

## Persons, Human Beings, and Respect \*

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**Abstract.** Human dignity seems very important to us. At the same time, the concept ‘human dignity’ is extraordinarily elusive. A good way to approach the questions “What is it?” and “Why is it important?” is to raise another question first: In virtue of what do human beings have human dignity? Speciesism—the idea that human beings have a particular dignity because they are humans—does not seem very convincing. A better answer says that human beings have dignity because and insofar as they are persons. I discuss several versions of this idea as well as several objections against it. The most promising line of analysis says that human beings cannot survive psychologically without a very basic form a recognition and respect by others. The idea that humans have a special dignity is the idea that they owe each other this kind of respect. All this also suggests that human dignity is inherently social. Non-social beings do not have dignity—nor do they lack it. It is because we are social animals of a certain kind that we have dignity—not so much because we are rational animals.

According to Arthur Schopenhauer, “the notion of dignity could be applied only ironically to a creature like man who is so sinful in will, so limited in intellect, and so vulnerable and feeble in body” (Schopenhauer, *Parerga und Paralipomena* II, p. 239).<sup>1</sup> He adds that the expression “human dignity” is a “shibboleth” and that it belongs to

the hollow phrases, the brain-webs and soap bubbles of the schools, to principles ridiculed at every step by experience, to principles whereof no one outside the lecture halls knows anything or has ever had any experience. (Schopenhauer, *Über die Grundlage der Moral*, p. 726)<sup>2</sup>

Sure, one should be suspicious of ‘big’ words, especially when they border on the empty and the pompous.<sup>3</sup> However, even if some talk

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<sup>1</sup> Trans. E.F.J. Payne.

<sup>2</sup> Trans. E.F.J. Payne.

<sup>3</sup> Cf. “Philosophers frequently introduce ideas of dignity, respect, and worth at the point at which other reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resource of those who have run out of arguments” (Singer, 1989, p. 83). Cf. also Hoerster, 1983, pp. 93–6.

about human dignity is like that, not all of it is. Just think of rape and torture. At least some of the terrible things humans do to other humans constitute a violation of what we—for want of a better term—call “human dignity.” The word has a meaning and it refers to something. Perhaps we are most aware of it when it is lacking. Human dignity is indeed very important to us and we should take it seriously.

But what is it? Schopenhauer obviously has a point here: The concept of human dignity is indeed very elusive. It is a thick concept and it is not clear whether one can explain the elusive in terms of the less elusive. But how can one say that human dignity is so important if one does not really know what it is? If we do not really know what human dignity is, then we also do not really know why it is important.

I am not going to try to define “human dignity” here.<sup>4</sup> However, before we take a closer look at it, we should distinguish between *dignity simpliciter* on the one hand and *human dignity* on the other hand. Sometimes we say of a person that she lost her dignity on some occasion. Somebody might, for instance, act in a very servile way towards his boss. Sometimes (hopefully) we refuse to act in a certain way because we think it goes against our dignity. In the typical case, it is a certain way to behave that goes against our dignity: It violates certain (non-moral) standards that we subscribe to or are supposed to subscribe to. The loss of dignity is usually tied to the behavior of the person in a particular situation and does not go very deep; it admits of “repair” and is of no further moral significance. We can forget former losses of our dignity.<sup>5</sup>

Human dignity is quite different. Whatever it is, it is something that one cannot lose—and certainly not by behaving in a certain way (cf. Hill, 2000b, pp. 109–14). Human dignity can be violated but it cannot be lost. Racist discrimination violates human dignity but it would be extremely misleading to say that the victim has lost human dignity. This shows that the concept of human dignity is a normative one: It comes with claims or rights that a person has with respect to treatment by other people. Human dignity is like a right in this respect: It does not go away if violated. This kind of normativity is lacking in *dignity simpliciter*. This explains why *dignity simpliciter* can be lost

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<sup>4</sup> Cf. as historical and systematic overviews: Spiegelberg, 1971; Horstmann, 1980; Leist, 1990, pp. 210–16; Wils, 1991, pp. 138–52; Bayertz, 1995, 1996; Roughley, 2002; cf. also Edel, 1969. For a relativizing and “deflating” account of dignity cf. Rorty, 1991. For a useful bibliography cf. Haferkamp, 1996.

<sup>5</sup> Sure, there are people who lose their dignity again and again. One could call this a “weakness of character” and though it often is embarrassing for other people, it admits of “repair” and does not go very deep morally. Similar things hold for those who “have no dignity”: What we mean by that is usually not that they do not try to meet any standards of behavior but rather that their standards are too low.

and regained; it is an accomplishment. Human dignity, on the other hand, cannot be lost and it is not based on merit or accomplishment; the ‘damage’ done by violation is very hard to ‘repair’ (if at all) or to forget. My dignity depends on what I do whereas my human dignity has to do with how others treat me. Human dignity goes much deeper under our ‘moral skin’ than dignity *simpliciter* and is thus of greater interest to moral philosophers.<sup>6</sup>

I still have not said what human dignity is. I propose to approach the questions “What is it?” and “Why is it important?” by raising another question first: In virtue of what do we (whoever belongs to ‘us’) have human dignity?

One answer comes to mind immediately: We have human dignity because we are human beings.<sup>7</sup> But what is so special about humans? And even if humans are special somehow—why does that count? Do alligators have alligator dignity and dachshunds dachshund dignity? And wouldn’t it rather be the species than the member that has this special dignity? All this does not seem to lead anywhere. I do not find speciesism a very convincing position; moreover it is even a bit suspicious (speciesism is what we could call “racism”). Human dignity is not the dignity of humans and we should treat the term as a syncategorematic expression.<sup>8</sup>

A much broader position says that it is not only human beings that have a special status but rather all living things as such: Life is special or even sacred. This position lacks the worrisome overtones of speciesism but it is not clear whether there are any reasons one could adduce in its favor. Why life? And: Is all life created equal? Does the life of a virus have intrinsic worth, too? A negative answer seems to lead back to speciesism.<sup>9</sup>

Much better off is another position that might at first sight look like speciesism but is really quite different: We have human dignity because we—as human beings—have special and interesting properties. It is not species membership as such that counts here but rather something that apparently comes with species membership. Personhood is perhaps the paradigm example of such a property and it encompasses so many other properties that we can focus on personhood here. Are only human

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<sup>6</sup> Thomas E. Hill seems to focus on dignity (1991b, pp. 22–4) and on human dignity (1991a, pp. 9–18). Cf. the related distinctions between “empirical” and “inherent” dignity (Gewirth 1992, 11f.) and between “recognition respect” and “appraisal respect” (Darwall 1977). Cf. also Balzer, Rippe, Schaber 1998, pp. 13, 17–20.

<sup>7</sup> Cf., for instance, Gaylin (1984, pp. 18–22) who thinks that humans are very special in a morally relevant way.

<sup>8</sup> Against speciesism cf., e.g., Wolf (1997, pp. 52–6).

<sup>9</sup> Against vitalism cf., e.g., Kuhse (1997, pp. 224–29).

beings persons and are all humans persons? If yes, is this necessarily so or just for contingent reasons? These are difficult and tricky questions. Fortunately (or unfortunately, depending on your interests) we do not have to deal with these questions here. We can just focus on the idea that we have human dignity because and insofar as we are persons. The thesis is that human dignity is based on personhood.

Now, the word “person” can mean different things and each explanation involves a set of other properties. Thus, we have to deal with many different versions of the idea that human dignity is based on personhood. Let us look at some of the more interesting and important versions. I will distinguish between (roughly) ‘metaphysical’ and ‘moral’ conceptions of a person. Metaphysical conceptions tell us what kind of entity a person is. Moral conceptions characterize persons in one way or another as moral agents. Let us start with metaphysical conceptions.

John Locke held that a person is “a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places. . .” (*Essay* II, 27.9). Daniel Dennett came up with an even longer list of conditions of personhood: rationality, consciousness and intentionality, the ability to reciprocate (which includes the capacity to form second order-attitudes), linguistic abilities and self-consciousness (1976, pp. 177–96). According to Harry Frankfurt and others, persons are typically capable of critical self-evaluation and autonomy (1988, pp. 11–25). So, this gives us a list of conditions that seem essential to personhood:

- (1) Cognitive abilities in a broad sense: thought, intentionality (of the first and second order), rationality (to some degree) and language;
- (2) self-consciousness and critical self-evaluation;
- (3) freedom and autonomy (to some degree).<sup>10</sup>

Fortunately, we do not have to worry too much about necessary and sufficient conditions of personhood. Let us rather look at these conditions and see whether any of them are ‘dignity-conferring’ and can serve as a basis for human dignity.

Take the cognitive abilities. It is somehow controversial whether certain non-human animals have these capacities. It is much less controversial (if at all) that these creatures do not have what we call “human dignity.” On the other hand, some human beings lack these

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<sup>10</sup> ‘Autonomy’ in a broad sense: with respect to actions, preferences and beliefs (cf. Baumann, 2000). Alexy (1985, pp. 321–26) holds that negative freedom is a necessary condition of human dignity (in the sense of the German Grundgesetz). Cf. also Meyer (1989) who emphasizes the importance of self-control for dignity.

abilities (very young infants or seriously impaired humans) but there does not seem to be any doubt about the fact that they enjoy human dignity.<sup>11</sup> So, why should one think that any of those cognitive abilities are dignity-conferring?<sup>12</sup> The question is not “What is so special about those abilities?” but rather “Why does it matter for human dignity?” Sure, we value these abilities a lot. But this does not imply that we have to treat those beings who have these abilities in a special way. Sure, we admire people who have these abilities to a high degree. But this does not justify or explain our intuitions about human dignity.

Similar things can be said about self-consciousness and critical self-evaluation. What about autonomy? Isn’t that dignity-conferring? There is, for instance, a lot of talk about “autonomous agents” in Artificial Intelligence but I doubt that we would treat such agents in the very special way human dignity demands. And we seem to ascribe human dignity to beings who lack autonomy to a large degree. Again, we value autonomy a lot and we value human dignity a lot but all this does not seem to show that we value the latter because we value the former.

It seems that none of these conditions of personhood taken individually offers a basis for human dignity. It is hard to see how they could do so if taken together. It seems to me that we should rather be skeptical about the idea that the metaphysics of personhood can shed light on human dignity.

What about the second type of conceptions of a person—what about moral personhood? Does this tell us more about human dignity? This, of course, leads back to Kant or to a Kantian conception of dignity and personhood (I prefer to talk about a Kantian conception rather than Kant because I think that we should not and need not really get into the difficult business of Kant-interpretation here). According to a Kantian conception, human beings deserve a very special basic kind of respect: They have dignity because they are rational and autonomous moral agents. It is moral agents of this kind—and not just human beings—who have dignity. Moral persons have (human) dignity because they both give and respect the moral law—whether they break it or obey

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<sup>11</sup> Kathleen Wilkes argues that the potential to become a person counts as a good reason to treat the being a certain way. As the case of a comatose person who is going to die soon shows, one would have to add that history—the past realization of a potential—would also count as such a reason. Be it as it may be—there are still cases in which there is neither potential nor history like the case of a seriously impaired and incurable infant. Wilkes thinks that these human beings suffer from an “Aristotelian loss”: They lack something important that the normal member of the species does not lack. As an explanation of why those human beings have human dignity it is very close to speciesism. Cf. Wilkes (1988, pp. 49–74).

<sup>12</sup> Cf., e.g., for rationality: Landesman (1982, p. 35f).

it.<sup>13</sup> It is the status of the law as a *moral* law and the fact that as such it demands a special kind of respect which confers dignity upon those who give this law to themselves and respect it in some way or another. It could not be just any maxim or “subjective principle of volition”; it has got to be an “objective principle” or the moral law.<sup>14</sup> From all this follows that persons have dignity but no price; no wonder one should treat other persons always as an end and never merely as a means (whatever this means in detail).<sup>15</sup>

Now, what about the idea that autonomy plus morality gives us human dignity? The capacity to give oneself a law *per se* does not seem to matter much here (see above). Morality in itself also does not seem to do the trick—how could it? It has got to be the combination of both: moral autonomy. However, I have my doubts that this helps a lot. Even people who believe that morality is heteronomous can still stick with the idea of human dignity. And when we think of violations of human dignity, we surely think of it as something of moral importance but not or not necessarily because the victim is an autonomous moral agent. That somebody is not allowed to sit on a park bench because of the color of his skin, is outrageous and goes against human dignity—but does it really have anything to do with the fact that this person is an autonomous moral agent? Apart from that, we also apply the concept of human dignity to people who have definitely lost all autonomy (this leads back to the above arguments about personhood). It seems that the Kantian conception of (human) dignity does not quite capture what we mean by the expression in ordinary language; perhaps one could call it “the human dignity of the philosophers”.<sup>16</sup>

The conceptions of human dignity we have discussed so far have one thing in common: Human dignity is considered as a special kind of worth—a worth that supervenes on special properties (species

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<sup>13</sup> Cf. Kant, *Grundlegung zur Metaphysik der Sitten*, AA IV, pp. 400f., 434f., 449, 459–61; Kant, *Kritik der praktischen Vernunft*, AA V, 71–89, 116–19 (Trans. of the Kant-quotes: Mary J. Gregor).

<sup>14</sup> Cf. Kant, *Grundlegung zur Metaphysik der Sitten*, p. 401—note where Kant also says that the dignity of the person is the dignity of the moral law.

<sup>15</sup> Cf. Kant, *Grundlegung zur Metaphysik der Sitten*, AA IV, pp. 429, 434f.

<sup>16</sup> It is perhaps no coincidence that Kant believes that exactly two things fill our mind with admiration and reverence: “the starry heavens above me and the moral law within me” (Kant, *Kritik der praktischen Vernunft*, AA V, p. 161). One could also say that they have both their own “dignity.” This, however, is different from “human dignity” in the ordinary sense.

membership, personhood, etc.). These *worth*-conceptions of human dignity seem to raise more questions than they answer.<sup>17</sup>

There is another conception of human dignity which we could call the “*rights*-conception of human dignity.” It is also normative, like the Kantian conception. According to it saying that a person has human dignity just means that the person has got certain basic rights and that all persons are free and equal. What rights? The right to vote, for instance, does not seem to have much to do with human dignity. One would have to specify a particular class of rights relevant for human dignity. I suspect that if one tries to do that one will end up with dignity-rights (and hence go around in a circle). It will become clear that one cannot reduce “dignity-talk” to “rights-talk.” We might have a right to dignity but dignity itself does not further reduce to rights.<sup>18</sup> And a violation of human dignity does not seem to reduce to a violation of basic rights. Take the case of slavery. It certainly violates liberty rights and other rights. But there is more to it: It also constitutes a very fundamental insult. It is hard to see how this insult could be nothing more than a violation of rights.

However, there is a very different way to look at the *rights*-conception which makes a lot of historical sense. As is well known, ‘human dignity’ became a really hot topic during the 18<sup>th</sup> century—in the context of the Enlightenment and the French and American revolution. When people stressed human dignity back then, they mainly did so in opposition to a society of privilege that did not accept equal basic rights for all members of society. Thus, “human dignity” meant “equal (basic) rights for all.” This is a very important idea but it does not have much to do with human dignity in the sense I am interested in here.

Our initial question is still open: In virtue of what do we have human dignity? The *worth*-conceptions lead to serious problems. The *rights*-conception either does not explain human dignity or is not really about human dignity. Metaphysical answers also raise serious problems. So, why not try a more ‘empirical’ approach? There is indeed such a fourth way and for reasons which will become obvious soon I propose to call it the “*need*-conception of human dignity.” What is it?

We are social animals also in the sense that we need recognition by other people. We need to have self-respect and our self-respect depends

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<sup>17</sup> Cf. for a very Kantian conception of respect for persons Downie & Telfer, 1969, esp. chap.1. Cf. also Hill, 2000a, p. 70ff., Hill, 2003 and Raz, 2001, chap. 4, esp. pp. 151–58 who hold that respect for people is based on the fact that they are valuers.

<sup>18</sup> Cf. however: Pritchard, 1971-72; Feinberg, 1980, p. 151; Hudson, 1980, p. 83f.; Gewirth, 1992; Melden, 1992; Birnbacher, 1996, p. 110; Stepanians, 2003.

on the recognition we get from others.<sup>19</sup> I do not mean relativized recognition here, that is, recognition *as* this or *as* that (as a parent, as a professional, etc.); the recognition I have in mind is rather basic in the sense that it is not relativized to particular roles or properties (if that is possible at all).<sup>20</sup> If we lack this very basic kind of respect by others, we suffer serious psychological damage and, in the extreme case, are not able to lead a normal life. To say that we have human dignity roughly means that we should get the basic kind of respect from others that we need so badly. The idea that we have a special dignity is the idea that we owe each other this kind of respect. And the reason why we owe it to each other has to do with the fact that we need it so badly. Apparently, it has little to do with personhood or humanity (at least not directly).<sup>21</sup>

It seems to me that the respect relevant for human dignity depends on reciprocity: What I get from others is not full respect if I do not reciprocate and respect others; only from those whom I respect can I get full respect back (hence, those who cannot reciprocate are disadvantaged because they do not get full respect). Respect can only ‘flourish’ in social interaction. I guess this is at least part of what Hegel had in mind when he said: “They *recognize* themselves as *mutually recognizing* one another.”<sup>22</sup> What all this shows is that non-social beings do not have dignity—nor do they lack it. One being alone (like Robinson without Friday) cannot have dignity. It is because we are social animals of a certain kind that we have dignity—not so much because we are rational or moral animals.<sup>23</sup>

By the way: Who is “us” and who are the “others”? It depends on who needs to be respected by whom. I cannot think of anybody but human beings (which might explain why we call it “human” dignity) but this does not mean that human beings can only exchange respect with other human beings. We can leave it open who could count as one of us. However, not every kind of being would qualify. Even if the

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<sup>19</sup> Cf. from very different perspectives: Hegel, *Phänomenologie des Geistes*, pp. 144–55 (Trans. A.V. Miller); Mead, 1962. For a more recent account cf. Honneth, 1998, pp. 212–20.

<sup>20</sup> Cf. however Cranor, 1975, p. 310f.

<sup>21</sup> All this also explains why Margalit, 1996 is much more than a book on political philosophy. For the importance of self-respect cf. also Rawls, 1971, pp. 440–46, 544–48.—Cf. also Balzer, Rippe, & Schaber 1998, pp. 28–31, and Balzer, Rippe & Schaber, 2000, pp. 12–4 and Schaber, 2003 who see human dignity as the right not to be degraded. I think that respect is more than the lack of disrespect.

<sup>22</sup> Cf. Hegel, *Phänomenologie des Geistes*, p. 147.

<sup>23</sup> Feeling humiliated or not humiliated does not imply being humiliated or not humiliated. One can be wrong about it. One can have good or bad reasons to think that one has got or not got the due respect.

lion or the dachshund could speak and would be able to understand our derogatory remarks about them, we could not hurt their feelings.<sup>24</sup> They would not be able to reciprocate our attitudes.

The complex nature of respect becomes clearer when we look at violations of human dignity. Humiliation is based on intentional action (there are, of course, humiliating conditions of life but they are only humiliating insofar as they are the result of intentional actions by others).<sup>25</sup> It seems necessary for humiliation that an agent performs a certain action with the intention to humiliate the other person.<sup>26</sup> In addition to that, it is necessary that the designated victim acknowledges and accepts (as a fact) that the other person is intentionally humiliating her (and not just trying to do so); successful attempts of humiliation make the designated victim feel humiliated. Sometimes the designated victim can resist the humiliation (think, e.g., of the redefinition of the word “nigger” by African-Americans in the US). This might sound like a case of blaming the victim (“Why did they not resist the attempts of humiliation?”) but it is not: It really depends on the situation and on the resources the designated victim can mobilize—resources that might enable the victim not to take the aggressor so seriously or at least not as seriously as he wants to be taken. However, humiliation is—in a perverse sense—based on “cooperation.” It is humiliating to beat another person with a stick but it is even more humiliating to let the victim bring the stick (this makes the “cooperative” nature of humiliation even more obvious). My main point here is that humiliating acts are symbolic or communicative acts in a sense; what they communicate is the disrespect.<sup>27</sup> Insofar it is very misleading to say that humiliation consists in treating the other as an object.<sup>28</sup> Similar things hold true—*mutatis mutandis*—for respect.

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<sup>24</sup> There is a great difference between torturing a dog and torturing a human being.

<sup>25</sup> In the strict sense, one cannot humiliate oneself. One can only give up one's own dignity (see above).

<sup>26</sup> The agent might intend something else and remain indifferent about respect towards the other person. For the sake of simplicity, I will disregard this case here; it does not change the main point.

<sup>27</sup> Perhaps one can analyze humiliation along Gricean lines: “A humiliates B by doing X” means something like “A does X with the intention of making B feel humiliated by recognizing A's intention to do so (and A succeeds)” (cf. Grice, 1957, p. 384f.). For the social and symbolic nature of humiliation cf. also Silver, Conte, Miceli & Poggi, 1986. For an empirical account of humiliation cf., e.g., Garfinkel, 1956.

<sup>28</sup> The phenomenon of kicking and insulting a coke machine that refuses to give out coke for money shows that one has to ‘personify’ objects in order to be able to perform acts resembling humiliating acts.

The conception of human dignity I am advocating here focuses on the need for respect and on the ability to both pay respect to others and get respect from them. But what about very young kids, comatose persons or seriously mentally retarded people? They surely have human dignity. But what is the basis for that? They might not feel the need for respect and be unable to participate in the exchange of respect. This constitutes a problem for the need-conception and I am not sure whether what I have to say here is fully satisfying. One could make a counterfactual argument and say that in relatively close possible worlds they would feel the need and would be able to fully participate in social interaction.<sup>29</sup> Even if we assume that this is true, the question remains why counterfactuals should matter here. And does all that not rather show that people would have human dignity but do not actually have it?

Here is another idea: Human dignity is more ‘objective’ and less ‘subjective’ than one might think. That is, dignity and humiliation do not necessarily imply that the person feels dignified or humiliated. Isn’t it possible to insult somebody in a language she does not understand? Or *in absentia*? Or after her death (isn’t there a good reason to respect the last will of a person even after her death)? Can’t a person be humiliated even if she would or could not feel the humiliation? This would explain that comatose persons, little kids and seriously retarded people do have human dignity and that it can be violated. The drawback of all this is that it introduces a second and different (‘objective’) notion of human dignity; it does not account for the unity of the phenomenon and it rather raises a lot of additional questions.

I am most sympathetic to a third way to think about the human dignity of very young infants and others: Human dignity is a social good in a very special sense. If somebody would humiliate my friend Jack, I would feel the humiliation, too. Not so much because I would consider myself to be a victim in a similar sense in which Jack would be a victim. It is rather that I identify with my friend Jack; his well-being does not only matter to him but also to me even though it is not identical with my well-being. We are built like that: We identify with others (though not always with all others). All this implies that even if some person cannot experience the respect or disrespect by others, there are still other persons who experience it “in her place.” One could call this the “proxy”-aspect of human dignity. Human dignity is not only about what individuals can experience; it is also social by nature and more objective than one might think at first sight. I think our intuitions support this idea (remember what was in the papers

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<sup>29</sup> To be sure, this is not Wilkes’ argument about potentials and Aristotelian losses.

some years ago: In France, some people engaged in what they called “dwarf throwing” and it was with the consent of all the participants; however, we would insist that this goes against human dignity even if the “victims” have no reservations at all). I cannot go here into the relations between proxy-dignity and the other aspect of human dignity I talked about before.

I have tried to argue that there are serious problems with the different versions of the idea that we have human dignity in virtue of some “deep” moral or metaphysical characteristics or property that we have. A more promising alternative starts with the basic fact that we need to be treated by others in a certain way and that we have a need to interact with others in certain ways. That we have human dignity roughly means that we deserve to be treated in a certain way and the reason is that we need that. There is no basis for human dignity somewhere else. The question “In virtue of what do we have human dignity?” has somehow changed its meaning. But the answer still gives us some idea about what human dignity is and why it is important.

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