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## Four Competing Conceptions of Human Dignity in Europe

*Human dignity, the basic value of human beings founding human rights, has played a seminal role in the history of Europe. Limiting for linguistic reasons the investigation to Western Europe, we can talk about it being expressed in four different historical contexts, channeling the idea towards formulation in characteristic and characteristically different ways. The classical, medieval, modern and postmodern contexts promote different conceptualizations depending on prevailing ethical, political, metaphysical and religious conventions obtaining in these and in the traditions issuing from them. These sets of conventions – in terms of which ‘foundations’ for the idea are formulated – survive in their diversity in our present context and allows for contrasting formulations of the idea, resulting in the idea being often regarded as nebulous. This paper argues that all the different historical contexts could be seen to converge on it being the basic value of human beings originating human justice even if our expectations to the effect of the idea occasion a competition between different context-dependent anthropologies in Europe.*

Human dignity, the basic value of human beings founding human rights, has played a seminal role in the history of Europe. Limiting for linguistic reasons the investigation to Western Europe, we can talk about it being expressed in four different historical contexts, channeling the idea towards formulation in characteristic and characteristically different ways. The classical, medieval, modern and postmodern contexts promote different conceptualizations depending on prevailing ethical, political, metaphysical and religious conventions obtaining in these and in the traditions issuing from them. These sets of conventions – in terms of which ‘foundations’ for the idea are formulated – survive in their diversity in our present context and allows for contrasting formulations of the idea, resulting in the idea being often regarded as nebulous. This paper argues that all the different historical contexts could be seen to converge on it being the basic value of human beings originating human justice even if our expectations to the effect of the idea occasion a competition between different context-dependent anthropologies in Europe.

We shall first look at the different contexts which have given rise to competing formulations before turning to discuss the compatibility of the different conceptions with the ideas expression in the human rights tradition of the United Nations and with it being the fundamental value of human beings at the origin of this tradition.<sup>1</sup>

### 1. The Different Contexts

Regarding all human beings as having equal and inalienable dignity is a cultural achievement that cannot be taken for granted even if it seems right.

The classical, medieval and modern contexts all allow for different ways in which justice between human beings rely on these being of unequal value or dignity: slavery, subordination of women and hereditary aristocracy are institutions essential to these contexts, and as such they have helped prevent the idea from finding systematic expression before after the end of the Second World War.

Nevertheless, the idea of justice originating in our experience of life with others, although informed by cultural values, constantly challenges established institutions of a non-egalitarian nature, especially when these latter are not of common benefit (supporting social cohesion and government). The idea of justice tends to bring with it the idea of human dignity, the latter being the qualification of the human individual that entitles it to justice. Although the ensuing egalitarianism is likely to arise only in a context where the majority's needs are catered for (obtained for example by technological development), the idea of human dignity cannot really be completely absent from any context without making the explanation of what justice is founded upon appear unjust. Thus we find the idea present also in the classical, medieval and modern contexts, progressively formulated as a concept of legal consequence, central to the development of peaceful co-existence.

In the classical context human dignity (the *axia* or *axioma* of human individuals according to Aristotle; the *dignitas* pertaining to human beings of Cicero) remains the responsibility of the individual: there is no social sanction envisaged for others not respecting my human dignity apart from the one I am capable of administering myself. In Aristotle the individual must make his dignity respected by making his claim felt and

<sup>1</sup> This article develops part of the argument of my *On the Problem of Human Dignity*, to appear from Königshausen & Neumann, Würzburg, shortly (*Orbis Phaenomenologica*, in 2009). In the interest of a concise exposition and to avoid repetition, please refer to this work for the sources upon which the argument relies.

by being worthy of acclaim. In Cicero human dignity must be maintained as an aesthetic quality relying on the mastering of passions so as not to be seen to behave brutishly.

It is commonly thought that both Aristotle and Cicero understand human dignity to be 'natural', or to form part of human nature. But as a matter of fact their epistemological positions allow them to understand 'nature' to play the double role of identifying the species on the one hand, and admit a 'natural' hierarchy present within the species on the other. The idea that human dignity should be 'natural' or founded on human nature is thus ambiguous for these two authors typical of the classical context, because their idea of nature is contradictory: human nature both is and is not dignified as it admits of degrees of dignity so that human beings both are and are not equals in terms of their possession of human dignity.

Whenever the cosmo-centric context is invoked to found or account for the concept of human dignity, this ambiguity is often imported with it as part of its penumbra of associations. When, in contrast, the cosmo-centric context is invoked because of its epistemological presuppositions that allow for 'human nature' to be the intelligible form of human beings recognisable in each member of the species so that 'human dignity' can attach to 'human nature', the hierarchy of human beings is *ipso facto* ironed out.

In the medieval context human dignity is linked with the idea of the human being reflecting the universe as a microcosm, and with the idea of the person, arising from the early Christian reflections on the Trinity and the human and divine natures of Christ. The Roman Law tradition allows for a progressive identification of *dignitas* and *persona* and by the time of Grosseteste and Aquinas human dignity is envisaged as being at the origin of 'natural law' in the sense that it constitutes the legal protection of the innocent human being against being killed. Grosseteste, in fact, considered even animals to have a case against the one who kills an innocent human being, because this latter reflects the entire universe, whereas Aquinas thinks the killer loses his protective human dignity himself by killing another human being, thus occasioning that he in turn can be justly killed.

Human dignity in the Christo-centric context can thus be lost: it has been lost by sin only to be reinstated in Christ by his salvific action on behalf of the entire human race. But the only objectively identifiable action that cancels out the protection which human dignity entitles to is the very transgression of the entitlement to protection. Whereas in the classical period only duties to oneself were occasioned by the possession of human dignity, human dignity occasions in the medieval period also duties towards others: one must respect their human dignity to be entitled to have one's own respected.

When the Christian context is invoked today to found the idea of human dignity, it may be associated with a more or less conscious denial of rights to people of other

religions, given the need to regain human dignity by salvation, sometimes strictly associated with baptism, communion or membership of a church. This, however, is more likely to happen as part of a rightwing agenda presenting itself under a veneer of Christian rhetoric. The context may also be invoked to defend a concept of human dignity allowing for capital punishment, in this case associating human dignity with innocence and hence not regarding human dignity as intrinsic.

The modern context gives rise to yet a third conception of human dignity. As the nation-state consolidates during the modern period, rationalized jurisdictions manifest themselves by a strong and centralized concept of law. The subjects of the monarch were nevertheless only those who were not treasonous (during the religious wars pertaining to the wrong religion in practice amounted to treason). Despite the settlement at Westphalen in 1648, the question of who was entitled to be a subject thus simmered at the back of everyone's mind. Together with the loss of esteem for the nobility this issues in a movement of irrepressible violence claiming equal rights for the law and in society which erupts in the French Revolution. This movement inaugurates a profound transformation of the entire social structure of Europe.

Now human dignity oscillates between being seen as a social construction at the mercy of Leviathan (Hobbes), which nevertheless is of great social benefit (Hume), and it being a choice of the individual (Pico) which originates the moral law at the heart of the legal sphere (Kant). These tensions scrape the surface of a society organizing the slave-trade and depending on slavery in America while organized individuals campaign for equal rights, freedom of religion and conscience and education for all. As the emphasis shifts to citizenship, and women are deprived of it, the different competing strands and directions of the campaigns for social equality become clearer, and claims for equal dignity start filling the concept of human dignity with meaning.

However, the reaction against the Catholic preservation of the cosmo-centric perspective within the Christo-centric one present in a variety of Protestant authors (from Calvin to Hobbes), and serving a variety of purposes (from purifying faith to justifying the privileges of the Monarch), means that the idea of an immediate epistemological access to the intelligibility of the world is questioned. This makes the coupling of 'human' and 'dignity' specifically difficult, covering over the painful mental gymnastics required for maintaining the idea in the face of radical social inequality. In Kant there are thus epistemological reasons why we cannot know to whom we should attribute human dignity, as we cannot really know *a priori* who, empirically speaking, is a human being.

The modern 'foundation' for human dignity when employed in contemporary argumentation reproduces the same pattern and transmits the same difficulties, which

to some and in the light of certain social problems present themselves as advantages. Human dignity gives rise to claims and duties alike in this perspective, it insists on autonomy and it clearly is thought to be foundational for law, even if it is unclear who is to be a subject for the law and thus counted as having the autonomy of human dignity. This, however, is quite likely what makes it useful in the field of law, which, although essentially applying to all, is in need of some particularity to be able to fit in and organize all practical eventualities.

## 2. Our common context

The Second World War had heated the spiritual climate of Europe sufficiently for a complete recast of the mental landscape to take place. In the same way as the medieval and the modern contexts had left room for earlier contexts to linger on, so the post-modern context with its confessed pluralism allowed for the cosmo-centric, the Christo-centric and the nomo-centric contexts to provide foundations for the idea of human dignity which it put at the head of its flagship: the human rights tradition. Before the *Universal Declaration of Human Rights* (1948) the expression 'human dignity' was not frequently used (it was used by some French socialists, in papal encyclicals on social questions and in preambles of a few constitutions), but the concept had nevertheless served as an instrument in liberation movements accompanying the French Revolution. Thus Mary Wollstonecraft had argued for the rights of man as well as for the rights of woman in terms of 'the native dignity of man', the 'dignity of character' or 'the dignity of virtue', and understood that the idea could serve quite well as a political tool in the campaign for equal rights and the abolition of slavery.

Once the expression was used by the *Universal Declaration of Human Rights* it was widely appealed to. European countries having to make constitutions after the War, such as Germany, Italy and later Spain, all let the notion play a central, foundational role. Countries emerging from colonialism all appealed to the notion in the preambles to their constitutions too, probably to display their willingness to conform to international standards and obtain the protection of the United Nations, as did the European countries before them. A genuine interest in the idea arose in philosophy as a consequence, and it peaked as it accompanied the recent bioethical discussions surrounding legislation about abortion, embryo experimentation and euthanasia. Ten years ago only a few ill-focused book-length studies existed of the idea; today several studies focus directly on the idea, its development and its consequences.

These, and the discussions they form part of, often choose one of the contexts surveyed to justify or found the notion and draw out consequences of it accordingly. It is a feature of our postmodern context that it allows for different justifications of a concept central to our era to compete with each other and with the political justification it itself provides of human dignity.

A cosmo-centric foundation justifies that human beings by nature possess dignity, but because of the ambiguity of the concept of nature it is often accompanied by a distinction between men's and women's dignity, while also considering privilege to be natural.

Christo-centrists found human dignity in God's salvific will in Christ, considering him to be the guarantor of human dignity, whether by his incarnation or his resurrection. They tend to think that human dignity can not be defended independently of the Christian context and some even argue this. Generally cosmo-centric and Christo-centric arguments are deployed against abortion, embryo-experimentation and euthanasia.

Modern justifications of human dignity abound and reproduce the same pattern as their template. Lawyers argue for the centrality of the notion in law while maintaining a practical skepticism about the notion's extension: their conception often admits and sometimes argues that human dignity allows for abortion, embryo experimentation and euthanasia because of the importance of autonomy for human dignity on the one hand and because of the element of social construction present in the modern conception on the other.

The post-modern context which is ours merely insists on the importance of the notion of human dignity while allowing for its foundation in terms of earlier contexts. In so far as one can talk about a post-modern philosophical foundation for the concept it would be along the lines we are going to touch upon in the following, but post-modernity generally believes in foundations only in so far as they are politically effective, and the practical establishment of the human rights tradition of the United Nations serves the purpose of practically founding the idea of human dignity in a way that is far more politically effective than any philosophical foundation can hope to be.

The claim that the notion is ambiguous, nebulous or without meaning, which serves the purpose of making it impossible to be wrong no matter what one thinks human dignity should occasion, is comparable with a post-modern disinterest in foundations or for that matter in further explanations. The stance of regarding human dignity to be a nebulous or irredeemably ambiguous concept may in fact be a useful arrangement in order not to upset a delicate political balance attempting to manage the possibility of social unrest. But such stance amounts to a suspension of the philosophical inquiry

into human dignity and is therefore in this regard unsatisfactory, even if such enquiry needs to be conducted with full awareness of the issues it is likely to raise.

### 3. The possibility of a post-modern explanation of human dignity

Despite the post-modern context's weariness of 'foundations' as a suitable means to construct a perspective on the socially constructed world, explanations can prove useful in the attempt to navigate in this world. The following explanation of human dignity serves this purpose. It proposes to understand human dignity as the fundamental value of human beings originating the claims of the human rights tradition, and thus attempts to move a step beyond the temporary truce of agreed ambiguity towards highlighting the intuition that lies underneath and drives forward the development of the idea towards its expression in the human rights tradition, and which takes form in different contexts originating different types of arguments.

We take a value to be an identifiable source of motivation, as Edith Stein does. Of values there can be insight because the motivation can be felt, the entity to which it attaches can be identified (in this case human beings), and because we can learn from the value-responses of others by the means of empathy. A value, in fact, is not necessarily being felt or motivating us as it could do as we can learn from comparison with other people's experience. In the thus extended inter-subjective field a phenomenological analysis of values as they correlate with the different levels of the person, motivate correspondingly different personality types, and coordinate correspondingly different communities, is possible.

Aristotle, who we can take to be representative of the cosmo-centric context had the concept of value in his term *axiá*, from which we also have our concept for value-theory – axiology. Emotions, however, were not quite thought by him to detect meaningful objectivities that can be analyzed in themselves, but to incline people towards certain actions (and in this sense motivate). In contrast, a value, as it is conceived by Stein, is an objectivity capable of motivation that can be both known in itself and felt, corresponding perhaps to 'the fear-inspiring', 'the joyful' or 'the pleasantness of a boat-trip'; all qualities which for Aristotle would not warrant analysis in themselves but nevertheless figure as experiences in the context of finding the golden mean between contrary passions, a mean he certainly regards to be 'objective' and intelligible. In this way the two positions cover the same ground, as regards values.

Only implicitly aware of the concept of human dignity, Aristotle was not faced

directly with the question of what exactly it could be thought to be. If he had been, he would probably have been concerned with assigning it to a category. Could it be called a substance? On Aristotle's account of essence, something has definition if it has essence, and as this belongs first and foremost to substance and we have proposed a definition, it looks like he should think it were a substance. It is, however, hard to apply Aristotle's other characterizations of substance to human dignity: it is difficult to claim that human dignity is a primary subject of predication, as it is quite difficult to attribute anything to human dignity, and even to use it as the subject of a sentence which is not a definition. Outside the *Metaphysics* examples of definitions of things that cannot easily be understood to be substances (such as thunder) also abound. This allows us to turn our attention in another direction.

In so far as *dignitas* translates *axioma* throughout the middle ages and a first principle is considered a relation by Aristotle – between what originates and its origination – it may be more fruitful to categorize human dignity as a relation – a relation between what it claims (rights) and itself as origin of these claims. A value, also, on Stein's understanding, is a relation between what it motivates and itself as a source of motivation. A principle, moreover, would be a fundamental value, i. e. a value considered higher than other values and commanding their acceptance and intelligibility. In this sense Aristotle could accept that human dignity would be a fundamental value. But could he accept that it is the fundamental value of the human being?

In so far as the qualification 'human' determines that in which the value or the axiom inheres, the carrier, or that to which the fundamental value applies, the principle of human dignity, deriving its normativity from the firstness attaching to axioms, affirms that dignity pertains to human beings. Aristotle certainly had the idea that human beings, as rational animals, were special among all living things, and he also linked deserving conduct with being rational. At the same time he understood the quality *axiā*, to determine the 'due' of individuals according to the type of privilege characteristic of a particular society. He thus knew about values not always being equally valued, and about them being valued differently in different societies. Human dignity, however, in principle pertaining to a biological species, to human beings as such, would have to be a logical consequence of the nature of the principle. That it also would have been a political impossibility could explain why Aristotle had the idea but not the expression: the idea was too implicit to be given an expression.

Aquinas' understanding, in turn, here representing the Christo-centric context, might also be compatible with ours. Like Aristotle, he accords essence primarily to substances, and in one of Aquinas' two definitions of the person, he does in fact seem to understand dignity as a substance, in that the quality which distinguishes persons is

a property pertaining to dignity (*persona est hypostasis proprietate distincta ad dignitatem pertinentem*). Such a 'double-substance' is, however, when held together with Aquinas' other definition of the person (*persona est substantia individua rationalis naturae*) better seen as a relation between priority and human beings, the latter being essentially qualified by (or related to) dignity. In the same way as the common idea of the image of God emphasizes the creature's relativity to the Creator and requires a commitment (the commitment of faith) to be fully intelligible, so the dignity of the human being can be seen to be fully intelligible only by means of the value judgement that affirms that priority pertains to the human being as such. That Aquinas could regard human dignity as a fundamental value is moreover supported by the fact that human dignity obviously can be disregarded (or not valued as it ought to be) since doing this disbars the criminal from possessing the immunity to which human dignity entitles. Aquinas thus testifies to the fact that human dignity, although an objective quality of human beings like the image of God, can be disregarded although it ought not to be, and thus is a motivating factor rather than causal one.

The idea of human dignity being a fundamental value originating human rights is not so foreign to the modern context, given its emphasis on the subject and its perspective. If we take Kant as broadly representative of this perspective, we notice, however, that feelings do not play the role of being carriers of meaning about objectivities that motivate them according to him. Kant's anthropology does not allow for motivating power being felt in the body. Objective motivators would be noumenal realities, as indeed dignity is to Kant, and the respect we ought to have for them is not for Kant an emotional response or reaction, but rather like a spiritual attitude. This is however, for what concerns human dignity, compatible with Stein's understanding of motivation, as she does not understand all motivation to be felt: some is there as a result of insight into motivational structures, and this would concern in particular fundamental values, which are too powerful to be felt except in special situations. The spiritual attitude of respect can be motivated by the value of human dignity in a manner feelings could not, given that they are simple detectors or signs manifesting the motivation as present in the body-psyche-spirit compound as which the human being is constituted by us, and given that this compound is more limited in its power to feel powerful motivation than it is to actually profit from it.

#### 4. Conclusion

The point of showing that different context-typical understandings of human dignity are compatible with regarding it as the fundamental value of the human being is to form a platform from which it is possible today to move beyond the temporary suspension of meaning present in the claim that the notion of human dignity is merely nebulous or irreparably ambiguous. It allows us to start from or at least discuss the proposed definition. I have attempted to substantiate that it is possible to conceive human dignity in this manner in *On the Problem of Human Dignity* forthcoming in the series *Orbis Phenomenologicus*, by Königshausen und Neumann. Here, however, I hope merely to have drawn your attention to the theme of the book in such a manner as to show how four competing conceptions of human dignity in Europe contribute in their diversity to humanize the space in which we learn about the dignity of the humanity we share, about the fundamental value of the human being.

Michael Gabel

### Menschsein als Differenz

*In diesen Tagen jähnte sich zum 75. Mal die Ausschaltung der demokratischen Institutionen im Deutschen Reichstag durch das Ermächtigungsgesetz der Nationalsozialisten.<sup>1</sup> Die nationalsozialistische Machtübernahme geschah mit der ideologischen Begründung einer neuen Zeit und der Heraufkunft des neuen Menschen. Ähnliche Entwicklungen drängen auch in der Sowjetunion als Stalinismus voran und nach der Beiseigung des Nationalsozialismus weiten sich diese über die Länder des Ostblocks hin aus.<sup>2</sup> Sowohl der Nationalsozialismus wie der Kommunismus oder Sozialismus verstanden sich als Bewegungen des neuen Menschen, mit dessen Heraufkunft die Widersprüche der menschlichen Gesellschaft überwunden wären. Der neue Mensch galt ihnen nicht mehr als eschatologische Hoffnungsgestalt, an der festzuhalten Sache der Religion sei. Beide Ideologien setzten vielmehr darauf, ihren Herrschaftsanspruch einer bewusst herbeigeführten widerspruchsfreien Gesellschaft von neuen Menschen notfalls auch mit Gewalt gegen alle Widerstände durchzusetzen. Herrschend war jeweils eine Gesamtleitung der menschlichen und gesellschaftlichen Wirklichkeit. Im Fall des Nationalsozialismus geschah dies auf der Basis einer fragwürdigen, biologisch und geschichtsphilosophisch begründeten Rassenideologie, die die Herrschaft einer auszuwählenen Rasse als wissenschaftlich legitim erweisen sollte.<sup>3</sup> Im Fall des Sozialismus und Kommunismus geschah dies auf Basis einer nicht minder fragwürdigen Klassenideologie, die auf einer bestimmten Auslegung der Nationalökonomie beruhte.<sup>4</sup> In beiden historischen Erscheinungen wurde*

1 Gesetz, das vom Deutschen Reichstag unter starkem Druck der Nationalsozialisten am 23. März 1933 beschlossen und am 24. März 1933 verkündet wurde. Vgl. dazu R. MONSEY (Hg.), *Das „Ermächtigungsgesetz“ vom 24. März 1933*, Quellen zur Geschichte und Interpretation des „Gesetzes zur Behebung der Not von Volk und Reich“, Düsseldorf 1992.

2 Vgl. W. NEUGEBAUER (Hg.), *Von der Utopie zum Terror. Stalinismus-Analysen*, Wien 1994; S. PLAGENBORG (Hg.), *Stalinismus, Neue Forschungen und Konzepte*, Berlin 1998.

3 Beispiel einer pseudowissenschaftlichen Ideologie des Rassismus ist A. ROSENBERG: *Der Mythos des 20. Jahrhunderts*, München 1930. Vgl. dazu S. LORENZ, Art. „Rasse“, in: *Historisches Wörterbuch der Philosophie*, Bd. 8, Basel 1992, Sp. 35–39.

4 Vgl. programmatisch K. MARX, Rede auf der Jahresfeier des „Peoples Paper“ am 14. April 1856 in London, in: K. MARX/F. ENGELS, *Werke*, Bd. 12, Berlin 1961, S. 3–4.