Review of "Dignity: Its History and Meaning"

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Book Review | *Dignity: Its History and Meaning*

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This book is a revised and expanded version of the author’s 2007 Benedict Lectures at Boston University. Rosen deliberately aimed to keep the tone informal and accessible to non-specialists, and in my view he was mostly successful in this. Relatedly, the book is short and sweet in length: for example, the text proper is only 160 pages; a 9-page preface, 5 pages of light endnotes, and an 8-page index round out the work. Because of these features, and because of the quality of the book’s content, I suspect it will become a touchstone or “first stop” for many who want to get up to speed on the philosophical threads making up the fabric of current debates about dignity.

The book lives up to its subtitle, since its three chapters explore three related areas where the history of different meanings of dignity intersect. The first and perhaps most ambitious chapter includes an overview of the entire book (pages 8-10) but focuses especially on the relation between the historical discussions of dignity by philosophers and the post-war use of dignity in the 1948 United Nations Declaration of Human Rights and the 1949 Grundgesetz (Basic Law) of the Federal Republic of Germany. The second and longest chapter focuses on recent laws and court cases where dignity was invoked in Germany, France, and the United States. The third and shortest chapter looks critically at the question of why we have a duty to treat the dead with dignity, especially since they seem unable to benefit from such treatment.

Kant and his interlocutors (and interpreters) figure prominently in each chapter. But Rosen balances his summaries of typical Kantian moves with his own provocative proposals. As he explains in the preface, “What I have to say about Kant and the idea of duty disagrees with a great deal of what has been written on the subject…To revert to my chess analogy, I
am in the position of someone who wants to propose making a radically unorthodox move at a frequently reached point in the game” (xv).

The remainder of this review will highlight key moves and tensions in each of Rosen’s three chapters.

Chapter One’s title, “The Shibboleth of All Empty-Headed Moralists,” echoes Arthur Schopenhauer’s complaint that phrases like “the dignity of man” often serve to conceal the fact that the thinker using the phrase has no basis for her morals. Now, Rosen is willing to concede that, “by the time that [Schopenhauer] was writing (1839), the various strands of “human dignity” had indeed become fused into a cliché of pious humanitarianism” (41). But this concession reflects Rosen’s broader argument that, contra Schopenhauer, invoking dignity can often function, not as a smokescreen for ignorance, but as a legitimate appeal to one or more distinct parts of morality.

Rosen is aware that contemporary philosophers (such as Ruth Macklin, James Griffin, and Joel Feinberg) occasionally argue that “dignity” is invoked as shorthand for other moral notions (like autonomy, rational agency, and/or the capacity for making claims). But his historical survey begins with writers like Aquinas, Bacon, Bossuet, Cicero, Milton, Pascal, Pico della Mirandola, and Pope Gelasius I in order to establish three important strands in the history of “dignity”: (1) dignity as status, (2) dignity as intrinsic or inherent value, and (3) dignity as manner, character, behavior, or bearing that is dignified (cf. 40, 54). This sets the stage for Rosen’s detailed sketch of the views of dignity held by Kant and his contemporaries like Schiller. It also informs his treatment of later accounts of dignity by thinkers as diverse as Marx, Nietzsche, and Popes Leo XIII and John Paul II.

Ideas of equality, Rosen notes, have a complicated relationship with these three strands of thinking about dignity. Sometimes they are fused, as when thinkers affirm the equal dignity of each human person. But other times they are in tension, as when thinkers cash out an individual’s dignity in terms of her unique relationship to others that are in some sense “above” her (e.g. God, and/or other human persons).

Building on strand (3), Rosen adds the strand of (4) dignity as treating someone with dignity. He clarifies this with a distinction between “respect-as-observance” and “respect-as-respectfulness.” On the former: “Just as I respect the speed limit by driving below a certain speed, I respect rights by not infringing them (if they are negative) or doing what they require if they are positive” (57). On the latter: “To treat someone with dignity is (it seems natural to say) to respect their dignity...To respect someone’s dignity by treating them with dignity requires that one shows them respect, either positively, by acting toward
them in a way that gives expression to one’s respect, or, at least, negatively, by refraining from behavior that would show disrespect” (58).

Chapter Two (“The Legislation of Dignity”) builds on these distinctions and applies them to several laws and judicial decisions that invoked “dignity” for one position or another. The cases include a challenge to a local French law against dwarf-tossing, a punishment of a German official who threatened to torture a man he reasonably suspected of kidnapping a child (in order to discover the child’s whereabouts in time to save his life), and a challenge to a German law allowing commercial airliners to be shot down in cases where hijackers planned to use the airliners as weapons.

For example, in the dwarf-tossing case, Rosen argues that the sequence of decisions by different courts of appeal show how “the ubiquity of dignity in current legal discourse masks a great deal of disagreement and sheer confusion” (67). The final decision upholding the ban on dwarf-tossing, Rosen argues, illustrates this well: “having left open the content of the idea of human dignity as a fundamental foundation for morality, those whose business it was to apply the concept of dignity in a legal context ended up giving it content by drawing on the very different concept of the dignified—requiring [the dwarf in this case] to behave in a dignified way” (77).

Rosen also spends much of Chapter Two discussing the connections between the Kantian and Catholic roots of the Grundgesetz, as well as the connections between these roots themselves. It gets especially complicated over “who are the bearers of human dignity” (see 93, 102-3). Are such bearers restricted merely to “those human beings who are actively capable of exercising rational agency” (as some neo-Kantians would suggest)? Or do they include all human beings, even those who are not yet born (as Catholics and several German courts have maintained)?

Along the way, Rosen rehearses the argument that, despite the attractiveness of Kant’s Formula of Humanity (“So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means”), it does not give us a determinate picture of our obligations: “neither of the two parts of the Formula of Humanity gives us an obvious or easy way of settling what is and what isn’t morally permissible” (86). And he shows us how it is difficult to find a consistent and plausible interpretation of the way the Germans applied “dignity” in their handling of the cases of threatening-the-kidnapper (the so-called “Daschner trial”) and shooting-down-the-hijacked-plane (the so-called “Air Safety Law”). He closes the chapter with a brief look at the connections between dignity and autonomy in recent US Supreme Court decisions.
Chapter Three ("Duty to Humanity") explores Rosen’s view that “the universally held belief that we have a duty to treat dead bodies with respect represents a deep puzzle for moral philosophy” (124). He explains why this is a puzzle in the first place and then examines several proposals for resolving it before introducing his own. This chapter is approximately one-half the length of either the first or the second chapters, but it builds on his proposed “fourth strand” of the meanings of dignity (dignity as treating someone with dignity).

Rosen notes that many are attracted to the view that an action, to be good, must benefit someone. But then how could we have a duty—how could it be good—to treat a corpse with dignity? After all, who benefits from such treatment? Rosen resists a purely sociobiological story of taboos surrounding dead bodies as both evidentially and morally inadequate. He also resists the idea that an action must alter a person’s awareness in a positive way for it to benefit that person. But he does not accept the sorts of solutions offered by Plato or G. E. Moore either, which posit ideal realms or intrinsic goodesses that are just “out there” to be promoted or participated in. And he does not think positing such things would help with his corpse puzzle anyway. “What good thing would be produced and continue to exist if the last sentient being in the universe were to treat the corpse of the next-to-last one with dignity?” (138)

His own solution is “a position that is currently so unfashionable that I cannot think of any moral philosopher who defends it” (138). He says: “we have a duty to treat a corpse with dignity just because one of the ways in which we have a duty to act is that we should perform acts that are expressive of our respect” (139-40). One of the most interesting passages in the book is worth quoting at some length (although not fully):

I am saying, am I not, that we have the duty to act in ways that express respect—but to whom am I to express that respect? Surely “expression” is a communicative act. Would the last sentient being in the universe still have such a duty, even if there were no one to listen to her? My answer—oddly enough, you might think—is yes...Put this way, duty-based morality sounds like an example of ethics carried out, as Nietzsche would put it, under the shadow of God—even those who, officially, do not believe in God, Nietzsche alleges, still think and act in ways that make sense only on the assumption of the existence of an all-seeing, judging God. If God is not there to hear, why express respect? The duty theorist has, I think, no further reply: he or she must simply appeal to the conviction that, nonetheless, the expression of respect would remain a duty, even if there is no one else to perceive it.” (141-2)

Rosen finishes the chapter by meditating on several passages of Kant, especially those that focus on a moral agent’s duties towards herself. Kant backed up this “ethics of reverence”
with some distinctive metaphysical claims, but Rosen thinks that those are dispensable. “That we might have such a duty [to respect humanity] towards things—corpses of fetuses, for example—that are not themselves human and will not benefit from our behavior toward them seems to me persuasive even if we do not think of humanity in Kant’s transcendental terms…our duties are so deep a part of us that we could not be the people that we are without having them. In failing to respect the humanity of others we actually undermine humanity in ourselves.” (157)

Regardless of how one evaluates the prospects of this last argument, I think that Rosen has constructed a valuable book that will keep us debating dignity for years to come.