PART I

The Contours of Dignitarian Humanism
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The Tribunal of Human Dignity

In 1971, two starkly contrasting books appeared. One was B. F. Skinner’s *Beyond Freedom and Dignity*, a popular yet intellectually sophisticated manifesto for behaviorist social reform. As its title indicates, Skinner’s book urged that inherited ideas about the dignity and freedom of the person be discarded as obsolete relics from the prescientific past. Addressing himself to the concerns of C. S. Lewis and other humanists that the progress of science and technology is “abolishing Man,” Skinner replied:

There is clearly some difficulty in identifying the man to whom these expressions refer. Lewis cannot have meant the human species, for not only is it not being abolished, it is filling the earth. (As a result it may eventually abolish itself through disease, famine, pollution, or a nuclear holocaust, but that is not what Lewis meant.) Nor are individual men growing less effective or productive. We are told that what is threatened is “man qua man,” or “man in his humanity,” or “man as Thou not It,” or “man as a person not a thing.” These are not very helpful expressions, but they supply a clue. What is being abolished is autonomous man – the inner man, the homunculus, the possessing demon, the man defended by the literatures of freedom and dignity. His abolition has long been overdue. Autonomous man is a device used to explain what we cannot explain in any other way. Science does not dehumanize man, it de-homunculizes him. . . . To man qua man we readily say good riddance. Only by dispossessing him can we turn to the real causes of human behavior. Only then can we turn from the inferred to the observed, from the miraculous to the natural, from the inaccessible to the manipulable.¹

If Skinner was hoping to persuade the intellectuals of his generation to abandon the category of “human dignity” and invest in a program of utilitarian social reform based exclusively on the efficient “manipulation” of behavior, he failed completely. The last quarter of the twentieth century witnessed a sudden resurgence of interest in dignitarian ideas within the human sciences, and especially within political theory. The pivotal moment in this revival was the

virtually simultaneous publication of a second book: John Rawls’s *A Theory of Justice*.

Rawls’s book both revitalized political theory as an academic enterprise and catapulted dignitarian categories to a prominence in moral and political philosophy that they have not relinquished to this day.² It did so in virtue of its strong and intuitively compelling rejection of utilitarianism. For Rawls and many of those he influenced, the utilitarian tradition represented, in its most philosophically systematic and plausible form, the technocratic vision of public policy-making that dominated the period of postwar reconstruction in the West, and of which Skinner’s radically behaviorist program was an extreme example. Rawls’s early work had operated within a utilitarian framework, but the failure of his efforts to devise a fully satisfactory version of the doctrine led him to a damning conclusion: utilitarianism is not only philosophically problematic but also politically dangerous. Here, it is important to recall the political context of the Cold War. During this period, the West was not only

defining itself in opposition to the totalitarian regimes of the communist Eastern bloc but was also struggling to come to terms with the atrocities of the two world wars, which, in the idiom of the day, were often gathered under the heading of assaults on “human dignity.” How had the cradle of Enlightenment civilization descended so rapidly into the barbarism of trench warfare, blitzkrieg, and genocide? As commentators wrestled with this question, they canvassed a variety of hypotheses about the complicity of various philosophical ideas in promoting political oppression, authoritarianism, and tribalism – political phenomena that had systematically ground the dignity of the human individual under their wheels in the early twentieth century. These writers of the postwar generation accordingly hoped to foster a political culture that would “never again” overlook the fundamental importance of respect for individuals’ basic dignity as human beings.

Rawls’s critique of utilitarianism resonated powerfully with this aspiration because it raised the specter of a society that could permit violations of human dignity (e.g., sacrificing, coercing, manipulating, or exploiting individuals) in order to satisfy the maximizing demands of the utility principle. He argued that the utilitarian effort to reduce all political values to welfarist calculation cannot fully guarantee the dignity of the individual person, because a society committed to it would be willing to sacrifice them to the idol of “aggregate utility,” as if the welfare of society as such matters more than the lives of the individuals comprising it. In effect, Rawls suggested that, as long as we remain utilitarians, we will still not have fully turned our back on the intellectual seductions responsible for the crises that marked the first half of the twentieth century. With the Vietnam War and its Orwellian euphemisms for “acceptable loss” providing rich grist for his mill, Rawls insisted that a genuinely just society would refuse, on principle, to violate the entitlements and claims grounded on the basic dignity of the individual even if overall welfare was reduced as a result.

He was aware of course that no sophisticated utilitarian would deny that indignity, humiliation, disrespect, and personal violation carry a prohibitive cost in terms of human happiness, and therefore that utilitarian policy-makers should be extremely reluctant to entertain them. Yet, he claimed, far from imposing a principled prohibition on such violations, utilitarianism merely describes conditions under which they might be legitimate. Rawls thought that, even if rarely activated, such a permission runs against a considered conviction that “each person possesses an inviolability founded upon justice

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3 In this sense, we should think of Rawls’s work as growing out of the Cold War liberal critique of totalitarianism represented by such authors as Isaiah Berlin, Jacob Talmon, and Karl Popper. For more on that historical background, see David Ciepley, Liberalism in the Shadow of Totalitarianism (Cambridge, MA: Harvard University Press, 2006); Colin Bird, The Myth of Liberal Individualism (Cambridge: Cambridge University Press, 1999).
that not even the welfare of society as a whole can override.” Accordingly, he took the special urgency of principles of justice to be grounded upon “the value of persons that Kant says is beyond all price.” In appealing to this powerful Kantian distinction between the “dignity of persons” and the “price of things,” Rawls thus reinstated the very idea of “man” that Skinner had hoped to exorcise.

Thanks to Rawls’s massive influence within at least mainstream Anglophone and European political philosophy, that dignitarian humanist distinction has become so axiomatic that it is hard, looking back from our vantage point, for us to imagine that it was not a fixture of Enlightenment modernity from the beginning. To be sure, Rawls was certainly not the first to appeal to the inviolable worth and dignity of the human person: rather, he tapped into a familiar dignitarian idiom that enjoys the broad cultural credibility I described at the outset. Yet, as a number of scholars have begun to remind us, the entrenchment of a secular ideal of human dignity within political philosophy is a rather recent development. Before the twentieth century, dignitarian ideas had little philosophical currency outside Western theism, and they were often implicated in very hierarchical practices and modes of thought ill-suited to the egalitarian temper of contemporary political thinking. Even when used after the war as descriptors for atrocities (genocide, the mass slaughter of modern warfare, slavery and racial oppression, religious persecution, etc.), their role was less diagnostic or philosophical than declamatory. The assaults on human dignity to which the postwar generation reacted were anyway so flagrant that it occurred to virtually no one that a dignitarian theory was needed to amplify their significance. While that generation sought to understand the causes and conditions of the indignities inflicted during the early twentieth century, it rarely attached much independent philosophical or explanatory significance to the category of human dignity itself.

Rawls changed all this. Before him, the dignitarian humanist idiom performed a largely negative function, identifying the gravest atrocities falling outside the stockade of civilization. After him, it was increasingly recruited in intellectual argument to address more controversial questions about how life within the stockade should best be arranged. Rawls deployed complex philosophical argumentation to explain what, in his view, a society that refused to compromise human dignity would have to look like, how it would instantiate justice, and why we should affirm it for that reason. Under his influence, securing the conditions of human dignity accordingly became not only a goal to be achieved but also one whose realization can be furthered by philosophical reflection about its content. In a way that echoed not only classical utilitarianism but also (as we shall see) Marx, intellectual speculation here stepped forward as a mode of politically engaged philosophical criticism, albeit now representing the cause of human dignity and its purported
centrality to the realization of a just and decent social order. In turning away from the welfarist approach of the utilitarian tradition, then, Rawls launched a quite distinctive and in many ways novel mode of political criticism, one centered on principles of “equal respect,” the “social bases of self-respect,” and a conception of persons and their lives as centers of “inviolable” worth and dignity.

**We Are All Dignitarians Now**

Although developed in opposition to utilitarianism, Rawls’s dignitarian turn nonetheless shares an important formal affinity with it. Both he and the utilitarians proceeded from assumptions that they take to be virtually self-evident: that transgressing human dignity is indefensible; and that it is always rational to spare sentient beings unnecessary suffering. By speculating on the intuitive force of these primitive axioms, each approach canvasses a putatively authoritative and impartial standpoint from which to critically assess moral, social, and political practices. Both think of themselves as, in a broad sense, progressive paradigms, offering a framework to guide critical reflection about which political arrangements should be retained, abandoned, or reformed. In neither case is this hope obviously unreasonable, for it is hard to see what could possibly be said for practices that cause unnecessary suffering or that undermine human dignity. The challenge, of course, is to move beyond uncontroversial platitudes about suffering and indignity (“agony is bad,” “torture is humiliating,” etc.) and to defend more interesting, controversial conclusions about what overall welfare or a concern for “human dignity” concretely require or forbid.

Rawls charted a path for dignitarians to answer that challenge – one that he thought could rival utilitarianism in sophistication while repairing its alleged dignitarian deficit. His signal conceptual innovation was to devise a way to model the intuition that persons bear an inviolable worth philosophically that permitted (as he saw it) a definitive account of the norms and principles that ought to guide the practice of a truly just society. Rawls’s heavy investment in a form of contractualism reflected this dignitarian intuition, for he believed it can correct the utilitarian tendency to equate the requirement of ethical impartiality between persons with a merely formal expectation that each count equally in the consequentialist calculus. For Rawls, impartiality between persons is a more demanding value, entailing a substantive ideal of “equal

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respect,” linked to the values of fairness and dignity, that precludes treating agents merely as “means” toward collective ends like “aggregate welfare.” Contractualism in his view honors that ideal by conferring on each party to his social contract the standing to veto principles, proposals, and practices that conflict with their reasonable desire to ensure that their lives are not subjugated to the needs of some impersonal abstraction with which they cannot identify. Rawls understood this procedural requirement of reasonable agreement as precluding “even the tendency to regard men (sic) as means to one another’s welfare.” In this way, as Paul Weithman has put it, Rawls’s contractualist project assumes that “the grounds of human dignity include capacities which are properly respected only by consulting those who have those capacities about their own basic entitlements.” Not only did Rawls develop his contractualist model with unparalleled rigor, he also brought it to bear on highly salient public debates about the role of state power in regulating markets, about the proper constitution of a “free society,” about how far inequalities of income and wealth are just, and about the terms on which redistribution of wealth from the affluent to those suffering social and economic disadvantage can be legitimate.

The systematic elaboration of this model, which carried controversial implications at both a methodological and political level, stimulated a storm of debate. Some sought to defend his contractualism; some to amend it; some to explore its implications for issues Rawls himself didn’t recognize; some to reject it in favor of alternatives; some to urge that his whole approach is misguided and to try something quite different. The resulting philosophical

ferment brought political theory back to life after a lengthy period of decadence.

However, in all this the underlying assumption that a principle of respect for the dignity of the person is central to critical reflection on political institutions has gone largely unquestioned. Even those who repudiate, not only Rawls’s methods but also his whole philosophical orientation, frequently endorse the importance of respect for human dignity. Few of the forms of political theory being actively pursued today can be called “Rawlsian”; yet inasmuch as many incorporate Rawls’s dignitarian humanist starting point in some way, they share an important family resemblance. The intellectual historians of the future will be struck that the rebirth of political philosophy at the end of the twentieth century spawned thoughtforms that, for all their diversity, appear to share a similar dignitarian DNA. The implicit assumption that intellectually serious political criticism succeeds to the extent that it properly codes a dignitarian humanist genome is one we owe to Rawls.

The Crisis of Dignitarian Humanism

A critical assessment of these ideas has become urgent because, as the novelty of Rawls’s fresh start has worn off, appeals to human dignity in political argument have become victims of their own success. Following the Rawlsian model, proponents of contending political views have come to expect dignitarian humanist ideas to do definite philosophical work in political criticism: to tell us, for example, whether the untrammeled operation of commercial capitalism secures or undermines human dignity; to determine whether a welfare state is needed to ensure that citizens receive the respect appropriate to their share in human dignity; to explain what forms of organized violence (if

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10 Some have missed the centrality of dignitarian ideals in Rawls’s project. Moyn, for example, claims that Rawls and Rawlsians “have not focused” on it. See S. Moyn, “The Secret History of Constitutional Dignity,” Yale Human Rights and Development Law Journal 17 (2014): 39, 64. Moyn’s book is primarily interested in the intellectual history of the idea of “human rights,” which played little role in Rawls’s original argument, concerned as it was mainly with the domestic ordering of a just society. But, as we have already seen, the Kantian idea that persons bear an inviolable dignity that must at all costs be respected was absolutely central to his project.
any) are required or prohibited by a concern for the dignity of offenders and their victims; to pinpoint the nature of abuse, exploitation, and oppression that we might otherwise overlook; to establish the sense in which agents’ dignity is at stake in different models of toleration and respect for citizens’ diverse convictions and identities; or to identify those forms of treatment to which agents can claim a “human right.”

Yet, as the categories of “dignity” and “respect” have been stretched and reinterpreted to support a wide range of political conclusions about many different questions, the original idea that dignitarian principles are somehow impartial, above the fray, has inevitably come into question. The wide agreement on the fundamental political significance of an imperative of respect for human dignity now coexists with wildly divergent views about how to do political philosophy, and about what that imperative recommends in concrete political contexts. In this sense, dignitarian humanism has become an intellectual, political, and ideological battleground, a site at which commentators struggle to redescribe the terms of “respect for human dignity” so that they align with their favored political conclusions. It is not unusual to find completely incompatible political recommendations defended alike in the name of respect for human dignity.

Examples are legion. For every Rawls who regards a welfare state as justified for the sake of human dignity, we find a Nozick who sees redistributive taxation as no less disrespectful of persons than “forced labor.” While the Vatican calls capital punishment an “affront to human dignity,” some Kantians still follow their mentor in regarding the failure to inflict the death penalty (when deserved) as a denial of the offender’s dignity. And what goes for capital punishment specifically goes, too, for controversy not only about retributive punishment more generally but also about what forms of conduct are crimes and abuses grave enough to warrant a penal response.

Similarly, some think that respect for human dignity requires that public policy be as far as possible “blind to difference”;\(^\text{11}\) they are opposed by others who see dignity “in” difference and so call for a respect that honors agents’ particularities and collective identities.\(^\text{12}\) For some, respect for persons requires a moratorium on appeals to controversial ethical and religious beliefs in public deliberation;\(^\text{13}\) others resent such a moratorium as disrespecting religious

