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The Moral Depth of Human Dignity

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Abstract: *In 1971, Herbert Spiegelberg challenged philosophers to refine and deepen the vivid idea of human dignity to prevent its degeneration. Although philosophers, including Michael Rosen and Jeremy Waldron, have responded with valuable insights, the full moral depth of dignity has remained philosophically elusive. Furthermore, many philosophers still think human dignity a limited ethical concept. By integrating important alienable and inalienable dimensions of human dignity, this essay attempts to do justice to our vivid contemporary experience of dignity's moral depth. It seeks to illuminate the profound, universal worth of all humans, and the ethical force of human rights protections.*

1. Introduction

Herbert Spiegelberg[1], writing in 1971 about our "vivid experience"[2] of human dignity, challenged philosophers "to refine and deepen a vital idea of our time, lest it degenerate into a mere slogan."[3] Philosophers are increasingly taking up Spielberg's challenge.[4] But despite some valuable defences and refinements of the idea of dignity, I do not believe that recent philosophical discussion has captured, fully or adequately, dignity's *moral depth*, as I will call it. Indeed, some offer morally superficial accounts. Of course, there are philosophers who simply

[1] Herbert Spiegelberg, "Human Dignity: A Challenge to Contemporary Philosophy," *World Futures: Journal of General Evolution* 9, no. 1-2 (1971): 39–64.
[2] Ibid., 61.
[3] Ibid., 62.
[4] E.g. Jeremy Waldron, *Dignity, Rank, and Rights*, ed. Meir Dan-Cohen (Oxford: Oxford University Press, 2012); Michael Rosen, *Dignity: Its History and Meaning*, Dignity (London: Harvard University Press, 2012); James Griffin, *On Human Rights* (New York: Oxford University Press, 2008); George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011).

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regard dignity as "nothing but a phrase,"[5] or as mere fashionable emotive rhetoric; others, including philosophers more sensitive to dignity's resonances, think it nevertheless a limited ethical concept.[6]

Yet many people still feel human dignity is a morally powerful idea, and even that it underpins human rights, as seminal legal instruments suggest.[7] Unfortunately, dignity's potential ethical richness is often underappreciated in philosophy. I believe that closely examining a certain vivid experience we can have of some invocations of human dignity will help to identify a profound and distinctive idea of universal human worth. In attempting this examination, I will not explore human rights or claim that rights can be logically derived from some (perhaps self–evident) foundation of dignity. Instead, I will simply suggest that the moral force of human rights–style protections is illuminated by a proper appreciation of dignity's depth. Although I propose that some forms of human response and treatment (including forms reflected in human rights protections) are *internal* to inalienable dignity, I also say that human dignity, partly structured by such human behaviours, sheds its own distinctive light[8] on why every human being is owed these historically unprecedented protections.

Is my account a "relational" one?[9] Not exactly. Forms of human response and treatment, I acknowledge, are essential to dignity's conceptual structure. But I will also gesture towards a substantive account of the basic or, non–metaphysically understood, the "inherent" moral worth of all humans. Although human dignity of the morally deepest type is universal, basic,

[5] See Charles R. Beitz, "Human Dignity in the Theory of Human Rights: Nothing but a Phrase?," *Philosophy & Public Affairs* 41, no. 3 (2013): 259-290. Beitz defends dignity, however.
[6] See, e.g., Andrew Gleeson, "The Limits of Dignity," *Philosophical Investigations* 37, no. 4 (2014): 363-382.
[7] E.g. International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR).
[8] As Charles Beitz (2013: 277) says, to be morally fruitful, "human dignity" must have a rich and distinctive evaluative content.
[9] On "relational" accounts, see e.g. David Luban, "Human Dignity, Humiliation, and Torture," *Kennedy Institute of Ethics Journal* 19, no. 3 (2009): 216; Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," *European Journal of International Law* 19, no. 4 (2008): 679.

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and inalienable, it is, arguably, conceptually interdependent with a kind of changeable dignity.[10] I elucidate a distinctive moral sense of *basic human dignity* that closely integrates alienable and inalienable forms, while remaining intimately tied to a certain "vivid experience" of our time. Together, these features underlie a sense of dignity's moral depth.

This essay is a conceptual exploration of a contemporary phenomenon. Relating it to *moral theory* lies beyond its scope. Even so, a certain kind of "vivid experience" of dignity raises questions about whether moral theory can, without distortion, capture this distinctive, profound human worth.

2. Three positions on human dignity

(1) *Effective dismissal*. Ruth Macklin dismisses "dignity" as a vague and subjective substitute for the value of autonomy.[11] Peter Singer calls dignity a fine–sounding word used by philosophers bereft of arguments.[12] Bagaric and Allan find it vacuous.[13] On these views, dignity has no moral depth at all.

(2) *Partial rejection*. We can broadly distinguish *inalienable* and *alienable* dignity.[14] It can be puzzling that dignity has such different senses, or that it could be both the justification and sometimes the content of human rights. Alienable forms (non–exhaustively) include: virtue, character, comportment,[15] flourishing,[16] a claim–asserting capacity,[17] and moral self–respect.[18]

[10] Often, alienable and inalienable (inherent) dignity are held to be quite distinct. See e.g. Beitz, "Human Dignity in the Theory of Human Rights: Nothing but a Phrase?," 280-283. My account, however, integrates or unifies them, without collapsing them into one concept.
[11] Ruth Macklin, "Dignity Is a Useless Concept: It Means No More Than Respect for Persons or Their Autonomy," *British Medical Journal* 327, no. 7429 (2003): 1419.
[12] Peter Singer, ed. *Applied Ethics* (New York: Oxford University Press, 1986), 228.
[13] Mirko Bagaric and James Allan, "The Vacuous Concept of Dignity," *Journal of Human Rights* 5, no. 2 (2006): 260.
[14] See Lennart Nordenfelt, "Dignity," in *Encyclopedia of Applied Ethics* (2012), 800-806; Norelle Lickiss and J. E. Malpas, *Perspectives on Human Dignity : A Conversation* (Dordrecht: Springer, 2007).
[15] See Aurel Kolnai, "Dignity," *Philosophy* 51, no. 197 (1976).
[16] See Martha Nussbaum, *Frontiers of Justice*, (London: Harvard University Press, 2006).
[17] See Joel Feinberg and Jan Narveson, "The Nature and Value of Rights," *The Journal of Value Inquiry* 4, no. 4 (1970): 252–253.

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Alienable dignity can be injured, lost, forfeited, acquired, or achieved. In stark contrast, inalienable dignity – sometimes described as an inherent or intrinsic worth, and given an array of different contents – is unvarying and applies equally to all humans. Partial rejection regards only the concept of *alienable* dignity as morally fruitful. For example, despite accepting that dignity can inform the *content* of some rights, Doris Schroeder regards inherent dignity as too problematic a concept to *justify* human rights,[19] while Andrew Gleeson believes talk of *in*alienable dignity is simply confused, because "dignity is tied to appearances…and appearances are alienable."[20]

(3) *Integration* or *unification*. We may nevertheless sense deeper connections. Still, unearthing non–trivial links between inalienable and alienable dignity does not guarantee an adequate understanding of human dignity's depth. For example, Jeremy Waldron maintains that human dignity is most fruitfully understood quasi–legally as an upward equalization of social rank or status which, though in a sense inalienable, can also be respected or assaulted by dignifying and disrespectful actions respectively.[21] But Waldron's social–status approach bypasses some of dignity's powerful moral resonances, including resonances related to basic human worth.

Kant, by contrast, understands dignity as an intrinsic worth which is grounded in a distinctive moral autonomy that even moral rogues possess. Nevertheless, Kantians might say that dignity also varies with *degree* of autonomous action. Kant says "we attribute to the person who fulfils all his duties a certain sublimity and *dignity*."[22] Accordingly, moral rogues have diminished derivative dignity, but not its unvarying source in intrinsic dignity. Hence a kind of unification might be achieved. However, Kant's "intrinsic" value is worryingly metaphysical. Furthermore, since all human capacities, including autonomy, are ultimately alienable, how can severely

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[18] See Ronald Dworkin, *Life's Dominion : An Argument About Abortion, Euthanasia, and Individual Freedom* (New York: Knopf, 1993), 238.
[19] Doris Schroeder, "Human Rights and Human Dignity," *Ethical Theory and Moral Practice* 15, no. 3 (2012): 323-335.
[20] Gleeson, "The Limits of Dignity," 381.
[21] Waldron, *Dignity, Rank, and Rights*.
[22] Immanuel Kant, *The Moral Law, Kant's Groundwork of the Metaphysics of Morals*, ed. H. J. Paton (London: Hutchinson, 1948), 101. Original italics.

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intellectually disabled people have equal dignity, as much dignity talk implies? Partial rejection looks tempting.

Certain other positions may promise social utility or, by trading on dignity's convenient ambiguity, portend an "overlapping consensus" of moral opinion.[23] But these accounts, too, frequently overlook or underplay important contemporary resonances of dignity.

In sum, I claim that a failure to closely examine context, the way human dignity is sometimes currently invoked, can cause us to miss its distinctive morally illuminating potential.

3. A contemporary example

We need, therefore, an example that can legitimately occasion the relevant response/experience. Here is one possibility. In 2015, Reverend Clementa Pinckney was gunned down with eight worshippers, in one of the oldest African–American churches in a former slave–owning State. The killing appeared racially motivated. In his celebrated eulogy, President Obama sang the spiritual Amazing Grace, and adopted the cadence of a preacher, saying:

> He [Reverend Pinckney] did not exhibit any of the cockiness of youth, nor youth's insecurities; instead, he set an example worthy of his position, wise beyond his years, in his speech, in his conduct, in his love, faith, and purity…He conducted himself quietly, and kindly, and diligently…
>
> Our pain cuts that much deeper because it happened in a church. The church is and always has been the centre of African–American life – (applause)…Over the course of centuries, black churches served as "hush harbours" where slaves could worship in safety; praise houses where their free descendants could gather and shout hallelujah – (applause) – rest stops for the weary along the Underground Railroad; bunkers for the foot soldiers of the Civil Rights Movement. They have been, and continue to be, community centres where we organize for jobs and justice; places of scholarship and network; places where children are loved and fed and kept out of harm's way, and told

[23] For reservations on the "overlapping consensus" view, see McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," 710.

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> that they are beautiful and smart – (applause) – and taught that they matter. (Applause.)…
>
> That's what the black church means. Our beating heart. The place where our dignity as a people is inviolate. When there's no better example of this tradition than Mother Emanuel – (applause) – a church built by blacks seeking liberty, burned to the ground because its founder sought to end slavery, only to rise up again, a Phoenix from these ashes. (Applause.)…A sacred place, this church. Not just for blacks, not just for Christians, but for every American who cares about the steady expansion – (applause) – of human rights and human dignity in this country; a foundation stone for liberty and justice for all. That's what the church meant. (Applause.)…
>
> By recognizing our common humanity by treating every child as important, regardless of the colour of their skin or the station into which they were born, and to do what's necessary to make opportunity real for every American – by doing that, we express God's grace. (Applause.)…
>
> Clem understood that justice grows out of recognition of ourselves in each other.[24]

Several forms of dignity are identifiable here. First, Rev. Pinckney enjoyed the dignified public roles of preacher and politician. Second, he outstandingly honoured those roles. Historically, a dignity linked to the Latin word *dignitas*[25] is associated with esteem for these social positions and their deserving occupants. Rev. Pinckney also displayed a more general dignity in his fine moral character, expressed in "his speech, in his conduct, in his love, faith, and purity." Again, historical connections exist with praise for excellence – admirable individuals, glorious "Man"[26] etc. Of more direct relevance to our account than outstanding personalities, however, are ordinary human moral personalities, which similarly are expressed in individuals' speech, conduct, ways of loving, etc.

[24] Barack Obama, "Remarks by the President in Eulogy for the Honorable Reverend Clementa Pinckney," (The White House, 2015).
[25] See Spiegelberg, "Human Dignity: A Challenge to Contemporary Philosophy," 42.
[26] See e.g. Giovanni Pico della Mirandola et al., *Oration on the Dignity of Man: A New Translation and Commentary*, (New York: Cambridge University Press, 2012).

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Third, Obama invokes the *collective* dignity of the African American people and their culture. This could include the black church's distinctive music and its fight for equality. Collective dignity, on my account, is important mostly because of what culture means for *individuals*: individuals acquire and express through culture (and sometimes through its rejection) some of their deepest moral beliefs.

A fourth kind of dignity is *injured* or *diminished* by the degradations of slavery and racism; and, correlatively, is *bestowed* or *enhanced* by certain actions, like the eulogy's moral honouring of Rev. Pinckney and ordinary black people. This inflictable or bestowable (in)dignity is clearly highly contingent on circumstances rather than "inalienable."

Fifth, Obama invokes inalienable dignity: human dignity is a "foundation stone" for the expansion of justice to all. True, one might think Obama is here implying a contingent or variable dignity which can spread to those lacking it. However, we could also read Obama as hoping for an expanding *recognition* of a fundamental and unvarying human dignity and worth. That is a sense we seem to get from the passage overall.

A "common humanity" exists beyond social station, religion, and race. Obama's talk of "places where children are loved and fed and kept out of harm's way, and told that they are beautiful and smart…and taught that they matter" intimates universal human preciousness. It links, arguably, the profound worth of humans to their vulnerability to misfortune, to the rightness of showing them love, and to the wonderfulness of taking a keen interest in their lives and moral growth. Equally, we can readily imagine even the most wretched individuals – those whose moral personalities have been stunted by oppression, those children who were born intellectually disabled etc. – being celebrated, loved, honoured, and treated as equally precious by the black church. We can also imagine Obama declaring that these unfortunates too share fully in human dignity. Despite the passage's religious overtones, its sense of dignity is not exclusively religious, or bound, say, to our likeness to God.[27] Obama's words about vulnerability, moral personality, and love – along with the eulogy's arresting delivery – might

[27] *Cf*. Schroeder, "Human Rights and Human Dignity," 328.

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create for any receptive person a vivid sense of human preciousness. All this shapes a sense of human worth which is profound, universal, basic, and inalienable.

Below, I will discuss respectively the fourth and fifth forms of dignity – important kinds of alienable and inalienable dignity – showing how they can be integrated into an account that reveals human dignity's moral depth. These two forms, we shall see, are conceptually interdependent.

4. Small–d dignity

Small–d dignity (or indignity), I shall say, represents a class of morally important forms of *alienable* dignity. In this section I will explore small–d dignity as a morally significant, distinctive phenomenon, essential to our sense of human dignity's depth. The subsequent section, discussing a kind of *in*alienable dignity (Capital–D Dignity), develops small–d dignity a little further. I hope to show that a powerful sense of small–d and Capital–D dignity *pervades* our moral understanding of human beings and their basic worth. While that sense is sharply revealed in certain "vivid experiences" of human worth, it is inadequately captured in most philosophical accounts.

Small–d dignity/indignity encompasses two alienable forms:

(1) dignity and indignity partly *constituted* (not just caused) by human action;
(2) dignity that can be lost or diminished due to damage to bodily and (especially) moral capacity/personality.[28]

In this section, I explore small–d dignity type (1): (in)dignity partly *constituted* by another's action or behaviour. In a certain way, this alienable form is indispensable to our understanding of basic human dignity. I will consider type (2) when I discuss Capital–D Dignity.

Small–d dignity[29] comprises *degradation, demeaning* and *undignified* treatment, *defilement* and inflicted *dishonour* (etc.) on the one hand, and the bestowal of moral *honour* or *respect* on the other. Calling type (1) dignity "alienable" may seem odd, since type (2) involves loss/gain of

[28] (1) and (2) can of course occur together, e.g. in slavery.
[29] Unless indicated, I hereon mean type (1) small–d dignity.

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a "thing," and type (1) does not. Still, degradations and honours can clearly change with circumstances and fortune, whereas inalienable (inherent) dignity necessarily never varies.

Some writers concentrate, for good reason, on humiliation and contempt.[30] The moral significance of demeaning treatment is reflected in international instruments such as the Geneva Convention's prohibition of "outrages upon personal dignity, in particular humiliating and degrading treatment."[31] Michael Rosen remarks that some imposed indignities, like satirical attacks on pomposity, are perfectly proper.[32] That looks right. Ridiculing Saddam Hussain by toppling his statue, for example, seemed a fitting response to a grandiloquent dictator. However, the indignity subsequently inflicted on Saddam during his humiliating pre–execution public appearances was morally more dubious.[33]

David Luban says: "Nonhumiliation may not exhaust the concept of human dignity, but it strikes me as the paradigm of what respecting human dignity means."[34] Torture is the exemplary opposite of non–humiliation; torture's extreme subordination of victims (who may lose bodily and mental self–control and beg their torturer for mercy) renders it, Luban thinks, "uniquely evil."[35] Raimond Gaita's example of evil reinforces Luban's position on humiliation:

> A rabbi in Lodz was forced to spit on a Torah scroll that was in the Holy Ark. In fear of his life he complied and desecrated that which is holy to him and his people. After a short while he had no more saliva, his mouth was dry. To the Nazi question, why did he stop spitting, the rabbi replied that his mouth was dry. Then the son of the "superior race" began to spit into the rabbi's mouth and the rabbi continued to spit on the Torah.[36]

[30] E.g. Luban, "Human Dignity, Humiliation, and Torture;" Michael S. Pritchard, "Human Dignity and Justice," *Ethics* 82, no. 4 (1972): 299-313; Oscar Schachter, "Human Dignity as a Normative Concept," *The American Journal of International Law* 77, no. 4 (1983): 850.
[31] Common Article 3.
[32] Rosen, *Dignity: Its History and Meaning*, 73.
[33] See Avishai Margalit, "Human Dignity between Kitsch and Deification," *Hedgehog review* 9, no. 3 (2007): 12.
[34] Luban, "Human Dignity, Humiliation, and Torture," 218.
[35] Ibid., 224.
[36] Raimond Gaita, *Good and Evil : An Absolute Conception*, second ed. (London: Routledge, 2004), 1.

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For Luban, domination, shaming, contempt, vilification, and condescension – and their contraries, respect and non–humiliation – represent human dignity's core. Severe humiliation is simultaneously *productive* and *expressive* of diminished moral status and respect (including self–respect). However, deliberate humiliation and its analogues are not the only paradigm cases of evil or wrongdoing that are constituted (or partly constituted) by morally degrading treatment. Degrading treatment can involve:

(1) intention to degrade another;
(2) no intention to degrade, but awareness the treatment will degrade;
(3) no awareness by the perpetrator of its degrading nature.

Some acts of rape or enforced prostitution, for example, may be cases of (2) or even (3). A (rare) torturer may torture instrumentally, for information. Yet even when the perpetrators intend no contempt, or are (oddly) blind to their actions' meaning, we still tend to believe that the evil of these acts arises partly because they in any case profoundly *defile* the victim.

Furthermore, acts that are powerfully productive and expressive of contempt and subordinate moral status – and are thereby effective at paving the way psychologically to further and increasingly evil actions[37] – often possess those properties and tendencies precisely because no one doubts that *they are already anyway* profoundly degrading.[38] Consider the war crime of rape, intended to demoralise and subordinate the enemy. Indeed, most people (excepting, say, committed utilitarians) tend to believe that rape, unlike killing, is close to being (or is in fact) *absolutely* wrong. That belief is surely related to rape's profoundly degrading nature; otherwise we would be inclined to feel that intentionally killing is also absolutely morally forbidden. The claim that certain degrading acts are effective at violating dignity by deprecating moral status or by cloaking the victim's humanity sometimes overlooks the underlying reason for the near universal recognition of those acts' awful efficacy. Or rather, allowing that claim's partial truth ought not to obscure the fact that its force arises partly because some acts simply and

[37] See Rosen, *Dignity: Its History and Meaning*, 158.
[38] Which is not to say that cultural factors play no role at all in those acts' moral meaning. They may well do so.

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irreducibly degrade human beings. Some acts defile intrinsically; their moral seriousness consists simply in the defilement.

The moral seriousness of some *specific* indignities may be debated. Michael Rosen submits that Monsieur Wackenheim, a man with dwarfism who insisted that his dignity was offended by a ban on dwarf–tossing, got a "raw deal."[39] Rosen regards dwarf–tossing as on the same moral level as undignified drunken behaviour.[40] This overlooks the importance of the fact that dwarfs have historically been treated as something like circus freaks. We might, however, be tempted to say that the moral seriousness of dwarf–tossing turns entirely on whether it reinforces discrimination against people with dwarfism. The fact that no one is harmed in ordinary ways by certain indignities encourages us to reduce them to *merely symbolic* "violations." Although some "symbolic" indignities are indeed not morally serious, that is not necessarily so only because ordinary types of harm are absent from them. It is also because there is no attendant degradation.

While disagreement exists over specific dignities, philosophers also, and more importantly, dispute the very nature and significance of "degrading" treatment. First, the historical contingency of the meanings of some degradations, like dwarf–tossing, encourages relativistic scepticism about them. Second, many will deny that degradations (etc.) have distinctive moral significance independent of the production of familiar harms, while others will explain the degradation purely in terms of some other violation, e.g. disrespect for autonomy. Take another of Rosen's examples – the defilement of corpses (or if that introduces philosophical distractions about "non–existent" individuals, think of the treatment of human limbs that have been separated from bodies). "Straightforward" explanations of the moral seriousness of, say, fashioning furniture or cuisine from dead human bodies (or separated human limbs) would include: violation of the wishes of the person whose body/body part it was; offending loved ones and/or society; undermining self–respect or general respect for human life, perhaps via behaviours "expressive" or "symbolic" of disrespect.

[39] Rosen, *Dignity: Its History and Meaning*, 67.
[40] Ibid., 68.

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There is, then, a tendency to reduce any moral significance to the degrading treatment's *consequences*. Suppose we reply that such actions degrade victims not merely "expressively" or "symbolically" but in a still deeper way, and that their symbolic power is anyway partly dependent on their irreducible degrading quality. Sceptics will answer there is no "deeper way" and no irreducible degrading quality. The moral significance of degrading treatment is either a merely subjective feeling or else it lies in the tendencies to generate straightforward harms or to violate some independently characterizable moral rule. If so, degrading treatment lacks moral significance – unless it is connected to other, less controversial consequences, values, or moral rules.

A familiar reply to relativism is that while cultures have radically different ways of honouring their dead (to continue the example), they all appear to agree that the dead can be defiled when they are treated, say, precisely as we treat furniture or fast food. But isn't this admittedly universal belief nevertheless still historically contingent in a damaging way? Moreover, can't we advance more substantial moral considerations? The sceptic regards these culturally pervasive recognitions of irreducible violations as natural, even irresistible, and perhaps morally useful reactions, but as ultimately merely subjective ones. Accordingly, the sceptic argues, small–d dignity lacks moral depth.

Let me, in response, try to further clarify this powerful experience we can have of such alienable dignity. When we experience the moral force of seriously degrading treatment, we may feel that we are *right* to be moved by a sense of its irreducible degrading quality. We can feel that such reactions are sometimes (though not always) perfectly proper, and that a person who lacked those responses would *ipso facto* be missing something important about morality. As Rosen observes, acknowledgement of "dignitary harms" runs deep in our identities; indeed, a person who failed to see the moral seriousness of intrinsically degrading treatment would, as he says, be jeopardizing humanity in themselves.[41]

Rosen concentrates on the undignified treatment of corpses precisely because there is no question of natural harm to any living human victim. Hence it is a usefully clear (if controversial)

[41] Ibid., 157.

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illustration of our vivid sense of an *irreducible* disrespect for human dignity or humanity. But while that is important, we should also stress that this irreducible small–d dignity is a distinctive feature of morality because of how it pervades our relations with living humans (as Rosen would acknowledge). For it is a fact of great importance to our ordinary moral lives that human beings are the *possible victims of many and distinctive kinds of indignity.*

Rosen is highly attuned to dignity–related respect. Nevertheless, he underplays the depth of such (in)dignity.[42] Although he speaks of "dignitary harms," he does not insist that inflicted indignity is a real harm to the human victim, even though such indignity is certainly morally real and wrong. Morally relevant human harms, it appears, can only be natural harms. For Rosen, "dignitary harms" are fundamentally "expressive" harms – no one need actually be harmed by them. Or at least, he does not make it clear that avoiding degrading treatment is something to be done *for the sake of the degradation's subject*. Indeed, on Rosen's view the primary "victim" is less the recipient of the degrading treatment than the perpetrator herself. Rosen regards his position as radical in its claim that we have dignity–related duties of respect to entities such as corpses and foetuses (which are, for Rosen, not "persons" or "human beings"). That is fair; but it is radical too in moral philosophy to claim that actual persons or human beings, living or dead, can be seriously harmed by degradations even in the absence of any natural harms, or in addition to the natural harms.

Rosen is closer to a kind of ethical naturalism than it may seem – albeit a modified naturalism that countenances the reality of certain morally salient undignified actions that apparently occasion no direct harm.[43] But ethical naturalism is a common position. Ever since Socrates introduced to philosophy the idea of non–natural or moral harms, philosophers have sought

[42] My view also departs from Rosen's in other ways. Rosen (157) says that dignity "in the sense of being treated with respect for one's humanity is not the fundamental ground of human rights." I argue, very roughly, the opposite.

[43] To clarify: Rosen in his book looks favorably on a kind of deontology (140) in which right actions need not necessarily benefit or be intended to benefit any sentient being; and conversely for wrong actions.

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reductive explanations for them.[44] Rosen discusses the case of the woman who is unaware that her partner once sexually betrayed her.[45] She never suffers "subjectively," but, as Rosen points out, her life–wishes for mutual fidelity are damaged. She thus "suffers" a natural harm. In contrast, the relevant idea of non–natural harm is that the betrayed woman *also* suffers a moral harm, consisting just in the fact that she was betrayed and not simply in the betrayal's further implications, including those bearing consciously or unconsciously on her wishes.[46] But it accords with a widespread experience to say that the moral harm is *additional* to the natural harm, even when it occurs with it. After all, we may pity the woman precisely for the serious moral harm we think she suffers.

In the case of unjustified killing, the non–natural, moral harm is that of being murdered, which is not reducible to the natural harm of losing a life and a future. That is not to deny, in cases of murder (etc.) that the non–natural harm sometimes depends conceptually and necessarily on the co–occurrence of a natural harm, such as injury or death. Rather, what is being denied is that the harm is entirely reducible to either "symbolic" or natural harms, including the natural harms on which the moral harms conceptually depend (where that is the case). Seriously degrading another person not only damages the perpetrator's humanity, as Rosen suggests. Nor does it only wrong or violate the victim. It also makes the victim's life go worse. Or, to put this idea differently, a refusal to degrade can be enacted primarily *for the sake* of those living or dead individuals who are the subjects of the degrading treatment.

Small–d dignity can be further deepened by appreciating non–natural moral *benefits*. Often these benefits arise from ways of addressing previous injustices. For example, Australian Prime Minister John Howard famously refused to apologize to Indigenous people for historically racist

[44] Note that my sense of a (non–natural) moral harm is completely different to George Kateb's in *Human Dignity*. A "moral" harm, for Kateb (see Chapter 2), centers on human suffering; whereas "existential" harm centers on life, liberty, and autonomy. But both these harms described by Kateb are natural harms.

[45] Rosen, *Dignity: Its History and Meaning*, 134.

[46] Socrates, of course, would say it is not the woman but rather her *partner* who suffers the serious moral harm – i.e. the non–natural, moral harm of becoming a wrongdoer – even (especially) if he/she is happily unrepentant and the relationship between the two remains apparently strong.

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and degrading policies, including the forced removal of "half–caste" Aboriginal children from their families, partly because he believed that an official apology decades on would be merely symbolic, and thus could constitute no material benefit for Indigenous people. Although "mere symbolism" might sometimes have beneficial material effects, many Australians felt that Howard's refusal to apologize itself inflicted a further indignity upon Indigenous people. The later apology from Prime Minister Kevin Rudd moved people greatly, because it both recognized grave indignities and *honoured* Indigenous peoples.[47] Moreover, we may think this honouring (even while justice demanded it) itself constituted an overdue good for an historically demeaned people. Similarly, the belated return of stolen bodily remnants of Aboriginal ancestors from British Museums to their final resting places in the ancient homeland constituted an honouring of the dead's living descendants.[48]

Furthermore, we can appreciate (irreducible) small–d dignity harms and goods even when the victims or recipients are too afflicted by misfortune or dehumanizing conditions to recognize them. When, say, we pity such afflicted people for those terrible degradations, our compassion is a mode of registering that it is *they* who are harmed as the victims of irreducible degradations (though we may think their fortunes might worsen further from later acquiring a crushing awareness of the degradation). Correspondingly, our joy when children of oppressed races are celebrated and treated equally and lovingly (or told that they too are "beautiful and smart" and "that they matter") is a joy partly *for* the children and their lives, even when we know they are too young or damaged to understand. Through that joy we may express the belief that such moral honouring is rightly done for the children's sakes.

This position neither entails nor denies that dignity–related violations are worse than natural harms, such as severe suffering.[49] Rosen claims the "worst of what the Nazi state did to the Jews was not the humiliation of herding them into cattle trucks and forcing them to live in

[47] Kevin Rudd, "Apology to Australia"s Indigenous Peoples," (Parliament of Australia, 2008).
[48] And, the descendants would say, of belatedly honoring the dead themselves. Indeed, we arguably only truly honor the descendants by appreciating that it is primarily for the sake of their dead that the descendants petitioned governments for the remnants' return.
[49] Cf. Kateb, *Human Dignity*, 37.

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conditions of unimaginable squalor; it was to murder them."[50] Grant that death (prolonged imprisonment, hunger, pain etc.) is worse for a person than is being treated as subhuman filth. It does not follow that all purely moral degradations are minor harms. Degradations may figure prominently, as with the Nazi's victims, in assessments of a person's life and fortune.

In critiquing Michael Rosen, Andrew Gleeson claims the "infliction of pain, of damage to rationality, and the deprivation of autonomy, are *already* "dignitary harms."[51] Rosen wants to sharply contrast inflicted natural harms with "dignitary harms." Gleeson calls the contrast misleading because both natural and dignity–based harms equally disrespect humanity or dignity–as–intrinsic–value (as Rosen calls it). We should, I believe, agree that degradation and dishonour, like unjustified assaults involving natural harms, disrespect a person's inalienable dignity.[52] Indeed, the distinctive evil of severely degrading treatment depends on the victim being a human being with a special kind of worth. (Here is a conceptual link a between small–d and Capital–D Dignity).

But equally, we must recognize that degrading assaults on a person's inalienable dignity constitute a distinctive class of violation. A robber who holds a knife to his terrified victim's throat naturally harms her and assaults her inalienable dignity. But if at knifepoint the robber also sexually molests the victim, he further assaults her inalienable dignity by (irreducibly) degrading her. Small–d indignities are a distinctive subclass of the category of moral harm – harm that is irreducible, and additional, to the infliction of natural harms. Likewise, moral goods constituted by our ways of honouring others are distinctive forms of good. The term "dignity" underscores the distinctiveness of these alienable phenomena and deepens our sense of human worth and of the nature of some serious attacks on it. But that is only half the story about dignity.

[50] Rosen, *Dignity: Its History and Meaning*, 158.
[51] Gleeson, "The Limits of Dignity," 380. Original italics. See also Beitz, "Human Dignity in the Theory of Human Rights: Nothing but a Phrase?," 279.
[52] But could not there be degradations that are morally *justified*? If so, we might say that the regrettably degrading treatment, in those circumstances, does not disrespect the victim's inalienable dignity. Still, inalienable dignity is surely connected to stringent, if not absolute, prohibitions on seriously degrading treatment (see following section).

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5. Capital–D Dignity

Capital–D Dignity (or just Dignity) refers to an inalienable, distinctive, universal, and fundamental worth. Understanding human dignity's depth requires not only appreciating the importance and moral pervasiveness of small–d dignity, but also how it interacts with its inalienable partner. Typically, philosophical accounts do not properly recognize, or integrate, alienable and inalienable forms.

On the one hand, we could say that inalienable Dignity is some morally fundamental human property or feature. A famous example is Kant's moral law and its connection to humanity via moral autonomy. Kant, of course, insisted that moral autonomy demands reverence and awe. Yet dignity as this or that feature (e.g. moral autonomy) is not, apparently, centrally or conceptually dependent on reverence, awe, or other responses, but is rather bound essentially to a natural or non–natural feature which has intrinsic value. This intrinsic value demands our positive moral valuation, including, variously, responses of respect, observance, reverence, and awe. But the dignity itself is the intrinsic value of a thing – in Kant's case, moral autonomy.

Dignity, however, can be given a strongly "relational" twist, by regarding it as essentially *constituted* by responses to individuals, including responses to their intrinsic features or moral worth. For example, Lori Gruen analyses dignity as apt and respectful responses to morally valuable others,[53] while Suzi Killmister renders dignity a composite of (contingent) social and personal normative standards of response and treatment.[54] Such relational accounts introduce some relevant aspects of dignity, and apparently avoid worrying metaphysical commitments involving, say, "intrinsic value." Nonetheless, they do not fully capture the deepest sort of human dignity. Let me attempt to clarify.

Dignity – both alienable and inalienable (which are interdependent) – is constituted both by distinctive human features *and* by our responses to and treatment of human individuals. Furthermore, human dignity is indeed inalienable. It does not depend, for instance, on the

[53] Lori Gruen, *The Ethics of Captivity* (USA: Oxford University Press, 2014).
[54] Suzy Killmister, "Dignity, Torture, and Human Rights," *Ethical Theory and Moral Practice* 19, no. 5 (2016): 1087-1101.

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actual presence of the relevant responses from or towards a given individual in a particular situation. Even an outcast lacking social and self–respect has full Capital–D Dignity: Dignity is not *that way* contingent on historical or individual circumstances. What it does depend conceptually upon, though, is the possibility of the right kind of responses and forms of treatment, of the kind we are exploring. Further, my account of human dignity is a way of understanding basic human worth; it does not assume human worth, or imply that inherent worth is to be understood in terms of some other or independent value; rather, it is a way of describing and explaining that very human worth. A contrast with Kantian dignity might help here.

Can Kant's "inherent dignity," we might ask, capture our deepest sense of moral value? Only partly. Significantly, that concept (appears) to recognize a universal, equal, distinctive, and profound individual worth. Kant held that worth to be absolute – it is always wrong to treat human beings merely as means and never at the same time as ends. Perhaps that is true. At a minimum, Capital–D Dignity surely implies a worth which, if not absolute, yet entails that most seriously harmful "uses" of humans, even for very important ends, are morally forbidden. That chimes with those contexts in which inalienable human dignity is most powerfully invoked. This profound worth, of course, has Biblical roots – e.g. Genesis 1:27: "God created Man in his own image" – which flow through Kant to, say, the Universal Declaration of Human Rights.[55] But in turn, these unprecedented historical protections, and the violations and degradations which impelled them, help *deepen* our sense of human worth.

Kant's account has weaknesses, however. Moral autonomy is, for Kant, what makes humans distinctive. It also demands reverence and respect. This autonomy is the ability to issue and act upon a purely rational moral law in which human feeling, attitude, culture, and response play no essential or structural part.[56] However, when we return to real–life contexts in which the concept of human dignity has greatest resonance, we find that Kantian autonomy is neither

[55] And are more explicit in one of the drafters of the UDHR, Catholic philosopher Jacques Maritain. See Jacques Maritain, *Man and the State* (Washington: Catholic University of America Press, 1998); *The Person and the Common Good* (Notre Dame, Ind: University of Notre Dame Press, 1966).

[56] This point is developed by Gaita, *Good and Evil : An Absolute Conception*, 141-163.

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necessary nor sufficient to the dignity which is partly created by, and bound to, such contexts. To possess such a moral personality, it is not necessary to know, say, the formula of the first categorical imperative. Equally, acting on purely rational, abstract formulae is insufficient for that ordinary human moral personality which registers ethical depth in moments of highest moral seriousness.

The sort of moral depth ordinary people registered in Obama's poignant words is at the heart of human moral personality.[57] This registering involves more than abstract rationality; it requires also our human sensibility. If we doubt this, consider these questions: Is it possible to appreciate the depth of human dignity that lives and breathes in Obama's eulogy without the capacity to be moved by his strikingly delivered ideas and words? Could anyone appreciate the deeper moral aspects of the collective dignity of African Americans without those very human sensibilities?

The answers seem to be "no." If so, then Kant under–describes human ethical understanding. But is a truer and richer picture of human moral personality essential to Capital–D Dignity? Yes – it is conceptually connected to such Dignity. Kant was broadly right to highlight the importance of moral understanding to human Dignity. Yet when we think of the moving portrayal of human worth in Obama's eulogy, we do not think of those people as being characterized by Kant's version of moral autonomy, but rather as marked by a much richer kind of moral personality – the kind that members of the black church sought to inculcate in their children by initiating them into a culture that was responsive to, and expressive of, a rich sense of human worth or preciousness.

The importance of human moral sensibilities to Dignity emerges in various ways. I will approach the relevant relation by now investigating the interdependence of alienable and inalienable forms. Earlier, I discussed some of the many and distinctive kinds of small–d dignity. Inalienable

[57] Contrast this with Simone Weill's (deliberately pejorative) conception of "human personality" as eloquence, wit, and self–assertion, at least when those traits are unconnected to real moral insight. See Simone Weil, "Human Personality," in *Simone Weil: An Anthology* (London: Penguin, 2005), 69-99. For a discussion of the ideas I draw on here, see Gaita, *Good and Evil : An Absolute Conception*, 269.

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Dignity, I will now claim, partly consists in the fact that humans are beings *who can be degraded and honoured in these many and distinctive ways*. We accept that individuals can suffer the non–natural degradations of rape, slavery, racist contempt, sexual humiliation, and much more. Humans, we believe, can also be the fortunate recipients of moral honouring aimed at partly countering these indignities. Capital–D Dignity is partly conditioned by these dignities and indignities. These alienable dignities, therefore, brand human dignity as distinctive. To have (Capital–D) Dignity is to be a creature for whom a range of small–d dignity possibilities meaningfully and rightly applies.

This is significant. It does not only show that human beings deserve special and strong protections against degrading treatment, as important as that is. More fundamentally, the fact that human individuals can be thus degraded partly determines the nature of human ethical subjects. That fact, in turn, conditions the other more "natural" wrongs they can suffer. Indeed, it transforms our perception of those ordinary, relatively uncontroversial wrongs. Our main example might help here. African American slaves were individuals who could be wronged by the infliction of the horrendous natural harms of murder, physical abuse, deprivation of liberty, etc. But they were vulnerable to those natural harms precisely as individuals who are vulnerable to being morally degraded and dishonoured in many important and distinctive ways, as also occurred under slavery. In this way, Capital–D Dignity is informed conceptually by some small–d forms of dignity (morally serious degradation, defilement, humiliation, honour etc.). Beings that, for conceptual reasons, cannot receive these (in)dignities necessarily do not have the special kind of Capital–D dignity which emerges from the examples we have been considering. Dignity and dignity are interdependent because the former is partly constituted by the latter.

Earlier I said that small–d dignity violations, like other assaults, are also (usually) attacks on inalienable Dignity. Thus, to degrade a human being is not merely to visit upon them a peculiar non–natural harm (in addition to any associated natural harms); it is also, constitutively, to disrespect their essential human worth – i.e. their Dignity, which is constituted in part by their vulnerability to a range of honours and dishonours. That is a further aspect of the interdependence.

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Here is another. As I have said, small–d dignity marks humans as unique and distinctive beings by means of the special and terrible degradations, and the wonderful moral honours, they are subject to. But these distinctive harms and benefits, or at least many key forms of small–d dignity, require or rely on the existence of conceptual connections to human moral personality. Not any being can receive them. The degradation suffered by the rabbi forced to spit on the Torah is linked necessarily to a human ability to register the force and depth of such indignity. We cannot, that is, divorce our sense of Dignity at its deepest from the nature of human moral personality.

Here, however, we must confront an important counterview. It is this: although alienable dignity is indeed importantly related to human worth, talk of inalienable (or inherent) dignity is confused. On this view, "dignity" rings false in situations in which we are seeking to express the fundamental and universal nature of human worth. This view is connected to the seemingly unassailable criticism made of Kant that such dignity cannot strictly speaking be universal because moral autonomy is clearly alienable. And, it is clearly also true that human moral personality (as I described it) is lacking in the very young and can be diminished, and even destroyed, by sickness or oppression, or by other misfortunes and abuses. Andrew Gleeson (again critiquing Michael Rosen) writes:

> [I]n most cases, it is central to talk of dignity that dignity is something that can not only be violated, it can be lost. As Raimond Gaita has observed, dignity is tied to appearances (dignity–as–bearing) and appearances are alienable…But…if (as he [Rosen] intends) the intrinsic value of humanity is something *in*alienable, something the pre–rational and the post–rational possess as much as anyone, then the notion of dignity–as–intrinsic–value is in danger of being self–contradictory.[58]

Furthermore, dignity talk, according to Gleeson, can be "pernicious" because it encourages us to forget that essential to our sense of universal human worth is that very vulnerability to misfortune and the loving and compassionate responses it can elicit:

[58] Gleeson, "The Limits of Dignity," 381. Original italics.

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> Dignity is *not* a form of suffering or vulnerability to suffering. In fact, it is the very *opposite*: preoccupation with dignity is the attempt to *resist* suffering, mortality, dissolution, an attempt to *assert* our rational autonomy, flourishing, etc. against these forces. In seeking to "stand on" my dignity come what may – critically not only against other humans" attempts to take it from me, but from nature's – that dignity can become pride…When it comes to the intrinsic value of human life, rather than talk of dignity, I suggest we simply talk, as we most naturally do, of our shared humanity, of bonds of quasi–familial love…Certainly, it something we all have and cannot lose.[59]

Dignity, says Gleeson, has in morality a "*subordinate* importance,"[60] whereas the concepts of love, grief, and humanity are of *central* importance to our understanding of distinctive human worth.

Now I would not dispute that love, compassion, vulnerability, and humanity are essentially related to that understanding. On the contrary, I believe these concepts are part of a powerful contemporary sense of Dignity as this is revealed in certain vivid moments of great moral seriousness. After all, it was the extraordinary but common vulnerability of the African American people, and the love, compassion, joy and grief, that this can rightly elicit, which helped to create that sense of depth we register in Obama's talk of human dignity. The black church was born amidst suffering, grief, and degradation; it harboured great love and compassion for human life; all this was expressed movingly in African American culture. So, in this and in other contexts, dignity talk *already* incorporates human vulnerabilities and the human responses (love, compassion, grief, joy etc.) that help constitute human moral personality and that Gleeson rightly believes are necessary to our deepest sense of universal human worth.

Further, the claim that the substitution of "shared humanity" for "dignity" avoids the difficult problem of alienability appears too optimistic. "Humanity" or "human life," Gleeson argues, do conceptually incorporate something like human moral personality. Indeed, if "humanity" did

[59] Ibid., 381-382. Original italics.
[60] Ibid., 382. Original italics.

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not have an "implicit reference"[61] to human "moral qualities,"[62] then we would not possess the sense we do have of the moral distinctiveness of human individuals. Gleeson also claims that "humanity" is a "package deal;"[63] as a moral concept it *already includes* babies, the severely intellectually disabled, dementia sufferers etc., such that "for moral purposes appeal to a human being or a human life is an appeal to all its phases seen as an integrated whole."[64] As he says, "I cannot love my child in the way I do if it is true that I would have abandoned them without a second thought had they been handicapped, or I would if they became handicapped now."[65] Thus, moral personality is vital to universal human moral worth because it is essentially and conceptually connected to it, and yet it need not be possessed by every human individual at all times for them to always have that equal and distinctive value.

I believe something like this is true. Nevertheless, there are advantages to speaking of human dignity. Indeed, I will explain how, contrary to Gleeson's view, the very idea of human dignity can help identify one important way of *including* the severely intellectually disabled in the same moral category as those with fully expressible moral personalities. A key problem for Gleeson here is that it seems humanity too is alienable. Simone Weil, for example, speaks of people in affliction being "stripped of their humanity."[66] It is true that Gleeson is deploying another, more inclusive (though related) sense of humanity which is *in*alienable and which applies to all human beings, including afflicted individuals. But, as we will shortly see, the same can arguably be said of human dignity.

A further problem for those who contend that our sense of humanity already includes dementia sufferers (etc.), lies in in the following sceptical retorts: On what firm grounds can you really dismiss a conception of humanity that excludes those unfortunate "marginal cases?" Is it enough to assert that the inclusive conception of humanity is simply *how things are* with us?[67]

[61] Ibid., 373.
[62] Ibid., 375.
[63] Ibid., 374.
[64] Ibid.
[65] Ibid., 370.
[66] Simone Weil, *Simone Weil* (Maryknoll, N.Y.: Orbis Books, 1998), 62-63.
[67] See Gleeson, "The Limits of Dignity," 376.

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Gleeson might reply that a radical (and odious) *re*–conception of humanity lacks the moral depth our ordinary sense of human life has. I agree. But the problem remains of making sense of the inclusive conception and of eliminating doubts that the inclusion of the severely disabled in a distinctive human moral category rests insecurely on, as some philosophers argue, mere *biological* connections to normal human beings.[68]

Human individuals have Capital–D Dignity. This term implies their inalienable and distinctive moral worth. Capital–D Dignity was tied conceptually to human moral personalities: only humans (so far as we know) have *that* sort of Dignity. But Capital–D Dignity was also tied conceptually to small–d dignity – a morally vital type of alienable dignity. Human individuals, we saw, can be degraded and honoured, and accordingly harmed and benefitted, in many crucial and distinctive ways: by being raped, forced into prostitution, socially humiliated, racially denigrated, enslaved, emancipated, apologized to, beseeched for forgiveness, desecrated bodily, and much more. Many human degradations and honours, therefore, are linked necessarily to distinctively human moral powers. Humans can also be dehumanized and lose (sometimes irrevocably) their moral personalities, or never acquire them.

But now we should notice that humans who have suffered such misfortune can also be degraded – and degraded seemingly endlessly, in humanly distinctive and morally serious ways. Notice, moreover, that it appears to *make sense* to say they can be degraded in ways that depend on essential conceptual links to the human moral sensibilities which they themselves lack. It seems intelligible to say that the severely intellectually disabled too can be raped, racially patronized, sexually enslaved, socially humiliated, etc. And, further, it makes sense to say that people who lack moral personalities can have their bodies desecrated, can be owed public apologies for historic injustices, can be members of a people whose culture is honoured, and much more. It is true that some kinds of degradation and honour do not apply to them in exactly the same way. Because they lack expressible moral powers and personalities, they cannot, for example, suffer precisely the same humiliation as did the rabbi forced to spit on the

[68] E.g. Peter Singer, *Practical Ethics*, 2nd edition. (Cambridge: Cambridge University Press, 1993).

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Torah. Nevertheless, the intellectually disabled can intelligibly be the subjects of distinctively human degradations and honours. They are forever subject, then, to small–d dignity of a distinctive and special type. So here is one reason for affirming that the Dignity of the pre–rational and post–rational arises not from so–called mere "biological" connections.

This represents a further way of understanding the difference between damaged human beings and (known) *non*human beings. Appreciating the former's susceptibility to small–d (in)dignity is also a mode of recognizing that such human beings are the unfortunate *victims* of the lack of moral personalities. Misfortune alienates them from those moral powers and (yet) they are nevertheless subject to distinctively human (in)dignities. Neither such alienation nor such (in)dignity applies in the same manner to nonhuman beings, even though nonhumans may suffer important indignities of related kinds. Again, the severely intellectually disabled, but not nonhuman animals, can be raped, enslaved as prostitutes, racially denigrated, honoured as members of a cultural group, etc.[69] Our (often unreflective) recognition of such facts is one way of registering the distinctive Dignity of human individuals.

But why speak of human dignity when we can speak of shared humanity? After all, the latter expression is entirely consonant with the moral gravity of Obama's eulogy. Our common humanity, our shared human condition, the "spirit of brotherhood"[70] – these, it is true, are vital ethical ideas of our time. Nevertheless, recognizing the rich, contemporary resonances of dignity can be valuable. Why? Because "Dignity" is not merely a suitable equivalent for "shared humanity" and its cognate expressions. Its resonances convey and underline something vital about human worth: included in a certain understanding of human dignity are not only essential conceptual links to human moral personalities and vulnerabilities, but also, and relatedly, to a peculiarly human susceptibility to many, distinctive forms of honour and degradation. Historically, "dignity" talk may largely have contained strongly alienable connotations. But serious talk of a kind of inalienable human dignity, a kind which movingly

[69] And again, I stress that this does not imply that nonhuman animals cannot be degraded in many other, even related or comparable, ways.
[70] See UDHR's Preamble.

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expresses the depth and distinctiveness of universal human worth, appears now to be available to us.

6. Dignity's moral depth

I have suggested that human responses and forms of treatment enter into the deepest conception of inalienable human dignity, which I called Capital–D Dignity. There are, to be sure, strong "relational" aspects built into inalienable (Capital–D) Dignity, as there are, more obviously, in that special kind of alienable dignity (small–d dignity) with which it is interdependent. Small–d dignity partly encompasses the deep and very distinctive degradations and honours that humans can inflict or bestow on each other. Capital–D dignity, I claimed, is itself partly constituted by these special (in)dignities, as well as by other moral benefits, violations, and harms (such as the moral harm and violation of murder). To have this kind of inalienable moral worth is to be a being that is subject to a distinctive range of human dignities and indignities. And to inflict a serious indignity (or other significant harm) on such a being can be a way of attacking or disrespecting his or her (inalienable) Dignity.

Both Dignity and dignity are conceptually inseparable from human moral personalities. But even though moral personalities are alienable, this does not mean that some unfortunate people lack Dignity. One way to explain this, I argued, is to recall that even human beings who, through misfortune, lack moral personalities, can yet meaningfully be the subjects of distinctively human degradations and honours. And that recognition is itself a way of remembering that we do in fact continue to think of those unfortunate individuals in the light of the notion of human moral personalities which can register serious dignities and indignities. Additionally, Dignity is constituted by the kinds of human responses that (say) the black church nourished towards its members, not least its children: love, grief, joy, compassion etc. – coloured by a keen sense of their vulnerability to natural harms, to moral harms and degradations, and to the dehumanizing withering or stunting of their moral personalities.

Dignity's moral depth has yet another, related source. This source is again related to the fact that we can respond to powerful resonances in contemporary talk of human dignity. It is only from deeply moving occasions (perhaps like the one I offered) that we get a full sense of

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dignity's true depth. Having a deeper sense of Dignity can also be associated with our responses to the way others regard it. Even in Kant's rendering of dignity, certain human responses of this general type play key roles, even though, on Kant's view, those responses are apparently *demanded* by dignity rather than being partly *constitutive* of it. It is not, I think, only Kant's (contestable) philosophical arguments about human worth that hold our attention when we read him; it is his *reverence* and *awe*, directed of course to our *sublime*, *holy* and *exalted* moral powers, which creates, for some readers, a vivid experience of human dignity.

But though it is vivid, that experience is, in some ways, far from a kind of experience of human worth associated with contemporary talk of dignity. Not any old talk, of course – but such talk as we meet with at certain highest moments of moral seriousness. Kant's self–legislating, autonomy–centred dignity is yoked to an "upward looking…bowing gesture."[71] Such dignity is indeed more naturally aligned with dignity's older – perhaps "pernicious" – connotations of admiration, status, nobility, self–assertion, and excellence. Newer meanings, influenced not only by Christian thought but by modern oppressions, atrocities, and their degradations, are very different.

In this light, members of the black church are not best regarded as fellow members of a Kingdom of self–legislating agents exhibiting reverence for the moral law.[72] "Human dignity," for Obama, is forged in places like the black church – a place where there grew up certain moving expressions of concern with suffering and degradation; where celebrations of people's lives flourished, accompanied by compassionate interest in their moral personalities and growth; where there were joyful responses which sometimes recognized and sometimes constituted a deep honouring and bestowal of moral goods upon church members. Such things, it seems, are what moved Obama when he alluded to Rev. Pinckney's profound sense of human worth and dignity. In turn, Obama's expression of this dignity creates, for contemporary audiences touched by it, a deep sense of human worth. That kind of vivid experience contributes to what I have called Dignity's depth. This provides another perspective on the importance of human rights protections.

[71] Kolnai, "Dignity," 252.
[72] Kant, *The Moral Law, Kant's Groundwork of the Metaphysics of Morals*, 95.

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But, we might wonder, can that sense of Dignity be further defended, as well as explored and explained? Can it be reconciled with moral theory? These questions lie beyond my present scope. In finishing, however, I will raise a problem for moral theory. Theory's task is to *ground* these vivid experiences of human dignity in some other feature, value, or argument (or to reject those experiences for lack of such grounds). But this grounding process risks removing ourselves from the experience, thereby distorting any associated sense of human dignity.[73] Yet that powerful experience was essential to the registering of dignity's depth, an experience, furthermore, that many of us would not regard merely as an emotive reaction to Presidential oratory or fine–sounding rhetoric. Moral theorists insist that human worth must be grounded ultimately in something more "substantial" than vivid experiences of Dignity. Again, that requires a longer discussion. But for now, we might at least claim that a certain vivid experience and its associated idea of human dignity – which I have tried to "refine and deepen" – should be taken philosophically seriously.

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[73] See Christopher Cordner, "Moral Philosophy in the Midst of Things," in *A Sense for Humanity: The Ethical Thought of Raimond Gaita*, ed. C Taylor and M Graefe (Clayton: Monash University Publishing, 2014); Timothy Chappell, "Ethics Beyond Moral Theory," *Philosophical Investigations* 32, no. 3 (2009): 206-243.

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