

# Human Dignity



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# Preface



The subject of human dignity is the worth of human beings or their high rank, or even their special place in nature. If we want to think about human dignity we should not remain content with a definition of the term or a short account that fails to acknowledge the idea's difficulty. The idea is difficult, even though it is rather casually used in many kinds of ceremonial or more substantial public speech, especially when such speech involves praising human rights. We can break down the difficulty into many difficulties, which are linked. One main difficulty is working out the distinction between the dignity of human beings in their relations with one another and the dignity of the human species in relation to other species and to nature as a whole. But there are other difficulties. Trying to deal with one difficulty may unsettle the conclusion we thought we had reached about another. I emphasize the conceptual or theoretical difficulties in this essay, not the formidable difficulties that stand in the way of the realization of the idea in practices and institutions or in taking the idea ever more seriously where it is already partly realized. No society fully realizes the dignity of the individual, though some societies come closer than others. In their awful luck, many societies have barely the beginnings and some have none. On the other hand, to say what the dignity of the species is will depend on trying to ascertain the human difference from the rest of nature.

The first part of the book takes up the dignity of individuals, or what

I refer to in the common phrase as the equal status of all persons. There may be advantage in aiming to work out what the idea of individual dignity requires in theory, despite all the obstacles that confront its initial realization or its further improvement. The idea is not in itself utopian, however distant past societies were from honoring what we now consider human dignity, and many present ones still are. Human individual dignity does not ask for much, but many of those who resist its claims act as if they are asked to give up everything.

The latter part of the book is driven by the wish to locate the dignity, or what I call the stature, of the human species in its unique qualities—capacities, and traits and attributes. These qualities, however, are not only uniquely human; they help to account for all that is valuable in the human species. Beyond that, these unique qualities form the basis for my contention that the human species is only partly natural. It is the only species about which that can be said. Every species is by definition unique, but only the human species achieves a partial break with nature; that is the reason that I call the human species the highest of all. But I try to suggest that such a position carries with it a tremendous duty toward nature—namely, to become ever more devotedly the steward of nature. This is a labor that only humanity can perform. Its unique break with nature makes it possible to serve nature because of such human responses to it as intellectual curiosity, awe, and gratitude, and also atonement for what human beings have done to it.

This essay is an exploration. It joins other works that have been devoted to understanding the idea of human dignity. It may seem presumptuous, however, for anyone to enter an assessment of the worth of human beings. I am sympathetic to that judgment. After all, what right do human beings have to act as judge in their own case? If we cannot have an absolutely trustworthy judge that is wholly external to us and that tells us what our worth is, what our dignity really is based on, are not we prey to either wishful thinking or misguided depreciation? I attempt to take on this question, but I am aware that people might remain skeptical of the whole effort. Or, in contrast, they may say that they know what human dignity amounts to on the basis of their assured belief in an absolutely trustworthy judge, some nonhuman entity or force greater than ourselves that has given us an explanation of what

we are and a determination of what we are worth. We should proceed to correct our thinking about ourselves in this light. But suppose that there is no such entity or that we do not have indisputable communication from it or with it?

Of course, adherence to a system of theology appears to remove many of the conceptual difficulties that permeate the analysis of the idea of human dignity. By imputation, a divine entity can provide the right questions and answers on the subject of humanity, its nature and worth. A secular exploration of the idea of human dignity, like this essay, is undeniably harder to carry out than a religious exploration would be if we all could accept theological assistance as genuinely truthful. I try nevertheless to stay within the boundaries of warrantable speculation. If all the truth-claims in theological systems are refutable, the theologically based exploration of the idea of human dignity becomes not less difficult than the secular exploration, but impossible. It is better to refuse the temptation to claim, as some religious people do, that theology makes no truth-claims, and is instead an autonomous and self-enclosed language game. The trouble is that then these religious adherents slip back into basing speculation on what appear to be truth-claims in their several theologies, after all. Let us keep open the secular possibility of exploration, because if theology goes down, then in disappointment we might be moved to think that since there is no irrefutable theological system, there can be no idea of human dignity. We must be willing to think about human dignity with the assumption that it was not bestowed on us or imputed to us by some higher non-human entity, whether divine, demonic, or angelic.

I do not give an objective account. It is impossible to defend or attack such a charged idea as human dignity without commitment, whether it is a moral commitment or a theoretical commitment of some kind. The aspiration is to work with a commitment that is warrantable. This essay is not neutral, but it asks for no faith, and no trust in anything but our common ability to think through our positions without recourse to assistance from a more-than-human force or entity that we posit in the hope that we are able to do so, or out of an urgent wish to believe that we must do so, hope against hope.

If there are certain questions about human beings that must be ad-

dressed, as I think there are, I see no alternative to exploring the idea of human dignity. If it is presumptuous for human beings to discuss human dignity, then that would mean that much of the literature and philosophy of the world would be presumptuous. Few writers claim divine inspiration or access to divine revelation. Yes, there are scriptures; but their actual relation to divinity aside, the amount of scriptural writing is minuscule in comparison to all the rest. Yet a great deal of the world's writing does try to assess the worth of human beings, in one way or another. If some of the works we have rely on scriptures or assert that they do, many other works do not. I am not saying that the idea of human dignity as such usually figures explicitly; it rarely does. But we nevertheless read books that ask, if only implicitly, what it means to be human. Writers constantly enter judgments about how human beings treat one another, or treat nature. The underlying question is, do people, real or fiction, show awareness of the burdens of human dignity.

One must be tentative; that is why I speak of exploration. The conceptual difficulties are resistant to clarity or to agreement that is better than superficial. Other relevant explorations must be present to mind whenever any particular one, like this essay, is read. Readers without religious belief can learn in their own secular way from many religious writings. The bibliography includes a sampling of texts that offer help, by way of contrast or disagreement, on various aspects of the idea of human dignity.

I offer a defense of human dignity. To be sure, international documents in which human rights are declared appeal to human dignity to vindicate rights. But quite a number of thinkers find the very idea of human dignity unacceptable. They do so not only, or not even primarily, because they think it is mistaken for human beings to judge the worth or dignity of the human race but because they enter a harsh judgment that ridicules the supposition that humanity is so special or important as to justify an assertion of its dignity. Or these critics see nothing valuably distinctive or unique about human beings that other species lack; or they say that if other species lack these qualities, they make up for them with qualities that compare quite well with those that are uniquely human. Or critics think that the human race is manifestly aggressive and destructive in regard to nature, but also in regard

to itself. How can such a species think well of itself when its record of moral wrongdoing is so extensive and intense, and when its exploitative and shortsighted treatment of nature is so dangerous to nature and itself? Up to a point, I grant the truth of these charges. Nevertheless, I still think that we can form an understanding of human dignity that perhaps survives the worst that people have done, and therefore the worst that has been said so far about humanity. We do not need a pessimistic theology to say the worst; we do not need to get entangled with sin as an affront to divinity. We have only to be honest about the immeasurable wrong that human beings have always done, still do, and will always do.

You do not have to love humanity in order to believe in human dignity. I must admit that I find the appeal of misanthropy not seductive but quite worth attending to, if for no other reason than the necessity to avoid excessive pride and consequently to accept the imperative to limit—whenever possible, whenever the truth allows—the claims we make about human dignity. But limiting the claims does not mean disowning the idea that human beings have dignity, a dignity that rests on a human uniqueness that is not only praiseworthy but manifests a break with nature. Of course, and inextricably so, we must often condemn human uniqueness. Perhaps a way can be found to believe that the praiseworthy considerations outweigh those that deflate or shame the human race and that sometimes even make a few thinkers imagine that they wish for its extinction.

# The Idea of Human Dignity



My aim is to defend the idea of human dignity. Does it need a defense? After all, the idea has become commonplace, especially since the end of World War II. In the name of human dignity, which now turns out to mean in its most common use the equal dignity of every person, charters of human rights are promulgated, and appeals to it are made when people all over the world struggle to achieve their claimed rights. Human dignity is thus perceived to be the basis for human rights. But not much is said about what human dignity is and why it matters for the claim to rights. It almost seems as if the idea of human dignity is axiomatic and therefore requires no theoretical defense. All it needs is to be translated into established rights, which are then preserved in the face of attempts to keep people down and deny them what they are owed.

When people have to struggle to establish or preserve or reestablish their rights, they contend with various interests that are threatened by the demand for rights and that have many kinds of power to repel such assertions, but these antagonistic interests have little theory of any weight to sustain their cause—they have only tenacious privilege backed up by alarms, and by lingering popular prejudice, superstition, and mental inertness, and the cry of security against the enemy always ready to hand. It can be thought that whatever was the case some centuries ago, the defense of rights at present requires little theoretical



articulation. Why make trouble by defending rights at length and make worse trouble by claiming that human dignity is the basis, or part of the basis, for human rights? Theoretical defense invites philosophical skepticism, which is sometimes useful to stimulate thought, but there is these days not very much theory, though there is some, that comes out and says that human rights are, in Jeremy Bentham's phrase, "nonsense upon stilts," and that the idea of human dignity adds yet more nonsense.

The reason to go on with the theoretical defense of human rights is that opposition to them exists among thinkers who are on the side of the great majority of people and who do not support the established privilege that a system of rights threatens. One principal source of opposition to rights comes from those who think human rights are essentially bourgeois rights and therefore make too much of one particular right, the right of property. From the nineteenth century on, this opposition on the radical left has been prominent and sometimes revolutionary. The Marxist and other radical critics of the right of private ownership have gone so far as to call into question the value of almost all other rights because in an oligarchic or capitalist society the rich and their allies are so dominant as to make such rights as free speech, press, and religion into weapons useful to fortify the oppression of the subordinate classes. This analysis overshoots the mark, but retains the power to cause unease among those who are committed to human rights. Human rights are in fact conceptually and actually unsettled by widespread poverty, despite the strength of the case that the abolition of private property is not the way to reduce poverty in the long run. There are also other worries about rights that we will eventually attend to, including the critiques made by utilitarian and virtue-ethics thinkers. Like the oppositional left, these critics also write on behalf of the people, not the elite, though unlike the left, they rarely have much power. Still, we have to try to see what these theorists, who oppose rights because they either support the people or want to better the character of the people, say to defend their views, and what role, if any, the idea of human dignity plays in their arguments.

In any case, there is already a substantial theoretical literature in defense of rights. It begins in the revolutions in Britain in the seventeenth

century, proceeds in revolutionary America and France in the latter part of the eighteenth century, continues in Kantian philosophy, and develops further in John Rawls's influential political philosophy and Ronald Dworkin's legal theory in the twentieth century. Add to all this work Western jurisprudence throughout. The truth is that the idea of human dignity figures in it only to a minor extent, if at all. The exception is Kant's political and moral philosophy, and he is of course a major theorist of dignity (*Würde*). For him, dignity is a foundational idea, and his work remains a continuous source of profound instruction. My debt to him will be obvious. But why, it could be asked, make so much of Kant? Kant aside, why go on thinking about human dignity, especially when we see that, especially in the twentieth century, actual progress in realizing human rights (whether called by that name or called natural rights) has often come about without much need or use of theoretical assistance? Feelings of injury and insult have mattered most, especially when they come together to impel a leap of consciousness, in which a quickened expectation of decent treatment is combined with a more definite feeling of what human dignity in some simple sense is owed; and once emergent, these attitudes and passions disseminate themselves by ordinary if belated insight, by imitation, and by the attractiveness of gradually established example.

Can we at least say that there is no harm in thinking more about the idea of human dignity and its place in the theory of human rights? I hope that there is some good. It turns out, however, that the idea of human dignity encompasses more than a role in the defense of rights; there is place in it for the dignity not only of individuals but also of the human species as one species among all the others.

## Dignity of the Individual; Dignity of the Human Species

The core idea of human dignity is that on earth, humanity is the greatest type of beings—or what we call species because we have learned to see humanity as one species in the animal kingdom, which is made up of many other species along with our own—and that every member deserves to be treated in a manner consonant with the high worth of

the species. Since Pico della Mirandola's speech *On the Dignity of Man* (1486), in which the core idea is found early, there have been a number of revisions and elaborations. Yet doubt is sometimes expressed when human dignity is introduced into later discussions of rights, even when human rights are accepted as defensible and conducive to human interests. Several particular contentions stand out in supporting the thought that all theoretical discussion about human dignity is irrelevant to the cause of promoting the establishment of human rights, or may even be a distraction. The first contention is that, despite the efforts of Kant, the idea of human dignity adds nothing but a phrase to the theory of human rights; it surely does not provide, or help to provide, an indispensable foundation. The second is that the historical record shows such human savagery toward human beings that to speak of human dignity is to mock human suffering by refusing to make paramount the moral difference between victims and victimizers; we must grant dignity only to those persons who have acted morally. The only human beings who have human dignity are those who are morally blameless or at least much less guilty; violators of rights, the victimizers, have forfeited their chance to acquire dignity. The theory of rights must distinguish between those who have dignity and those who have (not yet) lost it. The third contention is that the affirmation of human dignity is dangerous because, when extended to the human species vis-à-vis other species, it leads to monstrous human pride, which drives people to exploit nature for human purposes and hence to ravage nature and ultimately make the earth uninhabitable for many species, including humanity. The fourth contention is that human species-pride is not only dangerous but false: there is no basis for thinking that the human species is anything special; or that it alone has dignity among all the species; or that if the human species does have dignity, that its dignity is greater than, or even incomparably greater than, the dignity of any other species.

Despite elements of truth or at least plausibility in these four contentions, my countercontention is that we should not repudiate the various attempts that have been made to defend the idea of human dignity, and that additional conceptual work is not necessarily wasted. There is more to be said. I cannot deny that any attempt should face the

kinds of antagonism I have just mentioned and other kinds as well. I must try to show that the idea of human dignity adds something necessary to the theory of human rights; that though human history is a slaughter-bench, the scene of uninterrupted crimes and atrocities, human dignity must be affirmed, even the dignity of those who assault the dignity of others through wrongdoing, and thereby injure their own dignity also, implausible as that notion may seem.

As my discussion proceeds, I also wish to show, as I have said, that the idea of human dignity not only serves to help defend the theory of individual rights but also gives a perspective on the dignity of the human species. Still it is possible that the dignity of the species may be in tension with the theory of individual rights; the idea of human dignity may be at odds with itself, the claims to dignity of the individual with the claims to dignity of the species. However, to speak of the dignity of the human species as distinct from individual dignity is to invite more skepticism and even hostility. I nevertheless want to defend species dignity while admitting that human beings are generically given to mad presumption in their enterprises and exploits, whether at the expense of nature or of one another. I think that such presumption has actually been integral to species dignity. But now humanity should direct its energies, as no other species can, to the stewardship of nature and therefore curtail its mad presumption against nature. I wish to go to the extent of saying that the human species is indeed something special, that it possesses valuable, commendable uniqueness or distinctiveness that is unlike the uniqueness of any other species. It has higher dignity than all other species, or a qualitatively different dignity from all of them. The higher dignity is theoretically founded on humanity's partial discontinuity with nature. Humanity is not only natural, whereas all other species are only natural. The reasons for this assertion, however, have nothing to do with theology or religion.

I therefore work with the assumption that we can distinguish between the dignity of every human individual and the dignity of the human species as a whole. With that assumption in place, I make another assumption, that the dignity of every individual is equal to that of every other; which is to say that every human being has a *status* equal to that of all others. The idea of individual dignity thus applies to per-

sons in relation to one another, and moves ideally in a progression from an individual's self-conception to a claim that other persons have no less than equal status. I, like anyone else, can insist on my dignity as a human being, in the face of others situated above me in power and prestige and who treat me in such a way as to fail to recognize my full humanity. I also see that what I insist on, which is universal in nature, I cannot claim just for myself or my group, but must claim for all human beings. Each person must claim for all, and all for each.

All individuals are equal; no other species is equal to humanity. These are the two basic propositions that make up the concept of human dignity. The idea that humanity is special comes into play when species are compared to one another from an external and deindividuated (though of course only human) point of view. When we refer to the dignity of the human species, we could speak of the *stature* of the human race as distinguished from the *status* of individuals. In comparison to other species, humanity has a stature beyond comparison. The reasons for speaking of individual dignity are the same as those for speaking of the dignity of the species: the same unique and nonnatural traits and attributes, characteristics, and capacities. I am therefore not saying that the species has a real existence apart from the individuals who make it up, or has a substance that is different from the substance of any individual or all of them, or has a collective agency different from the agency of individuals separately or in groups. Nevertheless, I talk about the species because the interdependence of individuals and groups is so extensive and deep, and so entangled, so hard, even impossible, to describe or trace, that for certain purposes we might just as well make the human species a unified entity or agent, even though we know it isn't. Most important, the human species also includes the nameless, countless, and unindividuated unborn. I do not see how the idea of human dignity can omit reflection on the human species, apart from named or nameable individuals or identifiable groups.

The historical record appears to indicate that thinking about humanity in relation to other categories of beings comes well before thinking about individuals as individuals. Affirmation of human stature, in one set of terms or another—the word *stature* rarely occurs—comes well before political and social concern for every person equally.

Conceptually, human stature precedes individual status; the greatness of humanity precedes the equality of individuals. Starting with Homer, Western literature dwells on individuals, but they are mostly of the upper rank and they tend to matter, except to Socrates, not as individuals but as members of a class, or as defined by role or function. What counts is that the few at the top demonstrate what humanity at its best is capable of.

Although Odysseus is remarkably delineated as a person, the standards are set even for him, and the gods have their own plans also for him. Priam and Achilles break out of their roles but into tears. Socrates, however, discovers the individual, the self-conscious and hence dissident and conscientious individual, who by thinking for himself acts to avoid being an instrument of injustice, not, like Sophocles' Antigone, to uphold mores or customary piety. To be sure, Socrates says that he pursues wisdom out of piety toward the god, and is put to death because he is accused of corrupting the youth by teaching gods other than those of the city. But he does not accept the accusation that he teaches other gods. Both he and Antigone can say in her bitter words about herself: "I stand convicted of impiety / the evidence my pious duty done" (*Antigone*, p. 190). What matters first is that Socrates would rather die than give up his pursuit of wisdom, which he began before the medium of the god Apollo at Delphi had answered no when asked whether anyone was wiser than Socrates, and second, that he would rather die than inflict injustice on another person. Condemned to death on the charges against him, he chooses to die for the safety of the laws of the city rather than escaping with the help of his friends. Death stalks him or he stalks it. Both his piety and his moral sense are therefore distinctively his and they dominate his bond to his fellows and his peculiar tie to his city. It is not necessary or even possible to say in which of the two qualities Socrates is more radical. In his *Confessions*, Augustine discovered the individual self, the largest continent, while looking for God within; what is amazing is that he not only believed that inside is where we should look for God, but with profound originality proceeded to map out the vastness of inwardness. Again, it is not necessary or even possible to say whether his theology grows out of the discoveries of his introspection or these discoveries grow out of his theology. Socrates in

Plato's *Apology* and Augustine in the *Confessions* are two principal landmarks on the way to finding that individuals can exist as individuals, and that as individuals they have equal status.

In these works, the individual as subject and the individual's subjectivity are presented in a way that still retains the power to inspire reflection. But until recent centuries, human stature was preponderantly thought equivalent to the dignity of the human species, and stature was owed to the exertions of a few. It would seem that, conceptually, human dignity was for a long time just a matter of stature, of humanity's superiority to all other beings on earth, although it was a superiority that only the few high and great ones proved or at least made vivid. The Socratic breakthrough, in a setting of Athenian democracy, which was itself a breakthrough, provides the earliest movement toward the notion of the equal status of every individual; but even so, in the background is the distinctiveness of the human race as the particular object of the gods' interest. Is it possible that for some of us, too, the idea of human dignity is equivalent to the notion of stature: the superior being of the few and the greatness of their achievements? Can human stature therefore do without individual status to fill out the idea of human dignity? In a turnabout, if we are committed to equal status, do we need the stature of the human species in order to defend it? As I will indicate, the element common to status and stature is uniqueness, but a uniqueness defined by its partial discontinuity with nature, unlike the uniqueness of all other species and of all their individual members. But perhaps, though I doubt it, the purported common element is only a loose analogy, relevant for some purposes but not conceptually essential for working out an idea of human dignity.

My rough determination is that equal individual status is shored up by the great achievements that testify to human stature because, in a remarkable, memorable, and graspable way, they rebut the contention that human beings are merely another species in nature, and thus prepare the way for us to regard every person in his or her potentiality. At the same time, the idea of human stature is helped by acknowledging the claims of equal status, if only because the theory of equal individual rights has set the old order on fire. But the better reason is that the no-

tion of equal status deepens the idea of human dignity. It carries through on the attempt to establish the value of humanity by insisting on the value of every human individual. The theory of rights, however, must be more than partly, pragmatically, or grudgingly accommodated. The notion of equal status prescribes the imperative that role and function should not define any person, essentially or exhaustively. The potentialities of any person can become actualized unexpectedly, and jump over boundaries or, at a minimum, push the boundaries back by converting role and function into a vocation that is creatively pursued.

One implication of the equal status of every individual as a unique being is that no single person can stand for the species, whether that individual is average or is exceptional in various aspects. No one can represent (in the sense of embody) the human species in some imaginary congress of intellectual species in the universe. Equal status means that the question of which individuals in the human species are “best of breed,” let alone “best in show,” is out of order. Of course people vary in their talents and innate abilities, and in the manner of their acculturation, but that undeniable fact is irrelevant to human status. Most important, no person of whatever excellence could adequately incarnate such an unfinished and indefinite species as humanity; the potentiality of the species will always be incompletely disclosed as long as it lasts, and without any substantial change in its biological endowment.

Status and stature belong together in one concept of human dignity. But an important difference will emerge in our analysis. We know when individual status is respected when we determine that a state is not using or misusing the people, wasting or infantilizing them—in short, when the state honors their rights. The evidence is mostly in what the state does not do, in avoidance and noninterference. In contrast, we impute stature to humanity on the basis of the record of its achievements. The evidence is manifest. Status is a largely negative concept, defined by what assaults or even effaces it; stature can be defined only positively, by what is humanly achieved.

The concept of equal individual status is only part of the idea of human dignity; the other part is the stature of the human species. What is more, as I will suggest, status is only part of the defense of the theory of



human rights; the other part is the public morality of justice. As we go along, these points will be developed.

## Human Dignity Is an Existential, Not a Moral, Value

Human dignity is an existential value; value or worthiness is imputed to the identity of the person or the species. I stipulate that when the truth of identity is at stake, existence is at stake; the matter is existential. The idea of human dignity insists on recognizing the proper identity of individual or species; recognizing what a person is in relation to all other persons and what the species is in relation to all other species.

The truth of personal identity is at stake when any individual is treated as if he or she is not a human being like any other, and therefore treated as more or less than human. The truth of identity is also at stake when a person is treated as if he or she is just one more human being in a species, and not, instead, a unique individual who is irreplaceable and not exchangeable for another. These two notions seem to go in opposite directions—commonness and distinctiveness—but I think that they cooperate in constituting the idea of equal individual status.

In one sense, personal identity is not an achievement. I could not and did not choose to be born at all, or born a man instead of a woman; to be born on this date rather some earlier or later one, and born to these parents rather than some others. I could not have been some other person and still been myself, even though the society in which I grew up helped to shape me; the same me could of course have grown up in some other society, which would have shaped my beginnings differently. I am not a creature who has a destiny, but once I am in existence, certain features are what they are, and are more or less fixed. In another sense, identity is an achievement. Becoming or being oneself has meaning. One tries to realize certain potentialities rather than lazily leaving them dormant; one can try to resist imitating others or conforming thoughtlessly to the prevailing mores or fashions; one can work hard to avoid pretending to be what one isn't; one can change oneself for the better; one can take hold of oneself; one can aspire to be not the author but the editor of oneself and one's life; one can aspire to a measure or episode of authenticity.

For the time being, all that I want to say about the identity of the human species is that it is the only animal species that is not only animal, the only species that is partly not natural, and that is therefore unpredictable in its conduct despite its genetic sameness from one generation to the next. These are, I think, the most important considerations in regard to the identity of the human species.

Individual status is a major part of the idea of human dignity because it struggles against such notions as the natural or divinely ordained superiority or inferiority of some human beings in comparison to others or in relation to them; the idea of caste, or the natural slavery of some; the idea of hereditary rank; the idea of inherited curse; the idea of eternal damnation in itself, and also when it is posited for some but not others; and the belief that one may sacrifice the lives or conditions of life of the smaller number of persons for the larger number without seeing that acting from sincerely perceived necessity can nevertheless be doing evil. Actually, cynically asserted necessity is the norm. False metaphysics sponsors these and many other notions that war on equal individual status and thus fortifies the almost inveterate tendency that human beings have to divide the world up into pseudo-ontological categories. The pathetic fact is that the only enemies of human dignity are human beings.

When I speak of identity, I have in mind only individuals and species. I am skeptical of efforts that theorists make to give groups the same existential weight or dignity as individuals and the species. My skepticism extends to the concept of group rights, because under some versions of this concept, a group has rights that are not translatable into each member's individual right of free association and other rights, but rather are a sort of corporate rights that may abridge members' individual rights. The basis of my skepticism is the reason that if a person thinks of himself or herself first as a member of a group, that person has defined identity as affiliation, and not as first being oneself. To be affiliated with one's whole self is to welcome docility, to endorse the thought that one's possibilities are exhausted, perhaps from birth, and that one cannot change or be changed; all that one can do is play a part and at most make the part one's own by small differences of attitude or conduct. Indeed, cultural identity may be imagined as one's fated and

irrevocable personal identity. Affiliation that is self-defining and life-defining with this intensity gives a person a hand-me-down identity, an identity that has completion and enclosure, which no personal identity that is free of self-mystification can possibly have. One's life becomes a vicarious experience, lived through the fate of the group. Group rights consign individuals to dependence sustained by their conformity. I know that a life-defining group affiliation can feel like an enlargement of the self, but it is actually a diminishment; it can feel like an intensification of the sensation of being joyously alive, but it is actually existential surrender.

I want now to make a contrast between existential values and moral values. The category of existential values, values of identity, includes such cherished aspirations and attainments as developed or distinctive selfhood, autonomy, authenticity, freedom, equality, power for its own sake, virtues for their own sake, perfectionism of character or style of life, honor, glory, and fame. All these values may pertain to individual uniqueness and hence are allied to the idea of human dignity; but they figure in uniqueness as a project, not as a given. They signify a desire for an enhanced identity or enhanced individuality. As such, these values can matter to the discussion of human dignity; some, like freedom and equality, have a place at its center; all can be and often are discussed, however, apart from the idea of human dignity. But as I will suggest when I discuss the value-ethics critique of human rights, the project of enhanced individuality or cultivated individual uniqueness is not essential to the defense of equal individual status. Every human being is unique and individual without having to try to be.

All existential values have a conceptual independence from instrumental practicality and most important from morality, despite the fact that freedom and equality, the core of human rights, are often defended as practically or morally necessary or useful. When I say that human dignity is an existential value, however, I do not deny its close relation to morality, despite its conceptual independence. (Not to say that all existential values—say, honor, glory, and fame—must bear a close relation to morality.) I mean that for many people, and rightly, morality has to do solely or principally with human suffering; but human dignity in its concern with status and stature has to do with the proper

recognition of the identity of every human being and the identity of the human species. I also do not deny that the motives to inflict suffering and to assault dignity come from the same repertory of vices: the same appetites, emotions, and passions, whether they are inherent in everyday life or are inflamed by the eager adoption of the doctrine of necessity or by the appeal of ideology to the imagination. Still, being made to suffer, bodily and materially, is not conceptually the same wrong as being treated as if one is not a human being. Lastly, I believe that though a human being can never forfeit his or her dignity and thus become legitimately open to any kind of inhuman treatment, one assaults one's own dignity when one is a party to serious injustice, or systemic oppression, or to evil as a policy; one is acting as if one were more than human, or more human than those whose victimization one causes or calmly accepts as nothing untoward. The ties between moral values and existential values are often tight, but not always so; they are conceptually distinct, even in the idea of human dignity, and not only when tension between them appears.

Now, the deserved salience of Kant's moral philosophy in the theory of rights may lead us astray and make morality and dignity interchangeable terms. He holds that human dignity or worth lies in the uniquely human capacity on earth (to leave aside more-than-human entities) to act morally, which necessarily means to act from the correct moral disposition. First, only the good will shows respect for the moral law; emotions like love or pity do not belong to the correct moral disposition; and intrinsic to the good will is the resolve to be indifferent to the effects of one's moral action on human purposes. Second, Kant also thinks that we treat persons with the respect they deserve when we treat them as ends and not merely as means. They deserve respect as ends because as moral agents they are capable of respecting the moral law. To put the two thoughts together, we accord persons the respect they deserve as ends, when we treat them in a way that shows our respect for the moral law, not when we mimic morality out of one or another emotion or interest, much less when we immorally or disrespectfully use them as mere means. Kant ties respect for the moral law in one's actions and respect for persons as ends in our dealings with them into an unbreakable knot.

But suppose that we want to hold, instead, that there are additional bases for respecting human beings and hence their rights than their capacity to act morally. Free agency is a broader concept than moral agency. The moral and the existential are not interchangeable terms, and they cannot be tied into an unbreakable knot. We might also think that there are other praiseworthy sources of moral conduct, besides respect for the moral law, like pity or compassion. Then, too, we could believe, and as a matter of course, that anticipation of the consequences of our action is properly part of our disposition to act, just as the actual consequences are properly subject to moral judgment. All these objections to Kant are commonplace. We learn much from Kant, but not on moral motivation, and not on the place of morality in the larger scheme of human values, even when we take Kant's theory of the virtues into account.

The conceptual distinction between moral and existential values is interestingly made by Justice William Brennan in his concurrence to the *per curiam* decision that (temporarily) invalidated the practice of capital punishment (*Furman v. Georgia*, 1972). His discussion in this case is perforce framed by the specific kinds of pain and suffering (mental and physical) that punishment inflicts, rather than the many kinds of pain and suffering that a state that does not recognize and respect rights inflicts on the totality of a person's existence. But Brennan allows himself, when he is discharging his specific interpretative task, to reach a general principle. He says that more than pain is involved in "extremely severe punishment," and in capital punishment especially. "The true significance [of severe punishments] is that they treat members of the human race as nonhuman, as objects to be toyed with and discarded" and that they may "reflect the attitude that the person punished is not entitled to recognition as a fellow human being" (pp. 272–273). (The old Nazi phrase was "life unworthy of life.") He also says that severe pain like that of capital punishment can be degrading (p. 281), especially when it is inflicted arbitrarily on some but not all who have committed capital crimes; when the severity of the pain is unacceptable to contemporary society; and when a lesser punishment than death would be adequate for the deterrent or expressive function of punishment. The "paradigm violation" of human dignity is "torturous punishment," which capital punishment is, mentally more than physically.

His conclusion is that capital punishment is a cruel and unusual punishment and is therefore prohibited by the Eighth Amendment of the US Constitution.

It is excellent that somewhere on the highest level of US jurisprudence, the idea of human dignity appears to be doing irreplaceable work in the defense of human rights. In the *Furman* case, the target is torture or what is torture-like: living on death row for a long period and then enduring execution that is rarely free of serious pain. The trouble is that apart from the metaphor of the human being as an object that is toyed with and discarded, and the reference to the state's failure to recognize a prisoner as a fellow human being, the entire burden of Brennan's reasoning against capital punishment is carried by the view that the infliction of such severe pain is immoral, a great immorality committed by the state. He does not quite say that capital punishment makes the state no different from and certainly no better than a murderer, but he could have. Human dignity is frequently mentioned, but it is not clear what work the idea does. Elsewhere, he expands the notion of human dignity to require state provision for individual self-development. This idea is rather too custodial for the good of human dignity; the real force of his conceptualization lies in his principled aversion to capital punishment and other cruel or unusual punishments.

Brennan implies that deliberate infliction of severe needless pain is in itself degrading because it is the ultimate immorality; the infliction of such pain is the worst way that human beings treat other human beings. No one, no matter what they have done, ever deserves to receive the worst at the hands of the state. The treatment is inhuman. But Brennan does not hold on to his point that the infliction of severe pain can be an instrument of an intention that goes beyond pain for the sake of pain; namely, the reduction of a human being to the nonhuman status of a thing or animal. He keeps returning to the cruelty endured by the prisoner in capital punishment—that is, to the extraordinarily painful experience of a prisoner facing death and then undergoing execution. The severity of experienced pain is what holds Brennan's attention. He says that the United States believes that “the dignity of the individual is the supreme value”; but it is telling that he then calls this foundation “moral grounds” (p. 296).

I do not want to press Brennan too hard. I can see why it makes sense to hold that inflicted pain can be so severe that one wants to say that it is in itself an effacement, apart from intentions or effects, of the humanity and hence the dignity of the victim. What I would like, however, is a more definite indication that the violation of dignity has existential weight that is independent of the suffering in itself. Part of the intention of inflicting suffering is to re-identify groups of people as subhuman and do so through the kinds of suffering that degrade. In general, atrocities, crimes against humanity, are not merely immoral but evil. When evil in the form of the effacement of human identity is involved, the category of immorality seems inadequate. The moral concept of cruelty does not account sufficiently for the phenomenon of cruel and unusual punishments such as slavery.

I also think that what Brennan's opinion requires is a sharper distinction between pain (no matter how severe) and death. He hates the thought that a state would deliberately end the life of a human being and tries to make the awfulness of that act resemble as closely as possible the most extreme pain. By making so much of the cruelty, he is able to take refuge in the Eighth Amendment and thus see severe pain as in itself degrading and hence as violating human dignity. He believes that he cannot appeal to an absolute infeasible right of life because the due process clauses of the US Constitution do not prohibit capital punishment, but assume its continued existence and only demand due process protections for the capitally accused person. Conceptually, he is left with the profound immorality of state-inflicted cruelty. Yet he sees that retributive moral arguments (secular and religious) are used to defend capital punishment: "a life for a life" has ancient standing. He consequently needs a kind of argument that is not only moral; so he continuously refers to human dignity, as if it were more truly moral than traditional morality, just because human dignity seems incompatible with, above all, the deliberate and punitive infliction of severe pain.

But why is death "an unusually severe punishment?" His answer is that it is "unusual in its pain, in its finality, and in its enormity" (p. 287). But he does not spell out the specialness of death as a punishment; he does not say why death is so bad that no one can ever be said to deserve it, even if it were inflicted quickly and painlessly. We need an existential

argument for an absolute, indefeasible right of life, not a moral one, and I hope to give a sketch of it in a little while. In Brennan's concurrence, striking and praiseworthy as it is, morality actually does just about all the conceptual work; dignity hardly does any. The defense of human rights requires a more defined existential or identity component.

When we look, as we will, at the connection between pain and degradation outside the framework of legal punishment (capital punishment in particular), and with state-inflicted crimes against humanity in mind, the nature of the degradation that severe pain can cause becomes clearer.

## Uniqueness and Dignity

In the idea of human dignity to recognize oneself as sharing in a common humanity with every human being is the primordial component of individual identity. Its positive center, however, is belief in one's uniqueness together with the uniqueness of every human being. Analogously, the dignity of the human species lies in its uniqueness in a world of species. I am what no one else is, while not existentially superior to anyone else; we human beings belong to a species that is what no other species is; it is the highest species on earth—so far. In a further step, we want to be able to say that the uniqueness in each case is commendable, not because any uniqueness whatever is commendable but because human individual and species uniqueness derives from capacities, from traits and attributes that are unique and commendable. All other species are more alike than humanity is like any of them; a chimpanzee is more like an earthworm than a human being, despite the close biological relation of chimpanzees to human beings. The small genetic difference between humanity and its closest relatives is actually a difference in capacity and potentiality that is indefinitely large, which actually means that it can *never* be fully measured. Only the human species is, in the most important existential respects, a break with nature and significantly not natural. It is unique among species in not being only natural. Of course, if the species breaks with nature, so must every individual member of it.



Does dignity really depend on uniqueness, on unique identity? In one sense of dignity, the answer is no. I mean that any creature or person or thing can strike an observer as having the dignity of being itself, worthy of perception, and able to arouse wonder at its mere existence. The concept of uniqueness does not have to be in play for us to feel this wonder at the suddenly vivid appearance of a particular thing, creature, or human being that is seen or found by the way; we know that species exist, but the particular is suddenly magnificent in momentary isolation and sufficiency. The creature or thing or person may be so little known to us that we do not have enough knowledge of it or him or her to make any claim of uniqueness. Or the concept of uniqueness can be in play as the momentary feeling that what is before us is the only one of its kind, when of course it isn't; its presence before us impels the feeling that nothing else is like it. Appearances and impressions count for everything. We observe as from a distance; the frame of mind is aesthetic.

But when we speak of human dignity as the status of the individual or the stature of the human species, we are reaching for another sense of dignity, the dignity of what is uniquely human in its identity. Human identity rests on unique traits and attributes, which make human beings capable of commendable works and ways of being, but also of wrongdoing of every kind and in every degree. If there were only or mostly wrongdoing, it would be nonsense to speak of human dignity. The existential values would be worthless without realized moral capacities. But there is more than wrongdoing. All (or almost all) and only (truly only) human beings have these commendable traits and attributes. (I will later discuss these traits and attributes at some length.) If we want people to be treated with the proper recognition and respect by means of a system of human rights, we must work to encourage the perception that each person's common human traits and attributes, in their individualized presence, make that person uniquely precious; and if we want the human species to serve as steward of nature, we are asking for people to direct, more than they have ever done, their uniquely human traits and attributes to activities that make up the great project of stewardship, which no other species could possibly conceive or perform.

We begin thinking about the human dignity of individuals, their equal status, when we impute to every person this thought: I have a life

to live; it is my life and no one else's; it is my only life, let me live it. I exist and no one can take my place; I exist and though I do not owe my existence to fate or other superhuman necessity, I am not nothing. My birth may have been planned, but I was not intended as the specific person I eventually became. In some moods, I fantasize that everything that has so far happened in the world was needed to bring about my particular existence, and that my existence is therefore a necessary outcome of innumerable interlocking causal chains, although I know that the same could be said of all other persons and creatures. Anyway, I am not nothing, even if or even though I go to nothing at the end. I am not nothing, even if in my life I amount to nothing out of the ordinary.

There are people who are so disabled that they cannot function. Does the idea of dignity apply to them? Yes, they remain human beings in the most important respect. If they cannot actively exercise many or any of their rights they nevertheless retain a right to life, whatever their incapacities (short of the most extreme failures of functioning). They must be treated as human beings, not as subhuman or as animals or lumps of matter. Clearly, however, the idea I explore puts functioning human beings at the center. Nor do I wish to deny that the obvious differences between adults and children (potential adults) remain crucial.

## Attacks on the Status of Individuals

Lodged in the idea of human dignity is the belief that the individual's status can sometimes be attacked—injured and insulted—painlessly, without suffering. People can be manipulated, controlled, or conditioned softly and subtly, or even invisibly, and not feel that they have been degraded or even wronged, that they have been existentially harmed. They may even find pleasure or numerous benefits in their situation, and feel grateful to those who rule them paternalistically or in such a narrowly regimented way as to withhold from them the contrasts and range of experience needed to create awareness of their dignity. It would take an outsider or an alienated subject to find their horizon arbitrarily closed in. To use a discredited term, people may live in false consciousness, and do so comfortably. One of the advantages

of the idea of human dignity for the theory of human rights is to raise the possibility of painless oppression, whether in ostensibly rights-respecting societies or in successfully disciplined societies where the very idea of human dignity and the rights that flow from it are lacking.

The problem of painless oppression and the attendant problem of false consciousness, however, do not provide the most significant issue where the idea of human dignity does indispensable work. The greater the suffering that a society may inflict on people within or outside its domestic jurisdiction, the more urgent the question of human dignity becomes. But the suffering that a system may inflict on people in denial of their rights is not the whole story. The damage done to morality is crucial, but not an exhaustive account of the oppression. Beyond oppression, there are systems of suffering that are so extreme as to efface the personhood of individuals and leave only biological entities that do anything to survive, at whatever cost to those around them and to their own dignity. Degraded human beings therefore lose their identity as human beings and as particular persons, at least for a significant stretch of time. They have been forced to lose almost all uniquely human and personal characteristics. Thus through no fault of their own, they no longer manifest the reasons for which incomparable dignity is ascribed to human beings. Except in rare cases, they can no longer exercise free agency or moral agency. The assault on dignity has achieved its aim when the very possibility of the idea of human dignity is forced out of the mind of the victim by extreme suffering. One has been made to forget that one is a human being because those who do evil as a policy have already denied that those to whom they do it are human. This extreme will to deny the humanity of targeted groups grows out of ideologies and elaborated fantasies that congeal in revulsion and bottomless contempt for the afflicted groups and results in their degradation. The original denial of their humanity seems vindicated in a grotesque parody of proof. The effects of the atrocious policies reinforce the extremism of will. Crimes against humanity are the most serious crimes against human dignity as well as the most serious crimes against the morality embedded in human rights.

Deliberately effacing the person takes place in extreme situations like war, many prisons and forms of captivity, torture, slavery, concentra-

tion camps, induced or neglected famine, and death camps. But we should not speak as if at any time degraded human beings are no longer human; to do so would justify the treatment inflicted on them. They are human beings in ruins. Even if some captives are freed, their recovery of status may be only nominal, but it is something like resurrection to recover it more than nominally. Great suffering imposed by human decision, not by natural calamity, can thus impose the aggravated harm of the attempted destruction of existential status.

Yes, natural calamity may be so dire as to make human beings forget themselves in their efforts to save themselves at whatever cost to others, and prior or subsequent human neglect may worsen the effects of natural calamity, but nature has nothing in mind when it starts a catastrophic process. In contrast, the evil treatment of people—say, a totalitarian system of extermination—deliberately imposes on them the worst existential loss. The evil of inhuman suffering is a conceptually separate consideration from the inevitable existential loss that is sustained by most people when they are dehumanized, even if for only a while, by their suffering. The human loss has more than one dimension.

I am not saying that the idea of human dignity represents indifference to suffering. Rather it serves as a reminder that the harm sustained by a human being subjected to inhuman treatment is more than the experience of pain. In most cases (but not all, as we shall see), the existential perspective is not in competition with moral judgment. My complaint is that the existential loss, the loss of human dignity through extreme suffering, is not always taken into account. It is heartless but necessary to say that since the existential loss often ceases to register on the victim after the ordeal has gone on for a while, it is up to the observer to insist on it, precisely to highlight the compound nature of the experience of evil treatment, the total abrogation of human rights.

## Moral and Existential Components in the Theory of Rights Compared

I propose the tentative thought that from a moral point of view human rights are instrumental in their value, while their value from an exis-

tential point of view is not instrumental. The fundamental moral advantage of rights is that they are supposed to reduce suffering by guarding against state oppression and wrongdoing. In contrast, the existential advantage is that the state's respect for rights shows that the authoritative source of laws and policies in society is constrained by its recognition of every person's identity as a human being equal in status to all others and as a unique self. For all its good effects on the psychology of a person, such recognition is not instrumentally valuable, because one's identity precedes any purpose one has. To be sure, a person finds that guaranteed rights create an atmosphere of freedom in which opportunities for action multiply. But I think that it is somewhat misleading to regard an atmosphere of freedom as only or primarily instrumental; it makes a new world. In exercising a right, one shows that one is aware of being free and also demonstrates what being free means. One exemplifies one's status as free and equal. I won't insist, however, on a sharp contrast between the instrumental and noninstrumental value of human rights, as if to say that what is noninstrumental must always rank higher.

The hope, perhaps futile, is that the question should not arise as to the comparative importance of moral and existential components in the theory of individual human rights. At first sight, we can say that both are necessary, and neither is sufficient. A second look indicates, however, that since there can be painless degradation where no right but life is respected (discussed again later), the existential component is occasionally necessary and sufficient to condemn such an infantilizing system where rights are comfortably absent because they are thought unnecessary. The moral element has failed to cooperate with the existential element in upholding human rights.

There is one last stumbling block. Does morality actually require a prior existential element? I mean that a committed champion of animals could ask why the prevention or reduction of human suffering counts as an absolute moral purpose, while animal suffering is at best, and rarely that, a minor consideration. One way of dealing with this question is to say that individual members of the human species matter existentially more than members of all other species; human beings

have an incomparably higher dignity. They matter more because of what they are: members of the human species, with the unique and incomparable traits and attributes of the species. In being partly and commendably nonnatural, a human being has an incomparably higher status than any animal. If human beings matter more, their suffering matters more.

I know that what I have just said is not a strict entailment; it may even be a mistake. But I just do not see that animals are existentially equal to human beings when they are not existentially similar to human beings. The infliction of needless suffering on any person is wrong not only for the pain that it causes but also for the failure to recognize a shared humanity that it demonstrates. What makes the precept that no person should suffer needlessly into a *moral* precept of the highest order is thus a prior existential consideration: persons are to be treated in some ways and not in others. To cause them needless suffering is to treat them in a way that denies them their dignity. It would therefore seem that only the idea of human dignity can be the starting point for the claim that human suffering matters more than animal suffering, even though the needless suffering of any animal that is not immediately threatening is always deplorable. (It is also right but regrettable to have to kill a lion to save a human being.) The alternative way of defending the priority of human suffering is simply to plead species-solidarity: us against them. This is a neat solution but a bad one because it comes down to the adage that might makes right, which is not a moral principle. It is instead a debased existential idea: since human beings are usually able to overpower other species they are permitted to make them suffer for any purpose human beings have.

Let me ask again: should we judge the comparative importance of moral and existential elements in the theory of rights? Is this theory only a branch of moral philosophy and not of existential philosophy as well? Later, we will take up more fully the subject of existential values in the theory of rights; so I will delay addressing this question (to the extent that I am able to discuss it) until then. But I will say that, in my judgment, the highest value is morality and always deserves at least *prima facie* precedence in our practice in the present and future, what-

ever we may think about the more remote past, that assessment does not establish, by itself, that whenever there is a moral consideration involved morality is a sufficient guide for thinking about the issue.

## Secular Affirmation of the Dignity of the Human Species

It has been said that the earth would be better off without human beings living on it. I think that after a set of steps, we can reject that contention and affirm the unique contribution that humanity can make to nature. The stewardship of nature is a contribution that only humanity can make, and would exemplify human stature most gloriously. From nature's point of view, even though nature has no point of view, the human species is irreplaceable because its stewardship depends on commendably unique traits and attributes that help to make human beings partly not natural. Before humanity perished we could not pass on to any other species, not even our closest relatives, our knowledge and appreciation of nature. Only the partly not natural can serve nature in certain ways that it deserves and cannot provide for itself.

This essay will thus concentrate on the place of the idea of human dignity, in the form of equal individual status, in the theory of human rights; and on the dignity of the human species, in the form of human stature, which is based on unique nonnatural capacities. But in the affirmation of the dignity of the species, the record of human atrocities will not be forgotten; nor will the affirmation be turned into a counsel of forgiveness. Furthermore, the standing of the human species vis-à-vis other species is not the only form of stature that counts; nor is the stewardship of nature the only active expression of stature. Stature is also tied to the repeated demonstration that humanity has made, at any given time, if not the most of itself (who can say what the most is?) then something astonishing and unexpected; that its achievements are great and have shown that at any given time there could be no foreseeable end to the realization of unsuspected human potentialities. Human stature is essentially an existential, not a moral, value.

My essay is a secular attempt to discuss human dignity. I do not rely on traditional answers that any religion gives to the question of hu-

manity's rank. A common Christian answer is that humanity finds its place in a scale of entities with divinity at the top, angels below the divinity, and humanity "a little lower than the angels" (Psalms 8:5), with all animals beneath humanity and intended to serve it. But we are not in the eye of any divinity. I do not assume that there is a religious answer to the question of the worth of humanity. It would be flattering to think, for example, that only human beings are in the image or likeness of the divinity and that therefore we have the dignity of kinship with some entity immeasurably greater than us but nevertheless not utterly removed from us in its nature, not "wholly other." If we could first believe in the more-than-human entity of monotheism, there would then be no problem about the nature of and reason for imputing dignity to every individual and to the species. Who could deny it? Then, too, Greek myths include stories in which the gods feel lust for human beings (whom the gods did not create out of nothing) and sometimes mate with them. There is literal if selective kinship. Christianity teaches that being human is a good enough (though temporary) condition for God. But we should try to do without such props; they can always give way to enlightenment. Furthermore, given the extent of suffering in human history, much of it owing to human wickedness, God the creator has endured a perpetual legitimation crisis all through the history of theological reflection. Secularism relieves us of his burden.

I am aware that a case can be made for perceiving much of Western religion as existing not to make truth-claims about more-than-human reality, but by artful means to promote human dignity in the only ways that could establish a foothold and that then perhaps could eventually be discarded as a theological husk. I mean that Greek and Roman polytheism, Jewish theism, and Christian theism invent deities to provide a standard that is supposedly not humanly devised and yet pretends show that humanity—in its god-like resemblances or creative achievements or even in its capacity for wickedness—has a dignity, an importance, that humanity does not have to claim for itself. Who could doubt the centrality of humanity in the eyes of the deities when one reads Homer and Sophocles, the Jewish scriptures, and the Christian Testament? We must learn to manage without the literalness of such assistance, if we can. But suppose human beings can respect one another



only as creatures of a god or as mortal (though rather feeble) copies of the gods and grow to hate one another as shriveled worthless beings against the assumed background of a godless world? Imagine having to lie to people to persuade them of the truth of their dignity.

It would also be comforting to posit the existence of the soul as an answer to the question of the identity of every individual. In one version, the soul of any individual has existed immaterially, without a body, from the beginning; it has a necessary existence because of God's purpose; it bears an identity known fully only to its maker. Incarnation is the soul's prison; the soul, one's identity, needs no body. In some accounts, any soul could conceivably have been given any human or animal corporeality (or more than one) and retained the same identity, the same essence; it is, if not eternal, then immortal. However, as long as we have no continuity of consciousness between incarnations, no recollection of earlier embodiments, the idea is a nonstarter. I may as well be only one self-aware person as be many persons and animals, linked who knows how—charming as that thought perhaps is, and fertile in suggesting human kinship with all nature because humanity, like everything else, came from matter, or suggesting the inclusion within every individual of traces of many animal species. (Chromosomal similarities are irrelevant to the doctrine of reincarnation, which is not a metaphorical anticipation of molecular biology.) Some who believe in the soul think that one could have been born at some other time or place and somehow still be the person one is now; one's existence is not merely the outcome of a chance coming together of progenitors at one time in one place. Perhaps the oddest notion is Christian: the resurrection of the dead body into immortality and the reawakening of the immortal (not eternal) soul on Judgment Day. The secular theory of dignity does without such unwarrantable claims about the soul and should content itself with the concept of mind, a uniquely human possession, which is not dissociable from the body, is not immortal, much less eternal, but, rather, infinite, despite its meager life-span.

Nor do I posit a nonhuman or more-than-human audience for speculation about the standing and worth of humanity. If we accept religious teaching, these problems receive solutions, diverse as they must be. One problem is surely solved: the posited divinity is the measure of

all things. But humanity must perforce be the measure: it introduces measure into the universe. Humanity must be the judge in its own case, with all the strains and perplexities such a condition engenders. It is also the only audience or interlocutor for the discussion. There is no arbiter or sponsor. Humanity talks to itself about itself, it judges itself, it invents the questions and answers, it alone worries about human dignity. There is no appeal beyond itself. But the discussion must go on because there are certain questions that must be answered, and can only be answered by reference to the idea of human dignity. Or we can say more modestly that the idea of human dignity supplies the least unbelievable answers.

We will return to these questions later. But let us now develop some thoughts about the place of the existential element in the theory of human rights and its relation to the moral element.