

## **EXPLORING THE NEXUS BETWEEN HUMAN DIGNITY AND JUSTICE**

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### **Abstract**

*This paper examines the concept of human dignity and its relation to justice in the society. It argues that in order to ensure that human dignity is protected and given due recognition, human beings should be treated with respect that is intrinsic to their existence and not simply as a means to an end. The paper establishes the relationship between human dignity and justice. It asserts that dignity and justice are closely linked. The paper then argues that protecting human dignity and according a person his/her dignity are ways of guaranteeing justice. That respect for human dignity brings about the realization of justice for members of the society.*

**Keywords:** Human Dignity, justice, person, respect, autonomy.

### **Introduction**

The way in which human beings are treated determines any society. There has been much attention given to the concept of human dignity in recent decades for a number of reasons. One major reason for this relatively recent phenomenon would certainly be the horrors of the 20<sup>th</sup> Century that have occurred on such grand scales. Such thinkers as John Paul II, Avery, Dulles, Vaclav Havel, Immanuel Kant, and other have tried to elevate the problem of human dignity (or lack thereof) to the consciousness of the general public. This paper argues that the answer to the problem of human dignity is in

treating all people and the world with the respect that is intrinsic to their existence and not simply as a means to an end.

Much of the history of ethics is marked with literature on various teleological, deontological, and consequential ethical systems and their superiority or inferiority. The thinkers that are most concerned with the concept of human dignity are attacking ethical systems that dominate modern society. There is a calling back to concepts that have seemingly been lost, forgotten or simply discarded. Pope John Paul II is certainly one who has called all Christian and Non-Christians alike to recognize basic truths about the human person that are absolute in every age and culture. Such absolute truths about each human person would be that all have a right to life, the right to be free, and the right to be treated back to fundamental truths by the Pope resonates to the depths of our being and somehow have come to influence what we experience in the world on a daily basis. The idea of human dignity, he says, is impossible to divorce from this truth.<sup>1</sup>

In this paper, we shall be discussing the notion of human dignity as a moral concept whereby showing that human dignity should not be used as a means to an end, but an end in itself. We shall start by giving conceptual analysis of what we mean by the human person and the bases of human dignity where human choices play an important role. This will then lead us to the relationship between human dignity and justice. The next ethical theory to be considered in this work is utilitarianism that has reduced the human person to a means and not an end in itself. Many philosophers criticized this theory but Immanuel Kant will be our point of reference. After this, we move on to show why the human dignity is not a means to an end, but an end in itself, and this will serve as our critique. After which we shall have an evaluation and then the conclusion.

### **Conceptualizing the Human Person and Dignity:**

#### **The Human Person**

What, then, is the human Ego? Whatever in man is bodily and mental, physical and psychical, material and spiritual, is referred by the Ego to itself: The physical and the psychical represent the whole

man. The Ego therefore is the whole man. Body and soul are integrated into one thing, the whole man, the Ego. The Ego, therefore, “is not the body, not the soul, not the intellect, not the will, not consciousness, not life. All these things “belong” to the Ego as constituting ‘the whole man’”.<sup>2</sup> The Ego is a substance. A “substance” “is an individual being whose nature it is to exist in itself and not in another as in a subject. A being whose nature it is to exist, not in itself, but in another as in a subject, is called, in philosophical terminology, an accidents”.<sup>3</sup> Shapes, color, motion, thought, feelings, etc. are modifications of some ultimate reality; they do not exist in and for themselves, but exist in the substance, which they modify. Man, considered as a totality, is a self-contained being with a naturally independent existence of its own; man, therefore, is a ‘substance’ and since the Ego is the whole man, the ultimate reality, which possesses everything, pertaining to man’s being. It is evident that the Ego is substantial and not merely accidental.

The individual has an innate tendency or drive to fulfill its potential. This is termed the actualizing tendency. The actualizing tendency is “holistic in its mechanism, constant in its state and directional in its process”.<sup>4</sup> It is a tendency towards autonomy and at the same time is vulnerable to environmental circumstances.

The Ego (man) is a person. Boethius has given us the following definition of a ‘person’ *naturae rationalis individual substantia* -- an individual substance of a rational nature. A ‘person’ is, therefore an individual, complete, subsistent, rational (intellectual) substance. A moment’s consideration will reveal the fact that the human Ego, or whole man, is indeed a substance, which is individual and complete and subsistent and rational. Consequently, the human Ego, or man in his totality is a ‘person’.<sup>5</sup> To give a final analysis of the human person we can say that, Man synthesizes the sense data, imagines, remembers and performs instinctive actions. Man strives for sensuous good, avoids sensuous evil, and experiences various emotions. Man forms ideas, judgments, and processes of reasoning. Man exercises free will and desires spiritual values. Man is conceived, lives and dies. The

immediate principles of functions are powers or faculties, but the ultimate agent is man, the person, the Ego.<sup>6</sup>

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will to make choices. Indeed, precisely because he is a person he has rights and obligations flowing directly and simultaneously from his very nature.

### **Basis of human Dignity**

The word dignity is used in different contexts and with different issues. What is human dignity? Can it be defined? Is dignity an arbitrary cultural construction conditioned by the times and pragmatically tied to preferences for this or that agenda? Certainly not, for dignity touches on something more profound. There really is such a thing as human dignity. From a Christian perspective, dignity is defined because of God. We are all created in the image of God and that fundamentally is the source of our dignity. For secular societies that presupposition is not accepted. So where do we go in this debate?

Two major senses in which the term is mostly employed are, firstly, as moral status, in particular, the inalienable right to be treated with basic level of respect and autonomy. Secondly, is defined as the “state of being worthy of honour and respect.” It can also be “quality of being worthy or honourable”.<sup>7</sup> But the important question of why to respect people, of what to respect about them, remains open. What is to be referred to here is their dignity. Insofar as there is a philosophical conventional wisdom on dignity at all, however, it seems badly in error in tracing an individual’s dignity to his capacity for choice. For example, Pico della Mirandola in his *Oration on Dignity of Man* set the ball rolling when portraying God as boasting to Adam:

I have given you, Adam, neither a predetermined place nor a particular aspect nor any special prerogatives in order that you may take and possess these through your own decision and choice. I have made you neither heavenly nor earthly, neither mortal nor immortal,

so that like a free and sovereign artificer you might mold and fashion yourself into that form you yourself have chosen..<sup>8</sup>

Kant, buttressing this ancient link between dignity and autonomy, holds that “a man leads a dignified existence worthy of moral respect because he is self-legislating, overcoming natural necessity and willing his own actions”.<sup>9</sup> This analysis largely dominates contemporary discussions of human dignity and the respect for persons it requires. Taking a critical look at the phrase ‘respect for person’, Benn for example gives capacity for choice a central role:

To conceive someone as a person is to see him as actually or potentially a chooser, as one attempting to steer his own course through the world... To respect someone as a person is to concede that one ought to make account of the way in which his enterprise might be affected by one’s own decisions.<sup>10</sup>

Kant’s intention as they may, it has now become commonplace to substitute “capacity for choice” for “dignity”. This makes the injunction to “respect the dignity of people” very close to the injunction to “respect the choices of people”. The point of the former principle was just the opposite, that we should respect people rather than their choices. If the capacity to choose is what we respect about people, the two principles become virtually equivalent.

We can all agree with Skinner that people without freedom of choice deserve no blame or credit for their performances. To say one is dignified for his freely chosen actions is not how the word is being used. The man who saves drowning children may be ‘heroic’ or ‘virtuous’ but is not necessarily dignified or noble. Dignity refers to “what one is rather than what one does”.<sup>11</sup> This is to say that we respect people’s choices because we respect people, not the other way round. According Thomas Hill;

A person must, at an absolute minimum, have a right to ‘respect as a person’, which he cannot alienate or waive. He also has a further unqualified claim (a right, if you will) to those social and economic advantages, which are somehow central to his leading a dignified existence.<sup>12</sup>

Autonomy on the other hand is not an important element of dignity. What is important is indicated by Kantian aphorism: “The fact that man can have the idea of an ‘I’ elevates him immeasurably above all other living beings on this earth. This is what makes him a person...”<sup>13</sup> Man is, at least potentially, a self-conscious being capable of possessing a self-image and self-respect. The fact that man can respect himself provides a reason for us to respect him in turn. What is important here is self-respect and this can be achieved with the aid of others. This is to say that human dignity should be respected at all time. According to Spiegelberg, “human dignity is the kind of intrinsic worth which attaches to a human being in his capacity of being a responsible person”.<sup>14</sup> If Spiegelberg is referring to one’s capacity for being a morally responsible person, he is offering a very Kantian-sounding basis for human dignity. But “respect human dignity is different because the thing to be respected is created by the act of respecting it”.<sup>15</sup>

The notion of human dignity has not fared well in contemporary moral philosophy. But philosophers on their daily lives can synthesize with migrant workers who complain that:

They cannot live with dignity in the squalid, overcrowded shacks provide by their employers. They can admire and respect the dignity of those American Indians who refuse to leave their reservations because they do not want to become assimilated into the society that has treated them so shamefully. They can understand why blacks feel it is so important for their children to develop black pride. They can feel indignation at oppression, exploitation, degradation, and injustice in any of their forms. In short, there is a striking lack of parallel between their philosophical and their practical concern for human dignity.<sup>16</sup>

It is not entirely clear why this is so. For some, the notion of human dignity may seem too unempirical to withstand philosophical analysis. For others it may conjure up theological specters or the rigorism of Kant. But before we move on with the connection between human dignity and justice, we need to know what justice is or the sense it is being used.

What Pritchard has in mind resembled John Rawl’s ideas of ‘The Sense of Justice’. Rawls paraphrased Rousseau saying: “: The

sense of justice is no mere moral conception formed by the understanding alone, but a true sentiment of the heart enlightened by reason.”<sup>17</sup> Rawl’s point is that a reasonably well-developed sense of justice involves more than an ability to discuss matters of justice intelligently. There must also be a genuine concern to do what is just and fair. To have a sense of dignity includes concern to achieve and maintain various forms of integrity, as well as attitude of self-respect, self-esteem, pride, shame, resentment and indignation. Therefore, whoever tries to formulate substantial principle of justice should reserve a prominent place for human dignity. If this is not done, the moral aspect of dignity will be absent; and the claims of justice will be best legalistic and at worst arbitrary.

### **The Connection of Justice and Dignity**

It should be clear to us that one has dignity merely by virtue of being a person that is by virtue of having self-consciousness. At this point the notion of justice and dignity can be brought into relationship with each other. There are some people with broken spirit and consequently have been unable to maintain their sense of dignity. For example, a slave sees himself as inferior to his master. It can be seen that such feeling of inferiority has a serious effect on one’s sense of justice. This inferiority complex will not let the slave feel the injustices done to him. What we are saying in effect here is that the lower a person’s regard for his worth, or dignity, is the less sensitive he will be to injustices done to him. To imagine someone wholly lacking a sense of his own dignity is to imagine someone who regards nothing as an injustice to him. Apart from slavery, there are various forms of oppression that can impoverish one’s self-esteem and his sense of justice. We have things like “housing and employment discrimination; being born in poverty; being a black child in a white man’s world of television heroes and advertising”.<sup>18</sup>

Aside from the injustices done to an individual, the notion of dignity also enters into the concern that one not being an agent of injustice. There are ways those with a sense of justice can show regard for the dignity of others. One’s genuine conviction that others are entitled to fair treatment in itself sows that he regards others as

having dignity, as being worthy of respect. Taking positive steps to promote justice for others (and prevent injustice) can indicate respect for their dignity. At this point a parallel can be drawn about one's sense of justice and the regard he has for his own dignity. The lower one's regard is for dignity of another; the less sensitive one will be to injustices done to him. If one has no regard or whatsoever for the dignity of another, regarding him as at best an instrument or means to some end, he will not regard anything as an injustice to him.

Considering the familiar and seemingly unchallengeable maxim of justice, "Treat equals equally" can further illuminate the connection between justice and dignity. This maxim applied only to persons and not things. But what is so special about persons that such a maxim applies to them? Here, some people try to compare persons to machines, but they are different. For example, when persons talk about fair wages, machines cannot say the same thing. Also, a person has the right to complain if he is underpaid, and to talk of the injustice being done to him. But what is the reason for this acknowledgement? Is it that persons, unlike machines, have certain basic rights? This may be true, but what makes it true? As long as an employer regards his employee only as rather complicated means to ends, it will seem perfectly arbitrary to insist that persons, but not machines, have such rights.

If people think of themselves as having only instrumental values, they will not know when their dignity is being infringed upon. Thus, "it is one's sense of his intrinsic worth, or dignity, that is the basis of his moral demand for just treatment".<sup>19</sup> Even if it is conceded that having a sense of justice involves having a sense of dignity, one might still wish to know that relevance, if any having a sense of justice has to actually having dignity. John Rawls makes a very strong claim in this regard:

One may hold that the sense of justice is a necessary part of the dignity of the person, and that it is this dignity, which puts a value upon the person distinct from and logically prior to his capacity for enjoyment and his ability to contribute to the enjoyment of others through the development of his talents.<sup>20</sup>

What Rawls is trying to say here is that someone with a sense of justice is to some extent willing to view his practical problems from a standpoint that can be shared by others, in that he takes into consideration the interest of others as well as his own. Insofar as he is willing to show others the respect he desires others to have for him, he has moral worth, or dignity.

The problem with this view is that it requires one to have a sense of justice in order to be viewed as having dignity. But the most to be required is that one has a capacity for developing a sense of justice. Rather than an appeal to the capacity for a sense of justice, Pritchard prefer to appeal to the capacity for developing a sense of dignity as a basis for attributing dignity to persons. Now we move on to the next ethical theory known as utilitarianism

Utilitarianism is a relatively recent phenomenon in the history of ethics and was really founded and developed in the late 19<sup>th</sup> Century. The conventional person associated with this ethical theory is John Stuart Mill. Utilitarianism, as a moral theory that bases the morality of action on their consequences, is that “we ought to act in accordance with the greatest happiness principle”<sup>21</sup> We can perhaps best indicate this by listing the various steps in Mill’s argument: “Firstly, people ought to do what produces the greatest happiness for the greatest number (the utility or greatest happiness principle). Secondly, we can discover what produces happiness by examining what people in fact do to bring happiness. Therefore, people ought to do what they in fact do”.<sup>22</sup> This position was strongly criticized by many philosophers.

The philosophical concept of a categorical imperative is central to the moral philosophy of Immanuel Kant. In his philosophy, it denotes an absolute, unconditional requirement that allows no exceptions, and is both required and justified as an end in itself, not as a means to some other end; the opposite of a hypothetical imperative. What is hypothetical imperative? A hypothetical imperative, in the philosophy of Immanuel Kant, is a command that applies only conditionally: if *A*, then *B*, where *A* is a condition or goal, and *B* is an action. For example, if you wish to remain healthy, *then* you should not eat spoiled food. Thus, a

hypothetical imperative is not justified in itself, but as a means to an end; whether it is in force as a command depends on whether the end it helps attain is desired (or required). The opposite of a hypothetical imperative is a categorical imperative, which is unconditional and an end in itself.<sup>23</sup> From Kant's point of view, utilitarianism would be based on hypothetical imperatives, but he does not think that morality could be based on assessment of consequences. The kind of command Kant thought proper for morality was the categorical imperative. There is one thing, and one thing only, Kant thought, that is, the proper end of actions, and that is to treat humanity whether your own or that of another person - always as an end in itself. We should never use another person merely as a means but should treat everyone as worthy of respect and dignity.<sup>24</sup>

To treat people with respect and as an end can pass for a universal law as against the utilitarian principle. The main basis of a categorical imperative is that "we must be able to will that a maxim of our action should be a universal law. The formula of the categorical imperative is to act so that the maxim can be applied as a universal law. One must act on the maxim of the action as if it were a universal law of nature. The principle that determines the action is not based on the goal of the action but on the ability of the maxim to be universal.

### **Evaluation**

At this point it might seem tempting to say that it is one thing to treat persons as if they had dignity and another to be committed to the view that persons actually have dignity. However, aside from the air of perversity such a stance has, it seems to over intellectualize what it is to treat a person as if he has dignity. Is it genuine or only feigned indignation that one is to feel in behalf of injustices done to others? Is it that one only says, but does not feel, that certain ways of treating others are degrading? Does one only say, but does not really believe that others should not be treated as mere means to another's ends? And what of oneself? How is one's own resentment, indignation, shame, self-esteem, and self-respect to be understood? If these attitudes show that one does not genuinely feel that he has dignity,

consistency and sensitivity, how should they lead him to feel similarly about others?

Aside from all these, the claims about the connection between dignity and justice are right, to challenge the reasonableness of our concern for justice. Having a sense of dignity is not merely contingently connected with those attitudes and feelings that express our sense of justice. Rather, indignation, resentment, remorse, guilt and shame are themselves expressions of our concern for human dignity.

Finally, Vaclav Havel has argued that the attempt of those (mostly scientists) who wish to dominate the world by science and therefore not respecting nature as created by God has dangerous consequences. This attitude of taking nature personal can lead to the destruction of societies. Havel points in particular to totalitarian political systems as being the best examples of what happens when this logic is followed to its ethically absurd conclusion because all things are subjected to the end of utility including freedom, life and human dignity. The only way Havel sees out of this dilemma of the radical degradation of human dignity in the modern world is to go back to being human again. He puts it saying that, we must not be ashamed that we are capable of love, friendship, solidarity, sympathy, and tolerance, but just the opposite: we must set these fundamental dimensions of our humanity free from their 'private' exile and accept them as the only genuine starting point of meaningful human community.

Jean Bethke Elshtain buttressed this point on human dignity by looking at it from the social teaching of the Catholic Church. It started with *Dignitatis Humanae* which begins by proclaiming "the dignity of human person" and goes on to insist that dignity involves "enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty". Duty and the rightful exercise of rights cannot be served one from the other.

### **Conclusion**

The only suitable conclusion to the crisis concerning human dignity is to be convinced that human beings are not to be treated as a means

to whatever end we determine, be it pleasure or anything else. Totalitarian governmental structure reduces the individual to what he can produce to help the economy, as do extreme forms of materialism. One's worth, dignity or dignity is therefore determined by what he can produce. What about the child? What about the unborn? Indeed, Havel, Pope John Paul II, and others have attempted to awake in the minds and hearts of everyone this inner conviction that there is more to life than simply the natural, seen world and its allurements.

I think that Peter Singer has done this with regard to utilitarian ethical systems. Singer has taken the arguments of John Stuart Mill to a conclusion that is not easily accepted. The initial shock and uneasiness that often accompanies Singer's conclusion should cause us to wonder what an alternative is to using human dignity as a means. Our human nature will not allow such blatant attacks on human dignity to continue. It is the hope of thinkers that see these injustices that the world will recognize that true freedom includes every human being and treating each one with the dignity and respect that is intrinsic to their very existence as a person.

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