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Human Dignity: the Foundation of Human Rights and Religious Freedom

La dignidad humana: el fundamento de los derechos humanos y de la libertad religiosa

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Resumen: El concepto de dignidad humana se encuentra en el fundamento de muchas declaraciones de derechos humanos, tanto nacionales como internacionales. Esta idea, basada en la racionalidad del hombre —ya presente en la Antigüedad grecorromana—, se desarrolló plenamente en el cristianismo, en su síntesis con la concepción bíblica del hombre imagen de Dios. Con la secularización de la cultura europea desde el siglo XVIII en adelante, la justificación de la dignidad humana se torna problemática. El intento más influyente para justificarla por medio de la racionalidad secular es el que proporciona Kant, que ve la dignidad del hombre como derivada de su capacidad de razonamiento moral y de la cual provienen las nociones de autonomía e igualdad. Sin embargo, la cultura secularizada de los dos últimos siglos produjo actitudes de escepticismo tanto hacia el concepto judeocristiano como hacia el kantiano de la intrínseca dignidad del hombre, que facilitarían en última instancia los totalitarismos del siglo XX. Tras los horrores del nazismo, la preocupación por colocar los derechos humanos en el centro de la cultura, la política y el derecho animaría la búsqueda —en buena medida imposible— de una idea de dignidad humana común a las distintas tradiciones filosóficas, tanto religiosas como seculares. Durante el período posterior a la Segunda Guerra Mundial, especialmente con el Concilio Vaticano II, se presencia igualmente un renovado descubrimiento de los derechos humanos basados en la dignidad humana por parte del catolicismo, que, a la vista de las diferentes tendencias reduccionistas o destructivas de la cultura secularizada, resulta tal vez la perspectiva más satisfactoria. Finalmente, se examina el problema de la libertad religiosa como un aspecto particularmente iluminador de la reflexión sobre la dignidad humana.

Palabras clave: Dignidad humana. Cristianismo. Antropología filosófica. Libertad religiosa

Abstract: The concept of human dignity lies at the heart of many national and international conventions of human rights. This idea, based on man's rationality, can be found already in Greco-Roman Antiquity, was fully developed in Christianity, in its synthesis with the Biblical conception of man as image of God. With the secularization of the European mind from the 18th century onwards, the justification of human dignity becomes problematic. This most influential attempt to justify it by secular rationality came from Kant, who saw man's dignity as deriving from his capacity for moral reasoning and from it came the notions of autonomy and equality. However, during the last two centuries, secularized cultures produced skeptical attitudes toward both the Judeo-Christian and Kantian concepts of the intrinsic dignity of man, which eventually paved the way for twentieth-century totalitarianisms. After the horrors of Nazism, concerns about putting human rights in the centre of culture, politics and law compelled a search —largely impossible— for a common idea of human dignity, shared by different philosophical traditions, both religious and secular. During the years after World War II, especially after the Second Vatican Council, there was a renewed discovery of human rights as based on human dignity by Catholicism, which, in view of the different reductionist or destructive tendencies found in the secularized culture, perhaps is the most satisfactory approach. Finally, the problem of religious freedom is examined as a case study for further reflections on human dignity.

Keywords: Human Dignity. Christianity. Anthropological Philosophy. Religious Freedom

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313

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It might seem self-evident that human beings, simply because of their humanity, possess a special dignity that sets them apart from all other creatures in the world, including primates and other mammals. It also seems self-evident that their common dignity underlies their basic equality. Certainly, in Western societies, at least since the Second World War and the revelation of the horrors of the Holocaust, there has been a growing awareness of the fundamental dignity and equality of all people whatever their gender, race or religion. 'Human Dignity' has been explicitly mentioned as the underlying principle in many human rights conventions, such as the Universal Declaration of Human Rights (UDHR), and in some state constitutions and not least the German Basic Law as we shall see below.

These strong affirmations of the fundamental importance of human dignity as the basis of human rights and equality are understandable given the context in which they were written: the tragic Nazi dehumanization of Jews, Slavs, Gypsies, the physically and mentally disabled, and homosexuals. The seemingly straightforward understanding of human dignity, however, masked the ambiguous and contested nature of the concept even in the late 1940s, when the UDHR and the Basic Law were drawn up. 'Human Dignity' became a kind of catch-all concept that succeeded in papering over profound theological and philosophical differences.

Underlying these different ways of thinking about human dignity are distinctive anthropologies, each of which has its own conception of man and his place in the world: in the committee which drew up the UDHR, Catholic neo-Thomism (represented by Jacques Maritain), jostled with neo-Kantian secular humanism and even Confucianism¹. It might be true to say all these protagonists were united in what they were opposing: the Nazi racist ideology with its cult of the Master Race, partially derived from Nietzsche's philosophy, and its attempted destruction of entire categories of people. They were, however, less agreed on the positive content of human dignity. It was undoubtedly necessary at the time to paper over these differences in order to arrive at a common agreement. As Jacques Maritain himself stated in speaking about the work of this committee: «Yes, we agree about the rights but on condition that no-

¹ McCrudden, 2013a, p. 2.

HUMAN DIGNITY

one asks us why»². But it is actually not surprising that today the very concept itself is sometimes deemed to be worthless. This judgement in fact was already adopted in the 19th century by Schopenhauer and, later, by Nietzsche. Some would say that 'dignity' should be applied only to those human beings who display certain characteristics, such as consciousness, usefulness, or the ability to enjoy life thus excluding people in comas, or suffering from mental or physical handicaps. The concept is also used in diametrically opposed ways: to justify euthanasia, same-sex marriage, abortion and even infanticide or to deny them. The problem is that if one denies there all human beings possess dignity, that is special and unique simply in virtue of their humanity, their membership of the human species, what does *human* rights mean? And if some human beings are thought less dignified than others, how can one categorically oppose crimes against *humanity*?³ This article will explore these different conceptions from the Catholic philosophical perspective known as 'integral humanism' or 'personalism'. It will argue that human dignity can only be adequately justified and understood in the broader and deeper framework that Catholicism and some other Christian traditions, such as Orthodoxy, provide. Finally, the paper will examine the problem of religious freedom as a case study of the application of this broader approach to contemporary political debates.

1. DIFFERENT CONCEPTIONS OF HUMAN DIGNITY: HISTORICAL PERSPECTIVES

Current debates about human dignity can be understood only in the context of the historical development of the concept and indeed many older conceptions are still present, often unacknowledged, among contemporary theorists⁴. We begin with a brief look at how the concept was understood in different historical epochs.

Our western philosophical traditions and conceptual developments derive from two main sources: Greco-Roman philosophy and law and the Judaeo-Christian religious tradition. These two sources intermingled and cross-fertilised each other and even the later development of Enlightenment humanism and subsequent atheism cannot be understood

² Quoted in McCrudden, 2013b, p. 2, footnote 4.

³ Guillebaud, 2004.

⁴ McCrudden, 2013a; Rosen, 2012.

without reference to them. This is also true of the concept of human dignity. Enlightenment humanism could be interpreted as little more than a secularised version of the more ancient Judaeo-Christian understanding of the human being but without the metaphysical underpinning of the latter and using texts from Greek and Roman antiquity to sustain the claim.

1.1. *Human Dignity in Greco-Roman Antiquity*

Josiah Ober has suggested that the Greco-Roman understanding of dignity may be best expressed by what they stand against: humiliation and infantilization⁵. Positively, this led to two conceptions in the Greco-Roman world: *meritocratic* dignity and *civic* dignity. Meritocratic dignity derived from one's position in a hierarchical society and was characterised by the possession of a set of characteristics that were both personal (courage, virtue, uprightness in bearing, etc.) and also related to the position of the individual and his family in the society. In this conception it is essential that others in society acknowledge and respect this standing (*status*). Ober argues that this kind of dignity was characteristic of archaic societies, such as those described in the Homeric epics, although it is obvious that it is still very much with us even in the 21st century. Civic dignity is different and arises at a later stage of Greek and then Roman society. In this setting, it refers to the nature of relationships within a body of male citizens all of whom are equal in the sense that they are equally free to participate in public affairs (Greek: *politeia*; Latin: *res publica*). Civic dignity, like meritocratic, is sustained by the mutual recognition and acknowledgement of others although, unlike the latter, it is not hierarchical at least among the body of citizens (of course, these stand above others such as women, slaves, and Barbarians). The classical locus of where civic dignity could be found, according to Ober, was Athens with its 'democratic' system developed after the Athenian Revolution of 508 BC Demosthenes, who developed the idea of civic dignity in a famous court speech in 346 BC, also said that non-citizens possessed a certain dignity and that Athenian law protected *all* persons, child, man or woman, free or slave, against intentional disrespect⁶.

⁵ Ober, 2014, p. 53.

⁶ Ober, 2014, pp. 60-61.

HUMAN DIGNITY

The Latin word *dignitas* is close to the word *decus* ('ornament' or 'honourable reward') and also *decorum* ('honourable style') and, ultimately, to the Greek *dokein* ('to show') and *doxa* ('shining manifestation')⁷. But it also translates the Greek *axia* (meaning fundamental worth or 'first principle' as in our axiom). Millbank (2013) shows how both Aristotle and Plato develop the notion in different ways. Both philosophers distinguish between the invisible (or inner) aspect of *axia* and the visible (or outer) aspect. For Aristotle, one's *axia* is realised through one's participation in the *polis* as a citizen acting virtuously with other citizens for the good of the whole. But this position is akin to the meritocratic version and, ultimately, is limited only to the members of the city rather than to all human beings as such. There is thus a tension between the inner and outer dimensions which Aristotle fails to resolve because of the limitations of his framework of the city state. Millbank argues that Plato is more successful in resolving the tension because his framework is not simply the city state but also includes a transcendent god and he is able to include women, children and non-Greeks in his notion as expressed in the *Republic*. The concept of *axia* would later be used by St Thomas Aquinas but within the context of the Church and the Trinity thus freeing it from the limitations of the two Greek philosophers⁸.

Nevertheless, the notion that human beings have an *intrinsic* dignity by virtue of their humanity only developed at a much later period with Stoicism and especially in the writings of Cicero.

Cicero was not a member of the Roman aristocracy but, coming from a well-to-do provincial family, he aspired to join it. He was also a political conservative who wished to retain the values of the Republic and so was opposed to attempts to overthrow this by Julius Caesar and those who transformed the Republic into the Empire. Eventually, his opposition to the Empire would cost him his life. Cicero expounded his notion of human dignity in his work *De Officiis* (*On Duties*, Book III, 1-4). Here he uses the term *dignitas* in two ways. First, and, unsurprisingly, given his aspirations to join the Roman nobility, in its traditional meritocratic sense to denote an elevated status in a well-ordered society. He describes how such a member of this society ought to live: *cum digni-*

⁷ Lebech, 2004, quoted by Millbank, 2013, p. 193.

⁸ Millbank, 2013, p. 197.

tate otium (with the dignity of leisure)⁹. The term 'leisure' or '*otium*' does not mean our contemporary sense of 'idleness' or 'entertainment', but rather the freedom from servile work necessary to pursue higher things such as philosophy. He goes on, however, to state human beings have a dignity simply because they are humans and not animals. As he states: «...it is vitally important for us to remember how vastly superior is man's nature to that of cattle and other animals: their only thought is for bodily satisfactions. ... Man's mind, on the contrary, is developed by study and reflection...» (*De Officiis*, Book 1, 30). Thus we find in Cicero two senses of the word that have continued to be important up to the modern period: (i) dignity as *status* (relational) and (ii) dignity as *an inherent characteristic of humanity* (derived from Stoic philosophy).

1.2. The Biblical Notion of Human Dignity

The starting point of a biblical understanding of human dignity is found in the Genesis accounts of creation and, especially, the notion that man is made in the 'image and likeness' of God (Genesis 1: 26-27). Like many biblical texts, the meaning of the phrase is not entirely clear and it was much discussed especially by the early Fathers of the Church¹⁰. The meaning is also much discussed today by biblical scholars¹¹. At least one interpretation that seems reasonably clear is that it means that God has given to man powers similar to his own and, in particular, dominion over the world. One illustration of this is in man's naming of the other creatures just as God has named man (Adam). What the biblical author seems to have wanted to convey is the special place of human beings—male and female—in the world that sets them above all other creatures. While it is true that the concept of man made in God's image and likeness occurs rarely in the Old Testament (it will later appear in some of the deuterocanonical Wisdom books - Wisdom 2:23 and Sirach 17:3), there does seem to be an awareness of man's exalted position in the world. This is expressed in the psalm:

Lord, what is man that you should keep him in mind, the son of man that you care for him? Yet you have made him little lower than the angels;

⁹ See Rosen, 2012, pp. 11-15.

¹⁰ Phan, 1988.

¹¹ Day, 2013.

HUMAN DIGNITY

with glory and honour you crowned him, gave him power over the works of your hands: you put all things under his feet (Ps 8: 5-7).

Throughout the Old Testament, the biblical authors are awed by the utter transcendence and glory of God and, aware of man's littleness faced with this glory, are yet astonished that He should place man in such an exalted position. But the Bible also refers to man's capacity to reason which also sets him apart from other animals: «But there is a spirit in man: and the inspiration of the Almighty gives them understanding» (Job 32:8). Foolish men, that is, those who do not fear God and obey his will are compared to the brute beasts (Ps 49:21).

The New Testament develops this understanding of man as a rational being who is above other animals. St Paul, in the first chapter of his letter to the Romans, also emphasises the rational nature of human beings who are capable through their reason of recognising God through his creation even if they foolishly turn away from it (Rom, 19-32). Faith and reason go together in the Bible and characterise our humanity, as John Paul II expressed in *Fides et Ratio*:

Faith and reason are like two wings on which the human spirit rises to the contemplation of truth; and God has placed in the human heart a desire to know the truth—in a word, to know himself—so that, by knowing and loving God, men and women may also come to the fullness of truth about themselves (cf. Ex 33:18; Ps 27:8-9; 63:2-3; Jn 14:8; 1 Jn 3:2).

Thus in the Bible we find the two ways of understanding human dignity also identified by Cicero: (i) the hierarchical sense which places man above the rest of creation and (ii) the notion of man's intrinsic worth because his capacity to reason places him above other animals. The justification of this understanding, however, differs in the two traditions. For Cicero, following the Stoic conception of the world, it is primarily because of man's capacity to reason. The Bible also accepted that man is a being endowed with reason (or 'wisdom') but his dignity is also because he has been created in the image and likeness of God which has given him God-like powers of dominion over the world. Another difference between the Ciceronian and biblical concepts is that the Bible is aware that man has often failed to live up to this exalted position and has often been a miserable sinner, a lesson present in the very basic account of the Garden of Eden. This is also the import of St Paul's letter to the Romans. But, even in his sinfulness, man was not abandoned by God and the New

Testament is the story of the measures that God takes by becoming man for man's salvation by the Cross and Resurrection (see Eucharistic Prayer 4 of the Roman Rite of the Mass: «You formed man in your own image and entrusted the whole world to his care, so that in serving you alone, the Creator, he might have dominion over all creatures»).

1.3. *The Patristic Understanding of the Human Condition*

Christianity was born out of Judaism, entered into the Greco-Roman world and, while being rooted primarily in the Biblical tradition of the former, inevitably had to confront the intellectual and belief systems of the latter. It retained much of the biblical understanding of man sketched out above but, very quickly, began to meet the philosophical challenges of that world. This was because Christianity, from the very beginning, saw itself as a universal religion destined to embrace all of humanity unlike Judaism that thought of itself as God's chosen people waiting for the Messiah. For Christians, Jesus was the Messiah and he had come. Their task was to bring this good news to the rest of mankind. This meant developing a way of preaching the message in terms that others could grasp even if the message is also shrouded in mystery.

Already, from the second century AD, Christian intellectuals used some of the categories of the dominant intellectual systems prevalent in the Roman Empire at that time, especially Gnosticism and neo-Platonism¹². The early Church actually viewed Gnostic beliefs, a mish-mash of neo-Platonism, Judaism, Christianity and mystery religions, as a danger to the correct understanding of the faith. One of the ideas derived from Gnosticism that the Church rejected was that human beings were created by an evil demi-urge—a kind of second God—and their corporeality signified a descent into a material world that was in itself evil.

The early Fathers such as Justin Martyr (AD 100-165), Clement of Alexandria (c. 150-c. 215 AD), Irenaeus of Lyon (early 2nd century- c. 202 AD) rejected these ideas and affirmed the biblical idea developed in Judaism: that there is but one God who created both the heavens and the earth¹³. Furthermore, human beings hold a special place in God's creation and are in themselves good even though they have fallen from the origi-

¹² Phan, 1988, pp. 43-63; Daniélou, 1973.

¹³ Phan, 1988.

HUMAN DIGNITY

nal state of grace. The Fathers based their theology on the phrase in Genesis (1:26, 27):

And he said: *Let us make man to our image and likeness, and let him have dominion over the fishes of the sea, and the fowls of the air, and the beasts, and the whole earth, and every creeping creature that moveth upon the earth.*

There was much speculation with regard to the meaning of the words 'image and likeness'. Irenaeus distinguished 'image' (in Greek *eikon*, in Latin *imago*) and 'likeness' (Greek *homoïōsis*, Latin *similitudo*). Contemporary biblical criticism denies there is any difference between the two terms and argues that the Fathers were reading it into the text *eisogesis* rather than *exegesis*¹⁴. Nevertheless, the distinction proved fruitful in the development of Patristic theology and it would seem to be a valid way of developing the original text¹⁵. The image is constituted by man's body and soul, whereas the likeness is a gift of the Holy Spirit, called the '*superadditum*'. The idea that the body as well as the soul was made in God's image was probably a way of countering the Gnostic idea that the body was somehow evil but not all the Fathers would have accepted this, as they argued that God is incorporeal and only the spiritual aspect of man could be in his image. According to Irenaeus, through the Fall man lost the likeness but kept the image, but the likeness was restored through Jesus Christ:

The image was man's natural resemblance to God, the power of reason and will. The likeness was a *donum superadditum* – a divine gift added to basic human nature. This likeness consisted of the moral qualities of God, whereas the image involved the natural attributes of God. When Adam fell, he lost the likeness, but the image remained fully intact. Humanity as humanity was still complete, but the good and holy being was spoiled¹⁶.

Subsequent Fathers developed these insights in different ways¹⁷. Those belonging to the *Alexandrian* school such as Clement, Origen and the Cappadocian Fathers Gregory of Nyssa and Gregory Nazianzen

¹⁴ Day, 2013.

¹⁵ Lossky, 1975.

¹⁶ Quoted in Phan, 1988.

¹⁷ Phan, 1988.

made extensive use of neo-Platonic ideas to speculate on what being made in God's image and likeness meant. The *Antiochean* School and especially John Chrysostom were less given to speculation and John says that being made in God's image means simply having dominion over the earth. The Greek Fathers did not emphasize the Fall as much as the Latin Fathers such as St Augustine and St Jerome but rather laid stress on the positive aspects of man's restoration in Christ and developed the theme of 'deification' (*theosis*) of man. Being made in God's image and likeness means being capable of sharing God's life. It was Augustine who, while battling against the heresy known as Pelagianism, developed the theological concept of original sin although he never lost sight of the redeemed man's future sharing in God's glory (Augustine, *On Grace and Free Will*, 6 and 13 and *On Nature and Grace*, 43 and 50)¹⁸. Besides neo-Platonism, the Church Fathers, in both East and West, drew on the works of Cicero with his emphasis on 'reason' as distinguishing man from all other creatures. This Ciceronian approach was especially prevalent in Ambrose of Milan and in St Augustine, who had been his pupil. Ambrose's *De Officiis Ministrorum* was modelled on Cicero's *De Officiis*. Augustine, Ambrose's student, declared that after reading Cicero, «I was urged on by a passionate zeal to love and seek and obtain and embrace and hold fast wisdom itself, whatever it might be» (Augustine, *Confessions*, III, 56-57).

Different Christian traditions developed distinctive spiritualities that emphasized various dimensions of Christian life. The differences between the Byzantine and Western traditions are well known. Western Christianity, following St Augustine's doctrine of original sin, became increasingly aware of man's sinfulness and emphasized the Cross, while Eastern Christianity emphasized the Resurrection and man's deification¹⁹. Even within Western Christianity the religious orders and congregations that developed over the centuries, elaborated spiritualities some of which emphasized man's baseness, others his greatness. But what is striking in all this diversity, is that the central notion of man's dignity as a human being was never completely lost. The majority of even the most austere monastic movements that chastised the body and despised earthly things did not lose sight of the intrinsic dignity of the human being. Sometimes,

¹⁸ Ramsay, 1986, pp. 66-71.

¹⁹ Lossky, 1975.

however, these movements tipped over into a version of dualistic Manicheanism such as happened with the Cathars and the more extreme Franciscans (the *spirituali*) in the 13th century or with Jansenism in the 17th century²⁰. These movements, however, were condemned as heretical by the Church.

1.4. Christian Humanism

Although it is sometimes thought that the notion of human dignity began only with the famous *Oratio de hominis dignitate* (*Oration on the Dignity of Man*, 1486) of Pico della Mirandola, in fact, as the preceding paragraphs make clear, it is a dominant strand running throughout the Bible and subsequent Church history. Irenaeus of Lyon stated that *Gloria Dei est vivens homo* which is usually paraphrased as 'The Glory of God is man fully alive' (*Adversus Haereses*, book 4, chapter 20). This Christian humanism can be found in the writings of the Fathers of the Church discussed above. Gregory of Nazianzen believed that man is destined to be *deified*, that is, to become like God himself (*Oration*, 21, para. 2). He thought every human being, including slaves, shared this destiny. Even in Christian monasticism, which was often more aware of human sinfulness, there emerged a Christian humanism. One can see this in the development of the Benedictine and, later, Cistercian monastic orders, which produced great works of architecture, art, literature and music²¹. By the 12th century AD, Western Europe was experiencing an early humanistic renaissance in which these aspects of human culture were brought to a high level of perfection. The designation of this period as the 'Dark Ages', invented by anti-Christian thinkers in the 18th century *siècle des lumières* could not be more inappropriate. The Cistercian St Bernard of Clairvaux, sometimes called 'the last of the Fathers' produced voluminous writings in elegant and poetic Latin²². Franciscans such as St Bonaventure and Dominicans such as Albert the Great and St Thomas Aquinas developed a true light-filled humanism²³. It is true that this Christian humanism never made man into an absolute but rather saw his glory as entirely dependent on God's goodness. It was also aware of human frailty and sin and taught that man could become worthy of this

²⁰ Barber, 2000.

²¹ Posset, 2005.

²² Merton, 1954.

²³ Davies, 2004, p. 47.

glory only by following God's will as revealed by the Scriptures and through prayer and asceticism.

1.5. Renaissance Humanism

What became known as the scholastic method—the use of reason and logic—of doing theology and philosophy had already begun in the 11th century with the writings of St Anselm of Canterbury (c.1033-1109). It became the dominant method of learning and teaching in the new universities at Bologna, Paris and Oxford over the new couple of centuries and reached its peak with the great synthesis of Aristotelianism and the Gospel by St Thomas Aquinas (1225-1274). The new method was not always welcomed by older schools of thought more influenced by St Augustine, as is exemplified by the great dispute between Abelard (1079-1142) and St Bernard of Clairvaux (1090-1153) in the 1140s which ended by the official condemnation of Abelard²⁴. Even St Thomas came under suspicion although he was never condemned as was Abelard. But it is true that scholasticism had a tendency to degenerate into a rigid and formulaic approach to understanding the faith and perhaps over-emphasized the intellect in comparison with the will and the emotions although St Thomas would also write some marvelous poetry about the Eucharist²⁵. Despite these different styles both the traditional Augustinian and the new scholastic approaches agreed that man was created in the image and likeness of God and that he was at the apex of creation. Each approach was a kind of humanism although each emphasized different aspects of what it means to be a human being, the power of reasoning of the intellect or the desire for God in the will.

The legacy of the classical world was never quite abandoned. Plato was dominant in the Augustinian tradition while Aristotle had been re-discovered and incorporated into the scholastic approach by St Thomas. Cicero was still a model for both Latin and treatises on ethics. With the 12th century renaissance and the foundation of the new universities, scholars turned even more to classical authors both for Latin style and content. Already in the 14th century, Petrarch and Dante were bringing this broader approach. The *Divine Comedy* of Dante features Virgil as the soul's guide through Hell and Purgatory to Paradise. This classicism

²⁴ Evans, 2000, p. 47.

²⁵ Murray, 2013.

HUMAN DIGNITY

developed throughout the 15th and 16th centuries especially, but not exclusively, in Italy with a new humanism albeit one which never abandoning its Christian inspiration. From the works of Fra Angelico to those of Michelangelo, one can observe the centrality of the human being in creation. Michelangelo's David was inspired by the ancient Greek idea of male beauty. But there is nothing to suggest that Dante or Michelangelo were anything but Christian. Michelangelo's painting of the creation of Adam, in which God reaches out and their hands touch, in the Sistine Chapel is the most stunning expression of the Christian idea of man's place in creation. It is true that some authors such as Machiavelli (1469-1527) were more inspired by the classics than by the Gospels and this attitude would develop in the coming centuries and especially during the so-called Enlightenment which invented the notion that the long period of Christendom was a period of 'darkness' and obscurantism²⁶.

This is the context in which Giovanni Pico della Mirandola wrote his famous *Oratio de hominis dignitate*. Pico, unlike Machiavelli, remained Christian but he exemplifies an excessive admiration of the classics and syncretized philosophical and religious systems that were, in fact, irreconcilable. His 'oration' was in fact the introduction to 900 'theses' that he claimed was a complete basis for all knowledge. In these theses, Pico combined Platonism, Neoplatonism, Aristotelianism, Hermeticism and Kabbalah. Pope Innocent VIII condemned the 900 theses as partly heretical (that is, his attempt to claim the compatibility between religious movements such as Kabbalah and the teaching of the Gospel) and Pico had to flee to escape punishment, although he did spend some time in a prison in Paris before being allowed to return to Florence. Nevertheless, one can see how his version of Christianity still placed man at the apex of creation. Pico also anticipates some future understanding of man's place in the world by emphasizing his freedom and his ability to shape himself and the world: «the human person can become the *plastes et factor sui*, the 'producer' of his own self in a dynamic that is either regenerative or degenerative»²⁷.

²⁶ Viroli, 2010.

²⁷ Toussaint, 2010, p. 73.

1.6. *The Reformation, the Enlightenment and the Rise of Secular Humanism*

With Pico della Mirandola one can see an author struggling to keep within the bounds of a Christian framework as he draws on classical philosophers to build his thought. At least one interpretation of the Reformation is that it was a reaction against this syncretism of classical and evangelical approaches in favour of the former. Furthermore, the inclusion of pagan themes and models in art shocked some Christians of a more puritanical disposition such as Savonarola (1452-1492), the Florentine Dominican who organized a bonfire of such works before he himself suffered a similar fate. There were several such protest movements in the Church but the most significant and far-reaching was that initiated by Martin Luther (1483-1546), the German Augustinian friar who wished to return to the purity of the Gospel and the Church of the early centuries²⁸. Luther's movement attracted other gifted followers such as Swingli, Bucer and Calvin and escalated into a full-blown crisis of the Western ecclesiastical and political system known as the Protestant Reformation. The Reformation changed Europe and, indeed, the world, forever and provoked a Counter-Reformation within Catholicism.

The Reformers wished to return to the purity of the Gospel as they imagined it to have been before what they saw as the unhealthy attempts to synthesize it with Greek philosophy, whether that of Plato or of Aristotle. It is true that Luther in some senses was influenced by the Renaissance humanists' insistence on returning to the original languages of the Bible to correct the prevailing Vulgate version and that Calvin used some of Seneca's writings on law (he had written a commentary on Seneca's *De Clementia* when he finished his legal studies and before he became a Protestant). Nevertheless, the Reformers, following one interpretation of St Augustine's doctrine of original sin, were more aware of man's sinfulness than his intrinsic greatness. They saw the use of classical models of beauty such as the David of Michelangelo or Donatello as more pagan than Christian. Later in the Reformation, Puritans went into iconoclastic rages rather similar to those of the Taleban and Islamic State in their destruction of great works of art²⁹.

But what was perhaps most significant during this period was the theological anthropology that derives from the Protestant theological

²⁸ Roper, 2016.

²⁹ Aston, 2016.

HUMAN DIGNITY

understanding of sin, grace, redemption and what had happened to the image of God at the Fall. The Reformers viewed man as utterly depraved (they used the term 'total depravity') and in total need of redemption. As Calvin expresses it: «The will is so utterly vitiated and corrupted in every part as to produce nothing but evil» (*Institutes*, Bk. II, Chapter II, Para. 26). In contrast to what traditional Catholic theology, as found in the works of St Thomas Aquinas, grace could not build on nature but had to reshape it completely from without. According to the Reformers, man did have a greatness and was destined to share in God's glory but only if he allowed himself to be reshaped completely by faith. This understanding of the human being, which was most strongly expressed in Puritanism, would eventually shape the culture, society and politics of entire countries such as the Netherlands, Scotland, the northern part of Ireland and the New England colonies. Lutheranism and Anglicanism, on the other hand, still retained some of the more humanistic traditions of the mediaeval Church.

1.7. *The Secularization of the European Mind*

The Reformation destroyed Christendom, divided Europe and led it into a European civil war fought partly on the basis of confessional adherence³⁰. This hastened what has been called the secularization of the European mind³¹. Furthermore, throughout the 17th and 18th centuries, science in the modern sense of the word, meaning experimental science, developed rapidly and began to be applied systematically to create new inventions in industry that would transform the old mediaeval world. It is true that these developments had already begun in the centuries before the Reformation and especially during the Renaissance but they developed very rapidly during the period of the Enlightenment. 'Science' began to replace 'faith' as the dominant thought world of educated elites in Europe and the colonies of North America, although true atheists were still a minority of the population³². This led to a new form of humanism that at first rejected the God of Christianity in favour of a Deism which thought that God had indeed created the world, but then left man to his own devices thus exalting the human being³³. Locke remained a Christian

³⁰ Gregory, 2012.

³¹ Chadwick, 1990.

³² Curran, 2011.

³³ Hudson, 2009.

and it is not certain whether Hobbes was an atheist or a believer but, by the middle of the 18th century, authors such as David Hume (1711-1776) and Pierre-Simon Laplace (1749-1827) declared that they had no need of God. The stage was set for the arrival of atheistic humanism³⁴.

1.8. Kant on Human Dignity

Few if any of these authors, believers or atheists, denied that human beings held a special place in the world or that man, in some way, was superior to all other creatures. If one removed God from the equation, however, how could this proposition be justified? Do human beings have some intrinsic characteristics that lead to the conclusion that they occupy a special place in the world? The first and most influential modern attempt to answer this question came from the German philosopher Immanuel Kant (1724-1804). Kant, although himself a Christian, sought to try to justify the special position of mankind without reference to God or to the notion of his being created in God's image and likeness³⁵. First, he distinguished between the terms *price* and *dignity* and argued that a price is assigned to something that can be exchanged for something else (as in a market). A cow can be exchanged for a horse on this basis. A human being, however, cannot be assigned a price because he cannot be exchanged for another human being or for another object. This is because man possesses *dignity*. This dignity, which distinguishes him from all other creatures, derives, according to Kant, from his *capacity for moral reasoning*: «hence morality and humanity insofar as it is capable of morality, is that which alone has dignity» (*Groundwork to the Metaphysics of Morals*, 4: 434-5). Human beings have «an unconditional, incomparable value (*Würdigkeit*)». For Kant this meant that human beings have an «inner transcendental kernel» which is the basis for their *autonomy* (dignity = the exercise of autonomy). It is also the basis of his famous rule that one should «[a]ct in such a way that you treat humanity, whether in your own person or in that of another, always at the same time as an end and never merely as a means». Kant's idea of dignity as intrinsic to human beings capable of acting in an autonomous fashion, who could not simply be the means for other human beings to achieve their ends, was also the justification for the notion of *equality*. Although it is unlikely

³⁴ Lubac, 1995.

³⁵ Rosen, 2012, p. 24.

HUMAN DIGNITY

that Kant influenced the thinking of those who carried out the French Revolution, one can see that the idea of equality was central to this. Kant, however, provided a philosophical justification for the notion of equality that would eventually become the basis of modern democratic systems and notions of human rights. Kantianism is still a powerful philosophical trend in contemporary philosophy and, to some extent, lies behind movements such as virtue ethics. Its emphasis on freedom ('choice'), also underlies secularist theories of justice such as those developed by John Rawls which has been enormously influential in Western approaches to law, public policy and the exclusion of religion from the public sphere³⁶. As we shall see below, neo-Kantianism also contributed to the inclusion of the concept of human dignity in the drafting of the United Nations Declaration on Human Rights and the German Basic Law³⁷. It has also been a target of criticism for those who reject the usefulness of the concept such as Michael Rosen³⁸. It should also be pointed out that Catholics, while accepting Kant's idea that human beings should not be treated as 'means' to an end, would not think of man as being his own end. Rather, the Catholic position is that man's 'end' (*telos*) is in God his creator and cannot simply be an end in himself. Kant seemed to be aware of this in his statement that man possesses a 'transcendental kernel' but his followers have definitely abandoned this idea in favour of an immanentist understanding.

1.9. Anti-Humanism in the 19th and 20th Centuries

Kant's reflections on human dignity thus became one important strand in the secularization of the concept that would appear over the coming decades. But before turning to these developments it is important to note an early reaction against Kant's notion of human dignity. Some philosophers, while rejecting the Judaeo-Christian cultural heritage of Europe, also railed against what they saw as Kantian 'moralism'. Schopenhauer, in his critique of Kant, declared that «[t]hat expression, *dignity of man*, once uttered by Kant, afterward became the shibboleth of all ... perplexed and empty-headed moralists»³⁹. Rosen comments that Scho-

³⁶ Rawls, 1971.

³⁷ McCrudden, 2008, p. 885.

³⁸ Rosen, 2012, pp. 19-31.

³⁹ Schopenhauer, 1998, p. 100.

penhauer saw talk of human dignity as ‘humbug’⁴⁰. This sceptical attitude about human dignity as well as human rights was shared by Marx, who saw them as ‘antiquated, empty phrases’ of the bourgeoisie and by Nietzsche, who despised the Christian and Kantian versions of the concept as expressions of Christian weakness⁴¹. He did, however, accept its usefulness but only in its original meritocratic sense applying to superior members of the human race –his famous ‘Übermensch’ or ‘superman’. The ‘dignity’ of the rest consisted in being used by the superman to further his own ends. Nietzschean nihilistic anti-humanism would subsequently become a strong (destructive) intellectual current within Western societies⁴². Some would argue that it was one of the ideological sources of Fascism and Nazism⁴³. It is not too far-fetched to assert that it also lies behind contemporary cultural trends in art and literature that revel in ugliness and squalor, rather than in beauty and goodness⁴⁴.

Finally, a more recent rejection of the notion of human dignity, or at least of the idea that human beings occupy a special place in the world, different from all other creatures, may be found in the theories of Peter Singer. Singer is known for his work on ‘animal rights’ (1975) as well as an ethical system known as ‘preference utilitarianism’ (1993). It has the merit of drawing to their logical conclusions certain presuppositions of atheism and nihilism. Singer, as a self-proclaimed atheist, does not regard human beings as having any intrinsic dignity nor does he accept the notion of the ‘sacredness of human life’, which he regards (rightly) as a concept derived from religion and the notion of a creator God. He also rejects Kantian notions of personal morality as the basis of human dignity. On the basis of these premises, Singer denies that human beings have any special place in the world and are really just animals like other animals. In fact, human beings are not necessarily ‘persons’ since he defines personhood as meaning that one is aware, capable of making rational decisions, can enjoy life and is useful to society (his utilitarianism). In his own words:

⁴⁰ Rosen, 2012, p. 1.

⁴¹ Huddleston, 2014.

⁴² Bloom, 1987.

⁴³ Aschheim, 1994.

⁴⁴ Scruton, 2009.

HUMAN DIGNITY

... only a person can want to go on living, or have plans for the future, because only a person can understand the possibility of a future existence for herself or himself. This means that to end the lives of people against their will is different from ending the lives of beings who are not people ... killing a person against his or her will is a much more serious wrong than killing a being who is not a person⁴⁵.

His positions are indeed useful since they show where this logic leads: his advocacy of abortion (a 'fetus' cannot be a person since it does not possess awareness nor have conscious life goals); infanticide: a handicapped new-born infant may be euthanized if its parents wish this since allowing it to live may interfere in their life-choices; voluntary euthanasia is acceptable. Singer's ethics is the direct antithesis of both the Judaeo-Christian and Kantian notion that human beings occupy a special place in the world or that they possess an intrinsic dignity and, *a fortiori*, that human life is 'sacred'. To adopt such a position, however, pulls the carpet from under any notion, not just of human dignity, but also notions such as human rights and crimes against humanity⁴⁶. It also leaves the door open to experimentation on human beings or at least on human life processes in practices such as embryonic stem cell research, cloning, the creation of human-animal hybrids, etc. Today, the whole field of 'trans-humanism' is largely built on the presuppositions of philosophers such as Singer and even of neo-Kantianism with its strong emphasis on 'choice', rather than any notion of the sacredness of human life, as the guiding ethical principle.

2. HUMAN DIGNITY, HUMAN RIGHTS AND LAW

The secularist optimism in progress and the Rousseauesque dream of man's perfectibility that accompanied scientific developments in 19th century Europe, were shattered by the First World War which saw the destruction of human life on a vast scale. Soviet-style communism, Fascism and Nazism were, to a large extent, responses to the First World War as well as to what many saw as the emptiness of liberal capitalism. The belligerence of Nazism and Fascism led, perhaps inexorably, to the Second World War in which there was an even greater destruction of

⁴⁵ Singer, 1995, p. 198.

⁴⁶ Guillebaud, 2004.

human life. Furthermore, the Nazi programme (at least partly inspired by Nietzsche's theories of the *Übermensch*) to create an Aryan super race and the elimination of what the Nazis regarded as inferior races such as Slavs, Gypsies and especially Jews, or groups of people such as homosexuals, the sick and the handicapped, all brought the issue of human dignity to the forefront of post-war reflection.

Although the concept of human dignity had not previously been associated with human rights⁴⁷, it is not surprising, therefore, that two key post-war documents made human dignity their foundation. The first was the Universal Declaration of Human Rights promulgated by the United Nations in 1948 whose Article 1 declares: «Everyone is born free and equal in dignity and rights». The second was the 1949 German Constitution or Basic Law (*Grundgesetz*) which states: «Human Dignity shall be inviolable. To respect and protect it shall be the duty of all state authority» (Article 1[1]). Christopher McCrudden has provided an exhaustive list of later human rights statements and of countries which have adopted a similar approach in their constitutions after WWII⁴⁸. These include Japan (1946), Italy (1948), Israel (1948) and India (1950). International and regional human rights declarations which were based on the concept of human dignity include: the American Jewish Committee's Declaration on Human Rights (1944), the US Catholic Bishops' proposed Declaration of Rights (1946), the Cuban Declaration of Human Rights (1946), etc. The Geneva Conventions and the International Red Cross both based their positions after WWII on the concept of human dignity. Human dignity is mentioned in the preambles to many regional declarations of human rights. It is not mentioned in the Council of Europe's European Convention on Human Rights (1953) but, according to McCrudden, it is included in subsequent Council of Europe Conventions⁴⁹.

It might be thought that, given the experience of the Second World War and the Nazis' crimes against humanity, followed by the post-war commitment to human rights and human dignity, that it was self-evident that these should be based on the notion of human dignity even if the link had not been made previously. In practice, however, this has been unexpectedly controversial.

⁴⁷ Millbank, 2013.

⁴⁸ McCrudden, 2008, pp. 664-672.

⁴⁹ McCrudden, 2008, p. 671.

HUMAN DIGNITY

First, the concept itself, as used in the UDHR, was an amalgamation of different religious and philosophical understandings that attempted to produce something that could be accepted by everyone. The committee that drew up the Declaration was chaired by Eleanor Roosevelt, an Episcopalian, and included the Catholic philosopher Jacques Maritain, the French Jewish legal scholar René Cassin, the Confucian scholar P. C. Chang, and representatives from 18 different nations. This meant that the concept was deliberately vague. Similarly, human dignity, as used in the German Basic Law, was influenced by Catholic natural law ideas, neo-Kantian philosophical approaches and Social Democracy⁵⁰. In the end, however, no one of these approaches was designated as the correct one⁵¹.

Second, precisely because of this ambiguity in the meaning of the concept, some legal theorists doubt whether the concept can be usefully employed in jurisprudence except as a vague reminder that we are dealing with human beings. Some secular liberals, such as Michael Rosen, oppose it because they regard it as a Trojan horse for religiously-inspired attacks on 'equality'⁵² or Ruth Macklin, who sees it as an attack on 'autonomy', and particularly a woman's right to choose abortion—that is, those who invoke the concept dare to speak of the dignity of the unborn child⁵³. Both of these attacks are aimed at the Catholic Church's understanding of human dignity. Rosen⁵⁴ claims that the Catholic Church still thinks of human dignity as referring to a hierarchical order in which every creature has its place and which is therefore intrinsically anti-egalitarian and anti-democratic. The Jesuit theologian James Hanvey argues that Rosen misunderstands the Catholic position by failing to situate it within the broader philosophical and theological tradition of the Church and how this evolved up to the present time⁵⁵. Macklin's attack is aimed (without fully acknowledging it) at the Catholic understanding of the human being as possessing an intrinsic dignity from the moment of natural conception until the moment of natural death. For her the being in the womb is a 'fetus' rather than a human being in the early phases of

⁵⁰ McCrudden, 2008, p. 665.

⁵¹ McCrudden, 2008, p. 665.

⁵² Rosen, 2013, pp. 147-149.

⁵³ Macklin, 2003.

⁵⁴ Rosen 2012 and 2013.

⁵⁵ Hanvey, 2013, p. 212.

his or her existence and every woman has the right to destroy this ‘fetus’ if they choose to do so. Peter Singer would approve (see above).

Even Catholic legal scholars such as McCrudden or the LSE Professor of Human Rights Conor Gearty have doubts about the usefulness of the concept in jurisprudence, that is, in the possibility of applying it by judges making legal judgements. McCrudden argues that there is a certain basic core to the concept –it makes an ontological claim about the intrinsic worth of the human person; a relational claim about how others should treat human persons in view of their inherent value; and a claim regarding the proper role of the state *vis-à-vis* the individual, i.e. the state exists for individuals rather than vice versa— but that, given the very diverse conceptions of human dignity held across jurisdictions and cultures, it cannot go much further than this⁵⁶. In other words, the existence of *different* conceptions of human dignity makes it impossible to arrive at a *universalist* conception that could form the basis of human rights everywhere. Gearty, for his part, argues that it is difficult to use the concept of human dignity in actual cases of judge-made law on the grounds that «...the term is too vague and uncertain to be able to be effective on its own...»⁵⁷. On the other hand, he believes that the concept can be realized in the UK’s legal system «through a combination of a legislative emphasis on particulars with a careful judicial deployment of the language of human rights»⁵⁸.

McCrudden’s minimalist understanding of the legal usefulness of human dignity was partially a response to the work of Paolo Carozza who had argued that human dignity could become a global *ius commune* for issues such as the death penalty⁵⁹. Carozza, in his turn, has taken issue with McCrudden’s minimalism and argued that the concept does indeed allow one to develop universal principles—a *ius commune*—of equality, justice, and peace⁶⁰. Carozza is arguing from a Catholic natural law perspective and he maintains that one of the problems in practice of developing a *ius commune* is that there exists an international ‘human rights bureaucracy’ which adopts a ‘thin’ understanding of the concept in order to paper over the diverse conceptions (of course we have seen

⁵⁶ McCrudden, 2008, pp. 679ff.

⁵⁷ Gearty, 2013, p. 155.

⁵⁸ Gearty, 2013, p. 155.

⁵⁹ Carozza, 2003.

⁶⁰ Carozza, 2008, p. 931.

HUMAN DIGNITY

this at work already in the drawing up of the UDHR). But, according to him, this «thin practical consensus on human rights alone is not self-sustaining: it depends on extra-legal sources of commitment to respecting [the] status and worth [of human dignity]»⁶¹. He goes on:

The 'common enterprise', in other words, is an occasion for exchanging reasoned and substantive judgements across cultural and geographic divides about the meaning of human flourishing, what it requires of us in justice, and how it can be variously understood and protected in communities constituted by their commitment to a common good⁶².

This, in fact, could be a useful way of bridging the two concepts of human rights and human dignity that Millbank claims should be kept separate⁶³.

Despite the difficulties of operationalization in jurisprudence, national and international courts and administrations have in practice based their judgements on the concept. Examples are the dwarf-throwing case in France where a mayor banned the practice of men throwing dwarves in a competition because it infringed the human dignity of the dwarf. The dwarf himself objected to the ban because he consented to the practice and, in fact, earned his living from it. The French courts and, ultimately, the European Court of Human Rights, came down on the side of the judge⁶⁴. Their argument was that, even if individuals choose not to live according to the dignity of a human being, categories of human beings, such as dwarves, would be harmed by such a position. In other words, dwarves are in possession of an intrinsic human worth simply by virtue of their humanity.

3. CONTEMPORARY CATHOLICISM AND HUMAN DIGNITY

The Catholic Church is today a major protagonist in these debates. As remarked above, authors such as Rosen and Macklin see this negatively because the Church's approach to human dignity stresses its relational and communitarian dimensions and they claim this undermines what they regard as the supreme value of personal autonomy. Indeed,

⁶¹ Carozza, 2008, p. 942.

⁶² Carozza, 2008, pp. 943-944.

⁶³ Millbank, 2013.

⁶⁴ Rosen, 2012, pp. 63-67.

one could argue that most of the conflicts involved in understanding human dignity revolve around whether it is understood in a communitarian and relational sense as the Catholic Church does, or in an individualist sense stressing personal autonomy as liberal neo-Kantianism does.

In this section of the article, we will examine both continuities and developments within the Catholic position. As remarked above, both the Scriptures and the Church Fathers saw man as having this special position in the world because he is made in the image and likeness of God, but also that he is a flawed sinner in need of redemption. His redemption has been achieved through Jesus Christ. We might summarise the Church's teaching as follows:

First, the Church has remained faithful to the scriptural teaching that man is made in the image and likeness of God and that this is the basis of his dignity. Man is like God because of his powers of reasoning and ability to make moral choices. It also teaches that man is made for the purpose of sharing God's own life forever in heaven and this gives his life a teleological and transcendent meaning, that is, he does not exist simply for himself (as a neo-Kantian might claim) but for God and others. It is this *capax Dei*, the capacity to enter into a personal relationship with God that distinguishes him from all other creatures. The Greek Fathers, as noted above, called this 'deification', becoming like God. But becoming 'like God' also means behaving towards his fellow human beings in the same way that God does: in love and mercy.

Second, Catholicism has always maintained that human life (that is the entire course of a human being's existence from the moment of his conception until the moment of his natural death) is intrinsically sacred because it is a gift from God (*Catechism of the Catholic Church*, para. 2258). For this reason, Catholicism remains opposed to everything that would unjustly destroy or degrade human life in any of its stages. Maritain called this 'true' or 'integral' humanism (in French *l'humanisme intégral*) because it views human life in its totality⁶⁵. This is opposed to modern Western social liberalism deriving from Kant which often reduces life to only one or a few of its aspects such as 'choice'. The notion of 'the sacredness of human life' means especially protecting human life when it is most vulnerable –in the early stages in the mother's womb and its final stages before death. But it also means that we have a respon-

⁶⁵ Maritain, 1936.

HUMAN DIGNITY

sibility to create the conditions necessary for the full flourishing of these lives in society through adequate housing, health-care and education. Furthermore, it is at the root of Catholic concerns about experimenting on embryos, in vitro fertilisation, and other practices made possible by modern scientific developments and applications.

Third, these qualities of a human person place him or her in a special relationship with the rest of creation. The Church has always affirmed, and continues to do so, that man is at the apex of creation. In one sense, Rosen is right to point out that this is simply the old hierarchical notion of dignity as meaning one's place in the created order of things. But the Christian interpretation of this, following Jesus's words in the New Testament, is that we are called not to lord it over others but to serve them. Applied to the world, this means that human beings must exercise the responsibility of stewardship towards the goods of the world. They do not have a remit to behave in destructive ways towards the created order. Catholicism is opposed to notions such as Singer's animal rights or 'deep ecology' which tends to make the earth itself a deity. Another way of interpreting the reconfiguration of a hierarchical order which attempts to reconcile it with the notion of the equal dignity of all human beings has been advanced by Jeremy Waldron. He argues that equality is preserved when all human beings are elevated to the position of nobility—a kind of levelling up⁶⁶.

The fourth feature of Catholicism's understanding of human dignity is directly contrary to the neo-Kantian idea that sees it simply as the increasing expansion of personal autonomy. The Church insists on the importance of personal autonomy but argues that it is not absolute. Autonomy is constrained by our relations with other persons and by the common good: with other human beings but also with a personal God who has revealed himself in Jesus Christ and with our fellow human beings living in society. Kant's original insight that autonomy was a key aspect of human dignity was correct but, in modern times, it has increasingly been interpreted in Western societies in an individualistic way as if there were no other purpose in existence except to fulfil one's own desires. This is especially the case since the 1960s when an ever-expanding definition of 'rights' has not been accompanied by an equal expansion of duties and responsibilities. As we shall see in the next section (on reli-

⁶⁶ Waldron and Dan-Cohen, 2012.

gious freedom), the Church also espouses personal freedom as a key feature of man's dignity but this is a freedom that is exercised in relation to others. In Isaiah Berlin's terms, it is freedom *to* contribute to society rather than freedom *from* the constraints of society⁶⁷.

The Second Vatican Council (1962-65) reaffirmed these positions. The Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*, December 1965) is both aware of man's dignity but also of the challenges to this dignity resulting from his own sinfulness and from the changes in the modern world. Chapter 1 of the document entitled «The Dignity of the Human Person» presents the vision of the Council Fathers:

Therefore, this sacred synod, proclaiming the noble destiny of man and championing the godlike seed which has been sown in him, offers to mankind the honest assistance of the Church in fostering that brotherhood of all men which corresponds to this destiny of theirs. Inspired by no earthly ambition, the Church seeks but a solitary goal: to carry forward the work of Christ under the lead of the befriending Spirit. And Christ entered this world to give witness to the truth, to rescue and not to sit in judgment, to serve and not to be served.

The Pastoral Constitution admiringly describes man's accomplishments in science, technology, democracy, etc., but is also aware of the negative aspects of modern society. Nevertheless, the overall approach (somewhat in the spirit of the 1960s in Western societies) is one of optimism and the Pastoral Constitution speaks of «the birth of a new humanism, one in which man is defined first of all by his responsibility to his brothers and to history» (*Gaudium et Spes*, no. 55).

4. HUMAN DIGNITY AND RELIGIOUS FREEDOM

The Second Vatican Council makes a direct link between human dignity and religious freedom. In fact, the Latin title of the Declaration on Religious Freedom is *Dignitatis Humanae* taken from the first sentence of the document:

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man, and the demand is increasingly made that men should act on their own judg-

⁶⁷ Berlin, 1969.

HUMAN DIGNITY

ment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty.

It is the dignity of the human person that, in the eyes of the Council Fathers, *pace* John Millbank (2013) is the basis of all other human rights. Human Rights had been a key theme developed by Popes Pius XII and John XXIII after the Second World War. The Council took up this theme and developed it with regard to religious freedom. Like the UDHR and the German Basic Law, the Council saw human dignity as the basis of all other rights. This includes religious freedom, which it saw as both a human and a civil right:

The council...declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right (*Dignitatis Humanae*, no 2).

Dignitatis Humanae contains a developed understanding of what the Church means by human dignity and why it is so important. First, it declares that human beings must be free to seek the truth and, having found it, to adhere to it according to their consciences. For Catholics the truth has been revealed by God and is embodied in Jesus Christ, the Son of God. But it is also discovered through human reason that can discern the truth of the created order which follows God's law. Although practice in previous centuries (for example, forced conversions by rulers such as Charlemagne) had often failed to respect this, it is wrong to force the individual person to accept this truth and they must be allowed to find it for themselves. Thus man's dignity consists in being a rational person defined by his freedom to seek the truth, especially transcendent truth. One can see that this is in perfect continuity with the biblical, classical and patristic approaches outlined in the first part of this article.

Man does not exercise this freedom in an isolated manner but rather with and for others in the context of society. It is this social and relational nature of his nature (as Aristotle and St Thomas would see it) that means he will form associations with others. Thus, religious freedom requires that he must be able to express his religious faith not just pri-

vately alone or even in worship⁶⁸ but publicly in society with others. This has consequences for the state and for society. Not only should states not attempt to obstruct the freedom of religious organisations to express their faith publicly and to participate in society, but they should actively provide the conditions by which this can happen (*Dignitatis Humanae*, no. 4). The Council also saw the role that families and parents play in this exercise of faith. Religious communities are made up of families and these are the primary educators of their children who also have the right that their children be educated in schools that respect their religious beliefs. The Council was keenly aware that rights entail duties and responsibilities and this runs right through the document. Human dignity also demands a basic loyalty to the state in which Christians live. The exception to this obligation is when the state acts in a way that is morally unacceptable.

Dignitatis Humanae, although quite short, is one of the key documents of the Second Vatican Council and was an important influence in changing the relations between the Church and states, both secular and confessional. It placed the Church firmly within the camp that promoted human dignity and human rights after the Second World War but it did so in a way that was largely in continuity with the traditional teaching of the Church on freedom and faith going back to the Scriptures, the Fathers of the Church and theologians such as St Thomas Aquinas (who taught that faith must be freely chosen). It also reversed a negative attitude to the modern world that had been evident in the 19th century, for example in Pope Pius IX's 1864 *Syllabus of Errors* which had denounced 'religious freedom'! Pius IX's condemnation of almost all contemporary modern political positions is perhaps understandable given the massive attacks on the Church by 19th century liberals, socialists and nationalists but clearly they were exaggerated and it was right that *Dignitatis Humanae* should restore some balance. But perhaps the most useful contribution the Declaration makes is to remind us that human beings do possess an inherent dignity that is a human and civil right but that this should also be understood in a relational, social and communitarian

⁶⁸ Some states adopt a narrow interpretation of religious freedom as meaning the freedom to worship in churches, temples, mosques or synagogues but not as meaning that religious associations should participate in the *res publica*.

HUMAN DIGNITY

manner which is very different from the contemporary liberal individualistic manner.

5. CONCLUSIONS

This article has shown that human dignity is an ancient concept whose roots are found in the classical period of Greco-Roman antiquity as well as in the Judaeo-Christian scriptures. It has been developed in the modern period through the writings of Kant although opposed by others such as Schopenhauer, Marx, Nietzsche, and Singer but also that it is susceptible of widely divergent interpretations. We might distinguish three basic positions in these interpretations. First, there are those who continue to see its usefulness as the basis for human rights, law and public policy. But these are divided into two principal groups: those who follow the Catholic natural law and communitarian understanding and those who adopt a neo-Kantian approach which supports a more individualist personal autonomy approach. The third approach is by those who deny its usefulness. These can be divided into those such as Rosen and Macklin who deny completely that it has any usefulness as it may undermine liberal notions of equality or autonomy and those, such as McCrudden and Gearty, who accept that it has some value but is difficult to operationalize in jurisprudence. Also included within this category are those influenced by the anti-humanism of Nietzsche and the peculiar ethical theories of Singer.

Perhaps the richest and most satisfactory approach is that developed by the Catholic Church in the form of Maritain's 'integral humanism' which can serve as a strong antidote to the various reductionist and destructive tendencies found within the other liberal or anti-humanist positions described above. Catholicism, of course, shares this position with other ecclesial traditions such as Orthodoxy, Orthodox Judaism (e.g. that promoted by Jonathan Sacks, the former Chief Rabbi of England⁶⁹), and even some liberal secularists⁷⁰.

⁶⁹ Sacks, 2007.

⁷⁰ E.g. Beiner, 2007.

JOHN LOUGHLIN

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HUMAN DIGNITY

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