words, a society

⁴⁶ The example is Calhoun’s (2000, p. 266, fn. 23), and points to a general feature of systems of manners: that failure to conform constitutes an insult or “offense” even if none is intended. Of course, it may be easier to forgive or excuse such an offense if it is unintended.

⁴⁷ This is reflected in a 2005 decision by the English High Court:

Treatment is capable of being “degrading” within the meaning of article 3 [of the European Convention on Human Rights], whether or not there is awareness on the part of the victim. However unconscious or unaware of ill treatment a particular patient may be, treatment which has the effect on those who witness it of degrading the individual may come within Article 3. It is enough if judged by the standard of right-thinking bystanders that it would be viewed as humiliating or debasing the victim, showing a lack of respect for, or diminishing, his or her human dignity. (*Regina (Burke) v. General Medical Council* [2005] Q.B. 424, § 178 (Eng.).)

For further discussion see Luban 2009, p. 219; Jeremy Waldron, “Inhuman and Degrading Treatment: The Words Themselves” in *Canadian Journal of Law and Jurisprudence* (2010), Vol. 23, No. 2, p. 283.

⁴⁸ Another word for this, particular as applied to conduct, is an “honor code.” See Kwame Anthony Appiah’s, *The Honor Code: How Moral Revolutions Happen* (New York: W.W. Norton & Co, 2011), for a wide-ranging discussion.

considers seemly, fitting, dignified, honorable, and appropriate – or shameful, inapt, undignified, and scandalous. In most social contexts, covering one’s body with (appropriate) clothing is a strict requirement of respectability or “decency,” for example.

A third general form of humiliation or degradation involves losing, or lacking, any such mark of social status, worthiness, or honor. This is something familiar enough from everyday life. We recognize it in the way people speak about, and fear, conditions like joblessness, poverty, disability, powerlessness, dependence, mental illness, illiteracy, celibacy, failure, and defeat, among others. And it is importantly connected to the previous types of humiliation or degradation, (A) and (B). When an agent loses or lacks a mark of social status (or is marked by *stigma*) this naturally triggers (A) disrespectful attitudes and (B) expressions thereof – it opens them up to humiliation and degradation in the first two senses.⁴⁹ Think of the (A) derision and (B) jeers that can result from a lopsided defeat in professional sports, for example. And because norms of social respectability are often deeply internalized, their contravention can threaten an agent’s self-respect as much as her standing in the eyes of others.

An agent’s social respectability can be undermined by various parties. These include the agent herself, who may act or speak in such a way as to “offend” against public standards. It includes others, who may (i) stigmatize the agent, i.e., insist on her lack of respectability, (ii) prevent her from meeting established public standards, or (iii) fail to help ensure that she does – as when a wealthy government allows some of its citizens to live in squalor.⁵⁰ And it also includes blind chance (or the “natural lottery”), which may saddle us with any number of afflictions. Many regard the memory loss

⁴⁹ The interaction runs in the other direction, too. (B) Expressions of respect (or disrespect) can themselves serve as (C) marks of status (or the lack thereof). As Sarah Buss notes:

Good manners... [represent] human beings as objects of moral concern. To learn that human beings are the sort of animal to whom one must say “please,” “thank you,” “excuse me,” and “good morning,” that one ought not to interrupt them when they are speaking, that one ought not to avoid eye contact and yet ought not to stare, that one ought not to crowd them and yet ought not to be standoffish, to learn all this and much more is to learn that human beings deserve to be treated with respect, that they are respectable, that is, that they have a dignity not shared by those whom one does not bother to treat with such deference and care. (1999, pp. 800-1)

⁵⁰ Human rights activists often speak of the “inhuman” or “squalid” conditions of, say, a jail or refugee camp as a degradation (or insult to human dignity). See e.g. Monica Costa Riba, “Please Don’t Forget Them” *Amnesty International*, September 28th, 2016.

associated with dementia as a terrible humiliation, for instance.⁵¹

All of this helps explain the importance of what, in the last Section, I called “impact.” In the adapted case, Sheila’s treatment is degrading partly because of the stigmatized condition of dependency it leaves her in. Similar things can be said about the humiliations of torture. As mentioned earlier, torture is in part an expressive harm: it is a brutal *display* of power, cruelty, and contempt. But torture also places its victim into abominable conditions (e.g., of incontinency, exposure, helplessness, and fear, etc.) that are considered humiliating in their own right.⁵² Plausibly, it is this duality that makes torture the paradigmatic affront to human dignity that it is.

To honor someone, then, is (A) to *adopt* appropriately respectful attitudes towards them; (B) to *express* such attitudes towards them, both in our behavior, statements, and public practices; and (C) to *uphold*, in various ways, their social respectability. To degrade or humiliate someone, by contrast, is to violate one or more of these practical directives.

This provides us with a basic understanding of what it is to humiliate or degrade someone. Still, not every degradation or humiliation is an affront to human dignity. I may be (quite reasonably) humiliated to discover that a respected colleague thinks very little of my work. But it would be strange to think of this as a violation of my human dignity. So, there is something more special still about the concept at hand – about the *kind* of humiliations or degradations it prohibits. To get a better fix on this, consider a difficulty for the present view, explained just below.

VIII

As Michael Rosen notes, “what counts as degrading or humiliating treatment varies drastically from culture to culture.”⁵³ Burping, for example, is (notedly) considered courteous among some – a polite expression of satisfaction after a meal – but rude amongst others. Ostentation, or flaunting one’s wealth, is looked down upon in certain social contexts, and celebrated in others. These differences show that public standards for (B) expressing

⁵¹ I see no reason to agree with Rainer Forst (2011, p. 967) and Avishai Margalit (1998, p. 9) that only humans can humiliate.

⁵² On this point, see Amery 1980, p. 27 (on “helplessness”); Waldron 2012, p. 22; Luban pp. 223-4; Aurel Kolnai, “Dignity” in *Philosophy* (1976), Vol. 51, No. 97, p. 260.

⁵³ Rosen 2012, p. 127; See also Waldron 2010, p. 285.

respect, and (C) achieving or maintaining respectability, can *change* depending on the relevant “public.” This is not surprising. But it does mean that there is good reason to think that the duty not to humiliate or degrade, even if universal, will have a content that varies considerably depending on social context.

This presents a problem. First of all, the very practice of (C) *tying* an agent’s social respectability to various conventionally designated factors (related to appearance, conduct, and condition, etc.) is of course itself immensely problematic.⁵⁴ The fact that so many regard poverty as a source of shame only makes things needlessly worse for the poor: adding social costs to a predicament that is already difficult enough.⁵⁵ Indeed, we ought to challenge any norm of respectability that imposes unjust burdens on individuals or groups. And this must include any norm that stigmatizes conduct or conditions (like poverty) that are outside of an agent’s control.

I think it goes without saying that life, for the vast majority of us, would be radically different if social norms were re-structured in this way. But even if that is how things ought to be, we still have to reckon with the social world as it is. As it is, societies routinely stigmatize unchosen predicaments – with respect to health, physical appearance, mobility, sexual orientation, gender identity, intelligence, marital status, employment, and wealth.⁵⁶ And a theory of dignity should presumably bear these (non-ideal) social facts in mind. Consider Sheila: the theft of her bicycle leaves her unable to move without assistance from others. *Should* she suffer any shame or stigma for this? Of course not. But these are very real and contextually understandable

⁵⁴ I cannot even begin to do justice to the range of harrowing issues here. But (along with the readings cited in footnote 55) some useful discussions include: Elijah Anderson, “The Code of the Street: How the Inner-city Environment Fosters a Need for Respect and a Self-Image Based on Violence” in *Atlantic Monthly* (May 1994) [fascinatingly discussed by Buss 1999, pp. 813-7]; & Thomas E. Hill, *Autonomy and Self-Respect* (Cambridge: Cambridge University Press, 1991), p. 160 (on snobbery).

⁵⁵ For a cross-cultural examination of the “poverty-shame nexus,” see *Poverty & Shame: Global Experiences* (Oxford: Oxford University Press, 2015), eds. Elaine Chase & Grace Bantebya-Kyomuhendo; Robert Walker, *The Shame of Poverty* (Oxford: Oxford University Press, 2014).

⁵⁶ As a reminder of this, consider a famous observation of Erving Goffman’s, which still (unfortunately) rings true today:

In an important sense there is only one complete unblushing male in America: a young, married, white, urban, northern, heterosexual Protestant father of college education, fully employed, of good complexion, weight and height and a recent record in sports... Any male who fails to qualify in any of these ways is likely to view himself as unworthy, incomplete and inferior. (*Stigma: Notes on the Management of a Spoiled Identity* [New York: Simon & Schuster, 1963], p. 153)

possibilities in the world as it is. And this seems relevant to the normative question of how we ought to treat her, with respect to her dignity. Indeed, it is an important part of what makes the theft so wrong.

Still, there must be some limit to the role of social conventions here. Otherwise the demands of “dignity” will be objectionably conservative. In a misogynistic society, men may find it degrading (or “beneath” them) to do, or even to be asked to do, work customarily allotted to women, such as cleaning, cooking, and child-rearing. But is this a *genuine* degradation? Would it be an affront to human dignity for these men to do such work? Surely not! This generates a puzzle, however: if local conventions determine whether burping is rude, whether public nudity is obscene, or whether physical disabilities (like Sheila’s) garner stigma, why would they *not* determine whether it is degrading for a “man” to do a “woman’s” work?⁵⁷

This is where it is useful to return to the observation that not all humiliations or degradations count as affronts to human dignity. I may be ridiculed by my basketball teammates for missing an easy shot. But while this is humiliating, it is not an affront to my *human* dignity. And this is because it is likely not an attack on my basic status as a social *equal*. There are various “domains” of dignity – that is, various (partially overlapping) social spheres in which one can either win, lose, or maintain social status. One can be humiliated as, say, an athlete (e.g., in a lopsided defeat), as a parent (e.g., if denied custody of one’s children), as a professor (e.g., if students refuse to listen to one’s lectures), or as a judge (e.g., if someone disobeys a court order). But this is different from being degraded as a “human being,” or in the more fundamental sense that would constitute an attack on human dignity itself. In the more limited cases, we might say that *athletic* dignity, *parental* dignity, *professorial* dignity, or *judicial* dignity is at stake – but not *human* dignity as such.⁵⁸

⁵⁷ For another articulation of this worry about conservatism/conventionalism, see Ariel Zylberman, “The Relational Structure of Human Dignity” in *Australasian Journal of Philosophy* (2018), Vol. 96, No. 4, pp. 743-4.

⁵⁸ On the distinction between dignity and *human* dignity, see Rosen 2012, p. 19; Kolnai 1976, p. 253. It’s worth noting here that each of these “dignities” will be subject to its own unique norms of respectability. So just as a judge must be treated, regarded, presented, and act in a manner “befitting” judicial dignity, so too must a human being live in accordance with *human* dignity (the analogy is borrowed from Waldron 2012, p. 18). This is what Ernst Bloch means, for example, when he says that human dignity requires an “upright gait” (Ernst Bloch, *Natural Law and Human Dignity* [Cambridge: MIT Press, 1986], tr. D.F. Schmidt, p. 188 – discussed in Forst 2011, pp. 965-6; Waldron 2012, p. 21). Kant makes similar remarks (see his section “On Servility” in *The Metaphysics of Morals*, 6:436 – discussed in Rosen 2012, p. 27 &

Attacks on human dignity are typically attacks on a less well-circumscribed social position: one's background status as a citizen, as an equal, or as a fellow "human being." That is why racism, in any form, is such a clear affront to human dignity. It deprives its victims of a basic social equality that is supposed to undergird their other worldly pursuits.⁵⁹ And this observation can, I think, help us address concerns about conservatism.

So, for instance, the reason why it is not genuinely degrading for men to do the work of women, in a sexist society, is that men aren't the real victims in such a case. On the contrary, sexist or misogynistic conventions that limit women to only certain kinds of work, and that (in addition) brand those forms of work as "lower" or "lesser" than those assigned to men, are harmful to the basic social equality of *women*. What respect for human dignity requires in such a society, then, is not protecting men from doing housework, but liberating women from an oppressive social structure, by changing local traditions (including norms of respectability) themselves. In this kind of way, the core egalitarian substance of the idea of human dignity can place important limits on the social relativity of its practical implications.

IX

There is another puzzle to be reckoned with here, too. I suggested earlier that an agent can be humiliated or degraded without feeling so (and vice versa). And the last Section argued that social conventions will not always settle the matter. All this raises the question: What link is there, if any, between humiliation and the psychological experience, feeling, or trauma thereof?

It would be surprising if there were no such link. And there are two broad ways of imagining one. On the first, descriptive account, degradations or humiliations are what we ordinarily *regard* as, and *experience* as, degrading or humiliating.⁶⁰ This makes emotion central. And it provides a role for social

Waldron 2012, p. 25), as does Cicero (see *On Duties* [Cambridge: Cambridge University Press, 1991], pp. 37-41 – discussed in e.g. Nussbaum 2008, pp. 354-7).

⁵⁹ As Thomas E. Hill writes, all human beings have "a claim to at least some minimum respect and honor in the human community" (Hill 1991, p. 172 – see also Cohen 2013, p. 195 [on "egalitarian Fellows"]; Avishai Margalit & Gabriel Motzkin, "The Uniqueness of the Holocaust" in *Philosophy & Public Affairs* [1996], Vol. 25, No. 1, p. 73 [on membership in the "human commonwealth"]; & Jeremy Waldron, *The Harm in Hate Speech* [Cambridge: Harvard University Press, 2012], p. 5 [on the "fundamentals of basic reputation"], for alternative formulations). Note that this seems different from Waldron's understanding of human dignity as involving a so-called "upwards equalization of rank" (Waldron 2012, pp. 33-5), since it only requires a *minimum* threshold of social respect.

⁶⁰ Statman (2000, p. 532) defends this view.

conventions in determining what counts as humiliating or degrading, too. But it also returns us to the previous concerns about conservatism. If humiliations are, in the end, whatever we typically regard and experience as such, then they become too abundant. Men who, gripped by misogyny, feel degraded by housework, *will* be degraded by this, on such a view. But this is (once again) unacceptable.

On a second, normative account, if an agent is humiliated, this means they have “sound reason” to feel humiliated or degraded. Avishai Margalit defends this view.⁶¹ But it, too, has problematic implications. In the aggravated case of *Bicycle Theft*, Sheila is the target of a humiliating attack. But is it right to say that she has good reason to feel humiliated by this attack? That seems questionable; wouldn’t it be better (and wholly justifiable) if she felt no shame at all? Indeed, the only agents who clearly *do* have reason to feel shame, in this sad affair, are Sheila’s attackers, who behave appallingly. And yet, oddly, the normative account imposes a psychic burden on Sheila herself.⁶²

There is a way of avoiding this implication. It is one thing to have a reason to feel humiliated. But an alternate version of the normative view claims only that victims have a rational *permission* – that is, a license to feel humiliated, as it were.⁶³ Such a permission imposes no psychic burden; it only authorizes an agent to have certain (“fitting” or “rational”) feelings under specific circumstances. Nor does it commit us to conservatism. Someone who feels humiliated or degraded may well be mistaken about whether they are *in fact* humiliated or degraded, on this account – that is, their feelings may be unlicensed. These advantages speak in favor of the permission-oriented view.

X

This paper argues that human dignity is concerned with social status, or a basic kind of social equality. And the argument is that this hypothesis fits best with our considered judgments about the cases surveyed in Sections III and IV. But not only those cases. Indeed, the present thesis is supposed to hold in general – to help us make sense of judgments about dignity in a variety of contexts and cases, including the law. And it does a good job of this, though I can’t comprehensively prove so here.

⁶¹ Margalit 1998, p. 9.

⁶² See Krista K. Thomason, *Naked: The Dark Side of Shame and Moral Life* (Oxford: Oxford University Press, 2018), p. 121.

⁶³ I thank Rowan Cruft for this suggestion.

To offer a small sampling, however, consider one of the most paradigmatic references to dignity in law: Article 3 (c) of the 1949 Geneva Conventions. That article famously prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment.” There is at least a strong association, here, between violations of dignity and humiliation or degradation. But when the same article is later reproduced in the 1998 Rome Statute, establishing the International Criminal Court (ICC), that association becomes an *equation*. According to the ICC’s *Elements of Crimes*, which guides judges in the interpretation of the Statute, outrages upon dignity *just are* crimes in which a “perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons.”⁶⁴

This assumption is often implicit in legal reasoning – and not just at the ICC but across domestic, regional, and international law. To take another, much-discussed example: in 1995, the Conseil d’État (a French high court) upheld a municipal ban on “dwarf-tossing,” citing its incompatibility with human dignity. The problem, in the court’s eyes, was not the infringement of autonomy; the ban was challenged by a dwarf, Mr. Manuel Wackenheim, who willingly participated in such events as paid work. Instead, the court explained that dwarf-tossing violates dignity because it represents a kind of insult: “using a physically handicapped person, who is presented as such, as a projectile.”⁶⁵ The crucial thing, in other words, is the expressive character of the act – its presentation of dwarves, a vulnerable minority, as a handy plaything (i.e., “projectile”) for the majority. No matter that the humiliation was consensual.

If this general picture is correct, we can respond to certain criticisms of dignity. I mentioned early on that, as understood here, dignity is not a vacuous concept – no mere “placeholder,” as some allege.⁶⁶ Indeed, it generates unique, tangible demands: (A) to *adopt* sufficiently respectful attitudes towards others; (B) to *express* those attitudes appropriately; and (C) to *uphold* the basic social respectability of all persons (oneself included). The specific content of these demands – i.e., what it takes to actually fulfill them – may vary, depending on social context. And of course, as with any moral concept, this content will always be subject to disagreement. But none of this is empty chatter, as I hope the prior discussion makes clear.

Nor is it redundant. Some critics argue that dignity is just a roundabout way of referring to *other* normative principles, such as respect for autonomy –

⁶⁴ Article 8 (2) (b) (xxi), Element 1, *Elements of Crimes* (2011), p. 27.

⁶⁵ See Conseil d’État, *Decision n° 136727*, lecture du 27 octobre 1995 (my translation). <https://www.conseil-etat.fr/fr/arianeweb/CE/decision/1995-10-27/136727>

⁶⁶ John Harris, *Clones, Genes, and Immortality: Ethics and the Genetic Revolution* (Oxford: Oxford University Press, 1998), p. 31.

making it a “useless concept” that can be eliminated “without any loss of content.”⁶⁷ But this is wrong on two counts. First, as explained above, respecting dignity is not just a matter of respecting autonomy. Indeed, as Mr. Wackenheim’s case shows, these demands can sometimes conflict. But also, and more fundamentally, dignity is not a stand-in for any normative principle; it is a concern in its own right. On the present view, dignity is “what’s at stake” when we humiliate or degrade others. It forms part of the explanation of why it is wrong to do these things. To expel it from our vocabulary, then, would diminish our moral understanding.

XI

So what is human dignity, if these are its requirements? What can such practical conclusions tell us about dignity’s nature?

Well, if attacks on dignity are attacks on the basic social equality (or “honor”) of persons, then presumably dignity *just is* this equality. And it can be so in two senses. In one sense, to be a social equal (or “have” human dignity) is to have a certain normative status: to be *entitled* to certain treatment, conditions, and regard – (A), (B), and (C) – and to be *expected* to behave in respectable ways.⁶⁸ But, as suggested in Section VII, being a social equal is also a matter of description: that is, of *actually enjoying* such treatment, conditions, and regard (and *actually behaving* in such ways). As Pablo Gilibert notes, we often speak of dignity in both manners: as a normative “status” to be respected, and a “condition” achieved by such respect.⁶⁹ This is why we sometimes say, for instance, that dignity can never be lost (qua status), but also that it can be “stripped” or “taken” away (qua condition). It is not, as Stephen Pinker complains, an “outright contradiction” to say both of these things, so long as we conceptually distinguish them in the way Gilibert suggests.⁷⁰

All this makes the grounds of human dignity clear in at least one respect. If it is “condition” dignity we are after, having it will depend on our social career – more specifically, on whether we are treated, regarded, and live in

⁶⁷ Ruth Macklin, “Dignity is a Useless Concept” in *BMJ* (2003), Vol. 327, No. 1, pp. 1419-20. See also Alasdair Cochrane, “Undignified Bioethics” in *Bioethics* (2010), Vol. 24, No. 5, pp. 234-41.

⁶⁸ One relevant expectation here might be to act with “humanity.” See Adam Etinson, “On ‘Aristocratic’ Dignity” in *European Journal of Political Theory* (Forthcoming), p. 2. See also fn. 58.

⁶⁹ Pablo Gilibert, *Human Dignity & Human Rights* (Oxford: Oxford University Press, 2018), p. 3. See Waldron 2012, p. 17 for a similar distinction.

⁷⁰ Stephen Pinker, “The Stupidity of dignity”, in *The New Republic* (May 28, 2008), p. 30.

accordance with criteria (A), (B), and (C). The grounds of human dignity qua “status,” however, are not so easily deciphered. Why is it that we *ought* to enjoy conditions of social equality, or have a right not to be grossly humiliated or degraded? Why do human beings all have that normative status, without exception or qualification? Presumably, part of the answer has to do with the human sensitivity to social harm – with our needs as “social animals.”⁷¹ But the question seems to take us well beyond the confines of the practical analysis presented here.

Does this analysis fit with the popular idea that human dignity is the “foundation” of human rights?⁷² Yes and no. As Rosen notes, an entitlement not to be humiliated or degraded seems more like a specific human right than the all-encompassing foundation thereof.⁷³ And surely, few human rights are *exclusively* grounded in concerns about social standing, degradation, and humiliation (although some may well be: e.g., the right to equal treatment under the law; to non-discrimination; against cruel, inhuman, and degrading treatment or punishment; and against slavery).⁷⁴

That said, human rights do advance human dignity in several important ways. For one, the social and/or legal recognition of such rights itself expresses a certain (dignifying) moral regard for the individual’s importance in society, and vis-à-vis the state.⁷⁵ Human rights are also instruments of empowerment (to speak one’s mind, run for political office, hold the state to account, strike, vote, choose one’s spouse, collectively self-determine, etc.)⁷⁶ and so promote individual and collective respectability, since power is a

⁷¹ “sociable man... is capable of living only in the opinion of others and, so to speak, derives the sentiment of his own existence solely from their judgment.” Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings* (Cambridge: Cambridge University Press, 1997), ed. & tr. Victor Gourevitch, p. 187. Also see Rawls 1999, pp. 155-6 (on the “social bases” of self-respect); Statman 2000, pp. 533-6; Charles Taylor, *The Ethics of Authenticity* (Cambridge: Harvard University Press, 1991), Ch. V.

⁷² “Recognizing that these rights derive from the inherent dignity of the human person.” – Preamble, 1966 *International Covenant on Civil and Political Rights* (ICCPR) & *International Covenant on Economic, Social, and Cultural Rights* (ICESCR).

⁷³ Rosen, pp. 58-60.

⁷⁴ Articles 7, 2, 5, & 4 (respectively) of the 1948 *Universal Declaration of Human Rights* (UDHR).

⁷⁵ “...persons express respect for one another in the very constitution of their society” (Rawls 1999, pp. 155-6). Also see Anderson & Pildes 2000, §3.

⁷⁶ Articles 19, 21(2), 6-12, 23, 21(3), 16(2) (respectively) of the UDHR, and Article 1 of the ICCPR. For a more explicit endorsement of the right to strike, see Article 8(d), ICESCR.

conventional mark thereof.⁷⁷ These are two significant ways, then – corresponding to criteria (B) and (C), respectively – in which human rights advance human dignity, even if they have other purposes, too.

Finally, human rights do more than just ask us to respect the rights of all persons. They also ask us to *recognize* all persons as proper objects of respect, and bearers of rights, in the first place – to have “faith” in this basic idea.⁷⁸ We may not violate the dignity of others by failing to respect one or more of their rights (whether that right is “human” or not), but we certainly do violate their dignity if we fail to even *see* them as equal rights-bearers in general, contra requirement (A). And so perhaps what preambular references to human dignity do is set us on the right foot, as it were, by helping us adopt a human rights-friendly attitude towards others.⁷⁹ That wouldn’t make human dignity *The* foundation from which all human rights are “derived.” But it would make it an important companion to such rights: an invitation to see humanity as, at base, a society of equals.⁸⁰

⁷⁷ See Gilabert 2018, pp. 165-81, for a broader discussion of the relationship between power, human dignity, and human rights.

⁷⁸ Preamble, UDHR.

⁷⁹ René Cassin, a key drafter of the UDHR, compared the preambular references to dignity to “courtyard steps” leading up to the “temple portico” of the Articles themselves. See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), p. 174.

⁸⁰ We might consider this an example of what Iris Murdoch calls a “moral vision” – see *Existentialists and Mystics: Writings on Philosophy and Literature* (New York: Penguin, 1999), pp. 76-99.