



Human Dignity¹

Roberto Andorno invited me to present at the beginning of this conference some considerations about a fundamental question the concept of human dignity is connected with. I gladly accept this invitation, and I hope my remarks may be useful as an introduction of the subject of this conference. My considerations are motivated by a very special debate we have in Switzerland concerning the question whether the concept of dignity can be transferred to monkeys. This debate is caused by an article of the Federal Constitution of Switzerland which determines that the ‚dignity of creatures‘ (‘Würde der Kreatur’) is to be respected in all kinds of research in the field of nonhuman nature, that’s to say animals and plants.

Those who transfer the concept of dignity to monkeys mostly refer to the similarity of the biological properties of monkeys on the one hand and human beings on the other. This argument presupposes that human beings have human dignity because they have a human nature in a biological sense. Monkeys and especially anthropoids share the same morally relevant empirical properties, too, and therefore the concept of dignity can be transferred to them.

In my opinion, this kind of reasoning ignores a fundamental difference between human beings and monkeys, but this difference is not to be found in different empirical properties. The difference I think of is indicated by the fact that in some contexts the expression ‚human being‘ is a *nomen dignitatis*, i.e. an expression with a normative meaning. In connection with degradation or torture this normative meaning becomes clear in appeals such as: „But they are human beings!“ (i.e. creatures who *ought not* be treated in this way). In contrast the expressions ‚monkey‘, ‚animal‘ or ‚plant‘ don’t have any normative meaning. What are the reasons for this difference? How can we explain the normative meaning of the expression ‚human being‘? In my view, this is the most fundamental question regarding the concept of human dignity.

¹ Remarks at the beginning of the international workshop „Human Dignity, Human Rights and Bioethics“ 5.-6. November in Zürich.



This question requires some considerations concerning the specific structure of the social world in contrast to the natural world. In the natural world things are what they are – a monkey, a blade of grass or a human being in the biological sense -- independently of our recognition and respect. In contrast, the social world is based on recognition and respect. *Recognition* (acknowledgement, auf deutsch: *Anerkennung*) governs social belonging and social status. It governs who belongs to the social world or to a particular group within it, as well as the social status a person has within this world. On the other hand, *respect* has to do with the claims and rights a person has on the basis of social belonging or a certain social status.

If this characterisation of the social world applies, it is marked by an *epistemic paradox* resulting from the creative character of recognition which generates social reality. Recognition refers to a reality -- a social belonging, social status -- which is not already there, but which *becomes* social reality through that very recognition. Yet how can something be recognised as real which only becomes real as a result of such recognition? It is this paradox from which the view that human dignity is socially *awarded* primarily draws its plausibility. Awarding (deutsch: *Zuerkennung*) is different from recognising (deutsch: *Anerkennung*). Recognition implies the idea that there is something which precedes recognition and which is the reason for recognition. Those who don't recognise human dignity make a moral mistake. Awarding doesn't imply such an idea. The reality it refers to is only given as a result of the awarding. Critics of this view sense it is in danger of abandoning human dignity to caprice. The question of which creatures possess human dignity then depends on which creatures are awarded human dignity. In order to circumvent this, the only alternative seems to be to make human dignity a given in conjunction with something which precedes all awarding or recognition; and the obvious answer is to attribute it to the biological nature of human existence. The SCIP-arguments in the debate concerning the human dignity of prenatal life – species, continuity, identity and potentiality – are



of this kind. This in turn raises the question of how a normative state of affairs ought to be a natural given. For, in its entirety, nature knows no 'ought', as Immanuel Kant argued.²

In my opinion, a possible solution of this problem is the following. In order to be a member of the human social world, a creature must have certain biological properties which are common to human beings. But this is only a necessary, not a sufficient condition, because being a member of human community is not a natural, but a social status based on recognition and respect. On the other hand, it is not the *factual* recognition and respect the membership of human community is based on – as those are thinking who regard human dignity as socially awarded –, but the fact that recognition and respect are *owed* to a creature because of its biological human properties. This means that membership of the social world is not an empirical status based on factual recognition but a *normative status* based on due recognition. A creature can have this normative status without having the empirical status because the recognition as a member of the human community is refused and it is treated as a non-human or 'sub-human'. It is important to see that a creature has not to be recognised as a human being (in the sense of a member of the human community) because it *is* a human being in this sense, but rather it *is* a human being in this sense *because it has to be recognised as such*, due to its natural human properties. This is meant by the statement that the membership of the social world is a normative status.

This consideration can clarify the connection between the epistemic paradox characterising the social world and the normativity inherent in it. The social world compensates for the not-yet-existence of a reality which is the object of recognition and which only becomes real through that recognition by using normativity in the shape of a *recognition due*. It is this due-ness by which recognising differs from mere awarding, which can be arbitrary. Within this due-ness is the precedent of recognition, as a substitute for the not-yet-existent reality which emerges only through recognition. In contrast, the confusions within the debate on human dignity are caused by a transferral of the paradigm of the

² Kant, Kritik der reinen Vernunft, in 10 volumes, ed. by Wilhelm Weischedel, Vol. 4 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1983), 498 (B575). *Critique of Pure Reason (The Cambridge Edition of the Works of Immanuel Kant in Translation)* ed. by Paul Guyer & Allen W. Wood (Cambridge: Cambridge UP), 1999.



natural world to the social world, creating the impression that only something which is already there can be recognised, just as in the natural world only that which is already there can be recognised. Following this train of thought, human dignity already has to be there in order for us to be able to recognise it. The consequence is a naturalism which anchors human dignity beyond the social world within the biological nature of human existence.

In summary: For our understanding of human existence, the distinction between the natural and the social world is crucial. It means that we have to make a differentiation between the biological concept of human existence and a social concept. The latter refers to membership of the human community. With regard to the social concept we have to make a distinction between a normative and an empirical status. Empirical status is measured according to factual recognition. In contrast, a normative status is given when a creature is *owed* recognition as a human being, on the strength of which *it has the* empirical status of a member of the human community. It is *owed* because that creature fulfils the necessary biological criteria. As an indication of this normative status, the word 'human being' is a *nomen dignitatis*. Being human in the sense of this normative status means being a creature which has to be *recognised* and *respected* as a human being. The concept 'human dignity' makes the normative content of the term 'human being' explicit. Human dignity is thus best conceived as conceptually implicated by the social concept of human existence. If this is true, human dignity is a *social reality* and not only a philosophical or theological idea or construction. This leads to a simple definition of the concept of human dignity: *having human dignity means being a creature which is to be recognised and respected as a human being in the sense of a member of the human community, and which is to be treated accordingly*. And this is equivalent to *being a member of human community*. As a normative status independent of factual recognition and respect, human dignity is "inviolable" (deutsch: *unantastbar*). This formal definition of human dignity does not, of course, tell us which creatures are to have human dignity and which biological criteria are relevant to this fact – for instance regarding the status of prenatal life –, nor what human dignity entails.



This leads back to the monkeys and our debate in Switzerland. If these considerations are true, then animals and plants do not have a dignity which is comparable to human dignity. The latter results from the specific character of the social world, in which social belonging and social status are based on due recognition and respect. Animals and plants, in contrast, belong to the natural world and they are what they are independently of our recognition and respect. Therefore, unlike the term 'human being', the word 'animal' or 'plant' is not a *nomen dignitatis*, i.e. it does not have a normative import. Of course, it is possible to charge these words with such an import. For example, one could imagine that parents, upon seeing a child who is torturing an animal, will frown and say: "But that is an animal!". Thus children learn that animals are not to be treated arbitrarily and they associate the word 'animal' with a normative import. In this sense it may be possible to speak of a dignity possessed by animals and plants. And yet, this dignity is fundamentally different from human dignity, the latter being anchored in the constitutive state of the social world.

It may be noticed that these considerations don't have the character of a justification or proof of human dignity in the shape of a derivation from a principle like freedom or autonomy or the religious doctrine of *imago Dei*. Rather they have the character of showing it, of making it plausible as a social reality by illuminating the structure of the social world. Human dignity doesn't require a proof or a justification but it requires to be understood, and when it is understood it cannot be denied. It cannot be denied because we cannot deny the existence of the social world. If these considerations are true, it cannot be controversial whether human beings in the sense of members of human community have human dignity. They *have* by the mere fact that they are members of human community. There are only two questions which can be controversial, namely the question which creatures belong to human community and the question which duties and rights this membership entails. The first question cannot be answered in a naturalistic manner, i.e. by referring to natural properties, but only by an investigation of the social concept of human being on which depends which natural properties are relevant to the recognition of a creature as a human being in the social sense. For example: Is the fact that a being, for instance an embryo, descends from a human being a sufficient condition for the social recognition owed to it as a human being? Regarding the second question it may be asked



whether the duties and rights the membership of the social world entails can be reduced to one single aspect like autonomy or the right not to be humiliated. (By the way it is an important question whether human dignity is in itself a right or whether it constitutes rights, namely human rights. In my opinion the concept of human dignity is connected not with the concept of right but with the concept of duty or obligation, namely the duty to be recognised and respected. Human rights can be derived from this obligation and this means that they are a social reality, too, based on the social concept of human being, i.e. on the membership of human community. Those disregarding human rights disregard a social reality and not only a philosophical or theological idea.) But this is a wide field of discussion, and I hope that this conference will help to clarify some of these questions. Thank you very much.