For Kezia, for your love, patience and support
Abstract

A universal human dignity, conceived as an inherent and inalienable value or worth in all human beings, which ought to be recognised, respected and protected by others, has become one of the most prominent and widely promoted interpretations of human dignity, especially in international human rights law. Yet, it is also one of the most difficult interpretations of human dignity to justify and ground. The fundamental problem rests on how one can justify bestowing an equal high worth to all human lives, whilst also attributing to all human life a worth that is superior to all non-human animal life. To avoid the speciesist charge it seems necessary to provide further reasons, over and above species membership, for why all humans have a unique worth and dignity. However, intrinsic capacities, such as autonomy, intelligence or language use, are too demanding for many humans (including foetuses or the severely cognitively disabled) to meet the required minimum standard, whilst also being obtainable by some non-human animals, regardless of where the level is set.

This thesis offers a solution to this problem by turning instead to the significance of the relational ties between individuals or groups that transcend individual capacities and abilities, and consequently does not require that all individuals in the group need meet the minimum required capacity for full moral status. Rather, it is argued that a universal human dignity could be grounded in our social nature, the interconnectedness and interdependence of human life and the morally considerable relationships that can and do arise from it, especially in regards to our shared vulnerability and dependence, and our ability to engage in caring relationships. Care represents the antithesis to the dehumanizing effects of humiliation, and other degrading and dehumanizing acts, and as a relational concept, human dignity is often best realised through our caring relationships. The way that individuals and groups treat each other has a fundamental role in determining both an individual’s sense of self-worth and well-being, as well as their perceived public value and worth. Thus, whilst species membership is not in itself morally fundamental or basic, it often shapes the nature of our social and moral relations. These relational ties between humans, it is argued, distinguish us most clearly from other non-human animals and accord human relationships a special moral significance or dignity.
Acknowledgements

I would like to extend my deep gratitude to Professor Michael Hauskeller for all his efforts in supervising my research studies. Undertaking a doctorate part-time, and at distance, could have been a long, daunting and isolating experience. It is due to Michael then that it has remained an enjoyable and enriching experience throughout the past five years. Thank you for all that you have done in making me feel a valued member of your Doktorandenseminar, as well as part of the wider research community at the University of Exeter.

Thank you also to my mentor Dr Sabina Leonelli for her willingness and enthusiasm to check on my progress, as well as my second supervisor Dr Nigel Pleasants. I am forever grateful for the support of my parents (and to my mother for her careful proofreading).

I would also like to thank both Professor Christine Hauskeller and Dr Edward Skidelsky for reading through earlier drafts and guiding me through the upgrade process.
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Fellow Creature

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The Population Reference Bureau predicts that the world's total population will double to 7,000,000,000 before the year 2000.

‘I suppose they will all want dignity,’ I said.

‘I suppose,’ said O'Hare.

Kurt Vonnegut, *Slaughterhouse 5*
Introduction

Universal Human Dignity

As with all moral concepts, there is rarely such a thing as one accepted definition. Dignity is no different, and accompanying the ever expanding literature on human dignity is an ever increasing number of accounts, definitions and taxonomies offered by commentators to distinguish between the different forms dignity is thought to take (see for instance, Düwell 2014, 25-7; Rosen 2013, 153-4; Henry 2010; Schroeder 2010; Debes 2009; Ashcroft 2005; Nordenfelt 2004; Beyleveld and Brownsword 2001, 1-47; and Johnson 1998).

Some of these formulations present dignity as an inherent and inalienable value or feature in all (or most) humans, whilst others suggest that dignity is present in some individuals only, and can be stripped, lost or even enhanced.

Furthermore, the reasons given for why an individual or group has a dignity varies considerably. This dignity might be due to a range of features, from virtuous conduct and behaviour, holding a high social office or rank, belonging to the human species, or possessing some relevant properties or capacities.

For some, this multitude of different meanings and justifications is indicative of the emptiness of the concept, whilst others consider it to be demonstrative of its richness and complexity. In either case, it is clear that dignity is a particularly

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1 See for instance: ‘It is true that human dignity is never clearly defined in international law. Such a thing would be as difficult as trying to define freedom, welfare, solidarity, or any other key social value. In any case, this lack of definition does not entail that dignity is a merely formal or empty concept or a purely rhetorical notion. It is not because it is too poor but because it is too rich that it cannot be encapsulated into a very precise definition’ (Andorno 2013, 130). Similarly, Dworkin argues that dignity acts as an organizing idea, ‘...because it
slippery concept to understand and analyze. Explaining what precisely dignity is, and why an individual is thought to have it, is notoriously difficult to answer.\textsuperscript{2}

Dignity carries with it both a gravitas, and a vagueness, which has often allowed parties from opposing sides to use it, without in the process clearly defining or analyzing their terms.\textsuperscript{3} It is not unknown for the concept to be invoked by different sides discussing the same issue.\textsuperscript{4}

Whilst there are numerous formulations of what human dignity is, the type of dignity focused on throughout this thesis is what will be termed a ‘universal human dignity’. This is commonly conceived as an equal inherent and inalienable high value or worth in all human beings, which ought to be recognised, respected and protected by others. A universal human dignity then is a particularly demanding moral concept which requires that we accept that all (or most) humans have an equally high moral worth, which cannot be stripped or lost, regardless of the individual’s, or indeed anyone else’s, actions or behaviour. This egalitarian concept is then quite different to the idea of an individual acting with or without dignity. As Alan Gewirth explains: ‘[t]he sense of “dignity” in which all humans are said to have equal dignity is not the same as

facilitates our interpretive project to collect widely shared ethical principles under one portmanteau description’ (Dworkin 2011, 205).

\textsuperscript{2} As Dupré highlights, ‘Human dignity is a notoriously difficult concept to grasp and to define, indeed understanding it is arguably such a scholarly challenge that the best we can hope for might be a fragmented and partial picture’ (Dupré 2015, 4).

\textsuperscript{3} Mattson and Clark rather disparagingly claim that ‘…the concept of human dignity is in such disarray that it does not provide even a minimally stable frame for global discourse and action’ (Mattson and Clark, 2011).

\textsuperscript{4} Whilst an abundance of examples exist, one of the most often cited and infamous cases involved the game of dwarf tossing, in which legislators in both France and the USA have prohibited the activity of throwing dwarfs, due to finding it offensive to human dignity. This is despite the individuals with dwarfism themselves insisting that banning the practice was itself an affront to their own dignity, not least because they were consenting adults who relied on the practice for their livelihood, and the implication that their disability is in some way undignified (after all it was not considered an affront to dignity to throw an adult of normal size) (see Leget et al. 2009). Whilst both perspectives carry with them a strong sense of respect for human life and personal autonomy, as can be appreciated, both positions lead to quite different conclusions as to the role and nature of dignity. Often, it seems, a variety of strong convictions can be derived from powerful but conflicting intuitions about what human dignity is, and what it demands of us.
that in which it may be said of some person that he lacks dignity or that he behaves without dignity...This kind of dignity is one that humans may occasionally [sic] exhibit, lack, or lose, whereas the dignity in which all humans are said to be equal is a characteristic that belongs permanently and inherently to every human as such’ (Gewirth 1982, 27-28). However, as we will see, quite how universal human dignity is depends on how far we are able and willing to widen the circle of moral concern. Hence, so-called ‘marginal cases’, that is individuals traditionally left on the border of moral considerability (including embryos, foetuses, non-human animals, the irreversibly comatose, the severely cognitively disabled, as well as future beings, such as transhumans and human-animal chimeras), become crucial test cases.

There are quite clear reasons for focussing on this formulation, as a universal human dignity has become one of the most prominent and widely promoted interpretations of human dignity. It forms the foundation for much of international human rights law (UNESCO 2005; European Convention 2000; United Nations 1976a, 1948; Council of Europe 1950; and Basic Law 1949), as well as more recently in healthcare policy and standards of practice (Department of Health 2015; Nursing and Midwifery Council 2015; General Medical Council 2013; International Council of Nurses 2012; and Royal College of Nursing 2008). Indeed, since the end of the Second World War, there have been an ever increasing number of constitutions and international declarations which appeal to the idea of a form of universal human dignity. In the *The Universal Declaration of Human Rights* (1948), for instance, recognition, ‘of the inherent dignity and of the equal and inalienable rights of all members of the human family’ is said to be ‘the foundation of freedom, justice, and peace in the world’. As Adam Schulman highlights in his excellent introduction to the
other wise widely maligned\textsuperscript{5} \textit{Human Dignity and Bioethics} (2008), by the President’s Council on Bioethics, ‘at least thirty-seven national constitutions ratified since 1945 refer explicitly to human dignity’ (Schulman 2008, 12).

Talk of dignity now pervades many walks of life, and academic discourse, from our fundamental human rights, to our healthcare and protection from the encroachment of biotechnology, and other related fields. This ubiquity has led Catherine Dupré to label the twenty-first century as ‘the century of human dignity’ (Dupré 2015, 1-2). Increasingly dignity has been invoked within the field of bioethics to cover a huge range of areas, from debates about stem cell research (Caulfield and Chapman 2005; Pichler 2005; and Oduncu 2003) to euthanasia and care of the elderly (Nordenfelt 2003a, 2003b; and Loewy 1999), and in debates on human cloning and genetic engineering (Birnbacher 2005; Balzer et al. 2000; and Heeger 2000), as well as the ethics of human enhancement (O’Mathúna 2013; Bostrom 2008). But why is it that dignity has now become such a touchstone within the bioethical arena? One reason, offered by several commentators, is the fact that advances and future promises of biotechnology and bioscience have begun to challenge like never before what it means to be human, and where the boundaries of our humanity lie (see Dupré 2015, 1-2; Brownsword 2013, 347-8; McCrudden 2013, 1-3; and Andorno 2009, 9). Advances in biotechnology, including within genetic engineering, reproductive technologies, and human enhancement strike close to what we consider central elements of our humanity. For instance, if technology and improved medicine can continue to push back the human lifespan and increase human longevity, then ageing and even death no longer appear to be a necessary or accepted part of human life, but something which can, and

\textsuperscript{5} For example, see Pinker (2008), as well as Meltzer (2008).
perhaps ought, to be alleviated and prevented. Similarly, advances in new reproductive technology, from genetic testing to artificial reproductive techniques, start to challenge our traditional conceptions of parenthood, species membership, and the inescapability of our genetic makeup (see for instance Chapman 2013). As pointed out by Dupré, dignity is often now used as a legal and ethical tool to ‘protect a concept of humanity going much beyond the existing individual human beings, to include the whole of mankind, future generations, as well as a form of humanity that for now we cannot even imagine’ (Dupré 2015, 81). The idea of a universal human dignity then is used not only as a device to protect and respect the individual or group, but the integrity of the human species, and the idea of humanity itself.

This is not to say that the introduction of dignity in bioethical discussions has been universally welcomed. Rather dignity is a highly contentious moral concept, and one which several commentators have argued we should do away with in bioethics altogether, to be replaced with a less ambiguous, more precise notion (see for instance Cochrane 2010; Pinker 2008; Bagaric and Allan 2006; and Macklin 2003a). This perspective has even been suggested to be the mainstream of current English speaking bioethics (Ashcroft 2005, 679).⁶ Ruth Macklin, for instance, advocates banishing the term from medical ethics entirely, arguing that ‘dignity is a useless concept in medical ethics and can be eliminated without any loss of content’ (Macklin 2003a, 1420). Rather, for Macklin, respect for persons and autonomy are sufficient principles to replace the use of dignity in ethics; dignity adds nothing, and often confuses the issue.

However, linking dignity with the capacity for autonomy seems to immediately

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⁶ As McCrudden explains: ‘For many of its detractors...human dignity acts as more of a complete limit than other ethical viewpoints, a “conversation stopper”. The relative effectiveness of human dignity in that regard has led to considerable resistance to the use of dignity by some scientists working in these areas’ (McCrudden 2013, 3).
lock out some humans (as well as non-human animals) without this capacity, or who at least do not possess it to any meaningful degree.\textsuperscript{7} This is then contrary to the sentiment of a universal conception of human dignity, in which the vast majority of (if not all) humans are thought to have dignity.

For many, human dignity, contrary to Macklin, does command special moral attention; something over and above respect for persons or autonomy, and neither principle fully exhausts the meaning of human dignity. This is not least because many of the most vulnerable individuals, in which protection of their dignity becomes most pressing, have the most impaired capacity for autonomy.

To explain why an act is morally wrong, such as failing to wash or dress a patient with advanced dementia, by appealing to the fact that it violates the individual's capacity for autonomy, fails to capture what we mean when we say that their dignity has been violated. Similarly, when a refugee escaping the ravages of conflict is not given sanctuary, and so claims their human dignity has been violated, they are most likely not referring merely to a violation of their capacity for autonomy. Instead they are more likely appealing to a sense that something fundamental to what it is to be human has been challenged or denied them. There are certain forms of treatment which are, and are not, befitting for a human. Autonomy and dignity then seem distinct concepts, which do quite different moral work.

As suggested by Paolo G. Carozza, the relationship between dignity and autonomy is a complicated one. In one sense ‘human dignity clearly demands

\textsuperscript{7} Although some writers accept that some humans will be excluded from this formulation of dignity: ‘it is only those humans who have a developed capacity for autonomy who have dignity...If follows that this version of human dignity as empowerment is not universal in applying to all human beings; strictly speaking, it applies contingently only to those humans who have the capacity for autonomy...strictly speaking, human dignity, and, concomitantly, human rights are not enjoyed universally by all members of the human species’ (Beyleveld and Brownsword 2001, 23).
protection of individual autonomy. For instance, many jurisdictions ground the autonomy of patients to make free and informed choices about their medical care in human dignity, and a government that does not respect people’s choices to shape their identities can thereby violate their dignity’. However, as Carozza highlights, there are also many cases in which personal autonomy has been restricted in the name of protecting the same individual’s dignity. As he notes: ‘...a prohibition on peep shows has been found to be a valid protection of the human dignity of the (consenting) women being exhibited, while the South African Constitutional Court upheld a ban on prostitution because the commoditisation of one’s body necessarily diminished the human dignity of the prostitutes...’ (Carozza 2013, 618-9). Indeed, dignity often acts as a form of restraint, and notably has been utilized to ensure that scientific advances are kept in check and so used to place limits on what research we would find acceptable. Within the Council of Europe’s Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Council of Europe 1997), for instance, appeals to dignity play a central part in limiting certain controversial areas of scientific research. Similarly, UNESCO’s Universal Declaration on Bioethics and Human Rights (UNESCO 2005) repeatedly mentions the dignity and intrinsic worth of the human being, and that the ‘interests and welfare of the individual should have priority over the sole interest of science or society’ (UNESCO 2005, 76).

What then is the proper place of human dignity in bioethics? To begin to answer such a question will require an exploration of what a universal human dignity is, and why humans are thought to have it. Without a clear and thorough understanding of these concepts, appeals to human dignity in the literature will
remain vague, inarticulate, and unjustified, which are of little use to bioethicists and future policy makers.

**The Ground of Dignity**

Despite the ubiquity of the term and the ever increasing appeal to it in a wide range of areas of public life, a universal human dignity is also one of the most difficult interpretations of human dignity to justify and ground. In other words, *why* is it that all, and perhaps only, humans are said to have a dignity? What could justify such a special value or status? The difficulty in answering such questions is probably the reason why we often find the belief that humans have an inherent and inalienable high worth or value is put forward with little justification or explanation. It has been reported that the *Universal Declaration of Human Rights*, for instance, used the concept of ‘human dignity’, at least in part, because the drafters required a placeholder term as they were worried that the different nation states would not be able to agree on a more precise definition. Similarly, it has been noted that UNESCO’s *Universal Declaration on Bioethics and Human Rights* refers to ‘human dignity’ or ‘the dignity of the

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8 This uncertainty has been picked up by Marcus Düwell, writing that ‘The adjective ‘human’ seems to suggest an answer to the question to whom we should attribute human dignity, and that answer is: to *all* human beings and *only* to human beings. This answer, however, gave rise to a variety of other questions: what does ‘all human beings’ precisely mean? When does a human being start to have dignity (with conception, at birth etc.)? And when does it cease to be a being with dignity? Should we see human beings who will never develop rational capacities as beings with dignity? And why should we ascribe this status only to humans? Are not at least some animals worthy of the same respect we owe to human beings? It would be necessary to explain the criteria we use to determine who has human dignity and how these criteria can be justified’ (Düwell 2014, 33).

9 As Beyleveld and Brownsword note, ‘...the foundational premiss itself (that humans have intrinsic worth) is put forward without any supporting reasons. We (humans) may well be disposed to accept that human beings have intrinsic value, but is there any reason why we should accept this proposition? If we have no reason, there is a serious (epistemological) contingency at the base of this conception...The problem with this version of human dignity as empowerment, therefore, is that its universal attribution of protective rights to humans rests entirely on contingent acceptance – it depends on humans having the right attitude, namely a human rights attitude’ (Beyleveld and Brownsword 2001, 22).
human person’ eleven times, but does not spell out what that dignity is, or why human beings have it (Schulman 2008, 13n). Whilst this approach of treating human dignity as a vague, often inarticulate concept, has allowed for international cross-party consensus, the fundamental question still remains as to whether human dignity is a useful concept in bioethics. In the words of Schulman: ‘is it one that sheds important light on the whole range of bioethical issues, from enhancement to care of the disabled, or is it a useless concept – at best a vague substitute for other, more precise notions, at worst a mere slogan that camouflages unconvincing arguments and un-articulated biases?’ (Schulman 2008, 3). The meaning, content, and theoretical foundations or ground of human dignity in these documents are never explicitly challenged or defined. As Schulman notes, ‘in effect, “human dignity” serves here as a placeholder for whatever it is about human beings that entitles them to basic human rights and freedoms’ (Schulman 2008, 13).

One of the key problems, as summarised by Peter Singer, is whether or not we can ‘justify attributing equal value to all human lives, while at the same time attributing to human life a value that is superior to all animal life’ (Singer 2009, 571). Human dignity, as far as it is seen as a status conferring concept, seems to need to hinge on some conception of the significance of being human, specifically on something that non-humans lack. If there was nothing of import to being a human, then it would seem to be entirely baseless to claim that humans have a special worth or dignity. As we will see in Chapter 6, in light of recent developments in animal ethics, to avoid the charge that we are being

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10 Instead, as noted by Schachter, ‘its [dignity’s] intrinsic meaning has been left to intuitive understanding, conditioned in large measure by cultural factors. When it has been invoked in concrete situations, it has been generally assumed that a violation of human dignity can be recognized even if the abstract term cannot be defined. “I know it when I see it even if I cannot tell you what it is”’ (Schachter 1983, 849).
arbitrary and prejudiced (as we find in cases of racism or sexism) it seems necessary to provide further reasons, over and above species membership, for why all humans have a unique worth and dignity. Critics argue that a mere biological category cannot do any moral work. The distinguishing feature in question ought to also be of moral value and commendable; it has to be demonstrated that humans are unique or distinctive to the rest of the natural world in the right way. As Helga Kuhse notes, ‘...it would not be enough to say that human life has dignity because it takes the form of a featherless biped or because humans have opposing thumbs’ (Kuhse 2000, 69-7). Not all attributes which are unique or distinctive to humans would also necessarily lend themselves well to grounding a universal human dignity. There are numerous, seemingly unique, human capacities, such as playing sports or the cooking of food, which seem irrelevant to justifying human dignity. Conversely, there are other uniquely human capacities, such as the ability to undertake such abhorrent acts as genocide, war or torture, which are entirely counter to the idea that humans have a dignity that is worth preserving.

In this way, as Christopher McCrudden explains, ‘there appear to be two levels in the debates around dignity. One level of debate, the foundational level, concerns the grounding of the concept of dignity...’ however, ‘another level of debate concerns whether, and if so how, dignity provides a guide for action, and this frequently involves the role that dignity plays in the legal sphere: the way in which declarations, conventions, and legislation on rights appeal to dignity’ (McCrudden 2013, 47). This thesis focuses, for the most part, on the first, foundational or justificatory level. The main purpose of this study, therefore, is to provide a critical examination of the ethics of a universal human dignity, focusing particularly on how it can be justified or grounded, as well as its
conceptual limitations. Whilst the literature on human dignity has grown exponentially in recent years, and the concept continues to pervade a broad range of areas (including in discussions of human rights, biotechnological enhancement, as well as healthcare), there remains little consensus on what dignity in fact is, or how it can be justified.11

However, one may step back first and question why it is that human dignity has to be grounded – why is it that we have to justify the inherent high moral worth of all humans? Why cannot we adopt the approach taken by the drafters of The Universal Declaration of Human Rights, and just accept that all humans have an inherent worth that ought to be respected and protected by others? After all, on the face of it, it seems to be a good thing for all humans to be treated as if they had a high moral worth (even if this is grounded on nothing more than this).

Whilst it has its roots much further back, the belief in a universal human dignity was borne out of the horrors and atrocities committed during the Second World War, and the vow to never repeat such events again. If the belief in the inherent worth of all humans is necessary to ensure this, then perhaps it is unnecessary (or even dangerous) to seek a deeper level of justification – after all, unless we allow for an infinite regress, all justification needs to stop somewhere. As George Kateb argues:

I am afraid that we may jeopardize human dignity by laboring to defend it...Is a long and elaborate theory needed to establish the point that people should not be treated by the state as if they were masses, or obstacles or instruments to higher purposes, or subjects for experiments,

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11 Düwell, for instance, notes that ‘a comprehensive investigation into the possibilities of a philosophical conceptualization and justification of human dignity’ is lacking in the current literature, and requires further research and investigation’ (Düwell 2014, 47); this thesis goes someway to addressing this theoretical gap.
or pieces in a game, or wayward children in need of protection against themselves, or patients in need of perpetual care, or beasts in need of the stick? (Kateb 1992, 5).

On one level it is perhaps just philosophical curiosity, and the nature of the discipline which encourages the challenging of accepted norms and principles. However, as we will see, the concept of human dignity is far from accepted, and increasingly unwelcome as it continues to encroach into bioethical discourse (Cochrane 2010; Pinker 2008; Bagaric & Allan 2006; and Macklin 2003a). Moreover, as will be shown in Chapter 6, advances in animal ethics over the last few decades have thrown up fresh challenges to the idea that being human is to have an inherent worth, and a consequent privileging of interests over other non-human animals. There is thus a burden of proof on the proponent of a universal human dignity. What is it about being human (if anything), then, which bestows this high moral worth? Whilst a universal human dignity may be one of the most common forms of dignity, it is also one of the most difficult to establish the foundations of.

**Relational Dignity**

Traditionally, attempts to justify why all humans have a dignity have followed the same reasoning which grounds full moral status and personhood, which involves looking to the superiority of human cognitive capacities and abilities (such as, intelligence, language use or moral reasoning). However, this has always fallen short as to explaining why all (or at least most) humans should have a dignity (and why this should be shared equally), as many of these
cognitive capacities are also possessed by non-human animals, and appear in varying degrees amongst humans themselves.

This thesis offers a solution to the problem of grounding a universal human dignity by turning instead to the significance of the *relational* ties between individuals or groups that transcend individual capacities and abilities. There are certain relational ties between humans that, it is argued, distinguish us from other non-human animals, and accord humans a special moral significance or dignity. On this account, to be human is something over and above that of simply belonging to the human species, but is rather a product of our complex social relations with others. To date, little work has been attempted to develop and justify a concept of human dignity which is based on the significance of these relational or community ties.\(^\text{12}\)

In particular, it is argued that a universal human dignity could be grounded on the interconnectedness and interdependence of human life and the morally considerable relationships that can and do arise from it, especially in regards to our shared vulnerability and dependence (MacIntyre 1999; Goodin 1985), and

\(^{12}\) One notable exception is Francis and Norman (1978). A similar idea has recently been put forward by Dupré: ‘…considering dignity as *res publica* means including all human beings within its protective scope, regardless of the degree of self-awareness of their humanity or their ability to take rational decisions affecting their life and death. As a result, in the dignity paradigm human beings deprived of autonomy, because they are, for instance, too young or too old, severely disabled or in a persistent vegetative state, are not treated as an exception when it comes to determining the scope of their human rights and to protecting them. As *res publica*, human dignity is not designed just for the strong, healthy, assertive and competent, it is designed to bring into the centre of constitutionalism those who are on the margins of human rights, and whose protection (particularly perhaps in adjudication) often depends largely on a judge’s sensitivity and humanity, rather than on a known and transparent set of rules. Similarly, as *res publica*, human dignity is not meant only to protect citizens, leaving the level of human rights protection of the noncitizens, such as refugees and asylum-seekers, to be decided by distinction and exception. Above all, as *res publica*, human dignity protects humanity, understood as the humanity that we equally share as human beings; it is also increasingly used to acknowledge through the prism of human rights the importance of mankind and of future generations, the protection of which can be addressed, and hopefully achieved, with the tools and in the framework of European constitutionalism’ (Dupré 2015, 22).
our ability to engage in caring relationships (Held 2005; Kittay 1999). Indeed, care represents the antithesis to the dehumanizing effects of humiliation, and other degrading and dehumanizing acts, and as a relational concept, human dignity is often best realised through our caring relationships. The way that individuals and groups treat each other has a fundamental role in determining both an individual’s sense of self-worth and well-being, as well as their perceived public value and worth. In this way, whilst species membership is not in itself morally fundamental or basic, it often shapes the nature of our social and moral relations. Consequently, the relational approach does not require that all individuals in the group must meet a minimum required capacity in order to be accorded full human dignity.

In this way, it is argued that human dignity ought to be refocused as, at heart, a relational concept (rather than one which is tied to our intrinsic cognitive capacities), which is rooted in our complex social relations and practices. The moral significance of these relational ties between humans, it is argued, distinguish us most clearly from other non-human animals, and are much better suited to serve as the foundations or ground of a universal human dignity.

One may question whether this is creating a false or exaggerated dichotomy between a capacities and relational based approach – is it really the case that accounts can fall cleanly into one of two camps? As will be demonstrated, there are, in actual fact, a wide range of different combinations that the relationship between a capacities and relational based approach can take, in order to demonstrate why all human beings have a high moral status and dignity. This thesis will go some way to unpicking those various permutations. In regards to capacity centred approaches we have, on the one hand, demanding accounts
that require the individual themselves to be in possession of (or at least have the capacity or potential for) the relevant status conferring capacity (be that intelligence, autonomy, moral reasoning and so on), in order to be accorded a high moral status. Still other capacity based accounts seek to identify moral status grounding capacities that are less demanding and applicable to a much wider group of beings (such as sentience, or the ability to feel pain and pleasure – see Chapter 6).

However, other capacity accounts accept that not all beings can meet these criteria (be that because of disability or being too young or old), but may be accorded a similar high moral status if it is in the nature of the group to have such capacities (see Chapter 7). These individuals have a high moral status, therefore, by virtue of their relationship or proxy to the group norm. For example, rationality is said to be in the nature of human beings, and so all human beings have the same high moral status, even if not all human beings are rational; as Wasserman et al. explains: ‘...the norm captures what is natural to, or characteristic of the species. A normal attribute is not, however, an essence that each member must possess. Rather, it is a relational property: each individual has moral status as the member of a group for which that attribute is the norm’ (Wasserman et al. 2013a). Similarly, some accounts argue that there are duties of partiality between certain groups (such as between mother and child or even partiality due to belonging to the same species), which warrant bestowing all a high moral status, despite not all members possessing the requisite capacities.

Other, more relational or group based accounts reject the notion that moral status need be based on higher level cognitive capacities. These accounts
often take issue with a reliance on identifying any one type of capacity to determine moral status and, consequently, shift the focus to identifying morally worthy features of our moral communities and other key aspects of our humanity (see Chapter 8). Nevertheless, these accounts can still acknowledge the importance that certain capacities play in our morally significant relationships. Indeed, even those accounts which downplay the importance of the role of capacities for determining moral status still often incorporate some form of capacity into their account (be that the capacity to give or receive care, language and communication, or a minimum level of consciousness). Whilst acknowledging the role that capacities do play in grounding moral considerability, this thesis follows these relational-centred approaches, and pushes for a relaxing of the significance of intrinsic cognitive capacities for grounding a universal human dignity.

**Structure, Content and Methodology of the Thesis**

The concept of dignity can be a particularly problematic and demanding topic to research, not least because of the exponential growth in reference to the idea in the contemporary literature, as well as the increasing and ubiquitous use of the term in a wide variety of disciplines. Moreover, whilst the idea of dignity has a long (albeit chequered) pedigree, study of the concept appears to still be very much in its infancy with, as yet, few established schools of thought surrounding it (in contrast to other key concepts within ethics, such as freedom, justice or virtue). Dignity, instead, often functions more as a placeholder term or ‘non-interpreted’ thesis, in which its meaning can be left to intuitive understanding.\(^{13}\)

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\(^{13}\) As McCrudden points out: ‘...dignity can often function as a placeholder, accepting that there is no actual or possible agreed articulation of its content. Indeed, some may wish to avoid any
For instance, we can find reference to dignity as referring variously to a high value, worth, right, respect or status of the individual, and these terms are often used interchangeably. This thesis will not attempt to disentangle these related but subtly different variations (or claim that only one of these forms of dignity is correct), but will instead refer to dignity variously as either a high value or worth throughout. In either sense, such a description is designed merely to convey the idea that human dignity is indicative of a high significance that requires respect and protection.

Consequently, this philosophical enquiry into the nature and justification of human dignity does not attempt to work within any one predefined ethical theory (save for a general Western analytic tradition) nor focus on any particular philosophical work. It consequently avoids, where possible, a preconceived metatheory of what dignity is, or should be. Rather, taking as its starting point the conception of universal human dignity that we find within the United Nation’s Universal Declaration of Human Rights (1948) and related human rights documents after the Second World War (see Chapter 5), this thesis utilizes developments from a range of ethical sub disciplines, including animal and care ethics, as well as theories of personhood and moral status, in order to critically analyse the arguments and justifications put for and against why all human beings have a dignity.

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too-critical analysis of the concept…’, for instance, dignity has recently been argued to be ‘…a vehicle for attempting to secure consensus in the face of disagreement about comprehensive positions or starting points. Rather than regarding dignity as a conversation stopper, dignity becomes an occasion for dialogue, partly because it is a ‘non-interpreted’ thesis that nevertheless appeals to some undefined set of yearnings. Thus, in the scholarly literature and, indeed, in some of the jurisprudence and constitutional doctrine, it is sometimes said that one of the functional values that the concept of dignity fulfils is to provide a language in which conflicting values, and even conflicting rights, can be brought into relationship with each other...’ (McCrudden 2013, 11; 13-14).
As a result, this thesis is split into three main sections. The first part undertakes a brief historical survey of the concept of human dignity, and highlights how the concept has changed and evolved over time. The concept has a long historical tradition and its study can provide invaluable insights into our own modern conceptions, as well as ensure that theories of human dignity are not duplicated. However, the history of the concept is also an uneven one, which crops up at certain historical points and then fades away again. This is no doubt, at least in part, due to the fact that the history of the concept is understudied and there are no extensive historical studies on it. The final chapter in the first section covers the development and influential rise of the concept of dignity in the modern period, and its close relationship to human rights in legal charters and declarations which appeared after the Second World War.

The second section examines in detail the nature and ground of a universal human dignity. In particular, this section focuses on the arguments that have been proposed to separate all humans (if anything) from other animals, beyond merely belonging to the species Homo sapiens. Chapter 6 looks first at the relationship between human dignity and speciesism, and the charge that human dignity is an unjustified prejudice. Human dignity is based on the premise that humans occupy a privileged position in the moral universe, yet over the last few decades there have been growing calls for the circle of moral concern to be widened, and for a greater moral considerability of other animals to be acknowledged. Such calls are of particular significance as they have the potential to challenge the foundations on which the unique status of humanity is said to rest, for if we cannot present a valid reason (over and above simply asserting that humans deserve special consideration because they are human),
why then should there be a sharp dividing line between all humans and other animals? For these critics, the use of ‘human dignity’ seems to be little more than a thinly veiled, unjustified prejudice. The next chapter looks at the opposite viewpoint – why humans are said to have a special significance and dignity. In particular, this chapter looks at attempts to reconcile the fact that many of the traditional capacities thought to ground human dignity, such as language use, intelligence, or practical reason, are too demanding for many humans to meet the required minimum level, and are also possessed (albeit in varying degrees) by many non-human animals. The final chapter in this section focuses on the significance of the relational and social ties between individuals, looking specifically at the conceptual connections between dignity, vulnerability, humiliation and an ethics of care.

The third and final section, on the limits of human dignity, examines how far the concept of a universal human dignity can stretch, in light of current, and future, promises of biotechnology. This section utilizes recent developments in the literature on the ethics of human enhancement as a useful prism to examine the concept of human dignity, and the possibility of enhancing full moral status. As noted by Buchanan, the ethics of human enhancement is a useful lens through which to examine and bring into sharper focus our understanding of many ethical components, including ‘what moral status is and of the relationship between moral status, rights, personhood, and human nature’ (Buchanan 2009a, 350). In particular, this section looks at what separates humans from potential radically enhanced humans, or ‘posthumans’, as well as human-animal chimeras, and how this would affect our current conceptions of human dignity. The challenges of future human enhancement brings to light, and teases out key issues - from the conceptual relationship between the dignity of humans
and other beings (animal, posthuman or otherwise), to whether dignity is something basic and fundamental to all, or a quality possessed by only a select few. As it stands, there is little consensus over many of these issues. Appeals to human dignity have both been used to criticise current and future biomedical and biotechnological developments, as well as being adopted by some proponents to insist that human dignity requires that we pursue these ends.

This is not to overstate the current impact that dignity has had in the enhancement debate. As highlighted by Richard E. Ashcroft, ‘…none of the contemporary authors give much weight to thinking about the achievements or indeed enhancements of human powers that increase dignity or respect for dignity’ (Ashcroft 2005, 681). Where arguments from human dignity are invoked in bioethics, it tends to be in relation to reproductive technologies, such as human embryo and embryonic stem cell research, as well as human cloning. However, the frequency and passion with which dignity is invoked and challenged in other areas ensures that there is potential for extending it into discussions of the enhancement realm.

Nevertheless, as will be shown in Chapter 9, the concept of ‘posthuman’ dignity – a dignity-like-state over and above that currently experienced or held by current humans, achieved through biomedical and technological intervention – was first proposed seriously by Nick Bostrom in his 2005 article, ‘In Defense of Posthuman Dignity’, and later developed in his contribution towards the President’s Council on Bioethics (Bostrom 2008). In particular, for Bostrom it is entirely feasible that the moral sphere could and should be extended to encompass future ‘posthumans’. As he notes, the fact that ‘the set of individuals accorded full moral status by Western societies has actually
increased, to include men without property or noble decent, women, and non-white peoples’, it seems reasonable then that we can ‘extend this set further to include future posthumans, or, for that matter, some of the higher primates or human-animal chimaeras, should such be created – and to do so without causing any compensating shrinkage in another direction’ (Bostrom 2005, 210). This idea of a ‘posthuman’ form of dignity, appears as an explicit move away from those who wish to accord dignity only to those belonging to the species *Homo sapiens*. As Bostrom argues: ‘By defending posthuman dignity we promote a more inclusive and humane ethics, one that will embrace future technologically modified people as well as humans of the contemporary kind’ (Bostrom 2005, 213). However, at present, it remains unclear how wide this net can be cast.

One of the more controversial elements of Bostrom’s conception of ‘posthuman dignity’ is the idea of dignity being ‘...a kind of excellence admitting of degrees and applicable to entities both within and without the human realm’ (Bostrom 2008, 173). For Bostrom, dignity should also be perceived as a quality which differs in degree, if not also in kind, and bestowed to those who demonstrate or possess a particular quality or excellence. Specifically, it is through technological enhancement that individuals may seek to *increase* their dignity. It has been argued that Bostrom’s approach is incompatible with a conception of universal dignity, as put forward by such international instruments as *The Universal Declaration of Human Rights* (United Nations 1948) and the *Universal Declaration on Bioethics and Human Rights* (UNESCO 2005) (Chapman 2010; Jotterand 2010a). This interpretation of dignity runs contrary to how it is conceived in much of the contemporary literature, which has presented dignity as universal, inherent and inalienable, and so not dependent on excellence or
merit. It does not admit of degrees, nor can it be enhanced, diminished or destroyed, but is instead a threshold concept.

Following on from this, Chapter 10 examines the relationship between dignity and the possibility of enhancing moral status. Those with a dignity, especially in the Kantian sense of an absolute worth, are commonly thought to also have a high (if not the highest) moral status – to be ‘beyond price’ in Kant’s words. However, the possibility of a moral status above that currently enjoyed by humans has started to receive serious attention. The proponents of this idea are, unsurprisingly, often also involved in the human enhancement debate. This is quite a natural step to make for those who argue that moral status is tied to intrinsic capacities, such as intelligence, language use or ethical reasoning, as we might ask if beings with greater capacities than us would have a correspondingly higher moral status or dignity. As Thomas Douglas (one of the more prolific writers on the subject) has noted: ‘...it would be a surprising good fortune for humanity if the threshold for maximal moral status lay just below the level of mental capacity typical of ordinary adult humans’ (Douglas 2013, 480-1). These writers, therefore, have offered multi-tiered accounts of moral status, with non-persons occupying one rung, persons the next highest, and posthumans a higher level still.

The final chapter focuses on human-animal chimera and hybrid research, and how the potential to instil, through biotechnological intervention, certain human-like qualities into non-human animals may challenge or confirm our pre-existing conceptions of a universal human dignity. Indeed, an examination of the creation of human-animal chimeras and hybrids acts as a useful prism to draw together many of the key themes discussed throughout this thesis, from the
moral significance of our relationships, to the role species membership and the concept of the ‘human’ should play in our ethical deliberations. As Isabel Karpin highlights, ‘…one would assume that one of the questions being asked in the context of these new biotechnologies is whether human dignity is an expanding idea, capable of accommodating new hyphenated forms of the human—the post, the trans, and the hybrid, to name but a few’ (Karpin 2004, 327). The great challenge for a universal human dignity then, which at its heart is an inclusive concept, is delineating where the boundaries of moral concern should rest.
Section 1 – The Changing Face of Human Dignity: A Brief Historical Survey
Introduction

‘There are certain sects...founded on the different sentiments with regard to the dignity of human nature; which is a point that seems to have divided philosophers and poets, as well as divines, from the beginning of the world to this day. Some exalt our species to the skies, and represent man as a kind of human demigod, who derives his origin from heaven, and retains evident marks of his lineage and descent. Others insist upon the blind sides of human nature, and can discover nothing, except vanity, in which man surpasses the other animals, whom he affects so much to despise. If an author possess the talent of rhetoric and declamation, he commonly takes part with the former: If his turn lie towards irony and ridicule, he naturally throws himself into the other extreme’ – David Hume, Of the Dignity or Meanness of Human Nature (Hume 1985, 80-86).

Hume’s brief essay on the nature of human dignity came at the end of a much wider Western tradition which treated the human condition as situated between the throws of dignitas and miseria (Bayertz 1996, 74). However, this section will look, for the most part, at those writers and thinkers who considered humankind in the former light – in its ascendency.\footnote{As noted by Kurt Bayertz, ‘the dignitas literature sprang from the polemic against Mediaeval ideology of the Earth as a vale of tears. Human dignity acquired the role of a concept to counter the traditional Christian view of human existence as misery’ (Bayertz 1996, 74)} Of course, there is great scope to turn to those writers who focused on the fallen, sinful nature of man, yet, such an enterprise would itself take another volume to fill. For the exponents of the former, all beings are ranked vertically, with humanity occupying a distinct and privileged position in the universe, which can be understood either
metaphorically, or like the Psalmist, literally: ‘For Thou has made him a little lower than the Angels and hast crowned him with glory and honour’ (The Bible 1997, Psalm 8). This so-called ‘Great Chain of Being’ which, according to Arthur Lovejoy’s seminal work (Lovejoy 1936), is at base ‘…the idea of the organic constitution of the universe as a series of links or gradations ordered in a hierarchy of creatures, from the lowest and most insignificant to the highest…to the ens perfectissimum...’ (Formigari 1973, 325). The duty to aspire to the highest levels became central tenants of both Renaissance Humanism and the Enlightenment (Arieli 2002, 10).

Where precisely Man is placed on this ladder varies with each historical period, but in virtue of certain capacities (particularly reason and freedom), as well as the belief in having been created in the image and likeness of God, Mankind is placed on a rung above the rest of the animal kingdom. It is also important to emphasise at the outset that, whilst the history of dignity has often been conveyed as an ‘expanding circle’ narrative, with the concept gradually encompassing a wider sphere of individuals (tracing the development of universal human rights) it was, for a large part, a concept which was still restricted and reserved for the few, be that the male citizen in Ancient Rome, or the nobility in Medieval Europe. As highlighted by van der Graaf and Delden: ‘It is important to bear in mind that only since the end of the 18th century is the adjective human frequently placed before dignity’ (van der Graaf and Delden

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15 This idea was encapsulated in Alexander Pope’s poem the Essay on Man (1710): ‘Vast chain of being! which from God began,/Natures æthereal, human, angel, man/Beast, bird, fish, insect, what no eye can see,/No glass can reach; from infinite to thee,/From thee to nothing’ (Pope 1994, 51).

16 One very common way in which writers present the history of dignity is as part of what I call an “expanding circle” narrative. From this perspective, the quality of dignity, once the property of a social elite, has, like the idea of rights, been extended outward and downward until it has come to apply to all human beings. This is all part of that great, long process by which the fundamental equality of human beings has come to be generally accepted’ (Rosen 2012a, 8).
Indeed, there is a seam of contention which runs throughout the history of human dignity between those, on the one hand, who consider dignity to be a quality befitting of humanity as a whole, and on the other, only to the worthy few.

Importantly for our discussion, the Great Chain of Being also has significant moral implications. Indeed, whilst the hierarchy of being has been supplanted by the theory of evolution and modern species taxonomy, the ontological and moral sense of humankind’s privileged position remains. This study will trace dignity as a moral concept (although of course, it has not always been invoked as one). In particular, being human is often thought to carry a high moral status which often limits what is, and is not, permissible to do to others. To have human dignity, therefore, carries with it a strong moral force. When we invoke human dignity, we are speaking, as Josef Seifert’s argues ‘...of a morally relevant value, one which evidently imposes on us a moral call and an obligation to respect it’ (Seifert 1997, 97). Indeed, the Medieval and Renaissance writers who stressed the image and likeness of God in Man required that we treat human life with particular reverence. Similarly, claims in contemporary legal charters and declarations of the inherent and inalienable dignity in all humans is said to underpin universal human rights. Moreover, current debates surrounding the effects of biotechnologies on crossing species boundaries and threatening ‘species integrity’ have focused particularly on their potential dehumanizing and de-moralizing effects (see Chapter 11). As outlined by Eric T. Juengst, ‘in situations that involve the integrity of the human species, like xenotransplantation, or the creation of man-machine ‘cyborgs’, this moral hazard can be explained as the danger of dehumanization: that polluting the constellation of traits that humans have inherited from our ancestors – our given
‘human nature’ – with nonhuman attributes we will inevitably degrade the elements of human identity we find morally important, like human dignity, autonomy, and vulnerability’ (Juengst 2009, 54). The hierarchy of being is certainly a conceptual device that could be extended into contemporary discussions of human enhancement, and the possibility of enhancing human dignity will be discussed in great length in section three.

As Kurt Bayertz notes in his excellent short study of the history of dignity, the concept of human dignity was not created ex nihilo; it has a rich cultural history, rooted in centuries of tradition (Bayertz 1996, 73). However, herein lies one of the main conceptual problems with attempting to pin down its major strands. Whilst the concept of dignity and its etymologically related kin (respect, worth, regard and honour) has a long, varied history, it is also a potted and uneven one. Dignity crops up and fades away. This is no doubt in large measure due to the current state of the historical literature on the concept, for at present there exists no comprehensive study of the idea in the contemporary literature, as we might find in the history of death or medicine (nor does this section pretend to be one).17 In a similar vein to how the historian Steven Shapin introduces his exploration on the Scientific Revolution, ‘this is a work of critical synthesis, not one of original scholarship’ (Shapin 1996, xiii), likewise, the aim of this section is to give an up-to-date account of the history of dignity, drawing on the available historical literature so far.

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17 As highlighted by McCrudden, ‘...a separate history of human dignity has yet to be written’ (McCrudden 2013, 4).
This study will not attempt, nor pretend there is, a continuous, unbroken history of Dignity. However, as is common in contemporary studies of the concept so far, if we treat this history with broad brush strokes, we find that dignity (but not specifically the formula ‘human dignity’) becomes most developed during five distinct phases: (1) the Roman Republic and later Roman Empire (2) the Church Fathers of the Middle Ages (3) the Humanist movement of the Renaissance (4) the Early Modern period, culminating in the thought of Kant during the Enlightenment and (5) the Modern period and the rise to prominence of human dignity (alongside human rights) in legal instruments, charters, and declarations. This study divides into the same periods, as they are commonly identified in other works on the history of dignity.

Such an approach is not without its critics. Remy Debes provides a scathing broadside against the majority (if not all) of recent historical accounts of dignity:

What this approach tends towards, then, is a hodgepodge of starting points. Almost every author begins by leveraging her historical-etymological notes into the observation that dignity has been conceptualized in a multifaceted way. It is, she will say, dominated by the Kantian and Judeo-Christian traditions that make dignity a function of, respectively, rational autonomy or spiritual identity with God (imago Dei). But, she will hasten to add, despite those traditions, dignity has also been pervasively conceived as honor, rank, station, inherent worth, inalienable worth, equal worth, supreme worth, uniqueness, beauty, poise, gravitas, personality, integrity, bodily integrity, self-respect, self-esteem, a sacred place in the order of things, simply brute and

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18 This is not peculiar to the concept of human dignity, but is in fact a feature of all moral concepts. As pointed out by Alistair MacIntyre, ‘there are continuities as well as breaks in the history of moral concepts. Just here lies the complexity of the history’ (MacIntyre 1998, 2)
unquestionable “specialness,”...in short, pick any work on human dignity and you’re apt to find the claim that “dignity” is beset by ambiguity in use (Debes 2009, 46).

Debes may protest at the apparent unsystematic nature of most contemporary studies of dignity, yet there is an obvious reason for this, because dignity does indeed have a hodgepodge of starting points. It is by tracing these separate strands that we can better understand the nature of the concept; as the German Classicist Hubert Cancik highlights, ‘the various stages of this history are not strongly interconnected. There is no ‘evolution’ from Pico to Pufendorf, nor from Pufendorf to Kant. Up until the middle of this [twentieth] century, it is mainly the text of Cicero and a general Ciceronian tradition which bestows a certain coherence on the history of the formula ‘dignity of man” (Cancik 2002, 36-7).

Debes argues that we need to approach the history of dignity with a preconceived ‘metatheory’.19 However, if we run into the fray with a preconceived notion of what human dignity is and how it functions, then we also run the distinct risk of begging the question. Indeed, Alasdair MacIntyre in his work on the history of ethics emphasises the importance of not missing out areas we don’t consider important: ‘this is why it would be dangerous, and not just pointless, to begin these studies with a definition which would carefully delimit the field of inquiry...it is important that we should, as far as possible, allow the history of philosophy to break down our present-day preconceptions, so that our too narrow views of what can and cannot be thought, said, and done

19 ‘In the best of cases the author will wonder whether and how explaining the way “dignity” was or is used tells us anything about what dignity is. Unfortunately, such musing is generally of marginal value because the author has no critical apparatus against which to frame the questions. As there is no metatheory about what is being sought – nothing to guide or unify the seeking – such questions can be historically intriguing, even theoretically tantalizing, but are ultimately philosophically idle’ (Debes 2009, 45).
are discarded in face of the record of what has been thought, said, and done’ (MacIntyre 1998, 4). Indeed, appeals to dignity were often made by those marginalized and vulnerable groups that were often ignored by history. Such a focus is of particular pertinence considering the emphasis in contemporary discussion of the inherent dignity of all. As noted by Matthias Mahlmann, ‘we would not understand much about dignity without reflecting closely about these contributions, because it is the fight for the freedom of slaves, for justice for the working class or the poor, for equality for women, and the everyday manifestations of what human life is about, that fill the concept with thick meaning...For historical studies, this requires broadening perspectives, studying not only texts but also social practices...’ (Mahlmann 2013, 597). This is why it is important to study the history of the concept, for it can shed invaluable new insight on how to deal with and interpret our modern conceptions of human dignity.
Chapter 1 Dignity and the Ancient World

_Dignitas_ and the Social Sphere

It was in the Roman world that dignity or _dignitas_ was first given its influential dual meaning. In the first instance, to have _dignitas_ was to have an elevated position of respect, denoting high social or political status, be that a senator, politician or emperor. As Hubert Cancik suggests, ‘the word _dignitas_ has a specifically Roman ring. It calls to mind the majesty of the Republic and the magistrate or Caesar. _Dignitas_ denotes rank, authority, splendor’ (Cancik 2002, 27). To have _dignitas_ then made one worthy of respect as it implied one had control over one’s own affairs, and that one’s claims ought to be recognised by others (Ober 2014, 53). It was also restricted to men who belonged to a certain strata of Roman society. That such a concept existed in the Roman world is to be expected in what was a deeply hierarchical, patriarchal system. _Dignitas_, in the first instance, has both a tangible quality\(^{20}\) and a distinct social aspect, which is reserved for those of sufficient rank.

In the first sense, it is the position or office itself which confers dignity onto the individual, rather than the other way around. Thus, in the Roman world, social standing was a necessary condition to have _dignitas_. This idea of the dignified few, elevated because of their social rank has resonated throughout the ages,\(^{21}\) and arguably still continues to this day (we still use the term ‘dignitaries’ to refer

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\(^{20}\) ‘Roman dignity can be seen, it has splendor; it shines; it is an ornament (_decus, decorum_). It is a quality of the body as is health, strength or swiftness. What charm (_venustas_) is in the female, dignity is in the male. The opposite is ‘obscure, dirty, ugly, contemptible’ (Cancik 2002, 23).

\(^{21}\) The Venerable Bede, for instance, in his celebrated _The Ecclesiastical History of the English People_ (AD 731) refers to the ‘royal dignity’ of King Oswine, who was ‘pleasant of speech, courteous in manner’ and ‘which showed itself in his character, his appearance, and his actions (Bede 1999, 132).
to those who hold a particular high office). Therefore, dignity was not seen by
the Romans as an inherent or inviolable property enjoyed universally, but as
something which could be gained or lost, diminished or enhanced.
Consequently, we have a strong sense in the ancient world of the indignity of
public humiliation or being subjugated to the will of others. To have a dignity
then was to not succumb or be susceptible to such a demeaning and
dishonourable fate (Ober 2014, 53-4).

Moreover, *dignitas* could also be conferred on institutions themselves, as well
as the Roman people and the state as a whole. As Cancik notes, ‘to diminish
this collective dignity…is a grave crime’ (Cancik 2002, 23-4). Dignity in this first
case, therefore, is a relational property, dependent on specific societal factors,
what can be termed an *aristocratic* or *elevated* form of dignity. As emphasised
by Oliver Sensen, ‘the essential component is that dignity expresses a *relation*,
an elevated standing of something over something else’ (Sensen 2011, 76).
However, social rank alone was not always a sufficient condition, and having a
position of power did not necessarily mean one had *dignitas*. To have it one
must possess and demonstrate characteristics of worthiness, excellence and
honour, and this most often had to also be recognised by one’s fellow citizens
(van der Graaf and Delden 2009, 154). In this way, dignity was something that
Roman men had to strive for. Cicero, for example, states that the ‘particular
function of the magistrate is to be aware that as the personification of the state
he must maintain its dignity and glory…’ (Cicero 2000, 1.124). Caesar, similarly,
disclosed in his work *Civil War* that he was prepared to go to war in defence of

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22 This is a common feature throughout the ages, as noted by McCrudden, ‘this concept of
dignity has long been incorporated in some legal systems in the private law context as the basis
for providing protection for dignity in the sense of ‘status’, ‘reputation’, and ‘privileges’. The
English Bill of Rights of 1689, for instance, referred to ‘the Crown and royal dignity’ (McCrudden
2008, 657).
his own *dignitas* (Caesar 1997, xxi). Josiah Ober also highlights that something similar to this idea of ‘meritocratic dignity’ was fundamental in Homeric society, in which one’s social standing is dependent upon one’s social relations and the opinions and respect of others (be that via one’s family, friendship, enemies or patrons). One’s dignity then is vulnerable and easily lost, with limited room at the top of the social hierarchy (Ober 2014). As becomes clear therefore, in the first instance, *dignitas* was not evenly distributed but was instead a deeply ingrained societal concept to denote an individual’s worth, restricted to the few who managed to obtain both a position of suitable rank, and demonstrate a sufficient amount of excellence.

**Aristotle**

In contrast to this prevalence of *dignitas* in the Roman World, save for the Homeric tradition, we find no corresponding word or expression in Ancient Greece. As Daniel P. Sulmasy highlights, ‘...dignity was not an important word for Plato or Aristotle. The first Western philosophers for whom dignity was an important philosophical term were the Roman Stoics’ (Sulmasy 2008, 471). Nevertheless, this is not to dismiss the idea that the Greeks may have had a similar understanding of human dignity to the Romans. Aristotle, in his *Nicomachean Ethics*, for instance, does explore at length a related concept of one’s worth (if we are allowed, for now at least, to equate dignity loosely with worth), particularly the virtue of pride or excellence, what Aristotle terms *megalopsychia* (literally ‘greatness of soul’) or what we now refer to as magnanimity. True pride is, for Aristotle, possessed by one who *is*, and *knows*
himself to be, worthy of great honour. In short, megalopsychia may be defined as the virtue of greatness, mixed with a form of self-knowledge that one possesses this greatness. There is, therefore, a criterion of objectivity – one not only has to act with pride, but one has to be worthy of that pride. But how can we know that one has true pride? To give a sense of its essence, Aristotle goes on to explain at length some of the main characteristics of the truly magnanimous man:

He does not run into trifling dangers, nor is he fond of danger...but he will face great dangers, and when he is in danger he is unsparing of his life...

It is a mark of the proud man also to ask for nothing or scarcely anything, but to give help readily, and to be dignified towards people who enjoy high position and good fortune, but unassuming towards those of the middle class.

Nor is he mindful of wrongs; for it is not part of a proud man to have a long memory, especially for wrongs, but rather to overlook them. Nor is he a gossip; for he will speak neither about himself nor about another, since he cares not to be praised nor for others to be blamed; nor again is he given to praise; and for the same reason he is not an evil-speaker, even about his enemies, except from haughtiness.

Interestingly, Curzer argues that Aristotle’s concept of megalopsychia attempts to marry the ‘...Homeric values of greatness and grandeur...with the newer value of moderation and the mean. Aristotle tries to reconcile these two apparently incompatible values by formally defining megalopsychia as a combination of greatness and self-knowledge. The megalopsychos, Aristotle says, is a mean between two extremes. He or she claims just what he or she deserves, unlike the humble person who claims too little and the vain person who claims too much’ (Curzer 2012, 518).
Further, a slow step is thought proper to the proud man, a deep voice, and a level utterance.

(Aristotle 2009, 1124b – 1125a)

We can certainly recognise characteristics of *megalopsychia* that we would now associate with *dignified behaviour*. The person who acts with true pride is considered to act with considered moderation and restraint. Furthermore, for Aristotle, there is a distinct public aspect to this virtue, *megalopsychia* is a social phenomenon, and although the pride of Aristotle’s virtuous man does not depend on the opinions of others for his sense of worth (as he knows his own worth), it is certainly shaped by it. As Christopher Cordner explains, *megalopsychia* ‘involves his sense of his position, his standing, in his community. It requires that he define for himself a place within a structured social and political context. Aristotelian pride is therefore not the issue of a measuring of self against an absolute and wholly impersonal standard, like Kantian proper pride. It is...essentially worldly’ (Cordner 1994, 305). Moreover, similar to the Roman concept of *dignitas*, it is also unashamedly elitist and reserved for the few who are worthy of it. *Megalopsychia* was often closely related to having great wealth and power, although it appears that Aristotle did not believe these necessary to achieve true excellence (Curzer 2012, 123-4). Indeed, equality of human worth does not appear in Aristotle’s ethics (nor does it in most ancient texts), which as a result, has become an area of contention amongst modern virtue ethicists.

**Cicero**

Marcus Tullius Cicero (106 - 43 BC) was, in many ways, no different in his usage of *dignitas* to denote an elevated position amongst others, and he used it
throughout his writings in this form (Rosen 2012a, 12). However, it was due to the Stoics, and specifically Cicero in his work On Obligations (De officiis 44BC), that a second meaning was first articulated. This second sense still conceived of dignitas as an elevated position, but instead of referring to the superiority of some individuals over others, it referred to humanity as a whole elevated above the rest of nature. As Cicero argues:

...between man and beast there is this crucial difference: the beast under sense-impulses applies itself only to what lies immediately before it, with quite minimal awareness of past and future, whereas man is endowed with reason, which enables him to visualize consequences, and to detect the causes of things (Cicero 2000, 6 [I.11]).

And again:

It is relevant to every aspect of obligation always to focus on the degree to which the nature of man transcends that of cattle and of other beasts. Whereas animals have no feeling except pleasure, and their every inclination is directed towards it, human minds are nurtured by learning and reflection; and enticed by delight in seeing and hearing, they are constantly investigating something or performing some action...base pleasure of the body is insufficiently worthy of man's superior status, and that it should be despised and rejected...Moreover if we are willing to reflect on the high worth and dignity of our nature, we shall realise how degrading it is to wallow in decadence and to live a soft and effeminate life, and how honourable is a life of thrift, self-control, austerity and sobriety (Cicero 2000, 36-7 [I.105-6]).
By all intents, this represents one of the first formulations of the dignity of humanity as a whole (rather than of a particular individual or group). One does not have to display heroics on the battlefield, or be a great leader of men to have dignity. Instead, for Cicero, Man’s dignity is based on the capacity to learn and reflect, and to prioritise reason over passion and pleasure. Where once dignitas was restricted to determining an individual’s standing within the Roman socio-political system, it was now used to address the wider ontological question of Man’s place in the universe. For Cicero, dignity resides in human nature and, as he makes clear, humans are distinguished from the rest of nature in virtue of certain capacities. In particular, human dignity is grounded in our capacity for reason and freedom. It is this connotation that would prove so influential in the Renaissance (Trinkaus 1973), and later discussions of the moral status and worth of humans. Whilst other animals, according to Cicero, are bound to follow their immediate inclinations, it is humans alone who can direct their minds towards certain ends that transcend immediate pleasure. An inquisitive mind, which may be ‘nurtured by learning and reflection’, the feeling of shame, and even Man’s upright posture (similar to the slow step and deep voice of Aristotle’s proud man) are all indicative of his superiority over the beasts. This belief in the fundamental difference between humankind and the rest of nature was itself adapted from Aristotle’s claim in his Politics that, ‘...the real difference between man and other animals is that humans alone have perception of good and evil, right and wrong, just and unjust’ (Aristotle 2009, 28-9 [Bk 1.2]).

More than this, in Cicero’s account, we have dignity tempered by the paradigmatic Stoic virtues of moderation – ‘thrift, self-control, austerity and sobriety’ – which is itself markedly similar to the outline of Aristotle’s level-
headed proud man. Echoing Plato as well, for Cicero it is reason which can steer and guide us away from the animal passions to a life of moderation and self-control, which is the most fitting state for our dignity. In other words, it is because of our dignity (which is grounded in our rational natures) that we must act with self-control, and this is what distinguishes humanity most clearly from brutality and animality. This sentiment would, of course, continue throughout the Christian tradition. We can distinguish here then between the idea of the dignity of humanity, and the dignity of the individual, in which one may or may not (or be unable to) live up to the standards of reason and freedom that are the hallmarks of the former.

Obligations (as the title of On Obligations suggests) are central to Cicero’s account of what one is expected to do. One has a duty to behave in a manner fitting of dignity, and for Cicero this must involve mastering one’s passions, which as Mette Lebech highlights, is ‘necessary for moral life as such...Without temperance we could not do what is fitting (decus), and thus behave with dignity in all the spheres of life’ (Lebech 2009, 51; see also Cancik 2002, 20). Indeed, we have an obligation or duty to control our temperaments, otherwise we will remain slaves to our immediate inclinations and will not be able to act freely, and so morally. We thus appear, according to Cicero, to have a moral duty to realize our dignity.

Cicero’s account also represents, in many ways, a move away from dignity as largely defined in relation to the public sphere. Instead, if anything, dignity becomes used as a protection from society and a safeguard of individual liberties and freedoms, as we find it used most commonly today (frequently in close correlation with human rights). Ober refers to this as a form of ‘civic
dignity’, which developed in tandem with democracy and the expansion of citizenship to a wider community of men in Athens. Civic dignity was based on ‘...a shared status of political equality among a body of citizens – a defined set of people who are jointly committed to the preservation of a public domain (Greek: politeria; Latin: res publica), but who are not social peers and who may have no personal ties with one another. Civic dignity is available to and protected by free citizens who have an equal opportunity to participate in a public domain of decision and action’ (Ober 2014, 55). Whilst the Stoic tradition did not have a conception of universal human rights based on this inherent dignity, it still had a conception of dignity which extended well beyond the immediate civic sphere, to include and protect previously marginalized groups (Ober 2014, 61-7).

We also witness in Cicero’s account the seeds of a debate which, as we will see in Chapter 6, plays out throughout discussions of human dignity. This concerns the issue of whether or not appeals to human dignity fall foul of an unfounded bias towards the human species; what has in recent decades been labelled as speciesism, and commonly defined as ‘a prejudice or attitude of bias in favour of the interests of members of one’s own species’ (Singer 1995, 6). The concern is that appeals to a human dignity are little more than a thinly veiled assumption that the human species is inherently superior to other species, which in turn entitles it to a high worth, as well as special privileges and rights. Of course, it does not necessarily follow from the belief that all (or most)

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24 As highlighted by Ober, whilst ‘the Athenian regime of democratic law and culture was focused, in the first instance, on civic dignity for citizens and defended by citizens’, dignity, at least in principle, was ‘defended well beyond the ranks of citizens. In the same speech in which he reminded jurors of the meaning of their secure possession of civic dignity, Demosthenes noted that Athenian law protected ‘any person, either child or woman or man, free or slave’, against intentional disrespect (hubris) and other unlawful (paranomon) treatment’ (Ober 2014, 61).
humans have a dignity that non-human animals cannot also have a dignity. However, it appears that the Stoic tradition (nor many other historical periods) leaves little room for this idea. As Martha Nussbaum highlights:

Why should we think that all human life has it [dignity]? The minute the Stoic tradition tries to answer such questions, problems arise. In particular, the answer almost always takes the form of saying, Look at how far we are above the beasts. Reason, language, moral capacity – all these are seen as worthy of respect and awe at least in part because the beasts, so-called, don’t have them...the claim that this dignity resides equally in all humanity all too often relies on the better-than-the-beasts idea...the idea seems to be, the weakest among us is light-years beyond those beasts down there...Dignity thus comes to look not like a scalar matter but like an all-or-nothing matter. You either have it, or, bestially, you don’t (Nussbaum 2003, 18).

As soon as we begin to question humanity’s alleged unique place within the universe, the foundations of a universal human dignity begin to look much less secure.
Chapter 2 The Age of God: Medieval Perspectives on Human Dignity

Thus, while the Mute Creation downward bend

Their Sight, and to their Earthy Mother tend,

Man looks aloft; and with erected Eyes,

Beholds his own Hereditary Skies. – Ovid’s Metamorphoses, translated by John Dryden, lines 107-110

Whilst the use of dignity as a term to denote high status continued into the Middle Ages, it was met by a new theocentric current, in which it was Man’s relationship with God that, more than anything else, defined his dignity. Whilst Cicero was the first to formulate the idea of the dignity of humankind as a whole, as opposed to the dignity attached to social rank, the theologians of the Middle Ages developed this account and attributed our dignity to the unique position which humans were thought to hold in the universe. Specifically, it is because humans were thought to be created in the image and likeness of God, the imago dei, that they have a high worth. As Kurt Bayertz explains, ‘human dignity is viewed here as reflecting the dignity of God’ (Bayertz 1996, 73), and in turn dignity is used to distinguish humanity from the rest of creation. This reflected the medieval belief in a Great Chain of Being, in which humanity was placed above all animals but below the angels. As Aquinas outlines in his Summa Theologica: ‘Free-will is part of man’s dignity. But the angels’ dignity surpasses that of men’ (Aquinas 1912, 541).25

25 Aquinas also had an idea of dignity as an intrinsic value of a person or object. In his On the Sentences, he wrote that dignity ‘signifies goodness of account of itself’ (Gormally 2004, 7).
The dignity of Man was even seen in the shape and posture of the human body. Both St. Gregory of Nyssa (335-395 AD) and St. Augustine of Hippo (354-430 AD) believed that the erect form of the human body was indicative of his rationality, as it enabled contemplation of the heavens above, and so signified our superiority over the beasts that focused on the ground. As Augustine states:

Even our body has been made so that it reveals that we are better than the beasts and, for that reason, like God...This signifies that our mind ought to be raised up toward those things above it, that is, to eternal spiritual things. It is especially by reason of the mind that we understand that man was made to the image and likeness of God, as even the erect form of the body testifies (Augustine 1991, 76).

For these medieval writers, therefore, there seems to be an excellence or dignity, not only in the human mind, but the human body as well. Even the anatomy of the human body, whereby the freedom of the arms and hands enabled prayer, indicated an inherent dignity. In contrast, the Neo-Platonist Macrobius (who significantly did not convert to Christianity) located human excellence exclusively within the soul, the body being but a prison until death’s eventual release. Yet even he, as Richard C. Dales points out, spoke of the ‘divinely spherical shape of the human head’ (Dales 1977, 559).

It is worth noting that whilst the idea of dignity is invoked relatively frequently within the Middle Ages, as Charles Trinkaus highlights, ‘...it had not been

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26 ‘... man’s excellence exhibited in the beauty and function of his body as well as in his rationality. It is a variation on the theme of man the microcosm, so common in pagan authors of Antiquity’ (Dales 1977, 558).
developed into either a clearly defined literary form or an internally consistent set of ideas' (Trinkaus 1973, 141). Indeed it would not be until the Renaissance that a specific genre of writing on human dignity would develop. Nevertheless, many of the ideas first developed during the medieval era have survived and been revived in the contemporary theological literature on human dignity. The *Catechism of the Catholic Church*, for instance, echoing the Latin Church Fathers, states that ‘the dignity of the human person is rooted in his creation in the image and likeness of God’ (Libreria Editrice Vaticana 1993). The role of human dignity in the Catholic Church has also played a significant role in regards to social justice and human rights (see for example Gormally 2004; Paul VI 1965).

Yet, despite its prominence in the medieval (and contemporary Christian) literature, there are only three explicit references to Man’s creation in the image and likeness of God within the *Old Testament* (The Bible 1997):  

1. And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his own image, in the image of God created he him; male and female created he them [Genesis 1.26-27]

2. In the day that God created man, in the likeness of God made he him; Male and female created he them [Genesis 5.1-2]

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27 Witness, for example, the heavy emphasis on the Christian perspective in Meilaender (2009); The President’s Council on Bioethics (2008); Colson and Cameron (2004); and Kraynak and Tinder (2003).

28 See also Psalm 8; Wisdom 2:23-24; and Ecclesiasticus 17:1-12.
3. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man [Genesis 9.6].

In the first instance, to say that Man is created in the image of God is to assert that there is some quality or essence that both share – man and God are somehow alike, if only in degree. It is because Man shares certain characteristics with God that humankind is elevated above the rest of creation, thus affirming their dignity and special worth. However, it was the precise definition of what this similarity was that vexed the theologians of the Middle Ages. Following Cicero, the Jewish Philosopher Philo of Alexandria (15-10 BC – 45-50 AD), in his commentary on Genesis in The Mosaic Creation Story (De Opificio Mundi) argued that humans resembled God in their intellect; the divine image in humans is their mind, which likewise gives them the authority to dominate the rest of the animal kingdom. As Philo explains:

...for nothing earthly born bears a closer resemblance to God than the human being. But no one should infer this likeness from the characteristics of the body, for God does not have a human shape and the human body is not God-like. The term image has been used here with regard to the director of the soul, the intellect. On that single intellect of the universe, as on an archetype, the intellect in each individual human being was modelled. In a sense it is a god of the person who carries it and bears it around as a divine image (Philo 2001, 64) [Chapter 12 §69].

Gregory of Nyssa (335-395 AD), who was heavily influenced by Philo’s anthropology, also saw in the spiritual essence or soul of Man a desire for and ‘an indefinite capacity to grow closer to the divine’ (Maspero and Seco 2009,
For Gregory, as for many Christians, the creation story of the *imago dei*, and the later reincarnation of God in Christ, emphasised the capacity of Man to aspire towards Godhead. However, because of the deficiencies in our likeness to God (due to a combination of the weaknesses of the flesh and original sin), it is our duty to ‘strive for intellectual and moral perfection’ (Ross 2006).²⁹

Similarly, for Pope Leo I (391-400 – 461 AD), Christian dignity is inherited through the *imago dei*, or as he puts it in his *Sermons*, being made a “partaker in the divine nature” (Leo I 1996, 79). For Leo, as all humans are made in the image of God, and through the incarnation of Christ, all humans have dignity (Lewis 2007, 94). Moreover, echoing Stoic moral anthropology, Leo considers the soul’s ability to resist bodily temptation under the direction of reason as that which separates humankind from the rest of the animal kingdom, and in turn elevates him beyond the limitations of the body (Sensen 2011, 78).³⁰ Like Gregory, Leo argues that humanity was created by God with the express desire for His creation to aspire to transcend their current situation:

> If we reflect upon the beginning of our creation with faith and wisdom, dearly beloved, we shall come to the realization that human beings have been formed according to the image of God precisely with a view that they might imitate their Designer. Our race has this dignity of nature, so

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²⁹ Interestingly, Ross points out that ‘because he was committed to the idea that humans have a unique value that demands respect, Gregory was an early and vocal opponent of slavery and also of poverty….Both slavery and poverty sully the dignity of human beings by degrading them to a station below the purple [sic] to which they were rightfully born’. Ross acknowledges the fact that ‘…although we may congratulate ourselves on having outlawed slavery, it is important to remember that for Gregory poverty is no different’ (Ross 2006).

³⁰ ‘If…the desires of the body are stronger, the soul will shamefully lose dignity proper to it, and it will be calamitous for it to be a slave to what it ought to govern. But if the mind, submissive to its Ruler and to heavenly gifts, tramples on the lures of earthly indulgence and does not allow ‘sin to reign in its own body,’ reason will hold a well-ordered leadership’ (Leo I 1996, 167) [Sermon 39].
long as the figure of divine goodness continues to be reflected in us as in a kind of mirror (Leo I 1996, 49) [Sermon 12].

In all of these accounts it becomes clear that Man’s similitude to God implies that there is something inherent in humanity which links it to the Divine, which elevates it above the rest of creation. There has (and continues) to be a great debate as to precisely what constitutes this similitude. St. Thomas Aquinas (1225-1274 AD), for instance, believed there to be a technical distinction between things made in the ‘image’ and those made in the ‘likeness’ of God. Whilst ‘likeness’ suggested only a loose similarity, it was being made in the ‘image’ of God that signified a stronger connection, such as a copy or replica. Aquinas believed that whilst all creation shared a likeness with God, it was Man alone who also shared in his image (Kraynak and Tinder 2003, 98). As we have seen, there was an emphasis on the possibility of Man restoring the ‘image’ of God, that had been corrupted after the Fall. Of course, an image, even a mirror image of something, is not the same as the original and points ultimately to Man’s limited nature, and there is no shortage of accounts of Man’s fallen, sinful nature within the medieval period. Nevertheless, D. J. A. Clines argues that this is to miss the main point of the creation story: ‘this limiting aspect of biblical anthropology is hardly to be recognized as an important element in the ‘image’ doctrine, which itself points unequivocally to the dignity and godlikeness of man’ (Clines 1968, 53).

31 ‘For Augustine the notion of man’s creation in the “image” of God was far more crucial than his “similitude” to his Maker, which was a quality of an image. Whereas creation according to an “image” was a directly purposive act that established a specific relationship between creator and creature, “similitude” signified a formal relationship only, which of course could increase with a man’s progress towards his ultimate fruition’ (Trinkaus 1973, 138).
Chapter 3 The Renaissance: The Rebirth of Dignity

It was during the Renaissance that we find some of the most celebratory tracts on the dignity of Man which became, perhaps for the first time, a distinct literary and artistic movement in its own right. As Kurt Bayertz argues, ‘parallel to the emergence of the portrait as an independent artistic genre within the field of painting and the autobiography as a new literary genre, a comprehensive series of writings on the dignitas hominis by Petrarca, Giannozzo Manetti and Pico della Mirandola grew to the dimensions of an independent literary genre’ (Bayertz 1996, 73). In particular, the new Renaissance humanist writers were reacting against the miseria or misery genre which, following the medieval tradition, dwelled on the supposed lapsed state of humankind. Several of the humanist thinkers were writing in direct reaction to Cardinal Lothario dei Conti’s (who would later become Pope Innocent III) treatise on the wretchedness of the human condition, De Miseria Humanae Conditio (Sensen 2011; Englard 2000; Bayertz 1996; and Kelley 1991), which was itself influenced by the pessimistic strands of the medieval vision of humanity.\(^{32}\) In contrast, the Renaissance humanists were inspired by the ancient texts promoting the virtues of humankind, and the works of the Stoics were particularly well known to them.\(^ {33}\) For these thinkers, human dignity acted as a link between the Stoic tradition and Christian theology, and it was these two elements that shaped the Renaissance idea of the dignity of Man. We continue to find, therefore,

\(^ {32}\) However, as noted by Izhak Englard, Pope Innocent III ‘planned to continue his work by adding a treatise on the dignity of human nature’ (Englard 2000, 1911).

\(^ {33}\) As Charles Trinkaus explains, ‘...there was no lack of texts offering models of the Greek Fathers’ synthesis of Platonic and Stoic conceptions of the key position of man in the universe with the biblical and Christian visions of man’s dignity based on his Creation and on the Incarnation’ (Trinkaus 1973, 138).
accounts of human dignity grounded in the *imago dei* and the immortality of the soul, alongside artistic and intellectual creativity and freedom.

A key aspect of Renaissance humanism then was its tendency to turn away from the medieval view of the world, and advance non-theologically based arguments for the dignity of Man. Kurt Bayertz, in rather polemical terms, argues that during the Renaissance the concept of dignity was used ‘as a battering ram against a view of the world which aims to distract the human being from its existence within *this* world, presenting this world as a vale of tears, and every attempt to improve one’s existence within it as vain. The concept of dignity is designed to give the human being a new self-awareness and the confidence necessary in order to improve this world and the human being’s Fate within it’ (Bayertz 1996, 74). There was a growing emphasis throughout this period on individual achievement and self-worth, and it was again reason and freedom which were frequently held out as the defining characteristics of this new-found sense of the dignity of Man. For our present study it will be sufficient to focus on perhaps the two most influential Renaissance thinkers to approach the dignity of Man: Giannozzo Manetti (1396-1459) and Pico della Mirandola (1463-1494). Both writers were typical of this new humanism by turning against the darker perception of man’s sinfulness, and, instead, capturing a new-found pride and enthusiasm in humanity.

Manetti’s treatise *On the Dignity and the Excellence of Man* (1452) (*De dignitate et excellentia hominis*), was written at the bequest of King Alfonso I of Aragon, who was unsatisfied with an earlier attempt by Bartolomeo Facio to write a rebuttal to Pope Innocent III’s work on the misery of Man (Englard 2000). Composed of four parts, Manetti deals in turn with the excellence of the human
body, the greatness of the soul and human reason, humanity's place in the world, and finally a detailed critique of both ancient and contemporary arguments put forward for the supposed misery of humanity's position. His work, representative of the new humanism, presents a newly found optimism in human nature, and in particular, identified 'man's dignity in his creative powers, as witnessed by his technical, artistic, and intellectual achievements' (Englard 2000, 1912-13). However, the Christian perspective on the dignity of Man still very much pervades his treatise, albeit synthesised with a variety of classical sources, including Aristotle's *On the Soul* (*De anima*) and *Ethics*, as well as Cicero's *On the Nature of the Gods* (*De Natura Deorum*).

Of particular significance is Manetti's insistence on setting his account of human dignity apart from previous treatises. For example, on the pleasures of external senses - in contrast to the Stoicism of Cicero - Manetti suggests that:

> We might venture to put forth the thought that we also enjoy various kinds of pleasure as well as afflictions in our ordinary and everyday life...Nay, he at all times takes such deep and intense pleasure from each and every one of his external senses—sight, hearing, taste, smell and touch—that other interests meanwhile appear superfluous, excessive and unnecessary. It would be hard, indeed impossible, to describe the intense pleasures that possess man: they derive partly from the untrammeled vision of beautiful bodies, partly from listening to sounds and symphonies and even more delightful things, partly from smelling the odours of flowers and such like, partly from tasting various sweet and succulent viands and, finally, partly from the touch of the softest substances (Murchland 1966, 77).
Manetti’s enthusiasm for the importance attached to such earthly pleasures is significant as it is shifts the traditional focus away from the heavens and Man’s transcendental nature, towards a re-examination of the importance of pleasure in our day-to-day lives. However, in other instances, such as Man’s alleged superiority to other animals, Manetti displays the same sentiments as his predecessors:

Man is more admirable than the fish and birds which were made of the air and the beasts which had been created along with him as living things from the earth. For this rational animal, possessing sagacity and foresight, has a body much more noble than the beasts and cattle...because it is much more suited for action, speech and understanding—aptitudes which beasts lack. It may be thought equally superior to the stars, bodies totally lacking in sensation... (Murchland 1966, 79).

Once more, Man’s dignity is argued to be due to his privileged position within the Great Chain of Being, as well as his inherent rationality and the capacity for ‘action, speech and understanding’. As succinctly summarised by Hubert Cancik, ‘the dignity of man resides in the wonderful fabric of his body (dignitas corporis), the incredible gifts of his mind, and his position over all animals and things’ (Cancik 2002, 29).

**Pico della Mirandola**

The most famous and influential Renaissance treatise on the dignity of Man was delivered by Pico della Mirandola in his *On the Dignity of Man (De hominis dignitate)*, composed in 1486. However, ironically, his speech was not actually delivered by him, as it had been banned by the Inquisition, and he had originally
simply entitled it *Oratio* (oration), as it was designed as an introductory speech to a defence of nine hundred theses. It was only named *Oratio de hominis dignitate* on its first posthumous printing, by his nephew Gian Francesco Pico. Thus, it appears that the significance of Pico’s work on the development of human dignity is due to the importance attached to it by later writers. Indeed, the formula ‘human dignity’ is never used within the *Oration* and, furthermore, the only mention of the term ‘dignity’ is a single passage, wherein Pico, speaking of the higher position of angels exclaims, with characteristic optimism, that Man should:

...aspire to the highest things and strive with all our forces to attain them: for if we will to, we can. Let us spurn earthly things; let us struggle toward the heavenly...let us fly beyond the chambers of the world to the chamber nearest the most lofty divinity...let us compete with the angels in dignity and glory. When we have willed it, we shall be not at all below them (Mirandola 1998, 7).

In the first instance, it is clear that the excellence of Man is something that must be strived for, it is not something bestowed without question. There is of course also a deeply theological, almost mystical, element to Pico’s conception of dignity; our dignity is judged in relation to that of the angels and the other celestial elements. Pico goes on to explain by what method we may achieve the greatness of the angels, and he lists the virtues of charity (characteristic of the Seraphim) and intelligence (characteristic of the Cherubim). Yet, more than the bodily excellence of man, domination over the animal kingdom, or reason, it is the *freedom* of human nature which, according to Pico, is the essence of our dignity. Our dignity comes from having no fixed place in the Great Chain of
Being, and our ability to choose our own place on that chain. Whilst the angels are ‘forced’, as it were, to occupy the higher sphere, it is mankind alone which has the freedom and ability to choose his own position (both upward and downward) within this pre-ordained hierarchy (see Lebech 2009, 86-90).

In perhaps the best known passage of the *Oration*, Pico makes explicit this connection between the excellence of Man and the freedom to be what he wills. God, speaking to Adam, who was made of ‘indeterminate form’ proclaims that:

> We have given to thee, Adam, no fixed seat, no form of thy very own, no gift peculiarly thine, that thou mayest feel as thine own, have as thine own, possess as thine own the seat, the form, the gifts which thou thyself shalt desire...In conformity with thy free judgment, in whose hands I have placed thee, thou art confined by no bounds; and thou wilt fix limits of nature for thyself. I have placed thee at the center of the world, that from there thou mayest more conveniently look around and see whatsoever is in the world. Neither heavenly nor earthly, neither mortal nor immortal have We made thee. Thou, like a judge appointed for being honorable, art the molder and maker of thyself; thou mayest sculpt thyself into whatever shape thou dost prefer. Thou canst grow downward into the lower natures which are brutes. Thou canst again grow upward from thy soul’s reason into the higher natures which are divine (Mirandola 1998, 4-5).

One may object to the seeming absurdity of the claim that choosing to debase one’s self can itself be indicative of dignity. If we witness someone willing to humiliate themselves we would be more inclined to suggest that, rather than a sign of their dignity, if anything they have demeaned or even lost it. Yet, for
Pico, it is not necessarily the act itself which is reflective of their dignity, but merely the *freedom* to be able to act in such a way. To clarify, there is a difference between the capacity for dignity and the exercise of those capacities. Human beings, therefore, are as Oliver Sensen explains, ‘...superior to animals in the *capacities* they possess, though not necessarily in how they choose to *exercise* those capacities’ (Sensen 2011, 80). As human beings it is our *duty*, therefore, to act freely, and fully realize this dignity (Sensen 2011, 79; van der Graaf and Delden 2009, 156). Indeed, as pointed out by Piet Steenbakkers, throughout the *Oration* Pico makes clear God’s intention for humans, as ‘...those who develop the intellect will be rewarded by peace of mind’, whereas ‘those who degenerate into a sensual or vegetative existence will be punished by transforming themselves into lower beings’ (Steenbakkers 2014, 91-2). In this sense, because dignity and excellence have to be actively pursued and strived for, this necessarily leaves some individuals behind. Pico, therefore, did not have a conception of universal human dignity shared equally amongst all (Steenbakkers 2014, 92).

It would seem to follow for Pico that the real attack on human dignity would be to deny an individual their capacity to act autonomously; as Milton Lewis puts it: ‘...where Manetti sees dignity arising from human excellence, Pico sees it in the *freedom* to attain such excellence’ (Lewis 2007, 94). Whilst Man has the freedom to act how he pleases, it seems clear that Pico regards the pursuit and cultivation of reason and intellect to be something that we should strive for. It is this idea which has proved so powerful amongst contemporary discussions about the possibility of transcending the current limitations of the human body and mind through technological means.
In many respects, the Early Modern Period continued the main themes of dignity as we have witnessed from previous eras. However, as we will see, in the influential work of Kant we find the seeds for the modern understanding of human dignity. In particular, it is the idea of dignity as an unconditional and incomparable worth, and so not dependent upon the will or opinion of others (nor indeed on a host of other contextual factors), that has had such a profound influence. Nevertheless, as we will discover, Kant’s formulation of dignity is still, in many respects, quite different to contemporary conceptions of a universal human dignity.

**Hobbes**

Thomas Hobbes’ (1588-1679) conception of the dignity of the individual is markedly different to what we are accustomed to reading within contemporary accounts, which tend to define dignity in terms of an inherent and inalienable worth in all humans. In contrast, for Hobbes, dignity refers solely to the *public* worth or value of an individual, as determined by the inter-subjective judgement of society. In the *Leviathan* (1651) he writes:

> The value or worth of a man, is as of other things, his price; that is to say, so much as would be given for the use of his power: and therefore is not absolute; but a thing dependent on the need and judgment of another...let a man (as most men do,) rate themselves as the highest value they can; yet their true value is no more than it is esteemed by others...The publique worth of a man, which is the value set on him by
the Common-wealth, is that which men commonly call dignity (Hobbes 1968, 151-2)

Significantly, on this account, one’s value or dignity is not based on the possession of certain capacities, but is solely determined by the opinion and will of others, which is itself guided by how useful one is. For Hobbes then, there is no such thing as a human’s absolute worth, but only a market value; as he notes, ‘an able conductor of soldiers, is of great price in time of war present, or imminent; but in peace not so’ (Hobbes 1968, 152). It is, therefore, a relational account of dignity in the sense that an individual’s dignity is not inherent, nor inviolable, nor unconditional, but entirely dependent on the will and opinion of others. One’s dignity (or ‘public worth’) can be enhanced or even lost, and so there are no ‘objective’ perspectives on the worth or value of a person, but instead ‘…only conflicting opinions about value, and the opinions of others are the ones that count’ (Dillon 1995, 9). It bears close resemblance then with the Roman concept of dignitas. Hobbes’ concept of a human’s worth stands in stark contrast to Aristotle’s idea of megalopsychia, in which the truly virtuous man does not depend on the opinions of others for his sense of worth, but instead knows himself to be worthy of great honour.

This is not to say that Hobbes did not have a theory of human equality. As noted by Kari Saastamoinen, the idea that human beings are naturally equal has a long history, but in particular became an important topic during the seventeenth century amongst philosophers, including Hobbes, Pufendorf and Locke. In particular, it is widely agreed that Pufendorf established Man’s natural equality from human dignity (Saastamoinen 2010, 39-40). However, for Hobbes, this equality cannot be found within society, but ‘in the natural
condition of mankind’ (Hobbes 1968, 183-188). This is the Hobbesian term for a ‘state of nature’ (a state prior to the creation of a society or commonwealth). It is only in this pre-societal condition that all humans stand equal to one another, despite any differences in physical and mental capacity, Hobbes argues, due to our equal potential to dominate and kill one other (although one may question that some would still naturally be better endowed than others at this). It is only once we move to a society governed by laws – a shared commonwealth – that some humans become more valuable than others.

In contrast to Hobbes’ contention that the worth or dignity of Man is determined solely in the public sphere, other seventeenth century writers insisted that human dignity was grounded in the possession of certain cognitive capacities. Blaise Pascal (1623-1662), for instance, wrote in his Pensées that:

A human being is only a reed, the weakest in nature, but he is a thinking reed. To crush him, the whole universe does not have to arm itself. A mist, a drop of water, is enough to kill him. But if the universe were to crush the reed, the man would be nobler than his killer, since he knows that he is dying, and that the universe has the advantage over him. The universe knows nothing about this. All our dignity consists therefore of thought (Pascal 1995, 72-3).

As noted by Lloyd and Sreedhar, ‘Hobbes was one of the earliest western philosophers to count women as persons when devising a social contract among persons. He insists on the equality of all people, very explicitly including women. People are equal because they are all subject to domination, and all potentially capable of dominating others. No person is so strong as to be invulnerable to attack while sleeping by the concerted efforts of others, nor is any so strong as to be assured of dominating all others. In this relevant sense, women are naturally equal to men. They are equally naturally free, meaning that their consent is required before they will be under the authority of anyone else. In this, Hobbes's claims stand in stark contrast to many prevailing views of the time, according to which women were born inferior to and subordinate to men’ (Lloyd and Sreedhar 2014).
For Pascal, human dignity rests solely on Man’s intelligence, which acts as a separator between us and the rest of the natural world. In a similar vein, Samuel Pufendorf (1632-1694) outlines in his *On the Law of Nature and of Nations* (1672) (which frequently refers to Cicero’s *De officiis*) how, in contrast to animals, humans have been blessed with an eternal soul by God, which is characterised by intelligence and the capacity for autonomy. He writes that:

The greatest dignity for man derives from this, that he has an immortal soul which is distinguished by the light of intelligence, the capacity of deciding and choosing...Because of his soul man is called an animal more holy than the other, capable of a deep mind, and able to rule over the other animals (as quoted in Cancik 2002, 31).

As we will see in section two, it is this focus on the possession of certain morally relevant capacities which forms the backbone of the contemporary literature for the special worth or significance of humans over the rest of the natural world.

**Immanuel Kant**

Whilst Kant (1724-1804) does not mention Hobbes in the *Groundwork of the Metaphysics of Morals* (1785), his formulation of dignity appears to be written in direct contrast to the *Leviathan*. Rather than a status determined by the will of others, for Kant, dignity is ‘an unconditional incomparable worth’ (Kant 2005, 94 [436]). In the *Groundwork*, Kant writes that:

In the kingdom of ends everything has either a price or dignity. Whatever has a price can be replaced by something else which is equivalent;
whatever, on the other hand, is above all price, and therefore admits of no equivalent, has a dignity (Kant 2005, 93 [434]).

In contrast to Hobbes, therefore, one’s dignity is not determined solely by one’s usefulness or market value, or dependent upon the will and opinion of others, but instead is a form of unconditional and incomparable worth, which has value in and of itself. As noted by Thomas E. Hill, one consequence of this is, ‘...that dignity is a worth not dependent on a person’s talents, accomplishments, class, race, gender, sexual orientations, or even moral record’ (Hill 2013, 316). As dignity is *unconditional*, it is good in all contexts, and cannot be diminished or lost (or enhanced) by one’s own or by another’s actions (although Kant does seem to think that some actions are not befitting or appropriate for someone with dignity). This is a radical departure from conceptions of dignity which would argue that one’s dignity was largely dependent upon one’s conduct, social status, or the actions of others. Moreover, as dignity is *incomparable*, it has no equivalent for which it can be exchanged or traded. Significantly then, an individual with dignity cannot be sacrificed for even a number of other persons (Hill 2013, 316). It is this twofold interpretation of what dignity is that has had such a profound impact on contemporary understandings of human dignity.

What then for Kant has this incomparable worth, and why does it possess it? It is important to point out that Kant’s conception of dignity is not free standing, but hangs upon his wider systematic moral theory which we will have to touch upon in order to understand his conception of dignity. To begin with, Kant

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A similar sentiment is found in Kant’s *Lectures on Anthropology*: ‘The fact that the human being can have the representation “I” raises him infinitely above all the other beings on earth. By this he is a *person*...that is, a being altogether different in rank and dignity from things, such as irrational animals, with which one may deal and dispose at one’s discretion’ (cited in Wood and O’Neill 1998, 190 [7: 127]).
states in the *Groundwork* that it is ‘...morality, and humanity, insofar as it is capable of morality...which alone has dignity’ (Kant 2005, 93 [435]). By ‘humanity’, Kant does not mean this in the sense that it is normally taken in contemporary usage (that is to demonstrate a humane or benevolent disposition), but as having a rational and autonomous nature, and the capacity to set and pursue one’s own ends. As he explains, the ground for ‘the dignity of human nature and of every rational nature’ is autonomy (Kant 2005, 94 [436]). Thus, only those individuals (human or otherwise) with the requisite autonomous and rational nature have a dignity. Although it is debatable whether Kant means that it is the *capacities themselves*, rather than the individuals who possess them, which have a dignity.

Moreover, as highlighted by Samuel J. Kerstein, for Kant dignity is a threshold concept and does not admit of degrees; 'if one has the set of capacities that are constitutive of it [dignity], one has it, no matter how well- or ill-developed those capacities may be', thus, 'any being who has the capacities requisite for possessing dignity has no less (and no more) dignity than anyone else' (Kerstein 2011, 232-3). One then cannot have a bit of dignity, or have more dignity than another person. This idea again has been highly influential in contemporary formulations of human dignity (see Chapter 10 for a detailed discussion of threshold accounts of moral status).

Kant’s focus on the importance of autonomy and reason as the ground of dignity appears, on first glance at least, to follow a similar line to previous writers, including Aristotle, Cicero, Manetti, or Pico della Mirandola, who argued
that it is these two capacities which most clearly separates humans from the rest of nature.\(^\text{36}\)

Kant's conception of moral autonomy, in particular, is radically different from what we (or indeed writers such as Pico) would understand by the term (which is, in essence, a personal autonomy to have the freedom to do as one chooses). As pointed out by Rosen, whilst Kant does explicitly state that autonomy is the ground of the dignity of human nature, ‘...he just as clearly prohibits a whole range of actions to which human beings may plausibly give informed consent’, including suicide, drunkenness, gluttony, lying, premarital relations, or any activities which would fail to respect our rational and autonomous natures (Rosen 2013, 150; see also Hill 2013, 317). Instead, for Kant, autonomy refers to the ability to participate ‘in the giving of universal laws’ which, as an autonomous agent, one can self-legislate or give oneself to follow (Kant 2005, 94 [435]).\(^\text{37}\) By universal laws, Kant is referring to the *Categorical Imperative* (what he refers to as the ‘supreme principle of morality’ (Kant 2005, 53 [392])), the first formulation of which is that in our moral judgements we should ‘act always on such a maxim as you can at the same time will to be a universal law’ (Kant 2005, 95 [437]). In other words, an action is only moral if it would be the correct action in all similar instances. Such a rule, Kant thought, would rule out such actions as lying or stealing. Moral autonomy for Kant, then,

\(^{36}\)As highlighted by Bayertz, for instance, in an article within his *Encyclopédie* (1751–66) Diderot made a connection between autonomy, rationality and human dignity, and Man’s separateness from the rest of nature when he writes that: ‘If animals belonged to a genus which was more or less the same as our own; if there was a sure method of communication between them and us; if they could tell us their feelings and thoughts very clearly, and could be party to our thoughts and feelings just as clearly; briefly, if they could all come together with us and vote, then we would have to include them, and then the matter of natural law would no longer be negotiated before humanity but before animality. But animals are separated from us by unchangeable and eternal barriers, and we are dealing here with an ordering of knowledge and ideas which are specific to the human genus, which result from the dignity of humanity and which are constitutive to it’ (Bayertz 1996, 77).

\(^{37}\)As Kant emphatically states later in the *Groundwork*: ‘...the dignity of humanity consists just in this capacity of being universally legislative’ (Kant 2005, 98, [440]).
is a self-imposed adherence to universal moral laws, rather than simply the freedom to do as one pleases.

This then leads to the second, and most well-known, formulation of the Categorical Imperative: the maxim that one ought to always treat a ‘rational being’ or the ‘humanity’ of each person never merely as a means, but also as an end in themselves (Kant 2005, 96 [438]). Thus, in contrast to other beings or objects with only a relative value or price, persons with dignity are ends-in-themselves, and so have a special high status which ought to be respected. One should never treat another person merely as an instrument of your own will, nor treat them as if they had only a price, rather than a dignity, no matter how disliked they are. This tenet has a clear affinity with contemporary accounts, which consider acts such as torture, false imprisonment, or rape to be gross examples of the instrumentalization of individuals, and a failure to respect their dignity.

Hill draws attention to the fact that whilst dignity for Kant should always be respected, in practice, it is not always possible to fulfil this obligation, particularly in tragic instances. In other words, Kant’s moral theory is found to be particularly rigid and unforgiving when applied to the complexities of ‘real world’ hard cases. For instance, Hill notes, ‘it seemed impossible during the Second World War to rescue oppressed people from the indignities inflicted on Jews and others without bombing raids that burned to death innocent children. Mothers submitted to debasing prostitution to keep their families from starving...’ (Hill 2013, 319-20).

Such a criticism itself has a long pedigree with Schopenhauer writing in 1840 that Kant’s formulation of dignity is content-less. Whilst it may sound grand and
of utmost importance, in reality, Schopenhauer found Kant’s account of dignity wanting.  

That expression, *dignity of man*, once uttered by Kant, afterward became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals, or, at any rate, of one that had any meaning. They cunningly counted on the fact that their readers would be glad to see themselves invested with such a dignity and would accordingly be quite satisfied with it (Schopenhauer 1965, 100).

Interestingly, we find echoes of this criticism amongst contemporary critics of the use of dignity in modern ethics (see Pinker 2008 and Macklin 2003a). In face of such criticism, Hill suggests the most appropriate way to follow Kant is to approach each ethical dilemma on a case-by-case basis, in order to judge ‘what best respects the more specific values (and their priorities) that the dignity principle aspires to protect—the values; for example, of life, freedom, non-degradation, mutual respect, and happiness (insofar as it can be achieved by permissible means)’ (Hill 2013, 319-20). This is certainly one way of dealing with the objection, although it involves reading further into Kant’s work then some scholars may think appropriate. Nevertheless, if we leave matters of exegesis to one side, we may agree with Hill that, ‘the central point is that as human beings with the capacity to be moral we must treat ourselves and all others with the respect, restraint, and positive concern that for Kant is encapsulated in the idea of human dignity...because, on due reflection, we can see that respecting human dignity represents (abstractly) a deeply embedded

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38 Similarly, as pointed out by McCrudden, ‘in 1847, Karl Marx denounced the use of dignity by a fellow socialist as a ‘refuge from history in morality’ (McCrudden 2008, 661).
core presupposition of the common morality that we share, despite our legitimate disagreements regarding many particular issues...Our task is to live up to our implicit commitment to human dignity, which too easily we find excuses to ignore’ (Hill 2013, 325).

Persons, Non-human Animals and Marginal Cases

As we have seen, Kant attributed dignity to our rational and autonomous natures (in particular, to self-legislate and obey the moral law). It is these natures alone which have an unconditional and incomparable worth. As noted by William J. FitzPatrick, ‘...for Kant, respect for persons is ultimately reducible to respect for the rational nature in persons’ (FitzPatrick 2013). In this respect, the Groundwork seems less of an account of human dignity and more to do with the dignity of rationality and autonomy. Kant, in effect, puts the worth of rational nature itself above the worth of the person. Indeed, the reason Kant gives for rejecting actions such as suicide, drunkenness or gluttony, is because one would be subordinating one’s rational nature to one’s baser ‘irrational’ inclinations. This puts Kant’s account at odds with most contemporary understandings of dignity, which focus instead on the worth and dignity of the individual themselves (rather than on their capacities). Moreover, this shift in focus on what actually has a dignity has important implications for our moral decisions. As FitzPatrick explains, for those who take the person themselves to be the possessor of a dignity, ‘...it is hardly obvious that such respect must always privilege the continuation of rational agency over the ending of irremediable misery, or that we best respect the person by giving absolute and unconditional priority to the preservation of one of her capacities over all other aspects of her life and experience’ (FitzPatrick 2013). Thus, in contrast to Kant,
if we are to prioritise the worth of the individual over that of their rational natures, then acts including suicide, euthanasia, or drunkenness may instead be entirely permissible.

A further serious issue then for Kant’s formulation of dignity, especially in light of contemporary accounts of a universal human dignity, is the role (or rather lack of) those individuals without a rational nature. Any being, human or otherwise, which does not have the requisite level of rationality and autonomy, according to Kant, does not have a corresponding dignity, but instead falls into the secondary category of value, and has merely a price. Moreover, it is not clear if this includes individuals with the potential for a rational nature (for example, young infants) or those who once had the capacities, but no longer do so (including those with dementia or in a comatose state) (FitzPatrick 2013). Some commentators have, consequently, argued that Kant’s account of dignity in the *Groundwork* seemingly leaves out a large swath of humanity, including infants and the severely cognitively disabled (as well as all non-human animals) from moral consideration (Gruen 2010; Warren 1997, 101-4).

Rather, Kant seemed to suggest that non-persons (both those animals and humans without the requisite capacities) are only morally considerable indirectly. Thus our duty to not mistreat animals Kant argues in the *Lectures on Ethics*, is not due to the welfare of the animal themselves, but because mistreating them would affect our ability to deal compassionately with our fellow persons:

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39 However, as pointed out by Kerstein, some scholars argue that Kant did not even believe that all those with a rational nature have a dignity, but only those who have a good will as well. A good will is the idea that a person ‘...has a disposition to conform her actions to the moral law and to do so on the ground that this law is authoritative for her will’ (Kerstein 2014, 222n).
...if a man has his dog shot, because it can no longer earn a living for him, he is by no means in breach of any duty to the dog, since the latter is incapable of judgement, but he thereby damages the kindly and humane qualities in himself, which he ought to exercise in virtue of his duties to mankind. Lest he extinguish such qualities, he must already practise a similar kindliness towards animals; for a person who already displays such cruelty to animals is also no less hardened towards men' (Kant 1997, 212 [27:459]).

Whilst Kant clearly has a developed sensitivity to the plight of animals, as highlighted by Gruen this indirect view (at least to modern ears) seems deeply unsatisfying, as it ‘fails to capture the independent wrong that is being done to the non-person. When someone rapes a woman in a coma, or whips a severely brain damaged child, or sets a cat on fire, they are not simply disrespecting humanity or themselves as representatives of it, they are wronging these non-persons’ (Gruen 2010).

Conversely, some more forgiving interpretations do argue that Kant ascribed a moral status to all humans, or attempt to lessen the severity of Kant’s conclusion (see for example, Wood 2008, 97; Korsgaard 2004; Denis 2000; and O’Neill 1998). Indeed, as noted by Patrick Kain, ‘there is substantial textual evidence indicating Kant’s judgment...[that] all human beings possess moral status’ (Kain 2009, 62). 40 There certainly seems to be a tension within Kant’s writing as to whether or not all humans have a high moral worth. As we will see in the following two sections, this theme of marginal cases, and the distinction

40 See for example: ‘Now I say: the human being and in general every rational being exists as an end in itself, not merely as a means to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must be always regarded at the same time as an end’ (Kant 2005, 87 [428]).
between humans and persons, is a persistent issue for any discussion of the nature and ground of human dignity (as well as ethics more broadly).
Chapter 5 Dignity in the Modern Era

Introduction

The modern era continued the identification of dignity with a high moral worth that demands respect. However, as we will see, what sets the most recent past apart most clearly from previous periods is the equal allocation of this dignity to previously marginalized groups (at least in theory, if not also always in practice). On a broad brush stroke approach, the circle of moral concern has been gradually widened to include some of the most vulnerable groups, including former slaves, women, children, and in more recent times, the elderly, disabled, homosexual, transgendered, as well as non-human animals. It is this universality of dignity – the idea that all human beings have an inherent, unconditional, and inviolable dignity or high moral worth, that should be respected, does not admit of degrees, and is not dependent upon individual merit or circumstance – that has had such a resonance amongst contemporary writers and law makers. As we will see, it is from this core meaning of human dignity that a consensus of how one should, and should not, treat other humans has been steadily built up through successive human rights instruments (which have had to traverse quite different legal and cultural systems).

Indeed, one of the most pronounced developments of our understanding of dignity during the modern era is the perceived close relationship between universal human dignity and universal human rights, and the broadening of these privileges from the few to the many. Dignity is often closely linked with a variety of other important rights to protect, including freedom from slavery,

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41 The Swiss Constitution, for instance, refers to the ‘dignity of living beings...’ (Federal Constitution of the Swiss Confederation 1999, 39).
torture and inhuman or degrading treatment, as well as the right to life, and bodily integrity. More than this, however, human dignity is also commonly thought to be the fundamental ground of human rights. In other words, human beings have rights because they have a dignity.\(^{42}\) Tellingly, the idea of the dignity of every person was adopted most readily into the constitutions of those countries which had escaped the brutalities under Fascist, Communist and other totalitarian rule. The importance and frequency with which dignity is now referred to in both ethical as well as legal contexts only seems to continue to grow. Human dignity is now an important component in both national and transnational law, including as a foundational principle in EU law for all human rights, and mention of dignity is found in the national constitutions of many countries around the globe (Dupré 2013, 113-4; McCrudden 2008).\(^ {43}\)

Moreover, rather than focus primarily on what bestows humankind a dignity (be that through the exercise of rationality, or being created in the image of God), the modern era places a greater emphasis on violations of dignity and dehumanization; that is actions and events that are characterized by treating an individual without dignity or respect. As highlighted by Oliver Sensen, the modern conception of dignity focuses primarily on the dignity of the other, rather than of the self.\(^ {44}\)

\(^{42}\) As noted by Beyleveld and Brownsword, ‘...human dignity is the rock on which the superstructure of human rights is built’ (Beyleveld and Brownsword 2001, 13).

\(^{43}\) These are: Germany, Belgium, Sweden, Portugal, Spain, Brazil, Switzerland, the Czech Republic, Israel, South Africa, Hungary, Iran, Iraq, and to a lesser extent, Italy, Greece, Argentina, Turkey, Egypt, and Ireland. Interestingly, as noted by Cohn and Grimm, ‘no formal recognition of human dignity can be found in the constitutions of the United States, Canada, and France’ (Cohn and Grimm 2013, 195).

\(^{44}\) This is not to say that self-respect is still not considered an important aspect of dignity in contemporary discourse. Ronald Dworkin, for instance, writes that ‘...dignity requires self-respect and authenticity’. The former refers to the claim that ‘each person must take his own life seriously: he must accept that it is a matter of importance that his life be a successful performance rather than a wasted opportunity’. Authenticity for Dworkin refers to the principle that ‘each person has a special, personal responsibility for identifying what counts as success in
When Cicero, Leo, Pico and Kant talk about human dignity, they emphasize that the agent should realize his or her own initial dignity. In talking about human dignity, they highlight a privilege or capacity human beings have been given, and their emphasis is on how one should use that capacity. This emphasis stems from an underlying perfectionism. The main concern of these four thinkers in questions of moral philosophy is how one should perfect oneself, not how one should treat others’ (Sensen 2011, 84-5).

In contrast, we witness in the various declarations and charters examined below, that there is a distinct concern with the rights of others, as well as an emphasis on the interrelated and interdependence of our moral communities. Nevertheless, despite the ubiquity of the idea, the concept of human dignity is still often ill defined and understood, and appears in a variety of different forms. As noted by Cohn and Grimm, ‘human dignity’ is not defined in any of these constitutions, beyond occasional mention of it being inherent, inviolable or inalienable (Cohn and Grimm 2013, 195). Dignity is used in a variety of ways, from the basis for human rights, to being understood as a right in itself which needs to be protected. This uncertainty of what dignity is, and the inconsistency of its application in human rights adjudication has, in the words of Catherine Dupré, ‘....triggered a substantial amount of controversy and confusion owing to their apparent lack of logic and predictability’ (Dupré 2013, 119-20).
Dignity and the French Revolution

With its celebrated cry of equality, liberty and fraternity, the ideals of the French Revolution of 1789, which saw the overthrow of the aristocratic statuses or ‘dignities’ of the Ancien régime, are often considered to be the genesis and catalyst for universal human dignity and rights, as we understand them today.⁴⁵ The principles of the French Revolution were themselves inspired by the ideas of the American Revolution of Independence (1765-83) and the growth of republicanism and democracy (see Meyer and Parent (1992) for an extended discussion of the role of human dignity and the US Constitution), as well as the emphasis on reason and autonomy from the Enlightenment period.

Declaration of the Rights of Man and of the Citizen (1789)

These ideals found voice in the Declaration of the Rights of Man and of the Citizen (1789). Breaking away from the old order of strict social and hereditary hierarchy, the opening article states that: ‘Men are born and remain free and equal in rights’ (Marquis de Lafayette, 1789). Article 6 of the Declaration follows logically from this opening statement, by extending the former aristocratic statuses to all men so that, in principle, no social position should be closed to any individual: ‘All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents’ (Marquis de Lafayette, 1789). In particular, Article 6 of the Declaration highlights the transitional nature of dignity during this period, from a traditional

⁴⁵ Although as highlighted by Dupré, there was in fact an earlier reference to dignity made during the English Civil War in 1646, by the Leveller John Lilburne (1614-57), in which he argued that: “all men by nature are the children of Adam, and regardless of religious differences, they are all equal and alike in power, dignity, authority and majesty” (Dupré 2015, 37).
hierarchy based conception, to the modern universal conception recognised today.

Nevertheless, whilst the Revolution brought down the aristocratic statuses of the previous regime, and the Declaration declared these statuses spread evenly for all Men, the Declaration itself only made this one reference to ‘dignities’ within Article 6. Rather, as pointed out by Dupré, the Declaration instead created the *conditions* for dignity to become an important legal device within our modern conception of universal human rights (Dupré 2013, 117). Instead, as noted by several commentators, it is some six decades later, in the Preamble of the *French Decree*, which abolished slavery in all her colonies in 1848, that dignity is first mentioned in a legal text. The Decree stated that: ‘...slavery is an assault upon human dignity; that in destroying man’s free will, it destroys the natural source of law and duty; that it is a flagrant violation of the republican creed: Liberty, Equality, Fraternity’ (Scott 2013, 61). This not only demonstrates the importance, in some quarters, with which the idea of dignity was used in upholding the ideals of the French Revolution of social equality, individual freedom, and a sense of universal human community, but also links dignity with work and a protection against humiliating and dehumanizing working conditions. Rebecca J. Scott, for instance, has demonstrated the influence the French decree had on the French speaking Afro-Creole community in New Orleans, who took it as their model for emancipation from slavery. This community argued that, ‘slavery was by its nature a direct affront to human dignity, and could not be allowed to continue in a self-respecting republic’ (Scott 2013, 65). We have here then a clear example of the idea of dignity being used to defend and protect previously marginalized and vulnerable groups.
We also witness in the writings of Thomas Paine the influence the ideals of the Declaration had when he refers in his *The Rights of Man* (1791) to ‘the natural dignity of man’ (Paine 1996, 35). For Paine, this natural dignity is a status shared amongst all people, and not just the privileged few. Conscious of this transition from the *Ancien régime* to the new social order, Paine wrote that ‘the patriots of France have discovered in good time that rank and dignity in society must take a new ground. The old one has fallen through. It must now take the substantial ground of character, instead of chimerical ground of titles; and they have brought their titles to the altar, and made of them a burnt-offering to Reason’ (Paine 1996, 46). Paine was writing in direct opposition to Edmund Burke, who in his *Reflections on the Revolution in France* (1790) had attacked the French Revolution. For Burke, ‘men of dignity’ are only those of noble birth and of the requisite social rank; there is no such thing as the dignity of the common people. Indeed, he satirises this new egalitarian social order when he mockingly suggests that ‘I should have thought that the hangman of Paris...[is now] full of his sense of his new dignity’ (Burke 1973, 83). Writing at the same time as Paine, in both her *Vindication of the Rights of Women* (1792) and *Vindication of the Rights of Man* (1790) Mary Wollstonecraft also used repeated reference to dignity to colour her appeal for greater equality between both genders (Dupré 2015, 40; McCrudden 2008, 660).

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46 This is not to say that the increasing frequency of the use of dignity was not met with any other resistance. Friedrich Nietzsche, for instance, criticized the alleged link between human dignity and the dignity of labour in his essay ‘The Greek State’ (1872): “every human being...only has dignity in so far as he is a tool of the genius, consciously or unconsciously; from this we may immediately deduce the ethical conclusion, that “man in himself”, the absolute man possesses neither dignity, not rights, nor duties; only as a wholly determined being serving unconscious purposes can man excuse his existence” (cited in McCrudden 2008, 661; see also Rosen 2012a, 42).
**Human Dignity and Human Rights**

Whilst the aftermath of the Second World War, and the creation of legally binding universal human rights, is generally thought to be the pivotal moment for human dignity in the Twentieth Century, there was in fact pre-war legal usage of the term within the *Weimar Constitution* (1919), which mentions dignity in terms of the working life and social justice,\(^{47}\) and the third constitution of Brazil (1934) which closely mirrored the Weimar Constitution in this respect. Dignity was also included in the Preamble of the *Irish Constitution* (1937) as a foundational religious tenet (see Moyn 2013, 96-7).\(^{48}\)

*The Charter of the United Nations*

Nevertheless, it was after the traumatic upheaval and atrocities in the wake of the Second World War that the concept of dignity had one of its most influential turns, and heralded the use of dignity in international human rights law. *The Charter of the United Nations* (or UN Charter) (1945) put forth the idea that the ‘human person’ has a dignity and worth, and all humans share an equality of rights. The opening of the Charter begins:

> We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small... (United Nations 1945).

\(^{47}\) Article 151: ‘The organisation of the economic life must conform to the principles of social justice with a view to guaranteeing a dignified existence (*menschenwürdiges Dasein*) to all’ (cited in Dupré 2015, 49).

\(^{48}\) Which refers to the ‘...dignity and freedom of the individual...’ (Constitution of Ireland 1937, 2).
The Charter vividly explains the necessity for affirming the equality, dignity and worth of all humans, in order to ensure justice, social progress and freedom.

The opening of the Charter presents a ‘never again’ tone to ensure that the atrocities witnessed during the war are never to be repeated again.

Consequently the Charter is suggestive of what happens when the dignity of the individual is not upheld (Hollenbach 2013, 126-7; Bayertz 1996, 80).

The Universal Declaration of Human Rights

Three years later, the Charter was developed into its best known form as The Universal Declaration of Human Rights (UDHR) (1948). The opening two Articles act as the foundation blocks with which the rest of the Declaration builds. The first article states:

**Article I** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The concept of dignity and rights became the foundational principle for the UDHR. Notably, as we have witnessed in previous eras, there is a close link set up between dignity and the capacity for rationality. These foundational articles are preceded by a similar Preamble to the one witnessed in the Charter, which begins:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which
human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...

Between the Preamble and opening Articles of the Declaration, therefore, the role and significance of dignity is presented on several fronts: First, it sets up recognition of the dignity and rights of all humans as essential to ensure freedom, justice and peace (with dignity notably listed before rights). Again, as we have seen in the French Decree and the UN Charter, there is a particular emphasis on violations of dignity, and the ‘barbarous acts’ which result when the dignity of the person is not respected or upheld. In a similar vein, the Geneva Convention (1949) made an explicit connection between humiliation, degradation, and human dignity, in regards to the treatment of prisoners of war, in which it refers to ‘outrages upon personal dignity, in particular humiliating and degrading treatment’ (The Geneva Conventions 1949, 36).

Second, the UDHR describes dignity as being inherent in all humans, rather than its existence being merely a matter of ‘faith’, as it is characterized in the Charter.\(^{49}\) As pointed out by Roberto Andorno, by referring to dignity as inherent in humans, the UDHR implies that ‘…dignity is inseparable from the human condition...something that all human beings possess by the mere fact of being human’ (Andorno 2014, 50).\(^{50}\) The great problem, as we will see in the following section, is understanding what is so significant about our humanity or belonging to the human species, which would justifiably bestow a high moral

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\(^{49}\) Dignity also appears in Protocol 13 of The European Convention on Human Rights (1950) in regards to the death penalty, in which dignity is described as 'inherent' in all human beings.

\(^{50}\) See also: '…the core idea behind the term [dignity] for the human rights context is, it seems, that human beings, irrespective of other characteristics, possess an inalienable, supreme, intrinsic worth because of their humanity alone, and for no other reason than that' (Mahlmann 2013, 598).
worth or dignity. Indeed, if all humans have a dignity, as the UDHR contends, this is suggestive of the fact that dignity cannot then be based on any one characteristic or capacity shared by all, from the simple fact that, save for species membership, it is difficult to identify a capacity which all humans share, but no non-humans possess.

Conversely, human rights, rather than dignity, are said in the Declaration to be inalienable, suggesting perhaps that the drafters considered dignity could still be diminished, or even lost or stripped from the individual. In contrast, the opening line of the first Article in the Basic Law for the Federal Republic of Germany (1949) states that ‘Human dignity shall be inviolable.\(^5\) To respect and protect it shall be the duty of all state authority’ (Basic Law 1949, 15). There is some controversy over how this is to be interpreted (Goos 2013, 87-8). It is unclear how something can be protected, or in fact if it needs protection, if by definition it cannot be lost or taken from the individual. On one interpretation, this claim should be understood normatively, in the sense that one ought not to violate another’s dignity, rather then it being impossible to do so.\(^5\)

Furthermore, the idea of a ‘human family’ is introduced into the Declaration.\(^5\) As a transnational document, drawn up by the United Nations, it is little surprise that the drafters sought a universal tone. However, the UDHR is also one of the first legal documents to voice the idea that individuals are part of a global community, one that is interconnected and interdependent on one another. We

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\(^5\) This has also been translated as ‘Human dignity is inviolable’.

\(^5\) ‘...there is still a dispute in the literature as to whether the first sentence of Article 1 (‘The dignity of man is inviolable’) is to be understood descriptively or prescriptively. ‘It should be inviolable!', declared Luwig Bergsträsser when this question arose in the debates of the Parliamentary Council' (Goos 2013, 87-8).

\(^5\) On Dworkin’s (2011) work: ‘Justice in general demands that a government respect the dignity of all its members—their fundamental right to equal concern and respect. Dignity, so construed, has two components. First, a community must treat its members' fates as equally objectively important; second, it must respect their personal responsibility for defining what counts as success in their own lives’ (Tasioulas 2012, 354).
have seen the seeds of such an idea in the dignity of citizenship of Ancient Greece and Rome, and again later in Hobbes’ idea of a Commonwealth. The UDHR extends the scope of dignity to include the human species in its entirety, regardless of age, race, religion, gender or disability (Hollenbach 2013, 128; Letsas 2013, 2706-2715; Glendon 2001, 174; Bayertz 1996, 80-1; and Meyer 1992, 8-9).

As noted by Oliver Sensen, whilst ‘...the members to the Declaration present dignity as an “inherent” fact or property that can be “recognized”’, they nevertheless fail to ‘...give an account of what this “inherent” (value) property is, nor of how one is able to know or “recognize” it’ (Sensen 2011, 74). This has been a familiar criticism levied against the human rights project, and the usefulness of the concept of dignity in particular. Despite the prevalence of the concept in national and supranational constitutions, it remains an ill-defined and understood concept, which is difficult to use as a normative guide. Moreover, following Schopenhauer’s original criticism of Kant’s account, there have been accusations of dignity being ‘empty’ of content.

However, the vague characterisation of dignity in the UDHR was in fact a conscious decision by the drafters. As noted by several commentators, human dignity was given such prominence in the Declaration precisely because of its vagueness. In this way it was able to act as a placeholder term to allow for a consensus between such a diverse (both culturally, as well as geographically) range of countries as to why universal human rights should be established and protected (Düwell 2014, 23; Carozza 2013, 621; and McCrudden 2013, 2).54

54 'Whenever he was asked how it was possible that adherents of such radically opposed philosophies could reach agreement on a declaration of fundamental rights, Jacques Maritain...likes to say, “Yes, we agree about the rights, but on condition that no one asks us why. It is with the “why” that all the disagreements begin.”'. However, Carozza notes that
However, despite the practical use of dignity in this regard, by not explicitly defining or explaining what is meant by the concept beyond its obvious violations, has left the meaning, content, and theoretical foundations of human dignity precariously open to challenge, and arguably threatens the entire human rights project itself.

*The International Bill of Human Rights*

The *International Bill of Human Rights* (IBHR) is comprised of the UDHR (which was non-binding), along with the *International Covenant on Civil and Political Rights* (ICCPR) (1976), and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1976) (which protects dignity in terms of education), which were both drafted some 20 years later in 1966. It took a further decade for the IBHR to be ratified, and entered into force for participating countries in 1976 (Letsas 2013, 2706-2715).55

Whilst dignity and rights are both mentioned in the Charter and the Declaration, there is no indication of the relationship between the two. In both documents dignity and rights are listed side by side, with neither being suggested as the basis for the other. The IBHR significantly was the first set of legal documents in which human dignity was identified explicitly as the ground or justificatory principle for human rights, stating that ‘these rights derive from the inherent dignity of the human person’ (United Nations 1976a, 173).

55 The United Nations itself has argued that the International Bill of Human Rights ‘represents a milestone in the history of human rights, a veritable Magna Carta marking mankind’s arrival at a vitally important phase: the conscious acquisition of human dignity and worth’ (OHCHR 1996, 9).

‘Maritain and his colleagues did not regard this lack of consensus on foundations as fatal to the project. The fact that an agreement could be achieved across cultures on several practical principles was ‘enough’...’ (Carozza 2013, 621).
The Charter of the European Union (European Convention 2000) came into force with the Treaty of Lisbon in 2009 and became legally binding for all member states and institutions of the EU. The Charter is divided into seven distinct chapters. The first is entitled ‘Dignity’, and Article 1 simply states: ‘Human dignity is inviolable. It must be respected and protected’ (European Convention 2000, C 364/9). Under this Charter dignity becomes the European Union’s foundational principle, as it begins and underpins the entire document. However, no further definition of dignity is offered by the Charter. We also have the potential issue of reconciling the idea that dignity is both inviolable, with the claim that it also needs protection. The solution to this depends on whether we interpret it as a statement of fact, that dignity cannot be violated, or as a normative statement, that dignity ought or should not be violated. Moreover, interestingly it does not refer to the dignity of the person, but seemingly the idea of principle of dignity itself as inviolable and in need of protection and respect.

The Charter goes on to link human dignity with the right to life (Article 2); the integrity of the person (Article 3), which includes prohibitions on reproductive cloning of human beings; prohibition of torture and inhuman or degrading treatment or punishment (Article 4); and the prohibition of slavery and forced labour (Article 5). The remaining chapters (entitled respectively, Freedoms, Equality, Solidarity, Citizens' Rights, Justice, and General Provisions) cover 49 further articles, ranging from the right to education (Article 14), to the rights of the elderly (Article 25), and the right to fair and just working conditions (Article

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56 'Article 25: The rights of the elderly: The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life’ (European Convention 2000, C 364/14).
Notably, there is a real drive to acknowledge and protect some of the traditionally most marginalized and vulnerable groups, which had previously been excluded (or at least not explicitly protected) in previous national or international constitutions. Unlike in previous centuries, dignity does not appear in the EU Charter to be grounded on any particular type of characteristic or capacity, but offers instead what Dupré refers to as a ‘complex multi-layered definition of humanity’ (Dupré 2015, 30).

Significantly, Article 3 (on the integrity of the person) extends the sense and protection of humanity at the genetic level. Such a reference appears to be directed at the huge advances in biological and technological science in recent decades, and the increased possibility for ‘violations’ of the human genome itself. Indeed, it has been suggested that the driver for the frequency with which the concept of dignity is used today is due specifically to the development and potential of new biotechnology (Brownsword 2013). As pointed out by Dupré, this new focus, rather than looking at violations of dignity in the past or present, uses the legal and ethical concept of dignity as a tool to ‘protect a concept of humanity going much beyond the existing individual human beings, to include the whole of mankind, future generations, as well as a form of humanity that for now we cannot even imagine’ (Dupré 2015, 81). The idea of human dignity then is used not only as a device to protect and respect the individual or group,

57 ‘Article 31: Fair and just working conditions: 1. Every worker has the right to working conditions which respect his or her health, safety and dignity’ (European Convention 2000, C 364/15).
but the integrity of the species, and the idea of humanity itself (both in its present and future sense).\footnote{Andorno argues the reason for this is due to the deficiencies of human rights to protect against future dangers brought about by biotechnology: ‘a purely human rights approach is powerless to face these new challenges because rights are only enjoyed by existing individuals, not by humankind as a whole or by future generations. This is why the new instruments relating to bioethics directly appeal to the notion of human dignity, and not to human rights, when they condemn practices such as human reproductive cloning or human genetic’ (Andorno 2014, 52-3).}

**Human Dignity and Bioethics and Biolaw**

Indeed, increasingly contemporary bioethics and biolaw has incorporated the idea of ‘human dignity’ into its discussions, with an explosion in the literature to references and appeals to the term. Within the legal sphere this can be observed in documents such as the Council of Europe’s *Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine* (1997), in which dignity plays a central part in limiting certain controversial areas of scientific research, as well as UNESCO’s *Universal Declaration on Bioethics and Human Rights* (UNESCO 2005), in which dignity is mentioned twelve times, although again it is not defined beyond reference to the intrinsic worth of the human being (see also United Nations 2005; UNESCO 1997).

Appeals to human dignity, on both sides of the debate, have also been used in a huge range of bioethical areas, including in regards to informed consent in medical research (Burns 2008), invoked in debates about stem cell research (Caulfield and Chapman 2005; Pichler 2005; and Oduncu 2003), end-of-life decisions, assisted euthanasia and care of the elderly (Nordenfelt 2003a, 2003b; Loewy 1999), and in debates on human cloning and genetic engineering (Balzer et al. 2000; Heeger 2000; Birnbacher 2005). Most recently, mention of
human dignity has arisen within discussions of the ethics of human enhancement, as theorists have debated the significance of the term (see section three for an extended discussion of this).

At present, there exists a divide between those who believe that the pursuit of enhancement technologies affirms, or even increases our dignity (Bostrom 2005a), and those who insist that it may hinder, or even pose a threat (Jotterand 2010a; UNESCO 2005; Fukuyama 2002; Kass 2002; and Council of Europe 1997). A third strand proposes that we do away with the idea of human dignity in bioethical discussion altogether (Cochrane 2010; Pinker 2008; Bagaric & Allan 2006,59 and Macklin 2003a). This perspective has even been suggested to be the mainstream of current English speaking bioethics (Ashcroft 2005, 679). As will become apparent, the conclusions drawn depend fundamentally on how we characterize the concept in the first place. As it stands, the concept of dignity, and its role within the ethical realm, remains a highly contentious issue – derided and lauded in equal measure.

59 ‘Dignity is a vacuous concept. The notion of dignity should be discarded as a potential foundation for rights claims unless, and until, its source, nature, relevance and meaning are determined’ (Bagaric and Allan 2006, 269).
Section 2 – The Nature and Ground of Human Dignity
Human and Animal Dignity

Human dignity is, by nature as well as by definition, a concept weighted towards the worth of humans over other beings. Explicit within the phrase ‘human dignity’ is the contention that it is a dignity that only members of the species Homo sapiens may partake of and belong to; that there is something peculiar to humans that non-human beings lack. If animals do have a dignity, then this is of quite a different sort to human dignity. Moreover, this position is often said to entitle human interests a priority over non-human interests. Indeed, taken in its contemporary universal sense, human dignity encapsulates the idea that all humans occupy a privileged position, and elevated moral status, over and above that of all other non-human animals. In our political, ethical and social life, there is an explicit assumption, for many, that human life has a value over and above that of other non-human life. When we eat meat, use animal products for clothing, cosmetics, labour, or when we experiment upon and use them for other industrial processes, we acknowledge that animals can serve a purpose which we wouldn’t find acceptable if humans were used in their place. When attempts have been made to exclude or restrict the moral status of particular kinds of humans, as was the case with Alberto Giubilini and Francesca Minerva’s infamous article on the permissibility of killing new born infants in instances where it is too burdensome to raise them (Giubilini and Minerva 2012), they are greeted with public disgust and outcry (see Hauskeller 2012a).
At the heart of the matter is the extent to which we take the interests and lives of non-human animals to be equivalent to that of humans, and where we consider the boundaries of moral concern (the same ground which dignity is traditionally seen to occupy) to lie. The fundamental point, upon which much of the debate revolves, concerns the morally relevant characteristics, capacities or features for a being’s interests to be given moral consideration. Humans, it is argued, are different in the morally relevant respects, and therefore, deserve special consideration. In the ethical sphere this is often couched in terms of *moral considerability* with the greater the moral considerability, the higher the moral status; as Lori Gruen explains: ‘to say that a being deserves moral consideration is to say that there is a moral claim that this being has on those who can recognize such claims. A morally considerable being is a being who can be wronged in a morally relevant sense’ (Gruen 2010). On this definition there are two fundamental elements for a being to be considered morally considerable: (1) to have certain claims recognised (by those who can recognise) as worthy of moral consideration, and (2) to be able to be morally wronged. Whilst many would argue that non-humans fulfil these criteria, and so are worthy of moral consideration, human moral claims are often prioritised over that of non-human animals. This is often explained in terms of levels of moral status, with humans occupying a high (if not the highest) rung (see Chapter 10 for an extended discussion of the role of moral status and human dignity). One reason for this higher moral status is the fact that only humans can recognise and respond to these moral claims. Yet, many others have pointed out that, even if a non-human animal cannot recognise or respond to a moral claim, they can still be morally wronged and we can recognise this fact. As will be highlighted, sentience and, in particular, the capacity to feel pain has been
argued to be sufficient for moral considerability. As is clear, the lines of moral considerability will be drawn differently, depending on the criteria that are invoked (be that sentience, the capacity to suffer, intelligence or autonomy).

Human dignity is based on the premise that humans occupy a privileged position in the universe, yet notably over the last few decades, there have been growing calls for the circle of moral concern to be widened and the greater moral considerability of animals to be acknowledged. Such calls are of particular significance as they have also ultimately challenged the foundations on which the unique status of humanity is said to rest. If it can be demonstrated that animals too have a moral status or dignity that deserves attention, the purpose of a universal human dignity (to promote the elevated status of all humans) is seemingly made redundant. Nevertheless, at present, to speak of animal or non-human dignity is often, at best, met with accusations of conceptual confusion and, at worse, ridicule. Indeed the novel inclusion of the ‘dignity of living beings’ within both the Swiss Constitution (1999) and the Swiss ‘Gene Technology Act’ (The Federal Assembly of the Swiss Confederation 2004) has not been universally welcomed, especially by Swiss plant scientists who had to consequently consider the dignity of plants in their research (see Abbott 2008).

However, neither conceptual confusion nor ridicule necessitates that an idea is wrong headed or mistaken. As Martha Nussbaum makes clear, whilst defining what animal dignity is may be difficult (as it is with human dignity), knowing when animals are treated without dignity is immediately clear: ‘We humans share a world and its scarce resources with other intelligent creatures...those creatures are capable of dignified existence. It is difficult to know precisely what
that means, but it is clear what it does not mean: the conditions of the circus animals beaten and housed in filthy cramped cages, the even more horrific conditions endured by chickens, calves, and pigs raised for food in factory farming, and many other comparable conditions of deprivation, suffering, and indignity’ (Nussbaum 2006a). For Nussbaum, animal dignity, as it is with her capabilities account of human dignity, is intertwined with the species-specific characteristics or functioning that are considered typical for that species, and the exercise of which is necessary for the creature’s flourishing. Consequently, to deny or restrict such flourishing is an indignity to the animal (Nussbaum 2006b; 2004). When an animal is not allowed to exercise those natural characteristics, for example a bird kept in a cage and unable to fly, it is said that the dignity of the animal is affronted, and is not a life worthy of (animal) dignity. Although, as noted by Lori Gruen, it is both difficult to identify what might be considered a natural or innate characteristic of an animal (as it is to do for a human), and even if we can, that does not necessarily mean that we should promote it, or think that it is of value or moral worth (Gruen 2011, 153-4).

But, if animals do have a dignity, would this be the same kind of dignity as human dignity or something quite different? Nussbaum, for instance, acknowledges that whilst it is a compelling idea, the concept of an ‘equal cross-species dignity’ is far from certain (Nussbaum 2006b, 384). Furthermore, does this entitle them to an equivalent moral status to humans, or would this result in a Zero-Sum world, in which the promotion of one group comes at the cost of the

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60 See also Balzer et al. for an account that separates human and animal dignity, in which the former refers to the ‘moral right not to be humiliated’, whereas the latter is defined in terms of ‘the inherent value of non-human living beings’ (Balzer et al. 2000, 25; 32). In the first definition, dignity is discussed as a right, whereas in the second, it is identified as a value. In contrast, responding to this article, both Dunja Jaber and Frans W. A. Brom in separate articles have insisted that animal dignity is not separate to human dignity. For Jaber, for instance, both variations can be subsumed under the umbrella of ‘the dignity of living beings’ (Jaber 2000; see also Brom 2000).
demotion of another? If we hold that human dignity denotes a special moral worth, then we might be inclined to conclude with the latter. Indeed, Peter Singer seems to agree on similar lines when he writes that ‘...we may realize that in elevating our own species we are at the same time lowering the relative status of all other species’ (Singer 1995, 238-9). We have already seen how this may play out amongst comparisons between the mentally disabled and the Great Apes (for example Anstötz 1993) and the growing calls for them to be considered to have, at least, an equivalent high moral status to severely cognitively disabled humans. There is a distinct tension as to whether dignity is an exclusively human concept, or one that might have wider application, and a growing pressure for the animal kingdom, or at least some of it, to be included within the fold, as well as perhaps even future beings (be they human-animal chimeras or posthumans). As is evident, how we draw the moral border would affect the kind of concept that dignity is.

The idea of a universal dignity, whereby a much broader class of beings are said to enjoy this special status, has a certain appeal both on egalitarian grounds, as well as for simplicity’s sake. But it also has significant conceptual difficulties, for example, dignity is often used as a shorthand for denoting special (moral) status. Yet, as soon becomes apparent, the more one widens the net and increases the inclusivity of the term, the less the concept is able to fulfil its original purpose of conferring special status. Nevertheless, it is clear that to bestow all life with dignity is to recommend that we treat all living beings with a minimal level of respect, although how this would play out in practice is far from clear. It really depends on what kind of concept we want dignity to be. Is it a concept to denote special moral privilege or status, or one that is to be rolled out universally (either amongst all humans or other living beings as well)? This
tension was picked up by James Rachels, when he wrote that ‘...we are pulled in one way by the thought that we are kin to the animals, but we are pulled in a different direction by the conviction that, when all is said and done, we remain quite different from them’ (Rachels 1990, 173). Dignity is, in essence, a status conferring device – to be the possessor of dignity is to be worthy of special consideration and value, and, consequently, it is important that we are able to justify why a given individual is entitled to it, whilst another is not.

Yet it is notoriously difficult to identify what are the relevant differences which distinguish the privileging of human interests over the interests of non-human animals. This difficulty becomes clear when we realize that we need to find a characteristic that all humans share, but no other animals. For some, merely the fact of being a human being, of belonging to the species *Homo sapiens*, entitles one to a higher moral status. The justification should stop, it is argued, at this point: a human is entitled to a special respect *because* they are human, and although this is a clear case of circular reasoning, it is insisted that justification need go no further than this. After all, unless we are to carry on *ad infinitum*, we must have to rest our justification somewhere. However, for many others, this is an unsatisfactory way of answering the question. To avoid promoting an unjustified prejudice, we must be able to give further reasons in support of the claim that humans deserve a unique status, be that due to rationality, language, or some other characteristic considered unique to humanity and deserving of a special dignity.

As opposed to the species essentialism that we find right up to the time of Darwin, which posited that species are fixed and immutable, evolutionary theory

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61 Chapter 10 will examine in greater depth the extent to which dignity can be said to track or ‘map onto’ the conceptual categories of personhood and moral status.
suggests that there are no sharp divides between species but only similarities and dissimilarities of degree, and not of kind. If we are descended from common ancestors, then it would seem to follow that there are no absolute differences between species but instead a pool of shared characteristics – species boundaries are fluid, vague and changeable (see Ereshefsky 2010). Indeed, phenomena such as parallel evolution, and evolutionary mechanisms, including mutation, natural selection, genetic drift, and gene migration ensure that similar biological traits are often found shared across different species, rather than isolated to a single one. Ironically, therefore, the increase in empirical information gathered about biodiversity and the mechanisms of evolution, has led to greater difficulty and uncertainty in our understanding of the nature of species. As a result, as noted by Richards, there are currently ‘multiple species concepts with little consensus about which is best, or even whether a single concept will ever be adequate’ (Richards 2008, 161). Indeed, Richards notes that Darwin himself doubted whether there were such things as species essences, or even species at all, given that evolutionary change and speciation are gradual processes (and so there are no clear or obvious points with which to draw a distinct line between two species), often with the characteristics of one species seemingly to blend into another (Richards 2008, 176). As is clear, therefore, the term ‘species’ is a highly contested notion by both biologists and philosophers. Whilst the fact that the usefulness of the concept of species is debated should not be reason enough to discard it from our moral deliberation (indeed all moral concepts, from justice to virtue or freedom, are highly contested), to attempt to base or demarcate a clear moral distinction between humans and other animals along purely species
membership, when these terms are so uncertain, appears to be on particularly shaky ground.

Is human dignity likewise an outdated form of species essentialism? In recent decades, there has been a growing body of literature which has questioned the justification behind the claim that only humans are entitled to special moral consideration, and challenged the wisdom of an ethical theory which elevates the status of an individual, merely because they belong to a certain species. The traditional idea of human dignity has come under fire for promoting and sustaining this sharp separation between human and non-human interests. As Peter Singer, one of the most notable critics of the concept of human dignity, argues:

Faced with a situation in which they saw a need for some basis for the moral gulf that is still commonly thought to separate human beings and animals, but unable to find any concrete difference between human beings and animals that would do this without undermining the equality of human beings, philosophers tended to waffle. They resorted to high-sounding phrases like “the intrinsic dignity of the human individual”. They talked of “the intrinsic worth of all men”...as if all men (humans?) had some unspecified worth that other beings do not have. Or they would say that human beings, and only human beings, are “ends in themselves” while “everything other than a person can only have value for a person.”... To introduce ideas of dignity and worth as a substitute for other reasons for distinguishing humans and animals is not good enough. Fine phrases are the last resource of those who have run out of arguments (Singer 1995, 238-9).
Singer’s challenge to the idea of human dignity is significant, and attacks the very heart of the matter. To object to the idea that humans stand separate to all other animals is to attack the whole foundation on which human dignity rests upon, for if we cannot present a valid reason (over and above simply asserting that humans deserve special consideration because they are human) why there should be a sharp dividing line between all humans and other animals, then the use of ‘human dignity’ seems to be little more than a thinly veiled, unjustified prejudice. However, as Bonnie Steinbock cautions, whilst ‘Singer is right to be sceptical of terms like ‘intrinsic dignity’ and ‘intrinsic worth’. These phrases are no substitute for a moral argument. But they may point to one’ (Steinbock 1978, 252).

What is Speciesism?

The term *speciesism* was first coined by the writer, psychologist and animal activist Richard D. Ryder in the 1970s to describe the unjustified bias, as he saw it, of human interests at the expense of the interests of other animals. For Ryder, speciesism was a logical extension of the reaction against other prejudices, including racism and sexism, that the liberation movements of the era were rallying against – as he recounted: ‘The 1960s revolution against racism, sexism and classism nearly missed out the animals. This worried me. Ethics and politics at the time simply overlooked the non-humans entirely. Everyone seems to be just preoccupied with reducing the prejudices against humans...We needed to draw the parallel between the plight of the other species and our own’ (Ryder 2010, 1). In *Animals, Men and Morals* (1971), an edited collection which grew out of the so-called Oxford Group (a small group of
intellectuals in favour of animal rights and liberation), he developed his position further by stating that:

In as much as both "race" and "species" are vague terms used in the classification of living creatures according, largely, to physical appearance, an analogy can be made between them. Discrimination on grounds of race, although most universally condoned two centuries ago, is now widely condemned. Similarly, it may come to pass that enlightened minds may one day abhor "speciesism" as much as they now detest "racism". The illogicality in both forms of prejudice is of an identical sort. If it is accepted as morally wrong to deliberately inflict suffering upon innocent human creatures, then it is only logical to also regard it as wrong to inflict suffering on innocent individuals of other species (as cited in Godlovitch et al. 1972, 81).

The concept was soon adopted by Peter Singer, who popularised the term in his formative work Animal Liberation (1975), and which, like Ryder's account, linked the capacity to suffer with the principle of equality. Singer set out his definition of the term as follows:

S1 Speciesism...is a prejudice or attitude of bias in favour of the interests of members of one's own species and against those of members of other species (Singer 1995, 6).

On this account it is not difficult to see why human dignity is considered by Singer to be speciesist, for the idea of human dignity is in essence a bias or prejudice in favour of the species Homo sapiens. Of course, a bias or prejudice is not necessarily an incorrect belief. One may have a preconceived idea, say about the character of a person, without it turning out to be false. But the entire
debate hinges on whether it is a *justified* or *warranted* bias. For Singer, it is speciesist behaviour specifically when we prioritise the interests of our own species' interests over that of other species' interests for *arbitrary* reasons. If it is wrong to allow a sentient human to needlessly suffer, then unless we're speciesist, it is also wrong to allow a sentient animal to suffer needlessly. Like its suggested analogies with both sexism and racism, speciesism treats what are considered equivalent cases in disparate ways because of arbitrary reasons (be that the colour of skin, gender, or species membership). On this account, it is an unjustified prejudice to promote the interests of a human being over that of a chimpanzee, rat or dog *merely* because of their species membership. We must, at the least, provide *further* reasons why one should receive preferential treatment over another.

Despite (or perhaps because of) its seeming simplicity this initial definition has been broken down further within the literature to clarify the position. In particular, speciesism has commonly been separated into two further sets of distinctions, which can be labelled as: (1) Radical and Mild speciesism, and (2) Qualified and Unqualified speciesism. The first set deals with the role of interests or preferences of the individual, the second set is concerned with the justification itself:

**S2** *Radical speciesism:* All, or at least most, relatively trivial interests of humans take priority over the interests of non-humans.

**S3** *Mild speciesism:* Some non-human interests take priority over human interests (including non-trivial human interests).

In the case of radical speciesism, it follows that it is okay to allow the painful suffering of an animal, if it would satisfy or address a trivial human interest. It is
not always clear what is meant by trivial, but taken at its most extreme, it would seem to imply that any human preference should be taken into account before that of any animal’s interests. In contrast, mild speciesism allows some types of animal interest to override human interests; for example, an animal’s suffering would take precedent over a more trivial human interest. As is clear, the latter is generally considered to be a more plausible position than the former: When the choice is between a relatively trivial human interest and a more substantial interest of a non-human, we may side with the non-human. Nevertheless, in the case of the production of food or cosmetics, and some medical experimentation, it is apparent that we often adopt a form closer to that of radical speciesism.

The same distinction was offered by Mary Midgley in her book *Animals and Why They Matter* (1984), in which she distinguished between ‘absolute dismissal’ from ‘relative dismissal’. In the former, animal interests count for nothing, whereas, in the latter, animal interests may be taken into consideration, so long as any (or most) human interests are addressed first. As she outlines: ‘Humanitarians occupied with human problems do not usually dismiss animal claims as just nonsensical, like claims on behalf of stones. Instead, they merely give them a very low priority. The suggestion is now that animals, since they are conscious, are entitled to some consideration, but must come at the end of the queue, after all human needs have been met. I shall call this idea relative dismissal or low priority, to distinguish it from absolute dismissal’ (Midgley 1984, 13). Whilst both accounts are speciest, as they ensure that any significant human interests are addressed first, the milder form concedes that animals can, and do, have interests. These interests just have a lower priority to human interests.
In regards to Unqualified and Qualified speciesism, these can be defined as:

S4  **Unqualified speciesism**: species membership itself is morally relevant.

S5  **Qualified speciesism**: species membership by itself is not morally relevant, but is correlated or associated with other characteristics which are.

In the case of justifying the reason why we do not experiment on humans, for instance, an unqualified speciesist account would argue that we should not *because they are human*. We do not need any further reasons, other than this fact, to justify not experimenting on other humans. The biological taxonomic category of ‘species’ is said then to also be a moral category.

This position has been widely challenged on the often cited Humean problem of deriving an *Ought* from an *Is*: One cannot derive a normative or moral premise from a statement of fact, although, of course, it may still give a good reason why one ought to do it. The biological fact of species membership is said, therefore, to be morally neutral: ‘To say we are humans (rather than dogs or ducks) is just to say that we [are] members of “[a] group or population of animals potentially capable of interbreeding”. But a bare biological divide cannot be morally relevant. That is exactly why racism and sexism are morally indefensible: they assume a mere biological divide marks an important moral divide’ (LaFollette and Shanks 1996, 43). This view is shared by Jeff McMahan who rejects the species membership argument because, ‘...“species” is a purely biological category and that because the biological properties essential for membership in the human species – for example, a distinctive genome or the capacity for interbreeding with other human beings – are not themselves morally significant, the fact that all human beings are related by virtue of sharing these properties is also not morally significant’ (McMahan 2005, 362).
A qualified species account, in contrast, seeks to find differences in characteristic between humans and non-human animals that are considered to be morally relevant. Whilst the mere fact that an individual is of the species *Homo sapiens* may not be reason enough, a qualified speciesist approach would argue that it is wrong to experiment on humans because of a property, or collection of properties, that humans possess but other animals do not, such as highly developed cognitive faculties or the ability for autonomy. Whilst racism and sexism are unjustified prejudices because they rest on morally irrelevant characteristics (skin colour or being female), a defender of qualified speciesism would argue that being human does carry with it certain important moral characteristics. As was demonstrated in the first section, many writers have pointed to the clear gulf that separates many humans from other animals – namely, in regards to the faculties of autonomy, reason, emotion, creativity, abstract thought, critical reasoning, and so on and so forth. Speciesism, at least in its milder form, is considered a justified prejudice.

Whilst this does not account for all the possible variations that speciesism can adopt, figure 1 summarises the four main positions that speciesism often does take:

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Figure 1.1 Summary of the four most common speciesist positions
The second figure below orders these four positions in order of the severity of their preference for human interests over that of animal interests. As can be noted, it is clear that \textit{RU} is the most extreme form of speciesism, as all human interests, regardless of significance, are given priority over non-human interests merely because of species membership. In contrast, the position presented by \textit{MQ} appears the mildest as it recognises that some non-human interests should be given priority over human interests. Moreover, the justification given is not because of mere species membership but because of further characteristics that are seen to be unique to being human. Furthermore, \textit{MQ} would seem to be a plausible position for those who wish to defend the view that humans deserve special moral consideration, but still accept that non-human animals have interests that deserve consideration.
Radical Unqualified (RU) – All, or at least most, trivial interests of humans take priority over the interests of non-humans because being human is itself morally relevant.

Radical Qualified (RQ) – All, or at least most, trivial interests of humans take priority over the interests of non-humans because being human is correlated or associated with other characteristics which are considered morally relevant.

Mild Unqualified (MU) – Some non-human interests take priority over human interests because being human is itself morally relevant.

Mild Qualified (MQ) – Some non-human interests take priority over human interests because being human is correlated or associated with other characteristics which are morally relevant.

Figure 1.2. Rankings of the degree of severity of the most common speciesist positions.

Where, we might ask, does human dignity fit into this continuum? It cannot side up to either RU or MU because no reason other than species membership is needed to justify our special position. If we are to defend human dignity, then perhaps it would be wise to pursue a course which attempts to align human dignity with a position similar to MQ. However, the difficulty with this account arises when we try to make the move from claiming that some humans have morally relevant characteristics, to the conclusion that, therefore, all humans should be treated as if they had a moral status over and above that of all other animals. Indeed, for some philosophers, including James Rachels and Jeff McMahan, the premise that some individuals have morally relevant characteristics should instead lead to a morally individualistic position, whereby only the individuals with the relevant faculties should be considered to have a
high moral status (McMahan 2005; Rachels 1990). This would, therefore, not be a speciesist account, but one based on an individual’s capacities.\(^{62}\)

Indeed, the most pressing problem for the Mild Qualified Speciesism (MQ) account is to defend it against the problems thrown up by so-called ‘marginal cases’. Whilst many human beings possess these supposed status conferring capacities, there are many others that do not. Some of these individuals, such as foetuses or infants, do not currently have status conferring capabilities (rationality or autonomy, for instance), but most likely have the capacity to develop them. Others, by contrast, such as the profoundly mentally disabled neither have the requisite faculties now, or the future capacity to develop them. Still others, such as those suffering from dementia, may have previously had the requisite faculties but unfortunately no longer do. Moreover, as is pointed out with growing frequency, there are certain non-human animals, especially primates, cetaceans, elephants, dogs, cats, and rodents, as well as other vertebrates, such as birds (especially the Corvidae family, which includes rooks, magpies, jays, and crows), that possess a level of intelligence at least equivalent to some humans (see for example Pepperberg 1999).

**Marginal Cases**

Evelyn B. Pluhar outlines a common problem for those who wish to elevate the status of those humans who do not have the required status conferring capacities (for example a severely mentally handicapped child), over and above those non-human animals who already do (for instance, a healthy adult chimpanzee):

\(^{62}\) One may argue that this position (which we can label as ‘personism’) could itself also be an example of an unjustified bias similar to speciesism, sexism or racism, whereby the focus is not on the individual, but on a group which have certain properties in common, which in this case are capacities relevant for personhood.
1. Beings who are similar in all important morally relevant respects are equally morally significant.

2. Nonhumans exist who are similar in all important morally relevant respects to “marginal” humans (i.e., to the very young and to those humans who will never achieve full personhood).

3. Therefore, those nonhumans who are similar in all important morally relevant respects to marginal humans are maximally morally significant if and only if marginal humans are maximally morally significant (Pluhar 1995, 124).

The argument goes that, if we are to be consistent and treat like cases alike, then two individuals who do not differ in the morally relevant respects, should be accorded the same moral status. What we do to one side, for moral consistency, we should do to the other. Therefore, when a non-human’s morally important characteristics (say intelligence or autonomy) are equal to that of a human, we have two options: (1) We raise the moral status of the non-human animal to that of the human (2) We lower the moral status of the human to that of the non-human. If a chimpanzee is said to have as much cognitive ability as a human child, then for moral consistency, we should be willing to accord the chimpanzee the same moral status. To treat both cases dissimilarly when all the morally relevant aspects are the same is said to be speciesist. As David DeGrazia explains, in regards to the hard case presented by medical research: ‘If we may harm animals in this way, then either (1) we may likewise harm humans who are similar to animals in relevant ways, or (2) we must explain why no humans are similar in relevant ways to the animals we are justified in harming’ (DeGrazia 1991, 59). Whilst proponents of the argument
from marginal cases have tended to use it to widen the circle of moral concern, and promote the interests of those who fall outside the species boundary, as is clear, it can also be used to shut out those humans who are the most vulnerable, and in need of protection (as we have seen in Giubilini and Minerva 2012).

A common solution to this problem is the so-called *species norm* account. On this view, all human beings, regardless of individual capacities, have a higher moral status than other animals because of certain status conferring characteristics (for example intelligence, autonomy or moral reasoning) which are said to be typical or representative of that species. The issue, in Carl Cohen’s words, ‘is one of kind’ (Cohen 1986, 866). As Jeff McMahan explains:

The way the nature-of-the-kind [species norm] argument is usually presented is that certain recognizably morally significant properties are identified and asserted to be in the nature of the species – not in the sense of being necessarily present in *all* members but only in the sense of being present in or characteristic of normal or paradigm members. Those individuals who lack the recognizably significant properties but are nevertheless members of the species because they possess the properties that are essential to membership are then said to have the same status as those who actually possess the recognizably significant properties (McMahan 2005, 357).

The basic idea is that moral status is not determined by individual ability but by what is normal for the species. Species membership, therefore, acts as the deciding factor as to whether an individual should be accorded moral considerability. The superior intelligence, language ability, capacity to act
autonomously and make and act on moral imperatives (amongst other things),
that is typical of many humans, is said to accord the entire species a privileged
status. However, the same objection that met unqualified speciesism is raised
again in this case. Species is said to be a purely biological taxonomy and,
therefore, not suitable for immediate extrapolation to the moral sphere. To draw
boundaries of moral consideration by it is to act unjustly to those other animals
which meet or exceed the requirements for moral considerability in every other
respect.

*Equal Consideration, Equal Treatment, and the Relevance of Suffering*

The argument from marginal cases rests on the premise that we should treat
like cases alike, and give both equal consideration. If we do not, then a
proponent of the argument from marginal cases will claim that we are acting
from an unjustified bias or prejudice. In short, that we are acting unethically.
Indeed, the idea of equal consideration or ‘universability’ is often thought to be a
foundational concept or formal requirement of correct ethical thinking. To have
an unjustified bias in favour of one individual over another, to favour those with
blue eyes over those with brown, is an example of unethical treatment. A
principle is often said to become a *moral* principle if one can universalise it:
‘Morality requires that we treat like cases alike’ (LaFollette and Shanks 1996,
42). For the critics of speciesism this is a requirement that we should also
extend to species other than our own (Singer 1995, 6-7).

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63 Although ultimately perhaps this principle does not tell us much because there is always
some difference, so we need to assume some agreement about which properties are morally
relevant and which not. One can always insist that two cases are not alike because “she is not
one of us”, and so it is not obvious whether or not one belongs to a certain group, and if that is
morally relevant.
However, we must be careful to distinguish between *equal consideration* from *equal treatment*. Whilst we should strive to give similar cases equal consideration, this does not imply that we need give both cases equal treatment (Singer 1995, 2). There are many cases, from the right to vote to dietary requirement, where the equal treatment of individuals would be inappropriate. The needs of each species, as well as individuals within each species, are multitude, and dependent on the nature of the individual in question. The principle of equal consideration does not necessarily also entail equal treatment, but may in fact demand quite different treatment.

So far we have only explored the destructive side of the anti-speciesists’ argument. What, if species from an ethical point of view is not relevant, should be considered to take its place? One of the most basic, and universal criteria suggested for moral considerability is sentience and, in particular, the ability to suffer and feel pain. Pain links us closely to our own animal nature, as well as providing a cross-species criteria for moral considerability. As Singer explains:

> If a being suffers there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—insofar as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. So the limit of sentience [i.e. the capacity to suffer and experience pleasure]...is the only defensible boundary of concern for the interests of others. To mark this boundary by some other characteristic like...
intelligence or rationality would be to mark it in an arbitrary manner
(Singer 1995, 8-9).

For Singer, following the work of Jeremy Bentham, the boundary of moral concern lies squarely on the ability to suffer and so the issue of pain necessitates that we consider all like cases alike. As Singer elaborates: ‘...if we consider it wrong to inflict that much pain on a baby for no good reason then we must, unless we are speciesists, consider it equally wrong to inflict the same amount of pain on a horse for no good reason’ (Singer 1995, 15). This is in fact quite a radical claim, for it demands that we take the interests of non-humans in not suffering as seriously as we do that of humans. Moreover, as highlighted by David DeGrazia, in the case where there is an equal degree and duration of suffering between a human and a mouse ‘their suffering has the same moral weight’ (DeGrazia 1991, 51). Animals and humans then both have moral considerability because they can feel pain and suffer. Rationality or cognitive intelligence on this view is not the basis of being morally considerable, but consciousness, or more specifically the capacity to suffer. This applies to all beings, so long as they have an interest in not suffering. It follows, therefore,

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64 ‘The day may come, when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. The French have already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps, the faculty for discourse?...the question is not, Can they reason? nor, Can they talk? but, Can they suffer?’ (Bentham 1781).

65 As Mary Midgley explains: ‘A conscious being is one which can mind what happens to it, which prefers some things to others, which can be pleased or pained, can suffer or enjoy. Singer uses the word interest to sum up this range of capacities. This seems natural enough, but if the word is thought unsuitable, others can be substituted’ (Midgley 1984, 92).
that any individuals who lack the capacity to suffer need not morally be taken into account.\textsuperscript{66}

But why, according to Singer, is marking the boundary of moral concern via rationality or intelligence arbitrary, whilst not with pain? One answer is that whilst intelligence, the aptitude for mathematics, or use of syntax\textsuperscript{67} does have relevance, for instance, in regards to university admission, it has no bearing on an individual's ability to suffer and experience pain (in so far as intelligence does not determine the extent of pain felt). As both animals and humans feel pain, and have the same desire to avoid it; appeals to the higher faculties in this respect are irrelevant. Furthermore, intelligence ranges wildly between individuals, including humans, whereas the ability to suffer does not. Indeed, we do not think that a highly intelligent human deserves to have their interests, especially their interest in not suffering, taken into consideration before that of an individual with average intelligence.

In contrast, Bonnie Steinbock has suggested that, ‘...what entitles us human beings to a privileged position in the moral community is a certain minimal level of intelligence, which is a prerequisite for morally relevant capacities’. Whilst Steinbock acknowledges that ‘we would reject a hierarchical society based on degree of intelligence’, she argues that this does not rule out the possibility that

\textsuperscript{66} Christine Korsgaard, a contemporary Kantian, also acknowledges the significance of pain in deciding moral considerability: ‘When you pity a suffering animal, it is because you are perceiving a reason. An animal's cries express pain, and they mean that there is a reason, a reason to change its conditions. And you can no more hear the cries of an animal as mere noise than you can the words of a person. Another animal can obligate you in exactly the same way another person can...So of course we have obligations to animals’ (Korsgaard 1996, 153).

\textsuperscript{67} Richard Sorabji is particularly critical of proponents of the moral relevance of language use: ‘It all sounded rather grand, when Aristotle said that we have reason and they don't. But under pressure, the Stoics retreated to the position that at least they don't have syntax. The moral conclusion was meant to be 'They don't have a syntax, so we can eat them.' My embarrassment increased when I noticed that the modern debate, among the followers of Chomsky and critics of the language abilities of chimpanzees, had reached exactly the same point. It has become crucial whether animals have syntax. This, of course, is a question of great scientific interest, but of no moral relevance whatsoever...’ (Sorabji 1993, 1-2).
‘a minimal level of intelligence’ could still be used as a ‘cut-off point’ in order to justify giving greater consideration to the interests of those beings which meet this standard (Steinbock 1978, 254). The difficulty is deciding upon what this minimal level is. Moreover, such a principle would be self-defeating for those who wish to promote the interests of humans, as a minimum level criteria of intelligence would lead some humans’ interest in not suffering to come second to that of more intelligent animals.

However, if we are not considering a case of pain or suffering, but of killing, then should we still give equal weight to both agents’ interests? Singer himself differentiates between inflicting suffering and causing death, believing the latter to be more ‘complicated’ (Singer 1995, 17). For Singer, there are certain intrinsic capacities which entail that certain lives are more valuable than others, it is, for example, ‘...worse to kill a normal adult human, with a capacity for self-awareness and the ability to plan for the future and have meaningful relations with others, than it is to kill a mouse, which presumably does not share all of these characteristics’ (Singer 1995, 19). The individuals with the more ‘valuable’ lives should, for Singer, be given priority in their interest in not dying (see also DeGrazia 1996; Rachels 1990, 186-194). The basic point seems to be that characteristics such as self-consciousness, the capacity to project interests into the future, and to have meaningful relationships etc., are all relevant in the case of killing, but not so in the case of pain or suffering.

68 Indeed, Singer makes a sharp distinction between the relevant traits in regards to suffering, and in regards to taking away life: ‘Whilst self-awareness, the capacity to think ahead and have hopes and aspirations for the future, the capacity for meaningful relations with others and so on are not relevant to the question on inflicting pain—since pain is pain, whatever other capacities, beyond the capacity to feel pain, the being may have—these capacities are relevant to the question of taking life. It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities’ (Singer 1995, 20).
Therefore, whilst in the case of killing not all lives are of equal worth or value, they are in the case of pain and suffering.\(^69\)

However, if this is the case, it is not clear why those individuals with more valuable lives (i.e. those individuals with certain intrinsic capacities) should not also have their interests in not suffering given priority, as it is in the case of killing. Indeed, if the value of life is determined by certain individual characteristics, why not also in the case of suffering? Death is, after all, closely linked with suffering, often right up to the moment of death. Moreover, pain, especially long term chronic pain, can disrupt many of the characteristics that Singer singles out as morally worthy, such as aspirations and planning for the future or enjoying meaningful relationships. Whilst the interests that a mouse has in not suffering may certainly be the same as that of a human, when a human suffers there may also be additional interests that are thwarted, interests which a mouse could not have. It is for this reason that Rachels argues that: ‘if the interests are comparable—say, if the choice is between causing the same amount of pain for a human or for a non-human—we should give preference to the human’s welfare’ (Rachels 1990, 182). Of course, importantly, this point does not demonstrate that all humans have a greater interest in not suffering, but only those who have the requisite faculties.

**Species Loyalty and Social Bondedness**

Despite the best efforts of its critics, for many the intuitive belief remains that membership in a particular species, and the human species in particular, does count morally. This by itself does not justify the premise, but it may suggest that there are other reasons why people believe it to be so. As was shown, the

\(^69\) Which arguably is just as much of an arbitrary claim, which perhaps shows that, in his heart, Singer remains a speciesist.
argument from marginal cases assumes that species membership is irrelevant to moral considerability, but is rather based on the explicit premise that we can compare the intrinsic properties (for example intelligence or the ability to feel pain) between individuals. However, if we put to one side the focus on intrinsic properties between individuals (and so the arguments favoured by Singer, Rachels and McMahan, amongst others), and instead look to the relational ties that transcend individual characteristics and abilities, we have a possible way out from the problem thrown up by the argument from marginal cases. As Elizabeth Anderson argues, ‘principles of justice cannot be derived simply from a consideration of the intrinsic capacities of moral patients. Their shape also depends on the nature of moral agents, the natural and social relations they do and can have with moral patients, and the social meanings such relations have’ (Anderson 2004, 280).

The proponents of the relational or social bondedness model of moral considerability argue that species presents a special loyalty between our fellow humans, with all the different obligations and responsibilities that this entails. This loyalty is not based on the intrinsic abilities of each individual, but rather the complex and interwoven nature of our social relationships, which are largely dictated by our species membership. The appropriate analogy for species membership is not then with racism, nationalism or sexism, but with the family (see Kittay 2005 124, 151-2; Midgley 1984, 104-5). On this view, humankind is, by all intents and purpose, a large family. In the same way that a parent would not be criticised for prioritising some of the needs and interests of their own children (regardless of the child’s intrinsic properties) so we have a special moral obligation to prioritise the needs and interests of another human over that of a non-human. In this way, species loyalty is more of an emotional, rather
than a rational preference for our own species. Moreover, it is a preference which, unlike racism or sexism, its proponents claim is not only justified but often morally required.

There is certainly some sense in this view, as we do not always rely on an individual’s intrinsic properties when we determine their moral considerability. We rely on the care and support of our families, friends as well as strangers throughout our lives, from our childhood to when we are old, ill or infirm. If we determined an individual’s moral considerability purely on the basis of their faculties of cognition, for instance, than we would not bother to take into account the interests of those with dementia, the mentally handicapped or the very young. As highlighted by Stephen Mulhall:

We do not strive (when we do strive) to treat human infants and children, the senile and the severely disabled as fully human because we mistakenly attribute capacities to them that they lack, or because we are blind to the merely biological significance of a species boundary. We do it (when we do) because they are fellow human beings, embodied creatures who will come to share, or have already shared, in our common life, or whose inability to do so is a result of the shocks and ills to which all human flesh and blood is heir – because there but for the grace of God go I (Mulhall 2002, 18).

An individual’s membership in the human species necessitates that they give special moral consideration to other members in that group, regardless of individual characteristics or abilities. It also demands that perhaps they should look more favourably on a human with either comparable or a lower level of intrinsic properties than that possessed by a non-human, because they are part
of what Mulhall refers to as ‘our common life’. McMahan is critical of this point, arguing that the radically cognitively impaired, for instance, cannot consciously partake in this common life anymore than animals can (McMahan 2005, 363). However, this seems to entirely miss the point, for it does not matter if they cannot actually know or understand that they share in this common life, the point is that they are recognised by their fellow humans as part of this common humanity, with all the complex social and emotional practices and meaning that comes with it. Indeed, as Eva Kitty points out, a social relation ‘...need not be dependent on ongoing interpersonal relationships between conscious individuals. A parent who has died and with whom one can no longer have any interchange still stands in the social relation of parent to us, calling forth emotions and moral attitudes that are appropriate or inappropriate’ (Kittay 2005, 111). It is immaterial that the deceased parent, disabled child or elderly relative with dementia cannot actively participate in this common life for it to have a special, very human, significance.

Rather than treating cases in isolation, the relational approach looks at both our social and emotional nature, and so has the advantage of addressing moral issues closer to how they are often found. We do not, as a general rule, judge a moral case in complete isolation from its context, but rather appreciate the complexity of the social situation that it is located in. Of course, for some, dealing with the complexities and nuances of our social and emotional lives is precisely the disadvantage of such an approach, as it muddies the moral

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70 As McMahan reasons: ‘...the obvious reply that the forms of common life they describe do not include the radically cognitively impaired. Those human beings do not, and cannot, share our language, culture, ways of knowing, and so on, any more than animals can. If, therefore, “to see another as a human being is to see her as a fellow-creature” who shares our common life, it follows that we cannot see the radically cognitively impaired as human beings. But since we do see them as human beings, it is false that we recognize as human beings only those who share in our common life’ (McMahan 2005, 363).
waters. As Lori Gruen argues, ‘...partiality to family looks more like a contingent feature of our social relations and not a principle for organizing our ethical obligations’ (Gruen 2011, 71). A comparison of people on individual merits (be that intelligence, autonomy or whatever) is clearer cut and easier to judge. Nevertheless, whilst it may often be easier to judge in principle, it may not in practice. If the situations we find in reality are complex, then it seems to be wise to acknowledge this as we work towards ‘organizing our ethical obligations’.

A further criticism levied against this position falls back to the distinction between is and ought; just because a tendency exists for humans to favour their own kind, it does not follow that morality should promote or encourage it. Indeed, if there are many natural impulses (be they sexual, violent etc.) that we actively condemn, why then should we promote species loyalty? If we roundly condemn both racism and sexism, which are also natural groupings, then why should speciesism be saved? In response, it may be argued that if we can successfully defend the moral importance of giving special focus to our own families, then it is clear that, at the least, some social bonds may be morally justified. If a preference for our own species is acceptable within limits, what are those limits? McMahan argues that species is not like the close, personal ties of the ‘parent—child relation’ but instead ‘like co-membership in a racial group in being a purely biological relation: a matter of genealogy, genetics, or capacity for interbreeding’, it is he contends, therefore, ‘hard to see how this

71 Mark Bernstein takes a similar approach when he argues that, ‘I believe that we can account for the powerful moral intuition that family membership does carry legitimate influence in decision-making without discarding the view that loyalty appeals, in and of themselves, are instances of prejudice which should not have moral force. The key to resolving this paradoxical situation is the realization that family membership incurs a presumption of indebtedness based on the customary social roles absorbed by the family’s members. So, for example, John being the father of Jack presupposes that John acts kindly, generously, and lovingly toward Jack. That is, our society assumes that John has Jack’s best interests in heart and mind, and that John acts in ways he takes to be consonant with that belief’ (Bernstein 1991, 56).
could be intrinsically significant’ (McMahan 2005, 360-1). Certainly there is little to dispute that species is treated as a biological category, albeit a contentious one. Yet, it seems unlikely that species membership can be nothing more than a biological category; indeed, contrary to McMahan’s contention, other biological categories, including gender and race, also have a rich cultural heritage. They are far from mere biological relations. There are certainly countless instances when Man has shown his fellow Man extreme callousness, inhumanity and indifference (see for example Glover 1999), but of course there are countless other instances where we have witnessed extraordinary acts of benevolence and altruism. To say that species loyalty cannot be close or personal seems to fly in the face of common experience.

As is clear, it is in the relational account of moral considerability that we find one of the most promising voices for promoting the idea of a dignity for all humans. Building on the idea presented by Martha Nussbaum that humans possess a form of dignity that links to their ‘animal bodies’, as opposed to their rationality, Elizabeth Anderson writes:

For humans have this “animal” dignity of the body even if they lack reason and self-understanding. Even a profoundly demented Alzheimer’s patient, unable anymore to recognize herself or others, or to care about or for herself, has a dignity that demands that others care for her body. It is an indignity to her if she is not properly toileted and decently dressed in clean clothes, her hair combed, her face and nose wiped, and so forth...They are, more fundamentally, matters of making the body fit for human society, for presentation to others. Human beings need to live with other humans, but cannot do so if those others cannot
relate to them as human. And this specifically human relationship requires that the human body be dignified, protected from the realm of disgust, and placed in a cultural space of decency (Anderson 2004, 282).

We live in a complex world or ‘cultural space’ of meaning and Anderson argues that our morality should acknowledge and reflect this. It is from this social world that the idea of human dignity springs. For her, our dignity is intrinsically linked with our membership to the human species, and importantly independent of our intrinsic capacities.

A similar point is made by David Luban when he writes that, ‘human dignity is not a metaphysical property of individual human beings, but rather a property of relations between human beings – between, so to speak, the dignifier and the dignified’ (Luban 2009, 214). On this view, rather than being an intrinsic property, dignity arises from the active involvement between individuals, between what Luban refers to as the ‘dignifier’ and the ‘dignified’. As is clear, in such a relationship, it is possible for a severely cognitively disabled human to have as much dignity as that of a typical functioning adult. It is at this point that perhaps human dignity can act as a device to solve the impasse of the problem created by marginal cases: for if we wish to retain the idea of a dignity for all humans, then we may have to look for dignity-grounding capacities beyond the traditional areas of intelligence, autonomy and the like. For those who do not meet the criteria for full moral status – such as the severely cognitively disabled – human dignity may act as a device to include them in the sphere of moral concern, whilst keeping out other animals who might have more developed faculties.
Anderson is clear that this system of meaning is purely a *human* system, in which ‘there is no way to place animals on an equal footing in this system of meanings’ (Anderson 2004, 282). All humans, therefore, rank higher than any other animal. On this view, then, there seem to be no absolute criteria for moral considerability, but instead it is largely dependent on what an individual’s social relations are with other humans. Moral considerability and human dignity are both, therefore, subjective and culturally determined.\(^7\) Anderson proposes, therefore, that any sense of dignity that an animal might possess is entirely dependent on its relationship with human society. As she explains:

An animal’s interest in its dignity exists only in relation to human beings. The dignity of an animal, whether human or nonhuman, is what is required to make it decent for human society, for the particular, species-specific ways in which humans relate to them...They do not flow immediately from a creature’s capacities, but make sure only within a complex system of social relations and meanings (Anderson 2004, 283).

It is of course true that many animals do share in our common life, often in a profound, meaningful way. The relationship between Man and dog can range from mere utility, in the case of a guard dog, to the deep emotional attachment towards a family pet, or the complete dependence upon a guide dog. A common point is often made between the different emotional attachments that a research scientist may hold between animals that are experimented on at work, compared to the ones kept as pets, and so part of the family unit (Phillips 1994). Therefore, perhaps moral considerability does not have to run strictly down

\(^7\) As Anderson explains: ‘...there is no single criterion of moral considerability, and that what rights should be extended to a creature depend not only on its individual intrinsic capacities, but on its species nature, its natural and social relations to the moral agents to whom rights claims are addressed, and the social and historical background conditions applicable to the moral agents themselves. Different rights emerge in different social contexts’ (Anderson 2004, 290).
species lines, but along the more nuanced line of our social or common life. Although of course this is still a ‘speciesist’ account, as ultimately an individual’s moral considerability rests on its relationship with other humans.

The difficulty, as Lori Gruen highlights, is that if ‘bonds of kinship extend beyond the species border, in our own culture and in others. If other animals can be part of families, then the family does not serve as a model for identifying morally relevant distinctions between species’ (Gruen 2011, 72). Whilst we can extend our definition of ‘family’ to include any beings who have a special significance, in the process, we also challenge the original point of using the analogy of the family unit: to demonstrate the moral considerability of all humans over and above that of all other animals. If animals are allowed into the sphere of the family as well, then it seems the original analogy for why all humans deserve a privileged status collapses.

A further problem for Anderson’s contention that any sense of animal dignity is entirely dependent on its relationship with human society is that, as mentioned at the beginning of this discussion, there are innumerable instances when an animal’s relationship with a human would be commonly said to diminish their dignity – from being used as a source of entertainment in a circus, to being abused, kept in cramped conditions, and so on. Animals often require specific treatment that humans cannot provide, and to claim that an animal’s dignity can only arise within this context would appear to be a gross example of misplaced anthropomorphism.

As we have seen, Martha Nussbaum offers quite a different perspective on animal dignity, linking it specifically with their species-specific properties or capabilities (Nussbaum 2006b, 2004). When we force an animal to behave or
live in a way that is unnatural, we are impinging on their species functioning, and so diminishing the animal's own dignity. As she writes: ‘there is waste and tragedy when a living creature has the innate, or ‘basic,’ capability for some functions that are evaluated as important and good, but never gets the opportunity to perform those functions...it is not a life in keeping with the dignity of such creatures’ (Nussbaum 2004, 305).

In a similar vein, whilst Lori Gruen argues that animal dignity is formed in the social sphere, in direct contrast to Anderson, she argues that it is precisely when we try to make an animal decent for human society, and when we try to think of the animal in anthropocentric terms, that we violate their dignity. Instead, Gruen prefers the term ‘wild dignity’ which, like David Luban’s conception of dignity, is a relational notion which ‘becomes a meaningful concept’ in the human context. When a wild animal is held in captivity this, Gruen argues, is a prime example of a violation of the animal’s wild dignity. Instead, Gruen writes that ‘we dignify the wildness of other animals when we respect their behaviours as meaningful to them and recognize that their lives are theirs to live...’ (Gruen 2011, 154-5). Whilst there is certainly truth to the awe which is often met when witnessing animals in their natural environments, it is unclear how far such wild dignity should impose or demand their moral considerability. As has already been mentioned, there are many natural impulses or innate capacities that we rightly consider to be immoral.

Interestingly, Gruen argues that companion and domesticated animals cannot have a similar wild dignity, as they have ‘been bred for hundreds of years to have traits that are particularly suited for living in human society’, and consequently, ‘they are so different from their wild ancestors that it would be
difficult to try to articulate what constitutes the Wild dignity of domesticated animals’ (Gruen 2011, 156). In such a case, this seems much closer to what Anderson originally had in mind when she speaks of the dignity of animals being dependent upon the complexity of our social relations and meanings, and our need that an animal is made decent for human society.

Conclusion

There is a distinct tension in moral philosophy between vouching for the need for the universalibility of moral principles on the one hand, and the limitation of these principles to certain ‘morally worthy’ beings, on the other. The difficulty, as has been demonstrated, is deciding upon which criteria delineate the boundary for something to be judged morally considerable. In particular, is co-membership in the human species purely a biological category, or something more than that? On the cognitive capacity account, beings regardless of species membership may be allowed into the moral community, so long as they have the requisite faculties. Yet, for many, this is an unacceptable way of drawing the moral boundaries, as it excludes those humans who lack the morally relevant capacities. Consequently, the species loyalty account allows for the inclusion of those humans who would otherwise slip through the net on the cognitive capacity approach (such as the profoundly mentally disabled, foetuses, and even the dead). Conversely, some non-humans (be they great apes, aliens or posthumans) might not be included in this moral community, despite their intrinsic properties. The following chapter will examine many of the appeals made for and against this special privileging of human needs and interests.
Is human dignity then a flagrant example of speciesism, or instead, an acceptable way to solve the problem of marginal cases? As is clear, the most obvious analogy that both Ryder and Singer wish to make with speciesism (hence its name) is with the unjustified prejudice of racism and sexism. Just as it is wrong to discriminate on the basis of race or sex, as they are morally arbitrary traits, so it is argued that species is also, from an ethical point of view, morally insignificant. This analogy, at least from an historical point of view, is a valid one. Comparisons between animals and certain races, for example, are prevalent throughout history. Yet, it is not as immediately clear, as it is in the cases of race or sex, that species is not also a morally relevant category. Indeed, gender and racial liberation movements have sometimes found the conflation with animal rights as insulting. Moreover, the term ‘speciesism’ itself, coined specifically to chime with racism and sexism, the critics argue, does not allow for a level playing field, as anyone who attempts to defend the term is likely to be equated with racism and sexism. It seems clear to many that a human, including a severely mentally disabled one, has a higher moral standing than a dog or a horse.

Although, of course, what this ‘privileged position’ entails varies wildly between accounts. On the one extreme is the belief that non-human animals have no moral standing. A more moderate account may argue that some animals, particularly those considered to have so-called moral status grounding capacities, may also have moral considerability. Nevertheless, in either case, both positions endorse the view that if we had to decide between the interests of a healthy human and healthy animal, all other things being equal, we would

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73 As LaFollette and Shanks point out, ‘Animal liberationists compare speciesism with racism to focus our attention on the human tendency to unreflectively accept contemporary moral standards. We are fallible. Even our deeply held view[s] may be wrong’ (LaFollette and Shanks 1996, 41).
be justified in choosing the human over the animal. As Rachels explains: ‘The idea of human dignity is the moral doctrine which says that humans and other animals are in different moral categories; that the lives and interests of human beings are of supreme moral importance, while the lives and interests of other animals are relatively unimportant...’ (Rachels 1990, 171). Indeed, morality or the moral sphere, as commonly understood, is based upon the premise that human life has a worth over and above that of other species – *Homo sapiens* serves as a sharp dividing line between those who are entitled to special moral protection, and those who do not. For some, morality should be a human construction for serving human needs and human ends.
Chapter 7 The Significance of Being Human

Wonders are many, yet of all

Things is Man the most wonderful

– Sophocles, Antigone (332-364)

Introduction

The significance of being human is a theme that has pervaded and persisted throughout the ages and, perhaps surprisingly, the reasons given for this importance have remained markedly unchanged. In particular, it is the possession of certain capacities or abilities which are often said to distinguish humankind from the animals, and ground or underpin our human dignity. In the tragic play Antigone (c. 441 BC) the Ancient Greek writer Sophocles, for instance, cites features which separate humans from the beasts: human inventiveness, and resourcefulness, his dominion and domination of all other animals, the ability to overcome the challenges presented by nature, the capacity for literature, and superior intelligence (Sophocles 1994, 331-364). These characteristics are still often cited in the contemporary literature as the foundations for the special significance of the human species, offered as reasons for our greater moral considerability, and as grounds for our human dignity. Indeed, the phrase ‘human dignity’ is often used as a shorthand for denoting our special worth or value, and for justifying the privileging of human interests over that of other non-human animals. In the words of George Kateb: ‘The core idea of human dignity is that on earth, humanity is the greatest type of beings...’ (Kateb 2011, 3-4), and we certainly do often behave as if being
human does have special significance – especially when we prioritise our needs and interests (sometimes even quite trivial ones) over that of the needs and interests of non-human animals.

As we highlighted in the previous chapter, sentience and, in particular, a capacity to experience pain and suffer has been proposed as a fundamental cross-species criterion for moral consideration. On this account, the boundary of moral concern lies squarely on the ability to suffer and feel pain, and consequently all like cases, regardless of species, should be considered equally. We should, as a consequence, take the interests of non-humans in not suffering as seriously as we do that of humans, in so far as the suffering of a non-human is equivalent to the suffering of a human. In the words of Singer again: ‘...if we consider it wrong to inflict that much pain on a baby for no good reason then we must, unless we are speciesists, consider it equally wrong to inflict the same amount of pain on a horse for no good reason’ (Singer 1995, 15. emphasis added). Conversely, for the proponents of the importance of being human, whilst there might be a prima facie reason to take the moral considerability of animals into account, and to not inflict pain or suffering on them, there is nevertheless a difference – and for many a considerable difference – between the suffering of a human and of an animal, even if both cases of pain are experienced in equal duration and intensity.74 For these thinkers, sentience alone should not be considered sufficient for prioritising moral considerability, but instead it should be grounded on a host of other capacities, often seen as unique to human beings, which should entitle their bearer to a privileged position in the moral community (see Steinbock 1978,

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74 For instance, Rachels writes that, ‘if the interests are comparable—say, if the choice is between causing the same amount of pain for a human or for a non-human—we should give preference to the human’s welfare’ (Rachels 1990, 182; see also Kateb 2011, 22-3).
Interestingly, as was previously noted, even Singer has acknowledged that, in the case of killing, there are distinct differences between humans and animals that warrant privileging the life of the former over the latter. Human life (or at least healthy adult human life), because of certain characteristics, is considered to be richer and more valuable than that of an animal’s life, and so should be given priority (Singer 1995, 19; see also Frey 1988).

Human dignity, as far as it is seen as a status conferring concept, seems to need to hinge on some conception of the significance of being human, specifically on something that non-humans lack. If there was nothing of import to being a human, then it would seem to be entirely baseless to claim that humans have a special worth or dignity. Roger Wertheimer termed this the Standard Belief, which is the commonly held belief amongst most people that ‘being human has moral cachet: viz., a human being has human status in virtue of being a human being’ (Wertheimer 1974, 107-8). This was later picked up by Dan Egonsson who refashioned it as The Standard Attitude (SA), which is an intuitive belief of the ‘direct moral importance of being human’ (Egonsson 1998, 47), and in particular the importance of a human life. What this precisely means, as Egonsson admits, is far from clear. Nevertheless, at the outset, the SA can be interpreted in both a weak and strong form. On the latter account, humans have a fundamental importance simply because they are members of the species Homo sapiens. As David DeGrazia explains: ‘...being human – that is, homo sapiens – just is, sui generis, a morally relevant characteristic that

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75 Although, as noted by Korsgaard, ‘perhaps it is true that a human being who loses her life loses something more complex, rich, and connected than another animal who loses his life does. But, on the other hand, a human being and a non-human animal who lose their lives both lose everything that they have. There is something imponderable about the compassion’ (Korsgaard 2009, 6).

76 Likewise, Egonsson argues that it is belonging to the species Homo sapiens that is the one common property that ties humans together, and so it is this that acts as the basis for our dignity.
grounds special moral status. The argument for the relevance of being human goes no farther than that’ (DeGrazia 1996, 57). The fact that a human being belongs to the species Homo sapiens makes her morally significant (what we have previously termed unqualified speciesism). The weaker interpretation, in contrast, suggests that whilst species itself is not morally relevant, members of the species Homo sapiens typically have certain properties or capacities that are worthy of special consideration (qualified speciesism). It is this interpretation of the SA which will concern the rest of this chapter, as it suffers less from an explanatory gap as to how merely being a member of a biological species confers moral status, for it provides further reasons (namely certain morally significant capacities), which are said to justify this special status. However, as we will see, there are also serious conceptual difficulties with this capacity grounded account of the significance of being human, not least because the capacities which are traditionally said to ground human dignity are too demanding, especially for a universal sense of human dignity.

It is important to note that this interpretation of the SA is also different to the idea of the importance of personhood for moral considerability (see Chapter 10 for a further discussion of this). Significantly, personhood is not species specific, for anyone or anything with the requisite faculties will be, or at least should be, granted the status of personhood. Although, of course, there is clear overlap between the capacities considered to signify the importance of being human, and the capacities required for personhood (most often a combination of autonomy and intelligence or reason). Finally, personhood does not accept, or at least does not generally allow, for the possibility of so-called marginal cases to be accorded equivalent moral status to those with full personhood. In

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77 See Michael Tooley (Tooley 1983, 61-86) for an extended critique of this position.
contrast, arguments for the significance of being human have often, particularly in their modern incarnations, tried to accord equal moral status for all humans.

**Human Distinctiveness versus Human Uniqueness**

There is an acute difference between what may be termed the *distinctiveness*, as opposed to the *uniqueness*, of being human. The former stresses the similarities and continuities of humans with the rest of the animal kingdom. This is an approach often taken by proponents of animal rights and welfare, who argue that there are only differences of degree, and not of kind, between humans and other animals (or at least that there are no big differences which warrant radically different consideration and treatment). Both humans and other animals are part of the natural world, evolved from common ancestors and, therefore, it would be reasonable to assume that there are continuities of behaviour, rather than sharp divides.\(^{78}\) The latter, in contrast, insists that as a species, we are *sui generis*, entirely unique and separate to the animal kingdom. In the hyperbolic words of Willard Gaylin: ‘...human beings are special—a glorious discontinuity in the animal kingdom. Sui generis, we are as different from the apes in many ways as the apes are from the amoebas’ (Gaylin 1984, 18). As can be seen, the uniqueness position is a much more demanding claim for the significance of being human, for it implies that there is some absolute or fundamental point at which humans differ entirely from the non-human. We are then left with the question of whether or not dignity needs to rest on a conception of humans as unique or *sui generis* to the rest of the

\(^{78}\) Korsgaard has labelled this a ‘gradualist’ position, which is often held by proponents of animal rights and welfare (Korsgaard 2009, 4). See also Muray: ‘humans and non-humans alike are part of the natural world. The difference between humans and non-humans is a matter of degree and not of kind’ (Muray 2007, 306).
natural world, or if human dignity can be justified by merely appealing to just the distinctiveness of the species.

Both the uniqueness and distinctive claim rest on the idea that humans are unique or distinctive in the right way. Hairless skin or walking on two feet, for instance, would not in themselves normally be considered suitable grounds to claim special moral considerability. The feature(s) in question would have to be commendable, and so worthy of special consideration or respect. Similarly, not all attributes which are unique or distinctive to humans would also necessarily lend themselves well to grounding human dignity. There are numerous, seemingly unique, human capacities, such as playing sports or the cooking of food, which seem irrelevant to justifying human dignity. Similarly, the human capacity for genocide, war or torture, are entirely counter to the idea that humans have a dignity that is worth preserving. An interesting case in point is the complexity of human language, and its superiority to animal forms of communication. Should linguistic ability be considered a possible grounding capacity for human dignity? Language is often posited as a sign of deeper intelligence, for it enables thought processes that would otherwise be impossible, and consequently offers a richer and more complex life. Nevertheless, as James Rachels has argued: ‘...there are many forms of treatment to which the question of linguistic ability is not relevant—torture, for example. (The reason why it is wrong to torture has nothing to do with the victim’s ability to speak.) Therefore, the most that can be said about this ‘marvellous endowment’ is that most humans have it, and that it is relevant to some decisions about how they should be treated’ (Rachels 1990, 188). If Rachel’s contention is correct and language is not relevant to suffering, then we can also question why it should be considered a grounding capacity of dignity.
Humans as a Break from Nature

An intriguing idea for the uniqueness of humankind rests on the thought that we are, in some way, separate to the rest of the natural world; that there is some significant distinction between biological or natural kinds and human kinds. In other words, there is something unnatural, or perhaps even supernatural, about humanity. This idea has been pursued by George Kateb who, despite conflating the two, appears to push for the idea of the *superiority* of being human, as compared to the less contentious issue of humankind’s *distinctiveness* to the rest of 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 (Kateb 2011, 5).

For Kateb this discontinuity with the rest of nature is based, at least partially, on three central capacities which are unique to humankind: to ‘keep the record of nature, understand nature, and appreciate it’ (Kateb 2011, 114). This account certainly encapsulates a sizeable proportion of the features that we consider to separate humans from the rest of nature, namely scientific investigation and understanding, as well as the capacity to step back and appreciate the beauty and sublimity (as well as the horrors) of the natural world. These three functions form our service to nature, or what Kateb describes as our *stewardship* of the natural world:
The stewardship of nature is a contribution that only humanity can make, and would exemplify human stature most gloriously...the human species is irreplaceable because its stewardship depends on commendably unique traits and attributes that help to make human beings partly not natural...Only the partly not natural can serve nature in certain ways that it deserves and cannot provide for itself (Kateb 2011, 24).

As can be seen, Kateb states that humanity’s duty of stewardship or service to nature underwrites our importance to the natural world, and hence, our irreplaceability and dignity. However, a duty of stewardship does not seem to follow from the three essential functions that Kateb lists – to keep the record of nature, understand nature, and appreciate it – for these three capacities are relatively passive, whilst stewardship implies a stronger sense of intervention. It is not clear that humans are required, or even ought to intervene on behalf of nature. To claim, as Kateb does, that this makes the human species ‘irreplaceable’ seems to be particularly farfetched. Indeed, human intervention in the natural world, even when performed for benevolent reasons, often does more harm than good, as we have witnessed all too often in cases of anthropogenic environmental devastation. Moreover, the danger with such an approach, as Leslie A. Muray has pointed out, is if humans are considered to be unique and separate to the rest of nature, then this could equally lead to a ‘...sense of alienation from the non-human natural world’. In contrast, Muray argues that we need a ‘...creative transformation of that alienation into a sense of belonging, of not being alone in the universe, of being distinct yet also being kin with all living things, is what we need if we are to save our planet’ (Muray 2007, 309). Kateb’s account does seem to be an attempt to reconcile this problem, nevertheless, so long as humans consider themselves somehow
separate to the natural world, then the danger of feeling estranged or isolated from the natural world will remain.

*The Argument from Great Achievements*

One of the most vivid, and tangible, examples of humankind’s supposed uniqueness from the rest of the natural world is the argument from great achievements. It is not difficult to list a range of exceptional human feats, be they scientific, artistic or mechanical that can be found nowhere else in nature, or for that matter, as far as we know, in the universe. When Mankind walked on the moon, painted the Sistine Chapel or unlocked the secret to the double helix structure of DNA, not only were these endeavours great achievements in themselves, but, so the argument goes, reflective of the superiority of the human species itself. In the words of George Kateb, ‘great achievements are the central manifestation of the partway separation of the human species from nature and thus help to substantiate the special kind of human uniqueness and hence human dignity’ (Kateb 2011, 115). The argument from great achievements not only looks back at what has already been achieved, but also looks forward to what might be possible, to the potentiality of humanity: ‘The human species is an indefinite species in a qualitatively different manner from all other species. So, too, every human individual is an indefinite being, possessing “infinitude”, in Emerson’s term’ (Kateb 2011, 125). The idea of potentiality, and the complete freedom to actualise this potential, is a central tenant of Kateb’s account of human dignity. As was highlighted in the first section, this theme has a long and rich historical traditional, with the duty to aspire to the highest levels, and the creativity and freedom necessary to enable
this duty, central tenants of both Renaissance Humanism and the Enlightenment.

One of the overarching problems with attempting to use the argument from great achievements to demonstrate the significance of being human is that, by definition, a great achievement is a rare act, achieved by either an individual or a relatively small group of people. The sad truth is that the majority of humans will never achieve what could be considered a 'great' achievement in their lifetimes, and, therefore, it is difficult to see how the great achievements of a few can therefore lead to a conclusion that the whole of humankind is of significance. We would not say, for instance, that if one student achieves top marks then her fellow class mates should do also. Similarly, it is unclear how the scientific achievements of Newton, for example, are reflective of the significance of oneself or, for that matter, anyone else except Newton. Moreover, in some cases, other individuals have actively sought to hold back those striving for greatness. One possible explanation, which Kateb acknowledges, is that whilst only a few can obtain greatness, their work would not have been possible without the work of countless others, however menial or seemingly insignificant that work might be (Kateb 2011, 130). Yet, in that case, it is unclear why a laboratory animal, for instance, which by all intents and purposes has sacrificed more for a medical breakthrough than most other humans, should not also be able to partake in the glory of a great medical breakthrough.

There is, furthermore, a justificatory problem with the argument from great achievements for we are left with the issue of what are the criteria for judging an
achievement to be considered great. If the judges of great achievements are themselves human, then there is an inherent circularity in ascribing special significance to humans. Kateb acknowledges this problem, and that ideally a ‘more-than-human or other-than-human entity or entities could set the standards and judge’ (Kateb 2011, 127), but ultimately the only judges available and capable of providing such opinions are humans themselves. In other words, a human-centred or anthropocentric viewpoint in these matters, however regrettable, is unavoidable. To an extent this is true, for humans cannot help but be human-centred, and to see matters from a human perspective often seems unavoidable. Yet, there is also a sense in which we can seemingly transcend our own limited perspectives and see our lives from a universal or objective point of view. The realm of the physical sciences, for instance, whilst performed exclusively by humans is not dependent on the human perspective. The laws of physics or of natural selection will hold, regardless of whether or not humans think they do.

Furthermore, there is a sense in which we can view our own lives from an external perspective, in the words of Thomas Nagel:

...humans have the special capacity to step back and survey themselves, and the lives to which they are committed, with that detached amazement which comes from watching an ant struggle up a heap of sand. Without developing the illusion that they are able to escape from

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Satre alludes to the same problem when he writes: ‘By “humanism” we might mean a theory that takes man as an end and as the supreme value. For example, in his story Around the World in 80 Hours, Cocteau gives expression to this idea when one of his characters, flying over some mountains in a plane, proclaims: “Man is amazing!” This means: even though I myself may never have built a plane, I nevertheless still benefit from the plane’s intervention and, as a man, I should consider myself responsible for, and honoured by, what certain other men have achieved. This presupposes that we can assign a value to man based on the most admirable deeds of certain men. But that kind of humanism is absurd, for only a dog or a horse would be in a position to form an overall judgement about man and declare that he is amazing, which animals scarcely seem likely to do – at least, as far as I know’ (Sartre 2007, 51-2).
their highly specific and idiosyncratic position, they can view it *sub specie aeternitatis*⁸⁰ – and the view is at once sobering and comical (Nagel 1979, 15).

Is it possible then that humans may have significance from an objective point of view – the view from ‘nowhere in particular’? The problem is that, unlike scientific phenomena, there doesn’t seem to be a corresponding objective reality for the significance of being human, at least from a non-theological perspective. As Mark Bernstein makes clear, ‘there seems no persuasive reason to believe that there is such a God’s-eye view...Thus an unbiased ideal viewpoint, a requirement for an absolute criterion to be useful for us to justify the saving of one of our species, is a fiction’ (Bernstein 1991, 53). An alternative approach is to just accept that the significance of being human must ultimately derive from the human perspective, yet, unlike racism or sexism, this is not an unjustified prejudice. Bernard Williams follows along these lines, denying that favouring humanity is necessarily a speciesist point of view:

To see the world from a human point of view is not an absurd thing for human beings to do. It is sometimes said that such a view implies that we regard human beings as the most important or valuable creatures in the universe. This would be an absurd thing to do, but it is not implied. To suppose that it is, is to make the mistake of identifying the point of view of the universe and the human point of view. No one should make any claims about the importance of human beings to the universe: the point is about the importance of human beings to human beings.

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⁸⁰ From the Latin, literally translated as ‘under the aspect of eternity.’
A concern for nonhuman animals is indeed a proper part of human life, but we can acquire it, cultivate it, and teach it only in terms of our understanding of ourselves. Human beings both have that understanding and are the objects of it, and this is one of the basic respects in which our ethical relations to each other must always be different from our relations to other animals.

Our arguments have to be grounded in a human point of view; they cannot be derived from a point of view that is no one's point of view at all. It is not, as the strongest forms of ethical theory would have it, that reason drives us to get beyond humanity. The most urgent requirements of humanity are, as they always have been, that we should assemble as many resources as we can to help us to respect it (Williams 2011, 131-132).81

For Williams, therefore, it is impossible to avoid an anthropocentric viewpoint in our ethical dealings, and this is something that we should not only accept, but actively embrace. It is a mistake to act as if we can assess the significance of being human from an ‘Ideal Observer’s’ point of view (Williams 2006). For Williams, this is a justified bias which has little in common with racism and sexism, but is rather more akin to the affinity and loyalty people experience in a shared culture. We can use our own sense of this humanity to guide our ethical thought and actions. This is inevitably a circular argument, as the line of reasoning concludes that we are important, because we judge or consider

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81 See also: ‘...all of our attributions of moral status are, in reality, based on human intentions and decisions, though sometimes cloaked in the guise of objectively assessable qualities. More generally, it is human beings who assign membership (particularly to those who belong to the species Homo sapiens) along with the meanings that accompany such membership, including being identified as a participant or representatives of the group. Our intentions and social conventions both within science and more broadly in everyday life serve to impose categories on human and nonhuman animals, be they the categories of domestic companion, pest, worker, or research subject/material...’ (Ankeny 2003, 32).
ourselves to be important (at least from our own perspective). Presumably Williams would have thought this an acceptable circularity, for our justification must inevitably end in the human point of view.\textsuperscript{82}

However, it may be objected that this line of argument would equally commit us to not just a human perspective, but also an egocentric position, as we can no more hope to escape our human point of view, as we can avoid our own personal viewpoint. This has led Bernstein to complain that if ‘the ineliminability of the human way of understanding the world provides a defense of speciesism’, then, consequently, ‘the ineliminability of one’s egoistic view of the world should provide a defense of egoism. But surely this is the height of absurdity; one would be hard-pressed to adopt a more prejudicial theory than one that picks out an individual’s welfare as most deserving simply because it is the agent’s own’ (Bernstein 1991, 54).

\textit{Culture}

The existence of culture has often been presented as an exclusively human trait, and offered as a further example of humanity’s break from nature. In particular, culture has been cited as an example of the ‘superorganic’, a phenomenon first coined by Alfred Kroeber (1917) to describe the way that culture can transcend the limitations of our evolutionary biology, for example, its ability to transmit information to any individual, regardless of biological parentage.\textsuperscript{83} Similarly, Michael Tomasello (1999) has proposed that human

\textsuperscript{82} Peter Singer takes particular issue with Williams’ stance, arguing that it is no different from a white supremacist from saying, when it comes to a question about how one should treat people of different races, “Well, whose side are you on? We’re the ones doing the judging here, why don’t we simply prefer our kind because it is our kind?” (Singer 2009, 572).

\textsuperscript{83} As explained by Willard Gaylin: ‘Culture is not just another mechanism of adaption; it is vastly superior to the biological mechanisms which spawned it. It is more rapid and efficient. When genes are changed through mutation, the change is transmitted solely to the specific offspring—and only with generations of time enters into the species at large. Changed culture, on the
culture has fundamentally altered human cognition, including its effect on the use of language, the ability to create complex technologies, and the existence of complex social organisations and institutions. In particular, it is through a process of cumulative cultural evolution – the so-called ‘ratchet effect’ – that enabled humans to both pool their cognitive resources together, and to build upon each other’s work. This led, in turn, Tomasello argues to ‘...new social and cultural processes that...with no further genetic events, created many, if not all, of the most interesting and distinctive characteristics of human cognition’ (Tomasello 1999, 526).

Nevertheless, the answer to the question of whether or not culture is a uniquely human trait is, in the first instance, one of definition, for we must first outline what we mean by ‘culture’. Otherwise, we run the risk of excluding non-humans at the outset through an overly strict definition as we find, for example, in the following nineteenth century definition of culture: ‘...that complex whole which includes knowledge, belief, art, law, morals, custom, and any other capabilities and habits acquired by man as a member of society’ (as cited in McGrew 1998, 304). If we define culture as a product of human society, then of course we beg the question as to whether animals may have cultures, and automatically exclude them from the debate. In contrast, there has been, in recent years, a growing awareness of the possibility that there may exist some forms of animal culture, particularly in regards to transmission of knowledge and learning to individuals and subsequent generations through social interaction, with
 imitation, teaching, and language being the most common methods observed in animal behaviour.\textsuperscript{84}

For this reason, more inclusive definitions of culture have been put forward in recent decades in an attempt to include animals within this once exclusively human realm.\textsuperscript{85} The Primatologist W. C. McGrew, for instance, has proposed the following, more open, definition of culture: ‘Culture is considered to be group-specific behaviour that is acquired, at least in part, from social influences’ (McGrew 1998, 305). One of the most cited examples of this form of cultural transmission of knowledge witnessed in the natural world is the case of a species of macaque monkey on the Japanese island of Koshima. In 1953 a young female macaque named Imo spontaneously washed a muddy sweet potato (provided by the researchers) in a river and, consequently, ‘this food-processing technique first spread horizontally to peers and then vertically upward to older kin; in less than 10 years it became the norm for the group, and over generations, it assumed predominance, being shown by 46 of 57 monkeys by 1983’ (McGrew 1998, 312). Nevertheless, human culture remains decidedly more complex and rich, and in areas such as literature, art or religion seems to have no animal parallel, and the existence of animal cultures continues to be a source of contention (see Laland and Galef 2009). Although, even art, it has been argued, is evident in the work of \textit{Homo sapiens’} ancestor \textit{Homo erectus}, which has been suggested whilst it might put ‘a dent in human pride’ does

\begin{itemize}
\item \textsuperscript{84} Interestingly, as noted by Laland and Bennett, this observation has a long history which: ‘…dates back to Aristotle, who provided the first evidence of social learning of song in birds. Charles Darwin was aware of animal traditions, noting in \textit{The Descent of Man} (1871) that “apes are much given to imitation...and the simple fact previously referred to, that after a time no animal can be caught in the same place by the same sort of trap, shews [sic] that animals learn by experience, and imitate each other’s caution”’ (Laland and Galef 2009, 2).
\item \textsuperscript{85} Muray, for instance, argues that ‘…birdsong, for example, is a rather sophisticated form of non-human art, performed not just for the sake of attracting mates but for the sheer enjoyment of singing. I would contend that while language may be distinctive, it is a distinctive and highly complex form of communication, something that is common to humans and non-humans alike’ (Muray 2007, 307).
\end{itemize}
ultimately still further ‘extend uniqueness to the human lineage’ (Sharpe and Van Gelder et al. 2007, 343).

In his work *Life’s Dominion* (1993), Ronald Dworkin put forward a secular version of the sacredness of human life, and it is the human capacity for culture that he turns to anchor this. In particular, human life is considered to be a product of this rich cultural tradition:

> The role of the other tradition of the sacred in supporting the sanctity of life is less evident but equally crucial: each developed human being is the product not just of natural creation, but also of the kind of deliberative human creative force that we honor in honouring art. A mature woman, for example, is in her personality, training, capacity, interests, ambitions, and emotions, something like a work of art because in those respects she is the product of human creative intelligence, partly that of her parents and other people, partly that of her culture, and also, through the choices she has made, her own creation (Dworkin 1993, 82).

In this way, all human life, regardless of individual capacities is sacred because it is a representation of the human creative and cultural tradition, and so Dworkin insists, a work of art. As a product and representation of this cultural tradition, human life deserves both respect and protection from destruction.\(^{86}\)

There is a certain appeal to this idea, for it does seem to encapsulate, at least in

\(^{86}\) As Dworkin further explains: ‘The life of a single human organism commands respect and protection, then, no matter in what form or shape, because of the complex creative investment it represents and because of our wonder at the divine or evolutionary processes that produce new lives from old ones, at the processes of nation and community and language through which a human being will come to absorb and continue hundreds of generations of cultures and forms of life and values, and, finally, when mental life has begun and flourishes, at the process of internal personal creation and judgment by which a person will make and remake himself, a mysterious, inescapable process in which we each participate, and which is therefore the most powerful and inevitable source of empathy and communion we have with every other creature who faces the same frightening challenge. The horror we feel in the wilful destruction of a human life reflects our shared inarticulate sense of the intrinsic importance of each of these dimensions of investment’ (Dworkin 1993, 84).
part, the sense in which we value human life. One of its stumbling blocks, however, is its implicit assumption that all cultural life is valuable and something worth preserving. Yet some cultures are not, or at least, should not be examples of the sacredness of human life, be that female genital mutilation, corporal punishment, or apartheid.

**The Grounding Capacities of Human Dignity**

The claim for human uniqueness is traditionally rooted not just in merely belonging to the species *Homo sapiens*, but in the possession of certain distinctively human traits and capacities that are traditionally seen as uniquely human. This is what we have previously termed ‘qualified speciesism’: species membership by itself is not morally important, but is correlated or associated with other characteristics which are. In particular, these attributes are considered to appear in a greater degree or quality in humans; if not also entirely unique to them. These traits cannot be any arbitrary attributes, but must be something which might be considered relevant to moral considerability; they must be commendable. As has already been alluded to, if humans are characterised, at least partially, by their potentiality then we can only hope to cover a limited range of human traits and attributes. However, only a much narrower range of capacities are commonly considered commendable enough to be able to ground human dignity, and typically include intelligence or reason, autonomy, (complex) language use, and (complex) social relations, amongst others.
Of all the proposed dignity grounding capacities, it is perhaps the role of autonomy that has stirred the most amount of debate and literature on human dignity. It is a central value in the Kantian definition of Dignity, with our worth or special value residing in our autonomy (see Chapter 4). In more recent years, dignity was infamously labelled by Ruth Macklin as nothing more than respect for autonomy and, as such, discussion of dignity should be banished from bioethics altogether (Macklin 2003a). Nevertheless, in either case, it is agreed that autonomy is both an important capacity for moral considerability and a capacity that is distinctive of the human species. However, this is not to imply there is a consensus on what autonomy actually means; more precise conditions for what constitute an autonomous action are inevitably controversial. For instance, as John Christman highlights, there is a clear distinction between an individual’s general freedom, and their autonomy in individual cases: ‘...autonomy can be used to refer both to the global condition (autonomous personhood) and as a more local notion (autonomous relative to a particular trait, motive, value, or social condition). Addicted smokers for example are autonomous persons in a general sense but (for some) helplessly unable to control their behavior regarding this one activity’ (Christman 1989, 13–14). There are, thus, multiple meanings of autonomy, and what amounts to an autonomous action is unclear. Some people seem to be entirely driven by their instincts, whereas others appear to have complete self-control.

At the extreme end of autonomy is the idea that humans have complete freedom. Unlike other animals, we are capable of overcoming our instinctual

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87 For example, see (Barilan 2012 129-140) for five meanings of freedom and how they are linked to dignity: 1) Liberty from Interference 2) Basic Needs and Empowerment of Capabilities 3) Independence 4) Freedom from Surveillance 5) Existential Freedom.
urges, and our dignity resides in our powers of autonomy and self-creation. As we have seen in the first section, Pico della Mirandola in his *On the Dignity of Man* claimed that it was the freedom of human nature, more than any other capacity which represents the essence of our dignity. Our dignity, for Pico, comes from having no fixed place in the order of creation, and our ability to choose our own place within that order. We can find striking parallels (albeit from an atheistic standpoint) between this form of human dignity and that proposed by the Existentialists of the first half of the twentieth century. Jean-Paul Sartre in his seminal but brief work *Existentialism is a Humanism* (1946), declared that:

...man first exists: he materializes in the world, encounters himself, and only afterward defines himself...Man is not only that which he conceives himself to be, but that which he wills himself to be, and since he conceives of himself only after he exists, just as he wills himself to be after being thrown into existence, man is nothing other than what he makes of himself. This is the first principle of existentialism (Sartre 2007, 22).

The form of existentialism promoted by Sartre, in many ways, represents the most optimistic interpretation of the autonomy and freedom of humankind; for we are considered entirely free to determine our own natures. Using the analogy of a paper knife, Sartre explains that the knife has been designed and created with a particular purpose and preordained plan in mind, its essence has already been defined before its creation – its ‘essence precedes its existence’, in Sartre’s famous formulation. In contrast, for Sartre, humankind finds itself first existing or ‘thrown into the world’ with no fixed purpose, and only then does
she decide how to define herself. This encompasses the universal human condition – to be condemned to be free. In contrast to the knife, humankind’s existence precedes its essence which, as Sartre highlights, entails that there ‘is no determinism – man is free, man is freedom’ (Sartre 2007, 29). Sartre’s form of atheistic existentialism is founded on the idea that there is no God, and so no possibility of a preordained plan for humankind. However, if there is no God or original creator of nature, it’s unclear why it should follow that only Man has this unlimited potential, for it would follow that all of the natural world exists without a preordained plan in mind. Sartre gives us no reason to presuppose that other animals may also be condemned to be free, and so it is unclear how this fate is unique to the human condition. Moreover, we are all constrained by biological, socio-economic and geographic factors, amongst others. Perhaps both Pico and Sartre then exaggerate the extent to which humankind is free to do as it pleases? One may retort that it is only humans who are capable (even if they do not always succeed) of rising above their instinctual urges. Yet, as we have mentioned, many humans seem also incapable of controlling these urges.

This idea of human dignity residing in human autonomy has been picked up by Beyleveld and Brownsworth’s account of human dignity, in which:

The right to choose is a basic expression of one’s dignity; and there is no more fundamental expression of one’s dignity than the right to make life-

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88 Sartre acknowledges that this freedom also leads to a strong sense of responsibility, both to the individual and to all others as well: ‘If, however, existence truly does precede essence, man is responsible for what he is. Thus, the first effect of existentialism is to make every man conscious of what he is, and to make him solely responsible for his own existence. And when we say that man is responsible for himself, we do not mean that he is responsible only for his own individuality, but that he is responsible for all men’ (Sartre 2007, 23).

89 This is the position Gaylin takes when he writes: ‘If we are not truly autonomous agents, freedom from instinctual fixation is as close to autonomy as is necessary to ensure our dignity’ (Gaylin 1984, 21).
saving or life-terminating choices. Dignity, in other words, is embedded in the right to choose itself, irrespective of the particular choice that one makes (Beyleveld and Brownsword 2001, 242).

In the case of euthanasia, for instance, there are those who vouch for the quiet dignity of the individual who faces their terminal illness with stoicism, and endures it until the bitter end. There are others, by contrast, who admire the dignity of the patient who bravely decides to hasten their death, before their long and painful decline. Whilst both perspectives carry with them a strong sense of respect for human life and personal autonomy, both premises also seemingly lead to quite different conclusions as to the role and nature of dignity. This has led some commentators to conclude that dignity is a concept entirely empty of content, and can be invoked freely by all sides (Bagaric and Allan 2006, 267). Yet, the answer of Beyleveld and Brownsword is, in essence, that they are in a way both right – both decisions, if taken autonomously (and so not through coercion, or under the influence of drugs etc.) are representative of human dignity. It is the ability to make a choice, rather than the decision itself, which is reflective of our dignity. However, of course not all humans are capable of autonomous choice, for example, new born babies or the severely cognitively impaired. Yet, if we are to sustain the idea of a universal sense of human dignity, then we seemingly must look to other features of humanity other than autonomy. Dignity, contrary to Macklin then, cannot just be another word for respect for autonomy.

*The Problem of Normativity*

Christine Korsgaard has acknowledged her sympathies with the idea that, in regards to many capacities, there are differences of degree rather than of kind
between humans and non-human animals; as she explains: ‘...I do think a gradualist story is plausible about intelligence, emotion, and complex social capacities such as sympathy and altruism and the ability to find one’s place in a social order’ (Korsgaard 2009, 4). Korsgaard, therefore, agrees that animals do have moral considerability, and should have their interests taken into account, especially their interests in not suffering. However, Korsgaard identifies what she believes to remain one major difference that separates humans from the rest of the natural world – the reflective nature of human consciousness:

But there is no question that we human beings are aware of our location in mental space in a very important way – we are, or can be, aware of the grounds of our beliefs and choices, of our reasons for thinking and acting as we do. When I am aware, not just that I have a certain desire or fear, then it becomes open to me to step back from that connection and evaluate it: to ask whether my desire or fear provides me with a good reason to perform the action in question. And this enables me to take responsibility for what I do. This form of self-consciousness, I think, is what makes human beings rational and moral animals, and this is the one big difference that I have in mind. The other animals lead lives that are governed, I believe, by their instincts, desires, emotions, and attachments. Because we have the capacity to evaluate the influence of our instincts, desires, emotions and attachments on our actions, we are not completely governed by them. We have the capacity to be governed instead by normative standards and values, by a conception of what we ought to do. We are moral animals (Korsgaard 2009, 5).
The big difference, for Korsgaard, between human mental states and animal mental states is that the human mind is capable of detaching itself or stepping back from its immediate inclinations, beliefs and desires, and reflecting on and evaluating them. We can decide whether to undertake a particular action or treat a belief as a reason for action. These judgements are normative – they are decisions and evaluations of what we should or ought to do. Morality, in particular, requires normative claims of what we should or should not do. Humans, unlike other animals, can act on reasons and so are sources of normativity.

The so-called problem of normativity arises because of the reflective nature of human consciousness. As reflective agents, we are able to, and often do, reflect on and about our thoughts and desires, and have to decide which attitudes to adopt toward these beliefs. The main problem with this account, so far as it is presented as a reason for the uniqueness of the human species, is that again we are confronted with the fact that some human beings lack this self-reflective capacity. Indeed, even some seemingly ‘normal’ functioning adult humans sometimes struggle to overcome their instinctual urges and seem to have an inability to reflect on their beliefs and attitudes. This is a common theme for any cognitively worthy characteristic said to characterise the significance of humanity, be it autonomy, rationality, the capacity for cultural learning, language use or the ability to reflect on one’s own mental states, and

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90 Darwin seems to have thought something similar when he wrote: ‘Why does man regret, even though he may endeavour to banish any such regret, that he has followed the one natural impulse, rather than the other; and why does he further feel that he ought to regret his conduct? Man in this respect differs profoundly from the lower animals. Nevertheless we can, I think, see with some degree of clearness the reason of this difference. Man, from the activity of his mental faculties, cannot avoid reflection: past impressions and images are incessantly and clearly passing through his mind’ (Darwin 1872, 85).
appears to be the main stumbling block for any theory of universal human dignity which attempts to ground it on certain intrinsic capacities.

**Universal Human Dignity**

It is undeniable that the modern conception of human dignity, particularly as presented through international human rights bills and legal instruments, has sided with a universal human dignity, that is, a dignity shared equally between all humans. As we have seen in the first section, the *Universal Declaration of Human Rights*, for instance, recognizes the ‘inherent dignity and of the equal and inalienable rights of all members of the human family’ which are said to be ‘the foundation of freedom, justice, and peace in the world’ (United Nations 1948). Indeed, the idea of the equal dignity, value or worth of all people is fundamental to many cultures, and is often formulated in terms of an inherent dignity which Alan Gewirth describes as ‘...a kind of intrinsic worth that belongs equally to all human beings as such, constituted by certain intrinsically valuable aspects of being human. This is a necessary, not a contingent, feature of all humans; it is permanent and unchanging, not transitory or changeable; and...it sets certain limits to how humans may justifiably be treated’ (Gewirth 1992, 12). Human dignity is not then commonly linked to only the species as a whole or to the elite members of the species, but is an absolute presence in all members of the species, and based on certain intrinsically valuable aspects of being human. This idea of the equal worth or value of people is, of course, not

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91 See also: ‘Human dignity is expressed in this view in terms of equal standing in the community and in equal respect for rights and interests...First is the idea of counting equally – if one person counts for one, then two count for two, and so on. This idea shows us why we always have a moral reason to save more lives rather than fewer; because each life matters equally. [The]...second idea contains the thought that people not only matter numerically, but that they also count in a more absolute and existential sense – they count for something! In short, they matter; they count because they have equal dignity and standing’ (Harris and Sulston 2004, 800).
often borne out by common experience, for we do often treat individuals as having more value than others, for example, family members or close friends or those who make greater social, cultural or economic impact to our lives.\textsuperscript{92} Similarly, nations, organisations and institutions will commonly prioritise the interests of their own members.

A universal human dignity must, therefore, somehow be a more basic or fundamental form of value; it must have to transcend these factors. There are important reasons for this, as highlighted by Dónal P. O'Mathúna, ‘a ballast is required to counterbalance such pressures [from social Darwinist type theories]. The inherent dignity of all humans, no matter how disabled or at what stage of development, provides such a ballast. Any sliding scale of human dignity inevitably leads to undignified treatment of those humans who don’t meet the standard of the day’ (O'Mathúna 2006). Human dignity is often presented as a device to protect those who are most vulnerable, and the concern is that a failure to accord equal dignity to all humans will inevitably lead to a prioritisation of the interests of some humans over others. As O'Mathúna warns: ‘without a robust adherence to the notion that all human life is dignified, and that human dignity is inherent and endowed, destruction of human life will increasingly be seen as the ethical answer to moral quandaries in medicine, nursing and biotechnology’ (O'Mathúna 2006). The problem then is reconciling the idea that all humans are worthy of dignity with the idea that individual dignity rests on inherent capacities which merit this special status.

\textsuperscript{92} As noted by Roger Fjellstrom, ‘even though most of us consent to equal human value, we typically think of people as good or bad, better or worse. To many it would be revolting to say that, for instance, Mother Teresa and Adolf Hitler have the same basic ethical value’ (Fjellstrom 2007, 98-9).
One of the most fundamental problems for an account of universal human dignity grounded on the possession of certain intrinsically valuable capacities, is, of course, that every human individual possesses these to varying degrees, and in some cases, do not possess them at all. For instance, the severely cognitively impaired do not have the requisite faculties, and do not have the capacity to develop them in the future. In contrast, foetuses and the very young lack many of the morally relevant characteristics now, but do have the potential to develop them at a later date. Moreover, some individuals who may have previously had these capacities no longer do, perhaps due to a misfortune, such as the severely demented or those in a permanent vegetative state. As we have seen in regards to great achievements, the problem is that not all humans are capable of such feats. Humans are unequal in their possession of these dignity grounding capacities, with some not holding them to any degree. George Kateb asserts that nevertheless all humans are equal in worth and dignity, yet, he appears to assert this more than provide reasons why this can be the case. Moreover, as we have seen, there is growing awareness that many animals possess aspects of these capacities as well, including language use, self-consciousness, moral action, culture and rationality (Gruen 2010). They are not then entirely unique to the human species, which is perhaps to be expected given the evolutionary origin of so much of human behaviour and cognition.

93 See, for instance: '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' (Kateb 2011, 18-9), and also: ‘Yes, human beings are unequally endowed in their ability to initiate great deeds or create great works of mind and art, but they sustain what they cannot initiate or create. Their dignity, their equal individual status, is undamaged by their innate inequality in talent...’ (Kateb 2011, 185).
Persistent Problem of Marginal Cases

As was noted in the previous chapter, the argument from marginal cases states that, if we are to be consistent and treat like cases alike, then two individuals who do not differ in the morally relevant aspects, should be accorded the same moral status. What we do to one side, for moral consistency, we should do to the other. Therefore, when a non-human’s morally important characteristics (for example, the capacity for self-consciousness, rationality, autonomy or language use) are equal to that of a human, we have two options: (1) We raise the moral status of the non-human animal to that of the human (2) We lower the moral status of the human to that of the non-human. If a chimpanzee is said to have as much cognitive ability as a human child then, for moral consistency, we should be willing to accord the chimpanzee the same moral status. To treat both cases dissimilarly, when all the morally relevant aspects are the same, is said to be speciesist. As is clear, this has serious implications for how we justify the treatment of animals and these ‘marginal cases’ of human life.

The grounding capacities of moral status, and especially of personhood, are often seen as threshold or categorical concepts, with individuals either falling below or above meeting and exceeding the required line to have the requisite status.\(^{94}\) Interestingly, all those above the threshold level, and so worthy of personhood, are often considered to have the same status, regardless of how far they exceed that threshold (see Chapter 10 for a further discussion of this). We do not, as a general rule, think that we should rank people’s moral worth in order of intelligence (so long as they have the required minimum level). This itself may be an area of concern, as it is not clear why capacities above the

\(^{94}\) Although see, for instance, DeGrazia (2008) for a view of moral status as one of degree.
threshold level should be irrelevant. Similarly, human dignity, as used in its modern universal sense, is normally considered an all-or-nothing category; it is not something which comes in degrees. All humans are said to have equal dignity. However, the grounding capacities of dignity, if we are to preserve the idea of a universal human dignity, seemingly cannot work like this as some humans will inevitably fall below a certain criterion.

A further difficulty, as noted by Tim Mulgan, is that not only do these individual capacities come in degrees (one can have more or less intelligence or autonomy) but what they are said to ground (personhood, moral status or dignity) are absolute or categorical (Mulgan 2004, 458-9). Indeed, it is unclear how precisely a categorical idea like universal human dignity can map onto or supervene on an entire spectrum of different individual abilities and capacities. This is not to say that a universal human dignity must be incorrect, but that it is difficult to see how it can be grounded on certain higher cognitive capacities.

As Jeff McMahan highlights, there appears to be two main problems that need to be addressed before we can accord equal and universal moral status to all humans: ‘One is to defend the common sense view that all human beings are owed a form of consideration that is different from and higher than that which is owed to other animals. The other is to show how that form of consideration can be owed equally to all human beings. I will call these the “separation problem” and the “equality problem,” respectively’ (McMahan 2008, 84).

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95 This is a point picked up by McMahan, amongst others: ‘How can it be that variations in the degree to which those capacities are developed in those above the threshold do not matter at all to the degree to which it is wrong to kill them? If the possession of these capacities, or their possession above a certain level, is what is necessary for inclusion within the scope of the equal wrongness thesis, how could it be that the degree to which these capacities are developed above the threshold is entirely irrelevant?’ (McMahan 2008, 95).

96 McMahan also acknowledges this problem: ‘This is, in fact, an instance of a problem that has always plagued theories of human equality – namely that we are held to be normatively equal and our moral status is held to supervene upon facts about our nature, yet there are really no relevant respects in which we are by nature equal’ (McMahan 2008, 94-5).
consequently argues that a being’s moral status should be determined by certain higher level psychological capacities, which ultimately entails that it is impossible to clearly separate the consideration we should show to all humans compared to that of other animals, as there will always be some humans below the threshold, and some animals above it, however low we try to set it.

*The Species Norm*

Rather than look to an individual’s intrinsic capacities to determine their significance, an alternative is to turn to a group account – that is, one based on capacities or abilities *typical* of an individual’s membership in a particular group (biological or social), as well as their relationship with other individuals within that group.

As was highlighted in the previous chapter, the species norm account proposes that there are certain morally significant attributes that are in the nature, characteristic or typical of a species, although they are not necessarily present in each individual member (see for instance Byrne 2000, 57-8). Such an idea harks back to the Aristotelian essentialist idea of species being prime examples of natural kinds with essences. In other words, species have some fundamental nature that constitutes them and, therefore, we can examine how close each individual is to its species ideal (Ereshefsky 2010).

On the species norm account, moral considerability is a relational property, with each individual entitled to an equivalent moral status, in virtue of the fact that it is in the *nature* of the species to have the requisite capacities. In this way, membership in the human species is of significance, regardless of whether or not the human individual in question actually has the relevant intrinsic properties. Significantly, this entails that any human with a set of status-
conferring capacities lower than that of a non-human animal (for example, intelligence or autonomy) will still have a higher moral status and significance. Thomas Scanlon, for example, puts forward a species norm position when he writes that: ‘the class of beings whom it is possible to wrong will include at least all those beings who are of a kind that is normally capable of judgement-sensitive attitudes’ (Scanlon 1998, 186).

However, as has been highlighted in regards to unqualified speciesism, it is not clear how the conclusion of the species norm account (that all humans ought to be accorded equal moral status) follows from its premise (that certain characteristics are typical of a biological species). If species is a purely biological taxonomy, then it is not capable of being extrapolated to the moral sphere. In the words of McMahan, ‘somehow membership in the same biological kind is supposed to produce the requisite moral alchemy...’ (McMahan 2008, 85). In support of this concern, McMahan presents a thought experiment of a genetically altered ‘superchimp’, which comes to have the equivalent cognitive and emotional capacities to those of a ten year old human child (McMahan 2002, 147). According to the species norm account, because chimpanzees normally have a cognitive range below that of a ten year old child, it would be appropriate to treat this chimp like any other chimpanzee, in spite of its greater cognitive capacities. Conversely, if we imagine that the population of superchimps continues to grow to the point where they outnumber the normal chimpanzees, the species norm account would demand that we should consequently treat the minority non-superchimpanzees as we would those chimpanzees with the higher cognitive abilities. The intuition which McMahan is pulling at is that we should not base judgements about how an individual should be treated merely because of what is considered normal for its biological
grouping. Instead, we should judge the moral status of each individual on their own intrinsic capacities.

In response, Rahul Kumar has suggested that McMahan’s criticisms rely on an interpretation of the species norm account that focuses on what is merely statistical normal for a species. Instead, Kumar argues that the species norm account may instead represent, ‘the essential nature of a living kind, revealing facts about the normal life-cycle of that kind of living thing. The use of “normal” here is unashamedly normative. Claims about the life-cycle of a particular kind of living thing, or species, are just constitutive of what it is to be a member of that species’ (Kumar 2008, 73). If follows, therefore, ‘that what respect for the value of a living thing requires will depend on the characteristic lifecycle, or nature, of members of that species’ (Kumar 2008, 73). Kumar offers the example of a seed, which we would normally consider to be the first stages in the life-cycle of a plant, and to understand this is to realise that it is in the nature of seeds to grow into plants, even if this particular seed fails to do so. Kumar’s rebuttal to McMahan harks back to Aristotle’s argument in his Metaphysics, in which he argued that an acorn’s intrinsic telos or ultimate purpose is to become an oak tree (see Cohen 2016). In this way, each species has a certain nature or essence, and the telos or final cause of an individual living organism is to achieve this way of being.

Similarly, certain capacities are normatively characteristic of the human species (such as autonomy, rationality or moral reasoning), which ought to be present in each individual member, as they are part of the natural human life-cycle, even if they sometimes fail to appear. On the species norm account, those humans who lack these capacities are thus still entitled to the same respect and
consideration due to human individuals with fully functioning capacities. A similar appeal has been made by Nussbaum who, on her capabilities approach, argues that 'we should bear in mind that any child born into a species has the dignity relevant to that species, whether or not it seems to have the "basic capabilities" relevant to that species...The species norm is evaluative...it does not simply read off norms from the way nature actually is. But once we have judged that a capability is essential for a life with human dignity, we have a very strong moral reason for promoting its flourishing and removing obstacles to it...' (Nussbaum 2006b, 347).

This species norm account shifts the emphasis away from Aristotelian species essentialism, and argues instead that the species norm account should be considered normative or evaluative, rather than strictly speaking a matter of statistical frequency or biological fact. For Nussbaum, it seems it is ultimately a matter of judgement to decide which capabilities are necessary to live a life with dignity.

However, contrary to Nussbaum, we may argue that the species norm account still seems to fail to fully address the reasons why, in the cases where there is clearly no potential to develop the characteristics or capabilities normal for the species, we should still accord them the same treatment as if they still did. If we knew in advance that a seed would not develop into a plant and, despite our best efforts, we could not remedy that situation, we would have no reason to continue to treat it as if it did. For Aristotle, as noted by Hauskeller, if an

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97 Although there is little room to discuss the issue here, there is a large body of work around the role of misfortune and marginal cases, and how disability in humans requires a very different affinity to disability in other animals (see for instance Byrne 2000, 61; MacIntyre 1999, 100-1; McMahan 1996; and Steinbeck 1978; 255-6). As Byrne explains: 'it would make no sense to say of a dog, which can do the things dogs typically do, that it was afflicted because it cannot do the things a human typically does...These thoughts fit in with the picture of something which has a nature damaged and hindered from flourishing..The structure and background to our thought involve us in thinking of this human being as one with us, not as a different creature. As one of our kind, s/he deserves the respect due to beings of our kind and, despite the differences
organism loses or is prevented ‘from performing those actions which it is natural for it perform [it] is robbed of its identity or defining form, and this means nothing less than that it has been destroyed as this particular organism’ (Hauskeller 2005, 68). If a particular acorn failed to grow into an oak tree, then it would have also failed in its final purpose or telos for being and would, in effect, be a non-acorn. This policy seemingly was also extended by Aristotle to human beings. Indeed, he infamously proclaimed in his Politics that ‘as to the exposure and rearing of children, let there be a law that no deformed child shall live’ (Aristotle 1988, 182). It has consequently been argued that, for Aristotle, human beings who are not able to attain virtue or excellence in accordance with reason (a trait Aristotle argued was unique and central to human nature) were closer in moral concern to nonhuman animals, than they were to humans who engaged successfully in reason (see Keith and Keith 2013 61-2). Some writers, therefore, have argued that such individuals who fail to fulfil their telos have suffered an Aristotelian loss or misfortune (see Wilson 2005 for a discussion of this). Aristotle’s account, therefore, does not seem to be a good candidate to help support a species norm account for moral status.98

between us and him or her, we share a natural equality, possession of humanity, which is the basis of a moral equality’ (Byrne 2000, 61).

98 This is not to say that some writers have attempted to adapt Aristotle’s original theory to make it more palatable to marginal cases. Garret Merriam, for instance, argues that to save Aristotle’s account, one must both divest ‘him of his mistaken biology’ but also give ‘him a dose of Stoic fortitude’, so that ‘once we have removed the species-standard as a barometer for judging human flourishing we are left with nothing other than individual circumstances. When assessing those circumstances we must take into account the biological facts of the individual, as well as the cognitive, psychological, social and esoteric factors that come together to compose their life. This vision of eudemonia still adheres to the Aristotelian notion that “anything that lives can live well or live poorly” while also avoiding the species essentialism that plagues Aristotle’s literal theory’ (Merriam 2010, 136). A similar adapted Aristotelian approach has been proposed by Michael Hauskeller: ‘whether we should grant all living organisms a telos and whether we should respect this telos, is less a matter of fact than a matter of value. It is part of a certain way of looking at the world. And looking at the world through the eyes of Aristotelian biology may,
This impasse seems to be due to the fact that we have two different, and competing, accounts of how we are to judge the significance of being human: (1) an individualistic account, based on the premise that we can compare the intrinsic properties between individuals to determine their moral status, versus (2) a group account, whereby it is the relational ties between individuals that determines their moral significance, rather than each individual’s own intrinsic characteristics or abilities. As we highlighted in the previous chapter, proponents of the social bondedness model, for example, base moral considerability on the complex and interwoven nature of our social relationships (which are often, but not necessarily, dictated by our species membership). McMahan’s thought experiment of the superchimp fails, on this account, because the chimpanzee is in ‘tragic…isolation from his fellow creatures and his ill-suited embodiment—a high price to pay for its cognitive upgrade’ (Wasserman et al. 2013a; see also Kittay 2005).

Conclusion

In many ways, the cognitive capacities which have so often been thought to demonstrate the significance of being human, such as language use, rationality or reflective self-consciousness, appear ill-suited to ground, and to continue to promote, a universal sense of human dignity, which applies equally to all humans, including those on the margins of life. As we have seen, humans possess these dignity grounding capacities to varying degrees, with some not at all, whilst many non-human animals do possess them, sometimes to a remarkable degree. This has led some philosophers to reject the idea that dignity could be a property possessed by all human beings (Cochrane 2010, after all, be itself a moral decision, something which we feel we owe the living beings which happen to cross our human ways’ (Hauskeller 2005, 73).
This goes some way in explaining the contortions that Kateb undergoes in trying to link up inherent capacities with a universal sense of human dignity:

‘...human beings are unequal in their possession of those uniquely human characteristics that conduce to great achievements, even though all people possess these characteristics to some degree’ (Kateb 2011, 175). As we have seen, this is clearly not the case as not all humans do possess these characteristics. Such accounts of universal dignity, their critics argue, gloss over the problems that we encounter on the so-called ‘margins of life’, and for some thinkers, such as Rachels and McMahan, this should lead us instead to a moral individualistic account, whereby moral status is based on an individual’s intrinsic properties, and not on group membership (especially not species membership).

However, perhaps this insistence on the need to identify significant capacities possessed by all human beings to justify a universal human dignity is entirely wrongheaded. An alternative is to move beyond this narrow range of capacities traditionally offered to ground the significance of being human, and look instead to a broader spectrum of categories that may be said to be representative of what we mean when we speak of the significance of being human – as Mary Midgley points out, after all we are ‘bond-forming creatures, not abstract intellects’ (Midgley 1984, 101-2). These alternative accounts of the significance of being human are most often socially constructed concepts, rooted in our language and social practices, and seem to be more closely allied to what we mean when we speak of our shared humanity (see for instance Luban 2009; Anderson 2004; Gaita 2004; Mulhall 2002; Kittay 1999; Benson 1978; and Diamond 1978). Such an account of the significance of being human seems a more natural home for a concept such as dignity. In the next section we will
look at other, less demanding and more inclusive capacities and attributes, such as vulnerability, communication, the ability to value and care, and the potential to be humiliated, which may in fact be better placed for grounding a universal human dignity.
When I say you can’t just wave your hand and say “and so on,” it’s because there is so much to being human. There’s the touch, there’s the feel, there’s the hug, there’s the smile,...there are so many ways of interacting. I don’t think you need philosophy for this. You need a very good writer...[T]his is why I just reject...[the]...idea that you base moral standing on a list of cognitive capacities, or psychological capacities, or any kind of capacities. Because what it is to be human is not a bundle of capacities. It’s a way that you are, a way you are in the world, a way you are with another (Kittay 2009, 621).

Introduction

As we have seen in the previous chapters, at base, there are two types of account for grounding the significance and, by extension, dignity of being human. The first deals in certain individually-based, morally worthy capacities which are necessary for full moral status (FMS). At one extreme is the concept of moral individualism and the idea that each individual is only as morally significant as the capacities that they possess. In contrast, a more commonly cited and moderate account argues that an individual’s capacities have only to meet a certain minimum level or threshold to be accorded FMS. What precisely these capacities should be, and where this level is set, remains highly contentious. Nevertheless, on this account, it is clear that some humans (and perhaps all animals), will always fail to reach the requisite level for FMS.

For this reason, some have insisted that merely belonging to the species Homo sapiens is sufficient reason to accord a special status, and justification need go no further than that (Egonsson 1998; Wertheimer 1974). There is then a dignity
possessed by all human beings *qua* human beings. However, as has been highlighted by Singer and others, this seems a particularly arbitrary or ‘speciesist’ place to rest our justification. What is it about a purely biological category that accords such a special privileging of human interests? On this view, ‘species’ is purely a biological term, and so morally neutral, and one cannot, therefore, derive any normative or moral statement from this fact. To avoid such an unjustified prejudice we must be able to give further reasons in support of the claim that humans deserve a unique status (Singer 2009, 573).

For, as suggested, if we cannot provide a valid reason why there is a sharp dividing line between all humans and other animals, then the use of ‘human dignity’ seems to be little more than a thinly veiled, unjustified prejudice (a form of ‘unqualified speciesism’, as we have seen in Chapter 6). On the other hand, if we are to continue to promote the idea of a universal human dignity, shared by all humans, than we seem to need to also look beyond individual capacities and abilities, as there seem to be no morally commendable capacities that are shared by all humans, but no other animals. As was demonstrated in the previous chapters, the capacities often cited as grounding human dignity, for example autonomy, rationality, complex language use, or moral reflection are too demanding to ground a universal human dignity.

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99 As Singer argues: ‘There is another claim that one often hears: that humans and no others have intrinsic worth and dignity, and this is why humans have superior status. This is really just a piece of rhetoric unless it is given some support. What is it about human beings that gives them moral worth and dignity? If there is no good answer forthcoming, this talk of intrinsic worth and dignity is just speciesism in nicer terms. I do not see any argument in the claim that merely being a member of the species *Homo sapiens* gives you moral worth and dignity, whereas being a member of the species *Pan troglodytes* (chimpanzees) does not give you worth and dignity. Something more would need to be said’ (Singer 2009, 573).
The Relational Account

The second account of how human dignity is justified looks instead at the relational ties between individuals or groups that transcend individual capacities and abilities. This approach consequently does not require that all individuals in the group need meet a minimum required capacity for FMS. Significantly then, those humans who, on the traditional approach, are placed on the so-called ‘margins of life,’ are brought back into the centre of the moral community.

However, this is not to say that human dignity is derived merely from being related biologically to other members of the human species. As Helga Kuhse has pointed out, such claims are ‘near-tautological’ and something more would have to be said to justify this special status (Kuhse 2000, 69-7). The relational account, rather, looks at the significance of certain social factors and relationships, including features such as communication (Bérubé 1996), vulnerability and dependence (MacIntyre 1999; Goodin 1985), as well as the ability to engage in caring relationships (Held 2005; Kittay 1999). It is these relational ties between humans, it is argued, which distinguish us most clearly from other non-human animals, and accords humans a special moral worth and dignity (see for instance Francis and Norman 1978).

Dignity, on this view, is both made and challenged in the social realm. For Elizabeth Anderson, as was highlighted in Chapter 6, dignity is largely to do with

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100 According to these authors: ‘...what are important are the relations in which human beings stand to one another, and that with few exceptions they do not stand in the same relations to animals...The combined effect of these relations is to bind all human beings together into a single overall community of a morally significant kind. And this explains why being biologically human has seemed on the surface to be a more morally plausible differentiating property than being of a particular race’ (Francis and Norman 1978, 518).

101 Schachter, for example, suggests that, ‘...human dignity involves a complex notion of the individual. It includes recognition of a distinct personal identity, reflecting individual autonomy and responsibility. It also embraces a recognition that the individual self is a part of larger collectivities and that they, too, must be considered in the meaning of the inherent dignity of the person’ (Schachter 1983, 851).
making both other humans, as well as animals, decent for human society, so that we are able to live with and relate to one another within our common life (Anderson 2004, 283). Anderson uses the example of a patient suffering from severe dementia, who despite not having possession of her mental faculties, dignity nevertheless requires that she is toileted, cleaned, dressed and cared for appropriately, so that her body is ‘dignified, protected from the realm of disgust, and placed in a cultural space of decency’ (Anderson 2004, 282). Human dignity, on this account then, is both tied to our membership of the human species, and independent of an individual’s intrinsic capacities.

As highlighted by John Benson, there are certain relationships we have with other individuals which result from being members of the same species, and so marginal humans are members of the moral community in ways that animals with similar capacities cannot be:

...to think of oneself as human is not to think of the biological classification one falls into, but to think of oneself as a point in a network of overlapping relations, actual and possible, with other individuals. My concern for other people begins with natural affection towards kin, friends, colleagues and so on, and is extended by recognizing other human beings as potential reciprocating objects of the same affections (Benson 1978, 536).

On Benson’s account, to be human is something over and above simply belonging to the human species, but is rather a product of our complex social relations with others. It is from our ‘natural affections’ towards our immediate social networks that our concern for other human beings springs (or should spring). This relational account, therefore, takes a more holistic approach to
establishing the proposed special significance of being human, by embracing a wider and more diverse range of human experiences to justify this claim, and so offers a far richer account of both what makes us human, and why that is of special significance. Moreover, this approach acknowledges the role that others can and often do have in treating someone with respect and as worthy of special consideration and dignity.

This is not to say that relational factors are the only important features for moral status, although some ethicists have argued that they are (Callicott 1989; Noddings 1984). Intrinsic properties can still play a role, albeit one which is tempered by an acknowledgement of the significance of our relations. Mary Anne Warren, for instance, argues that to have any meaningful part in a social community the individual must at least have the capacity for sentience. Those humans who will never be capable of consciousness, such as anencephalic infants, and those who have permanently and irretrievably lost this capacity, are members in little more than name only (Warren 1997, 166). This is an example of perhaps how a universal human dignity isn’t entirely universal, and might allow for the possibility of including non-humans as well. Nevertheless, this relational perspective of the significance of being human encompasses a far broader range of potentially morally worthy features than is offered by the traditional class of higher cognitive capacititates, and so has the potential to bring into the fold many of the ‘marginal cases’, which are left out by the traditional accounts of moral considerability. The group account, therefore, acts to accord moral status to a wider group of individuals, although perhaps still not all.

102 What has been called a ‘multi-criterial account’ of moral status in the words of Mary Anne Warren (Warren 1997, 148-178).
Significantly, this alternative approach appears more naturally aligned with the concept of human dignity, as it treats the idea of the ‘human being’ as not merely a biological category, but one which is rooted in a complex web of social practices and meaning. The term ‘human’ then on this account is coextensive, but not necessarily tied, to the biological category *Homo sapiens*. To use the word human, is not only to describe a member of the species *Homo sapiens*, but also encapsulates many of the aspects which make us what we are, and inherent within the concept itself are certain implicit ways of behaving and treating our fellow humans.\(^{103}\) The term ‘human being’, on this account, is a so-called ‘thick evaluative concept’; that is, one which has both a descriptive content, and a rich evaluative element. There are certain social practices which partially constitute what it means to be a human, what a human being *is* (and by extension is *not*). When we say something is ‘human’ we are not only giving a biological description, but a normative account of how it should and should not be treated – there are then certain actions which should not be done to humans.\(^{104}\)

In the words of Stephen Mulhall, ‘to see another as a human being is to see her as a fellow-creature—another being whose embodiment embeds her in a distinctive form of common life with language and culture, and whose existence constitutes a particular kind of claim on us’ (Mulhall 2002). This common life also demands certain behaviours and prohibits others; human beings are to be named, and not eaten, for instance (Herrmann 2011; Diamond 1978). Indeed, as pointed out by Nel Noddings, people who work with animals destined to be

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\(^{103}\) Darwall, for instance, writes that ‘respect is the fitting response to dignity...’ (Darwall 2006, 120). Although for Darwall, this is a respect due only to ‘free and rational’ persons or agents, and so not all humans.

\(^{104}\) ‘To be human, as those who have suffered the effects of dehumanization will testify, is first and foremost to be included within the community of human beings, to be recognized and accepted as part of this community and thus deserving of its protection’ (Oliver 2011, 96).
used for food are advised to not name the animal, as ‘naming a creature and eating it seem symptomatic of betrayal. By naming it, we confer a special status upon it and, if we would be ethical, we must then honor that status’ (Noddings 1984, 157). Such acts are a form of respect for the human being. The concept of a ‘pet’ or companion animal, acknowledges the fact that, whilst we do have certain obligations to their care and well-being, the boundaries of what is considered necessary for our duties towards them is more limited in scope (see Chapter 11 for a discussion of this).

Dignity and Humanity

A key component or essence of dignity, on this view then, is its connection with the notion of humanity and humaneness (Nordenfelt 2003b, 104-107; Byrne 2000, 154-6; and Johnson 1998, 342). Virtues such as empathy, kindness, humility and charity are archetypical humane qualities, and to treat someone in such a manner is to show them a high level of respect. Moreover, many of the cognitively disabled, for instance, who would struggle to meet the cognitive levels for full moral status on the traditional account, are highly responsive to such treatment, and capable of demonstrating these qualities themselves. The relational account, therefore, acknowledges human weaknesses and fragility, as well as moments of strength and aptitude.

There are, however, acute conceptual difficulties with grounding human dignity in this sense of ‘mere’ humanity, and an adequate account of human dignity grounded in this relational account must be able to address these concerns.

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105 As noted by Byrne: ‘There is nothing in the cognitively disabled which will suffice to establish their equal worth with typically functioning human beings other than their humanity. It is in the light of the humanity they share with us that we must say they are our moral equals’ (Byrne 2000, 50).
Humanity is often presented as an all encompassing term, much like dignity, in the sense that it expresses many of the most positive aspects of the human experience, yet the terms ‘humanity’ and ‘humaneness’ appear to be particularly vague notions. Indeed, in contrast to the capacities cited by the traditional approach, which in some cases, such as intelligence, are capable of being quantified and measured, ‘humanity’ has no real defined limits or boundaries, and is open to continual challenge and revision. Nevertheless, its supporters will insist that this is due to the inherent complexity and richness of what it means to be a human.

A second related issue concerns the fact that this humanist account leaves open critical questions about who precisely is covered and how far the boundaries of the thick concept of ‘human being’ extends (Wasserman et al. 2013a). Whilst the relational account of moral considerability is certainly more inclusive, it still does not necessarily encompass all members of the human species. As we have seen in Warren’s account, for instance, those without the capacity for sentience are not full members of the social community, and so it excludes a range of humans, including anencephalic infants, and those in a Permanent Vegetative State (Warren 1997, 166). Moreover, ‘humaneness’ seems to encompass qualities which, although prevalent in the human sphere, are certainly not restricted to the human community. Indeed, it seems entirely possible that other beings, including other animals, are capable of such humane acts as empathy, care and communication, and many do strive to treat non-humans humanely, aware of the animal’s vulnerability and capacity to suffer. However, as Peter Byrne has flagged up, to claim that humans have a special status is to still leave the question open as to whether or not other beings may
also have a special status. To be ‘human’, on this view, therefore, is a sufficient, but not necessary condition for moral status (Byrne 2000, 51).

In an at least partial reply to these objections, one of the most fruitful methods for understanding the role and nature of dignity and its relationship to humanity is to look at its many violations, what has been termed a ‘negative approach to human dignity’ (Kaufmann et al. 2011, 2; see also Stoecker 2011, 11). Indeed, by taking as our starting point instances, such as humiliation, slavery, torture, rape, and other so-called ‘crimes against humanity’, we often have the clearest indicators of what dignity in fact is. 106

**Dehumanization**

The nature and role of humaneness can often be best seen when contrasted with its complete absence – dehumanization, that is to treat someone in such a way as to deprive them either partially or wholly of human qualities, or to treat them as if they do not have these qualities. It is, in many respects, a form of social exclusion, and can take many forms, from the extreme to the more mild or everyday occurrence. 107 Indeed, the act of denying the human status to an individual or group in cases of murder, rape, genocide and other atrocities are well documented, and it is frequently argued that such acts are often only possible when the perpetrator(s) perceive their victims as sub- or inhuman and outside the scope of moral responsibility (Oliver 2011, 93; see also Levi

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106 As Schachter noted, ‘...it has been generally assumed that a violation of human dignity can be recognized even if the abstract term cannot be defined. “I know it when I see it even if I cannot tell you what it is”’ (Schachter 1983, 849).

107 As noted by Oliver, ‘...even apparently minor violations of physical integrity – the shaving of the head – can be felt as humiliating and dehumanizing because of what they come to represent, namely, the loss of personal and public autonomy’ (Oliver 2011, 91). See also, Primo Levi who describes the look he was given by one of the concentration camp doctors, ‘...which came as if across the glass window of an aquarium between two beings who live in different worlds...’ (Levi 1987, 111).
The act of dehumanization is, in Eva Feder Kittay’s words, ‘to reduce the human to the non-human, to strip away those aspects of human beings that connect these human beings more closely to other human animals than to nonhuman animals’ (Kittay 2009, 612).

Herbert C. Kelman insightfully explained how acts of dehumanization work to deprive the individual of both their *identity* as an autonomous individual, as well as their place in a *community*, that is someone who, in Kelman’s words, is ‘part of an interconnected network of individuals who care for each other, who recognize each other’s individuality, and who respect each other’s rights’ (Kelman 1973, 49). On Kelman’s view, the presence of these two qualities are necessary for others to perceive a person as fully human, and part of the wider human community. Conversely, a lack of both these features ensures that humane qualities such as empathy, compassion or leniency become increasingly difficult to maintain towards them, and raises the risk that the individual or group in question will be treated severely and often fatally. It seems clear, therefore, that one important way of promoting human dignity is in the act of reaffirming the perceived humanity of the individual or group, and to offer a base of resistance to threats against their human status. If their humanity is not upheld, then this increased vulnerability ensures it is all too easy for their treatment by others to rapidly deteriorate. This point is particularly salient for those human beings, such as the mentally handicapped, foetuses and the very young or old, whose moral status has been, rightly or wrongly,

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108 Indeed, as pointed out by Rosen, ‘one of the features that have characterized many of the most violent and destructive acts of the twentieth century has been the humiliation and symbolic degradation of the victims...It seems to be a fact about human nature that human beings are able more easily to engage in the most violent behaviour towards one another if at the same time they can expressively deny the humanity of their victims. If this is so then the preservation of our fellow human beings from dignitary harm is also fundamental to the defense of their humanity’ (Rosen 2012b, 97).
debated so intensely within contemporary ethics. Although, as noted by Sophie Oliver, the limits of what is considered dehumanizing behaviour are sometimes both historically and culturally dependent, and often controversial in less clear cut cases (Oliver 2011, 87).

Moreover, Kelman noted that it is not only the victim who becomes dehumanized, but the victimizer themselves, as they can also lose both their sense of identity (particularly those who act on the orders of a higher authority) and community, and consequently begin to find it increasingly difficult to ‘act as a moral being’ (Kelman 1973, 51). Conversely, one can point out that some victimizers might also strengthen their embeddedness in a certain community by committing these acts, in which failure to do so would lose their place in that community.

The Minimum Core of Human Dignity

From these preliminary insights into the nature of dehumanization, it is possible, consequently, to draw some positive claims as to what human dignity is, and what it means to treat someone as if they have a dignity. In particular, to propose that someone has a dignity is often said to make certain claims about the worth or value of an individual and how they should be treated (with respect, attention and care, amongst others), and the prohibition of other actions (such as torture, humiliation or rape). Christopher McCrudden has identified this sentiment as the minimum core of human dignity. The first ‘ontological’ element of which is that ‘...every human being possesses an intrinsic worth, merely by being human’, and the second ‘relational’ claim ‘is that this intrinsic worth should be recognized and respected by others, and some forms of treatment by others are inconsistent with, or required by, respect for this intrinsic worth’ (McCrudden
As can be seen, at the most fundamental level, dignity not only bestows a particular significance to the individual, but this significance is also partially dependent on, or at least affected by, the *relational* context that the individual finds themselves in.

Interestingly, McCrudden himself argues that this minimum core ends up an ‘empty shell’ once one attempts to apply the concept to specific examples: ‘when the concept comes to be applied the appearance of commonality disappears, and human dignity (and with it human rights) is exposed as culturally relative, deeply contingent on local politics and values, resulting in significantly diverging, even conflicting, conceptions’ (McCrudden 2008, 298). However, as Carozza has pointed out, even if the application of this minimum core may be unhelpful in more contested areas, within say abortion, gene therapy or euthanasia, the role of the minimum core still has a fundamental importance in clearer cut cases of inhuman or degrading treatment, such as torture, extrajudicial killings, genocide, arbitrary detentions, and so on (Carozza 2008, 936). Indeed, this minimum core is often the most fundamental and important aspect of the concept for many of the most vulnerable members of society who rely on it for both their protection and promotion of their interests.

**Universal Human Dignity**

As we have seen in Chapter 5, the idea of a dignity shared by all humans (encapsulated by the German word *Menschenwürde*) has been the cornerstone of international human rights since the drafting of the UN Declaration of Human Rights in 1948, echoing Cicero’s original conception of *dignitas* as representative of humanity’s elevated position in relation to the rest of the natural world. However, unlike Cicero, the contemporary perspective has
conceived of dignity as representative of the special worth and value of all humans (Beyleveld and Brownsword 2001, 15). As Roberto Andorno highlights, ‘...respect for human dignity and human rights rests upon the belief in the existence of a truly universal moral community comprising all human beings’ (Andorno 2013, 137). This modern account has often conceived of dignity as both inherent (United Nations 1976a, 1948) and inviolable (European Convention 2000; Basic Law 1949), that is, whilst it can be challenged, it cannot be taken away or completely lost. Moreover, it is an attribute or quality that is shared in equal measure (United Nations 1948). In this way, dignity is said to not be determined by individual merit or social rank, nor is it something which comes in degrees, but is shared equally between all (Nordenfelt 2004, 78).109

A similar approach has been adopted by Jeremy Waldron, who has attempted to link both the Ancient model of human dignity as a noble social rank with dignity in the modern universal sense, by arguing that the modern conception is merely a refocusing of the ancient conception so that every human is now said to have a ‘high and equal rank’ (Waldron 2012a, 33). Waldron’s account is useful in the way it captures this dual sense of dignity as both bestowing its possessor a high degree of respect or worth, whilst also having an equalising effect between each individual. In other words, dignity has become a form of ‘universal nobility’ that not only raises the human species over the rest of nature but also equalises each human (Waldron 2012a, 22). Thus, whilst acts of dehumanization lower the status of the individual, dignity raises it.

One may question whether there is a real difference between a rank equally distributed to everyone, and having no rank at all. After all, there are many

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109 Mattson and Clark have rather disparagingly suggested that ‘in virtually all the international declarations, policy makers have cut the Gordian knot simply by declaring that all humans have dignity, or by asserting the ultimate “value” of dignity’ (Mattson and Clark 2011, 307).
things, be they attractiveness, shoe size or sporting prowess that, if everyone has them to the same degree, seem to lose their worth, or at least, add nothing more to the claim that the individual has a unique value. Their value seems to be mostly positional. However, universal dignity, like universal human rights, does seem to behave differently, as it accords each one a minimum level of respect and protection. As Waldron outlines: ‘High status can be universalized and still remain high, as each of an array of millions of people regards him- or herself (and all of the others) as a locus of respect, as a self-originating source of legal and moral claims...and—if I may be permitted a paradox—we all look up to each other from a position of upright equality...that is the shape of the principle of dignity that we’re committed to’ (Waldron 2012b, 60). In this way, the value of dignity is not thought to be merely positional but, like intelligence, is of value in itself.

A further criticism concerns how we can justify a universal sense of human dignity, when there are individuals who do not seem to merit it, and if we really believe that all humans are of equal worth. To claim that a mass murderer or war criminal has an equal worth or value to a law abiding citizen seems both unfair and absurd. Moreover, problems still exist on the so-called ‘margins of life’ and to whom precisely human dignity applies (see McCrudden 2008, 711). For these reasons, Singer has labelled the idea that all human life is absolutely equal to each other as ‘a kind of “official morality” that is often applied in statements about people with cognitive disabilities. Most people pay lip service to it, though I’m not sure how many really hold it when it comes to the crunch’ (Singer 2009, 571). Indeed, although universal human dignity is a noble

10 Although McCrudden is cautious of how successful Waldron’s rebuttal is: ‘the idea that we can generalize high status privileges may misunderstand the nature of the privilege in question; at least some privileges require there to be inequality...Finally, equal status is seldom presented as a comprehensive theory of dignity, even by its supporters...’ (McCrudden 2013, 42-43).
principle, and is a useful ideal as to how we ought to behave and treat our fellow humans, when pressed, many people would find it difficult to accept its conclusions. Similarly, many of the problems we have encountered in analysing human dignity, especially in relation to marginal cases, could be avoided if we abandoned the notion of a universal human dignity. The question remains then why should we continue to hold on to it? As we will see, there are significant conceptual hurdles to overcome in defending a conception of human dignity which is said to be both inviolable and universal in nature.

**Vulnerability**

Along with autonomy, integrity, and dignity, in the last few decades the concept of vulnerability has become one of the key principles within bioethics, especially within the European context (see Rendtorff 2002).\(^\text{111}\) In particular, there have been a number of European legal documents that have flagged up the importance of giving special protection to vulnerable individuals in research.\(^\text{112}\) Clause 19 of the current *World Medical Association Declaration of Helsinki* (2013), for instance, states that: ‘some groups and individuals are particularly vulnerable and may have an increased likelihood of being wronged or of incurring additional harm. All vulnerable groups and individuals should receive specifically considered protection’ (WMA 2013, 4). This emphasis on vulnerability in terms of the degree of autonomy of the subject, and an inability to protect one’s own interests has been widely supported (WHO 2011, 43;

\(^\text{111}\) Indeed, as pointed out by Ruof, this classification of vulnerability can have significant ramifications: ‘In medical research and health policy, vulnerability is an abstract concept that has concrete effects both for those labeled vulnerable and for those not. Clinical researchers, healthcare workers, ethical reviewers, and policymakers must be able to identify vulnerable subjects to establish how healthcare resources will be allocated and who will qualify for special protections and socialized benefits’ (Ruof 2004, 412).

Macklin 2003b, 474; and CIOMS 2002, 11-12), and it is a common concern in clinical research, whereby vulnerable test subjects are those that are unable to ‘...give informed consent or who are susceptible to coercion’ (Ruof 2004, 411-2). This is no doubt true, as those with the least amount of autonomy are often consequently the most vulnerable. However, this seems also especially true of animal test subjects who are both unable to give consent and are often easily coerced into actions, for example in medical research or farming practices, which would be considered to be against their best interests. The difficulty with linking up vulnerability with a specific human dignity is that vulnerability seems to be a universal condition of all life, not just human. Whilst vulnerability can be reduced, as we see suggested in the human enhancement debate (see Chapter 9), it perhaps still cannot be eradicated entirely. Why then should a specific human dignity result from it? One reply concerns the specific types of vulnerability that humans alone are susceptible to. In particular, it is argued that there are certain forms of vulnerability which can only arise within human societal relations and practices.

On one level all humans are vulnerable – we are all susceptible to disease, disability, suffering, injury and a host of other weaknesses, and at certain stages of life, be they at infancy or old age, we are especially in need of care and protection. Even those we would normally consider to be fully independent and less in need of help can become the most vulnerable due to sudden illness; becoming a refugee or homeless, for example. In this sense, vulnerability appears to be a universal characteristic of the human condition (Ricoeur 2005, 1992; Rendtorff 2002, 237; and MacIntyre 1999). However, often when we

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113 Ruth Macklin, for instance, defines vulnerability as ‘...those who are relatively (or absolutely) incapable of protecting their own interests. More formally, they may have insufficient power, intelligence, education, resources, strength, or other needed attributes to protect their own interests’ (Macklin 2003b, 474).
speak of vulnerability we are referring to specific vulnerable groups or individuals and the special attention and protection that they require. The most vulnerable populations are often in need of the most protection and support and, as Robert E. Goodin has pointed out, vulnerability plays an important role in generating special responsibilities to one another (Goodin 1985, 107). That these individuals or groups require particular consideration is not due to any intrinsic capacity they may or may not have, but because of their vulnerability. Indeed, we often feel a greater disgust and horror at inhumane acts against highly vulnerable individuals (such as infants, the handicapped, as well as to other animals). Interestingly, this goes against the grain of much philosophical discussion, which has often presupposed that moral considerability should increase in line with the individual’s level of autonomy or intelligence, for instance. Michael H. Kottow, therefore, has distinguished between vulnerability (a universal human condition, whereby one is not currently at risk, but still fragile and capable of being damaged) and susceptibility (individuals already injured or handicapped in some way, and so with an increased predisposition for harm) (Kottow 2003, 464).\footnote{Gilson, similarly, distinguishes between two fundamental types of vulnerability, the first or \textit{ontological vulnerability}, refers to the fact that it is a universal, unavoidable condition of all humankind (as well as for that matter, all life). The second, is a \textit{situational vulnerability}, which is the specific forms vulnerability ‘...takes in the social world...[including] psychological/emotional, corporeal, economic, political, and legal vulnerabilities...’ (Gilson 2014, 37). Only the latter, Gilson argues, is unavoidable.}

How then is human dignity related to vulnerability, especially if vulnerability is characterised by degree and dignity is not? Only a few writers have explicitly linked the concept of vulnerability and dignity together (see for instance, Bergoffen 2012; Neal 2012; and Harris 1997). Neal focuses on the first form of vulnerability, that is, a universal vulnerability that is part of the human condition.
It is this universal vulnerability, Neal believes, that grounds human dignity and acts as its ‘organizing idea’. Unlike other ethical principles, such as autonomy and integrity, she argues that only dignity gives vulnerability a ‘place of honour’. Universal vulnerability, for Neal, refers to our capacity and susceptibility to suffering. In particular, we are all vulnerable because we both 1) depend upon the co-operation of others to pursue and achieve our needs and ends, and 2) we are all susceptible to harm. In contrast to this fragile, restricted side of the human condition, Neal argues that we are also beings who ‘strive for—and achieve—the sublime, the awe-inspiring, and the transcendent’ (Neal 2012, 194). It is this dualism, she argues, that is central to our humanity and to our human dignity. However, rather than attempt to maximize the transcendental part of human nature, and minimize the vulnerable aspect, Neal argues that one should hold both in equilibrium. As she argues: ‘We do not magnify our dignity by fetishizing the transcendent at the expense of the material, or vice versa…say, to ignore immediate physical needs such as cleanliness or adequate nutrition…as it would be willingly to allow oneself to become so utterly dominated by concern for these material needs that “transcendent” pursuits such as work, friendship, love and art become impossible’ (Neal 2012, 194).

One of the main problems of Neal’s account of vulnerability is the fact that it struggles to ground a universal human dignity. If dignity is representative of the balancing between the finite and the transcendent, it is clear that many humans do not, and some cannot, display this equilibrium. Indeed, it makes little sense to say that a patient with advanced dementia was treated without dignity because they failed to uphold an existential balance between the transcendental and finite aspects of their nature. Neal suggests that the transcendental aspect could include performing the task of cleaning and
personal care of the patient with sensitivity, and ‘facilitating visits by family and friends’. However, this seems far removed from the description of the transcendental as being sublime, or awe-inspiring, and instead seems closer to attending to the patient’s fragility, and finite needs. The account, therefore, fails to fully explain the wrongness of many cases of dignity violation. Neal acknowledges this difficulty with her account, however, she points out that ‘this is a problem only for those who insist on using dignity in this first sense, to signify universal, intrinsic worth of the kind necessary, for example, to ground universal human rights’ (Neal 2012, 195). Surprisingly, despite acknowledging that a universal human dignity is one of the most widely used conceptions of dignity, including within human rights discourse, Neal suggests it might be best to drop the concept, and use a different ethical principle (such as sanctity-of-life) to justify the intrinsic worth of all human beings (rather than instead change her own account to better explain what dignity in fact is). Rather, Neal’s account of dignity is closer to what we would consider dignified behaviour, or acting with dignity.\textsuperscript{115}

Despite having a so-called minimum ‘core’ (that every human being possesses an intrinsic worth, which should be recognized and respected), as pointed out by many commentators, an individual’s human dignity is not impervious to attack, and is always still at risk of being violated or challenged. Even individuals who have a high degree of autonomy and can protect their own interests are capable of suffering from dehumanizing acts, and consequently

\textsuperscript{115} Karpowicz et al. picks out the same distinction when they write that: ‘Having human dignity is conceptually distinct from behaving and bearing oneself in a dignified manner. Dignified comportment is a contingent feature displayed by some humans who respond to untoward circumstance in a noble and uplifting manner. Such individuals display what has been termed “personal dignity” or what Aristotle termed “\textit{arête}”. Having human dignity, in contrast, is, as Gewirth states, “a characteristic that belongs permanently and inherently to every human as such.” A person can behave in ways that are boorish and selfish and thereby diminish her “personal dignity” and yet retain human dignity’ (Karpowicz et al. 2005, 120).
still require protection, respect and care. From this perspective, dignity is not only a demonstration of worth or strength, but is also fragile and vulnerable to abuse. For this reason Hannes Kuch has suggested that rather than consider dignity to be an impervious, unshakeable feature of humans, ‘...our picture of the moral notion of dignity should’ instead refer to something like a ‘...gracefully delicate, wafer-thin porcelain vase – the fragility of which is overtly visible’ (Kuch 2011, 47). Indeed, it is clear or intuitive to most when there is a clear violation of someone’s dignity – such as slavery, rape, humiliation, debasement or dehumanization. Specific cases of vulnerability, therefore, are often indicative of when protection of an individual’s ‘minimum core’ of human dignity becomes most pressing.

However, precisely how an individual’s dignity is challenged varies between writers, and there is a distinct tension between those who believe that dignity can be violated, but not lost, and those who argue that it is possible to lose one’s dignity, perhaps irrevocably; that one can be ‘stripped’ or ‘robbed’ of it. As noted by Nordenfelt, ‘the first locution suggests an inalienable property of a person that can be violated but not necessarily altered or annihilated. The second locution, on the other hand, suggests that dignity is a property that can be manipulated, altered and even annihilated’ (Nordenfelt 2003a, 100). Aurel Kolnai, for instance, has explicitly stated that Dignity can in fact be lost, both through one’s own actions as well as those of others:

Whereas the ‘Rights of Man’ can only be disregarded, negated, insulted, violated or ‘suppressed’, ‘Human Dignity’ can actually be impaired and destroyed, temporarily or irreversibly, like any real ‘quality’. If tomorrow I fall into the hands of Communist torturers, they cannot 'eliminate' my
human rights but only prevent me from exercising them; whereas they
can easily make short work of my 'Human Dignity'... (Kolnai 1976, 258-9).\textsuperscript{116}

Such statements may seem to raise a significant challenge to the hope of a
universal human dignity. In particular, contemporary perspectives which have
envisaged human dignity to be inherent, inviolable and shared equally between
all humans, can have conceptual problems explaining how certain
dehumanizing acts can come to represent challenges to dignity. Cases such as
torture, rape, humiliation or false imprisonment are all degrading and inhumane
acts, which seem to be clear violations of human dignity, yet, if human dignity is
intrinsic and inviolable, then it appears that ‘there is nothing that anyone can do
to deprive a person of his or her dignity’ (Mattson and Clark 2011, 306; see also
Pollmann 2011, 244-5; and Nordenfelt 2003b, 105). Universal, inviolable
human dignity by definition cannot be taken away, and consequently it is
unclear why it would need protection and promotion through human rights. The
question then, as Arnd Pollmann highlights, is ‘how is it possible to deprive
someone of something that is inborn or inalienable in principle?’ (Pollmann
2011, 244-5).

Much of this conflict stems from the fact that different conceptions or types of
dignity are being invoked, and so parties are often talking at cross-purposes.
On the one hand, we have the first part of the minimum core which conceives of
dignity as an inherent and inalienable high worth or moral status in all humans.
Consequently, this form of dignity is commonly used as a foundation for
universal human rights, as it is thought that this form cannot be stripped from

\textsuperscript{116} See also: ‘Dignity as a Quality can go to seed and be lost...though not, I suppose, to the
point of leaving behind no vestige of it at all’ (Kolnai 1976, 271).
the individual. In contrast, as we have seen with Neil’s account, there is also
the idea of behaving and being treated in a dignified manner. This is related to
the second component of the minimum core – that this inherent worth is
recognized and respected by others.\textsuperscript{117} This distinction helps to explain why we
can speak, as Kolnai does, of degrading and abusive treatment taking or
stripping away the victim’s dignity.\textsuperscript{118} It also explains how someone can be said
to behave without dignity (without in the process losing their inherent worth or
high moral status). As William J. FitzPatrick explains:

Patients experiencing irreversible loss of control over their bodies and
minds may feel a sharp decline in their sense of dignity...None of this,
however, implies any loss of dignity in the primary sense: people in this
condition still matter and deserve the same respect and caring
concern...Violations of dignity occur when beings who possess dignity in
the primary sense are treated in ways incompatible with respecting that
status, as through physical abuse, racist oppression, or sexist
subordination. Such mistreatment does not “take away” the victim’s
dignity (if it did, there would thereafter be no dignity to violate), though it
typically offends against and may even damage a person’s sense of
dignity, making her feel dehumanized. To affirm the inalienability of
dignity is not to deny that a person’s sense of dignity can be damaged in
this way, but only to insist that her basic worth and moral standing cannot

\textsuperscript{117} See: ‘To be human, as those who have suffered the effects of dehumanization will testify, is
first and foremost to be included within the community of human beings, to be recognized and
accepted as part of this community and thus deserving of its protection’ (Oliver 2011, 96).
\textsuperscript{118} This tension between the two conceptions is clear when Kolnai writes: ‘...my ‘Human Dignity’
may well suffer by drunkenness or more sinister drug habits, as well as by grave accidents
independent of anybody’s guilt. If I am a congenital moron or have my brain permanently
crippled by meningitis or am today perhaps the victim of incipient senile dementia, do I really
‘possess’ the same ‘Human Dignity’ as that ‘possessed’ by any other-normal, average, or even
slightly sub-standard ‘human being’? Thus, there still seems after all to be some rudiment of a
‘more or less’ about ‘Human Dignity’, in a fashion closely similar to the possible ‘degrees’ of free-
will and responsibility’ (Kolnai 1976, 259).
be taken away (at least as long as the grounds of her dignity remain intact) (FitzPatrick 2013).

In this way, the type of dignity that one can be stripped of is of a different sort to the type of dignity that makes it wrong to rob you of it in the first place. If the latter could be lost then, from the very moment when it is lost, it would no longer be wrong to abuse, torture or kill you. That all humans have an inherent worth or dignity means that they all share something that forbids or makes it wrong to treat them in certain ways.

Lennart Nordenfelt, for instance, distinguishes between a universal, inherent dignity or Menschenwürde on the one hand, and a form of dignity as self-worth, which he labels a ‘dignity of identity’ on the other. This form of dignity is attached and grounded in the person’s own sense of autonomy, integrity, social relations with others and ‘identity as a human being’. Unlike Menschenwürde, Nordenfelt argues that dignity as identity varies between individuals, and can also be stripped from the person by the dehumanizing acts of others, as well as through any negative sense of self-worth which often accompanies injury, disability and old age. As Nordenfelt notes, ‘...when a person’s integrity and autonomy are tampered with this is typically associated with a feeling of humiliation or loss of self-respect on his or her part’ (Nordenfelt 2004, 74-6).

However, this still does not account for the intuition that some individuals can still be humiliated, even though they may not be, or cannot be, aware that their worth has been questioned. My friends and family may ridicule me behind my back, without me ever knowing, yet by all intents and purposes, it would

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119 ‘What often happens is not just the occurrence of a subjective feeling of humiliation on the part of people who have been humiliated. There may also be a changed public perception of these people.’ (Nordenfelt 2003b, 105).
appear that I was still being humiliated, even though I remained completely unaware of it and, therefore, experienced no lack of *self*-respect. Indeed, my lack of knowledge about it would most likely add to this sense of humiliation. This appears little qualitatively different to the case of a severely mentally handicapped adult human, who similarly is unaware that they are being taunted and ridiculed and, because of their condition, will never find out. Most would still say that this individual is in fact being humiliated. One may take this one step further and ask whether it makes a difference if the individual in question was a non-human animal. Like the first two cases, it would both be unaware of the humiliation by others and, because of its limited condition, would never find out. The difficulty is deciding if this case is in any way qualitatively different from the first two human cases. If we accept that humiliation is a peculiarly human phenomenon, which is a product of specific human relations, then we might be inclined to agree that the animal case is in fact different and, as a consequence, should be treated differently.

**Humiliation**

Indeed, one of the clearest examples of the fragility of the human condition in general, and of the concept of human dignity in particular, are in cases of humiliation. Humiliation is frequently proposed to have a close connection with dignity; as the lawyer Oscar Schachter argued, ‘nothing is so clearly violative of the dignity of persons as treatment that demeans or humiliates them’ (Schachter 1983, 850). The Geneva Convention, for instance, prohibits any act which ‘outrages upon personal dignity, in particular humiliating and degrading treatment’ (The Geneva Conventions 1949, 37).
Humiliation seems to be a decidedly (if not exclusively) human phenomenon or emotion\textsuperscript{120} – it is, in the words of Margalit, a ‘mental cruelty’ (Margalit 1996, 85).\textsuperscript{121} Humiliation is heavily dependent on the social sphere. To humiliate another is often intended to lower or challenge their social or moral status and, in some extreme cases, it is an attempt to challenge their status as a human being – to dehumanize them (Neuhäuser 2011, 22).\textsuperscript{122} William Parent has proposed that the idea of dignity is designed specifically to protect individuals being arbitrarily harmed and humiliated by others and should, therefore, be constitutionally protected (Parent 1992). This is the role ultimately, as Margalit argued, of the decent society.

One important reason for the conceptual closeness of dignity and humiliation is that it is difficult to fully explain why certain acts are humiliating or degrading, by appealing to accounts that locate the wrongness in terms of violations of an individual’s autonomy or rationality, for instance. To say certain reprehensible acts are wrong because they are violations of dignity, it is argued, is often a more adequate way to respond.\textsuperscript{123} A good example is that of mimicking a person’s stutter or failing to wash or clothe a patient with severe learning difficulties; to explain why such situations are reprehensible in terms of violations of dignity is often a more satisfactory and appropriate way of

\begin{itemize}
\item \textsuperscript{120} Although, even if animals cannot feel humiliated, it is debatable whether they may still be humiliated.
\item \textsuperscript{121} Margalit went so far as to say that, ‘if there is no concept of human dignity, then there is no concept of humiliation either’ (Margalit 1996, 149).
\item \textsuperscript{122} Interestingly, Shultziner and Rabinovici note that the etymology of the word “humiliation” has a universal characteristic in the sense that in all languages the word involves “downward spatial orientation” in which “something or someone is pushed down and forcefully held there”. For example, the word in Latin (\textit{humiliare}) means to ‘bring low.’ In Hebrew humiliation (\textit{hashpala}) comes from the verb-root and noun \textit{shafel} which connotes “low” both physically and morally. Similarly in Arabic, the word humiliation (\textit{eihana}) comes from a verb-root which connotes a low place as well as diminution of something or someone’ (Shultziner and Rabinovici 2012, 111). Indeed, Herrmann points out that, ‘the key concept for humiliation is rejection from the human commonwealth’ (Herrmann 2011, 145).
\item \textsuperscript{123} Stoecker similarly argues that ‘...there are numerous instances of vile and reprehensible behaviour that could not be morally accounted for at all, or at least not adequately, except as violations of dignity’ (Stoecker 2011, 11).
\end{itemize}
explaining why certain degrading acts are so unsettling and abhorrent. Ralf Stoecker, for instance, presents the case of an old man with dementia being washed head to toe with one wash cloth:

...there is no evidence in the report that the treatment harmed the old man’s health. Hence, from a consequentialist perspective there is little reason to complain. And although the client certainly would never have consented to having been washed with just one washcloth, it sounds somewhat forced to maintain that what is morally at stake in the example is merely a violation of autonomy. The young man’s deed was so bad not just because he treated his client in a way that he would not have agreed to but because the treatment was deeply humiliating; it violated the old man’s dignity (Stoecker 2011, 11).

This is not to say that all commentators on human dignity have endorsed this close conceptual connection between humiliation and dignity. Daniel Statman has argued that tying the concept of humiliation to dignity has made the former more conceptually confused than if they were kept distinct. In particular, he raises a potential problem for accounts that try to link dignity with humiliation. If dignity is an inherent, inviolable attribute or quality possessed by all humans, regardless of individual capacities but instead based on species membership, Statman argues, it is difficult to see how one can be stripped of this dignity through an act of humiliation. As he explains: ‘...if mere belonging to the human race is sufficient for having dignity (whatever this term denotes), then, necessarily, no human beings can exist who have lost, or have been stripped of, their human dignity. So, paradoxically, if humiliation is injury to dignity, then precisely because dignity is a fixed feature of all human beings, humiliation is
impossible’ (Statman 2000, 525). Statman’s criticism is based on two distinct but interrelated arguments. The first claim is that if humans are said to have dignity, because they are human, then necessarily all humans have dignity, and the only way it would seem possible to take away an individual’s dignity is to remove them from the human species. The second claim is that if humiliation is defined as an assault on human dignity, then following the first claim it leads to the absurd conclusion that no one can seemingly be humiliated, as dignity is a fixed feature of all humans. However, again, as we saw earlier, much of this apparent problem can be appeased by distinguishing between two different (though certainly connected) types of dignity. In this instance, Statman is referring to the second sense of dignity – that is one which can be violated, demeaned and even lost, both through one’s own actions, as well as the actions of others.\footnote{The distinction between the two forms of dignity is also brought out by Spiegelberg: ‘In talking about human dignity as “unassailable” and yet as “violated,” we really mean in the first case that in an ultimate sense human dignity itself cannot be destroyed by any attacks, specifically not by inflicting “indignities” upon people. But this does not prevent such attempted violations from being actions which are in (“flagrant”) conflict with such dignity, inasmuch as they do not fulfil the claim to respect issuing from the inviolable dignity. Thus we must distinguish the ultimate dignity in man and the claims issuing from it, which can be violated in the sense of not being fulfilled, though they can never be annihilated’ (Spiegelberg 1970, 54).}

Furthermore, Statman’s position rests on the idea that humans have dignity simply through membership in the human species. As we have seen in Chapter 6, this conception of human dignity is an unqualified speciesist account, in which species membership alone is thought sufficient to ground dignity. However, a qualified speciesist account, by contrast, proposes that species by itself is not morally relevant, but is correlated or associated with relevant characteristics which are. If we are to continue to promote a universal (or near universal) conception of human dignity, then we seemingly cannot base this on intrinsic capacities, as there will be many humans who would not qualify.
on this account. An alternative, it has been argued, is to base it on certain morally significant types of relational ties between individuals. In particular, there are certain qualities, rooted in our sense of humanity, such as kindness, care, compassion, empathy and so on, and the relations which they inspire, which are worthy of respect and value and indicative of our dignity. It then remains an open question as to whether or not other animals are capable of similar qualities, or likewise, if their interactions with other humans can justify a special status or worth.

**Self-respect**

An important aspect of the second component of the minimum core of human dignity (that the inherent worth of all humans be recognised and respected by others) centres on the role of self-respect, and the importance of the contingent and subjective quality of dignity, and how it is experienced by the individual in question. Indeed, the role of self-respect, self-worth and self-esteem are frequently cited as fundamental to understanding the nature of human dignity (see for instance Shultziner and Rabinovici 2012; Dworkin 2011, 203-4; Stoecker 2011, 13; Badcott 2003; Statman, 2000; Margalit 1996; and Dillon 1995). This approach takes into account the fact that dignity is not merely predetermined by species membership, or the possession of certain capacities, but is heavily reliant on an individual’s own sense of worth. If someone feels that they are not respected or recognised in the social domain, then it becomes increasingly difficult for them to believe that their dignity is being upheld and protected. Furthermore, if I lose my own self-respect, then this increases the likelihood that other people will treat me without respect or regard. Dignity,

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125 See also the Ethics of Recognition (for example: Iser 2013; McQueen 2011).
therefore, has a dual aspect, and is affected by both the treatment from others, as well as the state of mind and self-respect of the individual in question. This subjective experience of dignity has been described by Mattson and Clark as the culmination of an entire spectrum of an individual’s experiences: ‘...dignity is not a principle, but rather a subjective integration of an individual’s experience of the many facets of human life, and it is a judgment made by each person for him or herself, informed by culture, social interactions, and physical experiences’ (Mattson and Clark 2011, 309).

In a similar vein, humiliation has been explicitly equated with a challenge to one’s sense of self-respect. Margalit, for instance, defined humiliation as ‘any sort of behaviour or condition that constitutes a sound reason for a person to consider his or her self-respect injured’ (Margalit 1996, 9). By ‘sound reason’ Margalit accounts for those cases where people unreasonably feel humiliated, that is, those who feel humiliated, but actually have no good reason to feel that way. There is thus, for Margalit, a distinction between emotion and social fact, and not all humiliating and degrading acts are ‘victim-subjective’, and so not always dependent on the victim’s actual felt experience (Webster 2011, 75).

Likewise, dignity, in Arnd Pollmann’s view, is not inherent but has to be acquired through one’s own conduct (as well, to an extent, through the actions of others) no matter how difficult the circumstances are.\(^\text{126}\) Whilst all humans may have the same right for its protection, they do not all currently possess it (Pollmann 2011, 244-5). There is, therefore, a strong sense of a personal as

\(^{126}\) Pollmann argues that we have a personal responsibility to preserve our dignity: ‘Being confronted with devastating life conditions, it might sometimes be hard to uphold our dignity, but however vigorous or serious these attacks might be, it is almost never strictly \textit{impossible} to resist them. Even under tyranny, torture or in Nazi concentration camps, some people have been able to withstand humiliation and to keep their embodied self-respect and, therefore, their dignity. From this it follows: Whether we keep or lose our dignity is – at least \textit{also} – due to our ability and power to preserve it’ (Pollmann 2011, 256).
well as societal responsibility to uphold one’s dignity, and so an attack on one’s dignity does not have to automatically lead to a corresponding loss of dignity. Optimistically Pollmann claims ‘...no other person will be able to completely deprive us of our dignity as long as we do not give up our self-respect...’ (Pollmann 2011, 257). However, this makes dignity largely dependent on contextual factors, including an individual’s psychological makeup. Sometimes it is not physically or mentally possible to resist in the face of sustained, systematic dehumanizing acts by others. Moreover, in the cases of the most vulnerable, such as the severely cognitively disabled or very young, they may not be able to defend it, and consequently would, in Pollmann’s eyes, no longer have a dignity. Pollmann, therefore, accepts the conclusion that ‘...not all human beings – and not even all persons – will have full dignity, but, as equal human beings, all participate in human dignity and will have corresponding interests in legal protection’ (Pollmann 2011, 258). This conception of human dignity stands in direct tension with those who vouch for the universal dignity of humankind.

**Human Dignity and an Ethics of Care**

As opposed to our negative approach to human dignity thus far (dignity defined and explained by its absence), care ethics promotes a positive formulation and gives content to what dignity is and what we mean when we speak of respecting the dignity of others. An ethics of care takes as its focus the role of dependence, and attending to the needs of others, and how this shapes morally important relationships. It regards all humans as ultimately interdependent on a network of social relations, and recognises this vulnerability and the need for care as a feature throughout the life-course. We all rely on care and are
dependent at certain stages of life, and those who receive little or deficient care are often at a severe disadvantage and can develop problems as a result (as the large body of work on attachment theory has demonstrated, for example see Howe 2011). The care ethicist Nel Noddings, for instance, has argued that it is in our nature to be in such caring relations, which she describes as ‘ethically basic’ (Noddings 1984, 3). These caring relationships are often found between family members, friends or people whose job it is to care such as health care staff, social or dependency workers, as well as the altruistic acts between strangers.

Care ethics emphasises the interconnectedness and interdependence of human life, and challenges the notion that morality is a system set up between independent individuals who voluntarily step into relations with one another.

We often do not choose to care for others, and caring relationships are not equally balanced, in that the cared-for are often entirely dependent on the carer (for example, between a child and a parent, or a comatose patient and an intensive care nurse). Care ethics, moreover, often places a particular value on specific relationships between individuals, and the role they play in shaping our identities (Held 2005, 14).

In this way, a care theory of ethics, proposes that at least some of our moral obligations derive from our relations with others, as well as from our own dependence on the help of others. Each one of us has relied on the help of others at some stage (albeit in varying degrees) and, consequently, we can be expected to help others who are in need and require our assistance in the

\footnote{A similar point is made by Hugh LaFollette, who argues that: ‘…a person must have some exposure to personal relationships to be motivated to be moral or to know how to be moral. Put differently, people cannot be just or moral in a vacuum they can become just only within an environment which countenances personal relationships’ (LaFollette 1993, 331).}
Several care ethicists have maintained that we still have a duty of care to those humans who cannot and will not be able to reciprocate this caring relationship:

It does not matter that mentally impaired infants cannot and perhaps never will be able to care for us or any other human beings. We are bound to care for other human beings not because they can or someday may care for us, but because they are dependent on us just like we are (or have been) dependent on other human beings. Mentally impaired infants make claims on us for care just as we have made claims (and will likely do again one day) on other capable humans, and thus can justify their claims in a way that animals cannot. In care ethics, the duty to care for mentally impaired or other disabled individuals is not a marginal case but paradigmatic of our duties of all human beings (Engster 2006, 528).

This is a radical departure from an ethics which has the autonomous, rational individual person at its core. The ethics of care flips around the traditional view, whereby those previously on the moral boundaries, for example, the severely intellectually disabled, are brought into the centre, and become paradigmatic cases (Byrne 2000, 72).

The concept of 'Dignity in care' has gained increasing traction in recent years, particularly in the UK context, as failings in health care standards in the NHS have been exposed, and has consequently become a core principle within the Nursing profession (Nursing and Midwifery Council 2015; International Council

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128 As Kittay explains: 'We human beings are the sorts of beings we are because we are cared for by other human beings, and the human being’s ontological status and corresponding moral status need to be acknowledged by the larger society that makes possible the work of those who do the caring required to sustain us. This is what we each require if we are some mother’s child, and we are a/w some mother’s child’ (Kittay 2009, 625).
of Nurses 2012; and Royal College of Nursing 2008). Indeed, nursing staff in particular often have to deal with patients who are, ‘particularly vulnerable to embarrassment, shame and humiliation’, and consequently have a great deal of power to treat people with or without care and dignity (Wainwright and Gallagher 2008, 49).

Yet, how precisely is human dignity related to an ethics of care? First and foremost, to care for another is both to demonstrate a level of respect to the cared-for, and to acknowledge that they have a worth which ought to be acknowledged. As highlighted by David Badcott, ‘in caring for others, we demonstrate our commitment to respect the dignity of fellow human beings, a dignity that extends from cradle to the grave’ (Badcott 2003, 128). The elderly patient, for example, who is given help to wash and dress in a ‘dignified’ manner, is not only shown a personal level of dignity and respect, but is also kept decent for human society. To treat someone with dignity is then also a form of social inclusion.

Moreover, for those who require help from others, care enables them to uphold and maintain their self-respect, sense of self-worth and well-being. For instance, it has been noted that increased disability, illness and infirmity and the resulting loss of independence, experienced especially by the elderly, are seen as significant factors which threaten this sense of dignity. Thus, steps to counter this, such as assisted living and day centres, have been seen as ‘...positive steps in promoting dignity as they facilitated independence’ (Tadd 2010, 265). In this way, care is the antithesis to the dehumanizing effects of

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129 See for example The Dignity in Care campaign (http://www.dignityincare.org.uk/), launched in 2006, which states its aim is putting ‘dignity and respect at the heart of UK care services’, and its core values are ‘about having dignity in our hearts minds and actions, changing the culture of care services and placing a greater emphasis on improving the quality of care and the experience of citizens...’. See also Commission on Dignity in Care for Older People (2012).
being humiliated, ignored, insulted or having one’s integrity violated. It is, in
other words, a demonstration of our humanity. Indeed, it is all too easy to list
cases of what would normally be considered undignified care, especially in
regards to negligence which results in abusive, degrading or humiliating
treatment. In contrast, to treat someone, especially one with increased
vulnerabilities, with kindness, empathy, and politeness are all humane
methods of reaffirming their sense of self-esteem and self-worth. In this way,
‘good’ care can be defined loosely as the relationships, interactions and
attitudes between the carer and the cared-for that upholds and affirms their
dignity and worth. Consequently, as argued by Win Tadd, ‘...the dignity of the
human person can be considered as the ‘telos’ of care...’, and dignity is the
measure by which to assess caring interactions (Tadd 2010, 271; 276). In this
way, human dignity is presented, at heart, as a relational concept, which is often
realised most clearly through caring relationships.

In spite of this, it may be asked why we should prioritise the care of humans
over that of other animals? If we should still show sympathy and compassion
for other animals, especially as they share many of the same basic needs and
capacities as us, then why do we not also have a duty of care towards them?
For Daniel Engster, to prioritise the care needs of other humans is an
acceptable form of speciesism, as ultimately it is to other humans that we rely
and depend on to meet our needs, and for our survival and development. The
argument goes that only other humans are capable of providing the care that
we need. Similarly, the interests and development of other non-human animals

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130 Although, see Smajdor et al. (2011), for a criticism of the idea that empathy is necessary for good medical practice.
131 A similar point was made by Steinbeck: ‘But it is certainly not wrong of us to extend special care to members of our own species, motivated by feelings of sympathy, protectiveness, etc. If this is speciesism, it is stripped of its tone of moral condemnation’ (Steinbeck 1978, 256).
are often best met by members of their own species (Engster 2006, 526-9).

This recognises the fact that species membership often shapes the needs of the individual in question. As Engster argues, there is ‘...a morally relevant dividing line between human beings and animals quite different from the morally arbitrary distinctions of race or sex: we have special duties to care for human beings because we specially depend upon human care to help us survive, develop, and maintain basic well-being’ (Engster 2006, 529).¹³²

Nevertheless, Engster does acknowledge that whilst we do have duties of care, or moral obligations to animals, they only arise when they are under our care and protection or due to the relationships that we have with them (Engster 2006, 522). In particular, when we make them dependent on us ‘for their survival, functioning, and well-being’, we consequently have moral duties towards them (Engster 2006, 527).¹³³ There are thus duties of care due to the relationships that we enter into with other animals. A similar point is made by Warren, who claims that when humans and animals enter into ‘...relationships of mutual trust and affection, something akin to a promise is made’ (Warren 1997, 169). Engster insists that our duty to care for other humans in need takes moral priority over duties of care we have for animals because of a ‘natural duty of justice that cannot be overridden by selfassumed obligations to animals...This

¹³² Although what precisely we mean by care and the limits that we have an obligation to care for others is still an open question in the literature. Daniel Engster’s ‘basic needs’ approach, for instance, defines a caring relationship as ‘...everything we do to help individuals to meet their vital biological needs, develop or maintain their basic capabilities, and avoid or alleviate unnecessary or unwanted pain and suffering, so that they can survive, develop, and function in society’ (Engster 2007, 28). An even broader definition (perhaps too broad) offered by Joan Tronto, positions care as something which can transcend our own local ties, and describes it as ‘...a species of activity that includes everything we do to maintain, contain, and repair our ‘world’ so that we can live in it as well as possible. That world includes our bodies, ourselves, and our environment’ (Tronto 1994, 126).

¹³³ See also: ‘The Interspecific principle requires us to accord an enhanced moral status to some animals on the basis of their social relationships to human beings; but it does not require that all captive or domesticated animals be accorded such an enhanced status. Nor does it require that the moral status of all domesticated or captive animals be the same...[there are] special obligations to animals that have social relationships with human beings’ (Warren 1997, 168).
moral priority applies importantly even to the so-called marginal cases of mentally impaired infants’ (Engster 2006, 528).

**Conclusion**

A universal human dignity, conceived as an inherent and inalienable value or worth in all human beings, has become one of the most prominent and widely promoted interpretations of human dignity, especially in international law. Yet it is also one of the most difficult interpretations of human dignity to justify and ground. The problem, as summarised by Singer, is whether or not we can ‘...justify attributing equal value to all human lives, while at the same time attributing to human life a value that is superior to all animal life?’ (Singer 2009, 571). To avoid the speciesist charge it seems necessary to provide further reasons, over and above species membership, for why humans have a unique worth and dignity. Yet, as we have seen, intrinsic capacities, such as autonomy, intelligence or language use, are too demanding for many humans to meet the required minimum standard, regardless of where the level is set.

Therefore, as an alternative to the traditional approach of citing morally considerable capacities, it has been argued instead that a universal human dignity could be grounded in our social nature, the interconnectedness and interdependence of human life and the morally considerable relationships that can and do arise from it, especially in regards to our shared vulnerability and dependence, and our ability to engage in caring relationships. In this way, whilst species membership is not in itself morally fundamental or basic, it often shapes the nature of our social and moral relations. Care is the antithesis to the dehumanizing effects of humiliation, and other degrading acts and, as a relational concept, human dignity is often best realised through our caring
relationships. The way that individuals and groups treat each other has a fundamental role in determining both an individual’s sense of self-worth and well-being, as well as their perceived public value and worth. As Jonathan Wolff acknowledges in regards to disability: ‘...if a society is able to think through and successfully confront issues of disability, doing so will make it more compassionate, more secure in its sense of community, and more understanding both of human vulnerability and dependence and of human nature and potential’ (Wolff 2009, 402). Moreover, as has been highlighted through our negative approach, explaining why certain acts are degrading and dehumanizing are often more appropriately explained as violations of dignity, rather than in terms of violations of autonomy or rationality.

This approach acknowledges that our concept of the human is not based on species membership alone, nor does it rest solely on a select bundle of intrinsic capacities, but is instead also heavily shaped and influenced by our, often complex, social relations with one another. As Eva Feder Kittay argues, what it means to be a human is also to do with the ‘...way you are in the world, a way you are with another’ (Kittay 2009, 621). Our social relations help shape what it means to be human, and there are certain relationships with other individuals, be that between a mother and child or a nurse and patient, which are inseparable from belonging to the same species. These relational ties between humans, it is argued, distinguish us most clearly from other non-human animals and accord human relationships a special moral significance or dignity.

A key aspect of dignity is in its connection with related notions of humanity and humaneness, and virtues such as humility, empathy, leniency, kindness and charity that result. These qualities, which are rooted in our shared sense of
humanity, are worthy of respect and value and indicative of our dignity. Thus, whilst intrinsic properties do still play a significant role (sentience, for instance, has been offered as a minimum criterion to be considered a full member of the human community (Warren 1997, 166)), they are tempered by the role of our social relations. The advantage of the relational or group account, for many, is that it encompasses a much wider group of humans into the moral fold, who might otherwise be left out on the traditional capacities driven approach. It, moreover, leaves as an open question as to whether or not other animals are capable of similar qualities, and the extent their interactions with other humans can justify a special status or worth.
Section 3 – The Limits of Human Dignity
Chapter 9  Posthuman Dignity

Introduction

As the boundaries of what is technologically and biomedically possible continue to be pushed back, so the interest in the ethics of human enhancement has grown markedly in recent years. Where once human nature was seen as, more-or-less, static and unchangeable, recent advances in genetics, biotechnology and pharmacology (amongst others), have thrown fresh doubt and confusion on where the limits of ‘the human’ lie as well as, significantly for our purposes, the role and nature of human dignity. Indeed, whilst we can agree, to a point, with Charles Rubin’s contention that human dignity ought to be grounded on ‘what we essentially are as human beings’ (Rubin 2008, 168), the difficulty is outlining what this essence of being human amounts to. This chapter is concerned, therefore, with how conceptions of so-called ‘posthuman dignity’ sit with contemporary theories of human dignity, especially conceptions which traditionally envisage dignity as a universal feature of all humanity. If biotechnological enhancements did eventually produce posthumans, would they share a similar dignity to one currently enjoyed by ‘ordinary’ humans, or would they have a special ‘enhanced’ dignity, or would they be so dehumanized as to have none at all? Ultimately, it is argued that the extent to which posthuman dignity can be said to be compatible with human dignity depends on how comfortably it can sit with the key features which shape and ground a universal human dignity, especially in regards to our sense of

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134 Rubin suggests that human dignity resides ‘...in a realm between the best and worst that we can imagine of ourselves’ (Rubin 2008, 168). Meilaender follows the same line of thought, in arguing that part of our human nature is as ‘strange, “in-between” sorts of creatures—lower than the gods, higher than the beasts’ (Meilaender 2009, 4).
human identity and community, as well as such features as our shared vulnerability and interdependence on others.

What is meant by a ‘human enhancement’ is notoriously vague and prone to conceptual confusion. On reflection, there seem to be a countless number of objects and methods, from reading glasses to improved nutrition and literacy, that could be considered a form of enhancement. When viewed on this scale, it is not difficult to agree with the philosopher and prominent human enhancement enthusiast Nick Bostrom that, ‘in the eyes of a hunter-gatherer, we might already appear “posthuman”’ (Bostrom 2005a, 213). Moreover, it is not always clear where we should draw a line between an acceptable and unacceptable type of enhancement. Where, for instance, do we make a distinction between acceptable and unacceptable levels of life extension, health, strength or intelligence, and by what criteria do we judge this?

On a general level an enhancement is designed to augment or improve, either an existing capacity, or to allow for the creation of an entirely new one. However, as pointed out by Bostrom, it is not entirely clear if we are referring to improvements from what is ‘normal’ for the individual in question, or whether it should instead be ‘...age-relative or indexed to the prime of life’, or instead whether the reference state should be ‘...defined as the “species-typical” level of functioning’ (Bostrom 2008, 6). If it is the latter then, it is worth noting that, on this definition, an enhancement does not necessarily need to lead to an increase in overall individual wellbeing, nor is it clear if it has to be considered desirable by the individual in question (for example, we could envisage a scenario in which an individual is given superhuman levels of strength against their will, or an individual may decide to go ahead with a radical enhancement,
such as life extension, but this may prove unbearable years later). In any case, it is obvious that the human enhancement enterprise is very much a capacities driven approach, and focuses upon the ability to manipulate individual characteristics and abilities.

This chapter is concerned with current, and possible future, attempts to radically alter humans through biotechnological and biomedical means, not least because radical or extreme enhancement seems to be necessary for a possible posthuman state to be achieved. As noted by John Danaher, what distinguishes these forms of biotechnological enhancement from our previously mentioned ordinary, everyday enhancements is, at least in part, down to their ‘internal’ effect on the individual in question. As Danaher explains, ‘...unlike farming, literacy or democracy, biomedical enhancement directly targets the constitutive properties of individual human beings, e.g. their memories, their moods, their ability to concentrate, their muscle strength, their stamina and so on’ (Danaher 2013, 228). However, even here it is not entirely clear-cut, as research on the effects nutrition has on an individual’s cognitive development demonstrate (see for instance Gómez-Sanchiz 2004; Glewwe and King 2001).

McNamee and Edwards trace similar lines to Danaher when they distinguish between radical and moderate forms of human enhancement. The stronger form, they argue, is part of a wider enterprise to overcome and improve human nature, including our appearance, sensory capacities, intelligence, lifespan and vulnerability to harm. The second, less radical project, by contrast has ‘...no necessary aspiration to shed human nature or human genetic constitution, just to augment it with technology where possible and where desired by the person’ (McNamee and Edwards 2006, 514). The proponents of these types of
individually chosen, moderate enhancements, they argue, tend to be either technologically focussed libertarians, who see the transhumanist project as simply a way to improve themselves and their standard of life, or enhancement enthusiasts, who see the potential of future technologies to improve the quality of life for people generally, rather than simply augmenting their own autonomy. However, one may suggest that a much wider range of individuals may also be proponents of moderate enhancement; many of us, for instance, appreciate the availability of reading glasses, caffeine, and pacemakers.

In contrast, the proponents of *radical* human enhancement are commonly self-styled in the literature as ‘transhumanists’ (although some do not recognise or support this label), and the movement has been described by Nick Bostrom as ‘an outgrowth of secular humanism and the Enlightenment,’ which ‘holds that current human nature is improvable through the use of applied science and other rational methods, which may make it possible to increase human health-span, extend our intellectual and physical capacities, and give us increased control over our own mental states and moods’ (Bostrom 2005a, 202-3). Ultimately, the pursuit of radical enhancement technologies may lead to a state of ‘posthumanity’. There is, therefore, a paradoxical element at the heart of the transhumanist project, whereby they hold to many of the tenants of humanism, including the importance of reason, autonomy, and scientific progress, but at the same time wish to break free and supersede human nature. The concept of a ‘posthuman’ is itself conceptually fraught, not least due to its inherent hypothetical nature, and the difficulty in envisaging what it would take for a human to become posthuman. Bostrom has characterised the posthuman as a state in which an individual’s capacities are so radically different to present humans as to be ‘no longer unambiguously human by our current standards’
(Bostrom 2003, 5). However, what we would consider no longer ‘unambiguously human’, is itself an ambiguous statement, and requires an imaginative leap by the reader. The distinction between the human and non-human is by no means clear cut and dependent upon the qualities we would consider to be human at heart; as we have seen, the waters of this continue to be muddied as medical and technological advances push back the limits of what is humanly possible.

A further problem rears its head when we come to consider at which point a human would cease being human and would instead become a posthuman (presuming the creation of a ‘posthuman’ is possible).\(^{135}\) As pointed out by Allen Buchanan, the plasticity of human nature should be sufficient to allow for ‘...mere increases in strength, longevity, cognitive or emotional functioning, or resistance to disease’ to not lead to a posthuman state (Buchanan 2009a, 354). Nevertheless, there does seem to be a hypothetical breaking point, after which we could claim that the individual is no longer human. Buchanan suggests, following Bostrom, that in order for this to happen, ‘...the changes that enhancements brought would have to be widespread and would also have to produce significant qualitative differences, not merely higher levels of existing traits’ (Buchanan 2009a, 354) – quite what this difference in kind would entail is unclear, and remains highly speculative.

**Posthuman Dignity**

The idea of a ‘posthuman dignity’ was first proposed by Nick Bostrom, in an article entitled ‘In Defense of Posthuman Dignity’ (2005). The article itself

\(^{135}\) George Annas, for instance, argues that ‘there are limits to how far we can go in changing our human nature without changing our humanity and our basic human values...altering our nature necessarily threatens to undermine both human dignity and human rights. With their loss, the fundamental belief in human equality would also be lost’ (Annas 2000, 773).
seems to have grown out of a reaction to critics of the human enhancement enterprise (so-called ‘bioconservatives’) monopolising appeals to human dignity, in order to argue against enhancing human capacities and characteristics through medical and biotechnological means (see Kass 2003, 2002; Fukuyama 2002). As Bostrom puts it, their concern appears, at least in part, due to the possibility that ‘...these technologies might undermine our human dignity or inadvertently erode something that is deeply valuable about being human but that is difficult to put into words...’ (Bostrom 2005a, 203). Indeed, Leon Kass (a prominent ‘bioconservative’) has admitted that explaining why a given enhancement is suspect can be difficult to convey. For this reason, he suggests that it may be best to interpret disquiet over certain enhancement technologies by being ‘...respectful of what is naturally and dignifiedly human' (Kass 2003, 17). The problem with this approach, however, is that it seems to swap one conceptually confused and ambiguous idea for another. Whilst both writers seem to think dignity may play an important role within the human enhancement debate, this is perhaps the extent to which Bostrom and Kass can be said to agree. Interestingly, few proponents of human enhancement have followed Bostrom’s lead in pursuing the concept of posthuman dignity. This is no doubt due, at least in part, to the fact that appeals to human dignity in the bioethical realm are still very much dominated by those critical of the enhancement project, especially those of a theological and religious persuasion (see Spaemann 2012; Meilaender 2009; The President’s Council on Bioethics 2008, 2003; Colson and Cameron 2004; and Kraynak and Tinder 2003).

Bostrom begins by identifying two forms of dignity: (1) ‘Dignity as moral status, in particular the inalienable right to be treated with a basic level of respect,’ and (2) ‘Dignity as the quality of being worthy or honourable; worthiness, worth,
nobleness, excellence’ (Bostrom 2005a, 209). Bostrom argues that, on both accounts, posthumans could have dignity. One of the most striking aspects of Bostrom’s taxonomy of dignity is that he presents two quite distinct, potentially contradictory, notions of what dignity is supposed to be. The first, which links dignity with moral status, and the resulting demand for each individual to be a source of respect, is a common interpretation of dignity in the contemporary literature, as we have seen in the previous section. To be treated with dignity is to be treated with a certain reverence or respect, and this places both limits on what is permissible, and not permissible, to do to an individual or group. Fundamentally, this first definition suggests the concept is non-scalar or threshold. To have the right to be treated with a basic level of respect (provided one reaches the required high moral status to be accorded a dignity) is foundational, and does not admit of degrees, regardless of how superior the agent’s characteristics and capacities may be. This is the Kantian notion of dignity as an absolute value which is beyond price or instrumental utility (see Chapter 4). Indeed, moral status, particularly in the form of personhood, is commonly thought to be a threshold concept, whereby once an individual achieves the required criteria, they possess full moral status, regardless of how far they exceed the minimum level. For instance, if intelligence is a determining factor of personhood, so long as the individual possesses the minimum level of cognition necessary then they are said to possess full moral status, regardless of how intelligent they are or will become. This link between moral status and dignity will be examined in greater depth in the next chapter.

In contrast, Bostrom’s second formulation – that dignity is the quality of being morally worthy, honourable, noble and excellent – sets up dignity as a scalar concept that varies from individual to individual. Just as one can be more
excellent or honourable, so too can we have more or less dignity. This formulation places dignity firmly in the historical tradition which began with the Roman conception of *dignitas*, relating to those of high office and honourable profession, whereby dignity is both a product of our own conduct, as well as being determined by the opinions of others. It follows, therefore, that humans possess this form of dignity to varying degrees and amounts. Bostrom follows this line of reasoning to its inevitable conclusion and proposes that not only could posthumans have this type of dignity, but they may even be able to attain higher levels of moral excellence than current humans, which of course would lead to the possibility that posthumans could, in fact, possess a higher form or degree of dignity (Bostrom 2005a, 210).

Bostrom puts forward a similar position in a later paper for the President’s Council on Bioethics in which dignity is defined as ‘...a quality, a kind of excellence admitting of degrees and applicable to entities both within and without the human realm’ (Bostrom 2008, 173). He cites virtues such as composure, self-control, remaining calm under pressure, empathy and compassion, as examples of a ‘Dignity as a Quality’. Significantly, these are also all qualities which can conceivably be enhanced or diminished through biotechnological and pharmacological interventions and, consequently, would raise or lower our dignity as a quality. In the case of radical self-transformation or enhancement, Bostrom proposes that this would only be dignity-increasing when it is not ‘driven by alien wants and interests that have not been organically and selectively endorsed by the individual being enhanced’, and when it is not simply ‘a surrender to mere convenience rather than the autonomous realizations of a content-full personal ideal’ (Bostrom 2008, 186). For example,

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136 Interestingly, Bostrom states that ‘Dignity as a Quality can be attributed to entities other than persons, including populations, societies, cultures, and civilizations’ (Bostrom 2008, 193).
he argues that a cognition enhancing drug taken merely to conform to the latest fashion trend would be undignified and not representative of dignity as a quality. For Bostrom, therefore, enhancements become undignified, not when they replace or undermine our sense of being human, but insofar as they no longer result from the virtuous and autonomous choice of the individual.  

Bostrom’s conception of posthuman dignity, therefore, appears to stand in stark relief to the idea of a universal human dignity or ‘Menschenwürde’ that has been focused on in the previous section. The ‘minimum core’ of which is conceived as an inherent and invaluable worth shared equally between all human beings, which should be recognized and respected by others (European Convention 2000; United Nations 1976a, 1948; and Basic Law 1949), be that because of a shared humanity or simply by being in the species Homo sapiens (Jotterand 2010a; Egonsson 1998). Moreover, conceptions of universal human dignity do not normally rely on individual abilities and capacities. If they were, then we would be hard pressed to explain how a given capacity, which varies so much between individuals (be that intelligence, language use or physical strength), can be said to justify giving equal status to all. In contrast, Bostrom’s conception of posthuman dignity is inegalitarian (although Bostrom may prefer to think of it as meritocratic), in the sense that it would differ in degree between individuals, depending upon the type and severity of enhancement undergone. A critic of this approach could argue that once we begin to introduce the idea of scales of dignity, based on individual merit, we push those who are so often on the margins of consideration even further away. To this extent, Bostrom’s interpretation of posthuman dignity appears incompatible with contemporary theories of universal human dignity, at least as they are commonly conceived.

Furthermore, whilst he recognises that the means (i.e. the process of enhancement) may be undignified, the end result may ultimately still be dignity increasing.
Bostrom’s formulation of dignity is closer aligned to our sense of acting with dignity or demonstrating dignified behaviour – what has been referred to variously as ‘circumstantial dignity’ (O’Mathúna 2013, 101), and ‘virtue as dignity’ (Henry 2010, 60). We often say that a particular action or state, such as drunken behaviour or debilitating illness, can be undignified and, conversely, others can act in dignified ways. Likewise, one can also be treated with or without dignity by others. Acting without a sense of dignity is generally frowned upon, although, as pointed out by Steven Pinker in his brief critical essay on the concept of dignity, we still often choose to accept ‘undignified’ treatment, such as pelvic or rectal examinations, in the pursuit of healthier bodies (Pinker 2008). In this way, Bostrom’s posthuman dignity, especially on the second definition, seems closely related to a mixture of Nordenfelt’s conception of *dignity as merit*, which concerns the use of dignity when describing an individual who holds a high rank or office (in other words a dignitary), either through hereditary lines or by merit and *dignity as moral stature*, which is defined as a dignity tied to the virtues of the individual in question, including their thoughts and actions. It is likewise similar to both conceptions in that it varies widely in degree, and can come and go (Nordenfelt 2004).

This is not to say that Bostrom’s account is incorrect. We could either abandon a universal conception of human dignity, and agree that Bostrom’s conception is a better fit for what dignity in fact *is*, or we can insist that *post*-human dignity is of a different kind or type to *human* dignity. Bostrom appears to support the former option, referring dismissively to the idea of a universal human dignity as the ‘mass culture and egalitarian pretensions of modernity’ (Bostrom 2008, 191). This first option certainly has a meritocratic, individualistic appeal, that some would find merit in. Moreover, in contrast to a universal human dignity,
the ground or justification for a dignity as quality is clearer and perhaps more intuitive to explain. Indeed, as we have seen in the previous section, a universal human dignity is one of the most difficult interpretations of human dignity to justify and ground.

Alternatively, we could follow de Melo-Martín’s suggestion that it is consistent to maintain that dignity as a quality and a universal human dignity could co-exist, although quite what relationship these two types of dignity would stand in remains unclear (de Melo-Martín 2010, 54). Whilst Bostrom does seem to think that human and posthuman dignity are of a different type, he argues that: ‘Transhumanists...see human and posthuman dignity as compatible and complementary. They insist that dignity, in its modern sense, consists in what we are and what we have the potential to become...What we are is not a function solely of our DNA but also of our technological and social context. Human nature in this broader sense is dynamic, partially human-made, and improvable’ (Bostrom 2005a, 213). Yet, contrary to Bostrom, dignity in ‘its modern sense’ in fact appears less concerned with the potential to improve upon human nature, but instead to work within its limits.

As de Melo-Martín explains: ‘...it is not obvious how the notion that things can have a status superior to human beings is incompatible with human dignity. If one is arguing that anthropotechnological devices have more or less excellence or dignity as quality to the degree that they increase particular functions, i.e., they allow its possessor to run faster, think quicker, memorize more data, be kinder, etc., then it is unclear how this is inconsistent with also maintaining—as Bostrom seems to do—that there is a type of dignity that is inalienable. Of course, it would be better for everybody were we to simply agree to use different words—perhaps dignity when referring to the inalienable sense and excellence when referring to the quality sense—when talking about the multiple meanings of dignity. Nonetheless, there is little doubt that Bostrom is talking about dignity as quality and that such a sense of dignity is different from the sense of dignity as requiring respect, which he is also happy to embrace’ (de Melo-Martín 2010, 54). However, one may argue that it is precisely Bostrom’s attempt to define excellence as a type of dignity which makes it sit so uneasily with a universal human dignity, as the two concepts are so different.
An alternative to the capacities approach, therefore, is to turn instead to the significance of the *relational* ties between individuals or groups that transcend individual capacities and abilities and, consequently does not require that all individuals in the group need meet the minimum required capacity for full moral status.\textsuperscript{139} Rather, a universal human dignity could be grounded in the importance of our social nature, the interconnectedness and interdependence of human life and the morally considerable relationships that can and do arise from it, especially in regards to our shared vulnerability and dependence, and our ability to engage in caring relationships. In other words, a universal dignity grounded on (for want of a better phrase) our ‘shared humanity’.

However, as pointed out by Sandler and Basl, there seems no *prima facie* reason why posthumans could not also participate in these mutually caring relationships, unless being radically cognitively enhanced made such relationships impossible. Moreover, as social traits such as care and cooperation rely or supervene on individual cognitive capacities, such as empathy, cooperation and compassion, a transhumanist may reply that a posthuman has the potential to engage in *more* complex social relations and caring behaviour (Sandler and Basl 2010, 66).\textsuperscript{140} So long as posthumans can

\textsuperscript{139} As Francis and Norman explain: ‘We suggest that what are important are the *relations* in which human beings stand to one another, and that with few exceptions they do not stand in the same relations to animals...our proposed basis for distinguishing the moral status of human beings from that of animals is rough-edged...and in limited forms, obtain between human beings and animals. They do not all obtain among all human beings. But, taken together, they do enable us to give a sense to the notion of ‘the human community’...The combined effect of these relations is to bind all human beings together into a single overall community of a morally significant kind. And this explains why being biologically human has seemed on the surface to be a more morally plausible differentiating property than being of a particular race’ (Francis and Norman 1978, 518).

\textsuperscript{140} This is the position taken by O’Mathúna, who argues that ‘...dignity is not necessarily limited to humans. It can be extended to those with a similar nature...Inherent dignity is based on being a certain type of being, not necessarily a human being. As such, posthumans could very well have dignity and we humans would have an obligation to treat them with dignity.’ (O’Mathúna 2013, 101).
partake in these caring relationships with other humans, and human dignity is grounded on this shared humanity, there appears scope to extend dignity to the posthuman realm. What then could prevent posthumans from participating in these morally considerable relationships? The remainder of this chapter will look at the role of some key features, including our shared needs and vulnerabilities, which are cited as necessary for participating in this shared humanity.

Posthumanism and Vulnerability

In the previous chapter, we spoke of the significance of our vulnerability, and the increasing frequency with which the term is used in the contemporary bioethical literature, when referring to the importance of safeguarding the interests of certain high risk groups and individuals. Yet, on a more fundamental level, vulnerability is an ontological condition we all share, for we are all ultimately fragile and susceptible to accident, injury and decay. One clear example of the transhumanist vision to break away from the human condition is in their rejection of the necessity of human vulnerability, and the desire to increase resilience and reduce susceptibility to injury, with the ultimate aim, for some, of transcending our limited human biology, and achieving a form of invulnerability or immortality, be that through uploading our minds, using nanotechnology, or becoming cyborgs (see for example, Bostrom 2005a; Kurzweil 2005).

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141 As Gilson explains: ‘...vulnerability is something fundamental, it is an unavoidable feature of human existence that is present from the start and never goes away...although we can modify our vulnerable state, we cannot do away with it entirely. Vulnerability is inherent both in our physical being, our corporeality, and in our social being. Second, the centrality of vulnerability to ethics demonstrates that vulnerability carries with it some normative force’ (Gilson 2014, 15).
However, Erinn C. Gilson in her recent work on the ethics of vulnerability, challenges the idea that vulnerability refers merely to a susceptibility to injury and should be something that should always be avoided, minimized, and prevented. Instead, Gilson attempts to recast the concept in more positive terms. In particular, rather than being viewed as simply a susceptibility to weakness, incapacity, and a lack of autonomy, vulnerability is presented as the basis for enabling the development of such virtues as a sense of community, compassion and empathy (Gilson 2014, 8). She outlines its direct contrast, invulnerability, as ‘...complete self-sufficiency, self-sovereignty and autonomy, independence from others, an imperviousness to be affected...’ (Gilson 2014, 7). Significantly, for this discussion, she argues it is our vulnerability that compels or motivates our ethical action and consequently, ‘if an individual is invulnerable, unaffected, there is no compulsion to care for, aid, or meet obligations to this person. It is her vulnerability that is the basis for such compulsion; if our care, aid, or dutiful action had no effect on her or on us, then we would not feel obliged to provide it’ (Gilson 2014, 16). This then raises a fundamental challenge to the idea that posthumans could (or would even want to) fully participate in our caring relationships. As McNamee and Edwards suggest, it is not clear why a posthuman, or even a transhuman, would be moved by appeals to human solidarity (McNamee and Edwards 2006, 515).

142 To this extent, Gilson distinguishes her work from writers such as MacIntyre (1999) who, she suggests, views vulnerability as essentially about suffering.
143 See also: ‘When we are carried away by our benevolent desires to reduce the suffering of vulnerable people and, less benevolently, their cost to society, we forget that the vulnerability of others not only burdens us (though it surely does so), but also elicits from us the awesome capacity to care for others. Although—and I cannot be too emphatic about this—it would be a profound mistake to romanticize the need to care for vulnerable others and the need of vulnerable others to be cared for, it would be equally mistaken to ignore the goodness that those relationships can possess’ (Parens 1995, 147).
For Gilson we should embrace and accept the interdependence of human life, and the significance of the care-giving relationships that arise from it. For these writers, heavily influenced by advances in feminist theory, our shared vulnerability, including susceptibility to harm, disease, aging, and death (and the caring relationships which do and ought to arise from these) is a formative component of human nature, as well as morality itself. Indeed, as noted by Gilson, ethical thinking is often guilty of casting the full moral agent or ‘person’ as a ‘mature, autonomous, capable, consenting adult’ (Gilson 2014, 34). Sarah Clark Miller makes a similar point in her work on the ethics of need: ‘Philosophers have often disregarded certain undesirable aspects of the human condition—such as our persistent vulnerability, abiding dependence, and inevitable neediness—touting instead those endeavours at which we excel such as reasoning, language use, and political engagement’ (Miller 2012, 2).

Interestingly, it is this interdependence, Miller argues, which grounds ‘…our obligation toward fundamentally needy others…’, which, as she notes, ‘…goes against the grain of contemporary moral philosophy by deeming interdependence, rather than other characteristics (e.g., practical reason, well-being, or emotion) to be a morally salient feature of humanity that plays an essential role in our moral deliberations’ (Miller 2012, 5).

A similar objection, which unlike Gilson and Miller is specifically targeted to the human enhancement project, has been made by Erik Parens, who questions

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144 Miller defines ‘fundamental needs’ as ‘...needs that others must meet in order for a person (1) to avoid significant harm; (2) to be able to choose and carry out action in the world; and (3) to be self-determining. Fundamental needs arise in situations or conditions in which the agency (or the potential for agency) of an individual is acutely endangered. They are fundamental in that such needs must be met for an individual to develop, maintain, or re-establish agency. Examples of fundamental needs include the need for bodily integrity, shelter, and nutrition, as well as the perhaps less obvious need for social inclusion and emotional attachments’ (Miller 2012, 4).
whether in our attempts to enhance humans we might ‘...inadvertently impoverish them by reducing what I call their fragility’ (Parens 1995, 143). By ‘fragility’ Parens means that ‘...we are creatures subject to change and to chance...whose forms are largely determined by the genetic hand dealt us by nature...’ (Parens 1995, 143). In particular, Parens argues that reducing human fragility through enhancement technologies would have a knock on effect on three important aspects of human nature: (1) our experience of some forms of the beautiful; (2) our relationships of care and the shared recognition and acceptance of human neediness; and (3) human diversity across the lifespan (Parens 1995, 145).

However, whilst one of the goals of the transhumant project is to bring an increased resilience and reduction in our susceptibility to harm, it seems far-fetched to believe that a trans- or even posthuman could achieve absolute invulnerability to physical and environmental harm. In regards to immortality, for instance, it is one thing to claim that enhancement technologies could eventually reach a point whereby an individual could live indefinitely and, another, to claim that this life would be completely indestructible (Watson 2009, 444). Moreover, as noted by Mark Coeckelbergh, unless posthumans were to exist as completely isolated and atomized individuals, without any possibility of inter-posthuman interaction, they would remain vulnerable and susceptible to the influence of their environment and the interactions between each other (Coeckelbergh 2011). Hence, so long as they remain relational beings, who

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145 In regards to the first aspect, Parens writes that, ‘one of the easiest ways to begin appreciating what is valuable about fragility is to think about the pleasure we take in our experience of some forms of the beautiful...The intensity of one sort of pleasure we receive from beholding flowers depends decisively on their transience, on the fact that they undergo change. Crucial ingredients in our pleasure are our anticipation of the blossoming and our anxiety about, and memory of, its passing’ (Parens 1995, 143).
can be affected by the actions of others and their environment, then they would remain vulnerable. Parens also recognises this and notes that genetic technology would never entirely rid human life of fragility: ‘Even if human beings were to become uniformly beautiful, marvellously tempered, hugely healthy, and massively smart, there still would be plenty of change and chance for everyone to be subject to’ (Parens 1995, 143). Whilst posthumans may come to be immune to most of the ailments that affect current humans, the process of enhancement may even lead to further risks, including existential risks from nanotechnology, digital viruses, ecological destruction or nuclear threat. It may be more sensible to consider vulnerability to be transformed rather than lessened or eradicated.

**Posthuman Dignity and Dehumanization**

Bostom identifies two main fears that we may face in a posthuman future, the first of which is ‘that the state of being posthuman might in itself be degrading, so that by becoming posthuman we might be harming ourselves’ (Bostrom 2005a, 204). In other words, being a posthuman (and perhaps also the act of becoming one) is dehumanizing, rather than ‘super-humanizing’. This first proposed fear hinges on what we mean by ‘dehumanization’ and if this is necessarily a bad thing. We, therefore, need to first establish whether or not human enhancement, and a state of being posthuman, is itself dehumanizing and undermines human dignity. As noted by the Social Psychologist Nick Haslam, there are degrees of dehumanizing behaviour and so ‘dehumanization-

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146 See also: ‘Suppose the strong transhumanism project is realised. We are no longer thus vulnerable: immortality is a real prospect. Nevertheless, conceptual caution must be exercised here? Even transhumanists will be susceptible in the manner that Hobbes noted. Even the strongest are vulnerable in their sleep. But the kind of vulnerability transhumanism seeks to overcome is of the internal kind (not Hobbes’s external threats)’ (McNamee and Edwards 2006, 515).
related phenomena vary not only in their explicitness but also in whether they involve an absolute denial of humanness...' (Haslam 2014, 38-9). Extreme violations of dignity and dehumanizing acts (such as rape, ritual humiliation or torture) are often one of the clearest ways of illustrating what treating someone with dignity in fact is (and is not). But there are also more elusive, subtle instances of dehumanization and a denial of humanness, such as failure to clothe and wash a patient or mimic a person’s stutter. The claim that a state of posthumanity would be dehumanizing and so posthumans would be robotic or uncaring, would seem to fall into the former, more explicit category.

One way of answering the question is to determine whether or not radical human enhancement would challenge the two essential components of ‘humanization’ – *human identity* and *human community*. Both these components are necessary for an individual to feel, and be treated as, fully human (Kelman 1973). As noted in the previous chapter, dehumanization not only acts to reduce the human to the non-human, but also strips away an individual’s connection with other human beings. This also links to the idea that a universal dignity must be, at least to an extent, grounded in our shared common life and morally considerable relationships. A lack of either a sense of human identity or community will often lead to a decrease in perceived moral and social status and, consequently, increases the risk of the individual’s welfare and life being treated as of less significance. An important part of promoting human dignity, and avoiding dehumanization, therefore, is to reaffirm the perceived humanity of the individual or group by promoting their worth and good treatment, and prohibiting other degrading acts. To decide whether being or becoming posthuman would be dehumanising we seemingly, therefore, need

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147 This more subtle form has been labelled ‘infrahumanization’ in the psychological literature, to distinguish it from the more extreme forms of dehumanization (see Haslam 2014).
to first have a strong sense of what it means to be human, and to be part of a human community.

Similarly, Lesley Meltzer Henry has categorised dehumanizing acts as challenging our sense of the dignity of our shared humanity or, as he labels it, ‘collective virtue as dignity’. As he explains: ‘A central feature of this notion of dignity is that it is iconographic. It views each person as an icon of all humans. When an individual acts or is treated in a manner perceived as degrading or dehumanizing, not only is that person’s virtue as dignity diminished; so too, is our collective virtue as dignity. Prohibitions on cannibalism and baby selling, for example, exist because even if individuals consent to such acts, the acts themselves offend our idea of a dignified society; they threaten our collective virtue as dignity’ (Henry 2010, 60). So long as posthumans are able to partake in this shared sense of humanity, there seems scope for them to be included in this iconographic view of collective dignity. Conversely if becoming posthuman would also entail a detachment or isolation from this common humanity, then we would have reason to believe that they would no longer be able to be included within a shared human dignity.

Leon Kass is a prominent advocate of the first criticism of the human enhancement project, and has argued that achieving technological and pharmacological mastery of our own natures would be dehumanizing; in his emphatic words: ‘...Homogenization, mediocrity, pacification, drug-induced contentment, debasement of taste, souls without loves and longings – these are the inevitable results of making the essence of human nature the last project of technical mastery. In his moment of triumph, Promethan man will become a contented cow’ (Kass 2002, 48). The fear for Kass, and others writing in a
similar vein, is that human enhancement technologies will take away what gives shape and meaning to human lives. This seems to broach both the identity and community aspect of dehumanization. Yet as Bostrom points out, although the individuals Kass describes certainly seem to be dehumanized and undignified, they are also not posthuman in the sense that they are envisaged to become by the proponents of human enhancement. Nevertheless, even if Kass’ initial position is overstated, this is not to say that fears of a ‘dehumanized’ future are entirely unwarranted. In either case, a proponent of radical human enhancement may also question if the potential for dehumanization is an appropriate method to assess future posthumans – does it matter if posthumans, who by definition are radically different to current human beings, have some or all of their human qualities removed? Moreover, are the qualities of humanity worth saving? One of the main reasons to pursue enhancement is, after all, to improve upon human nature and its deficiencies.

*Posthuman Dignity as a Harm to Human Dignity*

Bostrom’s second fear focuses on the possibility ‘...that posthumans might pose a threat to ‘ordinary’ humans’ (Bostrom 2005a, 204). This fear can be interpreted in a number of ways: When we speak of threat, we could be referring to actual physical harm that unenhanced humans could be subjected to (perhaps through experimentation). This seems a reasonable conjecture to draw, considering the arguments often made for the use of animals for often trivial human needs, such as cosmetic experimentation, which outweigh the considerable (often fatal) contribution of the animal. It may also refer to a socio-economic threat and the social inequality that would accompany a society of the
enhanced and unenhanced, as we witness the power differential today between the wealthy and poor.

On another level, and one that strikes at the heart of discussion of human dignity, posthumans could threaten the moral status of humans, what Thomas Douglas has termed a sort of ‘meta-harm’ (Douglas 2013a, 485). The dehumanization and denial of the full moral status of races, ethnicities, genders, sexualities, as well as species throughout different periods of history is well documented – as noted by Gustav Jahoda, ‘history abounds with instances of differences being regarded as signs of a lack of full humanity, or at least as deficiencies...’ (Jahoda 2014, 13). Yet as the civil rights movements of the twentieth century countered racist and sexist (as well as speciest) attitudes, it is interesting to consider whether future ‘posthumans’ may likewise be accorded a full moral status and humanity. Consequently, an alternative vision has been offered by Bostom in which ‘full moral status and full humanity’ may in fact be extended to future posthumans (as well as primates and human-animal chimeras), without ‘causing any compensating shrinkage in another direction’ (Bostrom 2005a, 210). In this way, Bostrom proposes that by promoting posthuman dignity ‘we promote a more inclusive and humane ethics, one that will embrace future technologically modified people as well as humans of the contemporary kind’ (Bostrom 2005a, 213). The possibility that posthumans could in fact have a greater moral status, and so the potential to also endanger the moral standing of current humans, will be explored at greater length in the following chapter.
An alternative way to assess whether human enhancement could be dehumanizing is to look to what we consider the fundamental aspects of human nature, and how these would be affected by becoming posthuman. Thomas H. Murray has identified three different ways to view the relationship between human nature and the ethics of human enhancement: (1) ‘human nature as raw material’, (2) ‘human nature as contours of the given’, and (3) ‘human nature as normative guide’ (Murray 2007). The first account harks back to the core idea from Pico della Mirandola’s *Oration*; that human nature has a plasticity and so is not fixed.\(^{148}\) The one exception being that it is human nature to have no fixed nature (a view which perhaps borders on the contradictory). So long as we have the means available, therefore, we have free reign in our own self-creation. For Pico, it was the freedom inherent in human nature which forms the essence of our dignity and, consequently, to restrict this freedom is to attack or challenge the dignity of Man. It is certainly this interpretation of human nature, and the restlessness with our current limited natures, that drives much of the pro-human enhancement debate.

Charles Rubin has criticised this emphasis on personal freedom or, as he puts it, ‘libertarian relativism’, on the grounds that the transhumanist vision of dignity ‘fragments our sense of self and splinters the human race into a multitude of isolated self-overcomers’ (Rubin 2008, 165). In other words, in its drive for personal morphological freedom, the enhancement project challenges the relational, human community aspect of our natures. As he notes, ‘that is a significant departure from the old understanding of dignity, aristocratic or aristocratic or

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\(^{148}\) This view has been particularly influential amongst proponents of enhancement; see for example, Gregory Stock: ‘Remaking ourselves is the ultimate expression and realization of our humanity’ (Stock 2003, 197).
democratic, which expressed and embodied dignity in actual public and private relations’, in contrast, the transhumanists seek a dignity that is ‘characterized [by] no real persons or relationships...’ (Rubin 2008, 165).  

Murray’s second form – ‘human nature as contours of the given’ – looks at the type of beings we already are, rather than at the potential we have to become. As he explains: ‘This view acknowledges that we are creatures of a particular kind—embodied, finite, capable of great courage and abiding love; capable also of cowardice, treachery, and indifference. Our natures, always complex and often morally ambiguous, tell us something about the boundaries of what is possible and desirable’ (Murray 2007, 503). For example, if we are by nature social creatures, and we rely on this aspect for our flourishing, then any enhancements designed to isolate us from the wider community would be considered dehumanizing. This approach, therefore, does not view human nature as open to limitless manipulation, but accepts that there are limits to how far we can push self-creation, before we lose our human ‘essence’ (as well as acknowledging both the positive and negative aspects of our natures). Whilst there may be an elasticity to human nature, this approach recognises that there is wisdom in being cautious about any attempts to improve upon human nature. In this respect, unlike the first form, it is a non-idealistic view of human nature, which acknowledges both the frailty and limitations of our natures, with ‘some supposed “enhancements”...out of bounds’ whilst ‘others fit well within the contours of our given nature’ (Murray 2007, 503).

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149 Rubin continues, arguing that ‘...human dignity...is relational, unlike the isolating exercise of the will that characterizes the new transhumanist dignity...while human dignity requires a moment of freedom with respect to our ability to make moral choices, that moment is mediated through real relations, institutions, customs and mores, and we may judge such things by their success or failure at promoting proper regard for one another’ (Rubin 2008, 168-9).
One prominent exponent of this view is Kass, who has objected to radical human enhancement on the grounds that it would be dehumanizing, arguing that we should have a ‘...particular regard and respect for the special gift that is our own given nature’ (Kass 2003, 1). For Kass, each species has a ‘given species-specified nature’, and we should have a greater appreciation and respect for this (Kass 2003, 19-20). As he acknowledges, the term ‘given’ has at least two senses, the first refers to the bestowing of a gift, whilst the second refers to something fixed or definitely stated (such as mathematical proof or physical laws). For Kass, therefore, human nature seems to fall under both categories – it is something that is both fixed, for example, human mortality (if not also natural lifespan), as well as a ‘special gift’ that should be appreciated and respected. As finite, fallible beings, we must be cautious when it comes to remoulding our given natures and not give into hubristic temptations. As noted by O’Mathúna, for Kass, ‘part of human dignity is to recognize this given human nature, accept it, and work within its bounds. This includes accepting our limitations, such as those in knowledge and wisdom’ (O’Mathúna 2013, 110-11).

For Bostrom, and other enthusiasts of human enhancement, such a viewpoint smacks of defeatism, and a lack of ambition to help change people’s situations for the better. Moreover, as we have seen in Chapter 6, there is a more fundamental issue with appealing to the concept of species essentialism, or in Kass’ words a ‘given species-specified nature’, for it goes against the grain of much of modern evolutionary theory, in which species boundaries are thought to be fluid and not fixed; in which case, it seems precarious to base normative action around a supposed given human nature.

Following on from accepting and working within the given nature of humankind, is Murray’s third account – that human nature may in fact act as a guide to how...
we ought to proceed with enhancement technologies. As he explains: ‘our natures establish the contours within which humans flourish or flounder’, and within our ‘...biologically given nature, human beings create relationships, practices, and institutions that give structure to their interactions and meaning to their aspirations. Understanding the relationship between social practices, institutions, and human flourishing allows us to consider other reasons for taking the ethics of enhancement seriously’ (Murray 2007, 505). Murray cites at length Kass’ report for the President’s Council on Bioethics (2003) on the ethics of human enhancement as an example of this approach. Kass is fully aware that many of the so-called ‘gifts’ of nature include disease, suffering and death, as well as many of the darker sides of human nature. He, therefore, acknowledges that, ‘the mere “giftedness” of things cannot tell us which gifts are to be accepted as is, which are to be improved through use or training, which are to be housebroken through self-command or medication, and which opposed like the plague’ (The President’s Council on Bioethics 2003, 289). Nevertheless, Kass insists that the given aspect of human nature can still be used as a normative guide:

Only if there is something precious in our given human nature—beyond the fact of its giftedness—can what is given guide us in resisting efforts that would degrade it. When it comes to human biotechnical engineering beyond therapy, only if there is something inherently good or dignified about, say, natural procreation, the human life cycle (with its rhythm of rise and fall), and human erotic longing and striving; only if there is

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150 On this point, Bostrom and Kass also agree. As Bostrom highlights, species-specific natures also include ‘a rich source of much of the thoroughly unrespectable’ and are often a bad guide for what is right (Bostrom 2005, 205).
something inherently good or dignified about the ways in which we engage the world as spectators and appreciators, as teachers and learners, leaders and followers, agents and makers, lovers and friends, parents and children, citizens and worshippers, and as seekers of our own special excellence and flourishing in whatever arena to which we are called—only then can we begin to see why those aspects of our nature need to be defended against our deliberate redesign (The President’s Council on Bioethics 2003, 289-90).

The exact argument is not entirely clear, however the main thrust seems to be that if, and only if, there is something precious, dignified or inherently good in our ‘given’ human nature (for example natural human procreation, the ways we engage with the world, or the human life-course), can we use human nature as a normative guide to avoid degrading and dehumanizing acts. It follows, therefore, that if certain biotechnological enhancements challenge these precious features of human nature, we have reason to defend them, as well as use them as a guide as to what it is acceptable to alter.

Whilst the idea of the ‘given’ is an interesting prism through which to view the ethics of human enhancement, it is not without its conceptual difficulties. Murray criticises this approach on the grounds that it ‘looks inward’ at human nature and, in the process, fails because ‘not all that is natural is good, and not all unnatural enhancements are bad’ (Murray 2007, 505). However, as we have mentioned, Kass does argue that one can still accept that not everything that is natural or ‘given’ is good, but still hold, without contradiction, that there are still some given parts of human nature which are worth promoting, and which remain a useful guide to what we should value, and be wary of changing
through radical enhancement technologies. Kass does not propose that human nature is an unambiguous or infallible normative guide.

One philosopher who has developed a defence of the concept of the ‘given’ is Michael Sandel. In particular, Sandel introduces the idea of the ‘giftedness of life’ and the fundamental problem, as he sees it, with the human enhancement project’s drive for mastery or ‘hyperagency’ over it. As he outlines, to acknowledge the giftedness of life is ‘to recognize that our talents and powers are not wholly our own doing, nor even fully ours, despite the efforts we expend to develop and to exercise them. It is also to recognize that not everything in the world is open to any use we may desire or devise. An appreciation of the giftedness of life constrains the Promethean project and conduces to a certain humility’ (Sandel 2004). One area in particular that Sandel identifies as important to being ‘open to the unbidden’ is parenthood, and our current inability to choose (to any significant degree) the capacities and characteristics of our children (see also Bérubé 1996). The hubristic drive for parents to dictate the genetic characteristics of their children, Sandel argues, ‘would disfigure the relation between parent and child, and deprive the parent of the humility and enlarged human sympathies that an openness to the unbidden can cultivate’ (Sandel 2004). However, as pointed out by Frances Kamm, whether it is a bad thing to eliminate the current social practice of parenthood being open to the unbidden of their child’s nature, depends largely

151 See Hauskeller (2011, 62-70) for an extended analysis of the differences between the ‘given’ and ‘giftedness of life’, and their link to gratitude.
152 See Kamm (2009) for an extended analysis of Sandel’s paper.
153 As Sandel explains in more detail: ‘Why, after all, do the successful owe anything to the least-advantaged members of society? The best answer to this question leans heavily on the notion of giftedness. The natural talents that enable the successful to flourish are not their own doing but, rather, their good fortune—a result of the genetic lottery. If our genetic endowments are gifts, rather than achievements for which we can claim credit, it is a mistake and a conceit to assume that we are entitled to the full measure of the bounty they reap in a market economy. We therefore have an obligation to share this bounty with those who, through no fault of their own, lack comparable gifts’ (Sandel 2004).
upon what would replace it – if it was an even more valuable social practice
then we seemingly do not have a problem (Kamm 2009, 101).

Moreover, Kamm insists that a desire for mastery does not necessarily motivate
proponents of human enhancement. One could pursue incremental
improvements without being motivated by a drive for mastery or hyperagency.
But, as pointed out by Michael Hauskeller, it seems that ‘Kamm misunderstands
the point of Sandel’s argument...Sandel is in fact not trying to answer the
question whether or not it is morally permissible to pursue human
enhancement. Rather, he questions whether it really is a good idea to do so...it
is not so much a question of being good or bad in the moral sense, but rather of
what makes a good human life. By losing the sense of giftedness we do not
become bad: we become impoverished, we lose something that is important,
perhaps even essential for a good human life. For that, the actual motives
people have for promoting and seeking human enhancement are largely
irrelevant. I need not be motivated by a drive to mastery in order to fall victim to
it’ (Hauskeller 2011, 76-7).

Once we are able to control, diminish and enhance our characteristics and
capacities, Sandel reasons that we would no longer be able to accept our
talents as ‘gifts for which we are indebted’ but would see them instead as
‘achievements for which we are responsible’ (Sandel 2004). One result of this,
Sandel argues, is that parents will ultimately become responsible for any
perceived deficiencies in their children, athletes will be responsible for ensuring
they have enhanced themselves sufficiently to win, and likewise we can
envisage a scenario whereby pilots will be responsible for ensuring they have
enhanced themselves to minimise error and guarantee passenger safety. The
argument goes that if we are able to control a particular characteristic, but fail to, (for example, if a child is born with a disability that could have otherwise be avoided, or I could have taken a cognitive enhancement to avoid an accident but fail to), then we will feel, and be held, responsible, and so become culpable (both morally and legally). Consequently, Sandel reasons that responsibility would expand to ‘daunting proportions’ for the ‘more we become masters of our genetic endowments, the greater the burden we bear for the talents we have and the way we perform’ (Sandel 2004). Ultimately, for Sandel, this would in turn ‘transform three key features of our moral landscape: humility, responsibility, and solidarity’ (Sandel 2004). All three features, as we have seen, are also important components of a universal human dignity; a dignity which is not grounded on individual attributes and abilities, but one which is characterised by our morally significant relationships and identity as human beings.

However, Buchanan queries whether even in cases of extreme enhancement, such as radical life extension, the sense of the ‘giftedness of life’ would be lost. Rather, he suggests that there would still be ample occasion for enhanced individuals to feel an appreciation for the giftedness of life: ‘the good fortune of having met one’s soul mate, of having had the opportunity to be part of an important social movement because one was born at the right time…opportunities for a sense of “giftedness” would not be lacking in a world

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154 William Saletan, writing in The New York Times, picks up Sandel on his criticism of increased responsibility due to the availability of enhancement by arguing that ‘given a choice between a world of fate and blamelessness and a world of freedom and responsibility’, Saletan would take the latter, which might be too daunting for the humans of today, ‘but not for the humans of tomorrow’ (Saletan 2007).

155 As O’Mathúna explains: ‘When dignity is acknowledged as inherent, there is an acceptance of its givenness and its boundaries. We are not self-made. We did not generate our genetic heritage. We were given much by those who helped us in our formative years. Our parents or primary care-givers were central, so were the friends, neighbours, relatives, teachers, coaches, doctors, nurses and myriads of others who helped us become who we are today. This should lead to a sense of gratitude and humility’ (O’Mathúna 2009, 155).
replete with biomedical enhancements’ (Buchanan 2011, 80-1). Hauskeller has challenged this claim on the grounds that it is possible that a) posthumans may reach a point where, by all intents and purposes, they have complete control over their environment and of themselves (which is, after all, one of the ultimate goals for many transhumanists), and, b) the fact that enhancement may disrupt our current, human, sense of the giftedness of life, so that enhancement may still make us less inclined to appreciate giftedness (Hauskeller 2011, 78-9). In particular, Hauskeller wonders whether in the transhumanists’ drive for ever better minds, bodies, lives, environments and so on, they would ultimately have a listless dissatisfaction with life, and its apparent gifts. In this way, an appreciation of the giftedness of life has to also include an appreciation of what is good in life now, and not how it might be in the future.\(^\text{156}\)

**Conclusion**

This chapter has been concerned primarily with how conceptions of posthuman dignity sit with contemporary theories of human dignity, especially conceptions which envisage it as a universal feature of humankind, shared equally between all its constituent members. As we have seen, Bostrom’s conception of posthuman dignity, especially in the form of dignity as a quality, which differs in degree between individuals and can be increased or diminished through radical biomedical and biotechnological enhancement, certainly seems antithetical in nature to a universal human dignity. It is difficult, therefore, to agree with

\(^{156}\) Although Danaher has queried if this might just be the outcome for those ‘wedded to techno-utopiaism’, and not for those who are not so driven by the goals of the enhancement project. As he writes, ‘it seems to me that Hauskeller’s argument is guilty of an implausible overstatement. Even if we grant that it is dangerous to make the better the enemy of the good, is it really likely that everyone will start doing this? Maybe techno-utopians like Bostrom would succumb to this listless dissatisfaction, but what about the rest of us? The pursuit of enhanced agency is not necessarily guided or wedded to techno-utopianism’ (Danaher 2013, 236).
Bostrom that the two are ultimately ‘compatible and complementary’ (Bostrom 2005a, 213). As has been argued in this and previous chapters, it is the appreciation of our interconnectedness and reliance on others, as well as our shared vulnerability and humanity which form some of the main foundations for a universal human dignity. To the extent that radically enhanced individuals can share in these relationships, then we would have reason to believe that human dignity could be extended to them too.

In contrast to the transhumanists’ contention that human nature should be improved upon, critics such as Kass have argued for the importance of embodied human life for human dignity, and suggest that how these biomedical and technological interventions will affect the human life-course will be fundamental in judging their merits (or lack of). Human dignity, for Kass, involves embracing, ‘...the worthiness of embodied human life...our natural desires and passions, our natural origins and attachments, our sentiments and aversions, our loves and longings’ (Kass 2002, 17-18). For Kass, the human life-course is inseparable from many of the most positive aspects of our natures. The pursuit of radical life extension, for instance, in Kass’ eyes would have a detrimental effect and disrupt ‘many of the best things in human life’, including, ‘engagement, seriousness, a taste for beauty, the possibility of virtue, the ties born of procreation, [and] the quest for meaning’ (Kass 2003, 25). Instead, Kass proposes that human flourishing is not achieved through ‘...a life lived with an ageless body or untroubled soul, but rather a life lived in rhythmmed time, mindful of time’s limits, appreciative of each season and filled first of all with those intimate human relations that are ours only because we are born, age,
replace ourselves, decline, and die...’ (Kass 2003, 27).\textsuperscript{157} For Kass, human dignity is not grounded solely on our intrinsic capacities, nor our desire to continually improve upon them, but instead by a recognition of our limitations, the social relations we partake in, and the significance of the human life course from birth to grave. A similar point is raised by Thomas H. Murray when he suggests that ‘...our moral evaluation of putative biomedical enhancements must grapple with the meaning and value of the social practices and institutions affected by them. Genuflecting in the direction of unfettered individual choice will not be an ethically adequate or wise response’ (Murray 2007, 513). Rather, an ethics of human enhancement should, for Murray, recognise that ‘...our nature shapes the contours of our moral world’, whose flourishing is dependent on acknowledging that we are ‘...embodied creatures whose lives and flourishing are deeply intertwined with one another’ (Murray 2007, 513-4).

Indeed, the difficulty is that the main themes of transhumanism can often feel entirely detached and antithetical to many of the tenets which characterise a universal human dignity, be that the significance of our mutual interdependence, our caring relationships, or the role of compassionate care. Whilst a universal human dignity accepts the need to work with and attempt to protect all humans, regardless of their intrinsic capacities or characteristics, the human enhancement project often has much ‘bolder’ plans to overhaul and replace human nature entirely. The pursuit of radical human enhancement does seem to challenge the two key components that are required for full ‘humanization’ – a sense of human identity and human community. In the drive for mastery of our own natures and our environment, there does appear to be a real danger of

\textsuperscript{157} Like Kass, human dignity for Rolston III results from a shared human nature and the culture in which humans develop (Rolston III 2008, 130).
losing an appreciation of the significance of our current shared humanity, and the morally significant relationships that arise from it, as well as further endangering those already so often on the margin of moral consideration.
Chapter 10  Human Dignity and Enhancing Moral Status

Introduction

More often than not, the history of ethical thought has been concerned with justifying the superior moral status of humans over that of other non-human animals.\(^{158}\) However, in recent decades, there has been a notable reaction to this sentiment (as we have seen in Chapter 6). Moreover, in some cases, the ethical literature has been occupied with demonstrating the moral superiority of some humans over other humans. Indeed, the vast literature on the ethics of personhood, whereby any human beings with insufficient cognitive capacity are denied full moral status (FMS), is one of the most prominent examples of this (McMahan 2008, 2003; Rachels 1990; and Tooley 1983).

However, as the possibility of increasing physical and cognitive capacities (as well as perhaps more valuable or profound relationships) through biomedical and technological enhancement becomes ever more tenable, so has increasing attention been paid to the possibility that these radically enhanced beings might also have a correspondingly superior moral status or a ‘supra-moral status’ (Douglas 2013a, 474; McMahan 2009). This recent interest in the possibility of an enhanced moral status is perhaps not to be unexpected, for as Thomas Douglas notes, ‘...it would be a surprising good fortune for humanity if the threshold for maximal moral status lay just below the level of mental capacity typical of ordinary adult humans’ (Douglas 2013a, 480-1). These writers have begun to question why humans should have the highest moral status, and

\(^{158}\) One of the most notorious examples of this has often been attributed to the ethics of Descartes (see Harrison 1992 for a discussion of this). Similarly, as noted by Garrett, ‘...the standing of animals and our moral duties merited barely a mention until the middle of the eighteenth century—and even until very recently these matters were still peripheral’ (Garrett 2011, 66-7).
whether a moral status higher than personhood may in fact exist (Agar 2013a; Douglas 2013a; and McMahan 2009).

Indeed for those who argue that moral status is tied to intrinsic capacities, such as intelligence, language use or ethical reasoning, then it seems a natural next step to ask if posthuman beings were created, with vastly superior capacities than those currently possessed by humans, would they still have the same moral status currently enjoyed by humans, or would their moral status be as superior to ours as ours currently is to non-human animals? If radical human enhancement did lead to the creation of individuals with superior moral status or ‘post-personhood’, would this be a harm to ordinary persons? Consequently, the possibility of enhancing moral status has been met with a number of objections, including:

1. Ordinary persons’ (i.e. those who have not been radically enhanced) current moral status and dignity could be jeopardised.
2. It could undermine the ‘Moral Equality Assumption’ – the idea that all with the requisite capacities sufficient for personhood enjoy the same moral status.
3. Persons’ immunity to permissible harm might be decreased, and consequently may be sacrificed for the interests of post-persons.
4. Those already on the margins of moral considerability would consequently be pushed further aside.

This chapter will seek to address in turn all these objections to the possibility of enhancing moral status.

Whilst highly speculative, considerations of the potential for higher degrees of moral status have significant consequences for how we characterise the moral
status of contemporary humans, as well as those already on the margins of moral considerability. Jeff McMahan, for instance, has argued that if we insist that humans would retain the same moral status as that of radically enhanced posthumans, then we would have an even harder time maintaining the equality in moral status said to exist between ‘normal’ functioning adult humans and the severely cognitively limited. For, as he explains, if ‘we would have the same status as supra-persons and the cognitively limited have the same status that we have, it follows that the moral status of supra-persons would be no higher than that of the cognitively limited, despite the fact that the differences of psychological capacity between the members of the two groups would be more than twice as great as those between ourselves and higher animals’ (McMahan 2009, 600). McMahan seems to be presenting an example of a reductio ad absurdum, as the possibility of a posthuman having the same level of moral status as a severely cognitively disabled human, despite their vast differences in cognitive ability is, for McMahan, clearly false. As always, the extent to which this situation would be absurd depends largely both on precisely how much the posthuman’s cognitive capacities are superior to the individual with severe cognitive disabilities, and on how much weight cognitive capacities should have in the assessment of moral status.

Importantly for our discussion, the possibility of enhancing moral status also poses a significant challenge to a universal human dignity, especially in regards to the idea that it conveys an absolute worth – to be ‘beyond price’. Those with a dignity are commonly thought to already have the highest moral status. Yet, if dignity is intrinsically tied up with FMS, would enhancing moral status also radically alter a universal human dignity? This chapter will examine the close relationship between a universal human dignity and FMS, and the implications
for dignity if moral status is able to be enhanced. Whilst they are close concepts, this chapter will draw out both the similarities as well as where they diverge.

As highlighted by Nicholas Agar, there are two fundamental ways in which an individual can be morally enhanced: they could undergo either moral disposition enhancements or moral status enhancements (Agar 2013a, 67). The former refers to the possibility of improving upon the agent’s moral character or virtue, as well as their actions. One example of this is Persson and Savulescu’s belief that we ought to enhance the moral character of humanity by improving dispositions such as altruism, gratitude or a sense of justice, and consequently suppress immoral ones, so that individuals do behave in the morally ‘correct’ way (Persson and Savulescu 2008). Similarly, Douglas has argued that we may be able to enhance our moral dispositions by suppressing or dampening some of our ‘counter-moral’ emotions, such as racist tendencies or aggression (Douglas 2008, 231). In contrast, the aim of moral status enhancement is ‘not to increase the moral value of our actions or characters’, but instead to increase ‘a being’s entitlement to certain forms of beneficial treatment’ as well as reduce ‘its eligibility for certain forms of harmful treatment...’ (Agar 2013a, 67). This chapter will focus on moral status enhancement, as opposed to moral disposition enhancement, for moral status seems closer allied to what a universal human dignity fundamentally represents. It is not ultimately to do with individuals or groups acting with or without dignity (although no doubt this still has something to do with human dignity), but instead concerns the idea that humans have a certain status which is an inherent and inalienable value or worth shared equally amongst all (or most) human beings, which ought to be recognised and respected by others – a so-called ‘minimum core’.
Dignity and Moral Status

As we have seen in the previous chapters, there is often thought to be a close link between dignity and moral status, and the resulting demand for each individual to be treated with respect. Some commentators seem to think they are, more-or-less, synonymous (Sandler and Basl 2010), and as we have seen in Chapter 9, Bostrom’s first formulation of dignity is one connected to moral status and the right to be treated with a basic level of respect. This sets up dignity as a threshold concept, with all individuals entitled to the right to be treated with a basic level of respect (provided one reaches the required moral status to be accorded a dignity). As we have seen, for some, this level is set at the level of FMS, and not a lower moral standing. In contrast, Bostrom’s second formulation – that dignity is the quality of being morally worthy, honourable, noble and excellent – suggests dignity is a scalar concept that varies from individual to individual. Just as one can be more excellent or honourable, so too can we have more or less dignity. It follows, therefore, that humans possess this form of dignity to varying degrees and amounts (Bostrom 2005a, 209). Whilst the previous chapter focused on Bostrom’s second formulation of dignity, this chapter will focus on the former – that is, dignity as a moral status.

In particular, a universal human dignity shares many characteristics of full moral status or personhood, including the idea that all members are inviolable and have a high and equal moral worth. DeGrazia has referred to human dignity as an alleged ‘supreme moral status’, which proposes that humans have a higher

\footnote{As noted by Marcus Düwell ‘...there is a wide range of possible ways of conceiving of the relation between ‘moral status’ and ‘dignity’, and at its most basic the two terms are more-or-less synonymous’ (Düwell 2013, 95).}
moral status than non-human animals (DeGrazia 2007, 310). This would seem to imply that if dignity in its current form is already ‘supreme’ then it would also be unassailable, and unable to be improved upon. To confer someone a dignity, therefore, would imply that they have a high (if not the highest) moral status. What then, precisely, is the relationship between moral status and dignity? To what extent is dignity and moral status the same thing and in what ways are they different? Clearly a being could have a lower level of moral status, and not have a dignity. Due to its capacity to feel pain we might, for instance, accord a fish or spider a moral status, without assigning it a dignity as well. As highlighted by Marcus Düwell ‘what should be noted is that if a theory involves the existence of a ‘lesser’ moral status than dignity, such a status cannot be understood as ‘a bit of dignity’...A lesser status than dignity could still be a moral status, but not the status of dignity’ (Düwell 2013, 95). A universal human dignity is a non-scalar concept, and so does not admit of degrees – if two individuals have a dignity, they possess it equally.

However, could a being with a lower moral status also have a dignity? This is a much more complex question to answer, as bestowing something a dignity, as we have highlighted, is seemingly to assign it a very high moral status anyway. How then could a being have both a dignity and a lower moral status? An answer to this depends on how wide we are willing to cast the net of moral concern. A universal human dignity, as its name suggests, is intended to be an inclusive concept, with some of those often on the margins of moral concern brought into the fold. However, it is not clear if this extends to all members of

\[160\] For instance, see Toscano: ‘…the notion of human dignity should be understood as a high moral status consisting of a set of rights that guarantees a high degree of inviolability and respect’ (Toscano 2011, 5).

\[161\] See also: ‘animals may have a worth of their own, but theirs is not equivalent to human dignity’ (Karpowicz et al. 2005, 333).
the species *Homo sapiens*; whether, for example, foetuses, the irreversibly comatose, or even the dead have a dignity. Moreover, as we have seen in Chapter 8, if dignity is fundamentally a relational concept, this leaves it open to the extent that non-human animals can also have a dignity.

On the other hand, do individuals with a high moral status necessarily have a dignity? We might say, for example, that an extra-terrestrial being could have FMS, but we might hesitate to accord them a dignity as well, especially if dignity is rooted within the significance of human relationships and the extra-terrestrial is incapable of participating within this framework. For this reason, FMS and dignity are theoretically not synonymous and it appears, at least *prima facie*, possible to possess one without the other. However, in the vast majority of cases it seems sensible to agree that an individual with FMS is likely to also have a dignity.

However, to fully address these questions, it is necessary to outline precisely what we mean when we refer to a being as having a moral status. At a basic level, a being has a moral status ‘...if and only if it or its interests morally matter to some degree for the entity’s own sake, such that it can be wronged’ (Jaworska and Tannenbaum 2013; see also Dwyer 2011, 9). In other words, a being has a moral status only if there is something about them which means that their interests matter in their own right; that they have, in DeGrazia’s words, an ‘...independent moral importance’ (DeGrazia 2007, 315), and are not merely important instrumentally to someone else. If, for instance, as we have seen in Chapter 6, sentience and the capacity to experience pain and pleasure are of moral significance, then all those beings that have this capacity would also have a moral status which ought to be accorded a certain level of respect. In
contrast, rocks, the dead, or any other nonliving matter, would not have a moral status, as they seemingly lack any form of interests (although of course other beings might indeed find them of great interest). As DeGrazia explains, in regards to the wrongness of cruelty towards a horse: ‘it is something about the horse that makes it wrong to abuse her, not merely something about the horse’s relationship to certain persons such as the horse’s ‘owner’ or to other persons such as those who care about animals. The horse can suffer and therefore can be harmed in a way that she experiences. So we owe it to the horse not to abuse her. From this it follows that the horse has moral status’ (DeGrazia 2012a, 136). Notice by this account, moral status is considered asymmetrical, in that whilst the horse, by virtue of its moral status, can make moral claims on us (for example, we should not cause it unnecessary suffering), due to her lack of cognitive capacity she is unable to make moral claims on herself, so she lacks moral responsibility.

In contrast, as Wasserman has highlighted, a more controversial claim is that for a being to have moral status they must be able to act symmetrically, that is, ‘a being must be able to have moral claims made on it (and hence be capable of responsibility) as well as being able to make moral claims on others’. However the problem, as he notes, is that this strict requirement would not only exclude all non-human animals, but a ‘...symmetry condition would [also] exclude any human being lacking the capacity to have moral claims made on them—not only individuals with radical cognitive impairments, but infants and young children as well’ (Wasserman 2013a). Hence this form of moral status would run contrary to the idea of a universal human dignity. Rather, a universal human dignity appears to be an asymmetrical concept in so far as some individuals who have a dignity can lay moral claims on others, whilst not having
to reciprocate this moral responsibility (at least in any meaningful way). For instance, the expectation that a nurse should treat their patient with care and dignity, is not dependent upon whether or not the patient is able to reciprocate (because, for instance, they are in a permanent vegetative state or severely cognitively disabled). Rather, the nurse ought to treat their patient with care and dignity by virtue of the fact that the individual counts morally in their own right.

If part of the fundamental requirement for something to have a moral status is that it matters morally in its own right, one may question whether moral status need be restricted to individuals. Could certain groups or even abstract concepts such as care, love or dignity have a moral status as well? However, as noted above, there is also a requirement that there is some form of interest that matters morally and needs respect. In this respect, it is difficult to see how an abstract concept, such as love or dignity could itself have a moral status (although their possession might be indicative or constitutive of a being which does have a moral status). This is not to say that certain groups (be that along social, racial, species or gender lines) might have a moral status (for a discussion of this see Shockley 2013; also Sheehy 2006).

**Enhancing Moral Status**

However, moral status not only refers to a being who counts morally in their own right (what is sometimes referred to as moral standing) but also acts as a comparative notion. Just as one can have different levels or ranks of social status so, some commentators argue, we can have different degrees of moral status. Whilst two beings may both have moral status, one of them might still count for more morally, as they might have a higher moral status than the other
(see Agar 2013a, 67; Buchanan 2009a, 346). For instance, whilst we might argue that a horse does have a moral status, we might not accept that it should be considered equal in importance to the moral status of a human — we might argue, for instance, that the human’s greater cognitive capacities, their more valuable personal relationships, or their more sophisticated interests, ought to count for more than the horse’s. In this way, there appears, prima facie, to be at least two different levels of moral status — what is often thought of as a maximal or FMS (also referred to as ‘personhood’) and a lesser moral status below that. But, as we will see, there are myriad ways to conceive of this, with some envisaging one or more of these levels as a sliding scale, or a mixture of the two.

The fear then is that the creation of beings with higher moral status could decrease the value of our own moral status. As Douglas notes, one reason for this is that moral status ‘...is a partly positional good: its value depends in part on one’s relative, rather than absolute, endowment of it’ (Douglas 2013a, 483). Again this is one other respect in which a universal human dignity differs from moral status, for a universal human dignity is not a comparative notion (two individuals do not have different degrees of dignity), but is rather shared out equally amongst all constitutive members.

Importantly, human beings (or at least ‘normal’ functioning children and adults), are thought to have full moral status. As highlighted by Jaworska and Tannenbaum, FMS is commonly thought to involve ‘...a very stringent moral presumption against interfering with the being in various ways — destroying the being, experimentating upon it, directly causing its suffering, etc.’, moreover, some philosophers also include as part of FMS ‘...a strong, but not necessarily
stringent, reason to aid’ as well as ‘a strong reason to treat fairly’ (Jaworska and Tannenbaum 2013). One of the reasons some philosophers are hesitant to include these further aspects as necessary for FMS is the fact that a reason to aid or treat fairly is very open ended, and could either amount to a very broad or narrow duty to others, depending upon how one interprets it. We might also add to this list the fact that a being with FMS, like a being with dignity, is also commonly thought to have a high level of value or moral worth – it is because of this that their interests have the weight or significance they do, which may override the interests of beings with a lower moral status, where there is a conflict of interest. Moreover, significantly for our discussion, FMS is commonly thought to be a threshold or non-scalar concept in that once an individual meets the criteria for FMS, like dignity, it is shared equally amongst all constituent members and cannot be exceeded – it is, in other words, a maximal status.

As we will see, how we characterise and understand the relationship between our moral status and the moral status of these enhanced beings depends fundamentally on what model of moral status we adopt – a threshold or interests model, or some form of hybrid model. How we understand what moral status is has a fundamental bearing on whether or not radical human enhancement would lead to future postpersons or ‘supra-persons’.

**Threshold Views – Buchanan’s Account of Moral Status**

Whilst the threshold view of moral status has a long history, particularly within the Kantian tradition of so-called ‘respect-based’ accounts, it was Alan Buchanan who first seriously defended the threshold view against the potential threat posed from the possibility of moral status enhancement and the subsequent emergence of ‘postpersons’ (Buchanan 2009a). In particular, whilst
Buchanan accepts the distinct possibility that radical enhancement of human capacities could lead to ‘posthuman’ beings (in that because of their radically enhanced capacities it makes little sense to label them as merely human), he does not think that this would inevitably also lead to an increase in their moral status – they would not also become post-persons. The reason for this is that moral status is, in Buchanan’s eyes, a threshold concept, whereby all individuals who have the relevant cognitive capacities necessary for FMS, have FMS, regardless of the degree to which they possess the status conferring capacity, or how well they exercise them. As Jaworska and Tannenbaum explain: ‘…if capacity C grounds FMS, then any being that has C, regardless of how well it can exercise this capacity, has as much moral status as any other being that has C and this status is full’ (Jaworska and Tannenbaum 2013). This is also referred to as a ‘respect-based’ account of moral status because those with the requisite cognitive capacities, by virtue of their possession, are due a level of respect and their interests accorded a certain moral weight or significance. In essence, then, the threshold view is the belief that FMS is a non-scalar concept, whereby all those who have the characteristics we associate with personhood (be that intelligence, moral reasoning or language use) have FMS, regardless of how well they exercise or possess these capacities.

In contrast, the threshold view can still accept that there may in fact be a scale of moral considerability below the threshold for FMS, whereby some creatures have a higher or lower moral status relative to each other. Those below the threshold are often thought to have a moral status in proportion to the degree to which they possess the status conferring capacity. In contrast, those above the threshold have the same moral status, despite still possessing the same
capacity to different degrees. As Buchanan explains ‘on the respect-based view, it makes sense to say that even though the characteristics that constitute the capacity that confers moral status admit of degree, once one has the capacity, having those characteristics to a higher degree is morally irrelevant’ (Buchanan 2009a, 361). Yet Buchanan does little more that suggest, rather than demonstrate, why this is the case. As Wasserman notes: ‘the challenge of justifying the range feature of moral status is closely related to the challenge of justifying the threshold—why should differences above the threshold be morally insignificant when the differences marked by the threshold are so significant?’ (Wasserman 2013a).

*Moral Equality Assumption (MEA)*

One reason for Buchanan’s resistance to introducing a distinction between persons and post-persons is because it would challenge what he refers to as the ‘Moral Equality Assumption’ (MEA), the belief that, ‘all who have the characteristics that are sufficient for being a person have the same moral status’ (Buchanan 2009a, 347). Buchanan’s fear is that a demarcation between persons and post-persons will inevitably erode this moral equality and, in the process, would diminish the moral status and rights currently enjoyed by persons. As he highlights ‘...a world in which there were persons and post-persons would be a world in which the Moral Equality Assumption would be false...’ (Buchanan 2009a, 359). The MEA is based on the widely held view that once an individual has reached the minimum level of the relevant capacity (for example, intelligence, moral reasoning or autonomy) for FMS then their moral status does not continue to rise, but remains the same as all the other agents with FMS, regardless of how much they exceed the minimum level. So long as
the individual has the requisite capacity, their ability to exercise this capacity is irrelevant to their moral status (although it may still lead to further rights). Whilst intelligence might be a requirement for FMS, we do not, for instance, normally think a more intelligent adult human also has a correspondingly higher moral status. The threshold view, as understood by Buchanan, entails that personhood is the highest possible form of moral status; it is a fixed threshold which does not rise, regardless of the degree or intensity of capacities possessed by the individual in question.

Significantly, all ‘normal’ functioning adult humans (as well as most infants)\(^{162}\) are said to rest above this threshold, and hence have FMS. An advantage of the threshold view, then, is that it seems relatively morally egalitarian, with the most cognitively able humans sharing an equal moral status to those with much more limited capacities.\(^{163}\) By maintaining the MEA, we also protect the moral status of current humans. In contrast, a morally individualistic account would accept that an individual’s moral status should always be directly in proportion to the degree to which they possess the status conferring capacity. It is clear, therefore, that there are strong affinities between a universal human dignity and the threshold account of moral status. In particular, they are both non-scalar concepts to denote high moral worth, which are shared out equally amongst all constituent members. A form of the MEA seems to underpin a universal human dignity, in so far as all of the constituent members have dignity to the same degree. However, as we will see, the characteristics Buchanan proposes as central to the MEA (namely the capacity to give and take reasons) are quite

\(^{162}\) There is disagreement as to which infants might be excluded, for example, those with severe cognitive disabilities, which limits their potential to develop the relevant status conferring capacities.

\(^{163}\) As noted by Wasserman, ‘the term “range concept” comes from Rawls; his example is of points within a circle, all of which are equally “inside” despite varying distances from the circumference’ (Wasserman 2013a).
different in type and scope to the characteristics that ground a universal human
dignity.

Marginal Cases

Despite its egalitarian undertones, one serious obstacle for the threshold account is its difficulty in dealing with marginal cases, and defining precisely where the boundaries of moral concern lie. As noted by DeGrazia, one issue confronting proponents of the threshold model is that ‘many human beings do not meet the threshold these theorists suggest as the basis for moral status, yet it seems problematic to regard these human beings as lacking moral status. This well-known problem of non-paradigm humans should not be ignored’ (DeGrazia 2012b, 146). Indeed, the threshold account often attempts to draw a sharp divide between those who do and do not have FMS, despite the fact that the status conferring capacities themselves come in degrees. This can have serious ramifications for those who slip out of this threshold, despite the fact that the difference between the individual just below the threshold and that above might only be slight. The threshold account, therefore, is in danger of drawing arbitrary lines, where a more nuanced or multi-criteria account might be best. Buchanan acknowledges this potential problem, but insists that ‘proponents of the respect-based view can admit that there may be a fuzzy lower boundary for this threshold: that it may be difficult to judge whether some human beings (for example, very young children or cognitively impaired adults) have the capacity for mutual accountability. Nonetheless, the respect-based view can identify uncontroversial cases of individuals possessing the capacity in question’ (Buchanan 2009a, 359-60). Yet one may reply that it is no great achievement for a moral theory to be able to establish uncontroversial cases of
FMS. It is rather a moral theory’s ability to guide in controversial or marginal cases which is often of most use. Interestingly, whilst Buchanan acknowledges a fuzzy lower boundary, he doesn’t think there is a corresponding ‘fuzzy’ upper limit as well – personhood effectively goes on ad infinitum.

A further problem for the threshold account is in explaining how a property which itself comes in degrees can confer a threshold of FMS. In the words of Wasserman:

The difficulty presented by a threshold is that it imposes a moral discontinuity over psychologically continuous attributes. In contrast to the possession of a soul or a divine spark, practical rationality and moral accountability, and most other individual attributes claimed by contemporary accounts to ground moral status, appear to come in degrees. Looking at the development of an infant, for example, the acquisition of these attributes appears to be gradual, even if the rate of growth is uneven. And yet our judgment of moral status appears categorical—an individual either has full moral status or lacks it. (Wasserman 2013a).

One may respond that a universal human dignity suffers from a similar fate, in that the significance of the relations between individuals varies, and so it is not clear how they can be thought to ground an equality of moral worth. This is a fundamental problem for all threshold accounts, and as we will see, has persuaded some to adopt an interests approach instead.

In any case, because FMS is for Buchanan a threshold concept, and hence all those on or above the threshold have an equality of moral status, he therefore doubts that there could be such a thing as an enhanced moral status or ‘post-
personhood’. Whilst posthumans might be considered more virtuous or admirable, this does not necessarily entail that they must also be more morally significant or have a higher moral worth. As he explains, ‘merely augmenting the characteristics that make a being a person doesn’t seem to be the sort of thing that could confer higher moral status...the result presumably would be an enhanced person, not a new kind of being with a higher moral status than that of person[hood]. After all, some human persons are better than others at practical reasoning, are morally better, or are better able to envision their future existence, but that doesn’t mean they have a higher moral status’ (Buchanan 2009a, 359). Yet, quite how an ‘enhanced person’ is qualitatively different from a ‘post-person’ is not clear. Buchanan’s argument seems to be that because we currently consider FMS to be a threshold concept, whereby individuals with different levels of cognitive capacities (for example, intelligence) can share a common moral status, a being with vastly superior cognitive capacities would, therefore, also still have the same moral status. Yet, just because the threshold might obtain in cases where the differences between individuals are not that great, it does not necessarily follow that it would still obtain in instances where there is a vast difference between the two. Indeed, if a being was created with vastly superior intelligence, this might be a different story, and we would struggle to justify why their moral status should remain equal to a being with a much lower set of cognitive capacities.

In particular, for Buchanan, the full moral status conferring capacity in question is to be accountable for reasons which, he explains, is an individual’s ability ‘...to give reasons for what they do or refrain from doing and are able to engage with others in a “give and take” of practical reasons that includes a conception of good reasons (and better reasons)’, it is, furthermore, a ‘...capacity to take
responsibility for reasons—to feel a responsibility to justify what one does to others by citing reasons against the background assumption that reasons can be good or bad, better or worse...’ (Buchanan 2012, 140). This is a demanding symmetrical account, whereby one must also be responsible or accountable for their moral decisions. This would seem to exclude many of those we would normally consider having FMS, including young children, or the cognitively disabled.

Furthermore, even if the capacity to ‘give and take’ reasons might be an important component of FMS, it is certainly not normally considered to be the only relevant capacity. Buchanan does not seem to offer an explanation for why the ability to give and take reasons is the basis of FMS, beyond his own gut feeling or ‘intuition’ (Buchanan 2012, 140). As noted by DeGrazia, his claim is ‘...somewhat arbitrary and perhaps ad hoc...temporal self-awareness, agency, the capacity for symbolic thought, and moral agency in a broader sense than simply accountability for reasons. These criteria seem no less plausible than Buchanan’s for undergirding our moral status’, furthermore, DeGrazia suggests that post-persons ‘...may have equal justification for picking out a property such as excellence or reliability in moral agency as the basis for a moral status higher than that possessed by persons’ (DeGrazia 2012b, 145).

Therefore, if we use a different measure, be that intelligence or moral reasoning (both of which conceivably could be enhanced, and do not seem to have an

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164 See: ‘My intuition—and that is all I can say that it is—is that any being that has the capacity to ‘give and take’ reasons, where this includes having a notion of good and better reasons and a sense of responsibility for justifying one’s actions to others, has an especially high moral status and that having this capacity to a higher degree—that is, excelling at giving and taking reasons—does not give one a higher moral status. The point is that, once a being is amenable to the ‘give and take’ of reasons where this includes evaluating reasons and acknowledging a burden of justifying one’s conduct to others, that is sufficient for higher moral status’ (Buchanan 2012, 140).
upper limit), the possibility of enhanced moral status might be more obvious. The number of qualities which can be claimed to be of significance for judging moral status is perhaps either indicative of the complexity of the issue, or the arbitrariness of the concept.

In contrast to Buchanan’s quite restrictive and demanding account of FMS, in Chapter 8 we have seen how a form of FMS, or dignity, could be grounded on the significance of the relational ties between individuals and groups, including (but by no means exclusively), our shared vulnerability and dependence, as well as the capacity to engage and be part of caring relationships. These attributes allow the circle of moral concern to be broadened and are more reflective of what a universal dignity should be. As noted by Wasserman, ‘these accounts seek to recognize the full and equal moral status of all, or almost all, human beings, including children, and of adults with significant cognitive and psychological disabilities’ (Wasserman 2013a). Indeed, all of these capacities, in principle, could also include posthumans, nor do they necessarily exclude non-human animals (although of course the account is weighted more in our favour).

Nevertheless, the relational account suffers from a similar stumbling block to the threshold account, in that there is still a ‘fuzzy’ boundary of where the threshold should lie; ‘...these alternative attributes do not resolve, but merely relocate, the problem of accounting for the threshold and range features of full moral status’ (Wasserman 2013a). Indeed, it is not clear quite how wide the circle of moral concern ought to be expanded, and whether a universal human dignity should still exclude some humans (for example foetuses or the irreversibly comatose). Moreover, could the capacity to care or value, for instance, be enhanced to
such a degree that it would lead to a correspondingly higher dignity? There seems little in principle to prevent the conclusion that radical enhancement could lead to more sophisticated, complex, and profound relationships, which itself would lead to a higher form of ‘posthuman dignity’. However, in the process, it might lose all sense of the human element, devoid of any form of relatable human framework, and consequently human dignity would lose its original meaning. Whether this is ultimately misfortunate would depend upon what replaced it, and what would be lost.

*Differences of Degree and Differences of Kind*

Part of the problem in establishing whether or not enhancing capacities to such a radical degree could lead to a higher moral status is deciding whether it is possible to merely augment existing capacities, or if this would require the emergence of entirely new abilities. Buchanan believes only differences in kind can bestow a higher moral status, as ‘it does not seem plausible to say that it would consist simply of higher levels of the same characteristics that now constitute the threshold the respect-based view employs’ (Buchanan 2009a, 363). Buchanan is correct in that we do not normally consider people with higher degrees of cognitive capacity (be that intelligence, language ability or general knowledge) to have a higher moral standing. Be that as it may, we can also hold the view, without fear of contradiction, that a being with vastly superior cognitive capacities might have a correspondingly higher moral status.

Yet, even if Buchanan is correct that enhancement of existing capacities could not lead to a higher moral status, this is not to say that post-personhood might still be achieved by the creation of entirely new capacities. Indeed, McMahan has suggested that it is possible that biotechnological enhancement could in
fact lead to ‘...new, emergent capacities in posthumans that would plausibly ground a higher degree of inviolability’. As he notes, ‘all the psychological capacities that we have that are reasonable candidates for the basis of our higher inviolability—selfconsciousness, the ability to act on the basis of reasons, and so on—seem to be emergent properties that have arisen from the combined enhancement of capacities found in animals’ (McMahan 2009, 603).

Buchanan also argues that it is a difference in kind, rather than degree, which is of significance in justifying the current threshold for FMS. In this case, he argues that the difference between those with the capacity for accountability for reasons, and those without it ‘...is of a profoundly different sort than differences among beings as to how well they can exercise the capacity’ (Buchanan 2012, 140). A similar sentiment has been promoted by Thomas Douglas, who has argued that on the threshold account of moral status, ‘...persons have greater moral status than lower beings not because they possess the same capacities to a greater degree, but because they possess entirely new capacities. They are not just better at performing the mental tasks that lower beings perform; they can do entirely different things, such as engaging in moral reasoning’, he therefore suggests that posthumans would ‘...need to possess a new and qualitatively different mental capacity in order to enjoy supra-personal moral status’ (Douglas 2013a, 481).

Yet, many of the capacities which are commonly cited as fundamental to FMS – including intelligence, sociability, language use, even moral reasoning – can be witnessed in varying degrees amongst certain non-human animals. As we have seen in Chapter 7, these capacities are by no means unique to humans. For this reason, DeGrazia has responded that ‘it is not self-evident that a huge
difference in degree of some relevant property cannot underlie different levels of moral status...’ (DeGrazia 2012b, 145). It follows, therefore, that there is no reason in principle why a being with greatly enhanced existing capacities (for instance, a vastly superior ability for moral reasoning) could not also have a moral status higher than personhood.

Therefore, in direct contrast to Buchanan, DeGrazia proposes that radical human enhancement of existing capacities and abilities could in fact lead to the creation of beings with such advanced capacities as to be rightly characterised as ‘post-persons’ (DeGrazia 2012a, 135). For DeGrazia, if we are to follow Buchanan’s argument that accountability for reasons is sufficient for personhood, and we judge that non-human animals have a lesser moral status because they possess this capacity to a much smaller degree, we should be willing to accept that possessing higher degrees of this capacity should also lead to a correspondingly higher moral status. In this way, if we are to preserve the threshold account, DeGrazia argues that we must first adapt it to allow for the possibility of a moral status higher than that of personhood (DeGrazia 2012a, 136-138). DeGrazia, therefore, proposes a comparative claim for the existence of a moral status higher than personhood:

...post-persons have about as much justification in believing that they have higher moral status than persons as persons have in believing that they have higher moral status than animals (DeGrazia 2012a, 138).165

165 Which can of course also mean that they would have as little justification to do so as we have now. Although DeGrazia believes the Respect Model to have substantial conceptual problems, he does acknowledge that it does have ‘several strengths’: ‘It protects the Moral Equality Assumption which few would want to abandon; it enjoys the backing of a powerful tradition in moral philosophy and it squares very well with most people’s intuitions about appropriate treatment of persons and animals’ (DeGrazia 2012a, 137).
Buchanan responds by criticising DeGrazia’s claim that animals have the capacity to be accountable for reasons (even to a mild degree). As he understands the concept, no animals currently have this capacity. It is, therefore, in his eyes a difference in kind, rather than degree, between the two species, which justifies this higher moral status. Seemingly this impasse can only be resolved by undertaking an empirical study of whether or not animals do in fact have the capacity to be accountable for reasons.

A similar position to DeGrazia has been taken by Agar, who adopts an inductive argument for the existence of moral statuses superior to personhood. Simply put, Agar’s idea is that: ‘the observed existence of many moral statuses up to and including persons provides moderately strong inductive support for the possibility of post-persons’ (Agar 2013b, 81). In other words the fact that, for many, there are a range of moral statuses up to and including FMS is indicative that there may also be further moral statuses beyond that. However, Agar goes further than DeGrazia and claims that there is no upper limit to moral status (Agar 2013a, 70). In particular, he distinguishes between bounded and unbounded capacities. The former refers to those attributes that appear to have an upper limit to the improvement someone can make to them. The example he gives is of the capacity to speak the English language, in which he argues that there does not seem to be an infinite degree to which one could be better at exercising this capacity (although one might retort that it is possible that there is in fact no limit to language ability, but we just have no way of knowing if this is the case). In contrast, an unbounded capacity is one in which there is no foreseeable limit to the degree to which one could exercise this capacity. The example Agar gives is in mathematics, in which ‘there is no reason to believe that the limits of mathematics must be tied to the limits of the understanding of
humans or of any other being’. Similarly, Agar suggests that ‘knowledge of practical reasoning seems more like knowledge about mathematics than it is like knowledge of the English language...It is something that can be improved’ (Agar 2013a, 70). Whilst post-persons may also not have perfect moral judgement, they would nevertheless have a much better understanding than the unenhanced and, like those with great mathematical knowledge, we would be justified in deferring to their better judgement (Agar 2013a, 70).

Wasserman takes issue with Agar’s claim that we would have to defer our judgement to moral experts as he claims that ‘...their epistemic and moral authority would rest to some extent on their capacity to explain the grounds of their moral judgements to us’, but, ‘such deference [to moral experts] may be harder to justify the less we can understand the grounds for expert judgement. If moral reasoning was like mathematical reasoning, the grounds that posthumans had for claiming higher moral status might well remain inaccessible to mere human beings. Our consent would be more problematic for being uninformed’ (Wasserman 2013b, 78-9). Yet as we will see in the next section, this epistemic problem is not necessarily a reason to stop future posthuman beings making moral judgements on our behalf. Just as we do not expect to have to explain to animals (nor for them to understand) the reasoning behind our moral judgements (including their lower moral status), so too posthumans might be justified in their moral judgements without having to ensure they are comprehensible to the unenhanced. Indeed, accounts such as universal human dignity, that accord a form of FMS to ‘marginal cases’ (for example to young infants or the severely cognitively disabled), realise that these individuals may not be able to comprehend fully why they have FMS. Hence, the ability to

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166 as well as ‘...logical reasoning, the power of abstraction, memory, or any other of the abilities that jointly constitute practical reasoning’ (Agar 2013a, 70).
comprehend the reasons for bestowing FMS seems to be a sufficient, but not necessary, condition for possessing FMS.

The Epistemic Problem of What Might Confer Post-person Status

One issue, which also pervades the entire human enhancement debate, is not knowing what a posthuman state would actually be like. In particular, for the purposes of our discussion, there is an epistemic problem of which property (if any) might actually confer postperson moral status – what Agar refers to as the ‘inexpressibility problem’ (Agar 2013a, 67). This epistemic gap might seem to be a logical necessity, as our limited nature should prevent us from comprehending what capacity it would take to become truly post-persons. If we could comprehend what the moral status of a post-personhood would be, then we ought to also have this higher moral status. In the same way that non-human animals are presumed to be unable to comprehend the reasons for their lower moral status, as otherwise we would find it increasingly difficult to justify their current lower moral status. Agar argues that this inescapable cognitive limitation ‘restricts us to indirect, non-constructive ways to demonstrate the possibility of enhancing moral status’ (Agar 2012, 145).

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167 This epistemic gap has led Agar to conclude that ‘...constructive accounts of moral status enhancement are doomed to fail. This is because criteria for moral statuses superior to personhood are likely to be at least partly constituted by a complex cognitive capacity...We are not post-persons and therefore find it impossible to fully grasp criteria for post-personhood...If post-personhood is partly constituted by complex cognitive capacities that we mere persons lack, then it’s to be expected that they will lie beyond our comprehension. Having the capacity to exercise them will be constitutive of truly understanding why they enhance status. I suspect that this inescapable (by mere persons) cognitive limitation restricts us to indirect, non-constructive ways to demonstrate the possibility of enhancing moral status’ (Agar 2012, 145).

168 As Agar explains: ‘we are necessarily clueless in respect of moral statuses superior to our own. If mice understood practical reasons sufficiently well to truly understand why persons have a moral status superior to their own then they would be capable of the feats of practical reason constitutive of personhood—they would be persons’ (Agar 2013b, 81).

169 One may suggest that what is needed is almost a theological approach, whereby knowledge of vastly superior beings can only be known indirectly. Conversely, this epistemic gap has been taken by Buchanan as evidence of the validity of the threshold view, as the difficulty of imagining what a higher threshold would be like is indicative of the fact that there is no higher
In contrast to Agar’s insistence that we cannot know what a post-person conferring capacity would be, Jeff McMahan has offered an example of a potential qualitatively new kind of capacity which could lead to its possessor having a higher moral status: an ability for a post-person to ‘actually experience other individuals’ mental states while simultaneously reflecting on those experiences in a self-conscious manner from their own point of view’ (McMahan 2009, 604). Again this is arguably nothing more than an, albeit radical, increase in an already existing capacity for empathy, and is not obvious that this should automatically lead its possessor to have a higher moral status. Interestingly, the character Will Graham, in the Thomas Harris novel *Red Dragon* (1981), is an FBI profiler who has a greatly heightened ability for empathy,¹⁷⁰ which allows him to experience the mental states of others (albeit the mental states of serial murderers and psychopaths). However, it is highly unlikely that we would conclude the character, as a result, has a higher moral status as well. Indeed, his special talent in many ways is seen as a handicap, which drives him close to insanity. Although one may respond that Graham failed to satisfy McMahan’s second criterion, as he was unable to *simultaneously* reflect on these experiences from his own point of view (he was rather, presumably, entirely consumed by another individual’s experiences).

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¹⁷⁰ “What he has in addition is pure empathy and projection,’ Dr. Bloom said. ‘He can assume your point of view or mine – and maybe some other points of view that scare and sicken him. It’s an uncomfortable gift, Jack”’ (Harris 1981, 170).
Inviolability, Dignity and Enhanced Moral Status

A central tenet of the threshold account is that those who possess FMS are also *inviolate*. The inviolability aspect of FMS is not the claim that persons cannot be violated, but that they ought not to be. Indeed, as highlighted in Chapter 8, a major aspect of dignity is not only to make claims about how an individual should be treated (for example, with respect or care), but also the prohibition of certain degrading and dehumanizing acts, including humiliation or callousness. A universal human dignity, in particular, recognises the vulnerability and susceptibility to harm of all humans, and the importance to guard against this.

From the threshold point of view, one major aspect of inviolability is that persons are protected from being sacrificed for the sake of other persons, even for a number of persons. Indeed, McMahan has insisted that the most important dimension of violability is ‘...the extent to which an individual may justifiably be sacrificed for the sake of others’ (McMahan 2009, 601).

Significantly, like FMS, inviolability is considered to be shared equally between all persons – in other words, all above the threshold are equally inviolable (or equally violable). Likewise, the ‘minimum core’ of the modern account of human dignity has often conceived it as both *inherent* in all individuals, and *inviolate* (European Convention 2000; United Nations 1976a, 1948; and Basic Law 1949). That is, whilst dignity can be challenged and flagrantly violated (be that

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171 Although this view does not hold for some types of utilitarianism, as noted by Buchanan: ‘For a utilitarian there are no differences in moral status properly speaking; there is only a gradation, a continuum of beings with lesser and greater capacities for well-being and harm, and sacrificing some beings for the sake of others further along the continuum is always in principle not only permissible, but even required. On this view, if biomedical enhancements produced beings with greater capacity for well-being than persons, then persons could be justifiably sacrificed for their sake. For reasons already noted, this utilitarian view is more properly characterized as a rejection of the idea of moral status than as a noncontractualist interpretation of it’ (Buchanan 2009a, 367).
through humiliation or physical violence), it cannot be taken away or completely lost by the individual in question (see Chapter 8). In the same way, a person would still have FMS, regardless of whether or not others acknowledged this.

However, one major concern voiced against the rise of future post-persons, is the knock-on effect this might have for the moral status and inviolability of the unenhanced.172 This form of harm is different to such threats as increased susceptibility to physical or mental distress but instead is, as Douglas explains, a second-order harm or ‘...a kind of meta-harm’, which is ‘the harm of being made more susceptible to being permissibly harmed—more liable to harm’ (Douglas 2013b, 75). In this way, the creation of post-persons would have a detrimental effect on the moral status of the unenhanced, leading to a reduction in their immunity to permissible harm. This is particularly pertinent if we reflect on the fact that moral status is not entirely a static concept, but is a comparative notion which is susceptible to change. Hence, if a moral status higher than personhood did exist, personhood would no longer be a full or maximal moral status and, consequently, it would lose some of its significance or moral force. Consequently, persons would become more violable to harm than those with a higher moral status.

Buchanan seems to accept this may be a worry for many. Nevertheless he challenges the idea that posthumans would become more inviolable on the grounds that personhood is already thought to confer immunity to harm and as, in his eyes, it is not possible to have a moral status higher than personhood, it follows that the creation of radically enhanced beings would not affect humans’

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172 Discussion has moved from looking at the supposed privilege of being human, to how we can protect the moral status of humans (Savulescu 2009, 216).
current moral status. In other words, Buchanan argues that posthumans would remain as inviolable as the unenhanced (Buchanan 2009a, 364).\textsuperscript{173}

A similar relaxed attitude to the emergence of radically enhanced beings is shared by Julian Savulescu who reassures that ‘if being a person grounds a right to life, then our lives are not in jeopardy if there are people smarter than us...As humans, we now believe that all human cultures, regardless of their sophistication, age, intelligence, creative complexity, deserve protection. Human culture would be like this in a moral post-human world. What we must ensure is that the post-human world is sufficiently moral. We do have much to fear from immoral post-humans. But then again, we have much to fear today from immoral humans with great technological powers’ (Savulescu 2009, 238-9). One might suggest that this is quite a naive position to take, not least because we often do not accept that all human cultures, or at least certain aspects of culture, deserve protection, be that practices of female genital mutilation, or in the harrowing recent actions performed under the duress of the group ‘Islamic State’ in the Middle East or ‘Boko Haram’ in Central and Western Africa. In these instances, as well as others, we actively try to prevent such social practices. In the same way, radically enhanced future societies, even if highly moral, might consider many of our current widely accepted social and cultural practices to be morally abhorrent or not worthy of respect or protection. One might respond that if posthumans had been enhanced so as to act morally, then we would be unjustified in our criticism of their actions, and should defer to their moral expertise. Indeed, if we hold that comprehension is important for FMS, as Buchanan does, this would make it increasingly hard to accept his

\textsuperscript{173} As he explains: ‘...inviolability, properly understood, is a threshold concept. On this view, meeting the requirements for being a person confers inviolability and that is what counts; having the characteristics that confer personhood to a higher degree does not confer greater inviolability’ (Buchanan 2009a, 364).
belief that unenhanced humans would retain FMS in a posthuman world, as this epistemic gap in our moral knowledge would entail that we would no longer be able to comprehend why a given action was, or was not, morally correct.

**Degrees of Inviolability**

In contrast to Buchanan and Savulescu, Jeff McMahan has warned that radical human enhancement could lead to a situation where there is a second threshold of moral considerability, over and above that of personhood, in which a (‘normal’ functioning) post-person ‘...would be inviolable to a higher degree than any unenhanced person’. McMahan suggests that just as there is a moral threshold separating humans from other non-human animals, so there might be a corresponding gap in moral considerability between the enhanced and unenhanced (McMahan 2009, 602).

In particular, McMahan has questioned the stance that all (unenhanced) persons are equally inviolable, labelling it a feature of ‘commonsense morality’ (by which he presumably means a form of layman’s ethics or a widely accepted point of view). For McMahan whilst in principle persons are inviolable, in reality, they may still be permissibly sacrificed in exceptional circumstances (for example, in order to save a large number of persons or a being with a higher inviolability): ‘...most people do not really believe that we are literally inviolable. Most people—or at least the great majority of people whose moral views are not dictated by ancient religious texts—are not moral absolutists. They accept that all substantive moral principles may be overridden in conditions of extremity’ (McMahan 2009, 598). For McMahan, there is in reality nothing like absolute inviolability for individuals, even for persons. Rather, adult humans may be
considered to have no more than a very high immunity to permissible harm.\textsuperscript{174} Presumably then post-persons would have an extremely high degree of inviolability (if not absolute) and, consequently, their interests may take precedence over that of mere persons. McMahan is in danger of contradicting himself here, as he has already claimed that ‘commonsense morality’ supports the view that all persons are equally inviolable, but then in the same breath claims that in reality most people do not hold this view.\textsuperscript{175} Nevertheless, we may accept that many would likely agree with the idea that a single person may sometimes be permissibly sacrificed for the greater good, including to save the lives of other persons, although there is considerable disagreement about what would be considered sufficient to override this inviolability. In this way, FMS does not bestow the individual with complete inviolability, but only a very high immunity to permissible harm. If this is correct, then the danger for current humans is that the creation of superior beings would lower again this immunity to harm.\textsuperscript{176}

Nevertheless, even if we agree that inviolability should be shared out equally amongst all constituent members, and we do decide that both humans and posthumans would have equal inviolability in so-called ‘tie breaker’ scenarios (in which we have to make a decision between the survival of two or more individuals), we may instead look to other factors, such as interests, to

\textsuperscript{174} As McMahan argues: ‘What most people really believe, therefore, is that all individuals are morally violable, but to greatly varying degrees...Normal adult human beings...are almost universally regarded as having an extremely low degree of violability. The sacrifice of an innocent person can be morally permissible only if it is necessary to prevent a substantially greater harm to many other people. Commonsense morality seems to assign foetuses an intermediate degree of violability, yet attributes to cognitively limited human beings beyond the fetal stage a low degree of violability comparable or identical to our own’ (McMahan 2009, 599).

\textsuperscript{175} Conversely, a strict Kantian or deontologist (as well as many religious positions) would insist that it is always morally wrong to sacrifice a person, even if doing so would lead to a benefit for more people.

\textsuperscript{176} Indeed, Buchanan’s fear is that ‘if the inviolability of persons is not absolute...then surely there can be circumstances in which it would be permissible to sacrifice mere persons for the sake of post-persons, in tragic choice situations’ (Buchanan 2009a, 364-5).
determine the outcome. As noted by Douglas, this is particularly pertinent in cases involving posthumans, as they would presumably often have greatly enhanced interests on claims of continued survival (Douglas 2013a, 485). However, if this is the case, then one may question whether both individuals can be considered equally inviolable in the first place.

**Interests Model**

Indeed, DeGrazia believes the respect-based model, even if we accept the idea that there is a second threshold of moral status above our own, is still unpalatable. Rather, he proposes that it would be wiser to ‘...drop the idea of levels of moral status [and], accept that all sentient beings have moral status...’. In its place, DeGrazia proposes what he calls an ‘interests model’, and ‘allow that some differences in interests and capacities justify some significant differences in how we should treat beings of different kinds’ (DeGrazia 2012a, 136). In this way, DeGrazia insists that, whilst all sentient beings have the same moral status, some individuals are still owed more due to their stronger interests. The thought seems to be that all sentient beings deserve to have their interests considered equally, even though we may later decide that they require different treatment, due to differences between their interests or capacities. As DeGrazia quite justifiably notes, ‘we human persons can’t have moral status that is both superior and unsurpassable’ (DeGrazia 2012b, 146-7).

For DeGrazia there are many morally significant differences between individuals, which do not entail a corresponding difference in moral status. For instance, he uses the example of a developed capacity for autonomous decision-making, which varies between competent adult humans and young children, yet we do not believe this difference should also equate to a difference
in moral status. Similarly, the fact that this capacity is less developed in other non-human animals, is not a reason to accord them a correspondingly lower moral status. DeGrazia goes so far as to claim that ‘...no morally important difference between persons and animals—or between post-persons and persons—amounts to a difference in moral status’, there are thus no levels of moral status amongst sentient beings, and any differences in moral treatment are due to ‘...differences in interests, capacities and circumstances...’ (DeGrazia 2012a, 139). DeGrazia is well aware that his account goes against the ‘mainstream' consensus of moral status.

DeGrazia argues that this model would still entail that, in so-called ‘lifeboat scenarios’, we would still be justified in saving the life of a human over that of a non-human. However, this would not be because the human has a higher moral status, but because the human will suffer a greater harm in losing their life (for example, because they have greater interests in continued survival or they will lose more if they are killed) (DeGrazia 2012a, 139). Whilst the interests model may sound egalitarian at first glance, in practice, when we have to decide between individuals (such as when we have to decide who to save), as with the threshold account, the being with the higher morally relevant capacity or interest will still win out. In other words, it appears that the result will likely play out the same as the threshold account, even if the methods or criteria used to get there are different.

For this reason, one may question the point of assigning every sentient being equal moral status. If it is differences in interest and capacities that determine or justify differences in treatment, then is this not just ‘moral status' by a different name? Indeed, even if posthumans would have the same moral status
as animals, they would still have vastly superior interests and capacities, and therefore, would deserve better treatment, and would win out in ‘lifeboat situations’. It is difficult, therefore, to see how this is different in any meaningful way to arguing for different levels of moral status. For this reason, despite DeGrazia’s claims to the contrary, the interests account seems to be a moral individualistic account of moral status, whereby moral status is on a continuum, so ‘...if capacity C grounds moral status, then any being who has C has some status; the better it can exercise this capacity, the higher its degree of moral status’ (Jaworska and Tannenbaum 2013). In this case, the capacity ‘C’ in question are the individual’s interests, and it is not difficult to see how in most cases the human, and in turn, the posthuman, would have the greater interest, and so the correspondingly higher moral considerability.177

This sliding scale approach to moral considerability also presents a potential problem for a universal human dignity, as it draws no distinct line between the special worth of humans and the rest of sentient life. As we have seen, dignity is thought to be a threshold, rather than a gradient or sliding scale (all those with a dignity are thought to have it equally – one does not have ‘a bit’ of dignity), with all those above the threshold entitled to a particularly high moral worth and respect. Therefore, if we adopt the interests model, which holds that an individual’s treatment in any given situation is dependent upon the strength

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177 As we saw in the beginning of the chapter, moral status is usually thought of as a comparative concept, yet if all sentient beings have the same status then it seems a misnomer to call it a ‘status’. A threshold is built into the idea of ‘moral status’ – for something to have a status is to give it a more definite distinction from those that do not, in comparison to a gradient or a sliding scale of moral considerability. Indeed, DeGrazia’s account seems closer to the idea of moral standing, in that all sentient beings count morally in their own right. For this reason, Buchanan is correct to state that ‘...the interest-based view is not so much an account of moral status as a debunking of the notion and a proposal to replace it with the idea of variable moral considerability’ (Buchanan 2009a, 368).
of their interests, we would be hard pressed to explain why we should still accept the idea of a universal human dignity.

Nevertheless, there are still certain affinities between human dignity and an interests-based account, not least the focus on the inclusivity of moral concern. In contrast to the threshold account of moral status, which tends to focus on those individuals who clearly do merit FMS rather than what Buchanan refers to as the ‘fuzzy’ lower boundary of moral concern, both the interests and dignity accounts are concerned as much with the plight of those marginal cases. A similar sentiment has been proposed by Silvers, who suggest that the idea of ‘inclusiveness’, rather than moral status, is a better method for ascertaining moral worth, as he argues:

Unlike moral status, valuing inclusiveness proceeds on the assumption that every kind of entity possesses *prima facie* considerability. We are directed by this value to ask about every kind of individual not, passively, whether it rises over the threshold of moral concern, but instead, actively, whether we can devise a way of collaboratively engaging with it as an expression of moral concern. The burden of engaging our moral attention thus lies not with others’ impressing their worthiness on us in virtue of their possessing certain properties, but with each or us attending to the possibility of casting others as potential partners in collaborative enterprises, and to the challenge of devising innovative ways of cooperating with different kinds of individuals (Silvers 2012, 1021).

For Silvers, moral status accounts are wrong-headed, in that they focus on the individual’s possession of certain morally relevant properties, and whether or not these capacities meet a given threshold. Instead, rather than fixate on the
agent’s inherent abilities, we should focus on whether or not it is possible to incorporate the individual within the moral fold. Such an account seems close to what a universal human dignity is: it is not overtly capacity driven, as we ought not to determine an individual’s moral considerability purely on the basis of their cognitive faculties or abilities, but rather acknowledge that we are all embodied ‘fellow human beings’ who share a common life, and are all prone and susceptible to similar shocks and ills (Mulhall 2002, 18).

**Conclusion**

This chapter has examined the close relationship between two forms of threshold account: a *universal human dignity* and *full moral status* (FMS) which, despite the close affinities between the two, has seldom been explored. Both dignity and FMS are commonly thought to be threshold or non-scalar concepts, in that once an individual meets the criteria for FMS or dignity, it is shared equally amongst all constituent members and cannot be exceeded – it is a maximal status.

At a fundamental level, both FMS and dignity are reflective of an individual’s high level of value and moral worth. Their interests have a weight or significance, which may override the interests of beings with a lower moral considerability, where there is a conflict of interest. Indeed, both concepts involve a strict requirement against the individual being unnecessarily harmed (be that by causing unnecessary suffering, restricting autonomy or sacrificing in so-called ‘lifeboat scenarios’), as well as often a strong requirement to aid where appropriate. In both instances the threshold account is concerned with the idea that most humans have a high *moral worth*, which has a correspondingly high (if not the highest) degree of *inviolability*, which ought to
be recognised and respected by others. It is, moreover, shared equally amongst all (or most) human beings – these three key strands form, as we saw in Chapter 8, a so-called ‘minimum core’ of human dignity.

As there are close affinities between human dignity and the threshold account of moral status, this similarity also means that they share several key weaknesses. In particular, both accounts suffer from vagueness as to which individuals below and above the threshold are worthy of FMS. Indeed, one serious obstacle for both threshold accounts is their difficulty in dealing with marginal cases, and defining precisely where the boundaries of moral concern rest. The threshold account, therefore, is in danger of drawing arbitrary lines, where a more nuanced interests based or multi-criteria account might be best. Similarly, it is not clear quite how wide the circle of moral concern should be expanded, and whether a universal human dignity should still exclude some humans (for example foetuses, anencephalic infants or the irreversibly comatose), as well as include some non-humans (this will be explored further in the next chapter).

The aim of moral status enhancement is to increase these three key strands (moral worth, inviolability and respect), and so enhance an individual’s interests and entitlement to beneficial treatment and increase their immunity to permissible harm. Moral status enhancement, if possible, is commonly thought to be achievable by enhancing the capacities, interests or abilities of the individual in question. An answer to whether it is possible to enhance moral status, therefore, rests on which of these characteristics we believe underpin moral status, and if they are capable of being radically enhanced. Most capacities cited as central to moral status – be that intelligence, moral
reasoning or accountability for reasons – do appear to be capable of being enhanced (they are ‘unbounded capacities’ to use Agar’s expression), and we would struggle to justify why an individual with such an enhanced set of status conferring capacities should remain equal to a being with a much lower set.

Similarly, the relational features it has been argued in Chapter 8 as central to grounding a universal human dignity, including our shared vulnerability and dependence, as well as the capacity to engage in caring relationships, seem in principle to be capable of being enhanced to such a degree that it would lead to a correspondingly higher moral status. There seems little in principle to prevent the conclusion that radical enhancement could lead to more complex, valuable and profound relationships, which itself would lead to a higher form of dignity – what might be termed a ‘posthuman’ or more accurately ‘post-person’ form of dignity. Indeed, the complexity of human relationships might seem simplistic in comparison to the depth of complexity of posthuman social practices. As we have highlighted, in the process, these radically enhanced relationships might become unrecognisably human, and so lose all sense of the human element, and consequently would lose its original meaning. We could no longer refer to this as a ‘human dignity’. As highlighted in Chapter 8, the term ‘human’ is a thick evaluative concept, which has both descriptive content, as well as a rich evaluative element. There are then certain social practices, from naming our young to not eating our dead, which are reflective of what it means to be human. Whether the loss or diminishment of a distinctively human form of dignity is ultimately misfortunate depends upon what replaced it, and what would be lost.


doi:10.1142/148

178 Although in some cultures this may be exactly what is required for a respectful treatment of the dead (see for example Vilaca 2000).
Hence, in contrast to Buchanan,\footnote{Buchanan summaries his position, writing: ‘I have argued that whether we adopt an interest-based or a respect-based view makes a great deal of difference to the answer to the question, ‘Could biomedical enhancements eventually produce beings with a higher moral status than that of persons?’ If one adopts the interest-based view, then it is hard to rule out the possibility that the answer is ‘yes’, whereas from the perspective of the respect-based view the answer appears to be ‘no’ and the very possibility that an affirmative answer assumes seems unimaginable’ (Buchanan 2009a, 368).} this chapter has suggested that, whilst of course highly speculative, it does seem plausible that under the threshold account of moral status, radical human enhancement could lead to the creation of such advanced capacities, abilities, relationships and interests, that their recipients would justifiably be referred to as post-persons. There seems little reason to maintain that FMS should need to always remain obtainable by (unenhanced) humans.

Nevertheless, we can agree with Buchanan that this would have severe consequences for the moral status (as well as the dignity) of the unenhanced. Moral status enhancement would inevitably challenge the moral equality assumption of the threshold account – the idea that all with the requisite capacities sufficient for FMS enjoy the same moral status. This is particularly pertinent if we reflect on the fact that moral status is not entirely a static concept, but is a comparative notion which is susceptible to change. Hence, if a moral status higher than the current threshold did exist, then it would no longer be a full or maximal moral status and, consequently, it would lose all or some of its significance and moral force. Those with a dignity are commonly thought to already have an absolute worth – to be beyond price. Yet, if post-persons were created, then it becomes difficult to maintain this high moral status for those who were not radically enhanced. Indeed, all sentient beings, and even persons, would become more susceptible to permissible harm than those with a higher moral status, as well as suffer a decrease in their moral worth and
respect due to them. Moreover, those already on the margins of moral considerability would consequently be pushed further aside. This is a particular worry for a universal human dignity, which like the interests based account, prides itself on its inclusivity.
Chapter 11  Dignity and Human-animal Chimeras

Introduction

That appeals to human dignity have been raised against the creation of human-animal chimeras is of little surprise. Human dignity and the creation of chimeras occupy similar conceptual terrain and bring into focus similar issues, from the significance of species membership and the blurring of species boundaries, to the role of embodied life, the importance of certain cognitive capacities, and our social relations, as well as our sense of our own selves and humanity. In particular it is the potential, through biotechnological intervention, to instil a certain humanness or humanity into non-human animals that has stirred up the imagination and, in certain quarters, provoked a profound unease, or even disgust\(^{180}\) at the idea of dissolving the current biological divide between human and non-human (Greely et al. 2007, 32-33).

This theme is by no means a recent one. The idea of the chimera itself originates from the *Iliad*, to describe a goddess with the fire breathing head of a lion, tail of a serpent, and body of a goat. More recently, the crossover between human and animal was famously played out in Kafka’s *The Metamorphosis* (1915) as well as H. G. Wells’ novel *The Island of Doctor Moreau* (1896) in which the rogue surgeon, through a series of cruel experiments, transforms animals secretly brought onto the island into grotesque human-like creatures. As the protagonist of the tale, Edward Prendick, notes after witnessing the result, ‘...seeing the creature there in a perfectly animal attitude, with the light

\(^{180}\) As we find in H. G. Wells’ account of the grotesque result of human-animal experimentation: 'It was a limbless thing with a horrible face that writhed along the ground in a serpentine fashion. It was immensely strong and in infuriating pain, and it travelled rapidly in a rolling way like a porpoise swimming...' (Wells 2005, 77).
gleaming it its eyes, and its imperfectly human face distorted with terror, I realized again the fact of its humanity’ (Wells 2005, 94). Such fanciful and emotive examples have led some commentators to question the wisdom of using the word ‘chimera’, which has connotations of Frankenstein type monsters, to describe often benign or subtle interspecies mixing.\(^{181}\) As Jonathan D. Moreno notes, ‘...the word chimera is more exotic than it is descriptive. The word’s very strangeness imparts a distracting mystery to the animal models to which it applies...Words like these can be setbacks for science in the public mind...’ (Moreno 2014, 381).

Indeed, the term ‘chimera’ is often used to describe a range of different animal-human (and animal-animal) mixing and has no definitive definition within the biological sciences. It can refer to interspecies or intraspecies mixing on the genetic, cellular or whole organ level (Karpowicz et al. 2005, 109). Chimeras can be created both \textit{prenatally} in which, for example, human stem cells are transferred into animal embryos or foetuses, as well as by \textit{postnatal} methods whereby human genes, stem cells, tissues, or organs are introduced into animals (Loike 2013, 282; de Melo-Martín 2008, 331-2). These distinctions are important to make as whilst transferring small amounts of animal tissue, for instance pig heart valves into humans, has not raised significant public or moral concern, the transfer of material on the genetic or cellular level, and during the early stages of development, does instil unease amongst many. Therefore, only certain types of human-animal mixing illicit such negative responses. Such tampering can strike closer to what we identify with what it is to be human.\(^{182}\)

\(^{181}\) Although one safety concern is that ‘chimeras risk the transmission of unknown viruses, oncogenes, or diseases between species’ (Loike 2013, 283-4).
\(^{182}\) There seems to be a point at which the amount of human material transferred into an animal would start to raise concerns about the potential humanity of the recipient. As noted by
Despite the focus on biotechnological intervention it is worth noting that chimeras also occur in nature, for example, the cells of a foetus migrate to the mother during pregnancy, mosquitoes transfer cells between their prey, and a bone marrow transplant can change the recipient’s blood type to the donor’s type. Hence, appeals to the unnaturally of the creation of human-animal chimeras need to demonstrate why human intervention in traversing species barriers are fundamentally wrong, whilst occurrences of this in nature are acceptable (see Smajdor 2015; Streiffer 2015; Sandler 2012; and Karpowicz et al. 2005 for discussions of this). The first laboratory chimeras were created in the 1960s when scientists discovered that a mouse could be successfully created by combining early stage embryos (blastocyst) from several different mice, which are then implanted into surrogate mice and brought to term. Since then, scientists have also created intraspecies chimeras of rats, rabbits, sheep, cattle, and most recently, monkeys (Sample 2012). Today, one of the most commonly created laboratory chimera is the intraspecies mouse chimera, with the modified embryos implanted into surrogate mice and brought to term.

**Distinction between Hybrids and Chimeras**

Although the terms hybrid and chimera are sometimes used interchangeably, they actually refer to two different methods of interspecies mixing. A *hybrid* animal is normally created when the egg cell from one species is fertilized by the sperm of another species. In this way, every cell in a hybrid contains the same genetic information of its two parents (Loike 2013, 282). Hybrids can be created outside of the laboratory, and some forms are relatively common in the wild, including the mule (which is the sterile offspring of a male donkey and a female horse). How many human cells can a chimera or hybrid organism have before its membership in the human species is “uncertain”? (Moreno 2014, 384).
female horse), whilst a more exotic creature is the liger (the offspring of a male lion and a female tiger). In contrast, an interspecies chimera is comprised of cells of different species (rather than each cell containing the same genetic material from two different species) (Sandler 2012, 131-2). Moreover, it is possible to have both a chimera and hybrid version of the same species-mix of an animal, for instance, to have a goat-sheep (or ‘geep’) hybrid (the offspring of a sheep and a goat), and an artificially created goat-sheep chimera (produced by combining the embryos of a sheep and a goat).\(^{183}\)

**Human-animal Chimeras**

Human-animal chimeras can be created either by transferring human material into non-humans, or vice versa (a process referred to as xenotransplantation) (Greely et al. 2007, 28). The first successfully created human-animal chimeras were reported in 2003, as researchers in China extracted stem cells from hybrid early stage embryos, created by fusing human cells with rabbit eggs (Dennis 2003). Similarly, after a lengthy legal battle, the creation of animal-human embryos (cytoplasmic hybrids),\(^{184}\) by inserting human DNA into empty animal cells, was approved in the UK in 2007 by The Human Fertilisation and Embryology Authority (Sample 2007). The first human-animal hybrids to be created from this approved research were produced by inserting human DNA from a skin cell into a hollowed-out cow egg. The embryo was considered to be ‘99.9% human and 0.1% other animal’, which was allowed (or, as was more the

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\(^{183}\) One important point noted by Huyan is that: ‘...what does “animal or human gene” or “animal or human cell” actually mean? In the light of the evolutionary conservation of many signalling pathways, “human or animal genes or cells” can refer only to the fact that these units have a human or animal origin. But from this it does not follow that an animal gene or cell, once put into a human, behaves as an independent unit of “animal agency” or vice versa’ (Hyun 2007 et al., 160).

\(^{184}\) Other possible types of animal-human hybrids are: hybrid embryos; human chimera embryos; animal chimera embryos; and transgenic human embryos (see Human Fertilisation and Embryology Authority 2007, 10).
case, failed to continue) to grow for three days, until it had 32 cells. 

Significantly, all the genetic material in the cell nucleus is human, with the 0.1% animal DNA present outside the nucleus in the mitochondria. The researchers also insisted that ‘the embryos would never be implanted into a woman and that the only reason they used cow eggs was due to the scarcity of human eggs’ (Jha 2008). The embryos can then be harvested for stem cells, with such research hoped to cure, or at least alleviate, currently incurable diseases, including neurological conditions such as Alzheimer’s, Parkinson’s, and Motor Neurone Disease. Despite these caveats, the research still drew criticism from some (notably religious) quarters, being labelled by (the now disgraced) Cardinal Keith O’Brien as a ‘monstrous attack on human rights, human dignity and human life’ (Jha 2008). Similarly, Bishop Elio Sgreccia, president of the Pontifical Academy for Life, declared that ‘human dignity is compromised and offended’ by these ‘monstrosities’ that will (or more accurately could) be created by these future experiments. The bishop continued that ‘the creation of an animal-human being represents a natural border that has been violated, the most grave of violation’, and we should instead maintain a ‘respect for human nature’ (Zenit 2007).

Interestingly, such vitriolic attacks were directed at what were only a group of a few cells with 0.1% added animal genetic material. However, instead of an artificially created human-animal chimera being only 0.1% animal what if it was, for instance, 50% or higher? Under the Human Fertilisation and Embryology Act (Great Britain. Human Fertilisation and Embryology Act 2008), it is prohibited to use an embryo beyond 14 days, as well as to insert either a hybrid embryo (embryos which are created by mixing human sperm and animal eggs or human eggs and animal sperm) or a cytoplasmic hybrid into a woman or
animal. Such limitations are designed in part, presumably, to prevent a potential ‘hybrid baby’ from being created. Indeed, the possibility of breaking the species barrier between humans and other animals has been offered by Richard Dawkins, for instance, as one of the great future challenges to our commonly shared political and ethical outlook. Dawkins suggests a ‘successful hybridization between a human and a chimpanzee’ (what is sometimes referred to as a ‘humanzee’, ‘chuman’, or ‘manpanzee’) would be widely considered to be one of the most ‘immoral scientific experiment[s]’ imaginable. Dawkins boldly asserts that the creation of a human-animal chimera in a laboratory, with roughly equal human and animal cells and successfully raised to adulthood, ‘would change everything’ (Dawkins 2009). Clearly, the future scenario that Dawkins imagines is far removed from the reality of what the research scientists are currently undertaking. Nevertheless, as with the ethics of human enhancement, these relatively benign experiments have naturally led to an examination of where such research may eventually lead, and the ethical and social implications of such research. Consequently, this chapter focuses on the, as yet hypothetical, case of the creation of a human-animal chimera, one that would have certain human-like characteristics and ways of being, which would be suggestive of being on the border of being human.

There are a number of prominent arguments for and against the creation of human-animal chimeras or hybrids, from the integrity of species and the role of the unnatural (see Loike 2013; Sandler 2012; and Karpowicz et al. 2005), to repugnance and moral disgust (see Youngner 2014; Karpowicz et al. 2005; Franklin 2003; Robert and Baylis 2003; Streiffer 2003; and Kass 1998). However, this chapter will focus on the role of dignity.
Capacities Account of Human Dignity

As we have seen, there is little consensus regarding what human dignity in fact is, and there is no such thing as the ‘human dignity argument’ in the sense that there is one accepted form. Rather references to ‘human dignity’ often act as a holding term to refer to instances where it is perceived that something fundamental to being human has been challenged or violated, but is difficult to articulate why this is the case. For this reason, as noted by de Melo-Martin, ‘...critics and proponents of the human dignity argument do not have a similar understanding of how chimera research poses a threat to human dignity’ and, consequently, both sides of the debate have often appealed to human dignity to support their own claims (de Melo-Martin 2008, 343). Nevertheless, rather than appeal to the significance of species membership, one of the most common approaches to human dignity (especially in regards to human-animal chimeras) is one which focuses upon certain morally valuable cognitive capacities, such as moral reasoning, autonomous choice, or rationality, which are thought to confer or ground our unique worth and dignity (Karpowicz et al. 2005; Cohen 2003). The significance of being human, therefore, is often presented as being ground on the possession of a bundle or cluster of certain higher-level cognitive capacities (see Chapter 7).

This focus on cognitive capacities is perhaps to be expected, considering the concern that accompanies talk of transferring a large number of human neural cells into non-human animals. In particular, it is the possibility of transferring human embryonic stem cells (hESCs) or neural stem cells (NSCs) into the

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185 As Sandler explains: ‘The alternative to a species membership approach to moral status is a capacities- and relationships-oriented approach: that is, individuals have moral status by virtue of the capacities that they possess and their historical relationships with other entities’ (Sandler 2012, 163).
brains of non-human animals, especially primates at the embryonic stage (what is termed human-to-nonhuman primate (H-NHP) neural grafting), that has garnered the most serious concern (de Melo-Martín 2008, 331-2; Greene et al. 2005, 385-6; and Karpowicz et al. 2005, 108-9). The reason for this is the obvious link between neural stem cells and the capacities we associate with being human. The concern is that neural grafting could transfer higher level, human-like capacities and cognitive abilities that are also closely associated with moral status, including language, greater intelligence, and heightened awareness of self and others, to non-human animals. The scientist Irving Weissman, for instance, suggested that it may be possible to create mice with human brains ('human neuron mice'), by transferring human neurons into the brains of embryonic mice (see Greely et al. 2007). Although at present this is an entirely hypothetical concern, as it is not known whether such a feat is possible.\footnote{See, for instance: ‘Overall, we think it unlikely that the grafting of human cells into healthy adult NHPs will result in significant changes in morally relevant mental capacities’ (Greene 2005, 386); ‘Nonetheless, at this point no evidence exists to suggest that a human brain could ever develop in a nonhuman creature. We do not know whether transferring neural stem cells into a prenatal nonhuman animal would create an entity with very complex emotional and psychological capacities’ (de Melo-Martín 2008, 344n).}

It is, therefore, certain types of transfer between human and animals which feed concerns of what it means to be human. These concerns have led to the recommendation of the prohibition of the transfer or introduction of human stem cells into non-human embryos (Streiffer 2015).

It follows, therefore, that on the capacities approach to human dignity, the creation of human-animal chimeras are an affront to dignity if the experiments, or chimeras themselves, in some way obstruct, diminish or destroy those capacities.\footnote{Streiffer, for instance, posits that if those with human dignity are ‘uniquely valuable and worthy of respect’, because they possess morally valuable dignity-grounding capacities, then this would lead naturally to ‘...a presumption against interfering with the development, maintenance, or exercise of her dignity-grounding capacities’. Furthermore, there might also be...} Some find the idea of transferring human-like capacities and
characteristics into *animals* particularly disturbing. Whilst we perhaps find nothing abhorrent in creating trans- or posthumans with dignity conferring capacities, there is something specifically about creating highly cognitive functioning human-*animal* chimeras that we find wrong.

A common concern is that a chimera may be created with, but be unable to exercise, these capacities. In this case, dignity would be violated because the chimera’s brain would be encased or ‘trapped’ in an animal body, which would diminish its ability to function (Fost 2006, 17; Karpowicz et al. 2005, 120). Whilst this is a legitimate worry, it would also imply that if a chimera could in fact freely exercise these dignity conferring capacities, then it would not seemingly be contrary to dignity. Indeed, one may question if neural transfer is necessarily such a bad thing, if it leads an animal to experience things they otherwise would not be able to. After all, many of the capacities which may be transferred, be that intelligence, moral reasoning, the ability to appreciate art and culture, or language, are also the capacities many authors feel are valuable to possess (as well as to enhance).

However, neural transfer is not the only type of chimera research which may be considered disturbing or challenges our sense of what it is to be human. There are many other types of non-neural animal chimera that may be just as controversial. John Loike gives one hypothetical case in which a cow is genetically engineered (through embryonic stem cell technology) to grow a human uterus. This modified cow could then be used as a surrogate mother for women who cannot, or even do not want to, carry their own children. As Loike notes, ‘in these reproductive-medical scenarios, there will be no enhancement...positive duty to support the development, maintenance, and exercise of her dignity-grounding capacities’ (Streiffer 2015).
of cognitive capacity in the human organs and may be viewed, bioethically, as being no different than creating a sheep with a human liver, [or] pancreas...’ (Loike 2013, 294-5). Yet, for many, the former case is vastly more unsettling than the latter. Perhaps this is due, at least in part, to the fact that to gestate human foetuses within cow uteruses touches on something significant about being human, namely motherhood. However, the capacities account of human dignity struggles to explain why such cases are so unnerving. After all, the cow’s cognitive capacities have not been affected at all, as it is a non-neural transfer, and presumably the child born of the process would be just as healthy as if it had been born of a woman. Rather, such a hypothetical case highlights that certain key aspects of being human, including the idea of ‘motherhood’ are not reducible to a cognitive capacity, but instead reflect the importance of certain relationships, obligations and duties of care between humans.

Technically as the cow is only a surrogate mother, the child created will still have a human mother. Yet, there are other cases of potential reproductive chimeric research, where the chimera itself would become the parent. For instance, a chimera may be created in which stem cells ‘are used to generate animals that produce functional human sperm or eggs’ (Loike 2013, 284). If the animals successfully mated, and the offspring was brought to term, then the offspring would be human, yet be created by two animals. In such cases it would no longer be true to say, as Eva Feder Kittay has, that ‘...we are all some mother’s child’ (Kittay 2009, 625). Our idea of what it means to be a mother, and the significance of motherhood, would be altered. As noted by Wasserman, ‘with the growth of assisted reproduction and the advent of genetic

\[188\] see Mullin (2013) for a discussion of Motherhood in ethics.
engineering, the grounds for distinguishing beings born of women from beings produced by the laboratory will be increasingly eroded’ (Wasserman 2003, 14).

**Human-animal Chimeras and a Relational Account of Human Dignity**

Such instances of non-neural chimera experimentation highlight the limitations of the cognitive account of human dignity. Indeed it fails to fully capture what we mean when we say that someone has been treated with or without dignity. When, for instance, a hospital patient is said to be treated without dignity, through neglect or mistreatment by nursing staff, we do not think that their dignity has been violated simply because the hospital staff failed to acknowledge the patient’s autonomy or respect their capacity for language (although no doubt these are still important features). If someone did think like this, then we might be inclined to consider them insensitive or unsympathetic to the patient’s plight – similar to Bernard Williams’ ‘one thought too many’, in which the motivating thought behind a man saving his wife is not because she is his wife, but ‘...that it was his wife and that in situations of this kind it is permissible to save one's wife’ (Williams 1981, 18). To explain why the patient was not treated with dignity by appealing to the capacities they do or do not possess seems wrongheaded. The patient, after all, may have advanced dementia, have a severe learning disability, or be a young infant. In either case, their capacity for autonomy, language, moral reasoning or whatever, is minimal, yet we still feel it deeply disturbing for them to suffer neglect or abuse. Indeed, it might even be considered to be a more acute case of dignity violation when the victim is particularly vulnerable and susceptible to harm, as increased vulnerability is often thought to entail that we should prioritise their interests (see Chapter 8). In this way, the capacities account of human dignity suffers
from an explanatory gap, and labours to fully explain why such cases are wrong, for it provides only limited explanation as to why someone’s dignity is thought to be infringed or violated. Such criticism highlights the limitations of the capacities account of human dignity, which struggles to differentiate itself from the personhood account of moral status (DeGrazia 2007, 312).\footnote{A similar idea has been presented by Kass: ‘The account of human dignity we seek goes beyond the said dignity of “persons,” to reflect and embrace the worthiness of embodied human life, and therewith of our natural desires and passions, our natural origins and attachments, our sentiments and aversions, our loves and longings. What we need is a defense of the dignity of what Tolstoy called “real life,” life as ordinarily lived, everyday life in its concreteness’ (Kass 2002, 17-18).}

The deficiencies of the cognitive capacities account of human dignity, therefore, leaves the door open for an alternative approach, one which focuses instead on the social or relational nature of dignity. Dignity, on this view, is not some property or quality, which supervenes on an individual’s cognitive capacities, but is rooted in the often complex social relations between individuals or groups. It is to be treated with or without dignity, rather than to have or possess a dignity. A violation of a hospital patient’s dignity is due not only to failing to acknowledge or respect the individual’s capacities, but also has something to do with what it means for a position of trust to be abused, what it is for someone in a vulnerable state to be neglected by those whose responsibility it was, and the ways in which we think it is appropriate to treat one another.

One may reply that qualities such as empathy, care, or sociability nevertheless are all still capacities and so the relational approach is still ultimately a capacities account of human dignity, albeit with a different set of capacities at its heart. To an extent this is correct, if no one possessed a capacity or need for care, for instance, then it would make little sense to say that an individual could be treated without dignity if they are denied fundamental care. Karpowicz et al.,
for instance, present a bundle capacity view of human dignity, which marries both cognitive and social capacities together (Karpowicz et al. 2005, 120). However, not all people do possess a capacity for care or empathising with others in emotionally complex ways, including young infants (at least in any meaningful sense). Yet they still require and are entitled to constant care, and are thought worthy of our sympathy. Significantly the relational account of human dignity, unlike the cognitive capacities account, does not require all individuals to possess, or even have the potential to possess, a certain set of capacities to be thought worthy of being treated with a high moral worth and dignity. A patient with severe dementia may still be treated with respect and dignity, despite lacking certain key cognitive faculties. Like an ethics of care, the relational account of human dignity acknowledges that relationships between individuals are often unequal, and so more easily accommodates so-called marginal cases into the moral fold. It is, therefore, a more inclusive account of moral concern than the traditional capacities account, as it allows for a wider range of individuals to be accorded a high moral worth and dignity.

Stephen Mulhall argues that the exclusion of the significance of our moral relations is a systemic issue for contemporary ethics. For instance, in regards to the common use of thought-experiments in ethics, far from being a useful device to examine moral problems, tend to abstract and simplify difficult cases to the point where we seem to be talking of something else entirely. Instead, for Mulhall, something ‘...has the moral significance it has for us, precisely because

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190 The notion [of human dignity] also encompasses such capacities as those for engaging in sophisticated forms of communication and language, participating in interweaving social relations, developing a secular or religious world-view, and displaying sympathy and empathy in emotionally complex ways...human dignity is a multi-faceted notion that is characterized by a family of unique and valuable capacities generally found in human beings. No one of these capacities is definitive of human dignity, but taken together, they set out a paradigm case of what it is to have human dignity’ (Karpowicz et al. 2005, 120).
of its place in that complex web...’, it is, therefore, not possible to abstract and examine the case in isolation from its context (Mulhall 2002, 16-18). Similarly, in regards to the capacities account, we may argue that in its attempt to separate the morally salient points (for example, intelligence, language use), from any supposedly morally non-relevant context (species membership, gender, or family) it, in the process, changes the subject of what one was originally examining. For instance, when examining the impact of reproductive chimera research on the concept of motherhood, appeals to the mother’s or child’s capacities alone would not fully capture the significance we feel this special relationship holds.

Mulhall, in particular, targets Jeff McMahan’s thought experiment regarding the insertion of genes into a canine foetus, in order to create higher level cognitive capacities (self-consciousness, rationality, and autonomy), which eventually bestow the dog a form of personhood (McMahan 2002, 319). Such a hypothetical case is, importantly for our purpose, directly analogous to the creation of a human-animal chimera with higher level cognitive capacities. Mulhall takes issue, amongst other things, with McMahan’s assertion that the enhanced dog ‘...could [still] have a life that would be well worth living even in a society in which it would be a freak, would have no acceptable mate, and so on’. McMahan asks the reader to, ‘...put those contingent problems aside...’ whilst considering the case (McMahan 2002, 319-20). For Mulhall the idea that all those challenges faced by the enhanced dog are merely ‘contingent’ problems, which can be extracted to create a clearer moral picture are, in actual fact, central to the issue at hand. As he says, ‘...would a human being, deprived of any acceptable mate and regarded as a freak by his fellows, be faced with merely contingent problems that would leave his capacity to conceive of himself
as a person essentially unaffected?’. Instead, he argues that ‘...the forms of embodied common life open to distinctively human creatures provide the context within which our notion of personhood has the sense it has’ (Mulhall 2002, 16-18).

The question of whether human-animal chimeras or hybrids would have a dignity, then, becomes less of an issue about the capacities they must have, and more about how they would sit within our complex social environments and the meaning or significance such relations would have. Would, for instance, the burial of a human-animal chimera be performed in the same spirit as burying a family pet, or would it have the significance attached to the funeral of a close relative? Would it be considered as undignified to assign a chimera a number, rather than a name, as it would be to do so for a fellow human? David DeGrazia, for the majority of his paper on chimeras and dignity, for instance, concentrates on the role of capacities for assigning different levels of moral status between humans and animals, and the arguments used by proponents of the capacities account of human dignity (particularly Cohen 2003). He only touches on the issue of what life would actually be like for a chimera, and what kind of social relations it would have to deal with, in the final lines of the article. In the process DeGrazia suggests that we may have reason to reconsider the creation of human-animal chimeras concluding that, ‘we should not intentionally bring into the world any borderline or paradigm person who is unlikely to enjoy the social supports that such a being deserves...’ (DeGrazia 2007, 326).

As several writers have noted since DeGrazia’s paper, the type of social environment that human-animal chimeras or hybrids would be brought up in should be of serious concern for determining whether or not we should bring
such creatures into being in the first place. Whilst the new cognitive capacities may enable the creature to experience things which they would otherwise not have been able to (which perhaps is *prima facie* a good thing), this would be of little comfort to the chimera if they are deeply unhappy in their new life.\(^{191}\) For instance, de Melo-Martín argues that it is likely not to be the chimera’s body itself which prevents it from ‘wanting to think and act like a human’, that is, ‘to do the kinds of things that humans can do, have relationships with humans, be educated, own property, and so forth’, but instead it would be the social restrictions which are likely to be put in place. She claims that ‘we are unlikely to allow them to develop and function in a social environment that would be adequate to their capacities’ (de Melo-Martín 2008, 341-2). Whilst de Melo-Martín probably understates the importance of human embodiment to lead a human-like life, the emphasis on the social context that the chimera would have to contend with in order to lead a fully satisfactory and meaningful existence is important.\(^{192}\)

One common way of framing the debate regarding the significance of being human is in terms of sharing an embodied ‘common life’ (Mulhall 2002, 16-18); the idea that there is a common thread of humanity, which links individuals to one another. Proponents appeal to the connectedness between human lives, and belonging to communities with shared practices and cultural meanings. A common life can be construed narrowly, for instance, in relation to our

\(^{191}\) Here is the Milleian debate between whether it is better to be a pig satisfied, or a Socrates unsatisfied.

\(^{192}\) A similar sentiment has been proposed by Jones and Galvin, albeit one in regards to human cloning: ‘What has become apparent is that human dignity is more likely to be undermined by society and individuals within society than by the processes of cloning itself. It is our attitudes, responses and motives that are crucial. Human dignity is unlikely to be threatened if we treat others (including cloned individuals) as equals and as beings of dignity...Any downgrading of human clones that may occur would be imposed throughout their lives, by other human beings, rather than through their inception by cloning’ (Jones and Galvin 2007, 762). The idea itself echoes the social model of disability whereby a perceived disability is influenced more by the environment we find ourselves in, than by the physical impairment itself (see Barnes 2012).
immediate family and friends, or more broadly still to our local community or country. However, the idea of a common human life, in the sense that perhaps Mulhall takes it, is to be taken holistically and appeals to the idea that there is a common or shared form of life between all (or at least most) people – a so-called common humanity. The idea that being human, and the ‘distinctive form of common life’ between humans, carries moral weight has been labelled by Wasserman as the ‘humanist’ position (Wasserman et al. 2013a). However, the significance is not considered to stem simply from the biological fact of belonging to the species *Homo sapiens*, but rather from the shared social practices and meanings that result from this shared species membership. Cora Diamond argues that in the same way that we have both a biological (for example, brain stem death) and non-biological (the cultural responses towards it) conception of death, we also have a biological and non-biological conception of human being (Diamond 1991, 62). Part of the non-biological notion of being human, for instance, entails that we give each other names, rather than a number, and that we bury our dead, rather than eat them (except in extreme cases of survival, or during ceremonies of special significance). It is, therefore, a qualified form of *specieisism* (see Chapter 6).

**Dignity and Ubuntu**

One attempt to theorize the moral significance of the relations between humans, and the belief in a universal bond that connects all humanity in a shared ‘common life’, is through the sub-Saharan concept of *ubuntu*, which has been popularised by Desmond Tutu (Tutu 1999). In essence, this is the idea that

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193 This distinction also plays out to an extent between the genotype and phenotype of an organism.

194 “When we want to give high praise to someone we say, “Yu, u nobuntu”; “Hey, so-and-so has ubuntu.” Then you are generous, you are hospitable, you are friendly and caring and
we only become fully human, or live a genuinely human life, through harmonious communal relations with others. It can loosely be translated into English as ‘friendship’ or ‘love’ (Metz 2010, 83-4). It follows, as Thaddeus Metz explains, that ‘an act is right just insofar as it is a way of living harmoniously or prizing communal relationships, ones in which people identify with each other and exhibit solidarity with one another’ and, consequently, is wrong ‘insofar as it fails to honor relationships in which people share a way of life and care for one another’s quality of life, and especially to the extent that it esteems division and ill will...’ (Metz 2010, 84). In this way, ‘...Africans would characterize an individual who does not relate positively to others as lacking ubuntu, lacking humanness’. Metz highlights that ‘those who fail to relate properly are sometimes [even] described as animals’ (Metz 2010, 83). The concept of ubuntu, therefore, appears to set up a sharp dividing line between humans and other animals, for a human being has dignity only in so far as they have a capacity for communal relationships, and to identify with and feel a sense of solidarity with other humans (Metz 2010, 93).

However, Metz leaves no room for those individuals who are unable to participate fully in these ‘friendly’ relationships of solidarity. As he admits, this conception of dignity ‘...limits the scope of those who have human rights. There are some human beings who are incapable of engaging in friendly relationships, e.g., the severely retarded...[and] any such beings lack dignity and hence lack human rights, which might seem counterintuitive’ (Metz 2010, 95). Surprisingly, Metz does not see this as a disadvantage to his conception of human dignity, compassionate. You share what you have. . . . Harmony, friendliness, community are great goods. Social harmony is for us the sumnum bonum—the greatest good. Anything that subverts or undermines this soughtafter good is to be avoided like the plague. Anger, resentment, lust for revenge, even success through aggressive competitiveness, are corrosive of this good’ (Tutu 1999, 31; 35).
because the rival Kantian conception of dignity also has the same consequence (see Chapter 4). Yet one may question how much someone is actually displaying a sense of human solidarity, if they refuse to accept the dignity of those, for instance, with severe cognitive disabilities. One way in which Metz’s conception of dignity contrasts with a universal human dignity then is its failure to deal with the problem of marginal cases. Tellingly, Metz leaves a footnote to explain that he has also ‘set aside the empirical issue of whether higher animals such as chimpanzees, dolphins, and elephants are capable of communal relationships in the relevant sense’ (Metz 2010, 97n), yet surely this is the crux of the issue, for if they are capable of communal relationships in the relevant sense, then it becomes increasingly tricky to accord humans a unique worth or dignity.

Richard Rorty has challenged the normative force of a universal human solidarity. Whilst, like Diamond and Mulhall, he rejects the idea that moral concern should only be determined by whether a being has certain types of capacities, he does not consequently endorse the idea of a universal human solidarity. Rather, Rorty argues that appeals to being a ‘fellow human’ has less moral force than to say that one is, for instance, a ‘fellow American’ or ‘fellow Catholic’. In other words, to be a certain type of human being carries more normative weight than to just be a human being. According to Rorty ‘...our sense of solidarity is strongest when those with whom solidarity is expressed are thought of as "one of us," where "us" means something smaller and more local than the human race. That is why "because she is a human being" is a weak, unconvincing explanation of a generous action’ (Rorty 1989, 191). There is certainly a sense in which our circle of moral concern shifts focus depending upon what is being attended to, from family members, to our local communities,
or our country. Nevertheless, many would disagree with Rorty’s main assertion; after all, appeals to being a ‘fellow human’ are often thought to be quite powerful, and are often invoked by those who are in most need of protection or aid. Moreover, one may suggest that the introduction of chimeras, or even posthumans, would give a much clearer sense of what a ‘fellow human’ would be.

Rorty’s position seems to share a similar implication to the capacities account of moral status (despite approaching the issue from quite a different angle), in that so-called marginal or borderline cases are given little protection, due to the fact that people will often fail to consider them as ‘one of us’. This implication seems unavoidable, if the idea of being a fellow human lacks normative force. However, interestingly, Rorty argues that there is such a thing as moral progress, and we should continue to widen the border of moral concern towards ‘the direction of greater human solidarity...[and] the ability to see more and more traditional differences (of tribe, religion, race, customs, and the like) as unimportant when compared with similarities with respect to pain and humiliation – the ability to think of people wildly different from ourselves as included in the range of "us."' (Rorty 1989, 192).\(^{195}\) It becomes an open question then as to whether or not human-animal chimeras would be included within this global sense of solidarity. Yet, Rorty seems to be contradicting himself here, as he appears to ultimately be aiming for a universal human solidarity, which would in fact imply that being a ‘fellow human’ does, or rather, \textit{ought} to carry greater normative force.

\(^{195}\) As Rorty continues: 'The right way to take the slogan "We have obligations to human beings simply as such" is as a means of reminding ourselves to keep trying to expand our sense of "us" as far as we can...This is a process which we should try to keep going. We should stay on the lookout for marginalized people – people whom we still instinctively think of as "they" rather than "us." We should try to notice our similarities with them' (Rorty 1989, 196).
Moral Confusion

As we have seen, the relational account of human dignity shifts the emphasis away from individual capacities, to look instead at the significance and meaning behind our relations and social practices, both between fellow human beings as well as the relations between humans and non-human animals. To what extent, then, would the creation of human-animal chimeras disrupt, or even complement, this complex network of social relations? Would a human-animal chimera be able to, for instance, display *ubuntu* and an appreciation of human solidarity? Jason Scott Robert and Françoise Baylis’ article was one of the first to focus on the ethics of chimeras, as well as the wider impact they may have for society. In particular, their objection to the creation of human-animal chimeras and hybrids centres on the potential for these novel beings to introduce *moral confusion* into many areas of our lives. For Robert and Baylis, moral confusion appears to be something which is highly undesirable, and should be avoided at all costs. Amongst other things, they mention that chimeras would challenge and bring confusion to the following two areas: i) that chimeras would challenge full moral status; and ii) our moral obligations to chimeras would also be uncertain, and their introduction would blur our existing relationships between human beings and non-human animals (Robert and Baylis 2003, 2; 8-9). The remainder of this chapter will examine these two claims in turn.

As noted by Hilary Bok, presumably Robert and Baylis do not (or at least should not) believe *any* type of human-animal chimera would cause moral confusion.\(^{196}\)

The insertion of a few human cells into a mouse or a human with a pig heart

\(^{196}\) Although they do refer to ‘… *any* crossing of species boundaries involving human beings’ (Robert and Baylis 2003, 10. Emphasis added).
valve, for instance, does not cause any confusion as to the species or moral status of the host. Therefore, it would seem to have to be a certain type of chimera to instil confusion, one that has certain human-like characteristics, traits or ways of beings, which would be suggestive of being on the border of being human. The human-animal chimeras Robert and Baylis should have their sights on then are at present entirely hypothetical (Bok 2003, 26).

i) Chimeras would challenge full moral status

As we have seen in Chapter 10, whilst human dignity and full moral status (FMS) are closely related, they also pick out different features as being morally salient. Moral status, in particular, tends to rely on the possession of certain morally relevant cognitive capacities. It is an odd claim then by Robert and Baylis to insist that ‘humanness’ is a necessary condition for FMS (although some would agree that it might be sufficient) (Robert and Baylis 2003, 10). ‘Humanness’ is a vague and highly disputed notion and, as we have seen, mere species membership, including belonging to the species Homo sapiens, is not normally considered to be a necessary condition for FMS. On a more charitable interpretation, perhaps Robert and Baylis mean that humanness is closely associated with the characteristics and capacities we feel are most relevant to FMS, from rationality, language use, moral reasoning, or autonomy. Yet just because these characteristics are associated with being human, it is not the same as insisting that one must be human in order to have FMS. To claim

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197 For example, both are considered to be non-scalar concepts, which do not admit of degrees, and convey a high sense of moral worth. However, the two concepts are not synonymous, and it appears at least prima facie possible to possess one without the other.

198 As they write: ‘...the creation of novel beings that are part human and part nonhuman animal is sufficiently threatening to the social order that for many this is sufficient reason to prohibit any crossing of species boundaries involving human beings. To do otherwise is to have to confront the possibility that humanness is neither necessary nor sufficient for personhood (the term typically used to denote a being with full moral standing, for which many—if not most—believe that humanness is at least a necessary condition)’ (Robert and Baylis 2003, 10).
otherwise is to fall into the *unjustified speciesist* trap of not treating morally like cases alike (see Chapter 6). One may, for instance, come across an extraterrestrial with all the capacities necessary for FMS and, in such a case, we would be inclined to assign a high degree of moral concern to the being, despite it clearly not being human. In this way, a human-animal chimera can be accorded a FMS, without us having to first determine whether or not it is fully human. Moreover, this should not be considered a morally confusing conclusion to reach, for FMS and personhood do not need to follow along strict species lines. The creation of human-animal chimeras or hybrids with high level, human-like capacities, therefore, should not disrupt or confuse our idea of FMS (at least in the way Roberts and Baylis describe).

Robert and Baylis make a further unusual claim regarding the nature of moral status. They set up a dual framework, whereby the moral status of humans is categorical or absolute and determined by simply being human. In contrast, the moral status of animals is determined by ‘...features other than species membership’, including ‘the intention with which the animal came into being’ as well as being ‘contingent on the will of regnant human beings’ (Robert and Baylis 2003, 9). On the first reading one may be struck by the authors’ apparent lack of knowledge of the available literature of the ethics of moral status. After all, moral status is not thought to be split by two different rules, depending upon whether or not the individual in question is human. Rather, moral status picks out the morally relevant features that cut across species barriers, be that the capacity to experience pleasure or pain, to have interests, or whatever. Yet, perhaps Roberts and Baylis’ dual framework, however unintentionally, describes how the distinction between human and animal often plays out in our day-to-day discourse and explains our treatment, attitudes and
behaviour towards other animals (albeit without any theoretical grounding as to why this ought to be the case). As we will see in regards to the role of pets in our lives, there is a very real sense in which animals with similar capacities are thought of, and treated, in very different ways. Yet, this perhaps is best not thought of as a difference of moral status, but instead indicative of the power of our social and cultural relations to shape our moral responsibilities towards each other.

On another interpretation of the first concern, chimeras may challenge the value of FMS merely from existing in the first place. In the same way that rare metals or minerals are valued so highly, because of their scarcity, so the argument goes, our FMS conferring capacities would be devalued if we could engineer these in a laboratory or transfer to non-human animals. The more individuals who have these capacities, the less valuable they become. However, if this were a serious issue, then it would follow that human procreation is wrong for increasing the number of individuals with (the potential for) dignity conferring capacities (Baylis and Fenton 2007, 202; DeGrazia 2007, 326). Similarly, properly understood this is not an argument against the creation of chimeras, but any entity, be that robotic, computer programme, biological or synthetic, which would possess the relevant capacities for FMS. Indeed, if possessing moral status conferring capacities is prima facie a good thing, then an argument could be made that it is in fact good to increase the number of individuals who

\[199\] As DeGrazia argues: '... no one's dignity or moral status would be threatened by the prospect of increasing the number of individuals with full moral status. Imagine that, incredibly, several living members of *Homo floresiensis* or another hominid species were discovered on an island; they would be borderline or paradigm persons. There is no intelligible reason for thinking this discovery would threaten the moral status of *Homo sapiens* persons any more than the constant increase in our species’ population threatens our dignity. So the transformation of a rodent into a more personlike chimera or, more realistically, a Great Ape into a more humanlike person would not threaten human dignity' (DeGrazia 2007, 326).
possess them, regardless of whether they are non-human animals, chimeras, hybrids, robots, posthumans, or computers.

A more serious objection to chimera research is that the process itself, by transferring cognitive capacities, would raise the moral status of the host (perhaps to the same level as an adult human), and so would require that we treat the research subject quite differently after the procedure, in ways that were appropriate to its new moral status. One could not continue to treat the subject as if it had not been enhanced (Streiffer 2015, 2005, 348; DeGrazia 2007, 326).

As noted by Streiffer, this is a novel problem for scientific research which ‘...normally presupposes a fixed moral status for the subject’ (Streiffer 2005, 348).

ii) Our moral obligations towards chimeras would be unsure, and so would confuse the current social divide between human beings and non-human animals

Robert and Baylis argue that the result of this confusion regarding the moral status of chimeras and hybrids will also lead to our moral obligations to these novel creatures being unsure. Moreover, the introduction of chimeras will confuse our existing relationships with non-human animals, which will threaten to breakdown the ‘social [and moral] dividing line between human beings and non humans’, which currently support ‘...countless social institutions, structures, and practices...’ (Robert and Baylis 2003, 8-10). As they highlight:

Robert and Baylis also acknowledge the fluidity of species boundaries and the multitude of different definitions, but highlight that people still very much consider ‘species identities and boundaries’ to be ‘fixed and in fact make everyday moral decisions on the basis of this belief’ (Robert and Baylis 2003, 6). They make a parallel to race: ‘There is here an analogy to the recent debate around the concept of race. It is argued that race is a biologically meaningless category, and yet this in no way undermines the reality that fixed races exist independently as social constructs and they continue to function, for good or, more likely, ill, as a moral category’ (Robert and Baylis 2003, 6).
...if we breach the clear (but fragile) moral demarcation line between human and nonhuman animals, the ramifications are considerable, not only in terms of sorting out our obligations to these new beings but also in terms of having to revisit some of our current patterns of behaviour toward certain human and nonhuman animals. As others have observed, the separateness of humanity is precarious and easily lost; hence the need for tightly guarded boundaries (Robert and Baylis 2003, 9).

This is perhaps a surprising conclusion to reach, considering they identify the multitude of different relationships we have towards animals (these include use of animals for food, labour, research, sport, companionship, investment, and education) (Robert and Baylis 2003, 9). For instance, our behaviour towards the rat is markedly fickle, depending on whether or not a given person considers them to be a pet to be cared for, or a pest to be exterminated. Moreover, they highlight that our moral obligations to our fellow humans also remain uncertain. Far from being an unusual phenomenon, moral confusion seems to be a familiar presence throughout our moral deliberations. It, therefore, seems to be an insufficient criterion to judge the merits (or lack of) of the creation of chimeras.201

The concept of a ‘pet’ is a powerful example of the complexity, fluidity, and importance of social meaning and practices for our moral relations with other animals, as well as the sometimes arbitrariness of capacities for moral consideration. There is, after all, nothing physically different (at least in any

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201 One further criticism levelled at Robert and Baylis’ position is the lack of empirical evidence that people actually think chimeras would introduce moral confusion, with sociological surveys finding that people are generally more concerned with tampering with nature and playing God (Streiffer 2015; see also Rollin 2003 for the same criticism).
significant way) between a stray dog, or a family pet, yet there are significant beliefs, actions and obligations that we would think entirely appropriate to the latter, that we would not to the former. As noted by Raimond Gaita, nothing objective about our pets will settle the issue of whether or not saying ‘a dog is a member of the family’ is mere sentimentality (Gaita 2004, 37). Much of this depends on the extent to which an animal can participate in human forms of life. The moral significance of our actions towards animals are not determined merely by the capacities they possess, but by the relations we stand to them. As Diamond highlights, ‘there is not a class of beings, pets, whose nature, whose capacities, are such that we owe it to them to treat them in these ways’ (Diamond 1978, 469). Indeed, we act in ways with our pets which would be considered inappropriate or bizarre to do with wild or undomesticated animals. We name our pets, have a duty of care towards them, as well as a duty not to eat them. As noted by Diamond, those people who do eat their pets do, ‘...not have pets in the same sense of that term’ (Diamond 1978, 469).

Raimond Gaita discusses an instance when they had to put down the family cat, Tosca, as well as the time when they buried their pet dog Orloff. In the first

202 As Gaita explains: ‘...we do not think of behaving towards goldfish or insects in the way we behave towards our cats and dogs, but I suspect it is not their objective differences in themselves that matter to us so much as the relations those features make possible for us. Even then, the features themselves never fully explain the relations they make possible. Gypsy is a member of the family. Some people baulk at the description, thinking that it should be put in inverted commas under pain of sentimentality. Others do not. Nothing objective about German shepherds will settle the matter’ (Gaita 2004, 37).

203 Gaita writes at length about how animals can, and cannot, share in our common life: ‘As with human beings, respect for an animal’s dignity goes together with expectations of it that are naturally called moral. We expect Gypsy not to bite the guests, let alone any of the family...those instincts of a pack animal (humanised, I would say) under that discipline, enabling her to participate to some degree in a human form of life’ (Gaita 2004, 41-2). See also: ‘...I experience the kind of perceptual flux that occurs when I see now one side and then the other of an ambiguous drawing. In all sorts of ways she is part of the family, participating intelligently and with complex feeling in our lives. But then she does something—chase a cat, for example...whose nature is so deeply instinctual that she appears wholly animal...The occasion for such perceptual shifts—from seeing her as one of us, a member of the family, to seeing her as wholly other in her animal nature—are not always dramatic. The sight of her sniffing another dog’s urine could do it...’ (Gaita 2004, 64).
case, Gaita describes how he put Tosca out of his misery with a blow from a shovel. Gaita reflects that, in our desire to ensure an animal avoids unnecessary suffering, we can fail to acknowledge what such an unceremonious death actually means, and the potential to dishonour the victim: ‘To see the difference one need only reflect on how desperate the circumstances would have to be before one would consider killing a human being by crashing a shovel onto her head…Again, this is not because she might suffer pain, mental or physical—but because it would be an assault on her dignity’ (Gaita 2004, 35).

In contrast to the wretched end of Tosca’s life, the burial of their dog Orloff involved several of the aspects we would reserve for the burial of our own kind. Indeed, one other distinguishing aspect of our respect towards our pets, and how close they often are to being considered ‘one of us’, is to give them an appropriate burial, rather than, for instance, to leave their corpse at the side of the road. However, Gaita is keen to point out the limits we normally feel appropriate to this ceremony, for instance he notes that, ‘...no words were said over his [Orloff’s] grave, no marker was placed on it and remembrance candles were lit on the anniversary of his death. That we did as much as we did was an expression of the degree to which Orloff had become ‘one of us’, part of the family. That we limited it to what we did marked his distance from us...’ (Gaita 2004, 85). Such examples are merely designed to highlight the complexity and uncertainty in our relationships with other animals, and that this moral confusion is not necessarily a bad thing, and certainly not prohibitive to the creation of human-animal chimeras. Rather, it remains an open question to the extent that human dignity applies to animals, as well as the possibility of chimeras fitting into our existing relationships, and perhaps creating new ones.
Fellow Creature

Whilst Diamond, Mulhall, and others, have been keen to reintroduce the notion of being human as of moral importance, this is not to say that they are dismissive of the boundaries of moral concern for other animals. One reason presented by Diamond and Mulhall for why we should treat other animals well, if not because of the capacities they possess, is because we should recognise them as a ‘fellow creature’ (Mulhall 2009, 2002; Diamond 1978). Like Diamond’s concept of ‘human’, a fellow creature is meant in a non-biological sense, and is presented as the idea that another ‘being [is] in a certain boat...which may be sought as company’ (Diamond 1978, 468). To recognise another animal as a ‘fellow creature’ is to acknowledge that we both share, on some level, similar needs and are prone to similar vulnerabilities. As noted by Diamond this concept of a fellow creature (like our concept of a pet) is complex, as well as malleable and open to change. It can refer to a wide range of relationships we have with animals, from feeding birds in winter, or giving a hunted animal a sporting chance (Diamond 1978, 474).

Nevertheless, Diamond argues that the idea of a ‘fellow creature’ does not have the normative force of a ‘fellow human’. Therefore, for her, it is compatible to think of an animal as both a ‘fellow creature’ and still be justified or compelled to think of them as something that can be eaten. The thought behind this seems to be that we can think of an animal as both food and as a fellow creature if we treat the animal well and with respect, so, for instance, we do not factory farm or

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204 George Orwell wrote from his experience in the Spanish Civil War: ‘I had come here to shoot at “Fascists”, but a man who is holding up his trousers is not a “Fascist”, he is visibly a fellow-creature, similar to yourself, and you you do not feel like shooting at him’. Diamond notes that here ‘the notion of enemy (“Fascist”) and fellow creature are there in a kind of tension...’ (cited in Diamond 1978, 477). See also Mulhall (2009, 69 - 94) for an extended discussion of the idea of a ‘fellow creature’.
cause unnecessary suffering. Hence, Diamond argues, some of our current modes of thinking towards animals, including the idea of vermin and factory or intensive farming, are counter to the idea of thinking of animals as fellow creatures.

Such examples highlight the fact that our relationships with current animals are far from clear cut, and admit of many nuances. No doubt the introduction of human-animal chimeras would cloud this picture further. Yet, there is little reason to think that chimeras could not fit in with this view of a fellow creature. Indeed, moral confusion is not necessarily a bad thing. If the introduction of higher level human-animal chimeras would make us reconsider many current practices towards animals, this would imply that our original beliefs, from their moral status to appropriate forms of treatment, were in fact incorrect (Bok 2003, 26). As pointed out by Paul B. Thompson, contrary to Robert and Baylis, the moral boundary between animals and humans is not clear cut anyway, so it is not clear why the fact that chimeras may create more moral confusion is necessarily a bad thing (Thompson 2003). As noted by Daniel B. McGee, ‘our task is to struggle with ambiguity, a feature of all truly significant moral deliberations’ (McGee 2003, 12).

Conclusion

As we have seen in Chapter 7, implicit within accounts of human dignity is the idea that being human, or human ways of being, are of particular moral importance or significance (what has been called the ‘Standard Belief’ (Wertheimer 1974, 107-8) or ‘Standard Attitude’ (Egonsson 1998, 47)). Hence, violations of human dignity are often thought of as violations of what is fundamental to being human, or our humanity. If there was nothing of import to
being human, then claims of a particular human moral worth or dignity would be groundless. Therefore, underpinning appeals to human dignity is the idea that being human has a strong normative pull. One of the most common interpretations of the Standard Attitude is that humans have this special significance because they typically have certain properties or capacities (including rationality, autonomy, moral reasoning or language use) that are worthy of special consideration, and also ground our dignity. According to the capacities account, therefore, the creation of human-animal chimeras are an affront to human dignity if the experiments, or chimeras themselves, in some way offend, diminish or destroy those capacities.

In particular, it is the potential, through biotechnological intervention, to instil a certain humanness or humanity into non-human animals that is often presented as the greatest threat to what it means to be human, as well as raising concerns for the resulting chimera’s own welfare (Greely et al. 2007, 36). Ronald L. Sandler corroborates this idea when he argues that the reason why many are concerned about human enhancement and interspecies mixing is ‘…because it might result in changes to human nature and the human form of life…’, which are often thought central to human dignity (Sandler 2012, 8). The resulting human-animal chimera or hybrid, it is feared, would have a monstrous mixture of human and non-human capacities and characteristics.

Yet, the capacities account of human dignity suffers from an explanatory gap. Human ways of life, or ways of being, are not merely constitutive of the

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205 According to Sandler, a ‘species form of life’ ‘...refers to how individuals of the biological group typically strive to make their way in the world. For example, it concerns what sorts of things they consume and how they acquire it; how they reproduce; how (and when and whether) they move; how they avoid predators; and how they repair themselves when damaged. It is straightforward to distinguish a group of organisms on this basis’ (Sandler 2012, 6). Although Sandler specifically does not endorse a species membership account of moral status, endorsing instead a capacities based approach (see Sandler 2012, 166-7).
possession of certain capacities. This idea of humanness need not be understood simply as a bundle of cognitive capacities, nor as a purely biological category, but as a result of shared social practices, meanings, and ways of being with others. The role of care, burial or motherhood are all examples of the complexity and importance of our social relations and practices for identifying what it is to be human, as well as the sometimes arbitrariness of capacities for moral consideration. Indeed, the capacity account struggles to explain the unease which accompanies cases of chimera research which do not involve the transfer of neural material or the creation of cognitive capacities, such as around instances of reproduction.\footnote{As noted by Greely et al.: ‘Distinctive humanness does not just reside in the brain and the gonads. Although a chimpanzee with a human gall bladder or a human appendix would not be likely to raise grave concerns, a chimpanzee with a human face, a human skull or human hands and feet might. In addition to concerns about human brain functions and human gametes, giving non-human animals, in whole or in part, the outward physical appearance of humans, could be deeply unsettling. Whether that is a moral argument or prudential one, such experiments should be undertaken, if at all, only for the most powerful reasons’ (Greely et al. 2007, 36).}

The capacities account also fails to fully capture what we mean when we say that someone has been treated with or without dignity. As an explanation of the wrongness of a nurse abusing a patient with advanced dementia, mocking an individual with a stutter, or assigning a prisoner of war a number rather than a name, the capacities account will not do. Higher level capacities are too demanding for many humans to possess them, especially the most vulnerable, yet, we still feel strongly that they can be victims of dignity violation. The capacities account of human dignity, therefore, struggles to distinguish itself from personhood accounts of moral status, where certain levels of cognitive capacity do take precedence. No doubt the role of cognitive capacities should still be a vital part of assessing the ethics of chimera research. The creation of chimeras with human-like brains, or human-like cognitive capacities, is certainly
a serious issue to address. Mice with language capabilities, or a human-level of self-consciousness no doubt would be hugely troubling (see for instance Greene et al. 2005). Yet, contra Karpowicz et al. (2005) or Cohen (2003), human dignity should not primarily be grounded on cognitive capacities.

Therefore, this chapter has introduced an alternative to the capacities approach to human dignity in order to examine the moral significance of the creation of human-animal chimeras. Rather than attempt to supervene dignity over the possession of certain cognitive capacities, the relational account shifts the emphasis to look instead at the significance and meaning behind our relations and social practices, both between fellow human beings, as well as between humans and non-human animals. It more easily accommodates so-called marginal cases, as well as bringing the focus back towards the role of ‘being human’ and human ways of being (as opposed to possessing certain capacities) as of moral importance.

The question of whether or not human-animal chimeras or hybrids would have a dignity, then, becomes less of an issue about the capacities they must have, and more about how they would sit within our complex social environments, and the meaning or significance such relations would have. Would, for instance, the burial of a chimera have the significance attached to the funeral of a relative, or instead the family pet? What would it mean for a human to be born of a human-animal chimera mother? Would it be considered as abhorrent for a nurse to abuse a chimera in their care, as it is to do to a patient with dementia? This chapter has not attempted to answer such questions, but only to highlight the types or directions of questions that need be asked, if we are to fully appreciate what it is to say that chimera research would, or would not, violate
human dignity. Borrowing from Wittgenstein, Diamond encapsulates this idea when she suggests that, 'what it is that we are talking about is shown in how we talk about it, and in how that talk enters our lives, the shape—the ‘fact’—that life containing such talk has' (Diamond 1991, 60). It remains an open question to the extent that human dignity applies to animals, as well as the possibility of chimeras comfortably fitting into our existing relationships. However, the only way to answer such questions is by looking at the meaning such relations have. As was highlighted, even if the introduction of human-animal chimeras does disrupt some of our current social practices and would cause moral confusion, this is not necessarily a good reason to halt such research. Indeed, if a universal human dignity strives for equality of moral concern, then it seems wrongheaded to deny dignity to creatures which would share so much in common with us.
Conclusion

This thesis has focused upon one of the most common, as well as controversial, conceptions of dignity in contemporary ethics – what we have termed a ‘universal human dignity’. A universal dignity is often couched as having a hard kernel or minimum core of two distinct, but related parts. The first of these is that every human being possesses or is a source of an intrinsic and inviolable high worth or value. The second component insists that this worth should be recognized, respected and protected by others. This conception of human dignity has been the cornerstone of international universal human rights since the drafting of The Universal Declaration of Human Rights in 1948, and continues to pervade and influence many walks of life to this day, from healthcare to scientific research.

Yet, despite this ubiquity, as we have seen, both components of the minimum core of a universal human dignity remain highly contested, as well as understudied and under analysed. This thesis, therefore, has provided a thorough examination of the arguments put forward for, and against, the possibility of a universal human dignity. In particular, much of this thesis has been occupied with examining the ground or reasons proposed for why all humans have an equal, inherent, and inviolable dignity. Uniquely, to address such questions, this thesis has utilized and brought together developments from a range of related fields of ethical theory, including animal ethics, an ethics of

207 This definition is one of many different formulations. As argued by Dupré: ‘we should shift ‘...the focus of attention in seeking to understand dignity away from a search for a single definition to an awareness of dignity’s context contingent and constructed—even ‘under construction’—nature...’. However, she notes that, ‘rather than being an obstacle to understanding...the unfinished nature of human dignity is a crucial sign of its dynamism and usefulness’ (Dupré 2013, 121).
care, as well as the burgeoning literature on the ethics of human enhancement and biotechnology, within the final section, to explore theories of moral status and personhood, as well as to study the boundaries of where the human lies.

Ultimately it has been argued, throughout this thesis, that the commonly used capacities account of human dignity cannot adequately justify attributing a dignity to all human beings. Moreover, it fails to fully capture what we mean when we say that someone has been treated with or without dignity. Indeed, a capacities driven account struggles to explain many instances where we feel a violation of dignity has taken place, especially against the most vulnerable who, despite their limited capacities, we still feel strongly that they can be victims of dignity violation, from the ill treatment of a patient with advanced dementia, to assigning a prisoner of war a number rather than a name. Thus, if we are to continue to promote the idea of a universal human dignity (that is a dignity for all human beings, or at least for a larger range of human beings than the capacities account allows for) this must eventually be grounded in something beyond the possession of certain cognitive capacities.

**The Importance of Being Human**

It has been argued that central to discussion of the ground of human dignity concerns the role and importance (if any) of being human in our moral lives. Indeed, as a universal human dignity promotes the idea that human beings have a particularly high worth or moral status, it implies that there is something special or peculiar to humans that non-human beings seemingly must lack.\(^\text{208}\) If there was nothing of significance to being a human, then it would seem to be

\(^{208}\) In the words of George Kateb: ‘The core idea of human dignity is that on earth, humanity is the greatest type of beings...’ (Kateb 2011, 3-4),
entirely baseless or arbitrary to claim that humans have a special worth or dignity. This is why appeals against apparent violations of human dignity are often thought of as violations of what is fundamental to being human and of our humanity. As we have seen in the final chapter, in regards to chimera and hybrid research, it is the potential to instil a certain humanness or humanity into non-human animals, to blur the boundaries between species, and to disrupt certain distinct human forms of life and ways of being, that is often presented as a grave threat to human dignity. Underpinning appeals to human dignity is the idea that being human, then, has a strong moral or normative pull.209

_Dignity and Speciesism_

However, as has been shown, the significance of being human is also a highly contested concept in ethics, and there remains a great disparity between common public attitudes and contemporary ethics as to the role and importance of being human. Is human dignity then a gross example of widespread speciesism (in other words an _unjustified_ prejudice); or instead, an acceptable, or even inescapable, preference for our own kind? It has been highlighted that an answer to such a question itself rests on deciding whether membership in the human species is itself morally relevant, or if it is nothing more than a biological (and so non-moral) category. Singer, for instance, argues that species membership itself is not morally relevant, and we should instead adopt cross-species criteria for moral considerability, namely sentience and the ability

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209 Cora Diamond, for instance, argues that being a human and leading a human life has a major role to play in our moral deliberations (Diamond 1991, 54-9). On this point there is sharp disagreement. McMahan, for instance, insists that unlike a sense of nationality: ‘...membership in a species is not a focus of collective identity. Being human does not significantly differentiate us from anything else; it therefore fails to engage our pride or enhance our sense of identity. Just as no one's sense of identity is enlarged by the recognition that one is an animal rather than a plant, so no one's sense of identity is importantly shaped by an awareness of being human rather than being, for example, a rabbit’ (McMahan 2002, 221).
to suffer and feel pain. We should, therefore, take the interests of non-humans in not suffering as seriously as we do that of humans, in so far as the suffering of a non-human is equivalent to the suffering of a human (Singer 1995, 15). To do otherwise, in the eyes of Singer, is to be speciesist, in other words, to have an unjustified bias or prejudice in favour of one’s own species.

In contrast, for the proponents of the importance of being human, whilst there is still a strong requirement to take the moral considerability of animals into account (which includes the importance of not inflicting pain or suffering on them), there is still a difference – and for many a considerable difference – between the suffering of a human and of an animal, even if both cases of pain are experienced in equal duration and intensity. Sentience alone, it is argued, should not be considered sufficient for prioritising moral considerability, but should instead be grounded in a range of other morally worthy capacities. As was highlighted in Chapter 6, even Singer has acknowledged that, in the case of killing, there are distinct differences between humans and animals that warrant privileging the life of the former over the latter. Human life (or at least healthy adult human life), because of certain characteristics, is considered to be richer and more valuable than an animal’s life, and so should be given priority (Singer 1995, 19; see also Frey 1988).

In contrast, for others, mere species membership is sufficient to entitle one to a high moral status and dignity, and justification for the possession of this high

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210 This is a view shared by James Rachels, who proposes a form of moral individualism: ‘Appealing to the traditional doctrine of human dignity, we might explain this by saying that human life has an inherent worth that non-human life does not have. Moral individualism, on the other hand, would require a different approach. According to moral individualism, it is not good enough simply to observe that chimps are not members of the preferred group—that they are not human. Instead we would have to look at specific chimpanzees, and specific humans, and ask what characteristics they have that are relevant to the judgement that one, but not the other, may be used...the answer would have to be in terms of their individual characteristics’ (Rachels 1990, 174).
worth need go no further than that (Egonsson 1998; Wertheimer 1974). As was shown in Chapter 6, this is an unqualified speciest account, in which species membership itself is thought to be morally relevant. Others, like Singer, Rachels and McMahan, criticise this short justificatory chain, and insist that further reasons are necessary for why all humans are thought to have such a high moral status. However, when we speak of the significance of being human, we are not necessarily referring exclusively to being a member of the species *Homo sapiens*. For many the significance of being human is not merely tied to membership in the human species. A milder form of speciesism, what we have termed qualified speciesism, instead argues that species membership by itself is not morally relevant, but is correlated or associated with other morally commendable characteristics which are. It is this weaker, and more palatable, form of speciesism which was focused on throughout, as it suffers less from an explanatory gap as to how being a member of a *biological* species confers *moral* status, for it provides further reasons to justify this high moral status.

*Marginal Cases and the Limitations of the Capacities Account*

Nevertheless, it has been shown throughout this thesis that many of the traditional arguments put forward to ground a universal human dignity fail to adequately do so. In particular, as has become apparent, one of the most fundamental and persistent problems for a universal human dignity, especially a capacity-driven account, is the fact that every human being possesses status conferring capacities to varying degrees and, in some cases, does not possess them at all. Moreover, as shown in the second section, it is notoriously difficult

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211 As McCrudden notes: ‘The power of the concept of human dignity is unquestionable. It appears to present a simple command to all of us: that we (individually and collectively) should value the human person, simply because he or she is human’ (McCrudden 2013, 1).
to find a morally significant characteristic, capacity or feature which is shared by all humans, but no other non-humans. As is pointed out with growing frequency, some animals possess certain cognitive capacities at least equivalent to that of some humans. The difficulty with the capacities account, therefore, arises when we try to make the move from claiming that some humans have morally relevant characteristics, to the conclusion that, therefore, all humans should be treated as if they had a moral status over and above that of all other animals. Indeed, some human beings, such as foetuses or infants, have only the potential to develop status conferring capacities (such as rationality, moral reasoning or autonomy). Other humans, by contrast, such as the severely cognitively disabled, neither have the requisite faculties now, nor the future capacity to develop them. Still others, such as those suffering from advanced forms of dementia, may have previously had the requisite cognitive capacities but unfortunately no longer do. A big stumbling block for a capacities-driven account of universal human dignity, therefore, is to defend it against the problems thrown up by so-called ‘marginal cases’.

**Relational Dignity**

Yet, if the possession of certain capacities does not ground a universal human dignity, then what does? Rather than attempt to supervene dignity over the possession of certain cognitive capacities, or believe dignity to be an objective ontological property of human beings, it has been argued that an alternative approach, therefore, should look instead at the significance and meaning behind our relations and social practices. The relational account more readily accommodates so-called marginal cases, as well as bringing the focus back
towards the role of ‘being human’ and human ways of being (as opposed to possessing certain capacities) as of moral importance. There are certain relationships we have with other individuals which result from being members of the same species, and so marginal humans are members of the moral community in ways that animals with similar capacities cannot be. As John Benson explains: ‘...to think of oneself as human is not to think of the biological classification one falls into, but to think of oneself as a point in a network of overlapping relations, actual and possible, with other individuals’ (Benson 1978, 536). Similarly, Eva Kittay argues that our worth and moral status is the result of a social matrix. In regards to an anencephalic infant, for instance, Kittay writes that:

...this infant is someone’s child, and with that social relationship comes a series of appropriate emotional and moral responses—ones that differentiate this birth from either a tumor or a plant. It is morally (and emotionally) appropriate to care for one’s child for the child’s own sake. It is the practices that define parenthood, and not simply the intrinsic properties of the product of the pregnancy... (Kittay 2005, 111-2).

Dignity, on this view, is both made and challenged in the social realm. For Elizabeth Anderson, as was highlighted in Chapter 6, dignity is largely to do with making both other humans, as well as animals, decent for human society, so that we are able to live with and relate to one another within our common life (Anderson 2004, 283).

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212 As Wasserman explains: ‘On this approach, it is not the mere biological fact of species membership that obliges third-parties to treat the severely-disabled children and siblings of other human beings with respect. Those third-parties are caught up in the same matrix of social relationships, which also determines their duties to others’ (Wasserman et al. 2013a, fn13).
Indeed, it has been suggested throughout that an insistence on the need to identify morally significant capacities possessed by all human beings to justify a universal human dignity is wrongheaded. Whilst citing all these various capacities and abilities helps to build a fuller picture of what it is to be human, the capacities driven-account, nevertheless, still fails to get to the heart of what we mean by the significance of being human. The relational approach, in contrast, looks beyond a limited range of cognitive capacities, and considers instead a broader set of features that are thought to be representative of the significance of being human. These alternative relational accounts look instead at the socially constructed concept of the human being, one which is rooted in our language and shared social practices, and seem to be more closely allied to what we mean when we speak of our shared humanity. Many writers instead have spoken of the role and importance of species loyalty, social bondedness or a shared common life (see for instance Luban 2009; Anderson 2004; Gaita 2004; Mulhall 2002; Kittay 1999; Diamond 1991, 1978; and Benson 1978). Such an account of the significance of being human seems a more natural home for a universal human dignity. A universal human dignity, like the South African idea of *ubuntu*, seems to be an appeal to human solidarity — to see beyond local, personal or regional difference, and accept the moral worth of all (or at least most) humans.

The term ‘human being’, on the relational account, is a so-called thick evaluative or normative concept, that is, one which has both a descriptive and

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213 Such a sentiment is encapsulated in John Donne’s famous lines: ‘No Man is an Iland, intire of it selfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine owne were; any mans death diminishes me, because I am involved in Mankinde; And therefore never send to know for whom the bell tolls; It tolls for thee’ (Donne 1987).

214 As Richard Rorty explains: ‘The traditional philosophical way of spelling out what we mean by “human solidarity” is to say that there is something within each of us – our essential humanity – which resonates to the presence of this same thing in other human beings’ (Rorty 1989, 189).
an evaluative element. When we say something is ‘human’ we are not only
giving a biological description, but a normative account of how the individual
should and should not be treated. There are certain social practices which
partially constitute what it means to be a human. As Wasserman explains, on
this account:

We…learn the appropriate ways of acting toward fellow human beings in
learning the very concept: for example, human beings are to be named,
and not eaten even when they are dead. We do not conclude that human
beings must be treated this way; the recognition that they must is already
part of the meaning of the concept (Diamond 1978; Gleeson 2008)....This
thick, normative concept of human being is not a biological one, and
need not have the same extension as the class of Homo sapiens
(Wasserman 2013a).

Some proponents of the relational or social bondedness model of moral
considerability argue, therefore, that shared species membership presents a
special loyalty between our fellow humans which, unlike racism or sexism, is a
justified bias or partiality in favour of our own kind (Williams 2006). 215

Yet, why do, or rather should, humans feel a sense of solidarity with other
humans? Diamond argues that the ground of this sense of solidarity does not
have to be ground on any group of properties, but imaginatively, and perceiving
others to have a common human fate. We can thus share a feeling of human
solidarity or bondedness with so-called marginal human cases. Diamond gives
two examples of when we might be touched by an ‘imaginative sense of shared

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215 See also: ‘the mere fact that a being is ‘of human born’ provides a strong reason for
according it the same status as other humans. This has sometimes been characterized as
prejudice, called speciesism. But it is not prejudice to hold that our own relation to these beings
gives us reason to accept the requirement that our actions be justifiable to them’ (Scanlon 1998,
185).
humanity’ and ‘our human bondedness to each other...’ (Diamond 1991, 55). In the first instance, a fellow human is moved by the response they witness of a severely cognitively disabled individual’s reaction to music. The second case concerns the outrage at witnessing a child mocking a severely cognitively disabled individual who, because of their condition, could not understand that they were being ridiculed. In both cases, Diamond argues that they touch on the role of having a shared human fate.216 In the same vein, for writers such as Eva Feder Kittay and Mary Midgley, the appropriate analogy for species membership is not with racism, nationalism or sexism, but with the family (see Kittay 2005, 124, 151-2; Midgley 1984, 104-5). In the same way that a parent would not be criticised for prioritising some of the needs and interests of their own children (regardless of the child’s intrinsic properties) so we have a special moral obligation to prioritise the needs and interests of another human over that of a non-human.

Dignity and Care

In particular, it has been argued that it is the relationship between dignity and care which presents one of the strongest examples of the significance behind our social relations and practices.217 It is also a fertile area of enquiry which would benefit from further exploration. As opposed to a negative approach to human dignity (dignity defined and explained by its absence, as we see in cases of humiliation, dehumanization and so on), care ethics presents a positive

216 As Diamond explains in more detail, having a shared human fate means that 'a human being is someone who has a human life to lead, as do I, someone whose fate is a human fate, as is mine...If it is possible for that sense of shared humanity to be expressed in actions, they have also most strikingly the power to express the refusal of solidarity, e.g., in the denial of decent burial...' (Diamond 1991, 59).
217 A similar stance has been taken by Nussbaum, who has argued that, ‘...bodily need, including the need for care, is a feature of our rationality and our sociability; it is one aspect of our dignity, then, rather than something to be contrasted with it’ (Nussbaum 2006b, 160).
formulation to what dignity in fact is and what we mean when we speak of respecting the dignity of others. Indeed, it is of little surprise that in the wake of scandals of poor patient care in the UK the importance of upholding patient dignity within healthcare has become an increasing theme in recent years (Department of Health 2015; Nursing and Midwifery Council 2015; and General Medical Council 2013). To care for another individual is to acknowledge that they have a worth which ought to be acknowledged, respected and upheld. The patient with dementia, for example, who is given help to wash and dress is not only shown a personal level of dignity and respect, but following Anderson, is also kept decent for human society. To treat someone with care, respect and dignity is then also a form of social inclusion (and likewise, to treat someone without these a form of social exclusion). To care for another enables them to uphold and maintain their self-respect, sense of self-worth, and ultimately their place within a human community. As Sarah Clark Miller argues:

> The manner in which a person meets another’s need either contributes to or detracts from the dignity of that individual. Although dignity is inherent in every human being, dignifying care draws forth the dignity of the individual, establishing the social solidity of her equal moral worth. In contrast, negligent forms of care can damage a person’s dignity, hindering social recognition of the individual’s equal moral standing (Miller 2012, 8).

In this way, a universal human dignity is presented, at heart, as a relational concept, which is often realised most clearly through our caring relationships.

**The Limits of Human Dignity**
As has been argued, a universal human dignity ought to be grounded in features of our common life that are coextensive, but not necessarily tied to the biological category *Homo sapiens*. As Wasserman notes, for many humanists, ‘humanity’ is not ‘strictly [a] biological concept, but a linguistic or cultural one, based in part on affinities in appearance, behaviour, and experience. The concept of humanity, and the classification of an individual as human, can only be understood in terms of a network of social practices or “forms of life”’ (Wasserman et al. 2013a, fn12). If this is the case, and the boundaries of the ‘thick concept’ of being human are unclear, then one may ask how elastic the concept of human dignity in fact is – in other words, how universal is a universal human dignity? Does dignity extend to such marginal cases as embryos and foetuses or the irreversibly comatose, can it also stretch to some non-human animals who share in our common life, or even to future posthumans, chimeras, or artificial intelligences? This thesis has not gone so far as to attempt to answer such questions, not least because such debates remain highly contentious and speculative. Rather, it has had the more modest aim of merely highlighting the type of questions that need to be asked and answered, if we are to understand where the boundaries of a universal human dignity lie. It has been argued that the question of whether an individual has a dignity becomes less to do with the capacities they must possess, and more about how they do, or could, sit within our common life, and the meaning or significance such relations would have. As was argued in the final chapter, therefore, the key to understanding the limits of human dignity is related to establishing whether the significance we would attach to the death and burial of a posthuman would be as profound as the death and burial of the unenhanced, or whether it would be considered as abhorrent to eat a human-animal chimera, as it would to eat our
own dead. Whilst there are no obvious answers to such questions, it has been suggested that, if a universal human dignity strives for equality of moral concern, then it seems wrongheaded to deny dignity to creatures which would do, or could, share so much with us.

Conversely, there are some acts, including some in the pursuit of radical human enhancement, which seem entirely detached and antithetical to many of the core tenets of a universal human dignity. To ignore the significance of our mutual interdependence, or deny the importance of compassionate care, for example, does seem to profoundly challenge the two key components that has been argued are required for full 'humanization' – a sense of human identity and human community. In such instances, where the individual is so unrecognisably human, it makes little sense to speak of them as partaking in a distinctively human common life. However, whether the loss or diminishment of this distinctively human form of dignity is ultimately regrettable depends upon what replaced it, and what we feel would be lost.
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Kemmerer, Alexandra (2013) ‘Dignified Disciplinarity: Towards a Transdisciplinary Understanding of Human Dignity’, in Christopher McCrudden...


