

Chapitre 3

THE SOCIAL RECOGNITION OF HUMAN DIGNITY¹

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Some considerations about a fundamental question connected with the concept of human dignity. I gladly accept this invitation, and I hope my remarks may be useful as an introduction to the subject of this conference. My considerations are motivated by a very special debate we have in Switzerland concerning the question of whether the concept of dignity can be transferred to monkeys. This debate has been triggered by an article in the Federal Constitution of Switzerland which stipulates that the 'dignity of creatures' ('Würde der Kreatur') is to be respected in all kinds of research within the field of nonhuman nature, that is to say animals and plants.

Those who choose to transfer the concept of dignity to monkeys usually refer to the similarity of the biological properties of monkeys, on the one hand, and human beings on the other. This argument presupposes that human beings possess human dignity because they have a human nature in a biological sense.

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Monkeys, and especially anthropoids, share the same morally relevant empirical properties, and therefore the concept of dignity can be transferred to them.

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

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

If this characterisation of the social world applies, it is marked by an *epistemic paradox* resulting from the creative character of recognition which generates social reality. Recognition refers to a reality – a social belonging, social status – which is not already there, but which *becomes* social reality through that very recognition. Yet how can something be recognised as real which only becomes real as a result of such recognition? It is this paradox from which the view that human dignity is socially *awarded* primarily draws its plausibility. Awarding is different from recognising. Recognition implies the idea that there is something which precedes recognition and which is the reason for recognition. Those who do not recognise human dignity are making a moral mistake. Awarding does not imply any such idea. The reality it refers to is only given as a result of the awarding. Critics of this view feel that it is in danger of abandoning human dignity to caprice. The question of which creatures possess human dignity then depends on which creatures are awarded human dignity. In order to circumvent this, the only alternative seems to be to make human dignity a given in conjunction with something which precedes all awarding or recognition. Human dignity then seems to have to be anchored in certain properties, whether they be

an ability to reason or to take action, or whether they be biological characteristics. As far as the latter are concerned, in the debate concerning the human dignity of prenatal life the SCIP arguments – species, continuity, identity and potentiality – are of this kind.

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

This consideration can clarify the connection between the epistemic paradox characterising the social world and the normativity inherent in it. The social world compensates for the not-yet-existence of a reality which is the object of recognition and which only becomes real through that recognition by using normativity in the shape of a *recognition due*. It is in this due-ness that recognising differs from mere awarding, which can be arbitrary. Within this due-ness is the precedent of recognition, as a substitute for the not-yet-existent reality which emerges only through recognition. In contrast, the confusions within the debate on human dignity are caused by a transferal of the paradigm of the natural world to the social world, creating the impression that only something which is already there can be recognised, just as in the natural world only that which is already there can be recognised. Following this train of thought, human dignity already has to be there in order for us to be able to recognise it. The consequence of this is that human dignity has to be anchored in certain characteristics displayed by human beings. This raises the question, on the one hand, of the extent to which these characteristics can be a basis for dignity; and it necessarily results, on the other hand, in human dignity forfeiting its character

as a social status linked to membership in the social world and, as such, substantiated in recognition and respect.

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

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

sense it may be possible to speak of a dignity possessed by animals and plants. And yet, this dignity is fundamentally different from human dignity, the latter being anchored in the constitutive state of the social world.

It may have been noticed that these considerations do not have the character of a justification or proof of human dignity in the shape of a derivation from a principle like freedom or autonomy or the religious doctrine of *Imago Dei*. Rather, they have the character of showing it, of making it plausible as a social reality by illuminating the structure of the social world. Human dignity does not require proof or justification, but it requires understanding, and once it has been understood it cannot be denied. It cannot be denied because we cannot deny the existence of the social world. If these considerations are true, it can no longer be controversial whether human beings, in the sense of members of the human community, have human dignity. They *have* it by the mere fact that they are members of the human community. There are only two questions which can still be controversial, namely the question of which creatures belong to the human community, and the question of which duties and rights this membership entails. The first question cannot be answered in a naturalistic manner, i.e. by referring to natural properties, but only by an investigation of the social concept of the human being, in turn depending on which natural properties are relevant to the recognition of a creature as a human being in the social sense. For example: Is the fact that a being, for instance an embryo, descends from a human being a sufficient condition for the social recognition owed to it as a human being? Regarding the second question, we may ask whether the duties and rights which membership of the social world entails can be reduced to one single aspect, like autonomy or the right not to be humiliated. By the way, it is an important question whether human dignity is in itself a right, or whether it constitutes rights, namely human rights. In my opinion, the concept of human dignity is connected not with the concept of right but with the concept of duty or obligation, namely the duty of recognition and respect. Human rights can be derived from this obligation, and this means that they also become a social reality, based on the social concept of the human being, i.e. on membership of the human community. Those disregarding human rights disregard a social reality (and not just a philosophical or theological idea). But this is a wide field of discussion, and I hope that this conference will help to clarify some of these questions.

REVUE DE LIVRES

Théo Klein, *Sortir du ghetto : les juifs et leurs craintes*, ISBN 978-2-86746-475-1, Ed. Liana Levi, Paris, 2008, 12 euros.

Pour Th. Klein, figure majeure de la communauté juive de France, le ghetto, ce n'est pas seulement un élément clé de la longue histoire des juifs et de leur exclusion, c'est aussi et paradoxalement le repli que les Israélites mettent en pratique à leur tour face aux menaces extérieures, allant jusqu'à ériger un mur pour s'en protéger. Th. Klein nous invite ainsi à nous interroger, à l'heure de la mondialisation, sur ce « ghetto protecteur et rassurant ».

Grand Orient de France, *Questions de santé publique et de bioéthique (tome IV)*, ISBN 978-2-8743-0126-1, Editions du Grand-Orient de France, 2008, 19 euros.

Cet ouvrage (le 4^e volume de la série) publie les actes de la journée que la très active commission de bioéthique du Grand Orient a organisé à Nancy en 2007 sur Douleur et souffrance.

Dalil Boubakeur, *Le Coran tolérant*, ISBN 978-2-247-07498-3, Dalloz, Paris, 2008, 3 euros.

Recteur de l'Institut musulman de la mosquée de Paris, Dalil Boubakeur affirme avec « ce petit ouvrage » la volonté de soumettre le Texte à la raison ce qui peut passer par la reviviscence des sciences sociales et de la « déthéologisation » de l'interprétation coranique.

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