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## What's So Special About Human Dignity?

I must confess that I don't know exactly what that is: human dignity.<sup>1</sup>

– Jean Améry, *At the Minds Limits: Contemplations by a Survivor on Auschwitz and Its Realities* (1980).

What a sorry state for the human mind to be in, that the most remote and trivial ideas about the revolution of the heavens should be better known than the moral notions which are near to hand and of the greatest importance. . . This apparent paradox vanishes if we consider how objects too close to our eyes become blurred.<sup>2</sup>

– Cesare Beccaria, “Of Honor” (1764).

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1. Jean Améry, *At the Minds Limits: Contemplations by a Survivor on Auschwitz and Its Realities* (Bloomington: Indiana University Press, 1980), 27.

2. Cesare Beccaria, “Of Honor” (1764), in *On Crimes and Punishments and Other Writings*, ed. Richard Bellamy, (Cambridge: Cambridge University Press, 1995), 26.

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I

Human dignity is something special. Or so it seems to us humans at least. As one prominent theorist recently explains: “The core idea of human dignity is that on earth, humanity is the greatest type of being.”<sup>3</sup> And who could deny it? Don’t our unique human capacities (for reason, technological mastery, freedom, self-control, etc.) mark us out from the beasts, as it were? Don’t they grant us a special dignity—an elevated place in the order of creation?<sup>4</sup>

It is a wonderful piece of self-flattery. But nothing in the concept of human dignity actually commits us to it. Dignity can be shared across species. There is no logical rule against this. Indeed, chickens may well have a dignity (i.e., chicken dignity) that rivals that of human beings, even if it may not impose the same practical requirements (such as the right to vote). At its core, talk about human dignity is simply talk about the kind of dignity attributable to human beings; it need not make any assumptions, positive or negative, about the dignity attributable to other animals. This is not a trivial point. As Michael Meyer puts it, it would be a “cruel irony” if human dignity, a foundational moral idea of our time if anything is, turned out to be an inextricably speciesist concept.<sup>5</sup>

This paper argues that human dignity is special in a rather different sense. If we think of normative concepts (justice, mercy, charity, freedom, equality, utility, etc.) as plural—that is, if we think there is more than one, and that each picks out a meaningfully distinct set of concerns—then we might wonder how the concept of human dignity fits into this varied landscape. Is there anything *special* about the concerns it raises, or the practical directives it issues? And if so, what?

3. George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011), 3–4.

4. For a classic formulation of this (still popular) view, see Cicero, *On Duties* (Cambridge: Cambridge University Press, 1991), eds. M. T. Griffin and E. M. Atkins, Book 1 (105), 41. For more recent formulations, see Kateb, *Human Dignity*; Patrick Lee and Robert P. George, “The Nature and Basis of Human Dignity,” *Ratio Juris* 21 (2008): 173–93; James Rachels, *Created From Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), 171; and Jeremy Waldron, *One Another’s Equals: The Basis of Human Equality* (Cambridge: Harvard University Press, 2017), 3–4.

5. Michael Meyer, “The Simple Dignity of Sentient Life: Speciesism and Human Dignity,” *The Journal of Social Philosophy* 32 (2001): 115. For more on this, see Will Kymlicka, “Human Rights Without Human Supremacism,” *Canadian Journal of Philosophy* 48 (2018): 763–92; Martha Nussbaum, “Compassion & Terror,” *Daedalus* 132 (2003): 18; Peter Singer, *Animal Liberation* (New York: Harper Collins, 2002), 198–9.

In what follows, I suggest that dignity's concern is with social status and its markings—or what we sometimes call “honor.” What it requires is that we avoid subjecting people to the specific (socially oriented) harm of humiliation or degradation and, more positively, that we help protect them from such harm, too. In arguing this, I am taking sides in an established debate.<sup>6</sup> But I offer new reasons for taking this side, and develop the technicalities of the view.

Theories of dignity are often stipulative.<sup>7</sup> Some associate dignity with a duty to respect the moral inviolability of persons;<sup>8</sup> others, with a duty to promote basic capabilities;<sup>9</sup> others, with the virtue of self-control;<sup>10</sup> and so on. Apart from observing certain obvious constraints—e.g., that human dignity must belong to all human beings, and generate reasons and/or duties—thinkers just seem to plonk down in favor of their preferred (stipulated) view. And this fuels a common perception that dignity is, in the end, just a placeholder (“nothing but a phrase”) on which nearly any theoretical agenda can be projected—a quality that some have argued is, ironically, key to its success.<sup>11</sup>

But dignity is not just a placeholder. On the contrary, it is rich in normative content. And this content is, once again, special; it has to do with our social lives, and social vulnerabilities, in particular. Moreover, we can

6. In particular, I side with thinkers like David Luban, “Human Dignity, Humiliation, and Torture,” *Kennedy Institute of Ethics Journal* 19 (2009): 211–30; Avishai Margalit, *The Decent Society* (Cambridge: Harvard University Press, 1998), tr. Naomi Goldblum; Daniel Statman, “Humiliation, Dignity and Self-respect,” *Philosophical Psychology* 13 (2000): 524–40; and Jeremy Waldron, *Dignity, Rank, and Rights* (Oxford: Oxford University Press, 2012).

7. I borrow the description from Waldron, *Dignity, Rank, and Rights*, 22–3.

8. Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), 198; John Rawls, *A Theory of Justice: Revised Edition* (Cambridge: Harvard University Press, 1999), 513; John Tasioulas, “Human Dignity as a Foundation for Human Rights,” in *Understanding Human Dignity*, ed. Christopher McCrudden, (Oxford: Oxford University Press, 2013), 307–8.

9. Martha Nussbaum, “Human Dignity and Political Entitlements,” *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington, DC: President's Council on Bioethics, 2008), 351–81.

10. Michael Meyer, “Dignity, Rights, and Self-Control,” *Ethics* 99 (1989): 520–34.

11. See Charles Beitz, “Human Dignity in the Theory of Human Rights: Nothing but a Phrase?” *Philosophy and Public Affairs* 31 (2013): 259–90; Kateb (2011), 4; Christopher McCrudden, “Human Dignity and the Judicial Interpretation of Human Rights,” *European Journal of International Law* 19 (2008): 675–8; John Tasioulas, “Human Rights, Universality, and the Values of Personhood: Retracing Griffin's Steps” *European Journal of Philosophy* 10 (2002): 95.

demonstrate this by examining considered judgments about particular cases.<sup>12</sup>

## II

A complete philosophical theory of human dignity should have four main components. First, it ought to tell us something about human dignity's *nature*, or "what" it is. Is it a kind of value, status, or virtue?<sup>13</sup> Second, once we understand what human dignity is, we'll want to know what *grounds* it—that is, how and why one comes to possess or lose it. Third, as a normative concept, a complete theory of human dignity should tell us what its *practical requirements* are: what duties and/or reasons it generates. And fourth, there are *methodological* questions about how inquiry into all of this should proceed and be understood.

One natural way to construct such a theory is to begin by answering the first question, about human dignity's nature, and then to address the other questions accordingly. For instance, if we start by thinking of dignity as a virtue, this will structure our thinking about its grounds and practical requirements. On the one hand, it will have to be grounded in aspects of one's character and behavior (e.g., the tendency to "stand up for oneself," or to keep composure under challenging circumstances). And as for its practical requirements, these will depend, at least in part, on our understanding of the correct response to virtue (or vice), such as praise (blame), admiration (contempt), or reward (punishment).

My strategy here will be different, and in a sense opposite. Instead of starting with an account of its nature, I start with some observations about human dignity's practical requirements—in particular, about the conditions of its "violation." The various accounts or theories of human dignity I consider below should be understood as accounts of these requirements, first and foremost. Once we are satisfied that we have the right practical account, we can then use it as a benchmark for understanding the idea more generally.<sup>14</sup>

12. I understand "considered judgments" in the classic Rawlsian sense. Rawls, *A Theory of Justice*, 42.

13. I am alluding, here, to helpful distinctions drawn by Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012).

14. We can think of this as part of a two-step process toward achieving (some measure of) "reflective equilibrium" (Rawls, *A Theory of Justice*, 42–5). In the first step, which is the preoccupation of this paper, we revise (a) our general understanding of human dignity's

## III

To see why it makes sense to think of human dignity as (normatively) special, consider a familiar sort of event.

*Bicycle Theft:* Sheila bikes to work one morning. Upon arrival, she responsibly locks her bicycle to a rack on which plenty of other bicycles are also locked. At the end of the workday, she once again emerges only to discover that her bicycle has been mercilessly stolen.

Sheila is, of course, morally wronged in this instance. If, like her, you own a bicycle, others have a corresponding duty not to take it without your consent. But however obvious it is that Sheila is wronged, it is not as clear that her human dignity is at stake, or in any way undermined. Indeed, I think most would resist understanding this as a violation of human dignity, at least on the current description.

The same is true of countless other ordinary moral wrongs. Consider a second case:

*Vandalism:* One evening, a group of adolescents get up to no good and, in a fit of juvenile delinquency, throw a rock through the window of a local corner store. Thankfully, it is after closing hours, so the shop is empty, and no one is hurt.

This too, of course, is wrongful treatment—a senseless (and dangerous) attack on private property. But do the reckless adolescents violate anyone's human dignity? Once again, this seems less clear.

Not all moral wrongs convincingly register as violations of human dignity, then. And this suggests that dignity is normatively special—that its violation represents a particular *type* of wrong. Such a claim might seem obvious, in the abstract. But it happens to be at odds with a large

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practical requirements in light of (b) our considered judgments about particular cases. In the second step, we revise our understanding of the (c) nature and (d) grounds of human dignity in light of both (a) and (b). I say a little bit about how this second step might go in note 77, below.

body of existing theory. According to many theorists, human dignity is concerned with humanity's membership in the moral community, with "moral status," rather than the provision of some particular moral good. This is what we might call a Gateway theory. Any treatment short of what is owed to human members of the moral community—to anyone residing *within* that gateway, as it were—will violate dignity, on such a view.<sup>15</sup>

Just what sort of conduct this includes will depend on the type of Gateway theory one adopts. On a standard version of the view, human dignity requires respect for the moral "worth" of *Homo sapiens*—for the fact that, unlike rocks, cloud formations, and kitchen cabinets, human beings are objects of intrinsic (rather than merely instrumental) concern, and are owed a full gamut of moral observances in light of this.<sup>16</sup> On another version, popularized by thinkers like Joel Feinberg and Stephen Darwall, dignity demands respect for the moral "authority" of persons: the right to *claim* moral treatment, or "stand up" and insist that one actually gets what one is owed.<sup>17</sup> This is sometimes understood as a requirement of respect for rights, i.e., an agent's authoritative claims against others.<sup>18</sup> But it is also understood in contractualist terms, as a basic demand to treat others in "justifiable" ways.<sup>19</sup>

Either way, Gateway theories can hardly make sense of our judgments about *Bicycle Theft* and *Vandalism*. Not only do these cases both involve ("unjustifiable") moral wrongs, they both involve rights violations, and thus violations of dignity, on the Gateway view.

15. Charles Beitz calls these "encompassing" theories, to indicate their moral breadth. Beitz, "Human Dignity in the Theory of Human Rights," 279–80.

16. It will of course matter what kind of "worth" this consists in, exactly (e.g., is it divine?). But just to give one typical example, Patrick Lee and Robert P. George suggest that treatment consonant with moral worth involves: (1) not killing human beings, (2) taking their well-being into account when we act, and even (3) complying with the golden rule. Lee and George, "The Nature and Basis of Human Dignity," 173.

17. See Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), 13–4; Joel Feinberg, "The Nature and Value of Rights," *The Journal of Value Inquiry* 4 (1970): 252–3.

18. Darwall, *The Second-Person Standpoint*, 18–20; Feinberg, "The Nature and Value of Rights," 252.

19. Rainer Forst, "The Ground of Critique: On the Concept of Human Dignity in Social Orders of Justification," *Philosophy and Social Criticism* 37 (2011): 965–76. I consider a more minimal interpretation of the view in note 36, below.

Perhaps this moves too fast, though. It is possible that the cases do register as attacks on human dignity: just very minor (nearly undetectable?) ones. After all, as far as moral wrongs go, these are relatively harmless. Worse things can happen to a person. And if minor wrongs like these come across as minor violations of human dignity, this is conceivably all well and good from the point of view of Gateway theories.

But this conciliatory strategy won't work. For one, even if there is room for disagreement about this, it seems entirely natural to understand *Bicycle Theft* and *Vandalism* as posing *no* threat to human dignity. And that's of course not something that can be explained by appealing to the *minor* nature of the wrongs themselves. More importantly, though, we shouldn't confuse the gravity of a crime with its patency. Even if they aren't especially grave, the two cases patently involve moral wrongs—indeed, rights violations. According to Gateway theories, they should also patently involve dignity violations. But they do not.

#### IV

These cases give us reason to think human dignity is special: that not *all* moral wrongs violate, attack, besmirch, or undermine it. This only raises a further question, however. If dignity is special, what's so special about it? What distinguishes “dignitarian” from “non-dignitarian” harms?

To answer this, we need more data. And for that, we can consider variations on the preceding cases, as well as others. If we discover patterns in these variations, or factors that consistently trigger (or assuage) concerns about dignity, this will be instructive. For instance, while the average bicycle theft isn't naturally (or normally) pegged as a violation of human dignity, much depends on the details. What if Sheila is a disabled person, and the theft is a premeditated attack designed to take away her only means of independent transportation: a modified bicycle custom-built for her at great cost? If this is part of the case description, it becomes more natural to think it describes an assault on dignity.<sup>20</sup>

20. For a related, real-world case: when baggage handlers lost his motorized wheelchair, Justin Levene, a paraplegic, dragged himself through Luton Airport to show that the loss was an issue of “personal dignity”. Clive Coleman, “Paraplegic man drags himself through airport,” *BBC*, November 2, 2018, <https://www.bbc.co.uk/news/uk-45765767>.

Or imagine, in *Vandalism*, that the adolescents involved are young members of the Ku Klux Klan, and attack the store in order to intimidate its owners: an African American family that has just recently moved into a mostly white neighborhood. Once again, these details change things. They make it difficult *not* to think of the case as an attack on human dignity.

Consider, in addition, a third case.

*Homicide*: Late one evening, Charlie is walking home. As he nears the doorstep of his apartment building, two armed assailants approach him, and attempt to steal his backpack. This creates a struggle, in the midst of which one assailant fires a gun, striking Charlie in the chest. The injury proves fatal.

Unlike the previous cases, this is a grave crime from the start. Like those cases, however, altering its details can transform its dignitarian significance. Suppose, once again, that we introduce an element of discrimination: Charlie is attacked because he is an immigrant who, according to the assailants, does not “belong” in their country. Or, suppose we alter details about the manner in which Charlie is killed. What if Charlie is shot, not haphazardly in “the heat of the moment,” as it were, but in cold blood, at point blank range, in the head? Or what if Charlie is made to kneel or lie down before being shot from behind, in the style of a summary execution? What if he is beheaded on his doorstep?

These excruciating details transform the nature of the crime in a profound way. They inject a kind of offense (or outrage) into it that strongly triggers concerns about human dignity. But what, if anything, does this tell us about the nature of such concerns?

v

The philosophical literature provides us with a litany of interpretive options here. There are a number of influential theories that, unlike Gateway theories, tie human dignity to a specific moral value, principle, or injunction—one which, crucially, may be at issue in the case of some moral wrongs but not others. To simplify things, we can group these theories under two broad headings: Autonomy and Inviolability theories. The former link human dignity to a requirement of respect for human autonomy. The latter link it to respect for the moral inviolability of persons or the rights thereof. Consider each group in turn.

Some Autonomy theories focus strictly on so-called “negative” liberty: that is, simple duties of noninterference.<sup>21</sup> But most incorporate positive duties as well. For instance, James Griffin links human dignity to respect for “personhood”—our capacity to independently formulate a life plan and then to act on it.<sup>22</sup> Respecting this capacity involves noninterference, but it also requires material and educational assistance (what Griffin calls “minimum provision”).<sup>23</sup> Similarly, Martha Nussbaum understands human dignity to require “creating the conditions” in which individuals can exercise and develop their “central human capabilities,” such as capacities for health, imagination, thought, sensation, emotion, practical reasoning, friendship, play, and so on.<sup>24</sup> This isn’t just a matter of leaving people alone. It requires providing them with reliable access to various life-enhancing goods.

These are attractive theories, considered on their own terms. But they have questionable interpretive power in the present context. It is true that, in *Bicycle Theft*, part of what distinguishes the more egregious, dignity-violating version of the crime is that, in it, Sheila loses not just a bicycle but her sole means of independent mobility—an important aspect of her personal autonomy. So, Autonomy theories do have some hope of explaining why that version of the case more naturally registers as an attack on dignity.

But consider *Homicide*. Why, if Autonomy theories are correct, does a coldblooded gunshot to the head strike us as more of an affront to human dignity than a frightened gunshot to the chest? After all, both are squarely against the wishes of the victim, and equally likely to result in death and the destruction of agency. Why do factors like the posture and position of a victim and perpetrator at the moment of killing so strongly amplify (or relax) our sense that human dignity is at stake? Why, when all else is equal, do facts about the subjective attitudes of a perpetrator toward their victim, and whether these attitudes are discriminatory or not, demeaning or not, so strongly affect our sense of whether the perpetrator commits a *dignitarian* crime? These questions are not easily answered by Autonomy theories.

Inviolability theories face even graver interpretive difficulties. According to such theories, human dignity requires that every individual enjoy a set

21. David Boas, *Libertarianism: A Primer* (New York: The Free Press, 1998), 94–104.

22. James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008), 33 and 249.

23. *Ibid.*, 33.

24. Nussbaum, “Human Dignity and Political Entitlements,” 359; *Ibid.*, 377–8 for the list of such capabilities.

of basic entitlements (e.g., to life, privacy, autonomy, equality, minimum welfare, etc.) that, barring only the most extraordinary circumstances, are not to be overridden or traded off, even when this would serve some demonstrably greater good.<sup>25</sup> As John Rawls puts it, it means that persons “possess an inviolability. . . that even the welfare of society as a whole cannot override.”<sup>26</sup> This idea is often associated with Kant, and his “Formula of Humanity,”<sup>27</sup> but it also finds expression in Catholic ethical doctrine, where dignity is similarly associated with an “inviolable” right to life—often in a markedly absolutist mode.<sup>28</sup>

This is a popular way of understanding the practical import of human dignity: that it erects a strong (normative) “shield” around individual rights or persons. Still, it too has limited heuristic value in the present context. The main reason for this is that *all* of the cases described above, regardless of variation, break this shield, as it were. They all violate “inviolable” rights— e.g., to life, liberty, and property. According to Inviolability theories, the cases should therefore *all* come across as blatant violations of human dignity. But again, they do not. Some register as more obvious attacks on dignity than others. And it is not clear how Inviolability theories can explain this. Where else might we look for insight, then?

## VI

In 1970, Peter Berger, an Austrian-American sociologist, published a short essay entitled, “On the Obsolescence of the Concept of Honor.”<sup>29</sup> In it, he

25. See Dworkin, *Taking Rights Seriously*, 198; Tasioulas, “Human Dignity as a Foundation for Human Rights,” 307–8. For a high-profile legal example, see the 2006 *German Airliner Case*, helpfully discussed in Rosen, *Dignity: Its History and Meaning*, 104–7.

26. Rawls, *A Theory of Justice*, 513.

27. Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge: Cambridge University Press, 1785/1997), trans. Mary Gregor, 38 (4:429). Oscar Schacter makes this association explicit in “Human Dignity as a Normative Concept,” *The American Journal of International Law* 77 (1983): 849.

28. See Pope John Paul II, *The Gospel of Life [Evangelium Vitae]* (New York: Random House, 1995), which understands human dignity to require an absolute ban on stem-cell research, abortion, and euthanasia.

29. Reprinted in: Peter Berger, “On the Obsolescence of the Concept of Honor,” *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame: Notre Dame University Press, 1983), 172–81.

argues that the idea of “honor” has grown outdated: today, an individual asserting it “hardly invites admiration, and one who claims to have lost it is an object of amusement.”<sup>30</sup> In place of honor, Berger argues the modern West has rallied around the notion of “human dignity,” which he understands to be importantly different.

Berger explains that the acquisition and maintenance of honor is a social achievement. It requires public display, external approval, and the fulfillment of social roles. Human dignity, by contrast, is a more inward-looking concept, in Berger’s view. It is something one is meant to possess and pursue *outside* of the strictures of society, as part of a romantic search for individual authenticity or self-enlightenment.<sup>31</sup>

Berger’s thesis is interesting because it draws a stark contrast that we should reject. As several others also note, it turns out to be more illuminating to focus on the *continuities* between the “old” notion of honor and the “new” concept of universal human dignity.<sup>32</sup> Much like insults to honor, violations of human dignity characteristically humiliate, shame, or degrade. They attack our *social* standing, above all—undermining our sense of pride and belonging in society. This is, in short, what I think is special about human dignity. What it demands is that we avoid subjecting others to gross humiliation or degradation, and that we help protect them from such harm, too.

According to the *Oxford English Dictionary*, to “degrade” means to “reduce from a higher to a lower rank, to depose from a position of honor or estimation.”<sup>33</sup> If we think of human dignity as essentially concerned with a harm of this sort, we can make good sense of the cases (and variations) examined in Sections III and IV.

Consider *Bicycle Theft*, for example. Part of what separates the dignity-violating version of that case from its ordinary counterpart is not just its

30. *Ibid.*, 172.

31. *Ibid.*, 176.

32. See note 6 for relevant references.

33. I do not draw any conceptual distinction, here, between humiliation and degradation. But that is not to say that one couldn’t draw any such distinction. For instance, we might think of “degradation” as a specific *kind* of humiliation or social affront: one that is “sub-human,” in that no human being should have to endure it. This might help explain why it seems plausible to say that some people deserve to be humiliated (e.g., as a form of just punishment), but never that anyone deserves to be “degraded.” So far as I can tell, this distinction is consistent with the main argument to follow. However, I do not defend it here. I am grateful to an Associate Editor at *Philosophy & Public Affairs* for suggesting it.

greater overall impact on the victim's life, but its degrading or humiliating character. The variant case is degrading for a number of reasons. For one, unlike its more benign counterpart, it strips its victim of something ordinarily considered (and that we expect Sheila herself considers) crucial to one's pride or self-respect: independent mobility. In this regard, the sheer *impact* of the crime degrades its victim in a way that ordinary cases of bicycle theft do not.

Then there is the matter of the crime's *intent*. Unlike most ordinary cases of bicycle theft, this is a malicious and premeditated attack on a disabled person, which is significant in two ways. First, it means that there is something distinctly personal about the theft. It is no mere coincidence that *Sheila's* bicycle is the one stolen that day; rather, the perpetrator steals Sheila's bicycle precisely in order to attack *her*. It is humiliating (not to mention terrifying) to be targeted for attack by others, particularly when this is to exploit a vulnerability (in this case, a physical disability) that is already a source of stigma for the victim involved. In this way, the dignity-violating theft reinforces, or forms part of, a more general pattern of social exclusion and discrimination that is degrading in its own right.

Second, the intended impact of the crime—to render Sheila dependent and immobile—suggests that it is meant not just to harm or disable but, indeed, specifically to humiliate its victim: to attack her sense of pride and equal membership in society. Actions can degrade unintentionally. Torture, for instance, is degrading even if this is unintended. But when actions are purposefully designed to insult, humiliate, or degrade, this typically heightens the sense in which they do.<sup>34</sup> By the measure of both its impact and intentions, then, the dignity-violating version of *Bicycle Theft* is notably more degrading than its counterpart. There is a positive fit, here, between the degrading character of a crime, on the one hand, and the patency of its status as a violation of human dignity, on the other.

34. See Daniel Statman: "The pure cases of humiliation are those in which the humiliator explicitly seeks by his actions to reject the victim, to humble and degrade him, to exclude him from a specific group or from the family of man altogether. The weaker these evil intentions are, the weaker the justification is for feeling humiliated. When no such intention exists, humiliation is often out of place." (Statman, "Humiliation, Dignity and Self-respect," 531). To be clear, my claim here is only that intended humiliations are (typically) more humiliating *all else equal*, i.e., when compared to otherwise identical actions that are *not* intended to humiliate.

This correlation bears out across the other cases as well. *Vandalism*, for instance, violates human dignity only when it becomes degrading in intent: that is, once it transforms from a product of ordinary juvenile delinquency into a hate crime. As a hate crime, *Vandalism's* intent is degrading in much the same way as above. First, it is no longer a random but, now, a targeted attack on an African American family, *because* they are African American (in our world, already a source of social stigma and systematic discrimination). Moreover, it is now meant not just to harm but to socially terrorize its victims: to make them feel unwanted, excluded, humiliated, and afraid.

Or consider *Homicide*. When the assailants make Charlie kneel down for formal execution, it is clear that they are interested in more than just a backpack. Their aim must be to add *insult* to injury—to say something demeaning about the victim (e.g., that he is worthless, base, despicable, etc.) and their relationship toward him (e.g., that it is one of subordination and/or antipathy). This makes the crime viscerally degrading in a way that it otherwise isn't, and a blatant offense to human dignity as a result.

## VII

This completes the basic argument of this paper. If we put abstract theory aside for a moment, and look instead at our concrete (“applied”) judgments about what human dignity practically requires, and when it is violated or most at stake, we see that it is preoccupied not simply with moral status (or even specific moral goods like autonomy or inviolability) but with *social* status—with “honoring” a person, as opposed to humiliating or degrading them.

But just what is it to degrade or humiliate (or, by contrast, to “honor”) someone? If we can't say anything more about the nature of such a harm (or good), then it won't mean very much to say that dignity is concerned with it. This is not the place to offer a complete account. But we can make decent sense of the preceding observations, at least. If we start, once again, from the idea that to humiliate or degrade is to “reduce from a higher to a lower rank, to depose from a position of honor or estimation,” we can identify at least three general ways of perpetrating this kind of harm.

### A. *Disrespectful Attitudes*

First, and perhaps most straightforwardly, an agent can degrade or humiliate by adopting a *disrespectful attitude* toward others. An attitude, as I

shall understand it here, is “a complex set of dispositions to perceive, have emotions, deliberate, and act in ways oriented towards [someone].”<sup>35</sup> And an attitude is disrespectful if it has, quite simply, some contemptuous or demeaning component. This may involve moral disregard: a belief that someone has no (or lesser) moral value or authority—like a mere object or plaything.<sup>36</sup> Or it might involve something closer to disesteem: a failure of what Darwall calls “appraisal” (as opposed to “recognition”) respect.<sup>37</sup> If we think about the degradations of a caste society, for example, these are not just about moral discrimination, i.e., the assignment of lesser rights, value, and opportunities to certain members of the population. They are also about the attitudes of disgust, contempt, and condescension directed toward such persons, e.g., those deemed “untouchable.”

Attitudes can degrade because they are fundamental constituents of social relationships, and of social status in general. To fully inhabit a social position (friend, colleague, ruler, citizen, celebrity, etc.) others must reliably *take* one to have it—that is, one must be “seen” as having it.<sup>38</sup> Chloé and Lesley are not really friends, they do not really enjoy “friendship,” unless they both regard each other *as* friends (itself a socially constructed category). When others fail to adopt relevant attitudes toward us, then, this can threaten, undermine, and even obliterate our social position, humiliating or degrading us.<sup>39</sup>

35. Elizabeth S. Anderson and Richard H. Pildes, “Expressive Theories of Law: A General Restatement,” *University of Pennsylvania Law Review* 148 (2000): 1509.

36. This means that there is a sense in which Gateway theories do capture an important dignitarian demand—providing they govern our *attitudes* toward others. Indeed, the same is true of Autonomy and Inviolability theories. It is quite plausible, and entirely consistent with the preceding case studies, to think of human dignity as demanding that we “see” human beings as morally valuable/authoritative agents entitled to various freedoms, and/or inviolable protections. But this is not yet a standard of *treatment*. In the following Sections VII.B and VII.C, I explore dignity’s bearing on the latter.

37. Stephen Darwall, “Two Kinds of Respect,” *Ethics* 88 (1977): 36–49. In later work, Darwall understands “honor” as a “kind of recognition rather than appraisal respect.” Stephen Darwall, *Honor, History, & Relationship: Essays in Second-Personal Ethics II* (Oxford: Oxford University Press, 2013), 17). I think honor can involve both.

38. See Peter Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Penguin, 1966), 120–1 (on the social power of “symbolic” universes); G. A. Cohen, “Notes on Regarding People as Equals,” in *Finding Oneself in the Other* (Princeton: Princeton University Press, 2013), 197.

39. Self-perception is a crucial factor here, too. Chloé is not really Lesley’s friend unless she sees *herself* as such. This may be why the maintenance of self-respect is so often considered pivotal to dignity.

This seems true even if others treat us *as if* we hold a position they do not regard us as holding, or as worthy of holding. A white supremacist may treat their black neighbor as an equal without regarding them as one—that is, without regarding them as genuinely deserving of such treatment. It may be better, all else equal, for the racist to dissemble here. But their supremacist attitude is degrading nonetheless.<sup>40</sup>

### B. Expressions of Disrespect

In addition to holding disrespectful attitudes, agents can degrade or humiliate by treating others in ways that *express* such attitudes.<sup>41</sup> Expressing an attitude involves manifesting it in one's actions or statements in some way—including via gesture, tone of voice, posture, forms of art, or other expressive media.<sup>42</sup> And the attitude expressed or manifested by an agent's behavior partly depends on intent, i.e., the reason(s) for which the agent acts. This is because intentions reflect the attitudes one has. For instance, to borrow an example from Thomas Scanlon, if I call my sick relative because I am concerned about her welfare, the call expresses my care for her. But if I call because I hate her and expect I will enjoy hearing how weak she sounds, the same act now expresses an entirely different (disturbingly sadistic) attitude.<sup>43</sup>

Some actions express attitudes more overtly, because they are specifically designed to *communicate* them, i.e., to make others aware of an agent's attitudes by "sending a message." This is of course a particularly

40. Can a *private* attitude degrade or humiliate? If my neighbor secretly detests me, on account of my race, this is surely a degrading fact (for me), even if I am unaware of it. As evidence of this, consider (the further fact) that I would quite reasonably *feel* humiliated or degraded were I to discover it. I explore the relevance of emotion further in Section X.

41. I rely heavily, here, on the technical account of expressive harm offered by Anderson and Pildes. Anderson and Pildes do not themselves draw an explicit connection to dignity (though they do consider expressive harms to be "degrading" and "humiliating"). Anderson and Pildes, "Expressive Theories of Law," esp. 1544–5. Others make the connection more explicit: Sarah Buss, "Appearing Respectful," *Ethics* 109 (1999): 802; Rosen, *Dignity: Its History and Meaning*, 57–8.

42. ". . . the trip of a foote, the thrust of an elbow, the making with the mouth or hand an [uncivil] signe. . . [expresses] the base reckoning, which they that offer these contempts, make of the person vpon which they braue them". Henry Howard, Earl of Northampton, *A publication of his majesties edict, and severe censvre against priuate combats and combatants* (London, 1613), 13.

43. T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge: Harvard University Press, 2008), 100.

important form of expression.<sup>44</sup> Consider *Vandalism*, once again. If the attack on the shop window is a matter of ordinary juvenile delinquency, it demonstrates a certain idiocy and recklessness, to be sure. If this is a hate crime, however, it transforms in two respects. First, it expresses a different (and notably darker) set of attitudes: hatred, domination, and exclusion. This alone is enough to mark the crime as an insult to human dignity. But there is something else. As a hate crime, *Vandalism* is also designed to communicate those attitudes, to make the shop owners (and perhaps others) *aware* of their unwantedness by hurling an insult—as if to say, aloud: “You don’t belong here!”

All this helps us understand why intent matters in the way the foregoing analysis suggests. First, it explains why it is humiliating to *target* someone for mistreatment. I may be brazenly cut off by a fellow driver in rush hour traffic. This is of course a nuisance. And it is undoubtedly “jerkish” behavior. But it is not an attack on my human dignity because it is not really (at least not normally) an attack on *me*. Like an indiscriminate bicycle theft, it won’t usually matter to the driver that *I* am the person they cut off; indeed, they may hold no specific attitude toward me. They just want to get home as quickly as possible (and I just happen to be in the way). But all this changes if, as in the variations on the cases above, this somehow becomes a targeted attack; if the driver cuts me off because, say, I am from a low-income neighborhood, and they hold no regard for people “like me.” In that case, the act comes to express a kind of social contempt that it otherwise does not.

Second, we can now better understand why expressly *intended* humiliations tend to be more profound examples thereof. Deliberate communications of disrespect—e.g., insults “to one’s face”—have unique social consequences. It is one thing, as discussed above, for someone (*x*) to hold me in low regard, or to think of me as, say, less than equal. Because my social position depends on the attitudes of others, this already makes me less than equal, so far as my relationship with *x* is concerned. But when *x* communicates this disrespectful attitude to me, at least if the communication is successful or “received,” my social demotion (vis-à-vis *x*) is more complete. Had I never known *x*’s true feelings, we could at least engage under the pretense of relational equality; now that they are out in the open, this becomes impossible, and the relationship must proceed on new,

44. Anderson and Pildes, “Expressive Theories of Law,” 1503.

degraded terms.<sup>45</sup> Of course, I may not accept these terms. I may openly defend my equality, my honor. But the publicity of *x*'s attitude denies me even the sad privilege of feigned respect.<sup>46</sup> This is what the young Klan members deny the shop owners in the variation on *Vandalism*.

Important as intentions are, however, the expressive content of behavior is not wholly determined by them. For one, sometimes the revealing thing is what an agent *fails* to intend. A government that fails to fit public buildings with access for disabled persons shows disregard toward such persons, even if this is inadvertent.<sup>47</sup> An agent may also act on reasons, or express attitudes, that they are not consciously aware of.<sup>48</sup> And third, there are social norms to consider. In some instances, I may be unaware of what we might call the "public meaning" of my actions, i.e., "social conventions or norms that set public standards for expressing certain attitudes."<sup>49</sup> If I tell a sexist joke to my female colleague, this expresses a certain disrespect toward her (and, indeed, toward all women), even if I am somehow clueless about this.<sup>50</sup> Or consider again the variations on *Homicide*. It is (in theory) possible that the perpetrators have no real intention of humiliating Charlie when they make him kneel down for formal execution. Perhaps they even hold him in high regard. But what does it matter? This is a grave symbolic degradation, nonetheless.

This helps explain why, as remarked earlier, some actions (such as torture) humiliate or degrade regardless of intent. Treating others in a way that

45. As Anderson and Pildes note, "the communication of attitudes creates social relationships by establishing shared understandings of the attitudes that will govern the interactions of the parties" (Ibid.).

46. Such a display may seriously affect one's self-image. See Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 187 ("sociable man. . . is capable of living only in the opinion of others and, so to speak, derives the sentiment of his own existence solely from their judgment."); Rawls, *A Theory of Justice*, 155-6 (on the "social bases" of self-respect); Statman, "Humiliation, Dignity and Self-respect," 533-6; Charles Taylor, *The Ethics of Authenticity* (Cambridge: Harvard University Press, 1991), chap. V (on the need for "recognition").

47. Anderson and Pildes, "Expressive Theories of Law," 1512-3.

48. Ibid., 1513.

49. Idem. These are also called "systems of manners." See Buss "Appearing Respectful," 809 and 814; Cheshire Calhoun, "The Virtue of Civility," *Philosophy & Public Affairs* 29 (2000): 255.

50. The example is Calhoun's ("The Virtue of Civility," 266, note 23), and points to a general feature of systems of manners: that failure to conform constitutes an insult or "offense" even if none is intended. Of course, it may be easier to forgive or excuse such an offense if it is unintended.

expresses respect (or contempt) is not just a matter of intending to do this, or believing one does; our behavior must also conform to relevant public standards. Equally, being treated with respect (or contempt) is not just a matter of *feeling* respected (or contemned). We do not always see or feel things right. I may take a joke the “wrong way,” perceiving an insult where there is none. Or vice versa: I may be oblivious to a genuine affront.

### C. *The Loss of Status Markers*

There are public standards for expressing attitudes: conventions that determine which actions (e.g., extending one’s middle finger) express which attitudes (e.g., scorn). But there are also public standards of what we might call social respectability. These are norms (of dress, appearance, conduct, condition, vocation, material circumstance, and lifestyle, etc.) by which a group determines whom is *worthy* of attitudinal respect, and expressions thereof, and whom is not.<sup>51</sup> They reflect what, in other words, a society considers seemly, fitting, dignified, honorable, and appropriate—or shameful, inapt, undignified, and scandalous. In most social contexts, covering one’s body with (appropriate) clothing is a strict requirement of respectability or “decency,” for example.

A third general form of humiliation or degradation involves losing, or lacking, any such mark of social status, worthiness, or honor. This is something familiar enough from everyday life. We recognize it in the way people speak about, and fear, conditions like joblessness, poverty, disability, powerlessness, dependence, mental illness, illiteracy, celibacy, failure, and defeat, among others. And it is importantly connected to the previous types of humiliation or degradation, (A) and (B) When an agent loses or lacks a mark of social status (or is marked by *stigma*) this naturally triggers (A) disrespectful attitudes and (B) expressions thereof—it opens them up to humiliation and degradation in the first two senses.<sup>52</sup>

51. Another word for this, particular as applied to conduct, is an “honor code.” See Kwame Anthony Appiah, *The Honor Code: How Moral Revolutions Happen* (New York: W.W. Norton & Co., 2011), for a wide-ranging discussion.

52. The interaction runs in the other direction, too. (B) Expressions of respect [or disrespect] can themselves serve as (C) marks of status [or the lack thereof]. As Sarah Buss notes: “Good manners. . . [represent] human beings as objects of moral concern. To learn that human beings are the sort of animal to whom one must say “please,” “thank you,” “excuse me,” and “good morning,” that one ought not to interrupt them when they are speaking, that one ought not to avoid eye contact and yet ought not to stare, that one ought not to crowd them and yet ought not to be standoffish, to learn all this and much more is to

Think of the (A) derision and (B) jeers that can result from a lopsided defeat in professional sports, for example. And because norms of social respectability are often deeply internalized, their contravention can threaten an agent's self-respect as much as her standing in the eyes of others.

An agent's social respectability can be undermined by various parties. These include the agent herself, who may act, think, or speak in such a way as to "offend" against public standards. It includes others, who may (1) stigmatize the agent, i.e., insist on her lack of respectability, (2) prevent her from meeting established public standards, or (3) fail to help ensure that she does—as when a wealthy government allows some of its citizens to live in squalor. And it also includes blind chance (or the "natural lottery"), which may saddle us with any number of afflictions. Many regard the memory loss associated with dementia as a terrible humiliation, for instance.<sup>53</sup>

All of this helps explain the importance of what, in Section VI, I called "impact." In the adapted case, Sheila's treatment is degrading partly because it puts her in a stigmatized condition of dependency on others. Similar things can be said about the humiliations of torture. As mentioned earlier, torture is in part an expressive harm: it is a brutal *display* of power, cruelty, and contempt. But torture also places its victim into abominable conditions (e.g., of incontinency, exposure, helplessness, and fear, etc.) that are considered humiliating in their own right.<sup>54</sup> Plausibly, it is this duality that makes torture the paradigmatic affront to human dignity that it is.

To honor someone, then, is (A) to *adopt* appropriately respectful attitudes toward them; (B) to *express* such attitudes, both in our behavior, statements, and public practices; and (C) to *uphold*, in various ways, their

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learn that human beings deserve to be treated with respect, that they are respectable, that is, that they have a dignity not shared by those whom one does not bother to treat with such deference and care." Buss, "Appearing Respectful," 800–1.

53. I see no reason to agree with Rainer Forst ("The Ground of Critique," 967) and Avishai Margalit (*The Decent Society*, 9) that only *humans* can humiliate.

54. On this point, see Améry, *At the Minds Limits*, 27 (on "helplessness"); Waldron, *Dignity, Rank, and Rights*, 22; Luban, "Human Dignity, Humiliation, and Torture," 223–4; and Aurel Kolnai, "Dignity," *Philosophy* 51 (1976): 260.

social respectability. To degrade or humiliate someone, by contrast, is to violate one or more of these practical directives.

## VIII

This provides us with some understanding of what it is to humiliate or degrade. The analysis is still too general, however. After all, not every degradation or humiliation is an affront to human dignity. I may be (quite reasonably) humiliated to discover that a respected colleague thinks very little of my work, or that a friendly acquaintance finds my conversation dull. But it would be strange to think of any of this as an affront to human dignity. So, there is something more special still about the concept at hand—that is, about the *kind* of humiliations or degradations it prohibits.

There are various “domains” of dignity: various (partially overlapping) social spheres in which one can either win, lose, or maintain social status. One might be humiliated as, say, an athlete (e.g., in a lopsided defeat), a parent (e.g., if denied custody of one’s child), an academic (e.g., whose life’s work is soundly refuted), or a judge (e.g., disobeyed in court). But this is different from being degraded as a “human being,” or in the more fundamental sense that would constitute an attack on human dignity itself. In the more limited cases, we might say that *athletic* dignity, *parental* dignity, *academic* dignity, or *judicial* dignity is at stake—but not necessarily *human* dignity as such.

Attacks on human dignity are typically attacks on a less well-circumscribed social position: one’s background status as a citizen, as an equal, or as a fellow “human being.” That is why racism, in any form, is such a clear affront to human dignity. It deprives its victims of a basic social equality that is supposed to undergird their other worldly pursuits.

This helps us isolate our topic further. Human dignity, on this picture, is only one *species* of dignity, having to do with our basic status as equals in society, whatever other position(s) we may hold.<sup>55</sup> And the kind of humiliations or degradations it prohibits are, accordingly, those which attack, or otherwise ill befit, this basic rank. I cannot offer a detailed account of this status here. Jeremy Waldron describes it in diachronic terms, as an extension of (formerly) aristocratic rights and privileges to all—the historical result of a

55. On the distinction between dignity and *human* dignity, see Kolnai, “Dignity,” 253; Rosen, *Dignity: Its History and Meaning*, 19.

so-called “upwards equalization of rank.”<sup>56</sup> Given how it is supposed to *undergird* other social identities, however, it may be more fitting to think of it as a bare minimum rather than a noble height—i.e., a universal claim “to at least some minimum respect and honor in the human community.”<sup>57</sup>

If all this is correct, human dignity should function like other members of its genus. So, just as the dignity of *judicial* office, we normally think, calls for (A') a certain attitude of respect, (B') the expression thereof (“Yes, your honor”), and (C') appropriate conditions and bearing (e.g., a gown, a bench, and judicial solemnity, etc.), so too will *human* dignity, though in its own species-specific way.<sup>58</sup> As a distinctly egalitarian status, the latter calls for (A) an attitude of equal respect for all human beings, and (B) treatment, practices, and laws that effectively express this attitude. But if the analogy works, it also demands that (C) humans live and act in a way that “befits” their shared humanity.

And, indeed, human dignity is often discussed in this way. Interpreting the content of what must be directive (C), Ernst Bloch tells us that human dignity requires an “upright gait.”<sup>59</sup> Kant, in a similar vein, understands it to prohibit begging, flattery, servility (“Be no man’s lackey”), whining, kneeling, and even crying out in pain.<sup>60</sup> Cicero links it to self-control, courage, and “well bred” jokes.<sup>61</sup> These are in many ways absurd, machoistic rules—not unlike those one finds in dusty old rulebooks on “civility” or gentlemanly etiquette.<sup>62</sup> But they show that the species-genus

56. Waldron, *Dignity, Rank, and Rights*, 33–5.

57. Thomas E. Hill, *Autonomy and Self-Respect* (Cambridge: Cambridge University Press, 1991), 172. See also Elizabeth Anderson, “What is The Point of Equality?” *Ethics* 109 (1999): 287–337 (on “democratic equality”); Cohen, “Notes on Regarding People as Equals,” 195 (on “egalitarian fellows”); Avishai Margalit and Gabriel Motzkin, “The Uniqueness of the Holocaust,” *Philosophy & Public Affairs* 25 (1996): 73 (on membership in the “human commonwealth”); and Waldron, *Dignity, Rank, and Rights*, 58–61 (on “legal citizenship”), for alternative formulations.

58. The analogy is borrowed from Waldron, *Dignity, Rank, and Rights*, 18.

59. Ernst Bloch, *Natural Law and Human Dignity*, trans. D.F. Schmidt (Cambridge: MIT Press, 1986), 188, discussed in Forst, “The Ground of Critique,” 965–6; Waldron, *Dignity, Rank, and Rights*, 21.

60. See the section “On Servility,” in Immanuel Kant, *The Metaphysics of Morals* (Cambridge: Cambridge University Press, 1991), 6:436, 231–2—discussed in Rosen, *Dignity: Its History and Meaning*, 27; and Waldron, *Dignity, Rank, and Rights*, 25.

61. Cicero, *On Duties*, 37–41—discussed in, e.g., Nussbaum, “Human Dignity and Political Entitlements,” 354–7.

62. See, e.g., George Washington, *Rules of Civility & Decent Behaviour in Company and Conversation* (Carlisle: Applewood Books, 1746/1988).

analogy can help us make sense of the common idea that humanity itself is an office (or “dignity”) human beings must live up to. And not all such rules are necessarily absurd. For instance, less controversially, we might think of human dignity as requiring that we act *with* “humanity” (a moral virtue),<sup>63</sup> and that all persons have access to the basic rudiments of social respectability: food, healthcare, clothing, a living wage, the vote, and a roof over their heads, among other things.<sup>64</sup>

## IX

As Michael Rosen notes, “what counts as degrading or humiliating treatment varies drastically from culture to culture.”<sup>65</sup> Burping, for example, is (notably) considered courteous among some—a polite expression of satisfaction after a meal—but rude among others. Ostentation, or flaunting one’s wealth, is looked down upon in certain social contexts, and celebrated in others. Such differences show that public standards for (B) expressing respect, and (C) achieving or maintaining respectability, can change depending on the relevant “public.” This is not surprising. But it does mean that there is good reason to think that the duty not to humiliate or degrade, even if universal, will have a content that varies considerably depending on social context.

This presents a problem. First of all, the very practice of (C) *tying* an agent’s social respectability to various conventionally designated factors (related to appearance, conduct, and condition, etc.) is of course itself immensely problematic.<sup>66</sup> The fact that so many regard poverty as a

63. For an interesting analysis of this virtue, see Andrea Sangiovanni, *Humanity Without Dignity* (Cambridge: Harvard University Press, 2017), 62.

64. Human rights documents often employ this sort of language. For instance, Article 23(3) of *The Universal Declaration of Human Rights* (1948) (hereafter UDHR) states that “Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity.” And human rights activists will often speak of the “inhuman” or “squalid” conditions of, say, a jail or refugee camp as a degradation (or insult to human dignity). See e.g., Monica Costa Riba, “Please Don’t Forget Them,” *Amnesty International*, September 28, 2016.

65. Rosen, *Dignity: Its History and Meaning*, 127; See also Jeremy Waldron, “Inhuman and Degrading Treatment: The Words Themselves,” *Canadian Journal of Law and Jurisprudence* 23 (2010): 285.

66. I cannot even begin to do justice to the range of harrowing issues here. But some interesting discussions include: Elijah Anderson, “The Code of the Street: How the Inner-city Environment Fosters a Need for Respect and a Self-Image Based on Violence,” *Atlantic Monthly* (May 1994) (fascinatingly discussed by Buss, “Appearing Respectful,” 813–7); Alain

source of shame only makes things needlessly worse for the poor: adding social costs to a predicament that is already difficult enough.<sup>67</sup> Indeed, we ought to challenge any norm of respectability that imposes unjust burdens on individuals or groups. And this must include any norm that stigmatizes conduct or conditions (like poverty) that are outside of an agent's control.<sup>68</sup>

I think it goes without saying that life, for the vast majority of us, would be radically different if social norms were restructured in this way. But even if that is how things ought to be, we still have to reckon with the social world as it is. And as it is, societies routinely stigmatize unchosen predicaments—with respect to health, physical appearance, mobility, sexual orientation, gender, intelligence, marital status, employment, and wealth.<sup>69</sup> A theory of dignity should presumably bear these (nonideal) social facts in mind. Consider Sheila: the theft of her bicycle leaves her unable to move without assistance from others. *Should* she suffer any shame or stigma for this? Of course not. But these are very real and contextually understandable possibilities in the world as it is. And this seems relevant to the normative question of how we ought to treat her, with respect to her dignity. Indeed, it is an important part of what makes the theft so wrong.

Still, there must be some limit to the role of social conventions here. Otherwise the demands of dignity will be objectionably conservative. In a misogynistic society, men may find it degrading (or “beneath” them)

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de Botton, *Status Anxiety* (New York: Penguin, 2005); and Hill, *Autonomy and Self-Respect*, 160 (on snobbery).

67. For a cross-cultural examination of the “poverty-shame nexus,” see *Poverty & Shame: Global Experiences*, eds. Elaine Chase and Grace Bantebya-Kyomuhendo (Oxford: Oxford University Press, 2015); Robert Walker, *The Shame of Poverty* (Oxford: Oxford University Press, 2014).

68. It is perhaps worth noting that, even if we didn't stigmatize conditions like poverty—making them “respectable” according to social norms (C)—it would still be an offense, or indignity of type (B), to be indifferent to the plight of the poor. I thank an Associate Editor at *Philosophy & Public Affairs* for pressing this question.

69. As a reminder of this, consider Erving Goffman's often-quoted remark about stigma in America (surely no less apt today): “In an important sense there is only one complete unblushing male in America: a young, married, white, urban, northern, heterosexual Protestant father of college education, fully employed, of good complexion, weight and height and a recent record in sports. . . Any male who fails to qualify in any of these ways is likely to view himself as unworthy, incomplete and inferior.” Goffman, *Stigma: Notes on the Management of a Spoiled Identity* (New York: Simon & Schuster, 1963), 153.

to do, or even to be asked to do, work customarily allotted to women, such as cleaning, cooking, and child-rearing. But even if this is, in some sense, a grave humiliation for such men, is it really an affront to their *human dignity*? Could they reasonably make such a complaint? Surely not! This generates a puzzle: if local conventions determine what sort of treatment, conduct, and conditions infringe human dignity in some cases (like Sheila's), why not in others? Why wouldn't they determine whether it is undignified for a "man" to do a "woman's" work?<sup>70</sup>

This is where it is useful to return to the observation that not all humiliations or degradations count as affronts to human dignity. Indeed, if we take the findings of Section VIII seriously, then we can see why—even if there is some affront to "manhood" (or *manly* dignity) by local, misogynistic standards—there is no affront to the *human* dignity of these men. After all, they are in a position of patriarchal privilege; the humiliation they suffer, as they see it, is one of being "brought down" to the level of women. But that is hardly a threat to their social *equality*. By contrast, misogynistic conventions that limit women to only certain kinds of work, and that (in addition) brand those forms of work as "lower" or "lesser" than those assigned to men, do undermine the basic social equality of another group: *women*.

What respect for human dignity requires in such a society, then, is not protecting men from doing housework, but liberating women from an oppressive social structure, by changing local traditions (including norms of respectability) themselves. In this kind of way, the core egalitarian substance of the idea of human dignity can place important limits on the social relativity of its practical implications.

X

There is another puzzle to be reckoned with here, too. I suggested earlier that an agent can be humiliated or degraded without ever feeling so (and vice versa). If that is correct, what link is there, if any, between humiliation and the psychological experience, emotion, feeling, or trauma thereof?

70. For another articulation of this worry about conservatism/conventionalism, see Ariel Zylberman, "The Relational Structure of Human Dignity," *Australasian Journal of Philosophy* 96 (2018): 743–4.

It would be surprising if there were no such link. And there are two broad ways of imagining one. On the first, descriptive account, degradations or humiliations are whatever we *regard* as, and *experience* as, degrading or humiliating.<sup>71</sup> This makes emotion central. And it provides a role for social conventions in determining what counts as humiliating or degrading, too. But it leaves no room, again, for the familiar possibility of taking something “the wrong way,” i.e., perceiving an insult where there is none. Nor is it consistent with the plausible risk of being humiliated or degraded without knowing it—whether due to ignorance, brainwashing, or unconsciousness.<sup>72</sup>

On a second, normative account, if an agent is humiliated, this means they have “sound reason” to feel humiliated or degraded. Avishai Margalit defends this view.<sup>73</sup> But it, too, has problematic implications. In the aggravated case of *Bicycle Theft*, Sheila is the target of a humiliating attack. But is it right to say that she has good reason to feel humiliated by this attack? That seems questionable. Wouldn't it be better (and entirely justifiable) if she felt no shame at all? Indeed, the only agents who clearly *do* have reason to feel shame, in this sad affair, are Sheila's attackers, who behave appallingly. And yet, oddly, the normative account seems to impose a psychic burden on her.<sup>74</sup>

There is a way of avoiding this implication. It is one thing to have a reason to feel humiliated. But an alternate version of the normative account claims only that victims have a rational *permission*—that is, a license to feel humiliated, as it were.<sup>75</sup> Such a permission imposes no psychic burden; it only authorizes an agent to have certain (“fitting” or

71. Statman (“Humiliation, Dignity and Self-respect,” 532) defends this view.

72. This last concern is reflected in a 2005 decision by the English High Court, which explains: “Treatment is capable of being ‘degrading’ within the meaning of Paper 3 (of the European Convention on Human Rights), whether or not there is awareness on the part of the victim. However unconscious or unaware of ill treatment a particular patient may be, treatment which has the effect on those who witness it of degrading the individual may come within paper 3. It is enough if judged by the standard of right-thinking bystanders that it would be viewed as humiliating or debasing the victim, showing a lack of respect for, or diminishing, his or her human dignity.” (*Regina (Burke) v. General Medical Council* [2005] Q.B. 424, § 178 [Eng.]). For further discussion see Luban “Human Dignity, Humiliation, and Torture,” 219; Waldron, “Inhuman and Degrading Treatment,” 283.

73. Margalit, *The Decent Society*, 9.

74. See Krista K. Thomason, *Naked: The Dark Side of Shame and Moral Life* (Oxford: Oxford University Press, 2018), 121.

75. I thank Rowan Cruft for this suggestion.

“rational”) feelings under specific circumstances. And it allows for the possibility of error. Someone who feels humiliated or degraded may well be mistaken about whether they are *in fact* humiliated or degraded, on this view. Their feelings may be unlicensed. Conversely, someone who is ignorant of an affront will fail to notice the aptness of feelings they might otherwise have. These advantages speak in favor of the permission-oriented view.

XI

This paper argues that human dignity is concerned with social status, or a basic kind of social equality. And the argument is that this hypothesis fits best with our considered judgments about the cases surveyed in Sections III and IV, as well as other cases mentioned along the way.

I cannot claim that this is the *only* plausible way of understanding (the practical requirements of) human dignity, of course. And no single theory could account for the extraordinary variety of ways in which the concept is interpreted and used.<sup>76</sup> Still, the preceding observations give us good reason to think the present account will take us furthest along that path.<sup>77</sup>

Some added confirmation of this can be found in law, where the link to humiliation or degradation is a recurrent theme. Consider, for example, one of the most paradigmatic legal references to dignity: Article 3(c) of the 1949 Geneva Conventions. That article famously prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment.”

76. Two very good overviews here are McCrudden, “Human Dignity and the Judicial Interpretation of Human Rights,” and Rosen, *Dignity: Its History and Meaning*.

77. One other promising sign, here, is that the present account can help explain what connects some of the disparate “meanings” of dignity in everyday discourse. Rosen argues that dignity is sometimes understood as: (1) a kind of value or worth; (2) an elevated social rank; and (3) a virtue displayed in character and behavior [Rosen, *Dignity: Its History and Meaning*, 16]. This is no doubt correct, but these ideas are not as disconnected as Rosen suggests. As Andrea Sangiovanni correctly points out, when we think of dignity as (2) a high social rank (e.g., as in the “dignity” of a queen or duchess), we also use it, by extension, to refer to both (1) the high value or worth of that position, and (3) “the duties, attitudes, virtues, and bearing that ought to characterize those who occupy the higher-ranking role.” Sangiovanni, *Humanity Without Dignity*, 16. So placing central emphasis on (2), as the present account does, can help us understand usages (1) and (3) as well. See also Adam Etinson, “On ‘Aristocratic’ Dignity,” *European Journal of Political Theory* 19 (2019): 399–407.

There is at least a strong association, here, between violations of dignity and humiliation or degradation. But when the same article is later reproduced in the 1998 Rome Statute, establishing the International Criminal Court (ICC), that association becomes an *equation*. According to the ICC's *Elements of Crimes*, which interprets the Statute, outrages upon dignity *just are* crimes in which a "perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons."<sup>78</sup>

Or consider the way in which autonomy is sometimes curtailed in the name of dignity, suggesting the two values are not only distinct but may even conflict. In 1995, the French Conseil d'État upheld a municipal ban on "dwarf-tossing." The ban was energetically challenged by Mr. Manuel Wackenheim, a person with dwarfism who willingly participated in such events as paid work. Overriding his protests, the councilors explained that "using a physically handicapped person, who is presented as such, as a projectile . . . undermines the dignity of the human person."<sup>79</sup> It seems the crucial issue, in the council's eyes, was the expressive meaning of the act—the way it presents a vulnerable minority as a handy plaything (i.e., "projectile") for the majority. No matter that the humiliation was consensual.<sup>80</sup>

Does the present account fit with the popular idea that human dignity is the normative "foundation" of human rights?<sup>81</sup> As Rosen correctly notes, an entitlement not to be humiliated or degraded seems more like a specific human right than the all-encompassing foundation thereof.<sup>82</sup> And surely, few human rights are *exclusively* grounded in concerns about social standing, degradation, and humiliation (although some may well be: e.g., the right to equal treatment under the law; to nondiscrimination;

78. Article 8.2.b.xxi (Element 1), *Elements of Crimes* (2011), p. 27. For some other legal references in this vein, see note 72 above; and McCrudden, "Human Dignity and the Judicial Interpretation of Human Rights," 686–8.

79. See Conseil d'État, *Decision no. 136727*, lecture du 27 octobre 1995 (my translation). This decision was later upheld by the UN Human Rights Committee, *Manuel Wackenheim v France*, *Communication No 854/1999*, U.N. Doc. CCPR/C/75/D/854/1999 (July 15, 2002).

80. For further discussion, see Gerald Neuman, "Discourses of Dignity" in *Understanding Human Dignity*, ed. Christopher McCrudden (Oxford: Oxford University Press, 2013), 644; Rosen, *Dignity: Its History and Meaning*, 63–9.

81. "Recognizing that these rights derive from the inherent dignity of the human person"—Preamble, 1966 *International Covenant on Civil and Political Rights* (ICCPR) and *International Covenant on Economic, Social, and Cultural Rights* (ICESCR).

82. Rosen, *Dignity: Its History and Meaning*, 58–60.

against cruel, inhuman, and degrading treatment or punishment; and against slavery).<sup>83</sup>

That said, human rights do advance human dignity in several important ways. For one, the institutionalization of such rights itself expresses a certain (dignifying) regard for the importance of the individual in society, and vis-à-vis the all-powerful state.<sup>84</sup> This is partly because human rights are instruments of power themselves (to speak one's mind, run for political office, hold the state to account, strike, vote, choose one's spouse, collectively self-determine, etc.),<sup>85</sup> and empowering an agent is a way of expressing confidence, trust in, and respect for their decision-making capacities.<sup>86</sup> Most importantly, though, from the point of view of human dignity, these powers are allotted equally, and so carry a (resounding) message of *equal* respect—one reinforced by the fact that political power is a common status marker in its own right. These are two significant ways, then, corresponding to criteria (B) and (C), respectively, in which human rights advance human dignity, even if they have other purposes, too.

Finally, human rights do more than just ask us to respect the rights of all persons. They also ask us to *recognize* all persons as proper objects of respect, and bearers of rights, in the first place—to have “faith” in this basic idea.<sup>87</sup> We may not violate the dignity of others by failing to respect one or more of their rights (whether that right is “human” or not), but we certainly do violate their dignity if we fail to even *see* them as equal rights-bearers more generally, contra requirement (A). And so perhaps what well-known preambular references to human dignity do is set us on the right foot, as it were, by helping us adopt a human rights-friendly

83. Articles 7, 2, 5, and 4 (respectively) of the UDHR.

84. “. . . persons express respect for one another in the very constitution of their society” (Rawls, *A Theory of Justice*, 155–6). Also see Anderson and Pildes “Expressive Theories of Law,” §3.

85. Articles 19, 21(2), 6–12, 23, 21(3), 16(2) (respectively) of the UDHR, and Article 1 of the ICCPR. For a more explicit endorsement of the right to strike, see Article 8(d), ICESCR.

86. See Anderson, “What’s the Point of Equality?” (on “democratic equality”), and Pablo Gilabert, *Human Dignity and Human Rights* (Oxford: Oxford University Press, 2018), 165–81 (for a broader discussion of the relationship between power, human dignity, and human rights). It’s worth noting that human rights also empower groups, and thus also the dignity of collectives. See Peter Jones, “Human Rights and Collective Self-Determination” in *Human Rights: Moral or Political?* ed. Adam Etinson (Oxford: Oxford University Press, 2018), 441–60, for a discussion.

87. Preamble, UDHR.

attitude toward others.<sup>88</sup> That wouldn't make human dignity *the* foundation from which all human rights are "derived." But it would make it an important prelude to such rights: an invitation to see humanity as, at base, a society of equals.<sup>89</sup>

88. René Cassin, a key drafter of the UDHR, compared the preambular references to dignity to "courtyard steps" leading up to the "temple portico" of the Articles themselves. See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), 174.

89. We might consider this as an example of what Iris Murdoch calls a "moral vision"—see *Existentialists and Mystics: Writings on Philosophy and Literature* (New York: Penguin, 1999), 76–99.