

Human Capacities and the Problem of Universally Equal Dignity: Two Philosophical Test Cases and a Theistic Response

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FEW WORDS IN CONTEMPORARY MORAL DISCOURSE have the same immediate traction as the term “human dignity.” Politicians, lawyers, preachers and priests, human rights advocates, academic theorists, and campaigners of all stripes regularly appeal to dignity as the foundational warrant for their manifold causes, even when they bitterly disagree with each other. It may not always be the first claim in the chain of reasoning, but, if all else fails, it frequently ends up being the last. Why, for example, should poverty be eradicated? “Because it is an affront to human dignity,” activists tell us. Why should foreign dictators be toppled? “So the universal yearning for human dignity can break free,” say opposition leaders and their international supporters. Why should this healthcare, or housing, or debt-forgiveness bill be passed? “Because dignity calls for no less,” protestors clamor. Or why should stem cell research be funded? “Because it advances human dignity,” say researchers. Why should it be prohibited? “Because it undermines human dignity,” respond church leaders. Many agree that animal-human hybrids pose a threat to human dignity. But some also maintain that alleged unfair labor practices, which, depending on the political platform, may include insufficient paid vacation time, do the same. An organization called “Dignitas” in Switzerland offers its clients what it calls “death with dignity,” a common euphemism for assisted suicide. Opponents argue that such a practice constitutes a grave violation of human dignity itself.

Indeed, human dignity not only lies at the heart of a potpourri of moral disputes—often with each side claiming that it is the one “true” defender or advancer of human worth—but also serves as the foundational ballast of entire charters and declarations. The first article of the *Charter of Fundamental Human Rights of the European Union*, for example, asserts, “Human dignity is inviolable. It must be respected and protected.”¹ The earlier and more internationally recognized

¹ “Charter of Fundamental Rights of the European Union,” *Office Journal of the European Communities* 364 (2000):9.

United Nations document, *The Universal Declaration of Human Rights*, commences similarly: “[the] recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”² Confirming the ethical centrality of dignity to the document, article one goes on to affirm, “All human beings are born free and equal in dignity and rights.” Remarkably, when the final form of *The Declaration* was approved in December of 1948, only eight nations abstained from approving it, and not one dissented.³ Though divided into Communist and non-Communist blocks and still ravaged by the effects of World-War II, almost the entire world came together (at least on paper) to recognize the existence of universal human worth. Rarely has the global community seen such consensus—a consensus that over 60 years later appears to continue growing, at least on empirical grounds.⁴

To be sure, some prominent naysayers have emerged along the way. The utilitarian philosopher Peter Singer has long provided readers with a meticulously crafted case against the existence of human worth, arguing that it amounts to an unjustified form of discrimination he calls “speciesism.”⁵ The Harvard psychologist Steven Pinker has also

² The United Nations, “The Universal Declaration of Human Rights,” www.un.org/en/documents/udhr/.

³ The United Nations, “History of the Document,” www.un.org/en/documents/udhr/history.shtml. It is also interesting to note that article one of the 1949 and 1990 German Constitutions (the text was amended in part after the 1990 unification of West and East Germany) reads, “Die Würde des Menschen ist unantastbar. Sie zu achten und zu schützen ist Verpflichtung aller staatlichen Gewalt.” Translated: “Human dignity is unassailable. To respect and protect it is the duty of all state authority.” See The German Government, “Grundgesetz für die Bundesrepublik Deutschland,” www.gesetze-im-internet.de/bundesrecht/gg/gesamt.pdf.

Even if one agrees with the claims in the German Constitution and The Universal Declaration of Human Rights—and I think most people would—the conception of dignity in these documents remains deeply problematic because it is in no way clear, in either document, how or why human dignity can be both universally and inherently equal while also being something that needs to be protected. Certainly declarations and constitutions do not bear the burden of exhaustively justifying their first principles; but the problem is that the first principles, in these cases, appear to be contradictory—at least without substantial additional elaboration and explanation.

⁴ The 1989 United Nations Treaty, “Convention on the Rights of the Child,” for example, also includes language recognizing the “fundamental...dignity and worth of the person” (see The United Nations, “Convention on the Rights of the Child,” www.ohchr.org/en/professionalinterest/pages/crc.aspx). According to the United Nations website, 194 countries are currently a party to the treaty. Interestingly, the United States has signed the treaty, but has not yet ratified it (see The United Nations, “Treaty Collection,” https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-11&chapter=4&lang=en).

⁵ Singer’s writing provides a multitude of quotable material on this point, but here is a succinct expression: “The doctrine of the sanctity of human life, as it is normally

recently come out against the validity of human dignity as an ontological or ethical principle; in 2008 he wrote an influential article in *The New Republic*—polemically entitled, “The Stupidity of Human Dignity”—that lambastes the use of dignity as a basis for making moral judgments, especially in bioethics.⁶ So it is certainly inaccurate to say that the *belief* in human dignity is anywhere near universal, either inside or outside the academy.

But it is certainly widespread, even global. Just imagine getting elected or holding a prominent position—or, for that matter, being accepted among polite company—in most parts of the world while publicly denying the existence of equal human worth. Not even far left environmental parties who see humanity as a threat to the planet or far right cultural purity parties who see certain ethnic, religious, or racial groups as a threat to civilization make that claim, at least openly. Call it, to borrow from John Rawls, an overlapping consensus.

But why the agreement? And what, exactly, is the agreement about? Peek beneath the near unanimity on human dignity’s existence, and it quickly becomes apparent that there is a great diversity, if not cacophony, of viewpoints on dignity’s origin, specific character, and ethical implications. Indeed, like many other deeply loaded moral terms (“fairness” is another good example), what human dignity enjoys in general acceptance, it frequently lacks in clarity and coherence, a reality this article’s introductory examples seek to capture.⁷

understood, has at its core a discrimination on the basis of species and nothing else” (see Peter Singer, *Unsanctifying Human Life*, ed. Helga Kuhse [Malden, Ma: Blackwell Publishing, 2002], 221). Singer offers a sustained critique in this text not only of the claim that humans have *unique* value—his understanding of that which bestows worth on a living being has roots in Jeremy Bentham’s famous query: “The question is not can they reason? nor Can they talk? but Can they suffer?”—but also of the claim that humans have uniquely *equal* worth. All attempts by theologians and philosophers to establish universally equal human dignity have left him thoroughly unconvinced: “[The] appeal to the intrinsic dignity of human beings appears to solve the egalitarian’s problems only as long as it goes unchallenged. Once we ask *why* it should be that all humans—including infants, mental defectives, psychopaths, Hitler, Stalin and the rest—have some kind of dignity or worth that no elephant, pig, or chimpanzee can ever achieve, we see that this question is as difficult to answer as our original request for some relevant fact that justifies the inequality of humans and other animals” (Singer, *Unsanctifying Human Life*, 91).

⁶ Pinker writes, for example, “The problem is that ‘dignity’ is a squishy, subjective notion, hardly up to the heavyweight moral demands assigned to it.” He argues that “autonomy,” in contrast, has an objective, fixed meaning, and should be used in moral discourse rather than “dignity.” See Steven Pinker, “The Stupidity of Human Dignity”, *The New Republic*, May 28, 2008, <http://pinker.wjh.harvard.edu/articles/media/The%20Stupidity%20of%20Dignity.htm>.

⁷ Another instructive way to see the conceptual elasticity of human worth in action is to search for “human dignity” on the White House’s webpage. There are not only hundreds of results from different speeches, remarks, executive orders, etc., but the

Several books and articles have recently emerged addressing this basic definitional problem. The more prominent include political theorist Michael Rosen's *Dignity: Its History and Meaning*, philosopher George Kateb's *Human Dignity*, and theological ethicist Gilbert Meilaender's *Neither Beast Nor God: The Dignity of the Human Person*, as well as an excellent series of essays in *Human Dignity and Bioethics*. Each text distinctively addresses the problematic status of "human worth" in contemporary moral discourse, especially with regards to its definitional elasticity and the frequency with which it appears in support of various causes without a systematic defense of its meaning or moral validity.⁸

contexts in which the President uses the term also vary widely. Those contexts include: national security, sexual assault awareness, regulatory impact analysis, health care, torture, human rights, the rights of women and girls, the death of Osama Bin Laden, economic growth, economic alliances, environmental initiatives, diplomacy, foreign independence movements, combating sex trafficking, the National Day of Prayer, and economic sanctions, among others.

Perhaps even more interesting than this topical diversity are the different forms that human dignity takes within the *same* speech. For example, in prepared remarks to honor the awarding of the Nobel Peace Prize to Liu Xiaobo, a Chinese human rights activist and political prisoner, President Obama states just after the introduction, "All of us have a responsibility to build a just peace that recognizes the *inherent* rights and dignity of human beings—a truth upheld within the Universal Declaration of Human Rights" (my emphasis). He then declares, a few lines later, "[Mr.] Liu reminds us that human dignity also *depends* upon the advance of democracy, open society, and the rule of law" (See Barak Obama, "Statement by President on the Awarding of Nobel Peace Prize," www.Whitehouse.Gov/the-press-office/2010/12/10/statement-president-awarding-nobel-peace-prize, my emphasis).

On the one hand, these sound like boiler-plate, non-controversial claims for this kind of context, at least to an American audience. On the other hand, they contradict each other: if dignity is *inherent* then it should not, conceptually, *depend* on anything. Likewise, if dignity *depends* on certain social and political circumstances (or anything else), then it is not clear how it could be either inherent or, for that matter, universal. This is not, I believe, a nit-picky distinction: human dignity lies at the core of the argument President Obama employs to honor and defend Mr. Liu, and yet the two uses of the term in the speech are incompatible, at least without substantial additional elaboration. This kind of incompatibility, moreover, is not isolated to President Obama's use of dignity. Claiming that human worth is both inherent and in need of protection/advancement—without explaining how these two characteristics can coherently coexist—is common in contemporary moral discourse.

⁸ I will be drawing from Martha Nussbaum's article in *Human Dignity and Bioethics*, "Human Dignity and Political Entitlement" for this essay. Several other essays in the collection effectively frame and reply to the question of human dignity's definition and source. However, none, in my view, adequately respond to what I take to be one of human dignity's fundamental questions: What, from a conceptual perspective, is the condition for the possibility of defining dignity as both universal *and* equal? In other words: What is conceptually necessary in order for "human dignity" to coherently apply to *all* human beings in equal measure? My answer, as the essay will seek to demonstrate, is that dignity must be defined as "invulnerable." I believe it is this

Yet notwithstanding this relatively small body of literature, and despite the ubiquity of the term “human dignity” in contemporary moral discourse, there remains a problematic dearth of philosophical and theological work dedicated to systematically defining and defending dignity’s full meaning. In particular, there remains a lack of clarity on what unique human characteristic, or characteristics, could coherently account for dignity’s purported universality and equality. The normative definition of human dignity thus remains an open and pressing issue. Theory needs to catch up with practice.

To this end, this article seeks to help lay the theoretical groundwork for a normative definition of human worth by, first, identifying the conceptual parameters required to describe dignity as both 1) universal and 2) equal, and then, second, testing three substantive accounts of dignity—those present in the thought of moral philosopher Alan Gewirth, political theorist Martha Nussbaum, and theologian St. Pope John Paul II—in light of those parameters. It is important to stress at the outset that my goal is not to identify which conception of dignity is “true” in the sense of rationally necessary or otherwise persuasively demonstrable, though that is, of course, an important goal. Rather, I am seeking to establish which conception of dignity is *coherent* within the conceptual parameters of “universality” and “equality.” And by “coherent” I only mean, in a minimal sense, not self-contradictory. It would be *incoherent*, for example, for a definition of dignity to affirm “all human beings sometimes have universally equal worth depending on their socio-historical circumstances.” The claim contradicts itself; if something is universal, it cannot depend on any set of circumstances nor can it “sometimes” be the case. In this instance, we would have good reason to reject such a view of dignity on the grounds of its inconsistency.

However, to rule out a particular view of dignity in this way does not tell us what constitutes the *right* or *true* view of dignity. In this sense, the article only seeks to test the internal coherence of three different views of dignity, not to establish which, if any, is true. Put differently, I am seeking to identify a *valid* argument for the theoretical

conceptual requirement of invulnerability that contemporary philosophical and theological accounts of human dignity, including the other texts listed above, have either overlooked or underappreciated—a lacuna, I believe, that has led to substantial confusion with regards to dignity’s definition and ethical implications. See Edmund Pellegrino, Adamn Schulman, and Thomas Merril, eds. *Human Dignity and Bioethics* (Notre Dame: University of Notre Dame Press, 2009), Gilbert Meilaender, *Neither Beast Nor God: The Dignity of the Human Person* (New York: New Atlantis Books, 2009), and George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011).

foundations of universal and equal dignity, not, necessarily, a sound one.⁹

Given these preliminary parameters, I wish to advance the following argument: *if* we seek to define human dignity as universally equal among all human beings, *then* any account of human dignity that defines human worth according to human capacities must be understood as incoherent. The “if” here is crucial. I am not arguing that we ought to define human dignity as universally equal in this context or that definitions of dignity that are not universally equal are necessarily internally incoherent. I am, rather, deliberately *assuming* a starting premise, sidestepping the foundational question of its justification. The premise is that human dignity, whatever else it might be or entail, is both universal and equal among all beings whom we otherwise define as “human.”¹⁰ If we accept this claim, I argue, then we are com-

⁹ In a basic sense, a valid argument is one in which the conclusion necessarily follows from the premises. A sound argument is valid, with the added criterion that the premises are also *true*. Take for example, the following argument: premise 1) all human beings have equal dignity; premise 2) equal dignity bestows human equal rights on all humans; premise 3) basic education is a human right; premise 4) Julia is a human being; therefore, the conclusion: Julia has a right to basic education. This is a valid argument; given the premises, we have no other option but to conclude that Julia has a right to basic education. To conclude otherwise would be, in a decisive sense, *incoherent* and, hence, *irrational*.

However, is the argument also sound in addition to being valid? That would depend on demonstrating the truth of each one of the premises, an immensely complex task that would include doing foundational work in both ethics and meta-ethics (that is, not only identifying foundational moral principles but also establishing the ultimate origin of those principles and how, epistemologically, they can be known). This article does try to do this kind of work. Thus, in claiming that I seek to establish a valid rather than sound argument for universally equal dignity, I am claiming that I will deliberately *not* seek to determine the truth of premise “human beings have universally equal dignity.” I only seek, rather, to determine the valid conclusion that must follow, assuming this premise as a starting point.

¹⁰ Insofar as this article seeks to establish the formal, conceptual grounds for defining dignity as universally equal, I do not seek to provide a specific, substantive definition of what normatively constitutes a human being. In other words, I am not seeking to substantively answer the question “what is a human?” either descriptively or normatively in this context.

That said, it is difficult to conceptualize human dignity as being universal and equal if it only applies to a subset of humanity. Indeed, if human dignity only applies to some human beings, or applies to all human beings but unequally, then it is, by definition, *not* universal and/or equal. The question would therefore be: what do we call those “entities” that are not human (or fully human) but also, apparently, not anything else in existence? Can something be both not (fully) human and not (fully) anything else? The logical principle of identity appears to preclude this claim. Thus, from a descriptive standpoint, at least, it seems necessarily to be the case that something is either uniquely a human or not uniquely a human, and one of the main points this article is seeking to advance is that if human dignity is universally equal, then, by

mitted to rejecting all accounts of human dignity that find their justificatory warrant in some form of human capacities, which includes the accounts of both Alan Gewirth and Martha Nussbaum.¹¹

In light of this argument, I will conclude by arguing that John Paul II's theistic account of dignity *can* coherently support the claim that dignity is universally equal because it is grounded in a divine-human relationship, a relationship that recognizes the value of human capacities yet is not dependent upon them.

GEWIRTH AND NUSSBAUM: DIGNITY BASED ON HUMAN DOING

Before establishing and defending what constitutes “universality” and “equality” as they apply to a general conception of human dignity, it is important to identify and exposit the specific accounts of dignity in Alan Gewirth and Martha Nussbaum, letting them speak for themselves, as it were, before I seek to impose a conceptual framework on their thought. The reason I have chosen to engage Gewirth and Nussbaum in particular is because each represents a conception of human worth that finds its grounding in a human capacity or set of capacities: “agency,” as we will see in Gewirth, and “capabilities” in Nussbaum. Let me first turn to Gewirth.

Gewirth, Human Agency, and the Supreme Principle of Morality

Gewirth lays out his systematic case for human dignity in his book, *Reason and Morality* (1978), though he also provides a condensed restatement of his position in a later work, *The Community of Rights* (1996). I derive my own treatment of Gewirth's argument for dignity chiefly, though not exclusively, from the latter work, despite the fact that he develops his position more extensively in the former. The reason is that Gewirth's basic argument can, as he demonstrates in the first chapter of *The Community of Rights*, be summarized concisely without sacrificing the argument's force and cogency.

The first step in Gewirth's argument requires him to establish and defend what he describes as an “agent.” Gewirth argues that whatever we mean by action, we must at least mean that which is the object of

definition, all that which is uniquely human must fall under the umbrella of that worth—otherwise we are using the term “human dignity” incoherently.

¹¹ While neither Nussbaum nor Gewirth *explicitly* claim they are seeking to establish a universally equal definition of human dignity, their respective arguments certainly imply that their use of the words “human” or “person” morally include as many individuals as possible under the umbrella of equal human worth—all of those with “human capacities” for Nussbaum and all of those with “autonomy,” or the potential for autonomy, for Gewirth. In this sense, each is *implicitly* suggesting that they view human worth as both universal and equal. On these grounds, I believe “universal equality” can serve as a fixed conceptual standard for evaluating the internal coherence of their respective moral theories.

all practical precepts, whether they are moral precepts or not—that is, whether the precepts apply to what one ought categorically do independently of one’s interests (moral precepts) or what one ought do in order to pursue one’s interests (prudential precepts). Yet any precept, he argues—that is, any statement that is made with the intention of guiding action—necessarily implies that the object of the precept, the person to whom the precept is addressed, is both 1) voluntary and 2) purposive. In other words, any practical precept, *qua* precept, necessarily implies that the object of the precept is both free (voluntary) and capable of acting for an end or goal (purposive). Gewirth also calls these two foundational characteristics the “generic features of action.” The term “agent” thus applies to individuals who act voluntarily and with purpose.

Having defined agency, Gewirth then seeks to demonstrate how acting as an agent necessarily implies the existence and recognition of a supreme principal of morality, which includes within it both the existence of each agent’s fundamental dignity and the existence of basic negative and positive rights based on that dignity. This conception of dignity and human rights is “necessary” for Gewirth, in the sense of being rationally necessary. As he explains, “Any agent, simply by virtue of being an agent, must admit, on pain of self-contradiction, that he ought to act in certain determinate ways.”¹² These “certain determinate ways” reflect the existence and moral authority of the supreme principle of morality.

The movement from agency to the supreme principle of morality, or, to put it differently, the movement from the “is” of the agent to the “ought” that governs her action, takes place by a process of reasoning Gewirth calls “dialectical necessity.” Put simply, dialectical necessity means establishing what any agent, *qua* agent, must necessarily affirm in performing any action at all. By means of this necessity, Gewirth seeks to establish what he calls “two theses,” which, together, constitute the supreme principle of morality and the justification for human dignity. In his own words:

The first thesis is that every agent logically must accept that *he or she* has rights to freedom and well-being. The second is that the agent logically must also accept that *all other agents* also have these rights equally with his or her own, so that in this way the existence of universal moral rights, and thus of human rights, must be accepted within the whole context of action and practice.¹³

¹² Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978), 26.

¹³ Gewirth, *Reason and Morality*, 17, author’s emphasis.

These two theses ultimately entail the conclusion, for Gewirth, that human beings have rights by virtue of their agency. Any claim to the contrary is to engage in pragmatic self-contradiction.

Agency and Human Dignity

Although Gewirth rarely uses the term “dignity,” he makes it clear that the supreme principle of morality that he derives from the agential structure of human action is tantamount to a supreme principle of dignity, a point he makes explicit when he recasts his entire argument in terms of human worth. The passage is worth citing at length:

[A]ll agents attribute value or worth to the purposes for which they act. But since the agents are the sources or loci of this attribution of worth, they must also attribute worth to themselves. Their purposes are conceived as having worth or value because the agents themselves have worth. This attribution of worth to the agents encompasses not only their purposiveness as such but also the abilities of reason and will that enter into their agency. For acting for purposes agents use both will and reason: will in their freedom as controlling their behavior by their unforced choice and in their endeavors to achieve their purposes; reason in ascertaining the means to their ends, in attributing to themselves rights to the necessary conditions of their agency and in accepting that all other agents also have these rights. Even if they reason incorrectly or will what is wrong, each agent must recognize in herself and others *the general abilities that give worth to human life and action* and that ground her attribution of the rights of agency. Human dignity consists in having and at least potentially using these abilities, and human rights are derived from human dignity thus conceived.¹⁴

The passage reveals the deep interplay of agency—and in particular, agential *action*—and human worth in Gewirth’s thought. To be an agent is to have worth, and to have worth means that one is an agent, or, at least, a prospective agent. More specifically, it appears that both reason and will—the capacities that underpin an agent’s more general capacity to act voluntarily and with purposiveness—are that which ultimately bestow value on human beings. In other words, human beings have value because we are agents or prospective agents; but we are agents or prospective agents only because we have, or will have, the capacities of “reason” and “will.” In this sense, then, agency broadly, and reason and will more specifically, are, in effect, the cause of human dignity; they are those characteristics that justify why human beings not only have worth, but also uniquely *human* worth.

¹⁴ Gewirth, *Reason and Morality*, 66, emphasis added.

Nussbaum and the Dignity of Human Capacities

Martha Nussbaum takes a more comprehensive approach to defining human dignity. While she, like Gewirth, upholds the fundamental importance of agency as the ground of human worth—especially agency as it relates to the human capacity for rationality—she cautions against defining worth *exclusively* on agency and rationality. She writes in a recent essay, “Human Dignity and Political Entitlements,” for example, “[It] is quite crucial not to base the ascription of human dignity on any single ‘basic capability’ (rationality, for example), since this excludes from human dignity many human beings with severe mental disabilities.”¹⁵

Rationality and the capacity for agential action thus form only one component of Nussbaum’s conception of dignity. Her full account of human worth includes several other “basic capabilities,” as she calls them, and it is these capabilities, in turn, that provide the justification of her conception of human worth: “[F]ull and equal human dignity,” she writes, “is possessed by any child of human parents who has any of an open-ended disjunction of basic capabilities for major human life-activities.”¹⁶ Indeed, she goes on to specify that human capacities not only confer dignity on humans, but also, more fundamentally, *possess* dignity themselves. The locus of human dignity, in other words, is within human capacities. As she writes while describing how rape violates dignity, for example, “A woman... has sentience, imagination, emotions, and the capacity for reasoning and choice; to force sexual intercourse on her is inappropriate, lacking in respect for *the dignity that those capacities possess*.”¹⁷

The capacities of “sentience,” “imagination,” “emotions,” “reason,” and “choice” constitute only part of the list of central human capabilities. Others include life, bodily health, bodily integrity, affiliation with others, non-discrimination, contact with other species, play, and control over one’s environment.¹⁸ Taken together, it is this cluster of human capacities for what Nussbaum calls “major human life activities” that account for how and why human beings have worth *qua* human beings.

It is important to note, as Nussbaum acknowledges, that this conception of dignity has deeply Aristotelian roots; to be human is not only to be something ontologically static—a human being—but also to be something that *develops*, a “human becoming.” And it is by

¹⁵ Martha Nussbaum, “Human Dignity and Political Entitlements,” in *Human Dignity and Bioethics*, eds E. Pellegrino, A. Schulman, and T. Merrill (Notre Dame, IN: University of Notre Dame Press, 2009), 362.

¹⁶ Nussbaum, “Human Dignity and Political Entitlements,” 363.

¹⁷ Nussbaum, “Human Dignity and Political Entitlements,” 359, emphasis added.

¹⁸ See Nussbaum, “Human Dignity and Political Entitlements,” 377-8.

means of exercising one's basic human capacities, she argues, that one can and does become fully human in the normative sense, a state of existence she also calls "human flourishing."

On this point it is important to stress, however, that Nussbaum does not seek to identify a single standard of normative humanity to which all human lives ought to conform. Here she departs from Aristotelianism to embrace something more akin to Rawlsian liberalism; we ought not seek to enforce one vision of the comprehensive good, be it religious or secular, in any given political community. "[It] is itself violative of human dignity," she argues, "to base political arrangements on a single comprehensive doctrine."¹⁹ Her emphasis on grounding dignity on human capacities thus falls on the possession and exercise of the capacities themselves, not on what any given individual uses them for. To be human and have worth, that is, is to have basic human capacities; to be a unique person is to use those capacities to strive for any morally licit goal one chooses, insofar as there is not one normative goal that all humans ought to pursue. As she writes, "[H]uman beings have a worth that is indeed inalienable, because of their capacities for various forms of acting and striving."²⁰

Nussbaum's conception of dignity thus rests on a broader theoretical foundation than Gewirth's. Humans not only have dignity because we are rational and purposive agents; we also have dignity because we have unique capabilities to become more human by exercising a broad array of distinctively human capacities. Each capacity is fundamentally related to what it means to be human. Indeed, Nussbaum goes far beyond a strictly agential account of dignity by additionally recognizing a deep connection between uniquely human needs and uniquely human worth: "There is a dignity not only in rationality," she writes, "but in human need itself and in the varied forms of striving that emerge from human need."²¹

THE CONDITION FOR THE POSSIBILITY OF UNIVERSAL EQUALITY

Notwithstanding the fundamental differences between Gewirth and Nussbaum, it is important to recognize that both ground their respective conceptions of dignity on human capacities. To be human in a moral sense is derived from human *doing*—or the potential to do—rather than human *being*; whether it is human purposiveness and rationality or human striving more generally, to have a capacity as it relates to human dignity, for both, is to have a power to do something distinctively human. Capacities in this sense certainly include rational capacities and the capacity for purposive action; yet they also include

¹⁹ Nussbaum, "Human Dignity and Political Entitlements," 362.

²⁰ Nussbaum, "Human Dignity and Political Entitlements," 357.

²¹ Nussbaum, "Human Dignity and Political Entitlements," 363.

the kinds of basic human capabilities that Nussbaum enumerates, capabilities that are related to rationality and purposive action, but not necessarily reducible to them. As Nussbaum in particular implies, human children have dignity-bearing capacities long before they develop agency.

The question I wish to address, then, is whether these capacity-grounded views of human worth can coherently account for a definition of dignity that purports to be both universal and equal. As noted above, I do not intend to examine or criticize the views of Gewirth or Nussbaum *per se*, or, even, to question whether or not they can coherently ground *some* conception of dignity. Rather, I seek to test them against a definition of dignity that affirms that dignity, whatever else it may be, belongs to all human beings without exception in equal measure. Can either Gewirth or Nussbaum coherently account for *this* kind of dignity?

Basic Definitions of “Universality” and “Equality”

As a starting point for making this evaluation, it is crucial to establish some basic meanings for both “universality” and “equality,” and then to ask what these terms conceptually entail. The common, everyday uses of these words do sufficient work for the purposes of the argument. Describing something as “universal” means that it applies to *every* member of a given class or group, everywhere, all the time, with no exceptions. Not admitting of exceptions is particularly important for the conception of universality; if there is even *one* exception—that is, if even one member of a particular group or class does not share the otherwise “universal” characteristic defining the group or class—then, by definition, the characteristic cannot be described as universal. So to say “human dignity is universal” means that *all* humans have dignity *everywhere, all the time*; or, put again, of the class/group “human,” all members universally have worth.

Given this definition, it would thus be conceptually incoherent to claim that “some humans have universal human dignity” or “all humans have universal dignity in some places or sometimes,” or “all humans have human dignity depending on....” If dignity is universal—conceptually independent of *why* or *how* it is universal—then it must, in an absolutist sense, somehow inhere in, or otherwise apply to, every single human being without exception or the potential for an exception. Otherwise human dignity is not, by definition, universal.

Describing something as “equal,” in turn, means claiming that it is quantitatively and/or qualitatively *identical* everywhere it exists. As with universality, equality also has absolutist conceptual implications: one cannot say coherently, for example, to paraphrase the famous line from *Animal Farm*, “all humans have equal dignity but some have more dignity than others.” Conceptually, equality does not admit of

degrees; there can be no “more” or “less.” So to say that human beings have equal worth—again, independent of *why* or *how* it is equal—is to say that human beings have absolutely identical worth, worth that inheres in the same way, to the same extent, in every individual who has worth.

Combining the characteristics of universality and equality and applying them to a conception of human dignity thus entails the following affirmation: every human being—that is, every individual being otherwise defined as “human”—has worth in the same way and to the same extent as every other human being. If worth does not extend to all human beings then it is not universal. If that worth admits of any kind of degree, even if it is universal, it is not equal. Universally equal human dignity, therefore, is an exhaustive, absolutist conception, at least from a formal, conceptual perspective. It allows for no exclusions and admits of no degrees.²²

It is important to note, here, that universality and equality do not necessarily conceptually imply each other. To say something is universal, in other words, is not necessarily to say that it is equal; likewise, to say something is equal, is not necessarily to affirm that it is universal. One could, for example, coherently profess a belief that humans with a certain kind of characteristic or group of characteristics have equal dignity, while those who do not possess that characteristic or group of characteristics do not have equal dignity. From such a perspective dignity would be defined as equal, but not universal.

A poignant example of this claim can be found in Aristotle’s *Nicomachean Ethics*. Though Aristotle is often credited for making a distinctive, egalitarian-tinted break with pre-Socratic Greek thought by examining the function or final cause of *humans as such*, independently of their social status and role in the polis (see, e.g., 1097b, 21-27), he clearly categorizes a large swath of humanity as effectively non-human in a moral sense. Take, for example, this passage often overlooked or downplayed by contemporary admirers of Aristotle’s thought:

[Anyone] who is going to be a competent student in the spheres of what is noble and what is just—in a word, politics—must be brought

²² I do not mean to claim, even from a formal perspective, that universally equal worth implies that all human beings must all be *treated* equally, only that they would have to be shown equal *moral regard*. This distinction between equal treatment and equal regard—substantively and persuasively developed, for example, in Gene Outka’s book *Agape: An Ethical Analysis* (New Haven: Yale University Press, 1972)—is especially important for answering the question of how to *apply* a universally equal conception of human worth. One can easily imagine showing equal moral regard to a five year old and an eighteen year old, for example; but one hopes they would not be treated the same.

up well in its habits. For the first principle is the belief *that* something is the case, and if this is sufficiently clear, he will not need the reason *why* as well. Such a person is in the possession of the first principles, or could easily grasp them. Anyone with neither of these possibilities open to him should listen to [the poet] Hesiod:

This person who understands everything for himself is the
best of all,
And noble is that one who heeds good advice.
But he who neither understands it for himself nor takes to
heart
What he hears is a worthless man.²³

Aristotle's claim about the potential value of a human being in this passage is not subtle. His claims for equality are hardly universal.

Aristotle essentially declares that any individual who has "not been brought up well" in "good habits"—which, means, we should be clear, those children not fortunate enough to have been born into the right kinds of households in the right kinds of civic environment—will *inevitably* not become virtuous, and thus inevitably fail to fulfill their proper function as a human being, which, according to Aristotle, renders them, borrowing Hesiod's words, "worthless." In other words, there are humans in Aristotle's world who, despite being classified as human (and therefore *not* classified as any other kind of animal), have *no intrinsic moral worth at all*. They may look like humans, act (in a non-moral sense) like humans, and communicate like humans, but they are not *morally* humans because they cannot realize their final cause or proper function: a life of virtue in service of the polis and in contemplation of the Unmoved Mover.

This exclusion of a large swath of humanity from moral recognition does not, however, prevent Aristotle from recognizing substantive moral equality among those *who do* have the good fortune to have been born and raised in a properly formed city-state. Indeed, in a way that might make him arguably more "egalitarian" than Plato, he even recognizes a kind of equality of opportunity to become authentically virtuous, and thus happy in the eudaimonistic sense, among those who have been rightly habituated in the polis: "[For] all who are not maimed as regards their potentiality for virtue," he writes in the *Ethics*, "may win it by a certain kind of study and care."²⁴ Everyone, in other words, has a relatively equal chance to become virtuous and thus fully

²³ Aristotle, *Nicomachean Ethics*, trans. Roger Crisp (Cambridge: Cambridge University Press, 200), 1095b, 4-10. The quotation from Hesiod is found in *Hesiod: The Works and Days*, trans. Richmond Lattimore (Ann Arbor: University of Michigan Press, 1959), 293, 295-7.

²⁴ Aristotle, *Nicomachean Ethics*, 1099b, 19-20.

human—so long as we understand “everybody” as those formed in good habits. So while Socrates stands starkly isolated after explaining to his interlocutors how to ascend to the Form of the Good at the end of *The Symposium*, Aristotle depicts a *community* of the virtuous in the polis, going so far as to locate friendship, which is only possible among equals in his view, as essential to fulfilling one’s final human purpose. Humans, therefore, can certainly be understood as morally equal to Aristotle, but not universally so. It is an example of how equality does not necessarily presuppose universality.

The opposite also holds true: universality does not necessarily entail full equality.²⁵ One could maintain, for example, that all humans, by virtue of being human, have some kind of objective worth that morally distinguishes us from all other forms of life. But that claim does not necessarily commit one to claiming that all humans have *substantively* equal worth. For instance, one could believe that all humans, no matter what their measurable level of intelligence, have some kind of basic dignity, but add that those who have IQ scores of at least 100, or those who come from a particular blood line, or those who share certain physical features have *more* dignity by virtue of belonging to an “enhanced” subset of humanity, which, the argument could then be made, entitles them to additional or enhanced rights and protections. It is one thing to say that everyone gets a slice of the pie, another to say that every slice must be the same size. It is for this reason, then, that my argument’s starting point is the claim that dignity is universal *and* equal. The attribution of equality to universality is not redundant.

Universal Equality and Invulnerability

If, then, human dignity is both universal and equal, as I am assuming, what, then, also must be true about dignity so-defined from a purely conceptual perspective? The condition for the possibility of universal equality, I believe, takes the form of “invulnerability,” and, specifically, invulnerability to harm (including ultimate harm or extirpation) and/or enhancement.

As with universality and equality, a basic understanding of the term “invulnerability” adequately illuminates the necessary point in this context. To say something is invulnerable is, drawing on the word’s Latin roots, to say that it cannot be harmed or wounded. That is, the integrity and unity of that which is invulnerable cannot be qualitatively or quantitatively extirpated, effaced, or diminished in any way. The “cannot” here does not mean that one cannot *intend* or *try* to cause

²⁵ Universality does conceptually imply *some* measure of equality insofar as it is the case that if human worth is universal then every human must have at least some value—but that does not mean that everyone must have *substantively* equal value solely by virtue of being human.

harm to that which is invulnerable; rather, it applies to the efficacy of such an act: if something is invulnerable one cannot *effectively* cause harm to it. It is for this reason, too, that invulnerability also, according to the *Oxford English Dictionary*, means “unassailable;” that which is unassailable is that which cannot *successfully* be attacked. Conversely, if something *can* be effectively assailed, and thus harmed or diminished in some way, it is not, by definition, *in-vulnerable*.

What, then, does “invulnerability” mean when describing a conception of human worth, and why is it a necessary presupposition for universality and equality? Put simply, if dignity is not conceived of as invulnerable, then it cannot coherently be described as either universal or equal. Imagine, for example, a horrifying action or event that, we might say, causes severe or, even, irrevocable harm to those who experience it. Examples representing both “moral” and “natural” evils are, sadly, not difficult to think of: rape, torture, drug-addiction, incapacitating poverty, disfiguring disease, injuries that leave victims conscious but otherwise completely immobile, mental illness and the loss of one’s personality, etc. It goes without saying that these kinds of experiences deeply wound individuals, perhaps even causing, in extreme cases, the loss of the person’s *individuality* in the sense of those unique characteristics that define a human as a specific person. But do they cause individuals to lose their individual *dignity*? If so—again, purely from a conceptual perspective—we cannot therefore say that human dignity is universal. Recognizing the potential loss of dignity, for whatever reason, is to recognize possible *exceptions* to the universality of human worth and, therefore, to contradict the possibility and coherence of universality itself. *If* dignity can be eradicated or defaced in any way for whatever reason, in other words, *then* it is not something that can inhere in or apply to every human being without exception. It is, rather, something that is conditional, something whose integrity and unity depends on *whether or not* it is respected or violated by one’s own actions, the actions of others, and/or good or bad fortune.²⁶ “Universality,” however, cannot coherently accommodate

²⁶ Aristotle’s thought, as noted above, cannot provide a coherent foundation for universally equal human worth (a conclusion that Aristotle would mostly likely not find problematic), but his conception of the normative human being and what defines human flourishing is, nevertheless, deeply insightful for understanding the distinction between vulnerability and invulnerability in this context. While Aristotle recognizes the possibility of living a fully-human life by cultivating both moral and intellectual virtue in service of the polis and/or in contemplation of the Unmoved Mover, he is clear that achieving such a life not only depends on being born into the right kind of community so that one can acquire, by absorption, the good habits necessary for moral virtue in particular, it also depends on what the philosopher Thomas Nagel would call “moral luck” (see Thomas Nagel, “Moral Luck,” in *Ethics: History, Theory, and Contemporary Issues*, eds. S. Cahn and P. Markie [New York: Oxford University Press,

“conditionality,” and so if dignity is conditional, *for whatever reason*, it is not universal. The only way to say that dignity is universal, therefore, is to say that it is *invulnerable* to any attempt to strip or efface it, whether the attempt comes from human hands, natural disaster, or the bad luck of the genetic draw.

A similar argument can be made with regards to the relationship between invulnerability and equality. Equality, recall, does not conceptually allow for degrees; to say that something has more or less of a given quality than other entities with the same quality is to say, by definition, that it is unequal. Thus, if there is a kind of event, action, or environment that has the capacity to quantitatively or qualitatively *diminish* human worth in any way—no matter how much or to what extent—then we cannot say coherently that dignity is equal. The same goes for any event, action, or environment that has the capacity to quantitatively or qualitatively *augment* or improve human worth, as well: *if* such a possibility exists, *then* dignity is not equal. Independently of how we define the origins and content of worth, in other words, to allow the possibility of any degree or gradation of dignity is to render it unequal. Thus, as with universality, the only way to say that dignity is equal is to say that it is invulnerable—invulnerable, in particular, to any kind of internal or external power that would have the capacity to destroy, degrade, or improve it.

It is for these reasons, therefore, that invulnerability is a necessary precondition for the claim that “dignity is universally equal in all human beings.” If this claim is true about dignity, then the claim “human dignity is invulnerable” must also be true. Otherwise, we are committed to recognizing that human worth is somehow vulnerable; and if it is vulnerable, in any way for whatever reason, it is conceptually possible to eradicate and/or weaken (or strengthen) it, and, consequently, conceptually *impossible* to call it “universal” or “equal.”²⁷

2009], 752-61). Aristotle specifies that developing the virtues must take place “over a full life” in order for human life to flourish; if disaster strikes along the way—say a debilitating loss of a loved one, or a traumatic injury, or the emotional devastation of wrongly being accused of a crime—the humans of good habits may ultimately fall short of their potential, and thus fail to be fully human, by, in effect, no fault of their own. It is instructive to compare this conception of moral vulnerability with the implicit moral invulnerability found in Socrates’s famous declaration before being put to death: “Wherefore, O judges, be of good cheer about death, and know this of a truth—that no evil can happen to a good man.”

²⁷ It is important to note that “human dignity” and “human life” may be deeply inter-related, but the former cannot be reducible to the latter if dignity is to be understood as universal and equal. Life, of course, not only can be lost, it can also exist in degrees in terms of greater or lesser biological functioning in relation to the standard of healthy functioning. So while human dignity may include human life, it cannot be reducible to it—if, again, dignity is universally equal.

Is Any Human Capacity Invulnerable?

This brief foray into abstract conceptual territory leads us back to the substantive central question, namely, whether either Gewirth or Nussbaum can coherently account for universally equal dignity. And it appears we are arriving at an answer: if, indeed, invulnerability, as this article has defined it, is a necessary condition for universality and equality, then it appears to be the case that no human capacity, or set of capacities, can coherently serve as the ground for a definition of universally equal dignity. In order to support the opposite conclusion—namely, that capacities *could* provide such a justification—we would have to identify at least one human capacity that is invulnerable to all attempts to harm and/or enhance it. Can we?

Gewirth and Nussbaum provide helpful test cases. Gewirth, as noted above, founds his account of dignity on agency, which, in turn, he grounds in two characteristics of human action: 1) voluntariness or freedom, and 2) purposiveness or intentionality, which includes rationality (one must be able to *know* what one is acting for in order to be an agent). If a human being does not have these capacities, then a human is not an agent; and, by Gewirth's own reasoning, if a human is not an agent, then she or he does not have human worth.

Gewirth recognizes the morally troubling nature of this claim, and so adds what he calls "prospective agents" to the protective umbrella of human worth. By prospective agents, he primarily means children, who are not yet agents—because they do not yet have fully developed free will or rationality—but who one day will be agents. Setting aside the problematic derivation of prospective agency as grounds for moral worth (prospective agency is *not* part of the dialectically necessary structure of human action, and therefore it is not clear how, on rational grounds, the supreme principle of morality can apply to children), it is important to ask whether agency, either in its actualized or potential form, is invulnerable to harm and/or enhancement.

The question, I think, answers itself. Agency is not only something that can and does exist in degrees in the sense of some humans having more agency than others; think, for example, of children who are in the process of becoming full agents and full agents who are in the process of becoming diminished agents because of age, disease, or injury. Agency, it appears, can also be completely destroyed. We need not only think of the exceptionally difficult moral cases of individuals who are alive but in a coma; individuals who have acute mental diseases, or who have been tortured, or who have been severely emotionally abused—they, too, can utterly *lose* their agency as Gewirth defines it. Some individuals who suffer such disease and trauma may be able to regain their agency. But some won't. There are many classes of individuals whom we otherwise define as human, in other words, who are not, and never will be, "agents" in Gewirth's sense.

Again, my goal here is not to critique Gewirth's view of human dignity in and of itself, but, rather, to demonstrate that his account of agency, founded on the capacities of freedom and rationality, cannot coherently account for *universally equal* dignity. Agency is *deeply* vulnerable to harm and/or enhancement, and can and does exist in degrees. And insofar as it is vulnerable in this way, as I sought to establish above, we cannot coherently say a conception of human dignity founded on agency is universally equal. To be sure, Gewirth may be able to justify some conception of dignity—perhaps we might call it “personal dignity”—but he cannot coherently justify universally equal *human* dignity.

The same conclusion applies to Nussbaum's account of human worth. To be sure, Nussbaum seeks to ground dignity on more than agency. However, even if we broaden the scope of capacities eligible for justifying human worth, we are still founding it on *capacities*: sense, imagination, friendship, play, contact with nature, even having bodily integrity—these are things that human beings *do* or can potentially *do*. And insofar as they are things that we do, it is not only the case that some humans, even in potential form, can do them better or more effectively than others, which is to recognize, *prima facie*, that human capacities are profoundly unequal. It is also to recognize that these capacities can, put simply, be taken away. Indeed, it is in great part for this reason that Nussbaum highlights the moral importance of these capacities; she wants individuals and communities to protect them and help them to flourish. However, the very recognition of the vulnerability of capacities, and, hence, the need to safeguard them, necessarily leads to the conclusion that these capacities are neither universal nor equal and, therefore, cannot coherently ground a universally equal conception of dignity.

The more radical formulation of this claim goes beyond Nussbaum and Gewirth. It applies to all human capacities, however we might define them. The more basic claim is that *no* human capacity is unassailable. That is, there are no human capacities that do not in some way *depend* on any number of internal (an individual's own actions) or external (one's own genetics, the actions of others, the nature of one's surrounding environment) conditions for their initial existence, continued existence, and/or the degree to which they effectively operate for any particular purpose. If this claim accurately characterizes all human capacities, then all human capacities are vulnerable and, therefore, no human capacity is invulnerable. As such, no capacity can account for a universally equal, which, is to say, invulnerable conception of human worth. Put positively, any conception of universally equal human dignity that seeks to justify its universal equality based on a human capacity or set of human capacities is necessarily incoherent.

Human Capacities and the Problem of Human Dignity

This, then, is one of the fundamental problems inhering within the conception of human dignity. If no human capacity can coherently cause or otherwise warrant invulnerable human dignity, what else are we left with? What other “human something” might be able to account not only for how we are distinctively valuable, but also universally and equally so? If nothing humans *do* can account for dignity, perhaps, then, we can turn to what we biologically *are*. That is, perhaps human DNA, something that inheres universally and equally among all human beings, could provide the grounds for universally equal human worth.

The problem with this line of thinking is that even if DNA could account for a conception of dignity as such, it is not clear how it could account for *human* dignity in particular. The claim would essentially be that what makes humans valuable, the cause of our worth, is that we are all bio-chemically the same as a species. But how, then, are we morally different from any other species? How would human dignity be any different qualitatively from the dignity of dolphins, guinea pigs, mosquitos, or any specific kind of bacterium? If shared DNA constitutes the standard by which we attribute dignity to something, in other words, then *all life*, or at least every species of life, would have equal dignity, in which case the “human” in “human dignity” would be superfluous.²⁸

We cannot, moreover, claim that DNA is invulnerable given ongoing scientific “advancements” in genetic engineering. Human DNA can be, and has been, altered, including attempts to combine it with the DNA of non-human animals. Whether such experimentation should be permitted and, if it is permitted, in what ways and under what conditions it should be allowed is a vital question. But the fact that it can happen *at all* challenges the status of human DNA as something that could account for a universally equal conception of human dignity. Even if human DNA could never be annihilated save for some

²⁸ In this sense, human life is radically similar to all other forms of biological life: we are contingent beings who come into material existence and leave material existence by forces we have minimal (and, ultimately, no) control over. We are part of the “givenness” of existence. In this respect, we are not unique, and, thus, cannot claim any moral distinctiveness on the grounds of this givenness. To be sure, humans, or most humans, can and do have a unique awareness of and response to this situation of givenness; to say that we are given is not to say that we do not have any freedom in relation to being given. Yet this freedom, and the awareness underlying it, describes a *capacity*; and any capacity or group of capacities, as I sought to argue above, cannot coherently serve as the grounds of universally equal dignity. In other words, “givenness” itself cannot account for makes human dignity “human,” and the human response to givenness cannot account for what makes human dignity universal and equal. (I am indebted to Roberto Dell’Oro for the conception of “givenness” as a constitutive feature of human existence.)

catastrophic global event that eradicated all human life (in which case the question of what warrants universally equal human dignity would become moot), there is nothing intrinsic to the nature of DNA itself that prevents it from being corrupted in the sense of altering its original integrity. There is nothing, in other words, that conceptually or practically *guarantees* that all humans will, by virtue of their humanity, remain equal in terms of our shared genetic structure. So in addition to the problem of justifying how and why human DNA could generate worth in general and human worth in particular, it seems that even the very blueprint of human life is not, ultimately, invulnerable and thus not capable of accounting for a universally equal account of human worth.

The fundamental problem of human dignity, then, appears to be this: In order to claim that human dignity is universal and equal—which, again, is to claim that every being otherwise defined as “human” has equal worth *qua* human—we cannot appeal to anything that is *in* human beings or *of* human beings *qua* humans, including all human capacities, in order to justify that worth. This is doubly a problem because, as Gewirth and Nussbaum effectively illustrate, to be human from a moral perspective is, in a decisive sense, to possess and employ distinctively *human capacities* like freedom, and purposiveness, and imagination, and friendship. How could we conceive of human beings as valuable without reference to these kinds of capacities?

JOHN PAUL II'S THEISTIC CONCEPTION OF DIGNITY AS A POSSIBLE SOLUTION

The question, in other words, becomes whether it is possible to coherently conceive of human dignity as universally equal in a way that recognizes the value of human capacities yet is not ultimately dependent upon those capacities. There is at least one way, I believe, and it takes the form of a theistic conception of dignity, like, for example, that which we see in the thought of Pope John Paul II.

As a preliminary point, I wish to emphasize that I mean “theism” in its most basic and widely-accepted sense for the purposes of the argument in this context: namely, the affirmation of the existence of a transcendent and personal divine being. The qualities of “transcendence” and “personal” are both important here. To say that a being is transcendent is to say that it exists independently of everything else in existence, to say, that is, that it does not depend ontologically on any other being. In this sense, a transcendent being is also, by definition, a non-contingent being, and insofar as it is non-contingent, it is, there-

fore, also ontologically *invulnerable* to everything in existence—nothing in existence, in other words, has the capacity to eradicate, diminish, or enhance its existence.²⁹

Yet this kind of ontological independence and invulnerability does not mean that a transcendent being cannot be in relation with that which is non-transcendent. It is not a definitional contradiction, in other words, for theism to claim that the transcendent being is also a *personal* being. As transcendent and, thus, ontologically independent, the divine does not *need* to be in relationship with non-contingent reality, including human beings; yet theism claims that the divine non-contingent being *chooses* to be in this kind of relationship. In this way, then, theism can affirm that the non-contingent and contingent—the divine and the human, in this context—can and do have a *relationship*.

Pope John Paul II presents this kind of theistic view of God-in-relation throughout his theological writings, but especially in his encyclical, *Evangelium vitae* (*The Gospel of Life*). The text commences with an affirmation that life, in its fullest sense, means eternal life in communion with the divine: “Man is called to a fullness of life,” John Paul writes, “which far exceeds the dimensions of his earthly existence, because it consists in sharing the very life of God.”³⁰ Yet he quickly and carefully qualifies this assertion by clarifying that humankind’s final goal of communion with God does not diminish the value of temporal life. To the contrary, it is the very call to communion with the divine that endows temporal life with its worth and significance. As he writes, “The loftiness of this supernatural vocation reveals the *greatness* and the *inestimable value* of human life even in its temporal phase. Life in time... is the fundamental condition, the initial stage and an integral part of the entire unified process of human existence.”³¹

This synthetic relationship between the transcendent and the temporal plays a crucial role in defining John Paul’s conception of dignity. On the one hand, he seeks to ground the worth of the person in the individual’s *supernatural* origin and destiny; human beings, he argues,

²⁹ It is important to note here that to say the divine is invulnerable to the created world (including human action) is *not* to say that the created world, especially including human action, can or does not *affect* the divine. Indeed, from within the thought of John Paul II specifically, and many strands of Christian thought more broadly, it *matters profoundly* to God whether or not human beings choose to accept God’s invitation to relationship and communion. God, in this sense does not need, but God does *desire*—in this case, God desires fellowship—and it is meaningful to the divine whether or not human beings exercise their freedom to fulfill that desire (and, by doing so, to fulfill their own humanity). In this sense, human action does not “harm” or “improve” God from an ontological perspective, but it does *make a difference* to God.

³⁰ John Paul II, *The Gospel of Life*, (Boston: Pauline Books and Media, 1995), 12.

³¹ John Paul II, *The Gospel of Life*, 12.

are created in the image of God and, though fallen, redeemed by Christ's death and resurrection, which enables humans to *return* to God, our one and only true home. Indeed, the very fact that God chose to redeem humanity despite our sin *by becoming human* both establishes and confirms the unparalleled value of humanity and of each human life. As John Paul avers, "Truly great must be the value of human life if the Son of God has taken it up and made it the instrument of the salvation of all humanity!"³²

Yet John Paul also maintains that the process of returning to God, of being justified and sanctified, takes place in the concrete social and historical circumstances that each individual occupies during her specific lifetime. Dignity's *supernatural* origin and destiny, in other words, plays itself out in each individual's *natural* life. "[Life on earth]," he affirms, "remains *a sacred reality* entrusted to us, to be preserved with a sense of responsibility and brought to perfection in love and in the gift of ourselves to God and to our brothers and sisters."³³

In recognizing these two poles of human existence, the natural and the supernatural, *The Gospel of Life* thus seeks to provide an account of dignity that is both transcendent and temporal in such a way that the transcendent—our origin in the divine and final destiny as communion with the divine—acts as both the ground and goal of temporal life. As John Paul explains, "The dignity of this life is linked not only to its beginning, to the fact that it comes from God, but also to its final end, to its destiny of fellowship with God in knowledge and love of him."³⁴

This "dual citizenship" between natural and supernatural existence also helps explain John Paul's conception of how the image of God relates to human dignity. Humans have dignity because we are created in God's image, which, for John Paul, means that humans have *capacities* analogous to God's capacities, something that is unique in Creation. As he writes, "*The life which God offers to man is a gift by which God shares something of himself with his creature.*"³⁵ That which God shares with human beings not only includes stewardship over Creation, but also, as he specifies, "those spiritual faculties which are distinctively human, such as reason, discernment between good and evil, and free will."³⁶ To be human, in other words, is to be able to know the good as good and to be able to freely choose to act in accordance with it. Humans are unique in Creation, moreover, not only because

³² John Paul II, *The Gospel of Life*, 59, document's emphasis.

³³ John Paul II, *The Gospel of Life*, 12, document's emphasis.

³⁴ John Paul II, *The Gospel of Life*, 65.

³⁵ John Paul II, *The Gospel of Life*, 60, document's emphasis.

³⁶ John Paul II, *The Gospel of Life*, 60.

we possess these capacities, but also because we possess the potential to employ them for their intended purposes: attaining virtue in this life so that we may, by God's gracious gift, enjoy communion with God in the next. The value human beings have by virtue of these capacities associated with the image of God is thus attached both to capacities themselves and for the ends for which they can and ought to be used.

John Paul is careful, however—and this is crucial for the article's overall argument—to avoid the conclusion that either the image of God in humanity or the dignity associated with it is reducible to these capacities. Indeed, one of the greatest themes in the encyclical is John Paul's lamentation that the contemporary world regards those with diminished capacities as having less value than other human beings. As he writes, "It is clear that... there is no place in the world for anyone who, like the unborn or the dying, is a weak element in the social structure, or for anyone who appears completely at the mercy of others and is radically dependent on them, and can only communicate through the silent language of a profound sharing of affection."³⁷ The recognition of human dignity thus enjoins all individuals to recognize that *every* person has the same intrinsic worth as every other person, and that to be "a person" is not only defined by what we can do, but also, and more fundamentally, by who we *are*: individuals created in the image of God and redeemed by Christ's life, death, and resurrection.

³⁷ John Paul II, *The Gospel of Life*, 36. The relationship between the image of God as being valuable independently of human capacities and the image of God as being valuable *because* of human capacities is complex in John Paul II's thought. On the surface, it may appear to be a contradiction—how can he claim that human beings are both valuable because they have distinctively human capacities yet also deny that those capacities confirm value on human life? While a full exposition of this element of John Paul's conception of dignity falls outside the scope of this article, it is important to note that this need not necessarily be interpreted as a contradiction if we understand the image of God not only as an ontological constitutive feature of who human beings are, but also as a *potential to be realized*. Insofar as the image of God *ontologically* defines humans as dignified, it does so independently of any capacity or the exercise of that capacity; insofar, however, as the image of God defines dignity as a potential to be realized (so, for example, one can *become* more fully human from a moral standpoint by acting in accordance with the image of God and less human by acting in ways that violate the image), then capacities and the exercise of those capacities play an essential role in determining whether the potential inherent in the image of God is realized or not. In this sense, one can say, as John Paul does, that a murderer does not lose his dignity in this sense of his ontological gift of humanity by murdering, yet still maintain that the act of murder very much thwarts the *realization* of the individual's gift of humanity in attaining its full potential. Although John Paul does not explicitly define dignity in this way, I believe there are strong grounds for interpreting his conception of dignity—and the Catholic social thought tradition's conception of dignity more broadly—as having these two interrelated but distinct components—one given, one attained. While a full defense of this claim requires substantial additional argumentation, it at least helps indicate why John Paul might not be contradicting himself on this point.

God, John Paul argues, values every person as a person independently of their capacities, and, therefore, so must we: “[The] deepest element of God’s commandment to protect human life is the *requirement to show reverence and love* for every person and the life of every person.”³⁸

This emphasis on the intrinsic, God-given value of all human life, in turn, explains why John Paul frequently describes dignity as “invulnerable” and “indestructible.” Although located in humans, human dignity is grounded in God, and so out of the reach of human attempts to harm or destroy. As he writes, “It is therefore urgently necessary... to rediscover those essential and innate human and moral values which flow from the very truth of the human being and express and safeguard the dignity of the person: values which *no individual, no majority, and no state can ever create, modify or destroy*, but must only acknowledge, respect and promote.”³⁹ Insofar as dignity instantiates a divine truth about who human beings are—created in God’s image and redeemed by Christ—there is nothing that the created world can do, as the passage says, to “create,” “modify,” or “destroy” that truth. Human beings are intrinsically and objectively valuable because God values every human being *no matter what* humans (or anything else in the created world) do or fail to do.

Dignity thus can be recognized or fail to be recognized by other individuals, societies, cultures, states, etc. But whether or not it is recognized has no effect on the integrity of the dignity itself. Indeed, God’s constitutive, creative, and redemptive relationship with every individual creates worth that is, properly understood, “indestructible.” Using the Book of Exodus to describe the effect that God’s love has on human beings, John Paul explains, “Freedom from slavery meant the gift of an identity, the recognition of an indestructible dignity and

³⁸ John Paul II, *The Gospel of Life*, 69, document’s emphasis. The distinction between “human life” and “human dignity” is a basic yet crucial distinction in John Paul’s conception of dignity. At times, he appears to employ the terms “human life” and “human dignity” as synonyms, as, for example, when he states, “The present encyclical... is therefore meant to be a precise and vigorous reaffirmation of the value of human life and its inviolability” (John Paul II, *The Gospel of Life*, 17). Yet he also writes, “Certainly *the life of the body in its earthly state is not an absolute good* for the believer, especially as he may be asked to give up his life for a greater good” (John Paul II, *The Gospel of Life*, 17, document’s emphasis). Acting in conformity with the Gospel of Life, in other words, may call one to sacrifice her biological life, which would not harm one’s dignity but, to the contrary, be in accordance with one’s dignity and even help bring it to its moral fulfillment. Human dignity thus includes human life, but it is not reducible to human life. This distinction also draws on the distinction between human dignity being both transcendent and temporal and, consequently, both vulnerable and invulnerable (see footnote 37 above).

³⁹ John Paul II, *The Gospel of Life*, 116, emphasis added.

the beginning of a new history in which the discovery of God and discovery of self go hand in hand.”⁴⁰ Indeed, this human “identity” as intrinsically and indestructibly valuable is rooted so firmly in the individual that even those who commit grave moral offenses retain their equal worth, a claim that explains why John Paul can affirm, “*Not even a murderer loses his personal dignity*, and God himself pledges to guarantee this.”⁴¹ This invulnerability of human dignity to human action, or anything else in the created world, ultimately results from the invulnerability of its divine source. “Human life,” John Paul concludes, “is thus given a sacred and inviolable character which reflects the inviolability of the Creator himself.”⁴²

CONCLUSION

While the validity or truth-status of John Paul II’s conception of human worth remains a crucial question—one that I deliberately beg in this context—his theistic definition of dignity nevertheless provides a conceptually coherent foundation for his affirmation that all human beings have equal worth. Recall, as argued above, that the condition for the possibility of “universality” and “equality,” from a conceptual perspective, is invulnerability to the possibility of extirpation, harm, and/or enhancement. In recognizing God as transcendent and, therefore, inviolable, and, furthermore, by describing this inviolable being as establishing an inviolable relationship with every human individual, John Paul can say that his account of dignity is universal and equal without inconsistency. Given that human worth is grounded in the non-contingent, there is nothing that we, the contingent, can do to eradicate, harm, or, even enhance it. And this invulnerable worth, John

⁴⁰ John Paul II, *The Gospel of Life*, 55.

⁴¹ John Paul II, *The Gospel of Life* 24, document’s emphasis.

⁴² John Paul II, *The Gospel of Life*, 88. Although John Paul uses the term “inviolable” to describe dignity here, I have chosen to use the term “invulnerable” throughout the article to describe the same characteristic. This is not accidental. In one sense, the terms could be understood as being interchangeable: if something cannot be “violated” then it is, in a decisive way, invulnerable to harm. However, drawing on the term’s Latin roots, I want to emphasize that dignity must be conceived as something that literally cannot be “wounded” in order to be defined as universally equal. I believe “invulnerability” captures this conceptual necessity more effectively than “inviolability.”

That is not to say, however, that dignity must *only* be defined as invulnerable. Although defending this claim falls outside the scope of this article, I believe there is a way to coherently define dignity as vulnerable to harm (thus necessitating that it be protected and allowed to flourish) without sacrificing its invulnerability, and, hence, universal equality. To do so, one can, I believe, define dignity as both a static ontological quality in all human beings (invulnerable) and also as a potential to be realized (vulnerable). See footnote 37 above.

Paul makes clear, extends to all, regardless of each individual's distinct set of capacities.

It is crucial to note, however, that John Paul does not establish his conception of universally equal dignity independently of human capabilities. To act freely and with purpose, to be able to engage in practical and speculative reasoning, to immerse oneself in one's own imagination and the imaginations of others, to form families, to *love* God and others—these and other capabilities form a fundamental part of our moral identity as bearers of the image of God. But, in the end, they in no way constitute the sum total of our moral identity. In other words, it is not what we do that morally defines our worth as human beings. It is *who we are*: beings created in the image of God and redeemed on the Cross. And, unlike Gewirth and Nussbaum, John Paul can coherently say that that value-conferring fact applies to all humans everywhere all the time in absolute equality. It is a dignity of no exceptions.

This theistic vision of human worth, in the end, raises important and challenging theological, anthropological, and epistemological questions. Given the argument here, one could ask: Is it only the Christian—or Catholic—conception of the divine that can account for universally equal human dignity? How are we to conceive of the image of God in relation to human worth more specifically, especially in light of the Catholic and Christian recognition of human sin? How is this God who gives worth to be known? Does universal human dignity ultimately depend on a faith claim that, in turn, is ultimately reducible to a blind affirmation of religious authority? If so, how might these epistemological restrictions affect the status of dignity's universality and equality? Also, if human dignity is ultimately invulnerable to harm, does that ultimately render it a morally inert principle? Why, for example, have rights to protect dignity if it does not need protection? These are crucial questions that a deeper examination of a theistic account of human dignity would have to answer (and which I have sought to address elsewhere⁴³).

Yet the central issue animating this article still remains: What is the condition for the possibility of coherently describing human dignity as universally equal? The answer, it appears, ultimately points to the Transcendent. If we wish to define human worth as truly universal

⁴³ For further discussion see Matthew Petrussek, "Catholic Social Ethics and the (In)vulnerability of Human Dignity" (Dissertation, University of Chicago, 2013).

and truly equal, we must somehow locate its ground beyond humanity and outside the reach of human hands.⁴⁴ **M**

⁴⁴ As a parting note, it is important to stress that theism as it relates to human dignity can potentially accommodate a great diversity of conceptions of the divine, including those (depending on their precise theological interpretation) generally attributed to the three Abrahamic faiths. In other words, while great and irreducible conceptual differences exist between Yahweh, Allah, and the Father, Son and Holy Spirit, insofar as each tradition's interpretation of God includes the recognition of God's non-contingency, agency, and value-conferring relationship with humans, there is no reason, from a conceptual perspective, why any one of these theistic conceptions could not provide a coherent foundation for universally equal human dignity—"coherent" in the sense of being able to account for dignity's universality and equality. And so, potentially, with any other conception of the divine in any other religious tradition: as long as it attributes non-contingency and some kind of agency to God, and can describe how God employs God's agency to endow all human beings with equal worth, there is no reason why *many* different conceptions of the divine could not coherently support the claim "human beings have universally equal dignity." This is not to say that any and every such account would be true; it is to say that every and any such account could, from a conceptual perspective, potentially be *coherent*.