Dignity and Democracy: 
Defending the Principle of 
the Sanctity of Human Life 

Alan Mittleman 

The idea of human dignity—of the incomparable worth or, in a religious key, the sanctity of human life—seems fundamental to democracy. Major political and constitutional documents articulate a conception of human dignity in their opening lines. Thus, the Declaration of Independence of the United States of America, after affirming “the Laws of Nature and of Nature’s God,” famously asserts that “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” The specific language of human dignity or sanctity is not used, but the belief is nonetheless salient. The reference to the creation of human beings in equality and to their creator limns its contours.

Similarly, and perhaps with greater historical pathos, the German Basic Law [Grundgesetz] asserts in Article I: Section 1: “Human Dignity [die Würde des Menschen] shall be inviolable. To respect and protect it shall be the duty of all state authority.” We see it as well in Israel’s 1992 Basic Law: Human Dignity and Liberty. “The purpose of this Basic Law is to protect human dignity and liberty [kavod ha-adam v’harutu], in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state.” The purpose of the law rests on the fundamental principle of recognition of the worth of the human being [erekh ha-adam], on the sanctity of human life [kedushat hayyav], and of the status of the human being as a free being [hiyyuto ben-horin].

In the United States, Jewish apologists have sometimes associated the biblical idea of humanity created “in the image of God” with the fundamental conceptual basis of democracy. Thus, Samuel Belkin, in his mid-twentieth century study In His Image, writes that Judaism is best characterized as a “democratic theocracy.” “It is a theocracy because the . . . entire system of Jewish morality derives from and is founded upon the concept of the sovereignty of God. It is a democracy because, unlike any other legal system, the rabbinic code places all emphasis upon the infinite worth and sacredness of the human being.” What Jonathan Sarna calls “the cult of synthesis” is at work here—the
effort to ground the noblest principles of American democracy in the most sublime theological teachings of Judaism.³

In the case of the constitutional documents, as important as their strong, clear statements of principle are, I say that they “seem” fundamental rather than simply “are” fundamental. For there are questions about the role of principles in a legal system or in a constitutional order. What is the relationship between high-level moral or political norms, such as the sanctity of human life, and the day-to-day rules of law? To what extent can bodies of rules, inherited from the past and embedded in their own institutional practices of interpretation and application, continue to operate without reference to the high-level principles that presumably animate them? How important are such principles to the life of a legal system? Legal systems or constitutional orders are not deductive arguments. Conclusions do not flow rigorously from premises. We need not think of principles as major premises in a logical sense from which particular rules are ultimately derived. Although there is a logical difference between principles and rules, modeling that difference upon a deductive argument is too linear.⁴ The interplay between principles and rules is more reciprocal, fluid, layered, and heterogeneous than that.

Principles, in Joseph Raz’s view, serve as grounds, that is, as metalevel justifications in such matters as interpreting law, changing laws, making exceptions to laws, making new rules, and occasionally as the sole ground for action in particular cases.⁵ They are logically distinguished from rules by their generality, that is, they are more comprehensive. They can be used to justify rules, but rules cannot be used to justify them. Principles themselves can sometimes be legislated, but most often they arise out of a public form of life, a culture of political, moral, and religious values to which the principles give selective expression. When embedded in a constitution, the constitution allows the citizens of its life-world to objectify their own principled truths. Once objectified in semantic and pragmatic form, the constitution speaks with authority. It doesn’t just describe the ambient norms of a culture; it authorizes them. It acquires authority per se and shapes the normative contours of its world. It guides and constrains the institutions and practices of the actors within its normative order. Principles function within this order as claims indicative of core constitutive values. They are employed as compact arguments on behalf of the integrity and moral soundness of a public form of life.

Thus, it is not clear that principles in isolation mean much. They are semantic and pragmatic moves within an extended, coherent, normative form
of life. To take a relevant Jewish example, if the principle of *b’telem Elohim* [in God’s image] were not instantiated in bodies of halachah, such as those dealing with capital punishment, it would not amount to more than a metaphysical claim. As it is, however, if Yair Lorberbaum’s analysis is correct, the theological, philosophical, and legal implications of the concept come together in a dense, mutually supporting web. A principle comes to mean something by the role it plays in a legally articulated public form of life.

We appeal to principles from inside of a form of life. We employ them to adjudicate conflicts among legal rules, among moral obligations or values, to distinguish between ethical considerations and matters of lesser weight, to rank matters that we care about, or to remind ourselves and one another of our axiological orientations and commitments. But we do not build our moralities or laws upon them brick by brick. As Aristotle, glossing Plato, points out in the *Nicomachean Ethics*, if we had not already been raised with moral habits, we could not even begin to reason about moral first principles (*Ethics* I:4): “We must already be within and, I would say, committed to a moral point of view for principles to play a role in our thought.”

This suggests that principles such as human dignity may not play the critical foundational role that we believe, pretheoretically at least, they do. Imagine someone who does not believe that all human beings have worth and are, given that worth, equal in the relevant respects. What could one say in defense or explanation of the principle of human dignity that could convince such a person? If such a person, say a convinced racist or white supremacist or Nazi, truly believed that some classes of human beings lacked worth and hence need not be treated with respect (equality, fairness, and so on), is there a philosophical argument that could change his mind? Would we believe that such a person could even be a discussion partner? Rather than argue with him, wouldn’t we want simply to contain or constrain him, making sure that he remained politically marginal?

A counterexample to this is Socrates’ treatment of Thrasymachus. Here is a case of fundamental disagreement about first principles, whether injustice is superior to justice. Socrates confidently believes that dialectic might bring mutual enlightenment. He doesn’t withdraw from or merely try to neutralize Thrasymachus, but to persuade him through philosophical argument. Socrates takes the only course open to him: to show Thrasymachus that his views are incoherent. Thrasymachus’s belief in the superiority of injustice is parasitic upon a suppressed premise in favor of justice. The unjust city, army, bandits and thieves whose exploitation of the just Thrasymachus is wont to praise
must themselves behave with some equity and equanimity toward one another in order to accomplish their nefarious common purpose (Republic 351c).

Once Thrasymachus sees the incoherence at the heart of his own claim, he abandons the field. But this shows that Thrasymachus was antecedently open, his vehemence and bluster notwithstanding, to rational argument. To participate in a rational philosophical argument, in good faith at least, is already to eschew violence and to affirm a norm of respect. It is implicitly to concede the premise of human dignity. Dignity here entails respect for the rationality of the other, attention to the other’s view as that of a rational being, openness to being persuaded by the rationality of the other, and so forth. The principle of dignity, or something very much like it, is presupposed by a discursive encounter. In this sense, an encounter with someone who denies the principle of human dignity must eo ipso fail as a rational conversation.

This suggests that the principle of human dignity has the status of an implicit norm for conversation rather than a principle that can be discursively justified by conversation, that is, by philosophical argument. Perhaps it is comparable to Aristotle’s construction of the principle of noncontradiction. It cannot be demonstrated because any argument on its behalf already presupposes it (Metaphysics, Book Gamma, section 4). And, indeed, purely philosophical attempts to warrant the principle of human dignity, most eminently Immanuel Kant’s, have a circular quality to them. For Kant, a rational being must necessarily find worth in itself and respect its own dignity [Würde]. One must already be committed to the concept of human dignity or, more precisely, the dignity of a rational being, for a Kantian argument to acquire traction. If one could coherently maintain the moral irrelevance of rationality and, derivatively for Kant, of human personhood, one would not be persuaded by Kantian ethics.8

Dignity cannot be demonstrated; it can only be shown to be a transcendental condition for the moral life. But if one is a cynic or a skeptic about the moral life as such, it is not clear what Kant could answer. If one refuses the call to noumenal selfhood, autonomy, freedom, and respect for the moral law; if one aspired to be a great irrationalist like Friedrich Nietzsche, the circularity of Kant’s account of human dignity would prove vicious rather than virtuous. Indeed, Nietzsche’s pessimistic precursor, Arthur Schopenhauer, claimed “that the dignity of man . . . became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals or, at any rate, of one that had any meaning.”9

I submit that this is becoming our situation today. As the cultural background of Jewish and Christian, ultimately biblical, convictions about the
sanctity of human life recedes; as scientific images of man-in-the-world, to use Wilfred Sellars’s phrase, replace Jewish (and Christian) ones, human dignity meets formidable conceptual challenges. The principle may be so deeply implicated in our laws, institutions, and practices as to be assumed by our very efforts to defend it. But if we had to defend it, as I think we now do, how shall we do so? What resources do our religious and intellectual traditions offer us in our quest to articulate and sustain the principle? Must we rest content with its status as an ancient if beleaguered tacit norm, or can we give it a full-throated rational justification? Can this be done in the way that Kant aspired to do, namely, without reliance upon religious premises? The question is whether a truly fundamental principle can be sustained only by religious faith—which has an ambiguous status in the discourse of a modern, pluralistic democracy—or whether parallel secular arguments are available. Unlike the apologetic “cult of synthesis,” we need not claim that Judaism and democracy are isomorphic. But does the latter need the former for its moral foundations?

CHALLENGES TO THE PRINCIPLE OF HUMAN DIGNITY

The principle of human dignity is challenged, among other reasons, as a consequence of the steady growth of two scientific paradigms: neo-Darwinian evolutionary biology (and its outgrowth, evolutionary psychology) and neuroscience (and its allied philosophical interpretation, “neurophilosophy”). On the one hand, scientific inquiry is premised on the intrinsic goodness of knowledge and is typically conducted with the widening of that good as its premise. The intrinsic good of knowledge attests to the better angels of our nature: our dignity as rational beings. On the other hand, the content of scientific knowledge of the human in the mode of modern evolutionary biology and neuroscience shakes the foundations of the principle of human dignity and problematizes its conceptual coherence. Democratic societies, I would argue, need both free scientific inquiry and the principle of human dignity. The former is iconic of the intellectual and moral freedom that democratic societies are constitutionally designed and bound to protect. The latter underwrites the norms of responsibility, agency, equality, and liberty, as well as the laws that exemplify, objectify, and sustain those values. Let us consider some tensions among these at the point of human dignity.

Challenges to the principle of human dignity arise in at least four ways. The first is perhaps the least worrisome. Human dignity is thought to be a preeminently religious notion and as such its status in a secular society is
questionable. It seems to violate the Rawlsian norm of public reason. That might not amount to much except that human dignity, in the eyes of its critics, seems to work against other moral and legal principles, which seem more transparent and urgent from a contemporary secular point of view. Thus, human dignity is at odds with autonomy (a prospect utterly alien to Kant!).

The principle of human dignity is often employed by moral and cultural conservatives to exclude the right to die or the right to choose an abortion or the permissibility of stem cell research requiring the discarding of embryos. I will briefly consider a provocative essay by the Harvard psychologist and public intellectual Steven Pinker, “The Stupidity of Dignity,” which makes precisely these sorts of claims.

A second, I think more serious, challenge comes from people like the Princeton ethicist Peter Singer. For Singer, the restriction of personhood to human beings—crystallized by the principle of human dignity—excludes consideration of animals as persons. It entails that a distinctively human characteristic, rationality, is allowed to crowd out other characteristics of sentient life, such as suffering, as the only characteristic meriting worth-according treatment. When rationality is not yet gained (as with a fetus or newborn) or when it is lost (as with a patient in a permanent vegetative state), human dignity is generously extended in the absence of rationality. For Singer, there is hypocrisy here. A more valid criterion of worth is the capacity to suffer. Taking that seriously would decouple dignity and humanity. Taking that seriously would allow for the mercy killing of the irreversibly comatose, for example, and prevent the slaughter of chickens and cattle for food. I will consider Singer’s view in more detail below.

Third, there is a complex of views arising from evolutionary biology that, like Singer, erases any significant line between human beings and animals. We are confronted with a scientific image of man-in-the-world that accounts for human features, such as sociality, rationality, and ethics, as emergent properties of evolutionary adaptation. Once ethics, for example, is traced to the reciprocal altruism of higher primates and, presumably, of our hominid ancestors, a distinctive and valuable feature of the human is fully naturalized. Chimps are also moral beings. Nothing is particularly special about us in this respect. So too for rationality. If rationality is an adaptive mechanism for enhancing the effectiveness of the fight or flight response, the development of tool usage, and so on, then human rationality becomes a matter of degree not kind vis-à-vis that of other primates. The ascription of a peculiar dignity to the human seems arbitrary, a form of “speciesism,” in Peter Singer’s phrase.
Neuroscience and neurophilosophy provide an additional challenge to human dignity. To sustain the latter, one needs more than something emphatically valuable about human beings; one needs human selves. These selves have to be capable of moral agency, of responsibility, of freedom. But some strains of neuroscience hold eliminative views of the self. All conscious activity, “mind,” reduces to brain activity and brain activity—the electrochemical pulses of a hundred billion neurons linked in a trillion synaptic networks—reveals no single executive center. There is no self in any reified sense. Rather along the lines of David Hume’s view, there are just different functions, executed by different “software,” realized in different pieces of organic “hardware,” constructed according to a genetic blueprint. The self is a kind of narrative, organized by the left hemisphere, ultimately generated because of the survival advantages that it bestowed on our early hominid ancestors. The related problem is the elimination of free will. If all mental activity is brain activity and if the brain is a physical object, as it surely is, and if physical objects behave according to laws of physics, then free will turns out to be another kind of illusory narrative. Our belief in it, based on our first personal self-experience, must also have been generated through evolutionary happenstance. Hominids who thought that they had choices and behaved accordingly spread their genes more effectively than their more zombie-like competitors. The neuroscience story may yet have the greatest impact on moral and legal institutions. Let us consider each one of these in a little more detail and offer, as well, the beginnings of a critical response.

In “The Stupidity of Dignity,” Pinker follows an earlier, seminal assault on the concept by the bioethicist Ruth Macklin. Macklin argued that “dignity is a useless concept in medical ethics and can be eliminated without any loss of content.” The content that would be preserved when the allegedly vague, religion-laden notion of dignity is jettisoned is “respect for persons: the need to obtain voluntary, informed consent; the requirement to protect confidentiality; and the need to avoid discrimination and abusive practices.” Macklin believes that “dignity” adds nothing—but detracts something—from these core principles of medical ethics. Its use is semantically otiose. It is a “vague” usage that cashes out at “nothing other than respect for autonomy.” She does not see it as indicating a deeper justificatory ground for autonomy. Pinker builds on this view. The occasion for his essay was the publication of a long report by President Bush’s Council on Bioethics titled Human Dignity and Bioethics. After a remarkably ad hominem attack on the Council’s chairman, Leon Kass, and a condemnation of what Pinker takes to be its conservative
Catholic-dominated political bias, he offers a more substantive argument against dignity.

The argument is, pace Macklin, that dignity is inherently vague and adds nothing. It does, however, detract and distract from democratically appropriate moral argument. First, “dignity is relative” to cultural prejudice. What Victorians found undignified, we find entirely acceptable.

Thus, dignity does not get at anything deep. But wait, one might object: these surface signs of dignity are culture-relative, but that is not what a proponent of dignity truly means by it. Pinker acknowledges that for some, like the Vatican, dignity is a “sacred value,” never to be compromised. But he thinks that this is cant. “Dignity is fungible,” that is, we routinely trade off our dignity by submitting to things like prostate exams or airport body searches. Thus, “dignity is a trivial value, well worth trading off for life, health, and safety.” Finally, “dignity can be harmful.” Pinker sets out a parade of horribles, instances of dictators cowing their populations with ostentatious displays of their grandeur to enforce their dignity; fatwas condemning those such as Salman Rushdie to safeguard the dignity of Islam and so on.14

Pinker concedes that dignity has a role. Donning his official psychologist’s cap, he explains how certain sensory signals convey dignity and dispose us to treat the dignified generator of those signals with respect. Thus, just as a baby’s face moves us to protect it, features that convey “composure, cleanliness, maturity, attractiveness, and control of the body” elicit “a desire to esteem and respect the dignified person.” But this is a very limited ethical epiphenomenon hardly able to bear the weight the proponents of human dignity ascribe to it.

Indeed, dignity may become pernicious. The “gap between perception and reality makes us vulnerable to dignity illusions.” We are back to tin pot dictators flaunting their dignity in pompous public displays.

What Pinker has done here is conflate different senses of dignity. By reducing the concept of dignity to typical instances of proper deportment in some given society or to displays of self-importance or public role play, he has slighted the deeper significance of the concept. For both Macklin and Pinker, dignity remains superficial; what is deep and important are values such as autonomy, which are strangely unconnected to dignity on these principled postreligious accounts. If one were to put this to Pinker, he would not be persuaded. He would argue that dignity does not stand for something deeper; it remains vague and therefore useless as a precise concept. The worth of human beings, which we want to preserve, is amply protected by more precise concepts such as autonomy, which play out in the relevant bioethics context as informed consent.
There is more than a semantic wrangle going on here. In cashiering dignity, these views seek to cut the cord with the history of Jewish and Christian normative theological anthropology and fully empower a secular image of the autonomous human being as a creature of self-evident worth. This is the Kantian project, taken several steps beyond Kant. I don’t see this as a profound challenge to human dignity because it seeks to preserve those values that religious persons affirm with reference to dignity. It remains parasitic on them, unable to generate an argument of its own, taking the self-evidence of human worth as a given. It is more a sign of cultural drift and secularization, one might say, than of “depravity.” But if depravity in these matters is real, then views such as Pinker’s and Macklin’s, which rhetorically disparage dignity, arguably weaken its content and its cause in the long run.

Singer presents a graver challenge. His aim is to efface the distinction between human life and other forms of (at least higher) sentient life such that prohibitions on killing biologically defective humans are lifted and allowances for killing animals are eliminated. Singer’s approach rests on the argument that any relevant distinction between humans and at least some animals is mere prejudice and is fundamentally akin to racism. “The doctrine of the sanctity of human life,” he writes “. . . has at its core a discrimination on the basis of species and nothing else.” Sometimes discrimination is appropriate, as when one teaches a human child to read but not a dog (his example). But if one were to say, I will teach only white children to read but not black children, one would be invidiously discriminating because race has nothing to do with the ability to read. Similarly, species membership in Singer’s view has nothing to do with claims to special treatment, that is, claims to solicitude, respect, protection, or deference. Any such claims must be made on the basis of some characteristics other than sheer belonging to the species *Homo sapiens* as such. What are those characteristics? Let me quote Singer at length:

Now what is the position when we compare severely and irreparably retarded human infants with nonhuman animals like pigs and dogs, monkeys and apes? I think we are forced to conclude that in at least some cases the human infant does not possess any characteristics or capacities that are not also possessed to an equal or higher degree, by many nonhuman animals. This is true of such capacities as the capacity to feel pain, to act intentionally, to solve problems, and to communicate with and relate to other beings; and it is also true of such characteristics as self-awareness, a sense of one’s own existence over time, a concern for other beings, and curiosity. In all these
respects adult members of the species I have mentioned equal or
surpass many retarded infant members of our own species; moreover
some of these nonhumans surpass anything that some human infants
might eventually achieve even with intensive care and assistance. 16

Singer takes these enumerated features to be the main indicators of
“personhood” or “humanhood.” If one grants that they are shared by other
species, then the umbrella of personhood ought to extend to those species.
Similarly, “humanity” ought to be understood, as we sometimes do, as an
evaluative term, not solely as a biological classification. We might therefore
understand mature dogs and pigs, monkeys and apes as “human” in an
extended sense, certainly as persons. The burden is on proponents of the
sanctity of human life, in a biological, species-bound sense to show why only
human beings are deserving of protection. Singer believes that burden cannot
be met. We have “huge prejudice in favor of the interests of our own species
and a corresponding tendency to neglect the interests of other species.” 17 But
that is all that it is—a huge prejudice.

This was not always the case. Back in the era when Christianity domi-
nated Western intellectual life, people thought that they had sound reasons
for their “prejudice” in favor of human over animal interests. But Singer is
convinced that this is a bit of pre-Enlightenment, pernicious, intellectual
immaturity. He approves, for example, of the near universal ancient practice,
endorsed by no less than Plato, Aristotle, and Seneca, of killing deformed or
defective infants. This was banned under Christendom in the name of the
supposed sanctity of human life. Theological ideas, which today are patently
ridiculous (in Singer’s view), such as possessing an immortal soul or damnation
to hell fire, swayed men’s minds. Abortion and infanticide were condemned
because of their consequences for immortal souls. If a fetus, for example, were
aborted, its soul would go to hell eternally because it had not been baptized.
As a carrier of original sin, through no fault of its own but simply through the
sheer fact of its human status, it was damned, unless it was saved through
the sacrament of baptism. The agent of the abortion would have committed
an unimaginably great sin in damning its soul to eternal torment. Singer does
not trace the sanctity of human life back to the Hebrew Scriptures (e.g., Gen
9:26) but dwells on the medieval Christian appropriation so as rhetorically
to heighten the foreignness of the idea. He is unsparing: “My brief historical
survey suggests that the intuitions which lie behind these laws are not insights
of self-evident moral truths, but the historically conditioned product of doc-
trines about immortality, original sin, and damnation which hardly anyone now
accepts; doctrines so obnoxious, in fact, that if anyone did accept them, we should be inclined to discount any other moral views he held.”

Singer’s argument rests on a set of claims about personhood. He wants to free personhood and the moral implications it entrains from humanity in a narrow sense. In order to do this, he has to decouple personhood from traditional criteria such as rationality and moral responsibility. For Singer, personhood, with apologies to John Locke, is not a forensic term. He accomplishes this marginalizing of rationality and responsibility by focusing on human infants, who do not yet possess these traits, as well as on severely deformed infants who will never possess them. That we consider such infants—as well as severely senescent adults—to be persons for him speaks to the secondary or epiphenomenal nature of rationality and responsibility. We are willing to suspend them, betting that infants count because they will grow into them (except for severely retarded ones who won’t or terminally comatose or senile adults who have lost the traits forever). But this only shows how shaky these criteria for personhood are.

Other characteristics that are shared with nonhuman animals are stronger candidates for the criteria of personhood. Singer’s views might not be as controversial as they are if he fought shy of rigorous consistency. That is, one might agree that animal suffering should be minimized, that an ethic of care toward animals be maximized, and so on. It is the principled elimination of any line of normative differentiation between humans and animals that is provocative, as is his rigorist conclusion that human life has no claim to protection if animal life has no claim to protection. He rejects the sanctity of human life as a prejudiced, invidious claim to human specialness. If humans are special, they are so in degree rather than kind. This removes an absolute barrier to infanticide. If a human infant fails the test of personhood on the basis of the new set of criteria, then its life should be ended as a preemptive act of mercy, just as one might put a wounded animal down to spare it further suffering. Singer dispels any prejudiced sentimentality about human life.

What is disquieting about Singer’s views, in addition to their substance, is the dissonance at the core of his method. He sidelines rationality as a decisive characteristic of humanity and therefore as a leading criterion of personhood but pins his whole approach on rational argument, as a philosopher must. He must persuade us rationally to overlook the centrality of our rationality and liken ourselves to dogs and pigs. We are to reconstruct our personhood so as to treat our canine and porcine brethren as persons. But we must do so, of course, in a uniquely human conceptual way that is utterly alien to our friends Fido.
and Babe. And yet we are not supposed to be, in a relevant respect, radically different from them.

Nor do we deserve treatment that is different in kind. Is this a coherent view? Furthermore, he sidelines moral agency and responsibility—which dogs and pigs do not possess—while calling us to exercise our moral agency with respect to a concept of responsibility that assumes the personhood of nonhuman animals. I do not see how his expansive view of personhood can be coherently reintegrated with our ordinary experience of what it is to be persons and consequently what personhood can credibly mean. There is certainly a case to be made for minimizing the suffering of animals [tz'dar ba'alei hayyim] or for vegetarianism, but doing so on the basis of a radical attack on human dignity seems self-defeating to me.¹⁹

Singer is a moral philosopher and his project of “unsanctifying human life” is located in the discourse of bioethics. Darwinian philosophers drive views such as these into other domains. Darwinism can be, in Daniel Dennett’s phrase, a “universal acid.” It dissolves our ingrained and cherished ideas of human difference. Darwinism’s global explanation for the diversity of organic life presses down into the origins of life itself and then bridges the gap between the organic and inorganic realms. Self-replicating carbon-based molecules straddle the line between the living and the nonliving. No divine spirit breathed life into clay. Darwinian philosophers see adaptation through natural selection as a universal explanatory framework, relevant not only to the evolution of species but also to the coevolution of culture. Under paradigms such as sociobiology, now called evolutionary psychology, human sociology and psychology are fully analogized, even reduced, to animal social organization and behavior. Primatology weakens or erases the lines between humans and other primates. Human moral behavior roots back, in Frans de Waal’s view, to the empathy, altruism, fairness, and consolation behavior of chimps.²⁰ Of course, there are significant differences between human moral action and pongid behavior, but, if one is convinced by the evolutionary paradigm, these are differences of degree not kind. The same emergent laws of evolutionary biology, genetics, and cognitive science account for the basic features of human life no less than those of other animals.

Developments such as these have convinced some biologically minded philosophers that human morality has to be put on a new basis.²¹ Human dignity, which entails the view that humans are different in kind from other animals and the rest of nature, has got to go. “Evolutionary theory does not directly contradict the doctrine of human dignity,” philosopher Steve Stewart-Williams writes, but “it undermines the foundations upon which it rests and
the worldview within which it makes any sense.” Stewart-Williams argues that radical human difference can only be the case if one or both of these claims were true: (1) there is a God in whose image we were created, and (2) we and we alone possess rationality. As to the former, many contemporary philosophers in the analytic and scientific tradition seem incapable of construing the concept of God as anything other than a failed attempt to explain natural processes. Now that we can better explain such processes through sound science, the concept of God has no explanatory role and therefore no cognitive status.

If one were to object that the religious person is doing something other than attempting a causal explanation of how some feature of the world, like human beings, came to be, the contemporary philosopher would find that activity no less occult, wooly-minded, and misconstrued. Thus, Stewart-Williams parries a sophisticated theology like Paul Tillich’s: “And if God were some weird abstract principle, we could not have been made in God’s image. What could it mean, for example, to say that we were made in the image of the Ground of All Being?” The appeal to God as the ground of values or the model of moral perfection that humans ought to imitate would be dismissed as suppositious and unnecessary, given likelier explanations for morality and mundane reasons to practice it. God can never be, inferentially, the best explanation for anything.

As to rationality, Stewart-Williams and others view it as an adaptation that conferred a survival advantage early in our evolutionary history. Other animals, in particular higher primates, share rationality albeit to a lesser degree. But why should the possession of rationality in any degree be dignity conferring or confirming? Once you accept the “universal acid” of Darwinian explanation, the elevation of this trait seems arbitrary. “We like to think that reason is the supreme adaptation,” Stewart-Williams writes, “that rational animals deserve preferential treatment and that non-humans, because they don’t have reason, have no intrinsic moral value.”

However, after Darwin, this is no different and no more convincing than, say, an elephant thinking that trunks are the supreme adaptation; that animals with trunks deserve preferential treatment and that nonelephants, because they don’t have trunks, have no intrinsic moral value.” Just as we would dismiss an “elephant-biased view of the world,” we ought also to dismiss a “human-biased or anthropocentric” view.

Thus, Darwinism leaves human dignity without “intellectual foundations.” “With the corrective lens of evolutionary theory, the view that human life
is infinitely valuable suddenly seems like a vast and unjustified over-valuation of human life.” After lengthy reflection on the unnecessary suffering caused to animals (which he likens to the Holocaust), as well as to suffering humans whom our law deprives of the option of voluntary euthanasia, Stewart-Williams concludes that “the effect of the doctrine of human dignity is to increase the sum total of suffering in the world.”

As in Singer, one must point to an odd, almost willful blindness in Stewart-Williams’s argument. He suggests a lively thought experiment to get us to consider the elephant’s point of view vis-à-vis its trunk. But elephants, after all, don’t think about their trunks; they simply use them. They don’t think, because they can’t think, of their trunks as adaptations, let alone supreme adaptations. They don’t, properly speaking, have a point of view. They have interests, which we should consider; but they don’t have perspectives. If they could be said to have an “elephant-biased view of the world,” there is nothing that they could do about it. They couldn’t choose to suspend it to take the interests or perspectives of other creatures into account. The very fact that we can, in thought experiments and in moral practice, take on a point of view that relativizes our own interests attests to our profound differences from other creatures. Chimps may treat other chimps within their kinship group fairly, but they can’t think about fairness, articulate it as a principle, or apply it to beings outside of their kinship group. These are differences in kind not degree. To shovel all of these differences into the bin of “adaptations” is to obliterate them. It is to these differences, which Darwinian explanations must elide, soften, or distort, that the principle of human dignity responds and fixes as axiologically central.

A final challenge to human dignity is found in neuroscience. As mentioned, neuroscience discredits the concept of selfhood where self implies a reified entity. The modern folk-psychological concept of a self descends from an earlier conception of the soul. Self and soul were both held to be composed of occult mental stuff, different in kind from the extended physical stuff that made up the external world. This kind of thinking, famously propounded by René Descartes, begins to unravel with Thomas Hobbes and later with David Hume. Mental stuff, memorably derided by Gilbert Ryle as the ghost in the machine, has no place in empiricism. Today, mental functions that cannot be reduced to neuronal activity have no place in the physicalist universe of brain science. The experience of self, self-consciousness, qualitative states, and so on must be reduced from a first-person ontology to a third-person object-language.
To pass muster, any concept of selfhood must entail conscious awareness of unity and persistence through time, phenomenological experience of agency and of embodiment, and relatedness to the outside world. These characteristics naturally imply a single being, a subject in possession of these properties. But there is reason to doubt the cogency of this intuition even pretheoretically. We do speak in ordinary language of “not being myself” if one is out of sorts, or “I hurt myself” when one means that one hurt one’s body, or “I talk to myself” when one carries on an interior dialogue. Thus, we often entertain a nonunified, pluralistic, flexible concept of selfhood on a pretheoretical level. Neuroscience theorizes that concept: “What the nonsystematic character of [ordinary language] suggests is that the self is not a thoroughly coherent, unified representational scheme about which we have thoroughly coherent unified beliefs.” The neuroscientific claim is that the self designates an ensemble of representational capacities that are always in play.

The self amounts to such capacities of the brain as the ability to map the internal homeostatic states of the body, the position of the body at rest and in motion in space, its responses to internal and external stimuli; the ability to initiate muscular exertion, to notice feelings; to become self-aware on a meta-level of neuronal activity at a more primary level, and so forth. The self captures a vast plethora of brain activity occurring in parallel processed information states; there is no unified, executive center, no internal “Cartesian theater,” as Daniel Dennett calls it. Consciousness per se is not a unified process but a “multitude of widely distributed specialized systems and disunited processes.”

We feel that we have—that we are—a unified center of thought, decision, memory, and executive function, however, because one of those specialized systems, the “left hemisphere interpreter” as Michael Gazzaniga calls it, has been selected by evolution to produce such a representation. This interpreter infers causal connections among events, thereby generating explanations. When we perceive a fresh scar on someone’s face, for example, we immediately jump to speculate about how it got there. Or at least our left hemisphere interpreter does. We can't leave striking facts isolated from a potential causal-explanatory narrative. Selfhood is a kind of narrative explanation arising from the information shaping activity of the left hemispheric interpreter. It brings coherence to the parallel, diverse, ramified activities of the brain. Without its coordinating, simplifying activity, we might become overwhelmed by the chatter of a million modules running programs clambering to crack into consciousness. “Our subjective awareness,” Gazzaniga writes, “arises out of our dominant left hemisphere’s unrelenting quest to explain these bits and pieces that have popped
Presumably, those prehistoric hominids who, as a result of random genetic mutations, acquired the illusion of having an executive control center in their heads fared better than their competitors and reproduced more effectively. The genes that coded for the neural architecture that supported the left hemisphere interpreter function were passed on. Every human being who thinks she has a self is the descendent of those lucky hominids.

Is selfhood then like Otto von Bismarck’s quip about politics and *Wurst*, that is, one shouldn’t look too closely at how they are made? I don’t think that a neurological account of the constructed, neural nature of selfhood necessarily undermines our phenomenological experience of selfhood. Analogously, a neurobiological account of vision doesn’t alter how we see things. But there is a level at which it is problematic, namely, the dismissal of phenomenological experience per se. This occurs through the global equation of mind with brain, the reduction of mental states to neuronal synaptic activity, the elimination of the bedrock ontology of thoughts, beliefs, desires, and intentions in favor of firings, processing, computation, and function. There is a relentless march against the integrity of the first-person point of view. This was not begun by neuroscience. We find it in very different ways in Marx (false consciousness) or in Freud (the Unconscious)—any view that tries to be scientifically credible tends to be reductionist. All the arrows of causality, the physicist Steven Weinberg says, point downward to physics. It is unclear how the integrity of the first-person point of view, with which human dignity is intertwined, can be conceptually maintained.

A special and critical instance of this is found in the renewed debate over free will. This hardy perennial of philosophical and theological argument flourishes anew in the age of neuroscience. Hume paved the way with his compatibilist analysis of free will. No choice is uncaused, on Hume’s account. Desires, beliefs, and other motivations play a causal role; they determine choices. Any claim that we make that our choices are free must be compatible with the claim that they are caused by such things as desires and beliefs. What we really mean when we say we have free choice is that we acted deliberately, not by accident—we broke the vase because we threw it down on purpose, not because we slipped and dropped it. Free-willed decisions are decisions made within a subtler network of causes, not within a cause-free universe.

Neuroscience pushes the causal network, in which “free” choices are made, down to a neurobiological level. Thus, we may feel—in the largely illusory world of first-person phenomenological experience—that we made our choices in a cause-independent, libertarian way, but that is never actually
the case. Our decisions are the product of long chains of causation, but not all causes are created equal. The decision to raise my arm has a different causal history than someone’s taking my arm and lifting it for me or putting an electrode on my arm and zapping it, and so forth. A relevant piece of support for this view is the famous experiments of Benjamin Libet. Using fMRI scans, Libet showed, arguably, that “decisions” are made at a neuronal level before the conscious mind becomes aware of them. We do not formulate desires and then enact them; we become conscious of incipient action up to five seconds after it has been initiated preconsciously. We do not have freedom of will but we do have “freedom of won’t.” That is, “We don’t quite initiate voluntary processes; rather, we ‘select and control them,’ either by permitting the movement that arises out of an unconsciously initiated process or ‘by vetoing the progression to actual motor activation.’”\textsuperscript{33} Just as the self has been diffused into an at best contingently coherent collection of capacities, free will has been translated into a filtering mechanism that functions ex post facto to modulate preconscious brain activity.

Neuroscientists and philosophers who theorize along these lines want to preserve responsibility even if they have weakened or eliminated free will as the conceptual backdrop to agency. One way to do this is through an evolutionary biological strategy. Just as other social animals, such as chimps, rely on punishment, exclusion, shunning behavior, and so on, to enforce social norms—which contribute to and are necessary for group survival—so too human beings are genetically programmed to maintain such practices. We are not troubled by the metaphysics of free will with respect to other primates. We accept that their policing practices, which register approval and disapproval of one another’s behavior, are entirely natural and confer a survival advantage. We should thus naturalize the social policing of human action, the ascription of praise and blame, the fixing of responsibility, and so forth, as what our kind of highly social, highly developed primate does. There is nothing metaphysically mysterious about this. Responsibility and determinism are compatible.\textsuperscript{34}

Gazzaniga, Churchland and others, like David Hume before them, want to maintain the salience of human responsibility in the absence of free will, at least free will of a metaphysical, libertarian sort. Gazzaniga argues that agency and responsibility are social categories. The level of the individual brain is the wrong place to look for them. “Responsibility is not located in the brain. The brain has no area or network for responsibility,” Gazzaniga writes. “The way to think about responsibility is that it is an interaction between people, a social contract.”\textsuperscript{35} There is good sense in this transposition. Holding agents
responsible is necessarily a social practice, a public feature of a shared, normative form of life. And perhaps the practice is not weakened by a compatibilist account of free will any more than our conviction of the solidity of tables is weakened by an atomic account of matter (in terms of which tables are mostly empty space). Perhaps it is a category mistake to class features of a shared moral life under the rubric of individual subjectivity. If the story of subjectivity, of consciousness, of mind should turn out to be a physicalist, reductive one, perhaps we could still maintain responsibility and agency at the emergent level of sociality.

If we are able to sustain reductions of selfhood and free will to neural, bioelectrical activity while continuing to take selfhood and free will seriously, I suspect that we will do so not because we need to affirm the basicality of social life but because we continue to believe in the reality, durability, and dignity of human beings. How could society and the humane survival of the species that it facilitates matter if human beings did not matter? How could the commitment to human flourishing within society, of which the search for scientific knowledge is a principal part, matter if human beings did not? If we were really to bracket all of those profoundly axiological concomitants of personhood out and reconstruct human beings along purely biological and neurological lines, would we come up with a picture of persons as distinct from highly complex things? Would we come up with beings that have worth? Would we come up with creatures about which we should care on other than brute conative grounds? I very much doubt it.

CONCLUSION

It is an empirical question, a question about an unknowable future, whether emphasizing our animality, deemphasizing our capacity for rationality, eroding the differences constituted by our humanity, and eliminating the foundations of our experience of selfhood and free will will threaten our moral principles and practices, among those ordered by human dignity. I am inclined to believe that this course, if followed, would have that effect, but this is only a worry, an apprehension. Human dignity may prove so fundamental that it cannot be dislodged or displaced. Or it may be that human dignity, as a robust moral and legal principle, is so tied to Jewish and Christian religious traditions that a fully secularized, amnesiac culture would become unmoored from it. I have tried to argue for human dignity indirectly through probing the weaknesses of counterarguments and exposing, tu quoque, their covert assumption of what
they overtly reject. As with a Socratic elenchus or Kantian argument, however, one must already be committed to the claims of reason to care that one’s violation of them matters. Reason is already biased in favor of human dignity.

This seems to me as robust a defense of dignity as robust secularism can offer. If dignity is fundamental to a decent democracy, biblical conviction about indefeasible human value may well be necessary. Absent the continuing cultural power of “Jerusalem,” the claims of reason might ring hollow.

NOTES

1. I use the terms “human dignity” and “sanctity of human life” interchangeably in this paper. By doing so, I ignore other concepts of dignity, such as social status and gravitas. I also elide the ancient Stoic concept of dignitas as indicative of the singular worth of “the whole human race” with the biblical concept of b’zelem Elohim, of humanity made in the image of God. See note 14 for the various other senses and sources of dignity.


8. One of the features of Kant’s ethical thought is his strong distinction between “rational being” and “human being.” This opens the door to nonhuman persons, if such there are, having precisely the kind of dignity or worth that Kant ascribes to rational beings, a class now currently exhausted by human beings. An indication of where this might go is Allen Wood’s openness to Peter Singer’s claim that animals that are capable of suffering be included in the class of persons in what Wood calls “an extended sense.” See Allen W. Wood, Kantian Ethics (New York: Cambridge University Press, 2008), 290.


11. There is a strong historical case to be made that the founding generation of Americans drew inspiration from the “Hebrew Republic” that they found in the Bible. See, for example, Eran Shalev, *American Zion: The Old Testament as a Political Text from the Revolution to the Civil War* (New Haven: Yale University Press, 2013); Daniel Dreisbach, *Reading the Bible with the Founding Fathers* (New York: Oxford University Press, 2017); and others. This is a different matter, however, from the normative question of whether a human dignity–respecting democracy is conceptually dependent on a biblical idea such as imago dei.


14. Pinker conflates separate senses of dignity. As Rosen points out, Latin *dignitas* could indicate intrinsic worth, a position advocated by the Stoics and Cicero (roughly comparable to the biblical idea of *b’telem Elohim*), as well as status and rank in a social hierarchy (a nobleman would have *dignitas*; a slave would not), and impressive appearance, behavior, and bearing. See Rosen, *Human Dignity*, 11–62. In this essay, I am using the first sense of “dignity,” that is, the one closest to *b’telem Elohim*.


17. Ibid., 225.

18. Ibid., 230 (emphasis added).

19. For a qualified argument on behalf of vegetarianism, see the posthumous theological anthropology of Rabbi Joseph B. Soloveitchik, *The Emergence of Ethical Man* (Jersey City: Torah HaRov Foundation, 2005), 31ff.


21. As E. O. Wilson pungently puts it: “Above all, for our own physical well-being if nothing else, ethical philosophy must not be left in the hands of the merely wise. Although human progress can be achieved by intuition and the force of will, only hard-won empirical knowledge of our biological nature will allow us to make optimum choices among the competing criteria of progress.” Edward O. Wilson, *Human Nature* (Cambridge: Harvard University Press, 1978), 7.


23. Ibid., 263.
24. Ibid., 263–64. Edward O. Wilson offers a thought experiment from the other direction. Imagine highly advanced aliens coming to earth and finding human beings primitive, undeveloped, uninteresting, and therefore, from an alien-biased point of view, lacking in value. Nothing would prevent them from eating us, if that is what they chose to do. Wilson, *Human Nature*, 17.


26. Ibid., 279.


31. Ibid., 103.


34. This is the basic strategy of Patricia Churchland; see Churchland, *Brain-Wise*, chapter 5. For a biting critique, see Tallis, *Aping Mankind*, 51–59.
