

Human Dignity and Public Bioethics

Gilbert Meilaender

Discussing the topic of murder, and replying to an “objection” (as the structure of the *Summa* calls for such replies), St. Thomas Aquinas writes, “a man who sins deviates from the rational order, and so loses his human dignity [*dignitate humana*]. . . . To that extent, then, he lapses into the subjection of the beasts.” We may contrast this with the words of Pope John Paul II in the encyclical letter *Evangelium Vitae*, released in 1995: “Not even a murderer loses his personal dignity [*dignitate*].”

The seeming divergence between these two important and influential statements within the same (albeit long and extended) tradition of thought is striking. Aquinas seems to think that the murderer, by turning against what reason requires of us, becomes more beast than man—losing the dignity that characterizes human beings, the rational species. John Paul II, in a context discussing the death penalty in general and Cain’s murder of Abel in particular, does not seem to think of “dignity” as something that can be lost by human beings, even when they act in ways that fall far short of the excellences that mark human nature.

The tension between these two notions of human dignity is evident, and I suspect that any time we think seriously about a range of issues in bioethics we are likely to find ourselves caught up in just this tension, looking for ways to distinguish one meaning of the term from another, or looking for other terms to mark the distinction. The work of the President’s Council on Bioethics, since that work began in 2002, has made use of the concept of dignity in several different contexts (even in the title of one report, *Human Cloning and Human Dignity*), and it may be that the Council has not always clarified its use of the term as much as some would like or as it should have. Thus, arguing that “dignity is a useless concept,” Ruth Macklin in a 2003 article criticized the Council’s failure to provide an analysis of the concept of dignity it used. With considerably more care and precision, in remarks to the Council in its meeting on December 9, 2005—remarks that were generally appreciative of the Council’s work—James Childress noted and concurred in the sense of some critics that the Council had “tended to invoke rather than really use the idea of human dignity” and had left the concept largely “unanalyzed.”

Gilbert Meilaender holds the Richard and Phyllis Duesenberg Chair in Theological Ethics at Valparaiso University and is a member of the President’s Council on Bioethics. This essay is adapted from one that will appear in a forthcoming Council volume on human dignity.

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That is probably true, and I hope this essay will make at least a small contribution toward clarifications that are useful. Nevertheless, I suspect that some critics (among whom I do not here include Childress)—perhaps because, for whatever reasons, they operate with a reflexively jaundiced view of the Council’s work—have missed some of the most important and interesting issues raised by the Council’s use of the language of dignity. For there are important differences—at least differences of emphasis, and perhaps still deeper disagreements—about the meaning of dignity even among Council members whose views on substantive questions have much in common. Indeed, the most interesting disagreements are often among those whose conversations can presuppose a background of shared concern. But we will never see this or explore these important issues if we read Council documents myopically in terms of policy or politics alone.

Even if it is true that the Council has been less clear about dignity than is desirable, I suspect this is a “defect” that is inherent in discourse about the kinds of questions with which bioethics deals. So, for example, in a recent report discussing approaches that might be used to increase rates of organ donation, a committee of the Institute of Medicine of the National Academies found it necessary to resort to the language of dignity: “Most societies hold that it is degrading to human dignity to view dead bodies as property that can be bought and sold. . . . [B]odies are supposed to be treated with respect—with funeral rites and burial or cremation—and not simply discarded like worn out household furniture and certainly not sold by relatives (or anyone else) to the highest bidder.” And although an earlier chapter had interpreted the language of respect for human dignity primarily in terms of respect for autonomy, it is hard to believe that this alone could account for the sense of “degradation” which, it is said, the buying and selling of corpses would elicit in most societies.

In any case, in order to explicate and explore the idea of human dignity, I turn first to the Council’s most recent report, *Taking Care: Ethical Caregiving in Our Aging Society* (released in September 2005). Having begun with an exploration of tensions deeply buried within that report, I will then be in a position to think more generally about those tensions, well beyond the boundaries of the Council’s work itself.

Equal Dignity and Distinctions in Excellence

A distinction between two different senses in which one might speak of human dignity is emphasized in *Taking Care*. The Council speaks of this distinction in different ways. It notes, for instance, that the language of

dignity might be used to mark either a “floor,” a kind of respect and care beneath which our treatment of any human being should never fall—or it might be used to mark a “height” of human excellence, those qualities that distinguish some of us from others. Similarly, it contrasts a non-comparative manner of speaking about the worthiness of human lives with various kinds of comparative assessments (whether in economic terms or in terms of nobility) of human worth. Or yet again, it notes a difference between an “ethic of equality’ (valuing all human beings in light of their common humanity)” and an “ethic of quality’ (valuing life when it embodies certain humanly fitting characteristics or enables certain humanly satisfying experiences).”

The general point is, I think, clear, and it seems right to say that, at different times and for different purposes, we are likely to speak in either of these ways. Nonetheless, trying to find a way to do justice to each of them simultaneously is no easy task. How to work out these differences in the public sphere, where equal treatment may sometimes seem to call for special attention to the needs of the vulnerable or the deprived, is among the most difficult and troubling of political issues. Of course, treating people equally need not and should not mean treating them identically, as every parent of more than one child knows.

Still, I am not persuaded that the Council’s discussion is entirely successful, because it seldom does more than set the two concepts of dignity side by side. They do not interact in such a way that the meaning of one can be to some degree reshaped or transformed by the other; instead, they remain firmly fixed in separate linguistic compartments. For example, having discussed a (comparative) sense in which we might think of some human beings as manifesting greater dignity than others, the Council then turns to affirm a “*non-comparative* way of speaking about the worth of human lives.” Yet, attempting to affirm this non-comparative worth, it says merely: “If we value *only* the great ones, we do an injustice to the dignity of ordinary human beings.”

Suppose, however, that our understanding of comparative excellence were reshaped somewhat by a sense of equal human dignity. Then we might speak more as a character named Dinny does, in John Galsworthy’s novel *One More River*, when reflecting on the death of old Betty Purdy:

Death! At its quietest and least harrowing, but yet—death! The old, the universal anodyne; the common lot! In this bed where she had lain nightly for over fifty years under the low sagged ceiling, a great little old lady had passed. Of what was called “birth,” of position, wealth and

power, she had none. No plumbing had come her way, no learning and no fashion. She had borne children, nursed, fed and washed them, sewn, cooked and swept, eaten little, travelled not at all in her years, suffered much pain, never known the ease of superfluity; but her back had been straight, her ways straight, her eyes quiet and her manners gentle. If she were not the “great lady,” who was?

And suddenly what seems almost a given in the Council’s discussion—who are the great and who the ordinary human beings—may be far less obvious.

As it becomes less obvious, as the “comparative” sense of dignity begins to be transformed by the “non-comparative,” as we are less sure what is the “floor” and what the “height” of human worth, we may incline to draw back a bit from some elements in the Council’s discussion. For example, imagining a woman who was once a “virtuoso violinist” and is now suffering from dementia, her “treasured capacities” largely gone, the Council first affirms that she “remains a full member of the human community, equally worthy of human care.” But it then expresses puzzlement about what her dignity might mean when those capacities are “fading or gone.” In the case of such a virtuoso—the suggestion seems to be—dementia is especially degrading. “For all people—and perhaps most vividly for those who once stood high above the ordinary—the regression to dementia and incompetence, with all its accompanying indignities and loss of self-command, may seem dehumanizing and humiliating.”

This does not seem true to me. Moreover, I think there is something objectionable about this way of putting the matter. I cannot see why dementia afflicting this “virtuoso violinist” should be any more vividly dehumanizing than it would be were it to afflict, say, the woman who regularly empties the trash can in my office. Still more, I would be reluctant to call dementia in either case dehumanizing. I know of course that one might sometimes incline to the view that dementia in the case of the violinist was somehow worse than dementia in the case of the janitor, and there might be occasions when I could be inclined to suppose that dementia in either case was dehumanizing, but I would regard such inclinations as *temptations* (to be resisted as best I could).

It is when I ask myself why these inclinations should be regarded as temptations that the puzzles arise. I am reluctant to say that any living human being, even one severely disabled by dementia, has lost human dignity. Why? I am reluctant to say that some human beings—those with certain highly developed capacities—have greater dignity than others. Why?

These two puzzles are interrelated. If we assert that every human being has dignity, someone is certain to ask from us an account of what it is about human beings that gives them this equal dignity. And of almost every characteristic or property to which we might point it is likely that some human beings may lack it or lose it, or that some human beings may have it in more developed or more excellent ways (and, hence, may seem more worthy or more deserving of our respect). Each of these possibilities is buried in the Council's discussion summarized above. If dementia is inherently dehumanizing because it deprives human beings of the rational powers that give them their special dignity, then some living human beings may come to lack dignity entirely. If dementia is worse when it attacks the "virtuoso," diminishing qualities that were once especially highly developed, it suggests that the virtuoso and the janitor were never of equal dignity. Tackling these several aspects of our problem requires us to ask first what (if anything) about human beings is the ground of their dignity.

Distinctions in Dignity

In his book *For Capital Punishment*, Walter Berns quotes Supreme Court Justice William Brennan's statement that "even the vilest criminal remains a human being possessed of human dignity"—and then disagrees emphatically:

What sort of humanism is it that respects equally the life of Thomas Jefferson and Charles Manson, Abraham Lincoln and Adolf Eichmann, Martin Luther King and James Earl Ray? To say that these men, some great and some unspeakably vile, equally possess human dignity is to demonstrate an inability to make a moral judgment derived from or based on the idea of human dignity.

We understand what Berns means, and in certain moods we are probably inclined to agree; yet, in my view, the more striking inability displayed in this passage is Berns's own inability to find a standpoint from which to see the whole truth about any and every human life. Especially when life and death are at stake, when we are forced to think about a person's life as a whole, the distinctions that we make and need to make in other contexts may lose their force.

It is obvious that, at least in certain contexts and for certain purposes, we make distinctions of merit among human beings. Academic institutions, for example, are meritocratic, and a class in which every student gets an A—even if welcomed for certain reasons by some students and

some faculty—is understood to subvert the very nature of the undertaking. Likewise, the worlds of sport and of musical performance—to take two quite different aspects of life—are arenas in which we still strive for excellence and watch with an eye to discerning those whose performance is especially accomplished. We generally think that an eye for these distinctions and differences need not undercut our commitment to the equal dignity of human beings, and perhaps it need not. Nonetheless, impressed by the obvious importance of these distinctions for much of life, one might argue that the very notion of dignity is aristocratic rather than egalitarian.

As a starting point for examining this argument we can begin with an essay by Leon Kass, “Death with Dignity and the Sanctity of Life,” which appears in his 2002 collection *Life, Liberty, and the Defense of Dignity*. Kass starts with the concept of sanctity, moving from it to dignity, but he sees the ideas as closely interrelated. What is it that makes human beings worthy of our respect? In Western culture, Kass notes, the biblical assertion that human beings have been created in God’s image has often been taken as the ground of equal worth. “Human life is to be respected more than animal life, because man is more than an animal; man is said to be godlike.”¹ For Kass the ground of this special standing is the powers of “reason, freedom, judgment and moral concern” that human life characteristically exhibits.

Within human life, however, those special capacities are inextricably intertwined with our bodies—with “metabolism, digestion, respiration, circulation and excretion.” And sometimes those bodily functions remain when reason and freedom seem to be gone. For Kass this undermines or diminishes—he does not say “destroys”—human dignity, for it undermines human agency. Although I myself would not say that the loss of those “higher” capacities diminishes human dignity, we can understand why someone might, and we have probably all felt, at one time or another, a tug in the direction of Kass’s view. More baffling to me is his suggestion that even turning to doctors for help in getting better serves to “compromise” our dignity: “being a patient rather than an agent is, humanly speaking, undignified.” Similarly, he writes a few pages later that “one cannot make a good end of one’s life if one is buffeted about by forces beyond one’s control.” In

¹ The term “godlike” does not strike me as the best choice here. For one thing, the desire to be “like God” (which, to be sure, is not quite the same as being godlike) is the description (in Genesis 3:5) of the primal temptation. Kass does, of course, recognize this. He writes: “Yet man is, at most, only godly; he is not God or a god. To be an image is also to be *different* from that of which one is an image.” Given that, however, it might capture better the truth of our creation in God’s image to say that human beings are neither beast nor God—but, instead, a particular kind of being made (unlike the beasts) for communion with God (on whom human life is utterly dependent).

part, he has in mind here the ways in which caregivers and institutions may constrain and control the sick and dying, but his language seems to encompass more than just that. To think that suffering the ills which overtake us, being a patient rather than an agent, is somehow undignified seems less like an analysis of dignity than like a rebellion against the nature of human life. Were I drawn to depictions of dignity in terms of certain characteristics, I would be more inclined to say that human dignity lies in acknowledging the way in which aging and dying very often involve becoming more and more a patient (and needing to learn patience) and less and less an agent.

At any rate, dignity for Kass is an “undemocratic” idea. It directs us to think in terms of worthiness, honor, and nobility: “In all its meanings it is a term of distinction. Dignity is not something which, like a nose or a navel, is to be expected or found in every living human being. In principle, it is aristocratic.” These observations, true though they may be if limited to a certain focus, do not successfully bring this “comparative” understanding of dignity into relation with a “non-comparative” notion of *equal* dignity. Or, perhaps I should say, to the degree that they bring them into relation, the comparative is permitted to demarcate the limits of the non-comparative. “One can, of course,” Kass writes, “seek to democratize the principle [of dignity].... Yet on further examination this universal attribution of dignity to human beings pays tribute more to human potentiality, to the *possibilities* for human excellence. *Full* dignity, or dignity properly so-called, would depend on the *realization* of these possibilities.” This must lead in the end to some kind of distinction between *basic* and *full* humanity, with dignity accorded chiefly to the latter, to a life in which the characteristic human excellences are developed and displayed.

Such a view does, as I noted earlier, capture something almost all of us believe to be true—as is seen in the way we give grades to students or evaluate athletic and musical performances. In various areas of life, some human beings seem to move beyond the basic humanity shared with the rest of us and display excellence in ways that merit our admiration. They flourish. That is, they develop characteristic human capacities in ways that give all of us some inkling of what a human being can actually become. If we like, there is nothing to prevent us from saying that their lives display in a special way the dignity of our human nature.

Yet, there is also, at least in certain contexts, something offensive to our ears about this aristocratic way of depicting human dignity. Thus, for example, in a speech of July 17, 1858, Abraham Lincoln, while granting many human inequalities, also captured something of the problem we have with an inegalitarian concept of dignity: “I have said that I do

not understand the Declaration [of Independence] to mean that all men were created equal in all respects.... [B]ut I suppose that it does mean to declare that all men are equal in some respects; they are equal in their right to 'life, liberty, and the pursuit of happiness.' Certain the Negro is not our equal in color—perhaps not in many other respects; still, in the right to put into his mouth the bread that his own hands have earned, he is the equal of every other man, white or black.”

A concept of dignity that emphasizes differences of worth falls harshly on our ears because we have learned to move in the opposite direction from that which Kass takes: we have learned to let the comparative notion of dignity be transformed when brought into contact with the non-comparative and egalitarian. And we have learned this in some considerable measure because there has been a great rupture in Western culture, a rupture that gradually reshaped the classical notion of dignity (with which Kass works) by bringing it within a system of thought and practice that worshiped as God a crucified man who suffered a criminal's death on a cross. It would not be wrong to say that, though he is depicted as going to that cross willingly, he was “buffeted about by forces beyond [his] control,” and he died what those of his day surely regarded as an undignified death. One would not, of course, expect these beliefs to be formative for Kass, who is Jewish; yet, I suspect that the continuing tug on him of the non-comparative understanding of human dignity is grounded both in a Jewish understanding that *every* human being has been created in the image of God and in our society's gradual development of a strong sense of human equality.

It may be that we cannot make good sense of an egalitarian and non-comparative understanding of human dignity, to which our civilization has in many ways been committed, if we abstract it entirely from the context of the religious beliefs that formed it. That context is certainly apparent in the Declaration of Independence, upon which Lincoln relied when making his case, and it is worth articulating here. Suppose, as Kierkegaard puts it in *Works of Love*,

there are two artists and one of them says, “I have traveled much and seen much in the world, but I have sought in vain to find a person worth painting. I have found no face that was the perfect image of beauty to such a degree that I could decide to sketch it; in every face I have seen one or another little defect, and therefore I seek in vain.” Would this be a sign that this artist is a great artist? The other artist, however, says, “Well, I do not actually profess to be an artist; I have not traveled abroad either but stay at home with the little circle of people who are closest to me, since I have not found one single face to be so

insignificant or so faulted that I still could not discern a more beautiful side and discover something transfigured in it. That is why, without claiming to be an artist, I am happy in the art I practice and find it satisfying.” Would this not be a sign that he is indeed the artist, he who by bringing a certain something with him found right on the spot what the well-traveled artist did not find anywhere in the world—perhaps because he did not bring a certain something with him! Therefore the second of the two would be the artist.

The truth of equal human dignity may be, as the Declaration seems to suggest, self-evident (in the sense that this truth shines by its own light and cannot be derived from other more fundamental truths), but it is not *obvious*. Indeed, perhaps we will see it only insofar as we “bring a certain something” with us when we look. And, for Kierkegaard, that “certain something” is very specifically the neighbor-love that Christians are enjoined to show to every human being made in God’s image. I doubt, in fact, that there is any way to derive a belief in the equal worth of every human being from the ordinary distinctions in merit and excellence that we all use in some spheres of life; it is grounded, rather, not in our relation to each other but in our relation to God, from whom—to use a mathematical metaphor—we are equidistant.² “The thought of God’s presence makes a person modest in relation to another person, because the presence of God makes the two essentially equal.”

Equality and Life “On the Whole”

Here, then, is our problem, from which we cannot for long continue to avert our gaze: Our society is committed to equal human dignity, and our history is in large part a long attempt to work out the meaning of that commitment. Christians and Jews have an account of persons—as

² Herbert Spiegelberg, in his essay “Human Dignity: A Challenge to Contemporary Philosophy,” has made the distinction in terms of genus and species: “Dignity in the general sense is a matter of degree. It reflects an aristocratic picture of reality in the tradition of the ‘Great Chain of Being’ with higher and lower dignities. Such dignity is subject to change, to increase and decrease; it can be gained and lost. It finds its expression in such dignities as are conferred on ‘dignitaries’ through honors or titles, and can be expressed in dignified or undignified comportment. *Human* dignity is a very different matter. It implies the very denial of an aristocratic order of dignities. For it refers to the minimum dignity which belongs to every human being *qua* human. It does not admit of any degrees. It is equal for all humans. It cannot be gained or lost. In this respect human dignity as a species of dignity differs fundamentally from the genus.” I suspect, however, that in order to make sense of such a fundamental difference between genus and species we need to recount the story, to which I have alluded, of the great rupture in Western history between classical and Christian thought.

equidistant from God and of equal worth before God—that grounds and makes sense of this commitment we all share. A society that rejects their account but wishes to retain the commitment faces, then, a serious crisis in the structure of its beliefs. And often, in fact, we do little more than posit an equality about which we are, otherwise, largely mute; for the truth is, as Oliver O’Donovan has assertively put it, that this belief “is, and can only be, a theological assertion.” We are equal to each other, whatever our distinctions in excellence of various sorts, precisely because none of us is the “maker” of another one of us. We have all received our life—equally—as a gift from the Creator.

This does not mean that equal human dignity can or will be affirmed only by religious believers. Without fully discerning the ontological ground of dignity one may have what Gabriel Marcel, in his book *The Existential Background of Human Dignity*, terms “an active and even poignant experience of the mystery inherent in the human condition.” We will gain insight into this mystery chiefly, Marcel thinks, when we are moved by a spirit of compassion that recognizes our shared vulnerability; hence, “dignity must be sought at the antipodes of pretension and . . . on the side of weakness.” That is to say, in our common subjection to mortality—to death, in which we must discern the meaning of a life taken whole—we may come to perceive dimly our equal dignity.

We should note, however, that relying on a sense of our shared vulnerability to ground human dignity brings with it the risk that we may come to regard relief of suffering as a moral trump card that overrides all other obligations. This has, in my view, sometimes been true of arguments put forward by members of the President’s Council on Bioethics. Thus, for example, in a personal statement appended to the Council’s 2005 white paper *Alternative Sources of Human Pluripotent Stem Cells*, Janet Rowley wrote: “We talk about protecting human dignity. We should strive to help patients with serious illnesses that could potentially be treated with embryonic stem cells to live as fulfilling and dignified lives as is humanly possible.” Likewise, in a personal statement appended to the report *Reproduction & Responsibility*, Michael Gazzaniga wrote: “The Koreans have found a way to let biomedical cloning go forward with all of its spectacular promise for restoring human dignity to the seriously diseased and infirmed patients of the world while at the same time not in any way creating a social atmosphere to use such advances for baby-making. What

could be better?”³ In these statements both Council members give moral priority to doing what they think necessary for achieving the dignity of a life (relatively) free of suffering. This suggests that Leon Kass had some reason to be concerned about a concept of equal (non-comparative) dignity grounded simply in our shared vulnerability. “Modernity’s preoccupation with the ways in which humans are at bottom equal in their frailty is,” as Kass put it in the pages of this journal, “no small part of the problem.” To the degree this is true, we have another reason to think that our society’s commitment to equal human dignity is best and most safely grounded in religious belief.

At any rate, it is not religious believers who should be ill at ease in a public square committed to the equal worth of every human being; it is those who lack the faith that animates and animates such commitment. It is not religious believers who should be mute in a public square committed to equal human dignity; it is others who find themselves mute when asked to give an account of our shared public commitment. In fact, an appreciation of the many and various distinctions in human excellence—of the sort Kass wants to press and is, in many respects, quite right to press—is safe only in a public square that can affirm the relation to the Creator which grounds our equality.

Thus, we can grant and make use of comparative notions of dignity as long as our use is shaped and transformed by our commitment to a non-comparative and equal dignity. This shaping will show itself and be important in at least two ways. First, it may enable us to see what we otherwise might not were we to look only at surface differences—even *important* surface differences. It will form us as people rather like Kierkegaard’s second artist, whose eye is attuned to the deeper truth that lies behind, beneath, and within the differences that distinguish us from each other.

In addition, this non-comparative concept of dignity will become relevant whenever we make what we might call “on the whole” judgments about the worth of a human life. Unable to transcend entirely our location in time and space, we never really see any life, including our own, in such a transcendent way. It presupposes, really, God’s own perspective; hence, in making such judgments we think of ourselves and others in terms of the relation to God. This need not blind us to the many distinctions within everyday social life, for dissimilarity is, as Kierkegaard notes, the mark (though a confusing mark) of temporal life: “But the neighbor is eternity’s

³ Gazzaniga wrote this in 2004. Perhaps, given what we have since learned about Korean “advances” in cloning-for-biomedical-research, he would wish to modify it somewhat.

mark—on every human being.” Since we stand equally distant from (or near to) the Eternal One, we are radically equal in those moments when our life is judged “on the whole,” as only God can see it. One place, therefore, where differences in excellence or dignity can have no place, will be, as O’Donovan puts it, at “the threshold of death, when the continuance of life itself is at stake.” Once again, Kierkegaard sees the point: “There is not a single person in the whole world who is as surely and as easily recognized as the neighbor. You can never confuse him with anyone else, since the neighbor, to be sure, is all people. . . . If you save a person’s life in the dark, thinking that it is your friend—but it was the neighbor—this is no mistake.”

We also, as O’Donovan notes, encounter others “on the whole,” (and differences in excellence become unimportant) when “they lack essential resources to participate in social communications as such.” It is “self-evident,” as the Declaration puts it, that every human being—created by God for covenant with each other and with himself, even in the midst of the many distinctions that mark us—must have the opportunity to live within human society and participate in its common life. Thus, “the opportunity to live, and the opportunity to participate in a society, are metaphysically foundational; they correspond to our universal created nature as human beings.” Recognizing these two forms of “on the whole” equality need not efface our appreciation for the significance of differences among us in excellence and achievement, but it will inevitably, I suspect, democratize somewhat the judgments we make about the worth of human lives. Even within our noblest qualities and our most striking excellences, we will learn to discern “the poverty of our perfections.”⁴

Here, then, is one way in which the language of dignity has played an important role in the Council’s work, has perhaps been in need of some further refinement, and can, I think, be elucidated and clarified by considering the relation between human dignity in its comparative and non-comparative senses. But there is another way in which the language of dignity has entered into the Council’s reports, and it also deserves attention.

The Human Being as Neither Beast Nor God

The collection of readings titled *Being Human*, which was produced and published by the Council, contains ten chapters. Each has a very general title, under which are gathered a range of readings that seek to explore and illumine various aspects of the subject announced by the title, and the Council provides a brief introduction to each of these chapters. Chapter

⁴ A wonderful phrase, which I owe to Russell Hittinger. See also Luke 17:7-10.

ten is called simply “Human Dignity.” In the introduction to this chapter the tension I have been exploring above appears. Thus, for example, some of the readings collected in the chapter are said to “present supreme examples of human dignity at its finest.”

Significantly, however, the brief introduction to this chapter does not use the language of “excellence” only to distinguish some human beings from others. On the contrary, it refers to human dignity—the dignity of the human species taken generally—as an excellence. It recognizes, without choosing among, various kinds of reasons (some religious, some not) that one might give as the ground of this shared dignity. But human dignity itself is described as “our full humanity: not just reason or will, not just strength or beauty, but our integrated powers of body, mind, and soul.” This fully integrated life means living “as a man, and not as a beast.” It is this use of the language of dignity—to point to the specific character of human life that is lower than the gods and higher than the beasts—to which I now turn.⁵

Perhaps surprisingly, apart from the issues in *Taking Care* discussed above, the concept of (human) dignity is used relatively rarely in Council reports. Moreover, the Council has noted that the concept of dignity has no explicitly recognized place in American law (in the way that concepts such as freedom, rights, and equality do). I wonder, in fact, whether one reason critics have focused on the Council’s use of the language of dignity may not be that their criticisms have law and policy in mind. So does the Council, of course, but it tends to put policy questions into the context of larger “anthropological” concerns.

The very first report issued by the Council (in July 2002) was titled *Human Cloning and Human Dignity*. A reader of the report may be surprised, therefore, to discover how few actual references to dignity it makes, despite the term’s prominent appearance in the title. This suggests that the term itself may be functioning primarily as a placeholder for larger understandings or background beliefs not easily articulated in shorthand ways. That possibility is reinforced when we look at the most significant instances of an appeal to human dignity within the report.

We place limits on what may be done in scientific research, the report

⁵ This way of thinking about the Council’s language of dignity was first suggested to me by Paul Weithman in a presentation made to the Council at its December 2005 meeting. Working from memory, Weithman had attributed to Kant the statement that, among the many species, man is “highest among the animals, lowest among the hosts [of heaven].” He later checked this for me and informed me that—while this captures Kant’s vision of the human being as an “animal rational,” the rational species that is also embodied—the phrase itself comes from Stanley Cavell.

notes, partly in order to “protect the health, safety, and dignity of the weak from possible encroachments by the strong.” This sort of concern indicates that the language of dignity is being associated closely with both a concern for equality and for protection against the risk of harm. Similarly, part of the point of codes of ethics governing what may be done in research is an “attempt to defend the weak against the strong and to uphold the equal dignity of all human beings.” This is important, but I think something more than just this is intended at a few other places in the report.

There are instances where the concern is not simply with human equality or the risk of harm but also with the kind of creature a human being is, with preserving a characteristically human life. When, for instance, the Council speaks of “the dignity of human procreation,” the language is serving as a placeholder for a certain vision of what it means to be human—and for our sense that the humanity of oneself or others may be wronged even when no discernible harm is suffered. The idea is this: the character of human life is degraded or diminished if we envision the relation between the generations in a way that makes some strong and others weak, in a way that makes some a “product” of the will and choice of others. This is true whether or not those who are “produced” by the will of others seem to be harmed or think themselves to have been harmed.

“The things we make are not just like ourselves; they are the products of our wills, and their point and purpose are ours to determine. But a begotten child comes into the world just as its parents once did, and is therefore their equal in dignity and humanity.” Or, again, “human dignity” is said to be at stake in the distinction between “making” and “begetting” because “parents beget a child who enters the world exactly as they did—as an unmade gift, not as a product. Children born of this process stand equally beside their progenitors as fellow human beings, not beneath them as made objects.” In other words, in distinctively human procreation the child is not simply a product of the will or choice of its progenitor. It is, instead, the internal fruition of an act of marital love. Hence, although there are different ways to produce a child, they do not all amount to *doing* the same thing; for the nature of what we do is not determined simply by what we accomplish or produce.

An anthropological vision is at work here. The human being is a particular sort of “in-between” creature. Not quite a beast. Not quite a god. Hence, to flourish as the human species, to manifest human dignity, is to live within certain limits—as creatures whose life is an integrated whole of body, mind, will, and spirit. Because we are not gods, we have to think about how we come into being and go out of being. Because we are not beasts, we

can find moral meaning in the relation between the generations.

When, then, the Council speaks of “the dignity of human procreation,” it has in mind the way in which the next generation of humankind comes to be not through a deliberate act of rational will (which, in godlike fashion, can be separated entirely from the sexual union of a man and a woman) but through a distinctively human relation in which reason and will are united with the body and its passions. This distinctively human form of procreation is good both for those who beget and for the child who is begotten. Procreation that is more than just an exercise in self-definition or an act of self-replication frees us from self-absorption and gives a spaciousness to the love between man and woman. And the child who is begotten, not made, becomes the natural fruition of the parental embrace, not a chosen project—a gift and a mystery, whose destiny is no one else’s to determine. To speak of the “dignity” of human procreation is to use a placeholder that carries all this moral meaning—that points to a distinctively human relation between one generation and the next.

The Council may or may not be correct in the conclusions about cloning-to-produce-children and cloning-for-biomedical research that it draws on the basis of human dignity so understood, but seeing the language of dignity as a placeholder for such anthropological concerns is surely understandable and, perhaps, instructive. Nor is such an understanding by any means unique to the Council’s work. Consider, for example, a discussion of a patient’s right of privacy in Tom Beauchamp’s and James Childress’s textbook *Principles of Biomedical Ethics*, certainly one of the most widely read and influential works in bioethics. Childress and Beauchamp are inclined to ground a privacy right in respect for autonomy; yet, they recognize that this cannot account for all circumstances in which we would think such a right existed. “It seems intuitively correct to say that it is a violation of privacy, not merely a tasteless act of negligence, to leave a comatose person undraped on a cart in the hospital corridor. One possibility, although not one that we pursue or defend here, is to emphasize a broader conception of respect for persons that includes both respect for their autonomy *and* respect for their dignity.”

Such a possibility was, however, pursued—very instructively—by Paul Weithman, in his presentation to the Council at its December 2005 meeting. He noted a range of instances in which we might quite naturally have recourse to the language of dignity in order to articulate important moral concerns not easily dealt with simply in the language of rights or autonomy. So, for example, having sex in a public place may undermine human dignity even if no one’s rights are violated and no one is harmed.

There are conditions—such as being homeless, or being unable to feed one’s children—that may seem to us to diminish human dignity, even if no one’s rights have been violated. (And when, in order to express their moral concern, some people characterize such matters in terms of violations of rights, we are likely to think they have not quite gotten to the heart of the matter.) Even when rights are involved, the language of dignity may bring added moral weight. For example, we may violate someone’s property rights, and we may violate someone’s right not to be tortured. Why, Weithman asked, does the second seem a more weighty moral concern, so much more serious? We might well try to answer by using the language of human dignity. In addition, there are certain actions, which, even though not matters of right, call forth our respect and admiration: grace in the face of death, for example.

All of these examples seem to depend upon some image of what a truly human life ought to be, some vision of “the good life” for human beings. They are used less to distinguish those who live excellently from those who do not than to depict an ideal which we ought to seek to realize: an ideal of a life most suited to the “in-between” creatures we are.

At one place in particular in the Council’s work thus far, appeals to “dignity” understood in this way abound. That place is the third chapter (“Superior Performance”) of the 2003 report *Beyond Therapy*. Because appeals to the concept of dignity are plentiful in this chapter, it is obviously important for our topic. On the other hand, the concentration of so many appeals to dignity in a single chapter of a single report should also remind us that in the reports of a body such as the President’s Council on Bioethics, many authorial hands are at work. The use of a term may be less important than the larger understandings for which it, again, serves as a placeholder.

The principal use of the idea of dignity in this chapter is, I think, to refer to a naturally human way of being in the world. The term is often used to describe human activity—as in “the dignity of human activity” or “the dignity of the activity itself”—which dignity would, it is claimed, be undermined were we to use certain means to enhance performance. The dignity of the activity would be threatened, presumably, because the characteristically human form of the activity itself would be modified or subverted.

Elsewhere in the chapter, seeking to give a little more specificity to language about the dignity of human activity, the Council refers to the “dignity of embodiment.” This somewhat strange formulation seems to mean that the dignity we seek is to be “humanly excellent,” not just excellent in some other sense—not, for example, the excellence of a machine or an

artifact. We should want to be neither mechanism (as is perhaps the beast who operates by instinct) nor master (as if we were gods). To be either of these would be to forego the dignity characteristic of human beings. I myself think that the use of a term such as “excellence” here probably confuses more than it clarifies. What this chapter on superior performance is aiming to depict might better be called “characteristically” human activity—that is, activity suited neither to a being who was all reason and will, nor to a being who was all body. This would be the activity of a complex creature composed of body, mind, will, and spirit—all operating as an integrated whole for which, though its action was “mindful” and “willful,” there would be no sense of self as something separate from the body-in-motion. To subvert this specifically human character of our action might not harm us in obvious ways; indeed it might sometimes seem to benefit us (as in the example of enhanced athletic performance discussed by the Council). Yet, without harming us in such obvious ways, it might demean the humanity that is ours and that we ought to honor.

In my judgment, the Council is somewhat less successful in this attempt to depict (in general) a distinctively human form of activity than it was in its attempt to depict a characteristically human form of procreation. *Beyond Therapy* sees that we are divided beings for whom doer and deed are not entirely in harmony and notes that what the Greeks called *eros* was the longing for a kind of wholeness that would overcome this division within the self. I myself doubt that our lack of wholeness can be explained simply on its own terms, apart from any reference to the God-relation. In us, spirit and nature have quarreled. We can and do go wrong in either of two ways, and they are connected. We seek to be our own masters, as if reason and will were all that were needed for characteristically human activity (a danger the Council sees most clearly in its discussion of “the dignity of human procreation”). But also, having identified our true self with the rational will, we can come to think of the body as mere mechanism, not the body of the “animal rational” (a danger the Council underscores in its depiction of the kind of “superior performance” that does not lose the complex unity of the human being). In any case, I suspect that some of the puzzles created by the Council’s use of the concept of dignity in *Beyond Therapy* are due less to the use of that concept than to an inherent difficulty: Hard as it may be to describe the ways in which we may lose the characteristic shape of human activity, it is far harder to provide an image of that activity when it is whole and undivided. To fall short in this attempt is no shame, however; it is, in fact, to be human.

Dignity and the Public Square

What we should see by now, though, is that the Council turns to the language of dignity in order to develop some aspects of an anthropology, a vision of what the human species is and ought to be—a vision that moves well beyond the minimalistic notion that it is possible to wrong others only by harming them. We should not seek to live in disembodied ways more suited to gods than to human beings, nor should we treat our bodies as if they were things utterly open to our manipulation and not integrally involved in a characteristically human life. That is the vision for which the language of dignity serves as a placeholder. The Council may, of course, be wrong in some of the implications it draws from this vision, but the anthropological vision itself should not be beyond our understanding nor, when understood, should it seem particularly idiosyncratic.

Though not idiosyncratic, it does, however, move somewhat beyond ways in which the concept of dignity has most often been used in bioethics. Deryck Beyleveld and Roger Brownsword, in their 2001 book *Human Dignity in Bioethics and Biolaw*, distinguished three different ways in which the concept of dignity has, they believe, been used in bioethics. The first they term “human dignity as empowerment.” The central idea here is that one’s dignity is violated if one’s autonomy is not respected, and this concept leads quite naturally to an emphasis upon informed consent. Why exactly human beings should be thought to have such dignity is not clear, however. Beyleveld and Brownsword note that, if we cannot offer some ground that supports the attribution of dignity, the notion that all human beings possess such dignity will rest “entirely on contingent acceptance—it depends on humans having the right attitude.” And, as I noted earlier, insofar as we set aside our inherited religious grounding for human dignity while wishing to retain the commitment, we face a deep structural problem in our beliefs. Assertions that lack grounding often begin to sound a bit shrill.

The second concept of dignity Beyleveld and Brownsword call “human dignity as constraint”—that is, constraint on individual choices. This concept stands in clear tension with the first, for this sort of appeal to dignity may be used to control (or prohibit) activity to which one freely consents and which seems to harm no one else. As an example of the clash between these two concepts, they use a dwarf-throwing case from France, in which the police were authorized to stop the attraction of dwarf-throwing in clubs.

The legality of the bans was challenged by, among others, one of the dwarfs..., who argued that he freely participated in the activity, that the

work brought him a monthly wage (as well as allowing him to move in professional circles), and that, if dwarf-throwing was banned, he would find himself unemployed again. To this, the Conseil d'État responded that the dwarf compromised his own dignity by allowing himself to be used as a projectile, as a mere thing, and that no such concession should be allowed.

A third concept, somewhat different from the first two, is that of “dignified conduct.” Whereas the first two concepts, however different from each other, might be described as notions of an intrinsic dignity, this third concept will make place for higher and lower ranks of dignity. The issues it raises I have dealt with earlier in discussing the tension between equal human dignity and distinctions in dignity.

Of these three concepts, it is the second—human dignity as constraint—that most closely approximates the position I have been developing, in which “dignity” functions as a placeholder for a richer, more developed anthropology of human nature and activity. Nevertheless, Beyleveld and Brownsword’s notion of “dignity as constraint” does not fully capture the texture of the Council’s vision. For one thing, it is an almost entirely negative notion, setting limits on otherwise autonomous action. As such, it lacks the positive (and, we must admit, very ambitious) attempt the Council makes to depict more fully the distinctively human form of certain activities—and it lacks the underlying metaphysic, the vision of the human being as a certain sort of creature.

In addition, for Beyleveld and Brownsword “dignity as constraint” articulates simply “a preferred version of the good life.” That is insufficient, in their view, because “modern societies are often pluralistic societies,” some of whose members may not, in fact, be committed to the good life so understood. This will seem like an insuperable problem however, only if our attention is focused almost entirely on policy questions, and if we assume, mistakenly, that there are ways of reaching consensus on such policy questions that involve no larger commitments about what it means to be human.

But there are not. To take just one example relevant to the Council’s treatment of “the dignity of human procreation”: An approach unlike the Council’s, which (emphasizing the mastery of will and choice) disaggregated reproduction into its several parts and then combined them in new and different ways (with, for example, donor gametes or a surrogate womb), would hardly be free of metaphysical baggage. Rather, as Paul Ramsey once noted, it would simply embrace a new myth of creation, according to

which human beings are created with two separate capacities—the body to express the unity of the partners through sexual relations, and the power to produce children through “a cool, deliberate act of man’s rational will.” To their credit, Beyleveld and Brownsword recognize this at least in part. They note that the concept of “human dignity as empowerment” for autonomous choice has great difficulty offering a ground or reason why we should think human beings possess dignity in that sense. Indeed, it also begins to look like little more than another “preferred version of the good life,” and certainly the concept of rights or respect for persons—even if it has a history within our law—is no less disputed or metaphysically thorny than is the concept of dignity (a point that Ruth Macklin, in criticizing the imprecision of the concept of dignity, fails to see).

Here we stand on the border of another and equally difficult set of questions, having to do with the place of rich and developed conceptions of human nature within public argument and debate, but that is a matter for another time. It is for now sufficient to see that the President’s Council on Bioethics, though it has used the concept of human dignity only infrequently, has used it to address questions that bioethics cannot avoid. In a society such as ours, committed as we are to human equality, we cannot avoid worrying about distinctions in dignity, and we cannot forever avert our gaze from the question of what grounds our commitment. And in any society, but certainly in one with our history, we must think carefully about what sort of creature—highest among the animals because rational and made for union with God, lowest among the hosts because embodied—the human being is, and how best to live in ways befitting such a creature.