

## **On the Problem of Human Dignity**

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Saying that human dignity constitutes a problem may require explanation. It is in fact one of those things that we like to take for granted, and thus not to consider a problem. At the same time, paradoxically, we may be so sceptical about the possibility of bringing it into focus that we aren't willing even to consider as amounting to a problem.

Between these two extreme, but common, attitudes this article addresses the problem of identifying what human dignity is, what we mean by the expression and what we refer to when we intend what is meant by the expression. Discussions about this have often turned into a competition between different traditions and worldviews that provide incompatible 'foundations' for human dignity, a competition that seems to have to be 'won' before a discussion of the nature of human dignity can begin. Such competition misses the point that we must mean something by the word for us to find it meaningful in order to fight about it. The 'problem' of human dignity consists in finding out what this is, and dealing with the problem thus serves to deflect attention away from the issue of conflicting worldviews towards the central theme around which they diverge, but on which they must converge for any discussion of human dignity to be meaningful. Concentrating on the problem in this manner implicitly directs itself towards its 'solution', i.e. to finding out what it might be that different conceptualisations compete to conceptualise.

In the following we shall first give a 'satellite' overview of what has been said about human dignity in the European tradition and discuss how to interpret the textual evidence (1). Then we shall suggest that human dignity could plausibly be said to be the fundamental value of the human being and show that representative accounts of the textual evidence converge on this idea (2). And finally we shall explain by a phenomenological analysis what it means that human dignity is the fundamental value of

the human being (3). The background to this is my recent book *On the Problem of Human Dignity*, in which sources are discussed and arguments unfolded in much more detail.<sup>1</sup> Here I shall attempt to present the argument in miniature. It goes without saying that there is more to say.

## **1. What has been said about human dignity, and how are we to interpret it?**

Confronted with the task of identifying texts concerned with human dignity one is immediately faced with the problem of what human dignity *is*: if I don't know what human dignity is, how will I know what texts are concerned with it? The only obvious answer to this conundrum seems to be to take texts to be about human dignity to the extent that they use the expression, or use linguistically related expressions. This procedure of starting with the use of words was also Aristotle's; and we shall take his authority on this for lack of anything better.

A survey of the resulting textual evidence sees the sources clustering historically and systematically according to four contexts: the classical, the Christian, the Modern and the contemporary. The contexts, in turn, reveal themselves as consisting of sets of presuppositions for mainstream thought, such that through them the social order relying on a state of technological development and reinforced by being represented by a conception of the social and natural order is reproduced and taken for granted as the way things are as long as the epoch lasts.

Thus the Classical context with its focus on a cosmic order ties human dignity to nature, to human nature, i.e. to the extent that the idea has broken through in the classical period at all. Scant linguistic evidence can be found in Cicero, and evidence of the idea in Aristotle, although both are so determined by the need to reproduce the social context that they cannot imagine human nature to be equal in all. Thus the idea that human beings

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<sup>1</sup> Mette Lebech: *On the Problem of Human Dignity. A Hermeneutical and Phenomenological Investigation*, Königshausen und Neumann, Würzburg, 2009.

possess dignity as such, although in principle present in classical times, is prevented from being thought out fully, and instead immediately covered up and accompanied by the idea that human nature comes, despite it being what makes human beings recognisable as such, as hierarchically stratified, with free Athenian men on the top, foreign slaves at the bottom and women in between.

The Christian context inherits the idea of a hierarchically ordered universe in which the human being also tends to be regarded as dignified according to rank. But here the message of the Gospel reinforces the classical idea; the image of God is thought to refer to human beings specifically and generally. Thus the idea is slightly better focused in the anonymous treatise *De dignitate conditionis humanae* from around 800, in Robert Grosseteste and in Thomas Aquinas: although the social and legal consequences that already Cicero had seen as intrinsic to the idea of dignity are still left unconsidered. Some tendency exists, moreover, to identify human dignity with the dignity of the Christian, i.e. the dignity of the human being as redeemed by Christ through baptism. Jews and Muslims, thus, having not had their dignity restored by the death and resurrection of the Saviour, fall surreptitiously outside the social and legal order.

At the same time as the Jews become indispensable for the mercantile expansion in Europe, cities foster a social organisation that gives new impetus to thinking about the status of the subject (of the ruler). The modern conception of human dignity is autonomy-state- or city centred, whether in Pico, where subjective responsibility for one's own destiny is underlined, or in Kant who considers the dignity of the individual to rely on the ability to originate universal law. The problem with such a focus is that although explicitly universal, the link with nature, and thus with the biologically concrete human being, tends to get lost. The subject, when losing his status by sale, madness or treason likewise disappears as a human being, and thus the systematic formation of nation-states can take place by the displacement of peoples of the 'wrong' ethnic group, religion or political observation, powered by resources obtained from slave-labour and colonisation. Human dignity, albeit perhaps directly focused in its abstract legal consequences, is thus detached from real human beings.

The idea is only discussed as a political instrument for obtaining equal rights, as the American and French Revolutions brings the thought within reach that government could be shared among the many. Wollstonecraft, arguing for the rights of both men and women, explicitly calls on the idea of a native dignity of the human being to justify social engineering by states and social groups alike. Thus is unleashed a process of political activity where the claiming of rights is organised by businesspeople, workers, women and slaves, in such a manner that the language of equal rights becomes universal. As the last of the European nations attempts to form one state by typically Modern means, the horror of the measures enlisted triggers war as never seen before. After this the world is ripe for the *Universal Declaration of Human Rights*, with its preamble appealing to human dignity as the foundation of the new world order. The post-modern epoch thus is inaugurated. Now human dignity is regarded as prior to all ideologies and manners of thought, but its singular simplicity, implicitness and consequent resistance to conceptualisation still preserves it from full explanation.

## **2. How context-representative accounts can converge on the idea that human dignity is the fundamental value of the human being.**

The different understandings of human dignity emerging from the various contexts identified are all live in the contemporary context in the sense that arguments will be made that human dignity requires a context, i.e. relies on a 'foundation', that is typical of either the classical, the Christian or the Modern context. The contemporary context, however, is explicitly wary of 'foundations', as it thrives on being inclusive of a plurality of explanatory contexts, and it adopts, paradoxically, but in fact, the idea of human dignity as the foundation for its own pluralistic, democratic stance, i.e. it forms part of the presuppositions of the epoch that cannot well be questioned without placing oneself outside the context.

In what consists this 'foundation'? What is human dignity to our context, apart from it being foundational to the idea of worldwide democracy and the reign of human rights? Inspired by Edith Stein's phenomenological value theory in terms of which we shall later substantiate what is meant by human dignity, we can try out the hypothesis that it is the fundamental value of the human being. A value, according to this theory, is an ideal object (an essentiality) outside of time and space, concretely realised as founded on real objects. It is identified by that in which it inheres and by the level of depth of soul to which it corresponds, i.e. by the power with which it can in fact motivate. In itself it is thus a motivating power that can be known to us through the effect we let it have in our lives, whether as directly motivating us or as influencing the psyche in a manner detected in feelings. A value is on this account both a dependent object, i.e. dependent on the subject experiencing it, and also an independent object, in that it is experienced precisely as a source of motivating power for the subject. Because we must act, we must also choose between sources of motivating power that we allow to direct our actions by letting their power flow into our life-stream and determine its direction. Therefore we place our values in a hierarchy that can be read in our characters, and in the character of our communities which also are formed around the values that bring them together and power them for a common life. When we call a value 'fundamental' we mean that its motivating power is higher than that of all other values, that it underlies all these, and ought to be preferred to them. This could be because the other values are consequent upon this value, derive their importance from it and hence would not have the value they have were it not for this dependence. That human dignity is the fundamental value of the human being thus means, in Stein's terms, that the value of the human being is highest and ought not to be preferred to any other value, the value in turn being an ideal object, an essentiality, of which we can form a concept that may express its essence.

To form such a concept we would want to establish that this conception is not so dependent on our context that understandings rooted in other contexts cannot accept it. If they could not, in fact, it could not be what human dignity is, as the essentiality should be what identifies all conceptions of human dignity and thus provides the material for us to

investigate its essence from occurrences of experiences experienced as being concerned with it.

It is typical of each of the contexts identified that their epistemological presuppositions differ. Their understanding of what it is for a thing to be what it is, the various theories of essence predominant in them, are in fact often considered to be incompatible and the reason why a 'foundation' for human dignity must be accepted before discussion of its nature can begin. We must thus establish that it is possible for each of these diverging sets of epistemological presuppositions to conceive of human dignity in the manner proposed in order to say that no foundation for human dignity is needed beyond understanding it as the fundamental value of the human being in the manner proposed.

Aristotle's is possibly the most developed of the classical context's theories of essence, even to the point of containing contradictory elements. Thus it is not quite clear whether he thinks there can be essence only of substances, or whether there also is essence of things of other categories, such as relations, accidents or places. In the logical works definition of the essence seems to play the role of guaranteeing scientific procedure, when it explains the non-accidental connection between the genus and the differentia. But it is not clear that the essence is of substance as the examples given are of thunder and eclipse, neither of which can easily be conceived as a substance. However, it may be so that Aristotle sums his thoughts up in the *Metaphysics* when he claims that there may be essence of whatever there is definition, so that it is the definition that becomes the hallmark of the essence. Our question concerns the essence of human dignity, and whether its definition as the fundamental value of the human being would be acceptable to Aristotle. We thus have a proposed definition – the question is what Aristotle would make of it and what he would understand by a fundamental value.

Aristotle has the concept of value, as can be seen from the fact that economics traces its roots back to certain passages in the *Ethics* and *Politics*. He also has the concept of a fundamental principle, and it so happens that the words used to designate both realities are linguistically related to each other and to the expression 'human dignity': *axia* and

*axioma* are translated into Latin by ‘dignus’ and ‘dignitas’. *Axioma*, which we have in ‘axiom’, is like dignity in that it is of consequence, i.e. has things following from it, just like values have; both lay claims to appropriate responses, to having certain consequences recognised. A fundamental value, for Aristotle, is thus quite likely a principle, i.e. a normative reality from which everything else follows, or as he says about first principles, ‘which must be accepted before the educational process can start’. As essence is also understood, like form, to be an explanatory principle (*arche*) of substance, it cannot be excluded that dignity is a substance, as substance in some instances is identified with essence. In this manner it could not be excluded that human dignity would be a principle, which could have a definition, and indeed the definition proposed. ‘Human’ would thus qualify the principle in question to apply to all human beings, attributing to them fundamental value. In this manner Aristotle could be seen to accept the proposed definition.

Could Aquinas, a prominent representative of the Christian context, accept the proposed definition? He could conceive of the essence of human dignity to be an essence of a logical notion, like genus and species, which he considers to be ‘relations, accomplished by the reasoning mind, to essence as it exists in the mind’. That could make human dignity an accident of the mind, part of the essence of which is its attributability and its being accomplished by the mind in relation to the essence of the human being, as it exists in the mind. What the mind thus seems to accomplish is a relation between human beings, the mind conceptualising, and priority or dignity as such. Although human dignity then would be defined as an incidental property of the mind conceptualising it, it would as a concept apply to real human beings as such, attributing to them the priority that is dignity. What thus would be conceptually accomplished (incidentally) would be an essential attribute.

Although the idea of the image of God is not restricted specifically to human beings in Aquinas (as it is implicitly in many other Christian thinkers), it is clear that there is a certain parallel between the two ideas. One could see the idea of the image, referring back beyond itself to the absolute authority and substantiality of God, as mediating a

commitment in faith to recognise human dignity, i.e. to have or to institute the incidental property of the mind, attributing priority to the essence of human beings as it exists in the mind. The idea of the human being being created in the image of God thus encourages the acceptance of what looks very like the fundamental value of the human being, investing the human being with a claim for respect due to God, and to the human being because of God. It makes sense to call this incidental property a value because it motivates, and to call it fundamental because it is founded on nothing else but God's authority, which it expresses. That it is attributed to the essence of the human being as it exists in the mind explains its universality. Aquinas, as a representative of Christian thought, could therefore also accept the definition proposed.

Could Kant as a representative of the modern context? To Kant a value would be a *noumenal* reality attributed to empirical reality by an act of judgement. Like virtue, human dignity would be simultaneously logic and real so that we are doomed to have a provisional idea of it, given our insufficient understanding of the human being on which its understanding depends. Like the entire subject matter of the *Metaphysics of Morals* the understanding of virtue is empirically mediated (taking human nature into account), but founded *apriori*. This is also the case for the founding principle of the metaphysics of morals, human dignity, and thus its 'transcendental location' as either a *noumenal* or an empirical reality is problematic. The reason for this is profound: That the transcendental I necessarily understands itself as simple allows for only empirical facts, such as the human being, to distinguish subjects from one another. A judgement seems to subsume such empirical human beings under the concept of an end in itself despite Kant's insistence that the ideas have no use within the empirical sphere. The power of judgement hence would determine the determinability of empirical human beings as ends in themselves, whereas reason would affirm the categorical imperative on this foundation. Human dignity could thus well be seen as an intentional object with its own logical, as distinct from real, essence, founded on human nature as it exists empirically in human beings. It could also be said to structure the personality of the one who adopts it to be the object of his or her will, thus acting in accordance with duty. It seems thus that Kant also, like Aristotle and Aquinas, could accept the definition proposed.



### **3. A phenomenological explanation of what it means that human dignity is the fundamental value of the human being.**

If we thus can say, without coming into conflict with contexts other than the contemporary one, that human dignity is the fundamental value of the human being, what are we to understand by this definition, what does it mean?

The human being as such motivates us, although it seems, to varying degrees. In war situations, and in particular in genocides, when respect for the human being as such is at its lowest, it shocks us to see how little the human being can mean to others of our kind. But then we are precisely that, shocked. We react as if something is amiss when faced with such disrespect for human beings. Why is that? It seems to be impossible for us to accept that human beings could be, without it being wrong, treated as if they were not human beings.

This is because our whole experience is built up around the normal interchangeability of perspectives between the I and the other I, which establishes intersubjectivity and makes language possible, and because we have learnt to understand ourselves as human beings first and foremost, i.e. learnt to identify ourselves with the type of the human being in its various components (I, person, zero point of orientation, sensitive body of a recognisable structure, psyche and soul).

The I, in fact, I cannot regard as less important (as having less value) than any other element in my experience, because it always accompanies this experience, which would thus not be experienced were it not for the I. I, in other words, cannot experience anything without the I, and must consequently value it as highly as or as higher than, anything else I can experience, since it is indispensable to this experience. My person, being the subject of valuation as I experience it, I cannot value any less than the I, as it is by means of it that I experience valuation in the first place.

The other I, whom I identify in empathy, and whose experience together with mine contribute to my experience of objectivity, I cannot value any less than I value objectivity. In so far as I experience an I to be indispensable to its own experience, I also experience objectivity to rely on the indispensability of this perspective, which is different from mine. In this sense I must value the indispensability of the other I higher than objectivity, as it underlies it. Likewise with the other person, indispensable to the other's motivated constitution of the world.

I must value the type of the human being as highly as objectivity as it is the marker that allows for the interchangeability of perspectives. In this way the other human being is indispensable in the same way as I am indispensable to experience, and I am a human being, who, as such and in the world, is the source of subjective creativity. My body and the body of the other along with the psyche of us both must be as valuable as the type of the human being since it is these elements along with the I and the person that allow us to identify each other as of this type.

It thus turns out that all the elements pertaining essentially to the human being are at least as valuable to us as objectivity, and as that includes everything in the world, the human being must be more valuable to us than the whole world, given that it co-originates its constitution. It is for this reason that we feel the whole world disturbed by disregard for the human being: it turns the world upside down and institutes chaos in our perception of the world. That human dignity should be respected means that the human being has importance for everything, that it has fundamental value, value that cannot be subordinated to any other value without it being wrong and affecting the meaningfulness of the world. Affirming human dignity means that we affirm that human beings have this fundamental value, and hence that we think this value should be placed higher than any other value, that it is indeed fundamental.

## Conclusion

Having surveyed the textual evidence for the occurrence of the expression 'human dignity' and linguistically related expressions, we found human dignity placed in four different contexts, often providing the idea with 'a foundation'. As the idea, however, must make sense in itself, since we can understand it despite the change of contexts, we attempted to see whether it was possible to understand human dignity as the fundamental value of the human being irrespective of context, and we found that it was. Finally a constitutional analysis of human dignity explained for us why we conceive of the fundamental value of the human being with quasi necessity given human experience. It is insight into this quasi necessity that makes us affirm that human dignity in fact *is* the fundamental value of the human being.