

Jeff Malpas
Norelle Lickiss
Editors

Perspectives on Human Dignity

A Conversation



Springer

Perspectives on Human Dignity: A Conversation

Perspectives on Human Dignity: A Conversation

Edited by

Jeff Malpas

University of Tasmania

Australia

and

Norelle Lickiss

University of Tasmania and University of Sydney

Australia



Springer

A C.I.P. Catalogue record for this book is available from the Library of Congress.

ISBN 978-1-4020-6280-3 (HB)
ISBN 978-1-4020-6281-0 (e-book)

Published by Springer,
P.O. Box 17, 3300 AA Dordrecht, The Netherlands.

www.springer.com

Printed on acid-free paper

All Rights Reserved
© 2007 Springer

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

Foreword

The Honourable William Cox AC RFD ED,
Governor of Tasmania

The issue of human dignity was given a new impetus at the end of the Second World War as a reaction to the horrors of the Jewish holocaust and other Nazi atrocities. The immediate consequence was its recognition in such international documents as the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948). Several new national constitutions likewise gave it recognition. Though undefined, it was seen as a supreme value possessed by all human beings and one giving rise to rights and obligations in and upon them. In recent decades the existence of these rights has led to acceptance of procedures whereby they may be enforced, and to the overthrow of such doctrines constraining them as that of Sovereign Immunity.

In domestic law, too, there have been ramifications, while advances in medical science have raised ethical issues in respect of genetics, human cloning, and the termination or officious prolongation of life. It was timely then that consideration should be given to human dignity by a wide range of researchers and practitioners in disciplines such as law, philosophy, history, political science, medicine, the arts, and theology at the Colloquium in Hobart in 2004 organized by the editors of this volume.

Depending upon one's view of what constitutes human dignity, some meaningful attempt can be made at defining the nature and extent of human rights and obligations. For the Christian, human dignity derives from God's creative love. Genesis records that at each stage of creation God saw what He had created and found it to be good. In the case of mankind He bestowed a special gift—participation in His own life cycle. He made humanity in His image, that is to say, human beings became part of His perception of Himself, a perception so intense that it is personified in the Word or Logos. Because human beings are the object of God's love they have a special dignity which demands universal respect. Even when a person turns from God in favour of self, God's love for that person never wanes nor is that dignity lost. Humanists on the other hand see the source of human dignity in humanity's intellect and free will—that unique capacity to reason and to make moral choices. Whatever be the *raison d'être* of human dignity as a

characteristic possessed by human beings by virtue of their humanity alone, its centrality and importance in our world is now being increasingly recognized, and scholars from a multitude of disciplines are seeking to analyse its nature and to determine its consequences for, and application to, their fields of endeavour. This series of essays is presented as a conversation between international and national exponents of these disciplines, exchanging views each from his or her own perspective. As Norelle Lickiss says in her contribution, 'There are so many prisms through which the gaze may pass! It is obvious that the sciences concerning the human necessarily interpenetrate, with permeable boundaries.'

This volume is a most worthwhile channel through which to launch further analysis and reflection upon a subject which is of vital importance to our increasingly materialistic and utilitarian world in its daily intercourse and which, in view of our common mortality, inevitably affects us all.

Acknowledgements

This volume would not have been possible without the collaboration and support, not only of the participants included here, but also those who were part of the Hobart Interdisciplinary Colloquium that took place in Hobart, Tasmania in November 2004. Among those who were not able to be represented in this volume, the editors would particularly like to acknowledge Donna Marwick, Geoff Parr, and John Tooth. Thanks are also due to Mundipharma Australia for its generous support of the activities of the Colloquium, as well as to Amanda Wojtowicz and the University of Tasmania. The editors would also like to thank Fritz Schmuhl for his advice and encouragement, and to Eilidh Campbell St John for her invaluable assistance in the preparation of the final typescript.

Contents

Foreword	v
<i>The Honourable William Cox AC RFD ED, Governor of Tasmania</i>	
Acknowledgements	vii
1 Introduction to a Conversation	1
<i>Jeff Malpas and Norelle Lickiss</i>	
I The Concept of Human Dignity	
2 Human Dignity and Human Worth	9
<i>Daniel P. Sulmasy</i>	
3 Human Dignity and Human Being	19
<i>Jeff Malpas</i>	
4 On Human Dignity: Fragments of an Exploration	27
<i>Norelle Lickiss</i>	
5 Two Conceptions of Dignity: Honour and Self-Determination	43
<i>Andrew Brennan and Y.S. Lo</i>	
6 Human Dignity and Charity	59
<i>Rosalind Hursthouse</i>	

7	Human Dignity: Functions and Meanings	73
	<i>Doron Shultziner</i>	
8	A Brief History of Human Dignity: Idea and Application	93
	<i>Milton Lewis</i>	
II Human Dignity in Context		
9	A Journey Towards Understanding: True and False Dignity	109
	<i>Christina Mason</i>	
10	The Question of Dignity: Doubts and Loves and a Whisper from Where the Ruined House Once Stood	119
	<i>Veronica Brady</i>	
11	Religion and Dignity: Assent and Dissent	127
	<i>Eilidh Campbell St John and Stuart Blackler</i>	
12	Giving the Past Its Dignity	135
	<i>Greg Dening</i>	
13	Dignity and Indignity	141
	<i>Nicholas Tarling</i>	
14	Human Dignity and the Law	151
	<i>Sir Guy Green</i>	
15	On the International Legal Aspects of Human Dignity	157
	<i>Don Chalmers and Ryuichi Ida</i>	
16	Doing Justice to Dignity in the Criminal Law	169
	<i>Julia Davis</i>	
17	Human Dignity: The New Phase in International Law	183
	<i>Michael Tate</i>	
18	Dignity and Health	187
	<i>Martin Tattersall</i>	

19 Human Dignity: The Perspective of a Gynaecological Oncologist 193
Neville F. Hacker

20 The Social Origins of Dignity in Medical Care at the End of Life 199
Nicholas Christakis

21 Dying with Dignity: The Story Reveals Its Meaning 209
Jack Coulehan

Bibliography 225

1

Introduction to a Conversation

Jeff Malpas and Norelle Lickiss

This book has its origins in an unusual meeting in Hobart, Tasmania, in November 2004. Over two days, some 25 historians, physicians, and others gathered together to participate in a single conversation on the subject of human dignity. The conversational character of the meeting was quite deliberate: although each participant came with some prepared material to present to the others, the aim was to encourage a true interdisciplinary engagement, and to encourage a dialogue between individuals that would allow new perspectives and ideas to emerge. Most of the participants had not met one another previously, and the only point in common was a shared contact with the two organizers.

It seems hardly possible that the idea of dignity that was the focus for that meeting, and the focus for this volume, could be approached adequately other than in such a multidisciplinary and ‘conversational’ manner—the idea does not fit easily into any particular disciplinary framework, it is called upon by lawyers, physicians, philosophers, and historians, it arises as a key concept in different contexts and with different intentions, and yet it is also a concept that remains in common usage even if sometimes imbued with varying meanings and connotations. It is also an idea that seems increasingly under threat from a number of directions: the treatment of refugees and so-called illegal immigrants in Australia and overseas; the use of torture in places such as Guantanamo Bay and Abu Graib; the continuing debate over voluntary euthanasia; new medical technologies from cloning to stem cell research; even changes in industrial legislation and the new face of contemporary work. As the world becomes a more stressful, demanding, and challenging place, so questions concerning the nature and worth of human being become all the more pressing, and it is to these latter questions that the concept of human dignity directs us. Moreover, just as the questions at issue here are large and complex and do not always admit of easy or clear-cut answers, so too does the concept of human dignity present itself as equally complex and multifaceted.

Far from being an indication of its uselessness or irrelevance, the breadth of the concept, its ubiquity, especially in legal and biomedical contexts, and the difficulty in giving of it a clear and unambiguous definition, all point towards its absolutely fundamental character. Dignity connects up with too many other concepts, and in too many ways, for it to be amenable to any simple rendering—it has to be seen as part of a network of concepts from which it cannot easily be

disentangled. Ruth Macklin's well-known and provocative claim (also briefly discussed by Daniel Sulmasy in his contribution to this volume) that 'dignity is a useless concept... and can be eliminated without any loss of content',¹ seems not only to lack any clear argument or substantiation in Macklin's own presentation (the importance of the claim seems at odds with the paucity of argument provided to support it), but it seems also to neglect the simple but crucial point that almost no key concept is amenable to the sort of definition that Macklin appears to demand—indeed, the more important the concept, the less likely it is that we can expect to be able to define it in an clear and unambiguous fashion. Dignity is, in this respect, no different from other foundational concepts. As the philosopher Donald Davidson has noted:

For the most part, the concepts philosophers single out for attention, like truth, knowledge, belief, action, cause, the good and the right, are the most elementary concepts we have, concepts without which (I am inclined to say) we would have no concepts at all. Why then should we expect to be able to reduce these concepts definitionally to other concepts that are simpler, clearer, and more basic? We should accept the fact that what makes these concepts so important must also foreclose on the possibility of finding a foundation for them that reaches deeper into bedrock.²

The essays contained in this collection deal with the idea of dignity, and more specifically, human dignity, from a wide range of different perspectives, and with respect to a variety of interests and approaches. The volume is organized into two parts. The first deals with the concept of dignity as such, with its nature and some of its history. With one exception, these essays are primarily philosophical in their orientation, and they attempt various explorations of the nature and significance of dignity in the broadest of senses. Although philosophical, many of these essays are also attuned, *pace* Macklin, to the role of dignity in medicine and medical practice, and yet they also go beyond the usual rather limited engagement of philosophy with medicine that goes under the name of 'bioethics'. In this regard, a number of the essays in this first section of the volume can be viewed as attempting something of that wider engagement between the medical and the philosophical that Henk Ten Have has forcefully advocated elsewhere.³ Daniel Sulmasy's essay begins the volume

¹ 'Dignity is a Useless Concept', *British Medical Journal*, 327 (2003), p.1420. Admittedly, Macklin includes here the qualification 'in medical ethics', although it is not clear what force this qualification actually carries—does Macklin accept that the concept has content in what she views as its original context of religious or human rights discourse? The tone and direction of her comments suggest that she does not. On a more charitable reading of Macklin's argument, one might take her to be pointing to the difficulty in giving an account of dignity that can adequately be operationalized within medical contexts, but this is probably more indicative of the shortcomings in the demand for operationalization than in the concept of dignity.

² Donald Davidson, 'The Folly of Trying to Define Truth', *Truth, Language and History* (Oxford: Clarendon Press, 2005), p.20.

³ See Henk Ten Have, 'From Synthesis and System to Morals and Procedure: The Development of Philosophy of Medicine', in R. A. Carson and C. R. Burns (eds), *Philosophy of Medicine and Bioethics* (Dordrecht, The Netherlands: Kluwer, 1997), pp.105–123.

with a general overview of the concept of dignity and its contemporary deployment; the essays by Malpas and Lickiss both explore, in different ways, the connections between dignity and our conception of human being; drawing on Confucian thought, Brennan and Lo discuss the way dignity is tied up with notions of honour and self-determination; Hursthouse looks at the way dignity is implicated with the idea of charity; Schultziner takes a more directly analytic approach, charting the roles and meanings associated with the concept, while, finally, Lewis provides us with an introduction to its conceptual history. The essays that comprise the second part of the volume treat of dignity in more specific terms, with respect to particular aspects or applications, or its appearance within particular contexts, including the literary, the legal, the biomedical, and the historical. Mason's and Brady's contributions both consider the way dignity appears within particular literary contexts—in Mason, the focus is on Forster's *A Passage to India* and Ishiguro's *Remains of the Day* and in Brady, Patrick White's *Tree of Man*; St John and Blackler take up the exploration of dignity with reference to a specifically Christian religious context; Dening and Tarling, both historians, examine the way dignity figures within certain historical and social contexts; Green, Chalmers and Ida, Davis, and Tate, all explore aspects of the way dignity currently figures within national and international legal theory and practice; and the final four essays, from Tattersall, Hacker, Christakis, and Coulehan, all take different approaches to dignity as it arises in medicine and medical practice.

Running across many of these essays is one clear line of debate: the relation between dignity and autonomy, or, as it sometimes also appears, between dignity and equality. Dignity is often understood, especially in contemporary legal and medical discourse, as best articulated in terms of these two concepts, such that human dignity is respected and upheld only when the autonomy of human decision-making is itself respected and upheld, and when human beings are treated in ways that are non-hierarchical and non-discriminatory. There are, of course, good reasons for understanding the concept of dignity in just this way—those individuals, societies, and governments that have acted in ways that tend to undermine human dignity have very often been individuals, societies, and governments that have also tended to act in ways that are corrosive of ideas of human autonomy and equality. Yet it nevertheless remains a question whether dignity can indeed be explicated in just those terms. One possibility, as a number of papers in this collection argue, is that dignity is best understood in terms of notions of mutuality, reciprocity, and relationality (implying a notion of the self akin, for instance, to Charles Taylor's, such that the self exists, as Taylor puts it, 'only within... "webs of interlocution"'⁴),

⁴ 'I am a self only in relation to certain interlocutors: in relation to those conversation partners who were essential to my achieving self definition. ... A self exists only within what call "webs of interlocution"', Charles Taylor, *Sources of the Self* (Cambridge, MA: Harvard University Press, 1989), p.36. Taylor writes further, 'To ask what a person is, in abstraction, from his or her self-interpretations, is to ask a fundamentally misguided question, one to which there couldn't, in principle, be an answer. ... We are only selves insofar as we move in a certain space of questions, as we seek and find an orientation to the good', Taylor, *ibid.*, p.34.

and not only does this temper any emphasis on autonomy alone, but it also forces one to recognize that, on some occasions, dignity may be possible precisely through the way in which human beings are able to find a place for themselves, and a sense of who they are, within what may otherwise appear to be unequal or hierarchical forms of social organization. That does not imply any simple endorsement of inequality, but it does suggest that the maintenance of dignity and the denial of inequality cannot be construed as simply identical.

While there are certainly differences that separate some of these essays—the issue of the relation between dignity and autonomy being the most notable—there are many more points of commonality that draw these essays together. The most obvious, perhaps, is indeed the shared recognition of the importance, even the urgency, that accompanies the question of dignity as it arises in the world today—an importance that clearly derives from the centrality of the concept of dignity to any attempt to think about, and respond to, our human situatedness. Yet what many of the contributions collected here also share is a view of the human, and of the dignity of the human, that is essentially ‘humanistic’ in the sense of looking to the humanities and the arts as providing essential insight into the issues at stake here. A sense of human dignity is perhaps most profoundly encountered, then, in poetry and story (both the story of history as well as literature), in art and music, and certainly not only in philosophical or legal analysis. The sense of human dignity that is at issue here involves, one might say, a feeling of and for the human—although this should not be taken to mean that it is in some way exclusionary of that which is other than the human, that it involves a lack of feeling for, as one might put it, the wider world. If the humanities and the arts can be seen to open up a proper sense of dignity through opening up a space for human being in which the human appears as human, then what must also appear there is the world within which such humanity is itself possible. A proper sense of the dignity of the human might thus be taken to imply also a proper sense of the dignity of the world—although to fully explore this line of thinking would require more pages than are available here.

In emphasizing the essays that make up this volume as constituting a conversation, the point is not merely to draw attention to the actual genesis of those essays in the Hobart Colloquium of 2004, nor is it merely to bring to the fore a dialogic conception of philosophical inquiry; more than this, it indicates a certain essential connection between dignity and conversation. True conversation is a mode of engagement that enables participation from different perspectives within a single ongoing movement. To engage in conversation is thus to recognize and allow for the worth of the other, and what they might contribute, through allowing the other a space in which to speak, be heard, and be responded to. In this way, true conversation can be seen to depend upon, and so also to embody a commitment to, the recognition of the dignity of conversational partners. Moreover, inasmuch as conversation is itself a mode of engagement into which we enter only inasmuch as we allow a space to those with whom we converse (conversation thus always involves a certain reciprocity), so the realm in which human dignity appears is surely also a realm that is similarly ‘conversational’ in structure. Dignity is surely not a matter of the assertion or affirmation of the individual alone, but rather of a certain form of response

to ourselves and to others that affirms and acknowledges our common worth, our shared humanity, that attends to it, and acts upon it.

Of course, the conversation that takes place in these pages neither can include, nor can it properly do justice to, all of those forms of indignity that constantly threaten; nor can it encompass the voices of all of those for whom the loss of dignity constitutes a real and immediate threat—the voices, for instance, of asylum seekers in leaky boats or in detention centres, persons in situations of destitution, individuals whose lives and communities have been uprooted by the cataclysms of nature, those in captivity, those on death row, women trafficked as commodities, mothers watching children dying of hunger, abused child soldiers, those who are the victims of malice or culpable ineptitude, those deemed disposable or unworthy of life, those whose powerlessness leaves them prey to the strong. Yet these voices cannot be absent here either, since the experience out of which they come provides the essential human background against which this conversation is set. If these voices are not heard directly in these pages, then, their echoes nevertheless resonate through each and every essay. Dignity remains a vital and significant concept if for no other reason than that it directs our attention to just these voices, insisting that they be heard, that they be recognized and that they be responded to.

This volume does not provide any definitive or complete account of human dignity, nor does it aim to do so. Rather the aim is to assist in opening up a conversation about human dignity, and about human worth, that will go beyond these pages. Where that conversation may lead cannot be wholly known in advance, although that it can and must continue is clear—just as we cannot cease the exploration of our own humanity, so we cannot cease the exploration of the meaning of human dignity. It is to be hoped that such an exploration, such a conversation, will not remain restricted merely to the exchange of ideas, but that it will also have some greater effect on the way we think, and, perhaps more importantly, on the way we act. Dignity is not an idea abstracted from human action, but has life only in the actual relations between human beings. Dignity is, in the end, evident only in the concreteness of human life and practice, and the extent to which our life and practice can be seen as enabling of human dignity is perhaps the best measure of its humanity.