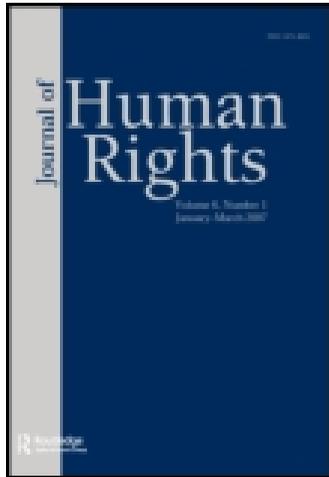


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Normative Versus Taxonomic Humanity: Varieties of Human Dignity in the Western Tradition

JACK DONNELLY

Today we see human dignity and human rights as inextricably linked. As the International Human Rights Covenants put it, “these rights derive from the inherent dignity of the human person.” This article highlights the recent and radical nature of this connection by offering an episodic overview of the history of (human) dignity in the Western tradition. It is now widely accepted that the idea of human rights—equal and inalienable rights held by every human being that can be exercised against the state and society—first appeared in the modern Western world. I argue that much the same is true of human dignity, understood as an inherent, morally defining feature of homo sapiens that demands social respect. For nearly all of Western history, dignity and humanity functioned as particularistic principles of hierarchy rather than universal principles of equality. I also argue that rather than human dignity providing a prior moral foundation for human rights, ideas and practices of human rights and human dignity mutually constructed each other as the class of “taxonomic humans” (members of the species homo sapiens) gradually came to be seen as co-extensive with those “normative humans” that had an inherent dignity that demands social recognition and respect.

Authoritative international legal instruments state, as if it were obvious, that “all human rights derive from the dignity and worth inherent in the human person,”¹ that “these rights derive from the inherent dignity of the human person,”² and that “recognition of the inherent dignity and of the equal and in-ali-able rights of all members of the human family is the foundation of freedom, justice and peace in the world.”³ As many commentators have noted, though, *how* human dignity grounds human rights is left, at best, obscure.⁴

The final section of this article offers an original account of the relationship between human dignity and internationally recognized human rights. My principal objective, however, is to demonstrate the historical novelty of this understanding. I show that throughout almost all of the Western tradition⁵ human dignity functioned as a particularistic principle of hierarchy rather than a universal principle of equality.

Defining (Human) Dignity

Dignity, in the sense of interest here, signifies *worth that demands recognition and respect*. Those with dignity are due recognition as a result of possessing a particular

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honorable quality or status. They are also due the respect appropriate to that status or quality.

A substantive conception of dignity thus must specify, at minimum, the following:

1. The subjects of dignity (the types of entities that have worth that demands recognition);
2. The sources of dignity (what gives rise to that worth);
3. The honorable status associated with that dignity; and
4. The form(s) of respect due to it.

Human dignity is, literally, the dignity of those who are human. As we will see below, though, Western understandings of which creatures in fact were “human,” or subjects of dignity, have varied dramatically. I address these changes by distinguishing normative and taxonomic senses of “human being.”

A normative human being is a creature with certain qualities (e.g., virtue, reason, or a soul) that demand recognition and respect. A taxonomic human being is a creature with certain biological features (e.g., Aristotle’s featherless biped). Internationally recognized human rights take it for granted that these two classes are identical and that all taxonomic humans are normative humans (and vice versa).⁶ Historically, however, the class of taxonomic humans has usually been much larger than that of normative humans—or, in societies that did not speak of humanity, men of dignity.

This history, I suggest, has important implications for how we think about the meaning and significance of human rights. Even more radical than the idea that all human beings have equal and inalienable rights has been the expansion of the class of normative humans to include all taxonomic humans.

The Ancient and Medieval Worlds

I begin with a brief and episodic account of early Western conceptions of dignity and their relations to politics from the Hebrew Bible and Classical Greece through early modern Europe. For more than two millennia, neither Western theory nor Western practice provides any support for an idea of the equal and inherent dignity of all, or even most, taxonomic humans.

The Greco-Roman World

Cicero’s *De Officiis* (*On Duties*; 1913 [first published 44BCE]), probably the most influential Roman ethical work, contains what is arguably the first passage preserved in a complete literary work that can appropriately be translated “human dignity”:

It is essential to every inquiry about duty that we keep before our eyes how far superior man is by nature to cattle and other beasts: they have no thought except for sensual pleasure and this they are impelled by every instinct to seek; but man’s mind is nurtured by study and meditation . . . From this we see that sensual pleasure is quite unworthy of the dignity of man [*dignam hominis*] . . . And if we will only bear in mind the superiority and dignity of our nature [*natura excellentia et dignitas*], we shall realize how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and

how right it is to live in thrift, self-denial, simplicity, and sobriety. (1.105–1.106)⁷

Cicero focuses on the “higher” aspects of man’s nature. He does not, however, suggest that all (taxonomic) human beings possess, or even have a potential for, *dignitas*. Quite the contrary, in an aside elided from the above quotation, Cicero notes that “some people are men not in fact but in name only [*sunt enim quidam homines non re, sed nomine*]” (1.105). Men “in fact”—truly or fully human beings—are those who, through extensive study and self-discipline, have freed themselves from passion and desire (1.67–1.69). This is possible only for members of the elite, as is suggested by Cicero’s use of *dignitas* in reference to public office or social standing (1.38, 1.141, 2.65, 3.99), manly good looks (1.130), a commodious house (1.138, 139), eloquence (2.66), and a refined sense of humor (1.104).

Therefore, when Michael Rosen claims that “right from the outset, [human] dignity . . . [was] a way of saying something about human beings as such” (Rosen 2012: 12), we must emphasize that Cicero meant something very different by “human beings as such” than we do—especially because Rosen, in quoting Cicero, elides the reference to men in name only (Rosen 2012: 12).⁸ Martin Honecker’s claim that behind the Ciceronian “understanding of human dignity lies the Stoic idea that all human beings have a common rational nature” (Honecker 1996: 260) is similarly problematic because Cicero saw that rational nature as (only) potentially available to some taxonomic humans. The real subjects of dignity were normative humans defined largely by birth and achievement.

In the Roman world more broadly, *dignitas* was a characteristic of great men, “a manifestation of personal authority, majesty, greatness, magnanimity, gravity, decorum, and moral qualities” (Englard 2000: 1904). “*Dignitas* was the status that dignitaries had—a quality that demanded reverence from the ordinary common person—the vulgar, in the original meaning of that term” (Brennan and Lo 2007: 44; cf. van der Graaf and van Delden 2009: 154). Dignity in the Roman world was differential and achieved rather than universal and inherent; an attribute of a distinguished few (patricians or optimates) that marked them off from the masses.⁹

Much the same was true of ancient Greece—although differential dignity took a systematically different form.

Classical (fifth and fourth century BCE) Greeks sharply separated Hellenes from barbarians,¹⁰ who were considered incapable of self-rule and thus appropriately subject to kings and even fit to be enslaved.¹¹ A truly human life required personal and political self-rule, which the Greeks saw as possible only in the *polis*, an autonomous self-governing “city-state” ruled by the body of legally equal citizens. As Aristotle (*Politics*: 1253a28) famously put it, outside of the *polis* one is either a god or a beast.

This created a very different conception of dignity. The Roman conception is an example of what Josiah Ober (2014: 54) calls “meritocratic dignity,” understood as “respect and recognition accorded to persons of high standing, with that high standing arising from the exclusive possession of characteristics regarded by relevant observers as meritorious.”¹² The Classical *polis*, however, was associated with what Ober (2014: 55) calls “civic dignity,” which “is predicated on a shared status of political equality among a body of citizens.”¹³

Consider Athens, the *polis* about which we have the most information and the one “most like us”: the iconic “first democracy.” The Athenians prided themselves, with

some justice, on its practice of *isonomia*¹⁴ (equal application of the law to rich and poor alike) and even *isegoria*¹⁵ (the legal right of all citizens to speak in the assembly). Athenian law also provided personal protection against *hubris*¹⁶ (actions, especially assault, by private persons in public that expressed degrading disrespect). Offices were kept to a minimum and filled by lot wherever practical.¹⁷ The assembled people took all important decisions in frequent, periodic mass meetings with a large quorum.¹⁸ In addition, attendance in the courts and the assembly was modestly compensated, allowing poor citizens to participate in political decision making.¹⁹

Although in many ways immensely “progressive,” this still denied civic dignity to even most of the permanent residents of Athens. Slavery was widely practiced.²⁰ Women were, “of course,” politically excluded and socially subordinated.²¹ And free noncitizen men were politically excluded and subject to special burdens.²²

Furthermore, a strong meritocratic conception was also present—and in “oligarchic” cities was arguably even more important than civic dignity. Deep social and economic inequalities divided citizens. Leading families and individuals competed for public honor and social recognition that was not available to most ordinary citizens. And political leadership, the greatest source of honor and reputation (understood as the respect due to worth) was available only to a small elite, which had special rights and special obligations, both of which generated preferential concern, respect, and treatment.²³

Biblical Conceptions

The conceptions of human dignity in the Jewish and Christian Bibles, although somewhat more expansive, are no less distant from the universal human dignity that underlies internationally recognized human rights.

The (old and modern) Hebrew term *kavod* is conventionally translated as dignity (as well as honor, glory, and respect). But “the combination ‘human dignity’ (*Kavod Ha’adam*) is in fact not found in the Bible” (Shultziner 2006: 666; cf. Cancik 2002: 21; Lorberbaum 2014: 135), because *kavod* is an attribute of God, not man (Lorberbaum 2002: 56, 2014: 135; Shultziner 2006: 666–667). Thus, “no single expression found in the Rabbinical literature equals the twentieth century concept of human dignity” (Safrai 2002: 104). Man may have a special value or worth. Jews may have a special standing or value. But these values neither arose from nor gave rise to *kavod*.

In *Genesis*, which decisively shaped the understanding of human dignity in Western Christendom, “God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth” (Gen. 1.26). Man—created “in the image of god” (*imago dei*)²⁴ and placed below God but above the rest of His creation—has a special dignity.

This is an example of what I will call “hierarchical/cosmological dignity.” (The obvious non-Western example is classical Hinduism.) With meritocratic and civic dignity, differences in dignity generate a hierarchy. Here, by contrast, position in a cosmological hierarchy defines one’s dignity. And rather than a single criterion of dignity (merit/virtue or citizenship), multiple kinds of dignity are hierarchically ranked. For example, Aquinas uses *dignitas* to mean “the value something has proper to its place in the great chain of being; for example, plants have more dignity than rocks; angels more dignity than human beings” (Sulmasy 2007: 11).

Human dignity is the recognition and respect due to man, which is different from the dignity of God, angels, animals, plants, and inanimate nature. The dignity of man in this account is inherent, not earned, and thus in some important sense universal. But “we are honored and loved by God not because we are worthy; we are worthy because we are loved and honored by God” (Englund 2000: 1908). Furthermore, “closeness to God still requires redemption” (Kraynak 2003: 83). Dignity is a potentiality that requires God’s grace to be realized.

In addition—and of decisive practical impact—original sin and the fall of man (Gen. 3) effectively renders human dignity of little earthly social or political significance. In this temporal life, sin is the predominant fact.²⁵ Politics thus primarily involves representing evil rather than perfecting the best men, let alone empowering all men.

Not surprisingly, then, nearly all the dignity to be had in the temporal world of medieval Christendom was engrossed by a small elite.

Medieval Christendom

Heathens in medieval Christendom, much like barbarians in the Greco-Roman world, were an inferior class (and the substantial majority) of taxonomic humans. Western Christians treated their heathen neighbors with contemptuous arrogance backed by savage violence. Those who resisted the one true faith were treated not as dignified beings who had made a tragic error but as contemptible creatures undeserving of the least respect or consideration. For example, the term slave in many European languages is derived from Slav, the principal heathen peoples to the east.

The same spirit of savage armed orthodoxy was regularly directed inwards, in persecuting heresy. R. I. Moore (2007) goes so far as to characterize medieval Europe as “a persecuting society.” There were even papally sanctioned crusades against Christian heretics.

Within the Christian community of true believers, inequality and division were the norm, continuing the Roman and Germanic traditions out of which medieval society emerged.²⁶ And these tendencies were strongly reinforced by a sharply hierarchical cosmology.

An early and influential account was provided by (Pseudo-) Dionysius (Denys the Areopagite), a late fifth- or early sixth-century Greek author who presented himself as the Athenian convert of St. Paul.²⁷ According to Dionysius, God, “having fixed all the essences of things being, brought them into being” (HH 4.1). And he arrayed them hierarchically, hierarchy being “a sacred order and science and operation” (HH 3.2). On this earth, men, as rational beings, were placed at the top, closer to God than irrational sentient beings (who were in turn higher than “things which merely exist”) (HH 4.2). Hierarchy is also the rule in heaven (HH 6, EH 6).

“Each rank of the Hierarchical Order is led, in its own degree, to the Divine co-operation, by performing, through grace and God-given power, those things” appropriate to their natures (HH 3.3). “The inferior Ranks cannot cross to the superior functions” (EH 5.7). “It is a Hierarchical regulation that some are purified and that others purify; that some are enlightened and others enlighten; that some are perfected and others perfect” (HH 3.2 Compare EH 4.3, 4.7).

The social and political implications of this vision of different natures arranged according to their likeness to God were expressed particularly clearly in the later medieval notion of a society composed of three orders: those who fought, those who prayed, and those who worked the land.²⁸ Duby nicely summarizes the superiority of the ruling elements of society that fought and prayed:

One part of society was worthy to rule over the remainder. Because they were morally of lesser value, “those behind” were subordinated to “those in front” (*prelati*) “who speak” (*predicatos*), “who govern” (*rectores*), who are “powerful” (*potentes*). . . . All hierarchy originated in the unequal distribution of good and evil, of flesh and spirit, of the heavenly and the terrestrial. As men were by nature differently inclined to sin, it was proper for the least culpable to assume responsibility, with care, affection, and firmness, for the leadership of the flock. (Duby 1980 [1978]: 67)

Absolute political subordination was often justified by Paul’s *Epistle to the Romans*:

Let every soul be subject to higher powers: for there is no power but from God: and those that are, are ordained of God.

Therefore he that resisteth the power, resisteth the ordinance of God. And they that resist, purchase to themselves damnation.

For princes are not a terror to the good work, but to the evil. . . .

. . . an avenger to execute wrath upon him that doth evil.

Wherefore be subject of necessity, not only for wrath, but also for conscience’s sake. (Rom. 13:1–5)

This extended even to tyrants: Job 34:30 notes that the Lord “maketh a man that is a hypocrite to reign for the sins of the people.”

“Feudalism” (broadly understood as various types of lordship characteristic of the early second millennium)²⁹ overlaid further hierarchies. Lords (*domini* or *seigneurs*) and their vassals (*vassi* or *homines*) made up a privileged class (demarcated by some combination of noble birth and possession of horses and heavy arms) that exercised legal authority, political control, and economic domination over the vast bulk of the population (Bloch 1961: Pt. 5).

Nothing in medieval theory or practice recognized, or even hinted at, a universal humanity with normative social and political significance. Differential dignity was assigned to groups of human beings based on their placement within multiple hierarchies and earthly recognition of and respect for human worth was largely restricted to the ruling elite.

Early Modern Europe

“Early modern” (late fifteenth- to mid-eighteenth-century) Western theory and practice was equally alien to our contemporary conception of universal human rights.

Early Modern Politics and Society

The most characteristic feature of sixteenth- and seventeenth-century politics was the savage cruelty of confessionalized (“religious”) warfare, both within and between polities. For example, the French Wars of Religion from 1562 to 1598 killed perhaps two million people (out of a prewar population of about 16 million)³⁰ —a level of devastation comparable to that in Afghanistan over the past 35 years. The Thirty Years’ War (1618–1648) combined dynastic and religious rivalry in a particularly brutal form to produce “the

longest-lasting and geographically most widespread demographic crisis in Europe after the Black Death” (Theibault 1997: 2). Germany probably lost in the neighborhood of a third of its population, with perhaps half of that loss being attributable to the war (Outram 2001: 152–153, 159–164; Theibault 1997)—an impact comparable to that of World War II on the Soviet Union.

Even at the end of the seventeenth century, a state religion that persecuted public worship in unapproved forms remained the norm throughout Europe. For example, in 1685, Louis XIV revoked the 1598 Edict of Nantes (which had granted limited toleration to French Calvinists). Locke’s *A Letter Concerning Toleration*, published in 1689, is rightly taken as a landmark event in the history of human rights. But not only does Locke refuse to extend toleration to either atheists or Catholics but there is more than a little irony in the fact that his *Letter* was published on the heels of Parliament’s unwillingness to tolerate a Catholic king. Religious toleration in any form similar to our understanding was in Europe largely a nineteenth- (and twentieth-) century construction.

More broadly, mid-eighteenth-century society was still structured around hierarchically arranged orders³¹ and the nobility continued to dominate politics and society, especially in the provinces and the countryside. (One recent overview of the early modern nobility is titled “The Consolidation of Noble Power in Europe, c. 1600–1800”; Scott and Storrs 2007.) J. H. Elliott’s assessment of Spain holds across the continent: The changes of the early modern era “occurred within the resilient framework of the aristocratic-monarchical state” (1989: 112).³²

Wealth and legal learning did increasingly come to compete with birth as the basis for political privilege—but primarily by providing entry into the nobility to a slightly larger group. Even the most “liberal” of early modern states were ruled by a coalition of an aristocracy of birth and an oligarchy of wealth. And what we would consider the most basic civil liberties were largely nonexistent. (For example, a free press, powerfully advocated in John Milton’s *Areopagitica* [1644], was still a largely utopian aspiration at the end of the eighteenth century.) The equal dignity of all men—or even of all resident men adhering to the state religion—was, at most, a fringe idea with little or no political traction. Popular political participation in Europe in 1650, or even 1750, was not significantly different from 1450.

To this dismal picture we must add the development of overseas imperialism. In the Americas, indigenous peoples were conquered, massacred, forcibly converted and often enslaved or enserfed with little thought to shared humanity or even any sense that these were fellow humans. A few theorists, such as Francisco Vitoria and Bartolomé de las Casas, did acknowledge that these were fully human beings who rightly held dominion over their land before the arrival of Europeans. But even Vitoria allowed that natives who resisted Christianity and Spanish rule could rightly be treated as “treacherous foes against whom all rights of war can be exercised, including plunder, enslavement, deposition of their former masters, and the institution of new ones” (in Brown, Nardin, and Rengger 2002: 237; see also Kirkhusmo Pharo 2014).

In addition, chattel slavery was revived—it had been eliminated in Europe following the “Dark Ages,” for economic rather than moral reasons (Bloch 1975; Bonnassie 2009 [1985]; Phillips 1985: Ch. 3)—first of Muslims (in 1452 and 1455 Pope Nicholas V endorsed enslaving Muslims who would not convert) and then, as maritime technologies improved, of African “savages.” These creatures were seen to share only a superficial bodily similarity to civilized Christian European men. They were, in Ciceronian terms, men in name only, not in fact. In either case, we are not even close to an idea of universal human dignity.

Renaissance Humanism and Early Modern Republicanism

Even at the level of pure ideas, early modern humanism and republicanism, which did develop broader and more optimistic visions of man, had ideas of humanity, dignity, and political legitimacy that were more ancient and medieval than modern, as we understand that term today.

For example, Giovanni Pico della Mirandola's *Oration on the Dignity of Man* presents man as "a great marvel and the animal really worthy of wonder," "capable of arousing envy not only in the brutes but also in the stars and even in minds beyond the world" (1998: 3). Man has the potential to "grow upward from thy soul's reason into the higher natures which are divine" (Pico della Mirandola 1998: 5).

But man also may, and often does, "grow into [a] brute" (Pico della Mirandola 1998: 5). Human dignity, as for Cicero, is the achievement of particular men who were able to realize the higher potentials of the species, which was possible only with considerable self-cultivation. As Piet Steenbakkers puts it in his recent survey of human dignity in Renaissance humanism, "dignity will apply to some people but not to others, even to the point of excluding them from humanity" (Steenbakkers 2014: 92).

Furthermore, Pico della Mirandola continues to embed man (and his dignity) in a divine hierarchy that draws heavily on (Pseudo-)Dionysius.³³ Although man had a privileged place in this order (Pico della Mirandola 1998: 79), in practice usually "the image of God has been blotted out by the stain of sin" and most men have "degenerated into beasts, disgracing the form of man" (1998: 125). Finally, only through Jesus Christ are we "reformed by grace and regenerated, not as men but as adopted sons of God" (1998: 126, cf. 153).

Rosen thus seems to me wrong when he claims that with Pico della Mirandola "'dignity' goes from being a matter of the elevated status of a few persons in a particular society to being a feature of human beings in general" (Rosen 2012: 15). For Pico, like Cicero, "human being" is a normative notion that applies to a small segment of taxonomic humans. Renaissance humanists did shift attention from God towards man (and man's highest potentials). But a vast gulf—a qualitative, not merely quantitative, divide—remained between these postmedieval views and our contemporary ideas of humans, their dignity, and their rights.

Much the same is true of early modern republicanism. Theoretical works from Machiavelli and Guicciardini through James Harrington's *Oceana* (1656) gave a central place, as in Rome, to birth—and, even more than in Rome, to property.³⁴ In the few existing republican enclaves, such as Venice and the Dutch Republic, religious discrimination was the norm, personal liberties were minimal, and the franchise was restricted to a propertied elite.³⁵ Human dignity was understood in civic and elite peerage, not universal, terms.

Some political movements from below did point in a genuinely democratic direction. For example, in 1649 and 1650, Gerrard Winstanley and the Diggers sought to seize vacant land for poor dispossessed men (Winstanley 2006).³⁶ Such movements, however, usually were marginal—and when they threatened to succeed, they were repressed with whatever violence their "betters," who ruled, deemed necessary.³⁷

Ideas of natural rights did enter the mainstream of political debates in Britain at the end of the seventeenth century. Emblematic is Locke's *Two Treatises of Government*, published in 1689 in the wake of the removal of James II. But James was removed for his religion and replaced by a "good" king, not a republic. Furthermore, Locke's *First*

Treatise is devoted to arguing that political rule is neither paternal nor rooted in divine donation to (and succession from) Adam—ideas that were far more in the mainstream than Locke’s natural rights. And, in the end, Locke, who was personally and professionally involved in the slave trade, effectively restricted the enjoyment of “natural rights” to propertied white males.

With the benefit of hindsight, we may see the faint beginnings at the turn of the eighteenth century of ideas and practices that later would lead toward universal human rights. At the time, though, virtually no one for whom we have written evidence either foresaw or advocated such a development. Dignity remained differential, and largely achieved, rather than universal and human. The gulf between normative and taxonomic humans, although not quite as wide as during the medieval period, remained huge. And no serious thought was given to bridging it.

Approaching the Universal Declaration

The last quarter of the eighteenth century finally brings interlinked ideas and practices of dignity and rights that significantly mirror our own. The overlap created between the sets of normative and taxonomic humans, however, remained modest. And it took nearly two centuries of difficult and recurrently violent struggle before there was anything like a firm Western commitment to a truly universal conception of human rights and human dignity.

Kant

In the realm of high theory, Immanuel Kant (1724–1804) presents the first fully formed theory in which human dignity is understood as inherent, universal, and the foundation of political right.³⁸ Kant’s key move is to distinguish two kinds of value, which correspond to the two sides of human nature: *Würde*,³⁹ an absolute inner worth, which is the standard of distinctively human or moral value; and price, the standard of value of the material world, of which man’s animal nature is a part. Man understood a *human* being is a creature with a worth that is literally priceless outside of the domain of instrumental value.

As a human moral being, man “possesses a *dignity* (absolute inner worth) by which he exacts *respect* for himself from all other rational beings in the world” (Kant 1991 [1797]: 230 [434–435], emphasis in original). Particularly important for our purposes here, Kant explicitly links “this duty with reference to the dignity of humanity within us” (1991 [1797]: 231 [436]) to rights. A “right of freedom comes to him who is a member of the commonwealth as a human being . . . a being who is in general capable of having rights” (1983 [1793]: 73 [291]). Kant also claims that “humanity itself is a dignity” (1991 [1797]: 255 [462]). This transforms dignity from a special status of the nobility to something more like a “universal” status of human beings.

Kant’s universe of normative humans, however, remains highly constricted. He denies women political rights (1983 [1793]: 76 [295]). Men without property are merely passive members of the polity, entitled to equal protection of the laws but not a say in their making (1983 [1793]: 72–76 [290–295]). And Kant does not even contemplate “savages” possessing human dignity or political rights.

Furthermore, these restrictions are not simply a reflection of cultural prejudices of the age. They have an internal theoretical basis.

“Morality, and humanity *insofar as it is capable of morality*, is that which alone has dignity” (Kant 1998 [1785]: 42 [435], emphasis added). Humanity, for Kant, is *not* the source of dignity. Morality, not man, has inherent dignity. Taxonomic humans are merely

part of nature,⁴⁰ although some have a derived dignity (insofar as they demonstrate themselves to be capable of morality).

The same picture arises from Kant's famous (fourth) formulation of the categorical imperative as the duty to treat *humanity* as an end (1998 [1785]: 37–39 [429]).⁴¹ Only insofar as human beings embody humanity do they have a worth that demands that they be respected as ends. For Kant, most taxonomic humans did not meet this test.

We thus need to be careful with Rosen's claim that "the dignity of the moral law [morality] makes human beings—its embodiment—worthy of respect" (Rosen 2012: 30). For Kant, most taxonomic humans did not in fact embody the moral law and thus did not participate in the dignity of morality.

Care also should be taken with Rosen's claim that Kant's conception of dignity is "deeply egalitarian. We are all (all of us who have attained the 'age of reason,' that is) subject to its demands, whatever place in society we may happen to occupy" (Rosen 2012: 24). For Kant, women (and savages) will never reach "the age of reason." And the social, political, and legal respect due to women, the unpropertied, and savages is not even close to equal to that due propertied male citizens. Many places in Kant's society are denied the human dignity accorded to propertied citizens.

Rosen is closer to the mark when he claims that Kant held "a strongly egalitarian—bourgeois, if you like—conception of honor as something we owe to everyone (ourselves included) in equal measure, quite different from the aristocratic understanding of honor as part of a status hierarchy between inferiors and superiors" (Rosen 2012: 27). Emphasis, however, must be placed on Kant's narrow "bourgeois"—and sexist and racist—conception of "everyone." This created its own status hierarchies, which excluded most taxonomic humans from honor.

The American and French Revolutions

In the realm of practice, the American and French Revolutions likewise made decisive breakthroughs that still left a huge gap between normative and taxonomic humans. The 1776 American Declaration of Independence advances a completely new conception of government:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. . . . That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

In equally striking language, the 1789 French Declaration of the Rights of Man and the Citizen begins by asserting that "ignorance, neglect or contempt of the rights of man are the sole causes of public misfortunes and governmental corruption." Its first two articles assert that "Men are born and remain free and equal in rights" and that "The purpose of all political association is the preservation of the natural and imprescriptible rights of man." No less radical is the assertion in Article 6 that "All citizens have the right to take part" in the formation of the law, which "is the expression of the general will," and that all citizens "are equally admissible to all public dignities, offices, and employments, according to their ability, and with no other distinction than that of their virtues and talents."

This reference to equal public dignities in effect democratizes dignity. As Tom Paine (1995: 478) put it, “rank and dignity in society must take a new ground.”

To Paine and his colleagues, “the natural dignity of man”—the “dignity [that] exists inherently in the universal multitude”—has been corrupted by monarchy, which is “debas[ing] to the dignity of man” (Paine 1995: 466, 310, 115). Under “the despotism of Louis XIV . . . the people appeared to have lost all sense of their own dignity, in contemplating that of their Grand Monarch” (Paine 1995: 490, cf. 47). Or as Mary Wollstonecraft put it, “every sacred feeling, moral and divine, has been obliterated, and the dignity of man sullied,” so that man appears as “a spiritless reptile, without dignity or humanity” (1795: 520, 514).

But “when the Bastille was destroyed . . . freedom, like a lion roused from his lair, rose with dignity, and calmly shook herself” (Wollstonecraft 1795: 213).⁴² “The great bulk of the people, who were slaves and dwarfs, bursting their shackles and rising in stature, suddenly appeared with the dignity and pretensions of human beings” (Wollstonecraft 1795: 81). The final lesson Wollstonecraft draws is simple yet powerful: “Respecting the rights of men . . . is true happiness and dignity . . . Behold the whole duty of man” (Wollstonecraft 1790: 150–151).⁴³

By the end of the eighteenth century, progressive theory and practice in the West included a conception of political legitimacy based on the equal and inalienable natural rights. This was, however, a radical change within the Western tradition. This change occurred only in the last tenth of Western political history (dating its beginnings to the Persian Wars of the early fifth century BCE). It was limited to only a part of the Western world. And gender, race, and property continued to remain fundamental constraints on “the rights of man.”

The rights in question were indeed those of men, not women. The men in question were almost exclusively white. (The American Constitution of 1787 not only entrenched the institution of slavery but infamously defined slaves as three fifths of a person for the purposes of electoral apportionment—in order to inflate the voting power of white men in slave-holding states.) And in Europe property restrictions on the franchise continued to exclude even most freeborn white males.

These conceptions lie somewhere between civic dignity and universal human dignity. The French produced a Declaration of the Rights of Man and the Citizen. Today we emphasize “man.” In the eighteenth and nineteenth centuries, however, the emphasis was at least equally on the citizen. And most taxonomic humans did not enjoy the status of citizen.

The move from subjects of the king to citizens of the state certainly was politically momentous. The citizenship practices of the era, however, even in the most progressive states, made this only a very partial step toward human rights as we understand them today. The result was essentially an elite peerage system, expressed politically in an oligarchy of birth and wealth.

Expanding the Subjects of Human Rights

In the century and a half between the French Revolution and the Universal Declaration we see less a “natural” unfolding of the “inherent” logic of universal dignity and rights than a series of deeply contested struggles by excluded groups—working men, religious minorities, women, ethnic and linguistic minorities, nonwhite races, and the colonized—that fitfully expanded the category of normative humans, often in the face of violent resistance.

An important, if minimal, political indicator of the recognition of normative humanity is the right to vote. Universal manhood suffrage was formally introduced in France in 1792 and firmly institutionalized in 1848. In Britain, The People's Charter of 1838, which called for "extending to the people at large, the exercise of those rights, now monopolized by a few," initiated a campaign for universal manhood suffrage that culminated in the Reform Act of 1867, which roughly doubled the size of the British electorate. That half of the adult male population of Britain could not vote less than a century and a half ago indicates how late, in historical terms, even the most rudimentary notion of equal rights penetrated into the mainstream of European political practice.

Gender inclusion is an entirely twentieth-century phenomenon. Women's suffrage came to the Netherlands in 1919, the United States in 1920, Spain in 1933 (although it was revoked from 1939 through 1975), France in 1944, Italy in 1945, and Belgium in 1948. In other words, until the same year that the Universal Declaration of Human Rights was adopted by the United Nations, Belgium disenfranchised half of its adult metropolitan population.

Even the Universal Declaration, by intention, does not include a right of peoples to self-determination, leaving the quarter of the world's population still suffering under Western colonial rule still excluded from full humanity. Only in 1960, when the United Nations General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples did the Western world finally accept the notion of equal political rights for close to all taxonomic humans. And even then there were hidden exclusions. (The disabled and gender minorities [LGBTIQ] are two groups whose exclusion has, at least in law in the West, been more or less successfully overcome, in the sense that they are recognized as being entitled to the same legal concern and respect.)

Table 1
Conceptions of (Human) Dignity

Meritocratic (Roman)	
Subjects	Normative humans
Sources	Virtue/Merit (by birth or acquisition)
Status	High rank
Civic (Greek, Early Modern Republican)	
Subjects	Citizens
Sources	Citizenship (by birth or acquisition)
Status	Equal citizenship
Elite Peerage (Nineteenth Century)	
Subjects	Elites
Sources	Birth and wealth
Status	High rank
Hierarchical/Cosmological (Medieval, Early Modern)	
Subjects	Creation/reality
Sources	Differential nature
Status	Differential rank
Universal/Democratic (Universal Declaration of Human Rights)	
Subjects	Taxonomic humans
Sources	Unspecified
Status	Equal citizenship

Table 2
Dimensions of Dignity in Western Theory and Practice

Subjects of Dignity	God (Torah) All ranks of the cosmic hierarchy (Medieval) The best men (Greco-Roman) Ruling elements of society (Medieval, Early Modern) Normative humans (Cicero, Kant) Citizens (Greeks, American and French Revolutions) Taxonomic humans (Universal Declaration)
Sources of Dignity	Achieved Virtue (Greco-Roman) Property (Modern) Inherent Birth (Greco-Roman, Medieval, Early Modern) Placement in the cosmic hierarchy (Medieval, Early Modern) Divine creation (Bible, Medieval) Grace (Medieval, Early Modern) Reason (Pico, Kant) Unspecified (Universal Declaration) Political Citizenship (Greek, early modern Republicanism)
Status	High status (Greco-Roman) Differential hierarchical status (Medieval, Early Modern) Citizenship (Greece, Early Modern Republicanism) Equal status of normative humans (Cicero, Kant)
Forms of Respect	High status or office (Greco-Roman) Differential status (Medieval, Early Modern) Citizenship rights (Greeks, American and French Revolutions, Universal Declaration) Human rights (Universal Declaration)

Finally, even today the fact that the global human rights regime is based on the national implementation of international human rights creates a strong “civic” dimension to our practices of human rights and human dignity. One *has* human rights simply as a (taxonomic) human being. One *enjoys* those rights, though, in large measure as a citizen. Equal citizenship is the honorable status accorded to human dignity in the contemporary world. This results, however, in radically different enjoyment of human rights by citizens of different countries.

Relating Human Dignity and Human Rights

Universal human dignity is but one of many conceptions of (human) dignity that have been prominent in Western history—and a late and unusual conception at that. Table 1 summarizes the differences between the five conceptions—meritocratic, civic, hierarchical, elite peerage, and universal—introduced above. Table 2 summarizes the even greater diversity evident when we look at accounts of the subjects, sources, status, and forms of respect in particular Western theories and practices of (human) dignity.

Recognizing that the relationship between (human) dignity and politics is contingent and highly variable, we can now return to the question posed at the outset of this article: How does human dignity ground human rights? I will argue human dignity does not actually “ground” or provide a “foundation” for human rights, in any strong sense of those terms. Rather, human dignity and human rights mutually co-constitute one another.

There is no *logical* connection between human dignity and human rights. One may think—and most societies have in fact thought—of human dignity without reference to human rights. Similarly, one need not understand the “human” in human rights in terms of dignity. Over the last half century, however, it has become increasingly difficult (and infrequent) to think of human dignity without human rights or vice versa.

Talk of “human dignity” focuses our attention on the subjects and sources of recognition and respect. Talk of “human rights” focuses our attention on the status and forms of respect due to those subjects. International human rights law focuses even more narrowly on certain particular forms of respect due to human beings as a result of their inherent dignity. References to human dignity in this context signal the existence of a broader normative context within which the global human rights regime is embedded.

In an earlier approach to this question, I advanced a Rawlsian “overlapping consensus” account of how human dignity underlies human rights, arguing that different “comprehensive doctrines” (i.e., philosophical, political, or religious theories or world-views) provide different accounts of how human dignity underlies human rights (Donnelly 2013: 8.5). Here I am in effect suggesting that this has been largely driven by ideas and practices of human rights, not human dignity.

The claim that “all human rights derive from the dignity and worth of the human person,” with which I began this article, suggests a logical, ontological, or conceptual priority for human dignity. I am suggesting instead a certain historical, conceptual, and pragmatic priority for human rights. Rather than ideas and practices of human rights being shaped to fit “foundational” conceptions of human dignity, our ideas of human dignity have been reshaped by ideas and practices of human rights. Metaphorically, rather than human rights growing up out the ground of human dignity, human rights have reached down into the ground of human dignity, rooting themselves there and, in the process, have reworked and reshaped that ground.

Rawls’s notion of “reflective equilibrium”⁴⁴ (1971: 20–21, 48–51) offers a more theoretical account of such a process. In this understanding, “foundational” principles and “applications” of those principles mutually construct each other. Rather than a one-way path from principle to application, we work from practical applications back to foundational principles, and vice versa, adjusting both until we reach a (temporary) point of equilibrium.

I am in effect suggesting that in this case the central dynamic involves working down from the practice of human rights—and, in particular, from the practical issues raised by the struggles of excluded groups for full inclusion—to “discover” (create) foundational principles of human dignity. “Foundational” principles of human dignity are more a reflection upon the practice of human rights that aims to justify and improve that practice than its source.

This is not to denigrate the importance of the principles. Human dignity does provide a broader, and in some sense deeper, context for thinking about human rights. It allows people to link the largely legal and political idea of human rights to broader normative and cultural values and frameworks. Nonetheless, I am suggesting, ideas of human dignity are more derivative than causally or logically prior or foundational.

If we expect human dignity to provide anything like a firm foundation for human rights, then it may indeed seem as if “the term is so elusive as to be virtually meaningless”

(Bagaric and James 2006: 260) and that “appeals to dignity are often used to substitute for . . . sound arguments that cannot be mustered” (Macklin 2002: 212 as quoted in Chalmers and Ida 2007: 158). But that expectation imposes a rationalist, foundationalist, philosophical prejudice on what has been a fundamentally historical evolution in ideas and practices of both human rights and human dignity—simultaneously, but driven largely by the rise and spread of human rights ideas and practices, especially in the aftermath of the Universal Declaration.

There is, I readily admit, something philosophically troubling in this account. But as long as there is a Rawlsian overlapping consensus on internationally recognized human rights and human dignity—that is, as long as most people in most parts of the world are able to situate human rights into their religious, philosophical, and cultural frameworks of meaning through the idea of human dignity—any such “philosophical problems” are like to be *merely* philosophical. For the purposes of the global human rights regime, obscure references to human dignity are all that is either intended or required. Human dignity functions like “a signaling term that goes to the heart of what constitutes the quality of humanness” (Weisstub 2002: 269) without saying anything about that quality beyond the essential fact that it is shared by all taxonomic human beings.

International human rights law has a clear conception of the subjects of human dignity: taxonomic human beings. It also has clear conceptions of the status and forms of respect associated with that dignity: equal and universal rights held by the equal citizens of sovereign states. But it is largely silent on the source of human dignity (and thus human rights) beyond the insistence, that whatever it is, all taxonomic human beings have it. (*Here* is where overlapping consensus is essential.) And for the practice of universal human rights, nothing more is needed because the connection between human rights and human dignity is one of mutual co-constitution rather than logical derivation.

We might alternatively describe the relationship between human rights and human dignity as more conceptual than philosophical. By fusing the idea of human dignity, understood as a morally defining attribute of all taxonomic human beings, with the idea of human rights, understood as the equal and inalienable rights of all taxonomic human beings, we have constructed a hegemonic vision of political legitimacy and the minimum conditions for human flourishing. What it means for us today to be human is, in its legal and political dimensions, largely a matter of having and enjoying internationally recognized human rights. Little more can or need be said.

Or, what amounts to roughly the same thing, there are multiple good but incompatible accounts of the particulars of the relationship of human dignity and human rights. All of these accounts, though, see human rights and human dignity as inextricably linked, both conceptually and practically. In sharp contrast to earlier eras, they all insist on the universality of humanity—the equation of taxonomic and normative humanity—as expressed in the ideas of universal human rights and universal human dignity. And the historically novel and philosophically and politically radical idea of the universality of humanity lies at the root of our contemporary ideas of universal human rights.

Notes

1. Vienna Declaration and Programme of Action (1993), second preambulatory paragraph. See also para. I.11.3, 18.2, 20, and 25.

2. International Human Rights Covenants, second preambulatory paragraph. See also first preambulatory paragraph; International Covenant on Economic and Social Rights Article 13 and International Covenant on Civil and Political Rights Article 10. For an overview of other international and regional legal instruments, see McCrudden (2008: 664–675).

3. Universal Declaration of Human Rights (1948), first preambulatory paragraph. See also Articles 22 and 23.

4. “The framers of the international instruments did not define human dignity . . . Nor were they precise about the relationship between human rights and human dignity” (Henkin 1992: 211). Compare Schachter (1983: 849), Beyleveld and Brownsword (2001: 11, 21), and Düwell (2014: 30–31).

5. I look at the West not because it is somehow privileged but because it is the civilization to which I belong and that I know best—and because the story is of considerable interest.

6. On the dignity of nonhumans, see Heeger (2014) and Schaber (2014).

7. Translated by Walter Miller, in Cicero (1913 [44 BCE]), available online at <http://www.perseus.tufts.edu/hopper/text?doc=Perseus:text:2007.01.0048>.

8. This deeply misleading elision is surprisingly common. See, for example, Cancik (2002: 20), McCrudden (2008: 657), Sensen (2011: 155), and Barilan (2012: 46).

9. “Dignity, in Latin usage, refers especially to that aspect of virtue or excellence that makes one worthy of honor” (Shell 2003: 53). “The original meaning of dignity (*dignitas*) referred to an acquired social and political status” (England 2000: 1904). And, although *dignitas* had an inner dimension, it referred particularly to “the outer aspect of a person’s social role which evokes respect, and embodies the charisma and the esteem residing in office, rank or personality” (Cancik 2002: 19).

10. See, for example, Cartledge (1993, Ch. 3), E. Hall (1989), Georges (1994), J. M. Hall (2002), and Harrison (2002).

11. For Aristotle’s notion of natural slaves, see *Politics* 1254b16–21. Garland (1988) and N. R. E. Fisher (1998) provide good short introductions to slavery in ancient Greece. On Roman slavery, see Joshel (2010). “In the Greco-Roman political tradition the barbarian was the outsider. Rational human order was embodied in Greek or Roman society” (Markus 1988: 87).

12. Ober associates meritocratic dignity with Archaic (seventh and sixth century BCE) Greece, as reflected in the Homeric epics. The Confucian tradition, with its emphasis on self-cultivation and differential merit, provides a striking non-Western example.

13. Ober (2012: 829–832ff) develops these conceptions in more detail.

14. Vlastos (1953), Ehrenberg (1960: 51–52), Ober (1989: 74–75, 339), Hansen (1991: 69–70, 81–85), Cartledge (2009: 7–10, 22, 59–64, 70–75), Lombardini (2013).

15. Griffith (1967), Nakategawa (1988), Ober (1989: 72–73, 78–79, 108, 296–298, 339), Hansen (1991: 81–85), Raaflaub (2004, 8, 9, 95–99, 206–207, 222–228, 263–264, 271, 276).

16. N. Fisher (1990), Gagarin (1979), Cohen (1991). Compare Murray (1990).

17. Ehrenberg (1960: 59–71), Hansen (1991: 49–52, 229–236, 247–248).

18. Ehrenberg (1960: 52–59), Hansen (1991: Ch. 6). Compare Starr (1990).

19. Markle (2004), Hansen (1991: 7, 38, 54, 62, 142, 150, 185, 188–189, 302, 315–316).

20. Finley (1987), Garland (1988), Cartledge (1993: Ch. 6, 2002), Bryant (1996: 127–142), Bradley and Cartledge (2011: Ch. 2–9). Compare Anderson (1996 [1974]: Ch. 1, 2) and E. M. Wood (1988).

21. For overviews of the role of women in ancient Greece, see Blundell (1995) and Brulé (2003). Pomeroy (1975) and Cantarella (1987) are wider-ranging classic studies of women in the ancient world.

22. Whitehead (1977), Cartledge (1993: Ch. 5), Patterson (2001), Meyer (2010). Compare Garnsey (1980).

23. Ober (1989: Ch. 3, 5, 6), Rhodes (2000), Davies (1981), Lanni (2006: Ch. 3), Whitehead (1983).

24. For the Hebrew notion of *Tzelem Elohim* (*Imago Dei*) see Lorberbaum (2014: 136–143). On the Christian conception, see Kraynak (2003).

25. This bleak picture of the reality of human nature, so corrupted by original sin that it no longer has any real resemblance to God, is well illustrated by (the future) Pope Innocent III’s treatise *On the Misery of the Human Condition*, written at the end of the twelfth century. Its three books are titled “The Miserable Entrance upon the Human Condition,” “The Guilty Progress of the Human Condition,” and “The Damnable Exit from the Human Condition.” Consider his reading of the

Genesis creation myth. “‘Therefore the Lord God formed man from the slime of the earth,’ [Gen. 2:7] an element having lesser dignity than others. For God made the planets and stars from fire, the breeze and winds from air, the fishes and birds from water; but He made men and beasts from earth. Thus a man, looking upon sea life, will find himself low; looking upon creatures of the air will know he is lower; and looking upon creatures of fire he will see his is lowest of all. Nor can he equal heavenly things, nor dare put himself above the earthly; for he finds himself on a level with the beasts and knows he is like them” (Innocent, III 1969 [c. 1200]: 6).

26. As Georges Duby (1974 [1973]: 31) notes, “neither Roman nor Germanic society was composed of equals. Both alike acknowledged the pre-eminence of a nobility . . . Both societies practiced slavery, and perennial warfare kept up the numbers of a servile class.”

27. His two principal works, *On the Heavenly Hierarchy* (cited as HH) and *On the Ecclesiastical Hierarchy* (EH) are available online at <http://www.ccel.org/ccel/dionysius/works.html>. Rorem (1993) provides a commentary on the texts and their influence.

28. Duby (1980 [1978]) is a standard account.

29. Duby (1974 [1973]: 174–177), Anderson (1996 [1974]: 128–172), Bloch (1961: Pt. 4).

30. Holt (2005) is a good general history. For an illuminating effort to sort out deaths, see J. B. Wood (1984: esp. 139–143, 152–156, 166–167). Compare Knecht (1996: 96–97). On the general interrelationship of religion, war, famine, and death in early modern Europe, see Cunningham and Grell (2001).

31. Roland Mousnier presents the classic—and extreme—statement of this reading. Mousnier (1973 [1969]: Ch. 1) sketches the model, which is developed at length for seventeenth- and eighteenth-century France in Mousnier (1979 [1974], 1979 [1980]). The relative roles of “class” and “orders”—stratification based on economic wealth and social position—was a matter of intense controversy during the Cold War. Today, most historians, including many of those with strong materialist leanings, acknowledge a central role for “orders” (and other corporate structures) in the social and political order of early modern Europe.

32. For a survey of the great variety of privileges of European nobilities, see Bush (1983).

33. In the three essays collected in Pico della Mirandola (1998), Dionysius is cited 32 times.

34. Pocock (1975) is a classic account of early modern republican theory.

35. Van Gelderen and Skinner (2002a, 2002b) provides a good, if somewhat fragmentary, introduction to the practice of early modern republicanism.

36. More generally, C. Hill (1991 [1972]) is a classic study of radical ideas during the English Civil Wars.

37. See, for example, Zagorin (1982: Ch. 7, 8) and Ruff (2001: Ch. 6).

38. T. E. Hill (2014) is an excellent brief summary.

39. I agree with Waldron (2012: 377–380) that there is no compelling reason to translate *Würde* as “dignity” and that “worth” actually seems more natural. But if dignity is understood as a particular kind of worth that demands respect then this conventional translation seems relatively benign (if a bit anachronistic).

40. Compare Kant’s claim in the *Critique of Practical Reason*: “‘The moral law is holy (invulnerable [*unverletzlich*]). A human being is indeed unholy enough but the humanity in his person must be holy to him.’ (Ak. 5:87)” (as cited in Rosen 2012: 81).

41. Korsgaard (1996: Ch. 4) and Dean (2009) are good chapter-length discussions of this idea.

42. Wollstonecraft contrasts the “mock dignity” of high society (1795: 27, 34, 129) with the “native dignity” of man (1795: 4, 87; 1790, 24, 26, 103).

43. Compare Wollstonecraft (1795: 41): “the rights of man, and his dignity ascertained were to be enthroned on the eternal basis of justice and humanity.”

44. Daniels (2011) provides an excellent introduction to the concept.

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