



PHILOSOPHY AND THEOLOGY

The importance of human dignity has been highlighted in the public eye both by the book commissioned by the President's Council on Bioethics titled *Human Dignity and Bioethics* and also by the Vatican declaration *Dignitas personae*.¹ A number of recent works have also critiqued human dignity in a variety of ways, and this reflection responds to a few of these negative appraisals.² In his article "The Stupidity of Dignity," Steven Pinker argues against the usefulness of dignity as a central principle in bioethics.³

In addition to the ambiguity of the term "dignity," Pinker sees three problems with making use of dignity as a central principle of bioethics, namely, that dignity is relative, fungible, and can be harmful. We should therefore reject making use of "human dignity" in arguments about bioethics and rely solely on "autonomy." To illustrate the problematic nature of appeals to dignity, Pinker writes,

First, *dignity is relative*. One doesn't have to be a scientific or moral relativist to notice that ascriptions of dignity vary radically with the time, place, and beholder. In olden days, a glimpse of stocking was looked on as something

¹Adam Schulman, Edmund Pellegrino, and Thomas W. Merrill, eds., *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington, D.C.: U.S. Independent Agencies and Commissions, 2008); and Congregation for the Doctrine of the Faith, *Instruction Dignitas personae on Certain Bioethical Questions* (September 8, 2008).

²These negative evaluations of human dignity can have profound effect on the legal culture. For a helpful appraisal of an earlier and influential critique of human dignity, see John Keown and David Jones, "Surveying the Foundations of Medical Law: A Reassessment of Glanville Williams's *The Sanctity of Life and the Criminal Law*," *Medical Law Review* 16.1 (Spring 2008): 85–126.

³Steven Pinker, "The Stupidity of Dignity: Conservative Bioethics' Latest, Most Dangerous Ploy," *New Republic*, May 28, 2008, <http://www.tnr.com/article/the-stupidity-dignity>.

shocking. We chuckle at the photographs of Victorians in starched collars and wool suits hiking in the woods on a sweltering day, or at the Brahmins and patriarchs of countless societies who consider it beneath their dignity to pick up a dish or play with a child.⁴

A problem Pinker faces is that *autonomy is also relative*. The importance of autonomy in contemporary discourse can be traced historically to the philosophy of Immanuel Kant, who considered it always contrary to autonomy, the self-given law of practical reason, to commit suicide for any reason whatsoever, to lie about any matter with any intention in any circumstance, or to have sexual intercourse outside of marriage. Many contemporary philosophers enlist autonomy as a justification for conclusions that are contradictory to the ones drawn by Kant. If dignity cannot work as a central principle in bioethics because it is relative historically, autonomy cannot work as a central principle in bioethics for the same reason.

Pinker offers another rationale for dropping dignity from the bioethics vocabulary:

Second, *dignity is fungible*. The [President's] Council and [the] Vatican treat dignity as a sacred value, never to be compromised. In fact, every one of us voluntarily and repeatedly relinquishes dignity for other goods in life. Getting out of a small car is undignified. Having sex is undignified. Doffing your belt and spread-eagling to allow a security guard to slide a wand up your crotch is undignified. Most pointedly, modern medicine is a gantlet of indignities. Most readers of this article have undergone a pelvic or rectal examination, and many have had the pleasure of a colonoscopy as well. We repeatedly vote with our feet (and other body parts) that dignity is a trivial value, well worth trading off for life, health, and safety.⁵

Pinker fails to notice that *autonomy is also fungible*. Soldiers give up some autonomy when they enlist for military service. Employees give up autonomy when they sign contracts agreeing to perform certain services and refrain from doing other activities that constitute a conflict of interest. Police officers, FBI agents, and politicians relinquish autonomy when they swear to enforce the laws of our nation. Lawyers and psychologists give up autonomy in preserving confidentiality. By following rules conducive to raising children, day care workers, parents of young children, and school teachers likewise diminish their autonomy so as to better serve the young. Patients give up all their autonomy—at least temporarily—when agreeing to lose consciousness during surgery. Do the actions of these people reveal that autonomy is a trivial value, well worth trading off for money, public order, confidentiality, the good of raising children, or health?

Pinker offers a final rationale for ditching dignity:

Third, *dignity can be harmful*. In her comments on the *Dignity* volume, Jean Bethke Elshtain rhetorically asked, “Has anything good ever come from denying or constricting human dignity?” The answer is an emphatic

⁴Ibid, original emphasis.

⁵Ibid, original emphasis.

“yes.” Every sashed and be-medaled despot reviewing his troops from a lofty platform seeks to command respect through ostentatious displays of dignity. Political and religious repressions are often rationalized as a defense of the dignity of a state, leader, or creed: Just think of the Salman Rushdie fatwa, the Danish cartoon riots, or the British schoolteacher in Sudan who faced flogging and a lynch mob because her class named a teddy bear Mohammed. Indeed, totalitarianism is often the imposition of a leader’s conception of dignity on a population, such as the identical uniforms in Maoist China or the burqas of the Taliban.⁶

Pinker fails to note that *autonomy can also be harmful* to society and to individuals. Desmond Hatchett exercised his sexual autonomy by fathering twenty-one children with eleven different women before the age of thirty.⁷ Similarly, Nadya Suleman, unemployed and unmarried, used in vitro fertilization to add eight more babies to her other six young children at home.⁸ Drug abusers exercise their autonomy in harming themselves physically and mentally, sometimes to the point where they become a drain on society or are driven to steal or even kill to get their fix. Politicians regularly exercise their autonomy in such a way as to cause unreasonable taxes, unfair laws, and unjust wars for their own political gain. Indeed, autonomy causes more harm, arguably much more harm, than dignity.

These *tu quoque* responses to Pinker are less than satisfactory insofar as real questions can and should be raised about the role and importance of the concept of dignity in bioethics. Pinker highlights the ambiguous ways in which the term “dignity” has been used in bioethics and thereby recognizes an important issue that deserves serious consideration, something that Pinker himself fails to offer.⁹ It likewise should be noted that “autonomy” itself is used in various ways and senses (Lars Øystein Ursin, “Personal Autonomy and Informed Consent,” *Medicine, Health Care, and Philosophy*, February 2009) so the difficulty of ambiguous use of terms is nothing unique to the term “dignity,” although admittedly “dignity” seems even more prone to ambiguous usage than “autonomy.”

So how ought we to define dignity? Daniel P. Sulmasy, O.F.M., has distinguished three ways in which the term is used in contemporary ethical discourse, namely, as attributed dignity, intrinsic dignity, and inflorescent dignity.¹⁰ *Attributed dignity*

⁶Ibid, original emphasis.

⁷John Bingham, “Desmond Hatchett Fathers 21 Children by 11 Women before Turning 30,” *Telegraph.co.uk*, May 29, 2009, <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/5404674/Desmond-Hatchett-fathers-21-children-by-11-women-before-turning-30.html>.

⁸Laura T. Coffey, “As Octuplets Turn 1, the Real Work Is Just Starting,” *Today*, January 26, 2010, http://today.msnbc.msn.com/id/34984163/ns/today-today_people/.

⁹For further critique of Pinker’s article, see Yuval Levin, “Indignity and Bioethics: Steven Pinker Discovers the Human Dignity Cabal,” *National Review Online*, May 14, 2008, <http://article.nationalreview.com/357664/indignity-and-bioethics/yuval-levin>.

¹⁰Daniel Sulmasy, “Dignity and Bioethics: History, Theory, and Selected Applications,” in *Human Dignity and Bioethics*, 473.

is the worth human beings confer on others or on themselves. Attributed dignity comes in degrees and is at issue in the examples raised by Pinker. By *intrinsic dignity* Sulmasy means

that worth or value that people have simply because they are human, not by virtue of any social standing, ability to evoke admiration, or any particular set of talents, skills, or powers. Intrinsic dignity is the value that human beings have simply by virtue of the fact that they are human beings. Thus we say that racism is an offense against human dignity. Used this way, dignity designates a value not conferred or created by human choices, individual or collective, but is prior to human attribution. Kant's notion of dignity is intrinsic.¹¹

Inflorescent dignity, or dignity as flourishing, consists in the excellence of a human life consistent with, and expressive of, intrinsic dignity. Once these senses of dignity are distinguished, the concerns about ambiguity expressed by Pinker are resolved.

Pinker also overlooks the fact that autonomy is not the same as, and cannot itself serve to justify, the basic principle he proposes: "Because all humans have the same minimum capacity to suffer, prosper, reason, and choose, no human has the right to impinge on the life, body, or freedom of another."¹² If he were consistent in holding that autonomy is the basis for our rights (rather than the *capacity* to suffer, prosper, reason and choose, a characteristic of temporarily unconscious patients who lack autonomy), rather than just excluding unborn human beings from protection from losing life, bodily rights, or freedom, he would then have to exclude the severely mentally handicapped, the senile elderly, and newborns. The principle that all human beings share the same basic moral immunity from these harms is the same in extension, if not also in meaning, as the principle that all human beings have a shared, basic dignity.

The consequences of jettisoning a strong conception of human dignity include endangering not just the classes of human beings just mentioned, but even human beings who are conscious but not fully engaged as rational agents. In his article "Minimally Conscious State and Human Dignity," Jukka Varelius suggests that "as persons in minimally conscious state usually remain far from fulfilling the criteria of normal agency, it would also not appear justifiable to grant them the same rights as competent agents have" (*Neuroethics*, April 2009). Read in the most benign light, the view is unobjectionable, for a minimally conscious agent does not have the exact same rights as a competent agent in terms of many matters, such as driving cars and entering into contracts. But Varelius's view seems to be that the minimally conscious human being does not have the same basic rights as other human beings, but rather falls into the same category of so-called nonpersons as the human fetus and the patient who is permanently unconscious. Although his ultimate conclusion in terms of this matter are not obvious, it is clear that Varelius thinks that we are not justified in holding that human beings in a minimally conscious state possess human dignity.

¹¹ Ibid.

¹² Pinker, "Stupidity of Dignity."

After noting the ambiguity in the ways in which human dignity is used in bioethical debates, for example, as a premise to argue both for and against physician assisted suicide, Varelius takes up and critiques various arguments that human beings who are minimally conscious should be accorded human dignity.

Varelius raises the objection that human dignity is inherently unjust toward other species. He says that “it could be maintained that granting all and only members of the human species special dignity is speciesism and, accordingly, morally on a par with such isms as sexism and racism.” We should therefore reject granting dignity to all human beings as inherently unfair to nonhumans.

This often-repeated charge against human dignity rests on two confusions. The first is merely linguistic. From the truth that racism and sexism are wrong, we cannot simply add “ism” to some class of characteristics to create a morally illegitimate point of demarcation. After all, advocates for animal rights characteristically endorse either sentientism (valuing sentient beings over non-sentient beings) or autonomism (valuing autonomous beings over non-autonomous beings). To simply assert that denying dignity on the basis of species is as morally dubious as denying dignity on the basis of race or sex is to beg the question—which is precisely whether nonhuman animals are equal in dignity to human beings.

Second, even if speciesism were ethically problematic, a commitment to the dignity of all human beings does not involve a denial of dignity to any other class of nonhuman beings simply because they are not human. Those who defend the dignity of all human beings need not believe, and characteristically do not believe, that *only* humans have dignity. A Catholic view, for example, holds that God the Father, the Son, and the Holy Spirit, as well as angels, are also persons with dignity. Even aside from religious beliefs, it is possible that there are many other beings in the universe, such as intelligent aliens, that have dignity, for there very well may be many other beings in the universe who have a rational nature, and therefore have dignity even if they are nonhuman. Of course, such beings would not have human dignity, since they are not human, but they would have dignity. The belief that *all* human beings have dignity simply does not imply a commitment to the view that *only* human beings have dignity. In other words, the question of animal rights is simply not answered by a commitment to the equal, intrinsic dignity of all human beings.¹³

In a different critique of dignity, Varelius writes, “It might be maintained that all human beings have rational nature by virtue of having the genetic structure of a rational being. That could work in the case of the human dignity of otherwise normal persons in minimally conscious state. However, the genetic constitution of some nonhuman beings, such as bonobos, can be more similar to the typical genetic structure of humans, the paradigm rational beings, than is that of genetically defected humans.” By proposing another dilemma, he goes on to argue that having the genetic

¹³ An example of denial of equal human dignity is found in Stephen Bates, “Prenates, Postmorts, and Bell-Curve Dignity,” *Hastings Center Report* 38.4 (July–August 2008): 21–25.

structure of a rational being does not grant dignity. If only minor alterations in the genetic structure are permitted, then many defective humans do not have it because they have major genetic defects. In this case, not all human beings have dignity. But if major alterations in genetic structure are permitted, then nonhuman animals would also have rational nature and so would have dignity. In this case, defenders of dignity would have to embrace a strong commitment to animals rights, which they characteristically do not want to do (even though animal rights are not logically excluded by a commitment to the dignity of all human beings).

In his forthcoming article in the *Journal of Moral Philosophy*, titled “The Basis of Human Status,” the prolific and insightful S. Matthew Liao has provided a basis for an answer to this argument by escaping the first horn of the dilemma. In this article, Liao offers an important new way of justifying human dignity by means of a shared genetic basis for agency. This justification avoids the charge of “speciesism,” since nonhumans may have a genetic basis for agency. He also responds to critiques of the kind offered by Varelius:

The genetic defects that we are likely to encounter in these severely defective human beings are not defects in the genetic basis for moral agency but at best defects that undermine the development for moral agency. For example, consider phenylketonuria (PKU), Tay-Sachs, Sandhoff disease and a whole cluster of about 7,000 other kinds of genetic disorders, which are caused by the mutation of a gene. The gene is typically necessary for producing a certain protein or enzyme, which is then needed to change certain chemicals to other chemicals or to carry substances from one place to another. Mental retardation and other defects are typically caused by abnormal build-ups of certain amino acids that become toxic to the brain and other tissues, because the cell is unable to process these amino acids owing to the mutation. But with treatment of a low enzyme diet as soon as possible in the neonatal age, normal growth and cognitive development can be expected in many cases. For our purpose, this shows that the brain tissue has initially developed normally and would have continued to do so except for the abnormal build-up of the amino acids. Therefore, following the distinction between genetic defects that make up an attribute and genetic defects that undermine the development of the attribute, single gene defects seem to be cases of the latter rather than the former. Given this, one can say that human beings who have these kinds of genetic defects most likely have the genetic basis for moral agency.¹⁴

If Liao is correct, even human beings with severe genetic defects that undermine the development of a particular attribute would still have the genetic basis for rationality, and this would also separate them from higher order primates. Varelius’s argument, in other words, rests on misunderstanding of the nature of genetic defects.

One more objection to human dignity raised by Varelius and echoed by various neo-Darwinists is that, “in light of evolution, it can be argued, there are no real or important differences between such species as, for example, humans and great apes.”

¹⁴S. Matthew Liao, “The Basis of Human Moral Status,” *Journal of Moral Philosophy* 7.2 (April 2010): 167.

Do we differentiate human beings and great apes on the basis of differences that are not “real” but merely figments of our imagination? On the contrary, there are objective, empirically verifiable differences between the species in terms of appearance, behavior, reproductive possibilities, and genetic constitution. Are these differences unimportant? One can admit a shared origin of all species and yet also recognize that from this shared origin, species have developed that are really and substantially different. In some cases, the real and substantial difference is more radical (bacteria and human beings) and in other cases less radical (great apes and human beings), but in every case it is substantial. If the human species is substantially different from others species, it is not unfair to treat them in ways that accord with this difference.¹⁵

That human beings differ from all other species and that this difference is ethically germane, are recognized even by some advocates of neo-Darwinism. Ben Dixon, for example, offers a “Darwin-approved argument for human dignity [that] centers on the idea that humans are the only creatures capable of creating, maintaining, and expanding institutions for moral reasons.”¹⁶ He argues that this is a difference in kind and not just in degree between human beings and nonhuman animals. In this, he does distance himself from the historical Darwin who wrote, “The difference in mind between man and higher animals, great as it is, is certainly one of degree and not of kind.”¹⁷ Yet, if Dixon is correct, then we have yet another basis for human dignity, aside from the Christian and Kantian foundations already widely proposed and the genetic basis suggested in Liao’s article mentioned earlier. Doubtless the dispute between advocates and deniers of human dignity will continue, yet the debate has been stimulated considerably by these recent contributions.

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¹⁵On this point, see also Christopher Knapp, “Species Inegalitarianism as a Matter of Principle,” *Journal of Applied Philosophy* 26.2 (May 2009): 174–189.

¹⁶Ben Dixon, “Darwinism and Human Dignity,” *Environmental Values* 16.1 (February 2007): 24.

¹⁷Quoted *ibid*, 38.