



The Foundations of Human Dignity:
A Framework for Rights

James Mumford

Executive Summary

The language of rights is ubiquitous in our culture. Rights are our first recourse, our basic reflex, when we want to talk about justice and morality. Appeals to one's purported rights regularly function for those on the left and right as an argumentative *trump*. We have apparently hit moral bedrock when we talk about rights.

Yet despite the ubiquity of rights-talk, the question of the fundamental *ground* of rights remains as controversial as it is important. Since the Universal Declaration of Human Rights in 1948, Western societies have remained agnostic on the question of foundations, i.e., on the *basis* upon which people have a claim to be treated in certain ways and not treated in others. As someone admitted at UNESCO's "Philosophers' Committee" ahead of the publication of the Universal Declaration, "we agree on these rights, *providing we are not asked why.*" Such agnosticism is, however, ultimately misguided since varying convictions about the foundations of rights will inevitably change the shape any given schedule of rights will take, how that schedule will be upheld, and, above all, to whom those rights will be ascribed. It is vital, therefore, to argue for a particular foundation for human rights.

The most robust foundation for human dignity can be derived from a distinctly religious conception of *human dignity*. The word "dignity" derives from the Latin *dignitas*, which referred to "the honour, the privileges and the deference due to rank or office." *Dignitas* was a notion about status. But during the early centuries of the Church, Christianity, shaped by Jewish thought, took the Roman understanding of dignity as status and upended it by *universalising* it; by applying it to every member of the human race. And throughout history, for example among abolitionists in the 18th and 19th centuries, Western civilisations have returned to the doctrine of the *imago Dei* in particular, first asserted in Genesis's creation account ("God created the human in his image"), as the ground of our dignity and, in turn, basis of our fundamental rights. Compared to everything else that exists, a human being is of infinite worth and irreplaceable value; every man, every woman, every child is equally and inestimably precious.

By contrast with this irreducibly religious account of human dignity, the *philosophical* construal of human dignity from modernity onwards—in the Renaissance, the Enlightenment, and among contemporary thinkers—tends to undermine the strong emphasis on universality we find in Jewish and Christian teaching. This is because philosophers tend to identify dignity only with a particularly prized quality, property, capacity, or attribute—for example, rationality, autonomy, or self-consciousness—which makes it difficult to prevent the *demonstration* of that quality becoming a "condition for entry" into the human community. Modern secular philosophy typically takes the "human" out of "human dignity", in practice dismissing the lives of those human beings most in need of protection: the unborn, neonates, young children, men, women, and children with profound cognitive disabilities, and people suffering from dementia.

If we want to vouchsafe genuine rights for the vulnerable and most marginalised in our societies—whether the poorest in our communities or those who are not yet fully-fledged agents, and those who are no longer fully-fledged agents—we must not surrender the concept of dignity derived from our religious inheritance. We cannot keep the attractive features of religious-inspired dignity discourse—that is, its prized universality—whilst casually discarding the metaphysical foundations. You do not have to be a member of the Church to recognise the gift which is this unique, indispensable, freighted, and awesome conviction that every human being is made in the image of God.

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The Question of Foundations

The language of rights is ubiquitous in our culture. Rights are our distinct dialect, our moral vernacular. Whether cited in closed rooms hosting high-stakes international diplomacy, in heady discussions unfolding in university seminars, in the bloated speeches of long-winded politicians, or in cantankerous conversations in the pub, rights are our first recourse, our basic reflex, when we want to talk about justice and morality. Appeals to one's purported rights—such as the right to life, the right to die, the right to bodily autonomy, the right to free expression, the right to state support—regularly function for those on the left and right as an argumentative *trump*. We have apparently hit moral bedrock when we talk about rights; when we claim “subjective” or individual rights as a set of personal entitlements which other people, and above all the state, must respect and uphold.

Rights-talk has not always been this widespread. As intellectual historian Samuel Moyn has documented, in the late-modern West human rights at least became the *lingua franca* as late as the 1970s when they emerged as a “moral alternative to bankrupt political utopias.”¹ As Communism thawed worldwide, and as Western societies secularised, human rights were the “Last Man Standing”, or “the god that did not fail while other political ideologies did.”² In a pluralistic social and legal context, human rights alone could capture a residual morality functioning as a kind of ethical Lowest

Common Denominator. Rights have thus become a key site of contestation in the 21st century's culture war, while, on the international scene, at least since American president Jimmy Carter, human rights have become tools to name and shame nations which hide behind assertions of state sovereignty to abuse their citizens in different ways. An allegation of a human rights violation can even be a pretext for war.

What, though, is the fundamental *ground* of rights? What is the *reason* we ascribe rights to people? Upon what basis do we posit that people have a claim to be treated in certain ways and not treated in others? These are the questions this research paper will explore.

In July 1947, The United Nations Educational, Scientific and Cultural Organisation (“UNESCO”) hosted a committee consisting of leading thinkers from around the world to consider the conceptual foundations of human rights.³ The appointed mission of “The Philosophers’ Committee” was to try and find sufficient convergences between different cultures and diverse ideologies to inform the drafting of the Universal Declaration of Human Rights.

At one point during one of the committee meetings, it is reported that someone expressed astonishment that proponents of ideologies so violently opposed to each other had managed to agree on a draft schedule of rights. “Yes,” came the answer, “we agree on these rights, *providing we are not asked why.*”⁴

The Universal Declaration of Human Rights is celebrated as a diplomatic victory, a miraculous consensus, which secured a compelling, aspirational moral vision among parties from radically different

backgrounds. But the cost of doing business, the anecdote suggests, is (like in any negotiation) compromise, in this case of an intellectual kind. The committee would never agree on the conceptual foundation of human rights; would never agree on why men and women could or should be ascribed human rights. But that did not stop them proposing the content of a rights schedule.

The Universal Declaration has set the tone for a whole approach to rights in various contexts since 1948. It does not matter, it is said, that we do not concur about the basis upon which such an ascription is made. It does not matter that we do not agree on why human beings should be ascribed rights. All that matters is that we think they should. Each party to the discussion can arrive (and leave) secretly harbouring their own justification of what it is about human beings that warrants their being treated in the way the schedule of rights insists they should. Why need it be a shared justification if we can get over the line on the content of those rights, those expectations of conduct towards our neighbours near and far?

Inspiring and impressive as the Universal Declaration is, this paper argues that the “agnostic” approach to the question of foundations is misguided. Why? Because side-lining or ignoring the question of foundations always comes back to haunt us. As one of the members of that 1947 UNESCO committee, Richard McKeon, warned presciently at the time:

“Different understandings of the meanings of rights usually reflect divergent concepts of man and of society. Difficulties will be discovered in the suspicions, suggested by these differences, concerning the tangential uses that might be made of a declaration of human rights for the purpose of advancing special interests.”⁵

Varying convictions about the foundations of rights will inevitably change the shape any given schedule of rights will take, how that schedule will be upheld and, above all, to whom those rights will be ascribed. It is vital, therefore, to argue for a particular foundation for human rights. This research paper contends that a religious understanding of human dignity provides the best foundation.

The Modern Emergence of Dignity Language

When we talk about “human dignity” we tend to refer to a certain status attaching to human beings as *human beings*. Of course, dignity is also a word we use to describe someone’s behaviour or bearing. A football player who manages to ignore the taunting of the crowd shows dignity. And when we use the word in this way, we do not necessarily assume that what we are naming—an attribute called dignity—is equally distributed among people.⁶ The footballer shows dignity; the crowd do not. By contrast, when we qualify dignity as *human* we do invoke something universal—that is, not something of which you can have more or less. We also assume that dignity is not something human beings must *earn*; rather, it comes with the territory of being a human being.

However, 100 years ago the language of human dignity was not commonly deployed. The use of the word “dignity” to refer to moral status is relatively new in the Anglophone world. It can be traced to religious, particularly Roman Catholic, sources in the 1930s and 1940s.⁷ One significant usage comes from a Papal encyclical published on Christmas Day, 1942.

Pope Pius XII made an intervention at a moment when the outcome of the Second World War was still undecided. A month earlier, the tide had turned against the Germans at Stalingrad, though no one yet knew the strength of the Axis powers would ebb so quickly after that. This is what Pius XII declared:

“He who would have the Star of Peace shine out and stand over society should cooperate, for his part, in giving back to the human person the dignity given to it by God from the very beginning... He should uphold respect for and the practical realization of... fundamental personal rights... ”⁸

Previously, the Roman Catholic Church had eschewed the secular and liberal language of human rights (fatefully associated in the Church’s mind with the virulently anti-clerical French Revolution). In 1942, however, Pope Pius XII embraced the language of rights, though rooting it in different soil: in the concept of a God-given dignity. Addressing rulers (“He who would have the Star of Peace shine out and stand over society”), Pope Pius XII insists that they can achieve their heart’s desire—peace in their time—only by re-establishing “fundamental personal rights” grounded in human dignity. It was a significant moment. Officially, the Vatican had remained neutral in the Second World War. But Pope Pius XII introduced dignity and rights implicitly to inveigh against the totalitarianism of the Axis powers, before he knew those powers would lose the war. The Pope was, at last, taking sides.

Pope Pius XII was not the very first to introduce dignity language in the modern era, however. The pioneers were the Irish. Five years before Pope Pius’s encyclical, the Preamble to the Irish Constitution of 1937 asserted that:

*“We, the people of Éire,
Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ...
And seeking to promote the common good,
with due observance of Prudence, Justice and Charity
so that the dignity and freedom of the individual may be assured,
true social order attained, the unity of our country restored,
and concord established with other nations,
Do hereby adopt, enact, and give to ourselves this Constitution.”*⁹

Why was this employment of the language of dignity so radical? Because before 1937 dignity had usually been attached to groups—collective entities such as workers—or to orders such as marriage. In an “epoch-making reassignment,”¹⁰ Éamon de Valera, Fianna Fáil party leader, Irish prime minister, and drafter of the Irish constitution, invoked “the dignity and freedom of the individual.” In the landscape of 1930s political Catholicism, this was an incendiary move. Politically, de Valera was charting a third way between the “destitute atomism” of secular liberalism and the “corporatist” reaction to secular liberalism which had demanded either ecclesiastical forms of authoritarianism (as in Portugal or Spain) or outright fascism (as in Germany and Italy).¹¹ Certainly, the Preamble afforded de Valera the opportunity to Christianise the document (as in the opening acknowledgement of “*all our obligations to our Divine Lord, Jesus Christ.*”) But the Preamble also laid the framework for a different kind of Christian state, one which would not countenance the subjugation of the individual to the higher purposes of the collective. “In an era of the victory of Catholic corporatism or outright fascism,” Samuel Moyn concludes, “Ireland proved a peripheral laboratory of civil society Catholicism or even post-World War II Christian Democracy.”¹²

The relative novelty of human dignity language in the modern era raises a critical question: is it just the *language* which is new? Or is the *concept* of human dignity also distinctly modern? The answer to the latter question is clearly “no” in light of the history of moral thought in the West. What came to be spoken of in the 1930s and 1940s as “human dignity” travels historically under different terms and is embedded in different strictures and practices in Western history.

The Theological Origins of Dignity

The word “dignity” derives from the Latin *dignitas*, which referred to “the honour, the privileges and the deference due to rank or office.”¹³ *Dignitas* was a notion about status. *Dignitas* was a hierarchical notion. But what we see during the early centuries of the Church was how Christianity, shaped by Jewish thought, took the Roman understanding of dignity as status and upended it. How? By universalising it. By applying it to every member of the human race. “The modern notion of human dignity,” according to political philosopher Jeremy Waldron, “involves an upward equalization of rank, so that we now try to accord every human being something of the dignity, rank, and expectation of respect that was formerly accorded to nobility.”¹⁴

We have seen that the mid-20th century emergence of the language of human dignity derived from religious sources. Well, looking back, we can see that *so does the concept*. The description of human beings as dignified is central to both Jewish and Christian theological anthropology—the teaching of those religions about what a human being essentially *is*. It is from texts sacred to Judaism and Christianity that we receive the idea that there is something special, something distinctive about human beings. It is the Hebrew Bible and the New Testament which disclose that, compared to everything else that exists, a human being is of infinite worth and irreplaceable value; that each one of us—every man, every woman, every child—is equally and inestimably precious. Historically, it was the metaphysical convictions which emerged from communities of faith that let humans in on the secret of their own status.

Where exactly do we find Jewish and Christian teaching about dignity? One site is the revelation that human beings are made in the image of God—an idea which, as Jeremy Waldron puts it, “provides exactly the foundation that a universalist approach to rights requires.”¹⁵ The revelation that humankind is made in God’s image comes in the first chapter of Genesis, the first book of the Hebrew Bible. Given that Christians have historically considered the Hebrew Bible to be part of their own scripture (as “The Old Testament”) we can say Judaeo-Christian revelation *begins* with the assertion of the fundamental dignity of human beings. Dignity is a premise established at the outset.

While the first 11 chapters of Genesis have been described as “primeval history”, “cultivat[ing] a kind of narrative that is fablelike or legendary, and sometimes residually mythic,”¹⁶ Genesis 1:1-2:4 stands apart as a formalised, cosmological survey with only the most superficial narrative element—one reason why older scholars set it apart as a “Priestly” narrative, different in style from what follows.¹⁷ The first chapter of Genesis is not a scientific treatise; it would be anachronistic to expect it to be. That does not mean, however, that it is not concerned with the fact that the world as a whole is created. Furthermore, when we enter the world in which Genesis was written and set, we can see that its creation account is set against rival Mesopotamian mythic accounts of the beginning of the world. It is therefore quite clear that the Priestly author of Genesis 1 is up to something profoundly polemical. The author is correcting the record.

Contrast Genesis, for instance, with Enuma Elish, the Babylonian myth of origins. According to Enuma Elish, the world emerges from a primordial struggle between the gods. The world comes into existence when Marduk, the god of light, severs the body of a dragon; human beings then derive from the blood of this dragon. The Babylonian myth, as the late Pope Benedict XVI accurately observed, paints “a foreboding picture of the world and of humankind that we encounter here... At the very origin of the world lurks something sinister, and in the deepest part of humankind there lies something rebellious, demonic, and evil.”¹⁸ Genesis’s account, insisting as it does that God creates *ex nihilo* (out of a void), thus states a truth about terrestrial origins. Only by remaining attentive to the literary context of Genesis “can we appreciate the dramatic confrontation implicit in this biblical text, in which all these confused myths were rejected and the world was given its origin in God’s Reason and in his Word.”¹⁹

How, then, is the dignity of human beings established in Genesis 1? After creating heaven and earth; after dividing light from darkness and the water from the sky; after making the earth yield vegetation; after putting the sun and moon and stars in their places; and after making the oceans and earth teem with living creatures; finally, on the sixth day, God takes counsel. “God said, ‘Let us make a human in our image, by our likeness...’”²⁰ The Priestly author of Genesis 1 then breaks into poetry to record how God delivers on his deliberation:

“And God created the human in his image,
in the image of God He created him,
male and female He created them.”²¹

The description of the person as the “image of God” (*imago Dei*) is rooted in the royal ideology of the Ancient Near East. But in Mesopotamian and Egyptian usages, the “image of God” refers to the *king* alone.²² This is seen in the address of Amon Re to Pharaoh Amenophis III: “Thou art my beloved son, come forth from my limbs, my very own image, which I have put upon the earth. I have permitted thee to rule over the earth in peace.”²³ This description is intriguing because it suggests another polemical dimension to Genesis 1. Whereas Israel’s neighbours reserved for royalty the *nomen dignitatis* (the name of dignity), the writer of Genesis democratizes the term, conferring it upon the whole of humanity.

But the concept of the *imago Dei* does not only subvert the thought of the Ancient Near East. When we turn to later reflection on the concept, in particular to the writings of the earliest Christian theologians, we see how radically Christian theologians broke with the picture of human beings they had inherited from Ancient Greek philosophy as well. “The biblical doctrine of the image of God set Christian thinking on a different course,” writes American Patristics scholar Robert Louis Wilken.²⁴ What course? Well, Greek philosophers had pictured the human being as a “microcosm”, a “little world composed of the same elements as the cosmos.”²⁵ Gregory of Nyssa, however, a theologian writing in Greek in the late 4th century AD in Cappadocia (modern-day Turkey), maintains that the concept of the human being as a “microcosm” misses what is distinctive about a human life.²⁶ What is so exceptional, Gregory questions, about being “an imprint and likeness of the world, that is, of the heavens that go round and round, of the earth that changes, of all the things that they contain which are doomed to pass when that which embraces them is gone.”²⁷ In other words, the world is transient, so to insist the human being is a microcosm of this world is to insist only upon the human being’s ephemeral nature. Which leads Gregory of Nyssa to counter:

“Remember how much more you are honoured by the creator than the rest of creation. He did not make the heavens in his image, nor the moon, sun, the beauty of the stars, nor anything else you see in creation. You are made in the likeness of that nature which surpasses all understanding... Nothing in creation can compare to your greatness.”²⁸

For Gregory of Nyssa, a distinctive feature of the biblical account is the fact that human beings are *not* made in the image of the (passing) world. Rather, they are made in the “likeness of the one who formed the world.” Human beings may be alive as plants are. Human beings may have sensory capacities as animals do. But human beings are also modelled on what is infinite and enduring.²⁹ They are made in the divine image: “God has imprinted on [your nature] traces of the good things of his own nature, as one impresses a design on wax.”³⁰ This is what grounds our “greatness”, what assures us of our cosmic significance and inestimable worth.

But what substantively can we say about what it means to be made in the image of God? In Gregory of Nyssa’s treatment of Genesis 1, we find a rich answer to this question. Gregory writes:

“The entire plenitude of humanity was included by the God of all, by the power of his foreknowledge, as in one body, and... this is what the account teaches, saying that *And God made the human being, in accordance with the image of God made He him*. For the image is not in part of our nature, nor is the grace in any one of the things contemplated regarding it, but this power extends equally to the whole genus... ”³¹

Gregory’s descriptions of precisely what it is that bears the image—“the entire plenitude of humanity,” “one body,” “the whole genus”—indicate that the creation of humanity in Genesis 1 does not principally refer to Adam alone, but to “this fullness of humankind,”³² to that “community that, as a whole, reflects the beauty of its creator.”³³ Gregory continues later in the same text:

“He who holds all limits in his grasp saw, as the Scripture says, *all the ends of the earth in his hands, he, who knows all things even before their genesis*, saw, embracing in his knowledge, how many in number humanity will be in its individuals.”³⁴

It is a radical claim. At the beginning of time, Gregory believes, God (“He who holds all limits in his grasp”) envisaged the whole of humanity. God foresaw the full number of human beings there would be and conferred his image on this projected community *en bloc*.

Now, you might worry that to identify the *imago Dei* with the whole of humanity lamentably, even dangerously, allows the particular to be subsumed into the universal, the single person to be absorbed into the mass. Does Gregory of Nyssa’s reading of Genesis devalue the individual? Quite the opposite, in fact. As contemporary Eastern Orthodox theologian David Bentley Hart observes, for Gregory, “each particular person, in each unique inflection of the *plemora*’s [plenitude’s] beauty bears the divine image... All persons express and unfold the human not as shadows of an undifferentiated idea, but in their concrete multiplicity.”³⁵ The profoundly disabled woman, the anencephalic newborn, the unborn child, human beings before reason and human beings past reason: all are indispensable members of a community.³⁶

We have seen that the fundamental assertion of human dignity is made in Genesis 1 as part of the Hebraic and Christian doctrine of Creation. The conferral of the divine image comes *before* the Fall—the famous account given in the third chapter of Genesis according to which Adam and Eve succumb to temptation and exercise their freedom to defy the Creator-God who gave them that freedom. Now, for the author of Genesis 3, there are tragic consequences to what Milton in *Paradise Lost* calls “man’s first disobedience.”³⁷ After Adam and Eve wilfully ignore the divine instruction not to eat from the tree of the knowledge of good and evil, God curses them. The content of this curse is significant. In the mythical world of Genesis, the curse introduces into the world patriarchy (man “shall rule over you,” God tells Eve),³⁸ toilsome labour (“by the sweat of your brow you shall eat bread”)³⁹ and mortality (“till you return to the soil”)⁴⁰.

Regardless of the implausibility of a historical Fall (given that death precedes the emergence of *homo sapiens* by billions of years), the relevant question for our discussion of dignity is whether the mythology of the Fall effectively cancels out what Genesis teaches about the elevated status of human beings. In other words: is the *imago Dei* defaced by the Fall in the Hebrew Bible? When human beings turn their backs on their Creator, do they lose their dignity along with everything else?

If Genesis 1 was our sole reference for the conviction that human beings have been created in the image of God, it could be argued that the *imago Dei* is defaced by the Fall. In fact, however, as we read on in Genesis, it is *after* the account of the Fall that we find a crucial affirmation of the fact that “postlapsarian”, sinful human beings retain the image of God. In the ninth chapter of Genesis, we are told that God, having blessed Noah and his sons after the Flood, not only reinstates the procreative

imperative (“Be fruitful and multiply and fill the earth”)⁴¹; but God also prohibits the shedding of human blood *on the grounds that* “in the image of God / He made humankind.”⁴² This is of critical importance: the prohibition against murder in the Bible finds its primary foundation in the uniquely dignified status of human beings. It is at this point in the Hebrew Bible that the *imago Dei* becomes an explicitly normative notion; becomes, that is, an idea that is action-guiding, that has significance for how we are to think about *ethics*.

So far, we have considered only the intellectual and practical significance of the *imago Dei* in particular *texts*. We have looked at what our monotheistic ancestors *wrote*. But what about the material realisation of these ideas? Were the revolutionary implications of Jewish and Christian teaching about dignity ever worked out concretely?

Looking back, it is difficult to gauge just how radical was the new vision of reality Christianity appropriated from Judaism and ushered into wider Roman culture. As David Bentley Hart puts it, “We live in the long twilight of a civilization formed by beliefs that, however obvious or trite they may seem to us, entered ancient society rather like a meteor from a clear sky.”⁴³

Ancient Rome was a culture of death: barbarous, brutal, callous, and cruel. In the Roman world, the poor, vulnerable, and enslaved were deprived of dignity and their lives instead were treated as disposable. Consider crucifixion. “The most wretched of deaths,”⁴⁴ crucifixion was the “supreme penalty,”⁴⁵ the ultimate punishment in Ancient Rome. Crosses would line major roads at 60-yard intervals, the surrounding areas denuded of their trees. Rebel slaves would hang on the crosses naked, “long in agony, swelling with ugly weals on shoulders and chests”⁴⁶ (and subjected to public view, defenceless against birds of prey). Crucifixion was the most excruciating, ignominious of deaths, and the most powerful weapon for social control in the elite Roman arsenal. As British historian Tom Holland notes: “Nothing spoke more eloquently of a failed revolt than the sight of hundreds upon hundreds of corpse-hung crosses.”⁴⁷

Or take gladiatorial fighting. In the Flavian amphitheatre in Rome, 60,000 people would take bets on which “contestants” the bears and leopards would devour first. Or, later in the day, would be heard cries of *Habet! Hoc Habet!* (“He’s had it!”) or *Mitte!* (“Send him back!”) or *Jugula!* (“Cut this throat!”). “In the morning,” the Roman statesman Seneca wrote, “they throw men to the lions and bears; at noon, they throw them to the spectators... ”⁴⁸ Under the scorching sun, in the burning dust, soaked in his own blood, the crowd would salivate as the weaker gladiator fell. Sat back on one heel, the vanquished gladiator would bow to the earth, grip his opponent’s thigh—to steady himself—and await the sword that would be plunged below his vizor into his neck. “There was in these gatherings something that exceeded moderation, a sort of barbaric extravagance... ”⁴⁹

And then there was the practice of “exposure”—the abandonment of newborn babies in the city dumps (and socially acceptable across the Roman world in the first week of a baby’s life). If you were carrying a child, it was often the case that you had to wait until birth to find out whether the child was otherwise unwanted. In a letter from 1 BC, a man named Hilarion writes from Alexandria to his wife back home in Oxyrhynchos, a city in Middle Egypt. Resolved to stay in Alexandria for work, Hilarion promises his wife he will send money when he is next paid. Then he says: “If you happen to be pregnant again, if it is a boy, leave it; if it is a girl, throw it out... ”⁵⁰ Poverty drove some parents to exposure. They abandoned the new addition to the family if they lacked the resources to raise more children. But destitution was not the only factor, as Hilarion’s letter shows. The Stoic philosopher, Musonius Rufus, bemoans how awful it is that some of those who expose offspring “do not even have poverty as an excuse but are prosperous,” doing it “so that their [other] children may have a greater share of their father’s goods.”⁵¹ And the fate of the *expositi* (exposed)? The risks were overwhelming. “Wild animals and snakes and cold that endangers tender bodies and lack of sustenance.”⁵² Horror at the idea that the child could be eaten

by animals is probably what fuelled the legends about children who were raised by wolves. In this world, luck meant merely being picked up by families conscripting slaves.

From its inception, Christianity inverted the core principles of Roman culture. The new faith completely revised the categories human beings used to understand themselves and their place in the world. The Roman values of *superbia*, vitality, and honour were replaced with the Christian values of humility, sympathy, and love. The late 19th century German philosopher Frederick Nietzsche, perversely, saw this replacement of values as a travesty. According to Nietzsche: “Christianity is called the religion of pity,” but the problem is, “you lose strength when you pity.”⁵³ The very meaning of good and evil was upended. What the Romans deemed good (strength) Christians now declared evil. What the Romans deemed evil (weakness) Christians now hailed as good. “My strength is made perfect in weakness,” is the claim St Paul attributes to “The Lord” in his second letter to the Church in Corinth.⁵⁴ There was a class dimension to this too. Christianity effected what Nietzsche viewed as a “slave revolt in morality.”⁵⁵ Virtues associated with the ruling class were dramatically displaced by the virtues associated with the downtrodden, the poor, the enslaved, the powerless, the subjugated, and the disinherited. As Christianity took root in the Roman Empire, it is no exaggeration to say Roman culture was transformed.

In late 360s AD, Gregory of Nyssa’s friend, colleague, and namesake, Gregory of Nazianzus, preached a sermon in Caesarea, capital of the province of Cappadocia. The occasion for *Oration 14, On Love for the Poor*, was an outbreak of leprosy in the city.⁵⁶ Here is the moving description with which the sermon begins:

“There stands before our eyes a terrible, pitiable sight, unbelievable to anyone who did not know it was true: human beings both dead and alive, mutilated in most parts of their body, scarcely recognisable either for who they are or where they come from...”⁵⁷

If they are “scarcely recognisable,” how exactly, we might ask, are the lepers identified? They identify themselves, Gregory relays, by calling out the names of their parents and siblings and homes (“I am the son of so-and-so, so-and-so is my mother, this is my name, you were once my dear companion!”⁵⁸). The lepers do this because, “they cannot be recognised by their former shape; they are truncated human beings, deprived of possessions, family, friends and their very bodies.”⁵⁹ But their pleas, Gregory informs us, apparently fall on deaf ears (“The father looks at his own child, whom he begot and raised... and now both grieves over that child and drives him away.”⁶⁰).

Even though the lepers have lost their human form, in *Oration 14*, Gregory of Nazianzus insists they have not lost their divine likeness:

“This is how they are suffering... our brothers and sisters before God (even if you prefer not to think so) who share the same nature with us, who have been put together from the same clay from which we first came, who are strung together with nerves and bones in the same way we are, who have put on flesh and skin like all of us... Or rather, if I must speak of greater things, they have been made in the image of God in the same way you and I have.”⁶¹

But *Oration 14* is no mere lament for a lost people. Gregory proceeds to issue a call for action, the *imago Dei*, as in Genesis 9, functioning for Gregory as a source of normativity. Gregory says that because the lepers “have been made in the image of God in the same way you and I have,” the community must “offer relief to human need,”⁶² if possible, by lending money. One biographer suggests *Oration 14* was “always conceived as a general fund raiser” for the Caesarean Leprosarium, where lepers were cared for, the building of which started in 368.⁶³ “If you cannot do this,” Gregory implores his congregation to

give instead “smaller gifts, as far as in your power.”⁶⁴ His concrete suggestions? “Come to his help, offer him nourishment, offer her a scrap of clothing, provide medicine, bind up his wounds, ask something about her condition, offer sage advice about endurance, give encouragement, be a support.”⁶⁵ Therefore, as I have written elsewhere:

“Gregory implies that his congregation are to live their lives in accordance with the fact that to these disfigured beings who ‘toss around in the hot sun and dust’ God has accorded special status. In short, for Gregory, being made in the image of God is grounds for inclusion within the sphere of concern. Differently put, recognition involves a moral obligation towards those on the margins.”⁶⁶

It is not only in late antiquity, in the early centuries of the Church, that we encounter Christians finding in the *imago Dei* grounds for human dignity. The *imago Dei* proves as important a concept for Christianity in modernity. Most famously, appealing to the *imago Dei* was one pivotal way the abolitionists of the 18th and 19th centuries—both English and American, both white and black—chose to frame their arguments.

Between 1662 and 1807, British merchants trafficked roughly 3.4 million slaves from Africa to the Americas—half of all enslaved Africans.⁶⁷ To abolish this “vile traffic in human flesh,” it was necessary for the abolitionists, from the mid-18th century onwards, to combat both the pernicious theology used to justify slavery (the spurious, and late medieval reading of Genesis’s “curse of Cain”) and the theories of racial inferiority associated with the philosophies of renowned atheists David Hume and Voltaire. Early abolitionist writers such as James Ramsay and Granville Sharp, according to the historian of slavery David Brion Davis, explicitly presented their attacks on slavery as “a vindication of Christianity, moral accountability, and the unity of mankind.”⁶⁸ By the time we reach the end of the 18th century, we find in William Wilberforce’s circle the evangelical activist and philanthropist, Hannah More (1745-1833), invoking the *imago Dei* to counter convictions regarding racial inferiority. Appalled that African slaves “stand convicted – of a darker skin!,” Hannah More pleads with the readers of her polemical poem, *Slavery* (1788), to “respect *His sacred image* which they bear... They still are men, and men shou’d still be free.”⁶⁹ While later in the United States, the black abolitionist Frederick Douglass (1817/1818-1895) also couches his arguments in the terminology derived from Genesis 1. Douglass writes in his autobiography of 1845:

“O, how accursed is that system, which entombs the godlike mind of man, *defaces the divine image*, reduces those who by creation were crowned with glory and honor to a level with four-footed beasts, and exalts the dealer in human flesh above all that is called God! Why should its existence be prolonged one hour? Is it not evil, only evil, and that continually?”⁷⁰

And later, in a speech about the Supreme Court’s Dred Scott decision of 1857, which ruled against Scott, a slave, who had sued for his freedom, Douglass returns to the *imago Dei*:

“[Slavery] is an attempt to undo what God has done, to blot out the broad distinction instituted by the Allwise between men and things, and to change the *image* and superscription of *the everliving God* into a speechless piece of merchandise. Such a decision cannot stand. God will be true though every man be a liar.”⁷¹

To bear the image of God, then, clearly has normative significance for Douglass. To treat someone who bears the image of God as a “speechless piece of merchandise” constitutes a terrible category-mistake, a seismic aberration, a profound violation. To put a price on a human being fails to recognise what he or she most fundamentally is.

Finally, it is important to observe the critical role the appeal to the *imago Dei* played during the American civil rights era. As civil rights scholar William Gregory Thompson has shown, Martin Luther King Jr., both as an African American himself and as a national leader and pastor, demonstrated a keen sense of the brutalising effects of racism upon black men and women living under Jim Crow.⁷² African Americans, King wrote, were “harried by day and haunted by night by the fact that [they were] [African American], living constantly at tiptoe stance, never quite knowing what to expect next, plagued with inner fears and outer resentments... forever fighting a degenerating sense of ‘nobodiness’.”⁷³ This “nobodiness”—this self-alienation, this erosion of self—was the direct consequence of oppression. It was thus vital, King wrote, that “every [African American] must feel that he is somebody... He must come to see that he is a child of God and that *all men are made in God’s image*.”⁷⁴ King roots his assertion of the dignity of African Americans in the truth about their identity as bearers of the divine image.

What is more, for King, the *inalienability* of the image—the fact that the image is not defaced even by the most abhorrent racism—also compels King to recognise the enduring dignity even of his enemy. King warrants quotation at length here:

“Within the best of us there is some evil, and within the worst of us there is some good. When we come to see this, we take a different attitude toward individuals. The person who hates you most has some good in him. Even the nation that hates you most has some good in it. Even the race that hates you most has some good in it. *And when you come to the point that you look in the face of every man and see deep down within him what religion calls the “image of God,” you begin to love him in spite of. No matter what he does, you see God’s image there.*”⁷⁵

The Philosophical Construal of Human Dignity

The concept of dignity may, then, be derived from religious sources. But dignity has hardly been restricted to these sources historically. Philosophers as well as theologians have tried to establish the foundation for, and work out the implications of, human dignity. The difficulty, however, is that the philosophical construal of human dignity from modernity onwards tends to undermine the strong emphasis on universality we find in Jewish and Christian teaching. Why? Because if you identify dignity only with a particularly prized quality, property, capacity, or attribute—for example, rationality, autonomy, or self-consciousness—it is difficult to prevent the demonstration of that quality becoming a condition for entry into the human community. Modern philosophy typically takes the “human” out of “human dignity”.

The fateful turn occurs during the Renaissance. In 1486 humanist Pico della Mirandola wrote *On the Dignity of Man*, in which he proceeded to identify dignity with autonomy: “Oh wondrous and unsurpassable felicity of man, to whom it is granted to have what he chooses, to be what he wills to be”⁷⁶ This highly agential conception of the person was then developed more fully in the Enlightenment period by Immanuel Kant.

Kant begins by distinguishing between two kinds of value: mere price versus dignity or worth (*Wurde* in German). “Whatever has a price,” Kant maintains, “can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity.”⁷⁷ Kant zeroes in on the idea of dignity as irreplaceable value—a value not just greater than but formally distinct from the value of a pleasurable experience, say, of a wad of cash.⁷⁸ As American philosopher Talbot Brewer reasons, it can make sense to invest \$100 in order to secure \$200, or to forego one pleasurable sensation in order to experience a more intense one.⁷⁹ But when you make such a trade-off

you do not usually lament the money or experiences you have lost. Because “the loss has been compensated in kind.”⁸⁰ With human beings, however, it is very different. The loss of a human being is not “compensable” in the same way by the creation of another human life. The grief of a Ukrainian mother whose child has been killed in a Russian bombing will not simply subside if she conceives again. Neither of course (if you can even imagine such a case) would the Russians’ proposed provision of another child for that mother as a substitute mollify her. No, all talk of compensation here is inappropriate because her child has irreplaceable value.

That is what it meant for Kant for someone to have dignity. And so far, so good. The problem arises when Kant goes on to identify who exactly has dignity and why. Kant writes in *The Metaphysics of Morals* (1797):

“Man in the system of nature... is a being of little significance and, along with other animals, considered as products of the earth, has an ordinary value... But man as a person, i.e. as the subject of morally-practical reason, is exalted above all price. For as such a one... he is not to be valued merely as a means to the ends of other people, or even to his own ends, but is to be prized as an end in himself. This is to say, he possesses a dignity... ”⁸¹

For Kant, then, human beings do not possess dignity *qua* human beings. We only possess dignity to the extent that we are *persons*. And what is a person? A person Kant defines here as someone who is “the subject of morally-practical reason.” Kant is hereby tying our personhood to “our will in its capacity as the source of the moral law.”⁸² It is the capacity for self-legislation that makes us persons and hence dignified. Without that capacity a human being is, as Kant explicitly states, “in the system of nature... a being of little significance.... [having] an ordinary value.”

Fast forwarding to the contemporary context, Ronald Dworkin (1931-2013), the influential American legal and political philosopher, set out a distinctly liberal conception of dignity. Dworkin outlined these constituent elements of human dignity:

“The first is a principle of self-respect. Each person must take his own life seriously: he must accept that it is a matter of importance that his life be a successful performance rather than a wasted opportunity. The second is a principle of authenticity. Each person has a special, personal responsibility for identifying what counts through a coherent narrative or style that he himself endorses.

Together these two principles offer a conception of human dignity; dignity requires self-respect and authenticity.”⁸³

On one level, there is something attractive about Dworkin’s definition of human dignity. Who would disagree that it is vital people accept their lives are important? Or that we be encouraged to take responsibility for the shape our lives take? Further: Dworkin’s two principles justify our intuitions about why certain ways of treating people constitute rights violations. If taking responsibility for yourself is the heart of dignity for Dworkin, and if it is true that “duress diminishes responsibility,” we can see why torturing someone violates their dignity.

The difficulty with Dworkin’s approach, however, is the way it converts the aspirations we may harbour for ourselves and other people into the basic grounds for dignity. You must be a fully-fledged agent if you are to command Dworkinian dignity, and that is a problem. For however greatly we prize self-respect and authenticity, to make them the conditions for the ascription of human dignity raises the bar to such a level that many human beings, in certain states and at certain stages in life, will be excluded.

In his important essay, *Religious faith and human rights*, former Archbishop of Canterbury Rowan Williams suggests why a religious foundation for dignity is indispensable. Williams also complains about “rights theories that stress the grounding of rights in human dignity but then associate human dignity with a particular set of capacities,”⁸⁴ proceeding to formulate his complaint as follows:

“The danger of these [rights theories] is that, by trying to identify a list of essential capacities, it becomes possible to identify criteria according to which full claims to human rights may be granted or withheld. The right of the imperfectly rational person, whether the child or the person with mental disabilities – may be put in question if we stipulate a capacity for reasoned self-consciousness as a condition for acknowledging rights.”⁸⁵

This is precisely the problem we have identified in modern philosophy’s construal of dignity: the identification of criteria to exclude human beings who are not considered “normal” or ideal specimens; people not at the height of their powers. But there is something more to say here. Achieving “reasoned self-consciousness”—as a young adult, say—depends upon other people having nurtured you when you *were* a child, incapable of precisely that. So, becoming a person—if personhood is identified with something like autonomous self-direction—depends upon you being treated as a person when you are not a person. Thus, the corollary of the capacities-based approach to rights is that adults can with impunity *refuse* to socialise a child in the ways that lead to that child becoming a fully-fledged person. Ascribing dignity, and then rights, only to the self-conscious or fully rational means in effect that only the strong are protected by law and custom against abuse or mistreatment. If rights are reserved for *agents*, because the dignity upon which those rights are founded is identified with the possession of certain capacities, rights-discourse becomes a racket, certainly not a way that truth may be spoken to power, or the strong stopped in their tracks.

Instead, what theology adds to the dignity picture is a strong emphasis on the body. Williams again: “Rights belong not to the person who can demonstrate capacity or rationality but to any organism that can be recognised as a human body, at any stage of its organic development... ”⁸⁶ Religious convictions provide a foundation for preserving the rights of the most vulnerable, the least powerful, because religious convictions will not allow dignity to impose criteria above and beyond the fact of human existence. Differently put, religious convictions do not make dignity something which some human beings can confer (or not confer) upon others. The human being as seen in the theistic traditions we have explored is precious as such; individual humans do not have to prove anything to anyone, nor do anything to have value. To be included as a member of a privileged community, a human needs simply be present as a body among bodies.

Critics of the deployment of dignity-language in medical ethics particularly assume that the idea of human dignity adds nothing conceptually to the basic concept of autonomy. For example, Steven Pinker writes of “the stupidity of dignity”⁸⁷ and Ruth Macklin that “dignity is a useless concept.”⁸⁸ We have seen, however, that the religious understanding of human dignity *does* add something by way of its refusal to impose qualitative criteria above and beyond the fact of existence. What human dignity conceptualised by Judaism and Christianity adds is a sensitivity to the lives of those human beings most in need of protection—the unborn, neonates, young children, men, women, and children with profound cognitive disabilities, people suffering from dementia—for whom an ethic of autonomy will be of no help. Which leads Rowan Williams to conclude:

“The fact is that the question of foundations for the discourse of non-negotiable rights is not one that lends itself to simple resolution in secular terms; so it is not at all odd if diverse ways of framing this question in religious terms flourish so persistently. The uncomfortable truth is that a purely secular account of human rights is always going

to be problematic if it attempts to establish the language of rights as a supreme and non-contestable governing concept in ethics.”⁸⁹

“The Euphemisms Won” – The Hijacking of Dignity

“‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean—neither more nor less.’

‘The question is,’ said Alice, ‘whether you can make words mean so many different things.’

‘The question is,’ said Humpty Dumpty, ‘which is to be master—that’s all.’”

Lewis Carroll, *Alice Through the Looking-Glass* (1871)⁹⁰

“But if thought corrupts language, language can also corrupt thought. A bad usage can spread by tradition and imitation, even among people who should and do know better... .”

George Orwell, *Politics and the English Language* (1946)⁹¹

The prevalence of dignity language in both historic and contemporary debates about euthanasia is striking. Founded in 1998, the Swiss euthanasia clinic, where every ten days one Briton travels to be given assistance in committing suicide, is called Dignitas. The clinic’s English website describes its governing principles this way:

“‘DIGNITAS – To live with dignity- to die with dignity’ has the objective of ensuring a life and a death with dignity for its members and of allowing other people to benefit from these values.”⁹²

And one of Dignitas’s guiding principles duly states that people “are the bearers of human dignity, and this is characterised most strongly when a person decides his or her own fate.”⁹³

The use of dignity language to describe euthanasia is not restricted to Switzerland. The largest and oldest euthanasia advocacy organisation in the UK, founded in 1934, used to be called The Voluntary Euthanasia Legalization Society. In 2005, it was renamed Dignity in Dying. As British ethicist David A. Jones notes, “The change of name avoids the stigma attached to the word euthanasia; it also represents a shift from concern about pain relief to concern about the dignity of choice and the indignity of disability and dependence.”⁹⁴ The following emotive story can be found on a Dignity in Dying online petition:

“I know that I am going to die... but I am terrified of how my death will be.” Jan has terminal cancer. When the time comes, she wants the choice to die with dignity, peacefully at home. But instead, the UK’s current law against assisted dying will force Jan – and thousands of terminally ill adults like her – to suffer against their wishes. Together we can change that.”⁹⁵

When Dignity in Dying elaborates on this on their website, the organisation notes the fact that, because euthanasia remains illegal in Britain, those seeking assisted suicide are forced to travel abroad to clinics like Dignitas. This is how the complaint is formulated:

“Dying people are already ending their lives to avoid painful and undignified deaths. Many pay thousands of pounds to travel abroad to **guarantee a safe and peaceful death**. They do so to access a proven and safe way to control their death with medical supervision. Many cannot travel so risk a painful and gruesome death by ending their lives at home. Many more are suffering and dying without dignity because they have no choice.”⁹⁶

The language of North American organisations campaigning for euthanasia is identical. “WE SHOULD ALL HAVE THE RIGHT TO DIE WITH THE DIGNITY” is the message emblazoned across the homepage of America’s Death With Dignity National Centre, the United States’ leader in end-of-life advocacy and policy reform founded 2004.⁹⁷ First among “Our Core Values”, is dignity, defined in these terms:

“We respect and honor the dignity and worth of all humans. Through political action and grassroots advocacy, we strive to provide all Americans an option that will allow them to die on their own terms. Death with dignity respects and honors an individual’s choices, including how they choose to define a dignified death.”⁹⁸

Meanwhile, the main Canadian grassroots organisation is named Dying with Dignity Canada. Founded in 1980, it successfully campaigned to legalise euthanasia in Canada in 2016.

The description of euthanasia as “death with dignity” dates, as far as I can tell, to the 1970s. But in America at least, it was not until the early 1990s that the euphemism proved efficacious—that it was successfully deployed to secure the legalisation of euthanasia. On the back of abortive attempts in Washington and California to legalise euthanasia, the defeated advocates reconsidered the language they were using. In 1993, ahead of a new initiative in Oregon, the newly formed Euthanasia Research and Guidance Organization (“ERGO”) commissioned a poll, which was specifically designed, as one of the campaign’s pioneers, Derek Humphry, later admitted, to decide “if euphemisms allow people to come to grips with brutal facts which, stated another way, would be repugnant to them.”⁹⁹ Predictably, the poll showed that the largest number of respondents (65%) preferred a law which used the terminology of “to die with dignity”. In the drafting of the Oregon statute, Measure 16, the formulation “aid-in-dying”—which the Washington and California initiatives had used—was eliminated. Measure 16 duly became Oregon’s “Death with Dignity Act”. And instead of proposing that doctors be permitted *directly* to end the lives of patients by lethal injection, the final draft of the Oregon statute provided only that a doctor could only prescribe for a patient “medication to end his or her life in a humane and dignified manner.”¹⁰⁰

As historians Rita L. Marker and Wesley J. Smith note, “each word and phrase [of the Oregon statute] was meticulously examined for its potential impact on voters.”¹⁰¹ For example, the “informed consent” term used in the first five drafts was instead changed to “informed decision” (“informed decision” suggesting, unlike “informed consent”, that the initiative lay with the patient, not the doctor). Polling also indicated that only 44% of voters would favour a law using the term “physician-assisted suicide”. The Measure thus boldly declared:

“Nothing in this Act shall be construed to authorize a physician or any other person to end a patient’s life by lethal injection, mercy killing or active euthanasia. Actions taken in accordance with this Act shall not, for any purpose, constitute suicide, assisted suicide, mercy killing or homicide under the law.”¹⁰²

On 8 November 1994, Oregon voters approved Measure 16 by a very slim margin (51% to 49%). The shift in language had ensured the making of history—the first state in America to legalise intentional killing. As Derek Humphry commented, “the euphemisms won.”¹⁰³

We can see, therefore, how “dignity” has come to achieve the “mastery” of which Humpty Dumpty speaks. But what happens to the meaning of this master-word in this context? Answer: dignity becomes synonymous with autonomy. To die with dignity comes to mean to “die on [one’s] own terms,” in the manner of one’s choosing. While an “undignified” death, by contrast, is one in which the circumstances and timing of one’s end escape one’s control. The implication is that while death may be an enemy, the grounds on which it is fought can be chosen (through the provision of medically assisted suicide).

This conflation of dignity with autonomy stems, as we have seen, from modern philosophy’s construal of dignity. As such, even though euthanasia advocates trade upon the more universalistic religious conception of dignity (for example, in Dying with Dignity Canada’s assertion that “we respect and honor the dignity and worth of all humans”), those advocates have in fact hijacked that conception. They have taken the word but discarded the meaning.

Why precisely does the euthanasia lobby’s invocation of “death with dignity” constitute such a grievous co-optation? In short, the implication of saying that euthanasia constitutes “death with dignity” is that suffering, pain, or a state of dependence can rob you of your dignity. Yet a central contention of the Jewish and Christian *imago Dei* tradition we explored earlier is that nothing can strip you of your dignity. Certainly, other people can violate or affront your dignity, but even here we would not say that the victim of rape or the victim of torture has lost their dignity and can thereafter be treated with disrespect. Nor does sin, we saw, detract from your basic dignity; sin does not deface the *imago Dei*. Yet to make dignity synonymous with the possession of autonomy implies that you can forfeit your dignity, since you can lose your autonomy. But Jews and Christians will not accept that dignity is synonymous with autonomy; will not concede the imposition of qualitative criteria functioning as a condition for entry into the community of persons; will not allow that human beings must demonstrate they are leading a life they have chosen before their dignity can be recognised. Of course, to object to making autonomy a condition for entry, we do not have to denigrate the good which is leading a life you have chosen as an aspiration for ourselves and other people. Nor should we necessarily minimise, or fail to lament, the tragic way suffering frustrates or thwarts autonomy. What Jews and Christians are refusing to entertain, however, is the *further thought* that men and women who have lost their autonomy have lost their dignity.

Yet, as the objection runs, in the case of euthanasia, “the suffering person may view herself as lacking dignity.”¹⁰⁴ In other words, in expressing a desire to die with dignity, is not the subject herself assessing her life to be bereft of dignity? So, when doctors assist in a person’s suicide, are they not merely acquiescing in her own judgment about the state of her life? That is, the person herself might be saying that continuing to live with, and then to die from, stage four cancer is “undignified”.

Here we encounter the same problem faced in cases of extreme depression, in which someone comes to believe that he is worthless. Yet in such eventualities, rather than the medical profession affirming the subjective viewpoint the depressed person has reached upon his own life (and duly treating him as someone who is worthless), does not the medical profession typically attempt to persuade him that he has lost sight of something true about himself—namely, his own value?¹⁰⁵ In short, sometimes we maintain that “an individual’s self-evaluation is mistaken.”¹⁰⁶

It is also worth registering what the euthanasia lobby is really saying about disability itself. As David Albert Jones clarifies:

“Those who invoke dignity in favour of assisted suicide typically characterize a life of dependence and disability as undignified: if the person in this state does not have access to assistance in suicide, then he or she is forced to endure the indignity of what is considered a subhuman condition of life. The emotional appeal to dignity-language by the proponents of assisted suicide is thus not only concerned with the dignity of autonomous choice; it implicitly or explicitly framed as a choice that allows the person to escape a state of indignity... ”¹⁰⁷

The implication is that other people who live with disability have lost their dignity. “While this desire [for euthanasia] is expressed as a wish to ‘die with dignity’, it implies that living in certain conditions is, per se, an indignity.”¹⁰⁸ In vocalising the fears of those who do seek assisted suicide, the euthanasia lobby cannot avoid dismissing the dignity of those people in identical situations (those with the same disabilities, afflicted by the same terminal illnesses) who nevertheless do not seek assisted suicide. Such a “global” characterisation of disability grossly demeans a whole class of persons—a deeply dangerous move insofar as it puts pressure on those who live with disability also to opt for assisted suicide.

Now, the whole point of this excursion into the way the euthanasia lobby use the language of human dignity is to show that, when dignity is unmoored from its religious foundation, it metastases into something unrecognisable. The universality of dignity is lost, with the deleterious consequences we are seeing at the current time in Canada’s medical assistance in dying (“MAID”) programme and in the Benelux countries (Belgium, the Netherlands, and Luxembourg). But, furthermore, just as dignity turns into its exact opposite when distorted as a concept, so too do rights lose their meaning when they are unmoored from the religious conception of dignity. To demonstrate this parallelism is our final task in this research paper.

Conflicts Between Rights?

We began this research paper with a brief sketch of how our culture has become so saturated with rights-talk. Rights have been elevated to an awesome status in our society, a situation which, as political philosopher John Gray notes, is somewhat curious:

“Human rights occupy a peculiar position at the present time. Pretty well every other idea and practice – gender, nation, family and the like – is deconstructed and dismissed as an artefact of power. But deconstruction seems not to extend to rights, and even as other values and institutions are condemned as moribund or oppressive, human rights are inflated and extended to cover practically every human interaction.”¹⁰⁹

Gray’s observation is accurate. It is not just that rights-culture has for too long escaped scrutiny or critique. Rights have also been a victim of their own success. Why? Because by setting such great store in rights we have inadvertently encouraged more and more assertions of interests to be formulated as rights-claims. By insisting that the only way to talk about justice and morality is by talking about rights, we have stimulated a “proliferation” or “inflation” of rights. For example, the UN Declaration of Human Rights scheduled a relatively modest 30 rights. Now, though, the United Nations and the Council of Europe have 64 human rights-related agreements and 1,377 provisions. This preposterous inflation of rights dilutes the currency. As American Secretary of State Michael Pompeo has claimed, “more rights does not necessarily mean more justice.”¹¹⁰ Unpacking this problem more fully, Australian legal philosopher John Tasioulas writes:

“A key driver of human rights expansionism is the tendency to identify rights with any morally relevant or legally relevant interest. One upshot of this is the massive proliferation of human rights with which we are all too familiar – rights to be loved, rights to world peace, rights not to be offended, rights to a good night’s sleep. But what is perhaps more disturbing is the drastic downgrading of the moral force of human rights that is the flipside of this unprincipled expansion of their range.”¹¹¹

In other words, we all have countless interests: say, not to be murdered or tortured, not to be punished, to be happy, to have a good night’s sleep. But not all those interests can be converted into rights. Why? Because, as Tasioulas adds: “When rights become synonymous with just about any morally relevant interest the vital link between rights *and duties* is broken.”¹¹² That is, if I have a right to life, then you have a duty not to kill me. But whose duty is it to ensure I have a good night’s sleep? For rights to be meaningful we must always be able to specify correlative duties, a feature of the discourse too readily ignored.

If diluting the currency (or “downgrading the moral force of human rights”) is the first worry about the proliferation of rights, another concern is the way that inflation has led to increasing conflicts between rights asserted by individuals. Claim more rights and you increase the chances of their coming to clash.

Now, commentators like John Gray and British lawyer and former Supreme Court judge Jonathan Sumption have correctly noted the effect of this greater antagonism in the body politic. “Inflating human rights beyond a baseline guaranteeing individual security and freedoms of expression and association imposes too great a burden of law and leads to a dangerous shrinkage in political participation.”¹¹³ This social effect is clear. But it is also worth pausing to think more deeply about the conceptual crisis precipitated by rights-conflicts. For we would find it strange, would we not, to talk about my dignity conflicting with your dignity? Yet we readily tolerate talk of my rights conflicting with your rights. What has gone wrong here?

Consider, briefly, a famous literary example of the crisis we’re exploring. *Antigone*, written by the great Athenian tragedian Sophocles in 442 BC, tells the story of the daughter of Oedipus, the accursed king of Thebes. The play opens in the wake a civil war in Thebes just concluded between Oedipus’s two sons, Polynices and Eteocles. (Eteocles successfully defended Thebes from a bloody siege by Polynices, even though both brothers were killed in the contest). Then, in the first scene, Antigone relates that her uncle Creon, the new ruler of Thebes, has stipulated that while the corpse of her brother Eteocles must be given a hero’s burial, the corpse of her brother Polynices (as an enemy-of-the-state) must be left to rot. Antigone thus faces a monumental choice: between burying Polynices and obeying Creon; between loyalty to her family or loyalty to the state. What should she do? Which duty is more fundamental?

When Creon then finds out that Antigone has chosen the former—to bury her brother Polynices and so defy the state—he is duly furious. But in her defence Antigone tells Creon:

“I disobeyed because the law was not
The law of Zeus nor the law ordained
By Justice, Justice dwelling deep
Among the gods of the dead. What they decree
Is immemorial and binding for us all.
The proclamation had your force behind it
But it was mortal force, and I, also a mortal,
I chose to disregard it. I abide
By statutes utter and immutable –
Unwritten, original, god-given laws.”¹¹⁴

Creon is not swayed by this, however. Instead, he dispatches Antigone to be buried alive in a cave outside the city. And though, under pressure, Creon eventually changes his mind, by the time he reaches Antigone's cave it is of course too late. She, the audience is informed, has already hung herself.

The reason for citing Sophocles' story is because in the 19th century the German philosopher G.W.F. Hegel interestingly refused to answer the profound question raised by the play, the question of which loyalty—to family or state—is more binding. Instead, Hegel declared that the reason Antigone is such an acute tragedy is because it stages a conflict not between right and wrong but rather between *right and right*. In Hegel's view, neither character is mistaken. Creon is entitled to deny Polynices a proper burial; Antigone is entitled to give him one. The opposition of moral principles is, in Hegel's view, irreconcilable.

The reason this irreconcilable opposition constitutes a conceptual crisis is because to accept that principles can fundamentally conflict is to accept that the moral field can be fractured. If principles can fundamentally clash, then we forsake any hope of a rational and peaceful resolution of a conflict. There is nothing left to say to each other. There is now no question of a non-violent adjudication between people. And so it is with rights. To accept that ostensible rights-clashes can indeed be fundamental—and therefore that “the duties which they imply are not compossible”¹¹⁵—is also to accept that the moral field can be fractured. We lose hope of the possibility of a rational, peaceful adjudication between parties, returning instead to a Hobbesian war of all against all, where the vindication of a moral claim will depend entirely on which claimant is more powerful.

In his essay, ‘Rights in Conflict’, Jeremy Waldron notes that one significant reason philosophers have recoiled from the possibility of rights-conflicts “has to do with the fact that much of the impetus towards rights in the first place stemmed from a deep unease about the way moral conflicts were resolved in the utilitarian tradition.”¹¹⁶ This is an important insight. Utilitarianism, the political theory once dominant in public policy, resolves potential rights-conflicts the way it resolves *any* conflicts between people: by resorting to an overall calculus or “master rule” which aggregates costs and benefits across populations.

An extreme, embarrassing example of the kind of calculation utilitarians are forced to favour is provided by the classic “pizza delivery boy” hypothetical scenario. Imagine five patients in a hospital who are dying for want of medical treatment. One patient desperately needs a heart transplant, another a liver transplant, another a kidney transplant, another a pancreas transplant, and the last simply needs pints of blood. Well, into the hospital walks a healthy, unsuspecting boy delivering pizza. On the utilitarian view, maximising happiness and reducing suffering across the aggregated group (across all six people) would warrant an abhorrent act: murdering the pizza boy and distributing his organs and blood to save the five patients.

What have been termed “trade-offs”, are thus built into the utilitarian conception of justice. And, as Waldron writes:

“The idea of rights has been seized on as a way of resisting these trade-offs. Rights express limits on what can be done to individuals for the sake of the greater benefits of others; they impose limits on the sacrifices that can be demanded from them as a contribution to the general good. Though we may reasonably be required to accept some losses and frustrations in social life along the line the utilitarians suggest, rights are designed to pick out those interests of ours that are not to be traded off against the interests of others in this way.”¹¹⁷

In other words, only by ascribing the pizza boy inviolable rights, as opposed to simply counting him as a person with interests, can we ensure that other people (or the state) cannot override his legitimate interest in living, even if his death would allow a greater number of lives to be saved. There are certain things you simply do not do to people, no matter how advantageous the overall consequences. If you have a right then you must be treated as an end in yourself and not used as a means.

The problem, therefore, is that cases of rights-conflicts reintroduce the spectre of trade-offs. Waldron's examples are these: "A minority's interest in political freedom might be traded off against the satisfaction of a majority to be free from discomfort and irritation. Or a person's life may be sacrificed in the circus for the sake of a momentary thrill enjoyed by thousands."¹¹⁸ Unless we are to resort to the very utilitarian reasoning we were trying to escape, the reasoning which led us to posit rights in the first place, we have to commit to rethinking rights and tackling the proliferation of rights.

In practice, rethinking rights, and questioning the current proliferation of rights, means accepting that few rights are absolute, but many are bogus. Few rights are absolute in the way that the negative right not to be tortured is absolute. The infliction of psychological abuse and physical pain upon a prisoner cannot be justified even if, as in the acclaimed "ticking bomb" scenario, torturing that prisoner for information could prevent a greater number of innocent civilians being murdered. There are some things we just do not do and the language of inviolable rights, correlating to exceptionless duties, names that moral reality. Neither is "feasibility" an issue here since fulfilling the obligation not to torture someone is done by omission, by *not* acting—an option available to everyone.

But rights other than the right not to be tortured, or the right of the innocent not to be killed, may not be as absolute as they appear. For example, returning to the contest between Antigone and Creon, surely Antigone is right to abide by natural law ("by statutes utter and immutable / Unwritten, original, god-given laws") and fulfil her duty to bury her brother. But, contra Hegel, Creon does not have right on his side in this instance. Why? Because Creon's right to command obedience from his subjects is qualified, not absolute. Just because political rule is a good, it does not mean that everything that Creon says goes (and *Antigone* as a play arguably ultimately endorses that view. Sophocles can be said to side in the end with Antigone).

Or consider the rights of slaveholders to property and the rights of slaves to liberty. The conflict of these rights dissolves when we think more carefully about what precisely was being claimed by the slaveholders in the purported right to property. Because, in fact, the right to property was never a right to own slaves, since the right to property in this case was built upon a misdescription of human beings as property. The right to property in this instance was therefore a bogus right.¹¹⁹

Conclusion

This research paper has maintained that the only way of securing the universality of rights is by basing them on a religious conception of human dignity. If we want to vouchsafe genuine rights for the vulnerable and most marginalised in our societies— whether the poorest in our communities, the young, the unborn, those who are not yet fully-fledged agents, and those who are no longer fully-fledged agents—what alternative secular model is available to us? As we have seen, the philosophical construal of human dignity, insofar as it makes dignity synonymous with autonomy, excludes all these groups of people, the groups many people intuitively feel we need a rights-discourse to protect.

British political philosopher Maurice Glasman has claimed that Catholic social thought, the political discourse (emerging from Pope Leo XIII's encyclical of 1891, *Rerum Novarum*¹²⁰) which navigated a *via*

media (“middle way”) between ruthless capitalism and atheistic collectivism is the Church’s “gift to the world.”¹²¹ Glasman’s implication is that you do not need to be a member of the Church to receive the gift of Catholic social thought. And the same can be said of human dignity. In terms of deliberating about the protections we must afford human beings, and the resources we must allocate them if they are to thrive, the Church has shaped Western culture in salutary ways (in human dignity it has also provided an intellectual basis from which to criticise the dreadful ways in which members of the Church themselves have historically fallen short of the Church’s ideals—for example in Christendom’s persistent denial of civil rights to Jews). Which means, consequently, that we cannot keep the attractive features of religious-inspired dignity discourse—that is, its prized universality—whilst casually discarding the metaphysical foundations. You do not have to be a member of the Church to recognise the gift which is this unique, indispensable, freighted, awesome conviction that every human being is made in the image of God.

¹ Samuel Moyn, *The Last Utopia: Human Rights in History* (Massachusetts: The Belknap Press of Harvard University Press, Cambridge, 2010), 5.

² Ibid.

³ The thinkers were E H Carr, Richard McKeon, Pierre Auger, Georges Friedmann, Etienne Gilson, Harold Laski, Luc Somerhausen, and Chung-Shu Lo.

⁴ The anecdote is related by Jacques Maritain in Chapter IV, “The Rights of Man” of his *Man and the State* (1951) (Washington DC: The Catholic University of America Press, 1998), 77. Maritain in this text *defends* the view that “it is possible to establish a common formulation of such *practical conclusions*” (ie a schedule of rights), even though “it would be quite futile to look for a common rational justification of these *practical conclusions* and these rights.”

⁵ Quoted in Mary Ann Glendon, “The Bearable Lightness of Dignity,” *First Things*, May 2011, <https://www.firstthings.com/article/2011/05/the-bearable-lightness-of-dignity>.

⁶ The late German philosopher Robert Spaemann makes this point in “On Human Dignity” (1985), in *A Robert Spaemann Reader: Philosophical Essays on Nature, God, & The Human Person*, ed. D C Schindler and Jeanne Heffernan Schindler, (Oxford: Oxford University Press, 2015), 103.

⁷ See Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), an account I draw upon extensively here.

⁸ “The Rights of Man, The Feast of Christmas and Suffering Humanity, Broadcast of Pope Pius XII, Christmas, 1942,” Catholic Tradition, accessed June 21, 2023, <http://catholictradition.org/Encyclicals/1942.htm>.

⁹ “Constitution of Ireland,” Irish Statute Book, accessed September 13, 2023, <https://www.irishstatutebook.ie/eli/cons/en/html>.

¹⁰ Moyn, *Christian Human Rights*, 33.

¹¹ The phrase “destitute atomism” is Moyn’s, from his *Christian Human Rights*, 36.

¹² Moyn, *Christian Human Rights*, 43.

¹³ Jeremy Waldron, *Dignity, Rank, & Rights* (Oxford: Oxford University Press, 2012), 30.

¹⁴ Waldron, *Dignity, Rank, & Rights*, 33.

¹⁵ Jeremy Waldron, “The image of God: rights, reason, and order,” in *Christianity and Human Rights: An Introduction*, ed. John Witte Jr. and Frank S. Alexander, (Cambridge: Cambridge University Press, 2010), 217.

¹⁶ Robert Alter, “To The Reader,” in *Genesis: Translation & Commentary* (New York & London: W.W. Norton & Company, 1996), 44.

¹⁷ I am grateful to Oliver O’Donovan for this point and its formulation.

¹⁸ Pope Benedict XVI, *In the Beginning: A Catholic Understanding of Creation and Fall* (1986), trans. Boniface Ramsey O.P. (New York: T&T Clark, 1995), 12.

¹⁹ Ibid., 13.

²⁰ That God *takes counsel* before creating humankind is in itself significant, as Gregory of Nyssa elucidates: “What a marvel. A sun is made and no deliberation precedes. In the same way a heaven. Nothing in creation is equal to these. Something so great is made by a word alone and the text says nothing about when or how to anything about them. So too with every other thing... It is only when God comes to make man that the maker of all approaches the task circumspectly, preparing materials beforehand for the business of making, and likens his form to an archetypal beauty.”

²¹ Translated by Robert Alter, *Genesis: Translation & Commentary*, 5.

²² As Claus Westermann observes in his commentary, *Genesis 1-11: A Continental Commentary* (1974), trans. John J. Scullion S.J. (Minneapolis: Fortress Press, 1994), 152.

²³ Quoted in Westermann, *Genesis 1-11*, 153.

²⁴ Robert Louis Wilken, *The Spirit of Early Christian Thought: Seeking the Face of God* (New Haven: Yale University Press, 2003), 150.

²⁵ This is the definition of Celsus, a third-century critic of Christianity, quoted in Wilken, *Spirit of Early Christian Thought*, 151.

²⁶ I follow and paraphrase Wilken here, *The Spirit of Early Christian Thought*, 151.

²⁷ Gregory of Nyssa, *On the Making of Man*, quoted in Wilken, *The Spirit of Early Christian Thought*, 151.

²⁸ Ibid.

²⁹ These sentences were inspired by Wilken’s formulation, in *The Spirit of Early Christian Thought*, 151.

³⁰ Gregory of Nyssa, *On the Making of Man*, quoted in Wilken, *The Spirit of Early Christian Thought*, 151-152.

³¹ Gregory of Nyssa, *On the Making of Man*, ed. and trans. John Behr (Oxford: Oxford University Press, 2023), 231.

³² David Bentley Hart, “The Whole Humanity: Gregory of Nyssa’s Critique of Slavery in Light of His Eschatology,” in *The Hidden and the Manifest: Essays in Theology and Metaphysics* (Grand Rapids: Eerdmans, 2017), 242.

³³ Hart, “The Whole Humanity,” 242-243.

³⁴ Gregory of Nyssa, *On the Making of Man*, ed. and trans. John Behr, 255.

³⁵ Hart, “The Whole Humanity,” 246, 249.

³⁶ Some philosophers, most famously the Australian moral philosopher Peter Singer, object to the so-called “speciesism” of the Hebrew bible’s creation accounts, namely the way the author of Genesis “allots human beings a special position in the universe, as beings that, alone of all living things, are God-like.” For Singer et al., speciesism is a “prejudice or attitude of bias in favour of the interest of members of one’s own species and against those of members of other species” (Peter Singer, *Animal Liberation* [1975]; New York: Harper Collins, 2009), 6). Deeming those convictions now outdated and untenable,

Singer insists their ethical implications must also now be dropped. We must dispense with speciesism as we have done sexism and racism, seeing them for what they are: outworn relics of impaired, immature societies. Instead of privileging the *species*, Singer contends, we must privilege whatever *particular* animal currently evinces the capacities we happen to admire. If an adult chimpanzee demonstrates more intelligence than a one-month-old human infant, why should we persist in recognizing the dignity of the infant but not the chimpanzee?

In reply to the charge of speciesism, it is important first to insist that the Hebrew bible, and Jewish and Christian theology after it, *does indeed* acknowledge something distinctive about human nature—as demonstrated, for example, in the moral sensitivity of adult human beings, ie their ability to step back from their desires and instead orient themselves to The Good. Our privileging of human beings is thus not arbitrary. The difference between adult human beings and other animals constitutes a *qualitative* difference—a difference in kind, not just degree.

That said, it is equally important to reject the *nominalist* premise underlying the speciesist objection which ensures that we discount immature or impaired members of the human race who fail at a certain juncture to lack this prized characteristic (ie moral sensitivity). On a Hebraic-Christian conviction, these human beings still belong to a *kind* whose nature is distinctive. Finally, though, we must be sceptical about just how much work even speciesism can do. For, as Robert Spaemann argues, ‘belonging to one species affords grounds for a certain vague solidarity against the rest of the world, but it does not explain how the recognition due to each and every person forbids the sacrifice of this or that member to the interests of the species as a whole’ (Spaemann, *Persons* [1996]; [Oxford: Oxford University Press, trans. Oliver O’Donovan, 2006], 188). There is something even more radical (and something which for Singer should be even more unpalatable) about the Jewish and Christian theology which insists that the *individual* human being has been made in God’s image.

³⁷ John Milton, *Paradise Lost Book 1* (London: Samuel Simmons, 1667), 1.

³⁸ Genesis 3:16.

³⁹ Genesis 3:19.

⁴⁰ *Ibid.*

⁴¹ Genesis 9:1.

⁴² Genesis 9:6.

⁴³ David Bentley Hart, *Atheist Delusions: The Christian Revolution and its Fashionable Enemies* (New Haven: Yale University Press, 2006), 169.

⁴⁴ The quotation from Josephus is cited in Tom Holland, *Dominion* (New York: Basic Books, 2019), 2.

⁴⁵ Quoted in Holland, *Dominion*, 2.

⁴⁶ An ancient source, quoted in Holland, *Dominion*, 2.

⁴⁷ Holland, *Dominion*, 2.

⁴⁸ Seneca, The Stoic Letters, Letter VII, “On Crowds,” <https://thestoicletters.com/letter-vii-on-crowds-stoic/>.

⁴⁹ Roland Auguet, *Cruelty and Civilization: The Roman Games* (London and New York: Routledge, 1972), 16.

⁵⁰ “‘If it is a girl...’: A Letter about Child Exposure,” *Sententiae Antiquae*, March 14, 2021, <https://sententiaeantiquae.com/2021/03/14/if-it-is-a-girl-a-letter-about-child-exposure-4/>.

⁵¹ Quoted in W.V. Harris, “Child-Exposure in the Roman Empire,” *The Journal of Roman Studies* 84 (1994).

⁵² A rhetorician quoted by Seneca, *Sen., Contr.* X.4.21, quoted in Harris, “Child-Exposure in the Roman Empire,” 8.

⁵³ Friedrich Nietzsche, *The Anti-Christ: A Curse on Christianity* (1895), in Friedrich Nietzsche, *The Anti-Christ, Ecce Homo, Twilight of the Idols*, ed. Aaron Ridley and Judith Norman, trans. Judith Norman (Cambridge: Cambridge University Press, 2005), 6.

⁵⁴ 2 Corinthians 12:9.

⁵⁵ Friedrich Nietzsche, *On the Genealogy of Morality: A Polemic* (1887), trans. Douglas Smith (Oxford: Oxford University Press, 1996), 20.7.

⁵⁶ “Oration 14: On the Love of the Poor,” in Brian E Daley, *Gregory of Nazianus* (Oxford: Routledge, 2006), 75-97.

⁵⁷ Gregory of Nazianus, “Oration 14,” 80.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, 81.

⁶¹ *Ibid.*, 83.

⁶² *Ibid.*, 90.

⁶³ John McGuckin, *Saint Gregory of Nazianus: An Intellectual Biography* (Crestwood, NY: St Vladimir’s Seminary Press, 2001), 145, 147.

⁶⁴ Gregory of Nazianus, “Oration 14,” 91.

⁶⁵ *Ibid.*

⁶⁶ James Mumford, *Ethics at the Beginning of Life: A phenomenological critique* (Oxford: Oxford University Press, 2013), 186.

⁶⁷ John Oldfield, “Abolition of the slave trade and slavery in Britain,” *British Library*, February 4, 2021, <https://www.bl.uk/restoration-18th-century-literature/articles/abolition-of-the-slave-trade-and-slavery-in-britain>.

⁶⁸ David Brion Davis, “The Emergence of Immediatism in British and American Antislavery Thought,” *The Mississippi Valley Historical Review* 49, no. 2 (September 1962): 209-230.

⁶⁹ Hannah More, *Slavery* (1788), <https://www.poetryfoundation.org/poems/51885/slavery>; emphasis added.

⁷⁰ Frederick Douglass, *Narrative of the Life of Frederick Douglass* (1845), <https://docsouth.unc.edu/neh/douglass/douglass.html>; emphasis added.

⁷¹ Frederick Douglass, “The Dred Scott Decision,” <https://rbcspl.lib.rochester.edu/4399>; emphasis added. Speech delivered before the American Anti-Slavery Society, New York, May 14, 1857.

Interestingly, Frederick Douglass’s argument here echoes that of the first known Christian abolitionist, the author we explored earlier, Gregory of Nyssa. In his fourth sermon on the book of Ecclesiastes, preached during Lent 379 AD, Gregory is not content with merely pressing *individual* slave-owners to set their slaves free. No, Gregory critiques slavery *as an institution*, arguing, as David Hart paraphrases, that “for anyone at all... to presume mastery over another person is the grossest imaginable arrogance, a challenge to and a robbery of God, to whom all persons belong” (Hart, *Atheist Delusions*, 178).

And to drive home his argument, Gregory appeals to the *imago Dei*:

“For what price, tell me? What did you find in existence worth as much as this human nature? What price did you put on rationality? How many obols did you reckon the equivalent of the likeness of God? How many staters did you get for selling the being shaped by God? God said, *Let us make man in our own image and likeness* (Gen 1,26). If he is in the likeness of God, and rules the whole earth, and has been granted authority over everything on earth from God, who is his buyer, tell me? Who is his seller?” (“A fuller extract from Gregory of Nyssa on the evils of slavery,” Roger Pearse, January 24, 2019, <https://www.roger-pearse.com/weblog/2019/01/24/a-fuller-extract-from-gregory-of-nyssa-on-the-evils-of-slavery/>).

⁷² See William Gregory Thompson’s unpublished PhD dissertation, *An Experiment in Love: Martin Luther King and the Re-Imagining of American Democracy*, Department of Religious Studies, University of Virginia, 2015.

⁷³ Quoted in Gregory Thompson, *An Experiment in Love*, 195.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*, 199; emphasis added.

⁷⁶ Giovanni Pico della Mirandola, *Oration on the Dignity of Man*, trans. A. Robert Caponigri (Washington DC: Regnery 1956), 6.

⁷⁷ Immanuel Kant, *Grounding for the Metaphysics of Morals* (1785), trans. James W Ellington (Indianapolis/ Cambridge: Hackett, 1981), 40.

⁷⁸ A point made by Talbot Brewer, in “Acknowledging Others,” *Oxford Studies in Normative Ethics, Volume 8*, ed. Mark Timmons (Oxford: Oxford University Press, 2018), 9.

⁷⁹ Brewer, “Acknowledging Others,” 9.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, 14-15.

⁸² *Ibid.*, 14.

⁸³ Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, Mass.: Harvard University Press, 2011), 203-204.

⁸⁴ Rowan Williams, “Religious faith and human rights,” in *The Meaning of Rights: The Philosophy and Social Theory of Human Rights*, ed. Costas Douzinas and Conor Gearty (Cambridge: Cambridge University Press, 2014), 75.

⁸⁵ Williams, “Religious faith and human rights,” 75.

⁸⁶ *Ibid.*, 80.

⁸⁷ Steven Pinker, “The stupidity of dignity,” *New Republic*, 2008.

⁸⁸ Ruth Macklin, “Dignity is a useless concept,” *National Library of Medicine*, December 20, 2003.

⁸⁹ Williams, “Religious faith and human rights,” 80.

⁹⁰ Lewis Carroll, *Through the Looking-Glass*, <https://www.gutenberg.org/files/12/12-h/12-h.htm>.

⁹¹ First published in *Horizon* (April 1946), <https://www.orwellfoundation.com/the-orwell-foundation/orwell/essays-and-other-works/politics-and-the-english-language/>.

⁹² Dignitas, accessed July 28, 2023, <http://www.dignitas.ch/?lang=en>.

⁹³ “Principles / Philosophy,” Dignitas, accessed 28 July 2023,

http://www.dignitas.ch/index.php?option=com_content&view=article&id=10&Itemid=46&lang=en.

⁹⁴ David A. Jones, “Dignity Language in Bioethical Discussions,” *Understanding Human Dignity*, ed. Christopher McCrudden (Oxford: Oxford University Press, 2013), 529.

⁹⁵ Dignity in Dying, 28 July, 2023,

https://action.dignityindying.org.uk/page/116522/petition/1?ea.tracking.id=PPC&gclid=CjwKCAjwzo2mBhAUEiwAf7wjkkjGbb59bqFuNj5k2cDebptM9ElbBJ2V4jsPdetQ13VZyS-LcjFybBoCwFwQAvD_BwE.

⁹⁶ “Our Position / A Safe and Comfortable Death,” Dignity in Dying, July 28, 2023, <https://www.dignityindying.org.uk/assisted-dying/our-position/>.

⁹⁷ Death With Dignity, accessed 28 July, 2023, <https://deathwithdignity.org/>.

⁹⁸ “About Us,” Death With Dignity, accessed 28 July, 2023, <https://deathwithdignity.org/about/>.

⁹⁹ Quoted in Rita L. Marker and Wesley J. Smith, “The Art of Verbal Engineering,” *Duquesne Law Review* 35 (1996). My account here of the passage of Oregon’s Measure 16 is indebted to this article.

¹⁰⁰ “Oregon Revised Statute: Oregon’s Death with Dignity Act,” Oregon.gov, September 5, 2023,

<https://www.oregon.gov/oha/ph/providerpartnerresources/evaluationresearch/deathwithdignityact/pages/ors.aspx>.

¹⁰¹ Marker and Smith, “The Art of Verbal Engineering,” 89.

¹⁰² Oregon.gov, "Oregon Revised Statute: Oregon's Death with Dignity Act."

¹⁰³ Marker and Smith, "The Art of Verbal Engineering", 89.

¹⁰⁴ I owe the formulation of the objection to Christopher Kaczor, whose excellent response to that objection I have drawn upon here: Christopher Kaczor, "Is 'Death with Dignity' a Dangerous Euphemism?," in *Disputes in Bioethics: Abortion, Euthanasia and Other Controversies* (Notre Dame: University of Notre Dame Press, 2020): 124.

¹⁰⁵ I explore this conundrum more fully in my article, "Therapy Beyond Good and Evil," *The New Atlantis* (Spring 2022), <https://www.thenewatlantis.com/publications/therapy-beyond-good-and-evil>.

¹⁰⁶ Kaczor, "Is 'Death with Dignity' a Dangerous Euphemism?," 124.

¹⁰⁷ Jones, "Dignity Language in Bioethical Discussions," 530.

¹⁰⁸ *Ibid.*, 531; emphasis added.

¹⁰⁹ John Gray, "Our illiberal empire of rights," *UnHerd*, June 26, 2019, <https://unherd.com/2019/06/our-illiberal-empire-of-rights/>.

¹¹⁰ "Secretary Pompeo Speech at the National Constitution Center, July 16, 2020," U.S. Embassy & Consulates in Italy, August 16, 2023, <https://it.usembassy.gov/secretary-pompeo-speech-at-the-national-constitution-center-july-16-2020/>.

¹¹¹ John Tasioulas, "The inflation of concepts," *Aeon*, January 29, 2021, <https://aeon.co/essays/conceptual-overreach-threatens-the-quality-of-public-reason>.

¹¹² Tasioulas, "The inflation of concepts"; emphasis added.

¹¹³ John Gray, "Our illiberal empire of rights".

¹¹⁴ This translation of Sophocles' *Antigone* is by Seamus Heaney, *The Burial at Thebes* (London: Faber & Faber, 2004), 21.

¹¹⁵ Jeremy Waldron, "Rights in conflict," in *Liberal Rights: Collected Papers (1981-1991)* (Cambridge: Cambridge University Press, 1993): 206.

¹¹⁶ *Ibid.*, 208.

¹¹⁷ *Ibid.*, 209.

¹¹⁸ *Ibid.*, 211.

¹¹⁹ I am grateful to philosopher Micah Lott in conversation for helping me see this point and formulate it in this way.

¹²⁰ Pope Leo XIII, *Rerum Novarum* (1891), https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

¹²¹ Maurice Glasman, "Lord Glasman: How Catholic Social Teaching rescued me from an academic crisis," *The Catholic Herald*, June 12, 2020, <https://catholicherald.co.uk/lord-glasman-how-catholic-social-teaching-rescued-me-from-an-academic-crisis/>.



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