A Cathedral of Humanity: Dignity and the Sacred in Modern Social Ethics

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February 2024

A dissertation submitted to the
Department of Religious Studies
University of Virginia
In partial fulfillment of the requirements of the degree
Ph.D. in Religious Studies

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Acknowledgments

During the COVID-19 pandemic, just after my comprehensive exams, my family and I relocated from Charlottesville to the Chicago suburbs to be closer to our families. This move felt like a formal transition from a long period in my life when I primarily identified as a student. As I reflect on this transition, however, I do not want to move on too quickly before expressing my gratitude for the guidance and support along the way.

At Seattle Pacific University, Daniel Castelo and Owen Ewald were both brilliant scholars and committed teachers. At the University of Notre Dame, I undertook my first extensive readings in modern Protestant ethics with Gerald McKenny, and I owe him a debt of gratitude for his guidance and influence.

At the University of Virginia, I was surrounded by an impossibly supportive faculty. I was challenged and encouraged in my conversations, courses, and exams with Asher Biemann, Nichole Flores, Jennifer Geddes, and Willis Jenkins. Charles Mathewes, my advisor, provided unwavering support from day one and helped shape my inchoate ideas on dignity, the sacred, and modern ethics into the current project. Chuck approached every interaction and draft of my work with humor, a discerning eye, intense curiosity, and invaluable feedback.

My close friend and colleague Creighton Coleman was a steady presence throughout my doctoral studies. Creighton is a generous critic and enthusiastic collaborator, and I've learned much from our conversations about democracy, liberalism, and the political theologies of different Christian traditions and movements.

As I conclude my extended time in undergraduate and graduate studies, profound gratitude goes to my parents, Lori and Rob. They provided unwavering encouragement throughout my academic journey. From helping me move around the country to significantly lightening our family's childcare needs, I owe them more than words can express. When my dad and I do house projects, he always ensures the job is done well, in good time, and that any roadblocks are met with optimism and inventiveness. I tried to approach this dissertation similarly, and I hope it reflects those qualities.

My wife Abbey's importance in completing this project cannot be overstated. Over the past seven years, she has been a pillar of support both personally and professionally, all while pursuing her own graduate degree in business and working as an exemplary, inspiring nonprofit leader. Without her unwavering commitment, including waking up at 4:15 am every morning to work alongside me, this dissertation might have taken thirty years, not three.

When I commenced my studies at the University of Virginia, my wife and I did not have children. Now, we have two—Lucille and Walter. With all sincerity, I would like to thank them for being delightful distractions. They are a constant source of pride, hilarity, and love, bringing me more joy than I could have imagined was possible. This dissertation may have taken longer to complete because of them, but I would have sooner dropped the entire project than spend a minute less exploring with Walt, or fishing with Lucy.

The unique God is the source of all existence and of all people on earth. If there is a common origin of all people, there is a common dignity that they share. Thus Leviticus 24:22: "One law for you and for the stranger in your midst."

Hermann Cohen, *Religion of Reason: Out of the Sources of Judaism*

Many gods have been done away with, but the individual himself stubbornly remains as a deity of considerable importance…. Perhaps the individual is so viable a god because he can actually understand the ceremonial significance of the way he is treated, and quite on his own can respond dramatically to what is proffered him. In contacts between such deities there is no need for middlemen; each of these gods is able to serve as his own priest.

Erving Goffman, *Interaction Ritual*: *Essays in Face-to-Face Behavior*

Introduction

Human dignity has been a significant continent in the international community's moral geography since 1945. Three years after the United Nations Charter (1945), which sought to reaffirm “the dignity and worth of the human person,” the Universal Declaration of Human Rights (UDHR) proclaimed that dignity is "inherent" and that "all human beings are born free and equal in dignity and rights.”[1] One year later, the Federal Republic of Germany’s Basic Law (*Grundgesetz*) declared that “human dignity shall be inviolable.”[2] Today, since a period of frantic constitution-making before and after the Second World War, many countries list dignity in their constitutions as a primary value or guiding principle, even countries notorious for political corruption and gross human rights abuses. Often, these constitutions attach adjectives such as "inviolable" or "inalienable” to the word dignity.[3]

Likewise, a basic search on the United States Patent and Trademark Office brings up hundreds of nonprofit and for-profit organizations either called "Dignity" or with dignity in their names. Most of these organizations focus on the care of persons or animals, such as veterinary services, pet cremations, veterans services, community opportunities for underprivileged children, crisis pregnancy support, vocational services for the unemployed, poverty assistance, disaster relief, food donations, medical services for seniors and individuals with disabilities, nursing home management, hospice services, LGBTQ+ advocacy, anti-ligature products for suicidal individuals, funeral services, and much more. Dignity Pajamas, for example, makes

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[1] United Nations, “United Nations Charter (Full Text),” United Nations, accessed September 15, 2023, https://www.un.org/en/about-us/un-charter/full-text; United Nations, “Universal Declaration of Human Rights,” United Nations, accessed September 15, 2023, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[2] “Constitution of the Federal Republic of Germany,” Federal Ministry of the Interior and Community, accessed September 15, 2023, https://www.bmi.bund.de/EN/topics/constitution/constitutional-issues/constitutional-issues.html;jsessionid=544A53F2F5E62ED89BE4FDF5A743D1C5.1_cid332?nn=9385236.

[3] The Constitute Project has made it simple to examine every country’s constitution. See, “Constitutions - Constitute,” accessed September 15, 2023, https://www.constituteproject.org/constitutions?status=in_force.

"pretty" nightgowns and pajamas with Velcro closures for seniors, whose frailty makes changing difficult, primarily when bedridden. While pajamas may seem like a trite example, we will see that dignity is often invoked in contexts of vulnerability, where a conviction prevails that humans *qua* human are owed more than strict procedural justice or utilitarian concern.[4] Moreover, few nonprofit organizations are better known than Dignitas, a Swiss nonprofit connecting terminal patients to doctors for assisted dying. Even major investment firms, such as Goldman Sachs, feel the need to have a "Statement on Human Rights" stating, "concern for personal dignity and individual worth of every person is an indispensable element in the standard of conduct that we have set for ourselves."[5]

The Dignitas nonprofit overlaps with a third sphere beyond the political or economic – namely, the civil sphere. The Death With Dignity nonprofit in Portland, Oregon, has been at the center of U.S. culture wars since its founding in 1994. By claiming the word dignity, the founders are staking a claim in the culture wars that only intensified with the Terri Schiavo case of 1998, in which religious and social conservatives, including the U.S. Conference of Catholic Bishops, rallied to the defense of a woman in a persistent vegetive state, arguing that it would be a dignity violation to remove her from life support.[6] Indeed, few institutions have as much stake in the term dignity today as the Roman Catholic Church, which has made dignity central to its social teaching since at least the Second Vatican Council and stands firmly against euthanasia.

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[4] For how dignity may relate to attitudes of instrumentalization, vulnerability, and superfluousness, see Moshe Halbertal, "Three Concepts of Human Dignity," Dewey Lectures 7 (2015), https://chicagounbound.uchicago.edu/dewey_lectures/7.

[5] "Goldman Sachs Statement on Human Rights," Goldman Sachs, accessed January 3, 2024, https://www.goldmansachs.com/investor-relations/corporate-governance/corporate-governance-documents/human-rights-statement.pdf.

[6] "In Newsday Op-Ed, Bishops' Official Says Terri Schiavo Deserves Nourishment and Care," USCCB, accessed September 15, 2023, https://www.usccb.org/issues-and-action/human-life-and-dignity/end-of-life/euthanasia/march-24-2005-news-release-05-073. On the moral, legal, and bioethical aspects of the case, see Kenneth W. Goodman, ed., *The Case of Terri Schiavo: Ethics, Politics, and Death in the 21st Century* (Oxford: Oxford University Press, 2010).

Where Death With Dignity associates dignity with the right for a person to die before reaching a state that could be perceived as undignified, the Catholic Church regards the action as intrinsically evil in every circumstance.

The skirmish over dignity in physician-assisted suicide takes place on a wider cultural battlefield where we also find the dignity of a fetus set against the autonomy of the mother, the dignity of labor set against the rights of capital, and the dignity of individuals in same-sex relationships to be legally married.[7] It is unclear what dignity means in every case, but across the values divide, one thing is clear: many want to claim dignity, connected as it has become to the intrinsic value of human life. We can say about dignity what Ronald Dworkin has explored in relation to the sanctity of life: the concept can be so widely shared because many other factors are required to flesh it out with substantive content. All sides of the political spectrum can reach different conclusions while inhabiting the same terrain of concepts: dignity, worth, respect, rights, and sanctity.[8]

In political theory, since John Rawls' *Theory of Justice*, a general bias has arisen that a politics not grounded in the inviolable worth of the person is a non-starter. Colin Bird points to an "implicit assumption that intellectually serious political criticism succeeds to the extent that it properly codes a dignitarian humanist genome," an assumption we find playing out in street protests as much as in academic journals and monographs.[9] Even dignity skeptics, who belong to traditions that in past or present brand dignity language as ideological, hegemonic, or “the shibboleth of all empty-headed moralists,” often argue for a socio-ethical vision consonant with

[7] In *Obergefell v. Hodges*, dignity language was used in the court’s majority opinion and Clarence Thomas’ dissent.
[8] Ronald Dworkin, *Life’s Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (New York: Alfred A. Knopf, 1994), 70.
[9] Colin Bird, *Human Dignity and Political Criticism* (Cambridge: Cambridge University Press, 2021), 9. For example, Jeffrey C. Alexander highlights dignity language in the Arab Spring protests. See Alexander, *The Drama of Social Life* (Cambridge: Polity Press, 2017), 41-2, 53.

what many have come to ascribe to dignity: freedom from inhumane and unjust actions and freedom for a life secure and expansive enough to allow for the development of the capacities that constitute a properly human life.[10] Why has dignity gained such a prominent place on the moral map of international socio-ethical discourse, and can this prominence be justified? This dissertation is a small contribution to this significant question. Namely, I seek to accomplish two primary objectives.

First, two approaches to dignity are prominent in contemporary social ethics — *dignity triumphalism* and *dignity skepticism*. Primarily Christian or "Judeo-Christian" dignity triumphalism views contemporary dignity as a direct descendent of Christianity, antiquity, or religion in general. Furthermore, triumphalists often doubt the ability of dignity to be realized in societies not tethered to those preceding worldviews. On the other hand, dignity skepticism views contemporary dignity as a cover for reactionary or religious conservatism, a false universalism, crypto-imperialism, or an incoherent alternative to thicker moral concepts such as justice or solidarity. The first objective of this dissertation is to explain triumphalism and skepticism. In accomplishing my first objective, I address the following questions: when did dignity become the moral *lingua franca* of international states, NGOs, and religious organizations? How did dignity achieve this position? Are the accounts provided by triumphalists and skeptics sufficient for dignity's rise as a value and its institutionalization in our political, economic, and cultural spheres?

Second, I sketch an alternative account of dignity to both triumphalism and skepticism, developing dignity as a concept of universal import and yet one that is fragile, contingent, and

[10] The phrase is Arthur Schopenhaur's. Whether Karl Marx was a dignitarian in the contemporary sense is a fraught question, as is whether Marx had a normative theory at all. Nevertheless, this has not stopped scholars from normatively reconstructing Marx's critique of capitalism. For example, see R. G. Peffer, *Marxism, Morality, and Social Justice* (Princeton: Princeton University Press, 1990).

emerges historically as much from victimization and exclusion as from the doctrines of churches or the armchairs of philosophers. Such a revisionist account of dignity focuses on the increasing sacralization of the person since the eighteenth century. The prominence of human sacredness, defined by inviolability, universality, and a strong affective dimension, is then linked to a particular vision of liberal democracy, which I consider a uniquely capable institutional correlate to dignity. In accomplishing this second goal, I address the following questions: what does it mean to speak of the human as sacred? Is sacredness necessarily a religious concept? Why is liberal democracy a particularly potent political arrangement for promoting dignity?

Social ethics is the framework in which these objectives are pursued and questions addressed. Social ethics as a tradition emerged from at least two streams of thought at the end of the nineteenth century. First, the "Applied Christianity" movement in rapidly industrializing Western societies sought to address the “social question” from a theological perspective, mobilizing doctrine, churches, and congregants for social change and amelioration.[11] The social question named the gap between the promises of economic, political, and spiritual freedom promised by a century of democratic ferment, technological advancement, and intellectual progress and their lack of realization in the lives of many individuals.[12] From a sociological perspective, Peter Wagner has argued that the prominence of the social question can be attributed to the ambiguity in modernity between liberation and disciplinization. The impulses of freedom and autonomy released by individualism, republicanism, and the rise of the bourgeoisie produced forms of “socially threatening otherness” (especially the working class) that would need to be

[11] Gary J. Dorrien, *Social Ethics in the Making: Interpreting an American Tradition* (Malden: Wiley-Blackwell, 2009),18f.
[12] On the social question, see Holly Case, "The ‘Social Question,’ 1820-1920," *Modern Intellectual History* 13, no. 3 (November 1, 2016): 747-775.

integrated into these new, modern institutions in some way or another.[13] Second, the emerging social sciences were seeking to analyze society to address the same social question. "Social ethics" was a title suggested by pragmatist philosopher William James to his Harvard colleague Francis Greenwood Peabody.[14] Peabody had taught the practical application of Christianity to social questions and reforms for two decades but had not landed on a name for exactly what he was doing. If Christian social ethics in the tradition of Peabody, Washington Gladden, John A. Ryan, and Walter Rauschenbusch sought to marshal social scientific "*are* statements" to realize theological and moral "*ought* statements," then contemporary social ethics is a more pluralistic realization of this task: what *ought* a society look like in its political, economic, and cultural arrangements and how might the human and social sciences further that vision?

In affirming dignity against triumphalism and skepticism, the scope of this dissertation must remain limited. This is not a work on the history of humanitarianism or the discovery of the "human," despite the importance of genetic accounts of contemporary values in socio-ethical theorizing.[15] Nor is this a work of moral theology, though theological appropriations of the conclusions reached here would be desirable. Furthermore, I refrain from formulating a supreme principle of morality capable of grounding equal dignity since such a task, even if successful, would not explain dignity's political, economic, or cultural success.[16] Finally, and most

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[13] Peter Wagner, *A Sociology of Modernity: Liberty and Discipline* (London: Routledge, 1994), 41, 49-50. The social question broke down into myriad sub-questions: the woman question, the labor question, etc.
[14] Dorrien, *Social Ethics in the Making,* 19.
[15] The reader may consult the following accounts that I have found helpful: Michael N. Barnett *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011); Fabian Klose, *In the Cause of Humanity: A History of Humanitarian Intervention in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2022); Siep Stuurman, *The Invention of Humanity: Equality and Cultural Difference in World History* (Cambridge: Harvard University Press, 2017); Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009).
[16] Alan Gewirth, for example, developed a strongly agential account of dignity based on the fact that humans pursue purposes and that this is a necessary aspect of human self-understanding. Gewirth uses this insight to argue that one cannot willfully deny that they are an agent and so have an interest in protecting their agency and that of others. See, Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978). For recent accounts attempting to ground equal human worth that are well-known in discussions of dignity, see Stephen L. Darwall, *The Second-*

importantly, this is not a work on human rights. Human dignity and rights are knitted together so snugly in founding documents and shared understanding that they are often tricky to unweave.[17] And even in this dissertation, occasionally the two will need to be spoken of together. When speaking of the familiar formulation – for example, found in the UDHR – that the dignity and worth of persons grounds equal rights and respect, I will speak of "dignitarianism." However,

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person Standpoint: Morality, Respect, and Accountability (Cambridge: Harvard University Press, 2006) and Jeremy Waldron, *One Another's Equals: The Basis of Human Equality* (Cambridge: Harvard University Press, 2017).

[17] It is impossible to overstate the amount of scholarly attention given to human rights in just the last 25 years. The following works constitute a sliver of contemporary work on human rights in law, theology, philosophy, and ethics, many of which I have consulted in the formulation and development of this project. Charles Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009); Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Costas Douzinas and Conor Gearty, *The Meanings of Rights: The Philosophy and Social Theory of Human Rights* (Cambridge: Cambridge University Press, 2014); Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (Oxford: Oxford University Press, 2017); Jan Eckel and Samuel Moyn, eds., *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014); Adam Etinson, ed., *Human Rights: Moral or Political?* (Oxford: Oxford University Press, 2018); Mark Goodale, *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey* (Stanford: Stanford University Press, 2018) and *Surrendering to Utopia: An Anthropology of Human Rights* (Stanford: Stanford University Press, 2009); James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2009); Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011); Linda Hogan, *Keeping Faith with Human Rights* (Washington: Georgetown University Press, 2015); Stephen Hopgood, *The End times of Human Rights* (Ithaca: Cornell University Press, 2013); Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2007); Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005); Steven L.B Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge: Cambridge University Press, 2016); Seth D. Kaplan, *Human Rights in Thick and Thin Societies: Universality Without Uniformity* (Cambridge: Cambridge University Press, 2018); Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge: Harvard University Press, 2014), Justine Lacroix and Jean-Yves Pranchère, *Human Rights on Trial: A Genealogy of the Critique of Human Rights* (Cambridge: Cambridge University Press, 2018); David Little, *Essays on Religion and Human Rights* (Cambridge: Cambridge University Press, 2015); James Loeffler, *Rooted Cosmopolitans: Jews and Human Rights in the Twentieth Century* (New Haven: Yale University Press, 2018); Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2012); Johannes Morsink, *The Universal Declaration of Human Rights and the Challenge of Religion* (Columbia: Columbia University Press, 2017); Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), *The Last Utopia* (Cambridge: Harvard University Press, 2010), *Human Rights and the Uses of History: Expanded Second Edition* (London: Verso, 2017), and *Not Enough: Human Rights in an Unequal World* (Cambridge: Harvard University Press, 2018); John Nurser, *For All Peoples and Nations: The Ecumenical Church and Human Rights* (Washington, DC: Catholic University of America Press, 2005); Jenna Reinbold, *Seeing the Myth in Human Rights* (Philadelphia: University of Pennsylvania Press, 2017); Boaventura de Sousa Santos, *If God Were a Human Rights Activist* (Stanford: Stanford University Press, 2015); William Schabas, ed., *The Universal Declaration of Human Rights: The Travaux Préparatoires* (Oxford: Oxford University Press, 2013); Christian Tomuschat, *Human Rights: Between Idealism and Realism,* 3rd ed. (Oxford: Oxford University Press, 2014; Andrew Vincent, *The Politics of Human Rights* (Oxford: Oxford University Press, 2010); John Witte and M. Christian Green, eds., *Religion and Human Rights* (Oxford: Oxford University Press, 2011); Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2010).

whatever the precise relation between the two, dignity here names the supreme normative significance of the human person and not the complex web of rights, duties, and obligations that may or may not follow from such significance. After all, compare the vastly different economic proposals of John Rawls' social democratic liberalism and Robert Nozick's free market libertarianism; both are dignitarian and dignitarian of the Kantian variety to boot.[18] The normative status of the person does not directly translate into concrete rights and duties without additional philosophical, moral, and religious content. In the culture wars, for example, it is theoretically conceivable and empirically observable that both pro-choice and pro-life positions on abortion can be grounded in dignity. In short, this dissertation is one account and defense of dignity juxtaposed with two other prominent approaches to dignity. The five chapters contained here develop along the following lines.

In chapter one, I recount a history of dignity from Ancient Greece to the United Nations before providing a contemporary literature review of dignity. The history of dignity covers familiar historiographical terrain but proves to be an argument in its own right. I bring two overlooked findings to the history of dignity. First, I attempt to focus on the word dignity itself, illustrating how dignity has been stretched and molded into many anthropological, philosophical, and theological shapes. One way to tell the history of dignity is to look for examples of people being treated respectfully and then write a history of respectful treatment. For example, David Bentley Hart mentions how the *Didascalia Apostolorum,* an early Christian legal treatise, required bishops to ignore a person of high social station entering a church but to go so far as to give up their own bishop's seat to a pauper who enters the church.[19] However, as

[18] Bird, *Human Dignity and Political Criticism*, 21.
[19] David Bentley Hart, "Human Dignity Was a Rarity Before Christianity," *Church Life Journal*, October 26, 2017, https://churchlifejournal.nd.edu/articles/human-dignity-was-a-rarity-before-christianity/.

powerful as this anecdote is, something is lost when we fail to note that the same early Christians would not use the word dignity to describe the ground of the pauper's worth or the basis of the respect they were owed. Focusing on the word dignity itself adds texture and nuance to contemporary usage in a way that will ultimately help to overcome dignity triumphalism and skepticism. Second, some recent scholarship argues that the contemporary usage of dignity is of recent provenance, which varies dramatically from previous classical and Christian uses of dignity. While this is substantially correct (as shown in chapter two), this historiography needs to pay more attention to the variegated Christian uses of dignity. The idea that inviolable dignity is grounded in the image of God, imbuing each person with a sacred valuation, gained prominence in the middle of the nineteenth century in various post-Kantian Biblical scholars and theologians: It is not the one perennial Christian view of human dignity. When speaking of dignity, Christianity focused more on *Adamic*, *ecclesial*, and *redemptive* aspects of human worth. Adamic dignity refers to the high standing of Adam/human nature before the fall; ecclesial dignity refers to a revamped Ciceronian civil dignity of belonging to the city of God or Catholic Church; and redemptive dignity refers to the individual soul when redeemed by Christ. Nevertheless, since dignity's heyday for political and theological theorizing was a distinctly post-war phenomenon, the historical review of dignity is then combined with more contemporary literature. The reader will leave chapter one with a nuanced, historically informed understanding of dignity and how my project stands in relation to the variegated usage of the concept.

In chapter two, I discuss dignity triumphalism, relying on paradigmatic examples by the Protestant social ethicist David Gushee and Pope John Paul II (JPII). Gushee offers a vision of dignity grounded in the sacredness of life, which he argues is primordial to the Bible and early Christian communities. Constantine and the marriage of Christianity with political power

generally tarnished the original sacredness of life ethic. For millennia, a battle ensued between Christianity's primordial sacredness ethic and the failure of Christian communities to articulate and embody that ethic. While no age was without a witness to the sacredness of human life, it was not until the twentieth century, and specifically the genocidal crimes of National Socialism, that all significant ecclesial communities returned to and made explicit this primordial sacredness ethic. I argue that Gushee may be correct about the sacredness of life on a hermeneutic level, but he needlessly burdens his account with data that try to establish the historical presence of contemporary dignitarianism in the Bible and church history. Dignitarianism is just one historical impulse within Christianity and one that required several modern developments to become fully instantiated.

JPII develops an analogous approach to dignity in his social encyclicals. For JPII, the Bible and the Christian tradition unequivocally proclaim the person's transcendent dignity. Unlike Gushee, JPII propounds a neo-intransigentist narrative about dignity, where the primary threats to dignity today are secularism, relativism, and a technocratic approach to public life.[20] Today, dignitarian values are proclaimed by modern states as they are simultaneously undermined by a culture of death. Despite significant political differences, Gushee and JPII argue that human dignity is grounded in the image of God, which endows each human person with sacred valuation – every individual is "beyond all price" in Kantian terms. Likewise, both locate certain modern developments as threats to a primordial sacredness taught by Christ and imperfectly embodied in the Christian churches.

[20] Carlo Accetti has traced the overlap between the Catholic Church's intransigentist critique of modernity after the French Revolution and the contemporary writings of popes John Paul II and Benedict XVI. See, Carlo Invernizzi Accetti, *Relativism and Religion: Why Democratic Societies Do Not Need Moral Absolutes* (New York: Columbia University Press, 2015).

In the second half of chapter two, I introduce the current historiographical trend of dignity revisionism. Samuel Moyn and others have questioned the idea that dignity is a primordial value in some of the significant traditions that claim these concepts. Instead, these scholars trace the rise of dignitarian concerns to European constitution-making in the 1930s and 1940s. They focus mainly on Roman Catholicism, yet the argument is that the rise of dignity talk was a political response to secularization and several botched attempts by the Catholic Church to ally with totalitarian states while promoting an integrally religious political order. In the name of anti-communism and the priority of true religion for a flourishing society, many Christian thinkers prioritized the person's dignity as a reaction to modernism. The "person" (distinguished from the "individual") became the site of sacred valuation as a rearguard action in an attempt to bolster a traditionalist social ethic in a world of emerging secular nation-states, democracy, and liberal freedoms. The contention, furthermore, is that this conservative and religious prioritization of dignity won the day in the 1948 UDHR, becoming the touchstone definition of dignity for many states, NGOs, and citizens. The prioritization of dignity now comes at the expense of thicker concepts such as justice or solidarity. I confirm Moyn's thesis that dignity changed meaning dramatically in the 1930s and 1940s. For example, social encyclicals released by the Vatican from 1789 to 1961 overwhelmingly used the more traditional, adjectival idea of dignity as a status concept, such as the dignity of princes, countries, clergy, workers, scriptures, and more. Dignity, by and large, was not used as a noun carrying the connotation of inviolable, personal worth. Instead, the traditional dynamics of dignity (Adamic, civic, and redemptive) prevailed. In addition, I also agree with the revisionists that the rapid adoption of dignitarian language in the middle of the twentieth century allowed dignity triumphalists to read a modern idea of dignity and the sacredness of life back into Christian history and theological motifs such

as the image of God. Against Moyn, however, I argue that the impulse to imbue the individual with a sense of sacred worth is not limited to a religious, primarily Catholic, attempt to make traditionalism palatable to modern ears. Theoretically, Moyn is reductionistic about Catholic personalism and overlooks post-Kantian trends in Protestant and Jewish theology that were thoroughly dignitarian, even if they often employed the language of "personality." Historically, Moyn downplays trends in which a negative revulsion against suffering and positive advocacy of self-realization and freedom were at work, often in opposition to the conservative Catholicism he makes foundational to contemporary dignitarianism. So, chapter two concludes that dignity as the inviolable worth of the person is a novel development and that Christianity had political reasons for redefining the traditional understanding of dignity. However, dignity revisionism leaves us with critical unanswered questions: is dignity doomed to a reactionary fate? Do political, economic, and cultural freedom and equality require an abandonment of dignity for the putatively thicker concepts of justice and solidarity?

In chapter three, the dissertation moves from history to theory and analyzes the work of two opponents of universal human dignity: Carl Schmitt and Alasdair MacIntyre. Both Schmitt and MacIntyre were selected due to their vigorous denials of contemporary post-1945 dignitarianism and the cachet each enjoys in the humanities, especially in social ethics, political theology, and political theory. Carl Schmitt offers what I call the *substantivist* critique of dignity. That is, he rejects the conclusions of dignitarian politics and social ethics. Central to Schmitt's vision is a strict partition of the political from the moral, the former signifying the friend-enemy distinction in a concrete situation, the latter signifying good or evil in normative theorizing. For Schmitt, the attempt to inject the moral into the political represents nothing more than ethico-economic Western imperialism, leading to what, in a muted pamphlet of Nazi apologetics, he

calls the "tyranny of values." Good and evil may be necessary in domestic or civil life, but not in the properly political sphere. A value like dignity would exacerbate political conflict since it refuses to name existential enemies against which the state is faced with the possibility of killing. Dignitarianism, humanitarianism, or any other internationally normative regime would make those who do not follow its creeds into outlaws of humanity, leading to the possibility of endless wars in the name of humanity against those outlaws of humanity.

Alasdair MacIntyre, by contrast, offers what I call the *formalist* critique of dignity. He does not reject many of the conclusions of dignitarianism but rather critiques the theoretical means by which dignity gained prominence and continues to shape the moral language of so much political and moral theory. In strong (though not explicit) agreement with Moyn's historiography, MacIntyre argues that dignity is a novel concept, prominent only since the 1930s. The novel understanding of dignity resulted from an incoherent process by which mutually exclusive traditions attempted to arrive at a moral agreement by ignoring or papering over the metaphysical incommensurability of those traditions. MacIntyre's claim about dignity, given in a recent paper, resembles his famous critique of natural rights in his well-known book, *After Virtue*. So, I situate MacIntyre's recent critique of dignity within his previous large-scale critiques of modern moral theory (*After Virtue)* and justice and practical rationality (*Whose Justice? Which Rationality?*). MacIntyre suggests that dignity, as a diluted moral concept of worth and respect for persons, be abandoned for the virtue of justice. In MacIntyre's traditions of neoAristotelianism and Thomism, the virtue of justice contains negative and positive ideas of what humans owe each other, making it a thicker concept than dignity, which MacIntyre finds excessively negative. In short, Schmitt advocates abandoning dignitarian conclusions in social

ethics, while MacIntyre seeks to overcome dignitarian incoherence *via* a robust conceptualization of respect and worth under the rubric of the virtue of justice.

Having discussed the historical and theoretical critiques of dignity, chapter four moves to the second of the two main objectives of the dissertation, proposing an alternative account of dignity by drawing on the work of sociologist Hans Joas. Joas offers a reading of dignity as the progressive sacralization of the person since the eighteenth century. By attaching dignity to the language of sacredness, Joas shares terminological resemblances with dignity triumphalism. However, the sacred is interpreted through a more narrowly defined Durkheimian lens. The sacred/profane dichotomy is not reducible to religious/secular or transcendent/imminent dichotomies, and so Joas opposes any form of triumphalism. To claim dignity as a direct descendent of Christianity commits several fallacies of historical and sociological reasoning. Instead, dignity develops from religious and secular positions in conjunction with societal contingency, value generalization, and the experience of violence and trauma. These processes do not represent simple hedonism or a narcissistic triumph of negative liberty. Instead, since the eighteenth century, the human person has become an increasingly intense *locus* of the sacred, an "idol" in an emerging "cult of humanity." This religion of humanity would be just as capable of grounding social solidarity as traditional, communitarian religions. Many humanitarian and later dignitarian movements of the past three hundred years gain coherence when conceived as responses to the horror and disgust aroused when a sacred object is profaned. Since, for Joas, values in general arise from experiences of self-formation and self-transcendence, dignity as a value arises just as much from negative experiences of self-transcendence (violence, victimization, and exploitation) as from rational explication of philosophy or political theory. Dignity names the sacred core of the person in an age of pluralism and contingency, where

humanity is the primary shared attribute of the global community, and yet an attribute that has often been violated in the name of particular religious, ethnic, or economic commitments.

I then situate Joas' argument for dignity as sacredness within the context of his other works – namely, his approaches to value formation, secularization, and disenchantment. Joas believes dignity is a modern value, a particular determination of what is good and evil. Since the genesis and dissemination of values are not automatic, Joas develops an account of the genesis of values from a broader concept of human experience. As hinted above, negative experiences are potent vehicles for the genesis and dissemination of values. The mid-twentieth century formalization of dignity after three centuries of humanitarian agitation and two destructive world wars begins to make sense since, on Joas' account, every value – to be efficacious – must be embedded in practices and upheld in institutions after formative moments of moral decentering and transnational awareness. In negative and positive experiences, values can gain an aura of "subjective self-evidence and affective intensity," which is what Durkheim generally meant by the sacred. Because dignity has become such a value and the human person just such a sacred object, we must finally follow Joas in troubling various accounts of secularization and disenchantment. The experience of sacredness, which arises from human action as such, is not reducible to religious/secular or imminent/transcendent dichotomies. Therefore, dignity as a sacred value of individuals and institutions need not be fatally challenged by a rise or fall in religion or particular ideas of the transcendent. Instead, for Joas, the primary threats to the sacredness of the person would be competing forms of sacralization. For example, historic sacral kingship echoed in the modern glorification of strong leaders imbues a political leader with inviolability. Additionally, the sacralization of the people imbues a particular nation, state, or *ethnos* with the aura of inviolability, glimpsed in nationalism and racism with their "self-evident"

and intensely affective notions of purity, pollution, and justified violence. Against the sacralization of the ruler or the sacralization of the people, Joas argues for the normative desirability of the sacredness of the person. A primary socio-ethical task today is the radical desacralization of political authority and a rejection of secular and religious anti-universalism in the name of human dignity.

At the end of chapter four, I respond to Schmitt and MacIntyre. Against Schmitt's claim that dignity erases the political in the name of ethico-economic imperialism, I argue that politics is always already saturated with conceptions of the sacred. The friend-enemy distinction is not a concrete reality because power-laden, value-constitutive experiences precede every concrete reality. The experience of value (and the diffusion of the sacred in myriad people, places, things, and ideas) is the condition of the possibility of interpreting any concrete situation. Therefore, a clean break between the moral and the political is unworkable. Schmitt's conceptions of sovereignty, the political, the state of exception, and the enemy are value-laden and not self-evident. Because human experience of the sacred always requires the hermeneutic tasks of interpretation and articulation, I argue that Schmitt downplays human creativity and pluralism and wrongly believes that a sovereign's decision could ever be univocally received and experienced as sacred by his subjects. Instead, I suggest that propaganda and secret police, not dignitarianism, represent the true attempt at a tyranny of values and are the logical endpoint of Schmitt's concept of the political.

Against MacIntyre, I argue that dignity was not an arbitrary way for Catholics, liberals, socialists, and conservatives to paper over their metaphysical incommensurability. Since at least the eighteenth century, societal shifts toward contingency and value generalization, paired with humanitarian repulsion toward cruelty and suffering, made dignity a non-arbitrary site to

adjudicate the normative significance of the person. Additionally, I show that MacIntyre's suggestion to abandon dignity for justice is unworkable. Like Schmitt, MacIntyre does not sufficiently account for shifting sacralization processes and how the experience of value produces but, at the same time, internally critiques tradition-bound practices and rationality. I illustrate this point by discussing Thomas Aquinas on sacrilege and political authority. Aquinas' synthesis of Aristotle and Augustine is central to MacIntyre's thought. I show that even Aquinas drew political conclusions from a particular conception of the sacred – namely, that it is a type of sacrilege for Jews and other "infidels" to hold political authority over Christians since Christians are a sanctified body through their participation in the sacraments. That few today would agree with Aquinas, I believe, shows the degree to which the sacred has migrated to the person, a process that dignity names and that justice cannot entirely capture.

Chapter five then moves to the political philosopher Judith Shklar and represents a positive contribution to social ethics in light of the preceding explication and critique of dignitarian discourse. Here, I offer a rereading of Shklar's work that extols one specific rendering of liberal democracy as a potent correlate to Joas' conception of dignity. Expressly, dignity can be understood as the progressive sacralization of the person. In that case, the political concern of one who affirms such a conception should predominantly focus on cruelty, victimization, and practices of injustice by which the powerful subject the weak. Such, roughly, is Shklar's account of liberalism. In her idea of putting cruelty first, Shklar maintains that an overriding concern for cruelty would represent a radical break from traditional morals and politics. To hate cruelty to such a point that one would even disobey God represents a radical sacralizing of the human person, one that is disgusted and enraged when the person meets with violations to their body or conscience. Shklar's liberalism of fear is a grounding for liberal democracy not based primarily

on rights or a perfectionist understanding of the human intellect but on the capacity of the powerful to be cruel, manipulative, and exploitative. The powerful want to make the weak servile and afraid, so refusing and combatting cruelty on an interpersonal and institutional basis should be the basis of liberal democratic politics. Furthermore, Shklar's later works, in which she argues for the importance of the voices of victims of injustice and equal social standing in democratic citizenship, represent an outgrowth of a conception of dignity as sacredness.

In the short conclusion to this dissertation, I gesture toward the importance of dignity in light of the inadequacy of triumphalist and skeptical portrayals. The overriding concern for dignitarian social ethics should not be knock-down arguments to convince others of dignity's universal validity. Instead, dignitarian discourse has so saturated the public conscience that, as a value, it represents what William James called a "genuine option." Our highest moral values will often be options, which is a decision between moral hypotheses that is *forced*, *living*, and *momentous*. A forced choice occurs where one must decide between alternatives, leaving no room for neutrality. In a forced choice, even the decision not to choose is a resolution of choice – the decision to get married cannot be made from a neutral ground between unmarried and married. A living choice occurs when the hypothesis is plausible to the agent. They must be able to choose the hypothesis, or it is not a real option. Finally, a momentous choice is when the decision contains significant consequences for the agent's life and destiny. The hypothesis that humans are inviolable and universal, and not fungible and comparable, I argue, represents just such a hypothesis. A decision to advocate for and treat others as deserving of equal standing and respect should cause one to take a drastically different course through the subjective, intersubjective, and objective aspects of one’s life than would otherwise obtain.

The dissertation's limited scope does not limit its significance or contribution. The interdisciplinary field of dignity is saturated. It is time to move past talking about dignity — or even more pedantically talking about the study of dignity — and onto positive proposals. My proposal is a critical Durkheimian conception of dignity used to justify and bolster an approach to liberalism that puts cruelty first and makes addressing victimization and exclusion the primary political concern. Such a combination of revisionist Durkheimian social analysis and the liberalism of fear is not a path that has been well explored, if it has been explored at all. It is a fruitful path, and I offer it to the reader. Future projects could extend the analysis to concrete questions in practical ethics, such as medicine, economics, war, and the environment.

The title of this dissertation comes from the pragmatist philosopher and social activist Jane Addams. In her autobiography, *Twenty Years at Hull-House,* Addams discusses a trip to Europe where she witnessed tremendous suffering and misery among the working class. At the same time, from the philosophical positivists, Addams had been exposed to the idea of a "hope for a 'cathedral of humanity,' which should be 'capacious enough to house a fellowship of common purpose,' and which should be 'beautiful enough to persuade men to hold fast to the vision of human solidarity.'"[21] Later, she defined a Cathedral of Humanity as the attempt “to include all men in fellowship and mutual responsibility even as the older pinnacles and spires indicated communion with God."[22]

Addams would call her youthful notebook “smug” and some of this writing “girlish.”[23] In addition, Addams' career as a settlement house founder, social worker, and peace activist has

[21] Jane Addams, *Twenty Years at Hull-House* (New York: Penguin Books, 1981), 71.
[22] Addams, *Twenty Years at Hull-House,* 114.
[23] Ibid, 71, 114.

been downgraded as paternalist and bourgeois.[24] While some of this criticism is overblown, and Addams' commitment to forming democratic citizens is laudable, the phrase raises a question. Is there another way to read the phrase "Cathedral of Humanity," which is not tied to paternalist and positivist visions of the triumph of late nineteenth-century bourgeois values? This dissertation proffers an affirmative answer. By reading the sacred undertones in the phrase “Cathedral of Humanity” in a more sociologically nuanced and politically realist direction, I offer a socio-ethical account of human dignity as the sacredness of the person in politics, economy, and culture.

[24] Gary Dorrien provides a balanced overview of the reception of Jane Addams in social ethics and feminist philosophy. See Dorrien, *Social Ethics in the Making,* 168-85.

Chapter One: Dignity – Then and Now

1.1 Dignity in Historical Context

Dignity changed its meaning in the middle to the end of the nineteenth century. Dignity carried the idea of rank, nobility, or gravity. Thomas Hobbes in *Leviathan* (1651) defined dignity as "the publique worth of a man, which is the Value set on him by the Common-wealth…. And this Value of him by the Common-wealth, is understood, by offices of Command, Judicature, publike Employment; or by Names and Titles, introduced for distinction of such Value."[25] Dignity was equated with an individual's value or worth, which in turn were parceled out by office, role, name, and title. Compared to adjectives like inalienable or inviolable found in modern state constitutions, the older use of dignity is better characterized by words such as extrinsic, acquired, partial, or a matter of degree.

The age of revolutions did not single-handedly produce the shift in the meaning of dignity, nor was the contemporary use of dignity reasoned into existence by Immanuel Kant or now-famous works such as Giovanni Pico della Mirandola's *Oration on the Dignity of Man* or Cicero's *De Officiis*. Dignity in the contemporary sense is only tangentially related to the Roman use of *dignitas*. However, the current use of dignity is not unrelated to these earlier conceptions. The above claims about Enlightenment, Renaissance, or Roman provenance are platitudes and cliches, not total fabrications. Instead of the search for the historical moment or writer most responsible for the contemporary sense of dignity, what follows aims to pull out the various usages of dignity, all of which remained in constant usage until the contemporary sense gained such prominence that the older usages of dignity as meritocratic, civic, or personal comportment began to sound antiquated.

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[25] Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1996), 63-4.

The Greek *axios* (worth) anticipates a later idea of dignity. Nevertheless, Homeric society, defined as it was by offensive wars, pillage, and slavery, offers a brutal casting of dignity as personal, meritocratic, and local — an accomplishment gained through victory. For example, in the *Iliad*, Achilles is faulted for not stopping and allowing Hector to be buried, which for some constitutes Priam's and the gods' recognition of Hector's worth. Hector's worth is not inherent, transcending his military valor and value to Troy, but attributable to it.[26] As Josiah Ober remarks, in Homeric times, "establishing and preserving my dignity is ultimately my own responsibility," a point that explains the rivalry and seemingly universal violence in this age.[27] Following the 508 BCE Athenian Revolution, dignity shifted from purely meritocratic to civic.[28] No longer the sole province of the battle-tested individual, dignity could also signify the standing of citizens in a *politeia*. The dignity of a free Athenian male corresponded with the rise of Athenian democracy (from which women, foreigners, children, and enslaved persons were excluded) and the complex legal, political, and ritual-cultural rights granted to and demanded by these free citizens. Meritocratic ideas of high birth, beauty, and manliness took a democratic turn and were combined with terms such as liberty and equality. Meritocratic dignity was not abandoned but ought to be restrained in light of civic dignity, with patronage, gifts, and a baseline of respect trickling down to other free male citizens. Just as in the French Revolution, civic dignity was established by one group against a historically privileged group through the development of novel political and legal mechanisms.

[26] Patrice Rankine, "Dignity in Homer and Classical Greece," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), 22-23.
[27] Josiah Ober, "Meritocratic and Civic Dignity in Greco-Roman Antiquity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 53-63.
[28] The remainder of this paragraph is indebted to Ober, "Meritocratic and Civic Dignity in Greco-Roman Antiquity," 58ff.

In Latin, the noun *dignitas* and adjective *dignus* have myriad meanings, and the extent of the influence of even the greatest Roman authors, such as Cicero, is an open question, complicated by the tendency to read Roman writers through a later moralized conception of the term. *Dignitas* is remarkable not for being rare but for how common it was. According to Bonnie Kent, *dignitas* "was an ordinary Latin word with a wide range of meanings, including a purely aesthetic one, so that people spoke of the *dignitas* of speeches, poems, and buildings as well as the *dignitas* of God, angels, and humans."[29] Tracing a history of *dignitas* would be like trying to account for using the word good (*bonum*) in Latin – an unwieldy and chaotic task. Nevertheless, in the political and civic spheres, *dignitas* was the standing, rank, office, or status within a community. Also, dignity "includes the idea of worthiness and the respect inspired by that worthiness," making dignity heritable and alienable.[30] There was connection between *dignitas* and *decus*, or honor and seemliness; for example, Cicero in *De Officiis* remarks a man's dignity can be enhanced by his complexion or the house he lives in, though is not entirely secured by these things.[31] Nevertheless, Cicero hints at a dignity common to all humans when he speaks of the "superiority and dignity of our nature" that should keep humans from excess and luxury and instead committed to "thrift, self-denial, simplicity, and sobriety."[32] Yet, appeals to human dignity remained a minority stream even within Stoicism. It was later Renaissance authors, early

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[29] Bonnie Kent, "In the Image of God: Human Dignity after the Fall," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), 78.
[30] Miriam Griffin, "Dignity in Roman and Stoic Thought," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), 50.
[31] M. Tullius Cicero, *De Officiis*, trans. Walter Miller (Cambridge: Harvard University Press, 1913), 1.130, 139.
[32] "And if we will only bear in mind the superiority and dignity of our nature, we shall realize how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and how right it is to live in thrift, selfdenial, simplicity, and sobriety [*Atque etiam si considerare volumus, quae sit in natura excellentia et dignitas, intellegemus, quam sit turpe diffluere luxuria et delicate ac molliter vivere quamque honestum parce, continenter, severe, sobrie*]." Cicero, *De Officiis,* 1.106. For commentary on this passage, see Hubert Cancik, "'Dignity of Man' and 'Persona' in Stoic Anthropology: Some Remarks on Cicero, De Officiis I, 105–107," in *The Concept of Human Dignity in Human Rights Discourse* (Leiden: Brill/Nijhoff, 2001), 19-39.

modern natural law theorists, and the work of Immanuel Kant that allowed this minority strand in Cicero and Seneca to take on a new role. How Stoic anthropology in its own time relates to contemporary dignity is not transparent. First and foremost, Stoics considered material things as *indifferens* and dignity as pertaining to a person's role or capacities, whereas the later use of dignity is meant to apply to those on the receiving end of actions and what they are owed (including material aid).[33]

For Greeks and Romans, "dignity meant, figuratively and literally, holding one's head up in the company of others and being properly acknowledged by them."[34] The antithesis of dignity was not rights abuses but humiliation and infantilization. The free man who was subjected to another man's whims had lost his dignity; conversely, the group of free men who rose and established legal, political, and cultural procedures of equality achieved their dignity.[35]

During the establishment of Athenian democracy, the Israelites underwent the Babylonian exile and subsequent invitation back to the Holy Land by the Persian King Cyrus. The contemporary Hebrew term for human dignity – *kevod ha-adam* – is mostly absent from the Tanakh and classical Jewish sources.[36] However, the root term – *kavod* – for dignity is found hundreds of times in the Hebrew Bible, carrying connotations of glory, weight, gravity, substance, and honor. Additionally, there are sporadic connections between the intrinsic worth of humanity and the *Tzelem Elohim* (image of God). In creating humanity in God's image, fashioning a royal icon on earth as in heaven, Moshe Weinfeld finds "a democratization of an

[33] Martha Nussbaum offers this critique in a fuller discussion of Stoic anthropology and dignity. See, Nussbaum "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Journal of Political Philosophy* 8 (2000): 176-206.
[34] Ober, "Meritocratic and Civic Dignity in Greco-Roman Antiquity," 53.
[35] Ibid, 53-54.
[36] The following paragraph is heavily indebted to Yair Lorberbaum, "Dignity in the Jewish Tradition," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 135-44.

idea that had previously been applied to the king alone."[37] In Israel, there emerged an explicit universalization and ethicization of the image, as in Genesis 9:6, which states that "whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made He man." Connecting the image of God with the value of the body became fundamental to modern Judeo-Christian conceptions of dignity, even though the concept "almost disappears" from the Hebrew Bible after Genesis, only to be given new life in classical Rabbinic literature of the first three centuries of the common era.[38] The belief in the value of human life manifested in the prohibition of executions that mutilate the body, such as stoning, burning, or hanging. These forms of execution "were conceived by the early rabbis in a way which refrains from harming the condemned person's body," and which would *de facto* abolish capital punishment in Judaism despite the plain words of the Torah.[39] Nevertheless, there are many variations upon the *Tzelem Elohim* in Talmudic sources, and later philosophers such as Maimonides dissented from a primary Rabbinic reception of *Tzelem Elohim* and identified the image with rationality. Maimonides, therefore, sanctioned capital punishment, as the failure to live rationally implies the loss of the image.

At this point, it would be an anachronism to argue that Christianity emerged and synthesized a Roman-Stoic conception of universal *dignitas* with the Jewish conception of *Tzelem Elohim.* Patristic and medieval authors did not have a uniform conception of *dignitas* or the image of God. Because of the malleability of *dignitas*, patristic and medieval writers applied it everywhere: "God or Christ, the angels, Christ's followers, or kings, bishops, priests… people with special offices….the soul, various powers of the soul, or different virtues or gifts of the

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[37] Moshe Weinfeld quoted in Lorberbaum, "Dignity in the Jewish Tradition," 137.
[38] Lorberbaum, "Dignity in the Jewish Tradition," 141.
[39] Ibid, 138.

Holy Spirit."[40] Brian Copenhaver adds to this list, drawing from Pope Leo I: "Besides the papal office, other things that have this feature are virtues, martyrdom, feast days, rites, the name 'Christian' itself, and the place (much disputed) of the Holy Spirit in the Trinity."[41] Improper handling or service to these objects and concepts would constitute an indignity, lowering, or profanation: for example, when Jews read and interpreted scripture.[42] Despite the omnipresence of dignity, Bonnie Kent finds that "very few works expatiate on some dignity that all people have just because we are human, or because humans are created in God's image."[43] What consistent usage we do find aims to depict a cosmology in which humans are one part of an ordered hierarchy, stationed on a continuum between nothingness and God. Depending on the author, *dignitas* takes different shape, but it often had three meanings when applied to humanity. First, dignity could name the high standing of Adam or human nature before the fall; I call this prelapsarian high-standing Adamic dignity. Second, dignity might name the prestige – eternal, if not temporal – of belonging to the city of God or the Catholic Church; I call this ecclesial dignity. Third, dignity could also name the value of the individual soul Christ has redeemed; I call this redemptive dignity.

For Clement of Alexandria, the erect nature of humans is contrasted with "life which crawls on its belly," a life "destitute of dignity."[44] The less one acts like an animal – like a sparrow feeding or goat in lechery – the more one rises to the divine. In Tertullian, while Christians excel in dignity among all people (a station confirmed by enduring faithfully to God

[40] Kent, "In the Image of God: Human Dignity after the Fall," 73.
[41] Brian Copenhaver, "Dignity, Vile Bodies, and Nakedness: Giovanni Pico and Giannozzo Manetti," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), 152.
[42] Copenhaver, "Dignity, Vile Bodies, and Nakedness," 152.
[43] Kent, "In the Image of God: Human Dignity after the Fall," 73.
[44] Clement of Alexandria, *The Instructor,* trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers,* vol. 2 (New York: Charles Scribner's Sons, 1913), 280.

until death), everything has a dignity.[45] Evil, for instance, has a dignity "in being stationed at the summit…of the superlatively bad."[46] In Origen, humans cannot debase themselves to such an extent that the soul forgets its "rational nature and dignity," becoming like irrational animals. Remarkably, Origen connects this premise with a purgative idea of hellfire, *theosis*, and the image of God: "Now the expression, 'In the image of God created He him'… conveys no other meaning than this, that man received the dignity of God's image at his first creation."[47]

While Augustine's belief that original sin damns unbaptized babies is a rather brutal example of Adamic dignity, he also mobilized Ciceronian civic dignity in a consequential direction for Christianity, constituting what I call ecclesial dignity. For Augustine, the *civitas dei* is defined by the worship of God at the expense of man, while the *civitas terrena* is defined by the opposite. When comparing the two cities, the *civitas dei* is the "other and true city in which citizenship is an everlasting dignity."[48] Thus, true dignity is found in a change of citizenship from one *civitas* to the other. However, this emigration of Christian pilgrims will be analogical until the eschaton since, for Augustine, all currently abide together in a *civitas permixtae*.[49] Such a framework allows Augustine to brilliantly transvalue dignity and critique Roman imperialism:

> For I do not see what it makes for the safety, good morals, and certainly not for the dignity, of men, that some have conquered and others have been conquered, except that it yields them that most insane pomp of human glory, in which they have received their reward, who burned with excessive desire of it, and carried on most eager wars.[50]

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[45] Tertullian, *The Prescription Against Heretics*, trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers,* vol. 3, ed. Alexander Roberts and James Donaldson (New York: Charles Scribner's Sons, 1918), 244.
[46] Tertullian, "On Modesty," trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers*, vol. 4 (New York: Charles Scribner's Sons, 1913), 78.
[47] Origen, *De Principiis,* trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers*, vol. 4 (New York: Charles Scribner's Sons, 1913), 344-5.
[48] Augustine, *City of God*, trans. Marcus Dods, in *Nicene and Post-Nicene Fathers*, First series, vol. 2, ed. Philip Schaff (Buffalo: Christian Literature Publishing Co., 1887), III.17.
[49] For more on the relation between the three cities, see James Wetzel, "A Tangle of Two Cities," *The Saint Augustine Lecture*, YouTube video, accessed December 26, 2023, https://www.youtube.com/watch?v=7ZVvQcwAw6A.
[50] Augustine, *City of God,* V.17.

The honor of Rome is "smoke which has no weight."[51] By contrast, citizens are gathered into the city of God not through conquest but through the remission of sins. John Chrysostom also stresses ecclesial dignity in his *Instructions to Catechumens*:

> For I know, I know clearly, to how great an honour you are about to be led, and to how great a dignity; and those who are about to receive dignity, all are wont to honor, even before the dignity is conferred, laying up for themselves beforehand by their attention good will for the future….For you are not about to be led to an empty dignity, but to an actual kingdom: and not simply to a kingdom, but to the kingdom of the Heavens itself.[52]

Leo the Great argued that the dignity of human nature was lost in Adam, and with a shift to *redemptive dignity* shows that dignity can only now be found in Christ. "Christian, acknowledge thy dignity, and becoming a partner in the Divine nature, refuse to return to the old baseness by degenerate conduct. Remember the Head and the Body of which thou are a member."[53]

As is usually a reasonable assumption, Thomas Aquinas' discussions of dignity in his *Summa Theologica* are expansive and nuanced. Pausing to examine Aquinas on dignity will offer several benefits for what follows. First, with unmatched precision, Aquinas draws on *Adamic*, *ecclesial*, and *redemptive* strands of dignity. Thus, Aquinas' use of dignity summarizes the common Western use of the term until the nineteenth century. Second, Aquinas plays a significant role in twentieth-century Catholic personalism and the writings of Alasdair MacIntyre, both of which we discuss later in this dissertation.

[51] Ibid.

[52] John Chrysostom, *Instructions to Catechumens*, in *Nicene and Post-Nicene Fathers*, First Series, Vol. 9, ed. Philip Schaff (Grand Rapids: Eerdmans Publishing, 1956), 159.

[53] Leo the Great, *Sermon 21*, in *Nicene and Post-Nicene Fathers*, Second Series, Vol. 12, eds. Philip Schaff and Henry Wace (Buffalo: Christian Literature Publishing Co., 1895), 129.

Dignity in Aquinas names rank or status within a specific order or institution. The orders in which things or persons have dignity are metaphysical, cosmological, civil, theological, and ecclesiastical. So sacred science is of a higher dignity than other sciences because it comes from the authority of revelation, not human intellect.[54] In God's goodness, and not from necessity, God chooses to govern the universe through intermediary causes, which gives dignity to creatures — and especially to humans — who are causes in their own right**.**[55]

Dignity is also central to Aquinas's definition of a person. A *persona* is what "is most perfect in all nature — that is, a subsistent individual of a rational nature."[56] A person, a term originating in "famous men [who] were represented in comedies and tragedies," is a hypostasis, or underlying reality, "distinct by reason of dignity."[57] Subsisting in a rational nature, therefore, "is of high dignity" and "every individual of the rational nature is called a 'person.'" The divine nature, infinitely exceeding the dignity of human nature, is therefore the pre-eminent "person" (or persons) since it subsists in a rational nature to a superior degree.[58]

These definitions ripple through the *Summa.* In a cosmological context, spiritual nature is of higher dignity than corporeal nature,[59] the primeval state of innocence is of higher dignity than a state of corruption,[60] and the dignity of humans is midway between the angels and God.[61] In the anthropological context, the dignity of the soul is midway between the body and God, not to

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[54] Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province, I[a] q. 1 a. 8 ad 2.
[55] I[a] q. 22 a. 3 co.
[56] I[a] q. 29 a. 3 co.
[57] Also, in III[a] q. 2 a. 3 co. Aquinas defines a *persona* as a "hypostasis distinguished by a property pertaining to dignity."
[58] I[a] q. 29 a. 3 ad 2.
[59] I[a] q. 67 a. 4 co.
[60] I[a] q. 96 a. 4 s. c.
[61] III[a] q. 6 a. 1 co.

mention the superior dignity of humanity to the other animals.[62] What is notable in the *prima pars* is that dignity plays little role in Aquinas' most extensive discussion of the image of God.[63]

Dignity is present more in legal, civil, theological, and ecclesiastical contexts since each deal with the proper or improper ordering of dignities. In law and justice, there are questions of what people owe to one another and to God. In theology, there are questions about how the dignity of Christ and the divine nature could take on the lower dignity of human nature in a fallen state.

To begin, Aquinas discusses how a person can fall under different laws and, therefore, different dignities.[64] When a soldier is released from the military law, he changes his dignity and falls under a different law, namely that of rural or mercantile law. An analogous logic is at work concerning the Divine law. There is a Divine law that rules and measures and humans' proper participation in this law is to live in accordance with reason. When humans turn away from God and deviate from reason, they fall under sensual impulses and are deprived of their proper dignity under the Divine law and now participate in the (in)dignity of the law of sin. Through grace, one becomes worthy again of divine favor, and this newfound worthiness reestablishes dignity.

Furthermore, dignity is discussed frequently within the virtue of justice. Justice is "a habit whereby a man renders to each one his due by a constant and perpetual will,"[65] divided between commutative and distributive justice, the former directing the "mutual dealings between two persons" and the latter directing "the community in relation to each single person."[66] Within commutative justice, offenses against a person can be against their substance or dignity.

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[62] Ibid.
[63] I^{a} q. 93 a. 1-8. Aquinas refers once to a natural dignity (*dignitatem naturae*) that is involved in the idea of an image. See, I^{a} q. 93 a. 2 ad 2.
[64] I^{a}-IIae q. 91 a. 6 co.
[65] II^{a}-IIae q. 58 a. 1 co.
[66] II^{a}-IIae q. 61 a. 1 co.

Examples of acts against the substance of the person would be murder, assault, and false imprisonment; examples of offenses against the dignity of the person would be whatever deprives a man of "his good name," such as gossip, slander, false accusations, or public insult.[67] Distributive justice is broader, however, "allotting various things to various persons in proportion to their personal dignity"; that is, distributive justice does not consider persons but causes.[68] For example, a professor should be promoted because of her knowledge, not because of who she knows or how much money she has. Knowledge here would be her personal dignity.

However, some of Aquinas' most quoted passages in contemporary moral theology lie in his explanations of forms of civil injury. In defending the lawfulness of killing sinners, Aquinas states,

> By sinning man departs from the order of reason, and consequently falls away from the dignity of his manhood, in so far as he is naturally free, and exists for himself, and he falls into the slavish state of the beasts, by being disposed of according as he is useful to others….Hence, although it be evil in itself to kill a man so long as he preserve his dignity, yet it may be good to kill a man who has sinned, even as it is to kill a beast. For a bad man is worse than a beast, and is more harmful, as the Philosopher states.[69]

Within the context of the preceding points about dignity, the meaning of this passage is transparent. Since a person is a "hypostasis distinguished by a property pertaining to dignity," and humans subsist in the high dignity of a rational nature, then turning away from that dignity by following the sensual impulses of the law of sin constitutes a departure "from the dignity of…manhood." Therefore, it is no coincidence that in the preceding article, Aquinas answered that killing animals or plants is not a sin. The civil death penalty is not recommended for every injury or crime, just as the spiritual death penalty of excommunication is not recommended for

[67] IIª-IIae q. 61 a. 3 co.
[68] IIª-IIae q. 63 a. 1 co.
[69] IIª-IIae q. 64 a. 2 ad 3.

every spiritual offense. Nevertheless, vital for our purposes is the point that dignity is a matter of degree in the civil sphere.

Likewise, dignity is a matter of degree in the ecclesiastical sphere. In discussing the recovery of virtue in the act of penance, Aquinas argues that by sinning, humans lose dignity with respect to God and the Church. Concerning God, a person loses the dignity of being "counted among the children of God" and the dignity of innocence.[70] The former is a station that can be fully recovered. In contrast, the latter cannot, though the loss of innocence may have its peculiar gains after penance.

Just as people can lose dignity in a variety of spheres, stations, roles, and offices (e.g. fathers in a family, sailors on a ship, governors in civil matters, commanders in an army, professors in a university), so also the demands of justice place expectations on how people ought to act in relation to dignified persons and offices. Nobody, for example, should attempt to achieve a higher dignity by improper means, such as an ecclesiastical office through simony.[71] Furthermore, any inordinate desire for a position of dignity would constitute either the sin of ambition or presumptuousness.[72] In his thoroughness, Aquinas even expounds on observance, the special virtue of how "worship and honor are paid to persons in positions of dignity."[73] In discussing the virtue of observance, Aquinas utilizes dignity language more than anywhere else.

Finally, dignity language is also prominent in theological questions about the incarnation, emphasizing Adamic and redemptive dignity. Human dignity is one reason God became human.[74] Nevertheless, humanity is also mired in sin. Thus, the incarnation is fitting on account

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[70] III[a] q. 89 a. 3 co.
[71] II[a]-IIae q. 100 a. 5 ad 3.
[72] II[a]-IIae q. 131 a. 2 ad 2.
[73] II[a]-IIae q. 102 a. 1 co.
[74] III[a] q. 1 a. 2 co.

of humanity's dignity and need. To take the form of an animal would not be fitting because animals lack the dignity of rational nature, while to take the form of an angel would not be fitting since angels lack need.[75]

Because of Christ's hypostasis as the Word, His human nature "has a greater dignity than ours," leading to the necessity to be born without original sin.[76] This logic leads to far-reaching conclusions that may sound bizarre to modern ears. For example, one reason Christ must have been born of a virgin is because it would violate God the Father's dignity if Christ had an earthly father. More understandably, the Eucharist has the highest dignity of all the sacraments because Christ is fully present there.[77]

In Aquinas, therefore, dignity is a relational concept of ordering, not necessarily attached to time or space. The angels do not lose dignity when they leave the empyrean heaven, nor does a king when he is not sitting on the throne.[78] Below, we will, utilizing this discussion, have reason to disagree with some contemporary commentators about Aquinas on human dignity.

Whether fairly or unfairly, several prominent Italian humanists of the fourteenth and fifteenth centuries believed Scholasticism had become a dry approach to the spiritual life, unfit for an urbanizing and commercial society. They were concerned with a passionate Christian life. In the place of sprawling systems, they centered discourse, seeking to merge form and style they found more prominent in Greco-Roman antiquity. Conversely, Scholasticism was an empty form, lacking style, grace, and passion.[79] There was a rise in anti-Aristotelian concerns, where philosophical nominalism merged with the more voluntarist aspects of Augustinian thought and

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[75] III[a] q. 4 a. 1 co.
[76] III[a] q. 2 a. 2 ad 2.
[77] III[a] q. 82 a. 1 co.
[78] I[a] q. 112 a. 1 ad 2.
[79] The remainder of the paragraph is indebted to Charles Trinkaus, *In our Image and Likeness: Humanity and Divinity in Italian Humanist Thought* (Chicago: University of Chicago Press, 1970) vol. 1.

the patristics. They were concerned with the distinction between God's absolute and ordained power and prioritized the human will in grounding human freedom and a Christian life in the face of natural philosophy and astrology.

If the classical and Christian traditions are tempting places to look for a precursor to contemporary dignity for some, for others the Renaissance is the ground from which contemporary dignity sprung. In less responsible guises, Renaissance humanism emphasizes the individual and is therefore portrayed as a precursor to secular, liberal humanism.[80] Such trends are countered both by pointing to the overwhelming religiosity and theological concerns of the humanists and also the precursors to any prioritization of the human found in the Renaissance, such as in late-medieval mysticism and Meister Eckhart's influential concept of the *homo divinus*.[81]

The Renaissance humanists produced a series of tracts dedicated to the dignity of man that can help us track any changes to the meaning of dignity: Petrarch's *De viris illustribus*, Bartolomeo Facio's "On the Excellence and Preeminence of Man," Giannozzo Manetti's *De dignitate et excellentia hominis*, and most famously Giovanni Pico della Mirandola's *Oration on the Dignity of Man*.[82] Three historical factors help to contextualize these works. First, these tracts work with Roman, specifically Ciceronian, definitions of dignity as excellence, rank, and

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[80] Piet Steenbakkers, "Human Dignity in Renaissance Humanism," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 85-86. The classic statement of the Renaissance as the fount of modern individuality is Jacob Burckhardt, *The Civilisation of the Renaissance in Italy*, trans. S. G. C. Middlemore (London: Penguin Books, 1990). A classic rejoinder to Burckhardt, which portrayed the Renaissance as a continuation or "waning" of the medieval tradition, is Johan Huizinga, *The Waning of the Middle Ages: A Study of the Forms of Life, Thought, and Art in France and the Netherlands in the Fourteenth and Fifteenth Centuries,* trans. F. Hopman (Middlesex: Penguin Books, 1968).
[81] Dietmar Mieth, "Human Dignity in Late-Medieval Spiritual and Political Conflicts," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 76-77. Vittorio Hösle also places Eckhart (and Nicholas of Cusa) at the foundation of modern critical philosophy. See, Vittorio Hösle, *A Short History of German Philosophy*, trans. Steven Rendall (Princeton: Princeton University Press, 2016). 13-28.
[82] This paragraph is indebted to Steenbakkers, "Human Dignity in Renaissance Humanism," 86-92.

personal comportment. Second, at the end of the eleventh century, Pope Innocent III had written an influential tract on the misery of the human condition, a veritable cornucopia of misanthropic points about the badness of human life. Innocent III was supposed to follow up with a tract on the dignity of the human condition but never got around to it. Several humanist reflections on human dignity, written a few hundred years later, were penned as attempts to provide this missing tract. However, they were now equipped with a renewed commitment to classical sources. Third, the eventual influence of Marsilio Ficino's neo-Platonic revival on Pico della Mirandola's *Orations*. In these tracts, humans were created as the midpoint of the world, made to appreciate the beauty of creation, and rise beyond creation through the intellect.

From a historiographical perspective, no tract rises to the prominence of Pico della Mirandola's *Orations on the Dignity of Man,* lauded as a founding text of contemporary dignity. However, the reason for this contemporary prestige is the inconvenient point that in the nineteenth century, Immanuel Kant would connect the German *würde* with the Latin *dignitas*, a move followed by Wilhelm Tennemann in his translation of Pico, where *dignitas* was read in a thoroughly Kantian sense.[83] Choosing *würde* to translate *dignitas* in Pico was momentous, even though nothing calls for this specific translation.[84] In line with Roman and classically Christian conceptions, Pico's dignity was "many-splendored," and "its core was pragmatic and political, with allowances for social, moral, rhetorical, and aesthetic needs. Status, office, rank, and socioeconomic resources were often in play."[85]

In Pico, just as in the earlier humanists so ably expounded on by Charles Trinkhaus, the attempt to provide a more optimistic account of human dignity was a commitment to the

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[83] Copenhaver, "Dignity, Vile Bodies, and Nakedness: Giovanni Pico and Giannozzo Manetti," 130.
[84] Ibid, 136.
[85] Ibid, 147-8.

Christian vision, not a defiant stand against it.[86] However, one unintended result of the newfound prioritization of the freedom of the will and self-determination was a genuine downplaying of original sin and human wretchedness. Emphasizing God's divine image in the soul, the ability of the intellect to transcend the creation, and human creativity released novel anthropocentric impulses. Nevertheless, while the Renaissance was innovative, the actual explication of humanity was a more optimistic version of the Roman-Christian idea of human dignity as the rational crown of creation and a task to be performed. As Piet Steenbakkers says, the famous Renaissance tracts "conceived of dignity as a feature shared by all human beings, but for them, this did not imply that all were entitled to inalienable human rights – rights that can be claimed merely by dint of being human."[87] Dignity was a cosmological rank and an anthropological task, which, if not embraced and fulfilled, could lead one to lose dignity forever by damnation. In addition, instead of embracing corporeality in its fulness, the body was often seen as a danger and potential disgrace: passions, desires, and the flesh schemed to destroy the potential dignity that is realized in union with Christ.

Dignity could be understood pessimistically (as lost in sin) or more optimistically (as a path to the divine via creativity and inventiveness). However, the explicit connection of dignity with civil or political equality was a rarity, mainly because the primary question about human dignity was whether it could be lost. The standard position separated the dignity of creation as a whole – or creation before the Fall – from human nature in its sinful condition. Thus, humanist texts jockeyed back and forth between Adamic and redemptive dignity, and the tension between these traditional conceptions of dignity would grow in tension in the age of European expansion and colonialism.

[86] Mieth, "Human Dignity in Late-Medieval Spiritual and Political Conflicts," 74.
[87] Steenbakkers, "Human Dignity in Renaissance Humanism," 92.

In developing the *ius gentium,* the canonistic schools of Bologna and Padua connected human dignity to "a special kind of rights," such as in Marsilius of Padua's questioning of the justification of state authority.[88] When the Council of Constance debated whether it was justifiable to war against pagan nations or whether common political and moral standards applied to all, one influential interpretation of the *Decretum Gratiani* maintained that rights were exclusively Christian rights, which nullified *ius ad bellum* against heathens and justified enslavement of the conquered. A century before the influential Salamancan school, Paulus Wladimiri from the Cracow Academy argued against this received opinion of the Decretals, maintaining that Christian and non-Christian lands should coexist under common law and shared rationality. This impulse was contravened in Pope Alexander VI's bull *Inter Cetaera*, which granted King Ferdinand II and Queen Isabella I the right to disenfranchise Indian land in South America, ultimately launching the voyage of Christopher Columbus. According to Dieter Mieth, "In strong contrast to Wladimiri's arguments, the bulls of later Popes such as Nicholas V and Alexander VI allowed slavery, without even referring to the School of Padua or its continuation in the Cracow Academy."[89]

European colonizers, of course, did not "discover" the Americas.[90] However, instead of a narrative of colonizers forsaking a perennial Christian vision of dignity and common humanity, the colonial encounter is more accurately read as the triumph of one well-established tradition of Christian rights and dominion against others.[91] When King Charles I organized a formal debate

[88] This paragraph follows closely Mieth, "Human Dignity in Late-Medieval Spiritual and Political Conflicts," 77ff.
[89] Ibid, 83.
[90] Nevertheless, Europeans did discover an idea of "discovery," which would have consequential intellectual effects. See David Wootton, *The Invention of Science: A New History of the Scientific Revolution* (New York: Harper, 2015), chp. 3.
[91] For example, the right to conquest and dominion could be cemented by dividing the world into those who were living in the order of grace against those who were not. See, Anthony Pagden, *Lords of All the World: Ideologies of Empire In Spain, Britain and France c.1500-c.1800* (New Haven: Yale University Press, 1995), 47-8, 75.

on the humanity of the Indians in Valladolid, Spain, in 1550, the contest pitted the Juan Gines de Sepulveda against fellow Dominican Bartolome de Las Casas. Aristotle's idea of natural slaves dominated the debate, which de Las Casas argued against. Las Casas is often commended for his influence on Pope Paul III's *Sublimis Deus,* which "established the status of the indigenous peoples as rational beings, who were not to be enslaved, were to be recipients of the Catholic faith and capable of the possession of private property."[92] Nevertheless, the natives were still considered barbarians if they did not accept Christianity, and what was never in question was the right of priests to evangelize freely.

Amid colonial encounters and the nascent development of international jurisprudence, the Reformation swallowed Europe. According to the eminent Lutheran theologian Oswald Bayer, Martin Luther developed an anthropology that grounds human dignity in the image of God, exemplified in his late *Disputation Concerning Man* (1536).[93] Humanity's superiority arises from its rational nature, a supremacy maintained even after the Fall. Luther stresses the "dominion" of man, who is a "god" compared to the other animals, a point on which theology and philosophy can agree.[94] Philosophy, however, cannot dependably locate the efficient, formal, or final causes of humanity, which require knowledge of God and an idea of the soul. Philosophy is "fragmentary, fleeting, and exceedingly material," failing to recognize that humanity is made in the image of God.[95] Bayer, however, overstates his case when he says that in Luther, "the dignity

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[92] Lars Kirkhusmo Pharo, "The Council of Valladolid (1550–1551): A European Disputation About the Human Dignity of Indigenous Peoples of the Americas," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 97.
[93] Oswald Bayer, "Martin Luther's Conception of Human Dignity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 97.
[94] Martin Luther, *The Disputation Concerning Man* (1536), in *LW* 34:137.
[95] Ibid, 138.

of human beings is conferred and guaranteed only by the triune God."[96] This verbiage proves equivocal and can turn into a subtle sleight of hand. For Luther, human life is simple material for God to work upon in recreating a fallen world; God does not respect human dignity in general.

After the Fall, all are equal in their need for justification and consequently have the free will to choose Christ, the sufficient source of justification. "That the whole man and every man," Luther remarks, "whether he be king, lord, servant, wise, just, and richly endowed with the good things of this life, nevertheless is and remains guilty of sin and death, under the power of Satan."[97] Thus, as we read elsewhere, God "respecteth not the dignity of the person or his works."[98] Consequently, human life, constantly moving further into sanctification or pollution, is now "simple material" for the future life that God will recreate.[99] The shame of human indignity is so great as to be inscribed on bodies and clothing. Luther argues that nakedness was the body's greatest glory before the Fall. However, after the Fall, animals can now roam around naked, while for humans to do so would be the greatest indignity: "For by the same sin and ruin, we have also lost the original dignity of our bodies: so that now, it is the extreme of baseness to be seen naked."[100] In line with many authors we have examined, the fall from grace is also a fall from dignity, manifesting in a radical leveling downward of humanity. After the Fall, the Christian alone has a "lofty dignity" that cannot be comprehended, and God's grace in Jesus Christ shines brighter since He took on indignity.[101] There is a transfer in justification not only of righteousness but also of the dignity resulting from righteousness. So much so that in Luther's

[96] Bayer, "Martin Luther's Conception of Human Dignity," 103.
[97] Luther, *The Disputation Concerning Man* (1536), in *LW* 34:139.
[98] Martin Luther, *The Creation: A Commentary on the First Five Chapters of the Book of Genesis,* trans. Henry Cole (Edinburgh: T. & T. Clark, 1858), 355.
[99] Luther, *The Disputation Concerning Man* (1536), in *LW* 34:139.
[100] Luther, *The Creation,* 189.
[101] Martin Luther, "The Freedom of a Christian," in *Three Treatises from the American Edition of Luther's Works*, trans. W.A. Lambert (Philadelphia: Fortress Press, 1970), 291.

two-kingdoms theology, the individual Christian soul becomes an imperial and ecclesiastical ruler within a spiritual kingdom: "This is a splendid privilege and hard to attain, a truly omnipotent power, a spiritual dominion in which there is nothing so good and nothing so evil but that it shall work together for good to me, if only I believe."[102] Merging ecclesial and redemptive dignity in a spiritual kingdom, the ordinary Christian now has the dignity of kingship and priesthood.

It is the Christian, specifically the Christian in her inner spiritual freedom after justification, who has dignity. Inasmuch as the Reformation unintentionally contributed to an ethic of "ordinary life" or to the religious conflict that would later generate conceptions of religious toleration, the thesis has some plausibility.[103] Nevertheless, to go further and find contemporary conceptions of dignity in Luther strains credulity. For example, in an 1896 English translation of Luther's works, we are told that with Luther, "the commoner began to feel his dignity, as a man, as a member of the State," and that "the teaching of Luther had set free human intelligence and thought, which had been so long held imprisoned and bound by political and religious tyranny."[104] Luther's blustering sexism, phallic sparring with secular authorities, pathological oral-anal propagandistic portrayals of the Catholic church, murderous call to stab and slay peasants, and inventively vile antisemitism do not recommend Luther's teachings as a direct influence upon contemporary dignity.[105] Luther's theology of dignity was classical in that it named a rank of the believer, refracted through his unique theological priorities.

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[102] Luther, "The Freedom of a Christian," 290.
[103] On the Reformation and "ordinary life," see Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989), 211-85; For a history of religious toleration that places the *effects* of the Reformation center stage, see Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003).
[104] Martin Luther, *First Principles of the Reformation or The Ninety-Five Theses and the Three Primary Works of Dr. Martin Luther,* trans. Henry Wace and C. A. Buchheim (London: John Murray, 1883), lxvii.
[105] Luther's later works are steeped in images of Jews eating the devil's excrement and drinking Judas's piss. Lyndal Roper argues that Luther's antipathy for Jews was at times so vile and lacking in the "humor" that characterized 16th-

For John Calvin, human dignity is also a status lost in the Fall, which has deformed the image of God. Like Luther, only in justification and sanctification can humans find that dignity again. However, Calvin adds emphasis on the recollective aspect of past dignity. "It is impossible to think of our primeval dignity without being immediately reminded of the sad spectacle of our ignominy and corruption ever since we fell from our original in the person of our first parent."[106] To remember primeval dignity is to be pricked with a thorn of dissatisfaction and regret, which should propel humans toward God. In thinking of human dignity, individuals should feel *worse* about themselves. Humanity is a "miserable lot" that expels a "groaning sigh for a dignity now lost."[107] As in humanity on the macro scale, so with the dignity of the soul on the micro scale. Every aspect of the human body is so mired in sin that "everything which proceeds from [man] is imputed as sin."[108] Calvin states plainly: "There must be a new nature."[109] Our only hope is in God's dignifying, not "our own dignity."[110]

Recent historiography has shown dignity in the seventeenth and eighteenth centuries to be more multifaceted and cannot be defined simply by Kant's moralized, neo-Stoic conception at the end of the eighteenth century.[111] For example, more attention has been paid to Samuel von Pufendorf and Denis Diderot. As a theological voluntarist, Pufendorf believed that God's

century propaganda, that Luther's antisemitism cannot be attributed to the idea that he only saw the Jews as a "religious" challenge or metaphor for Catholicism. Luther's antisemitism was personal and ethnic in addition to theological. See Lyndal Roper, *Living I Was Your Plague: Martin Luther's World and Legacy* (Princeton: Princeton University Press, 2021), 135-68.

[106] John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge, vol. 1 (Edinburgh: Edinburgh Printing Company, 1845), 283.

[107] Calvin, *Institutes,* 285.

[108] Ibid, 294.

[109] Ibid.

[110] John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge, vol. 2 (Edinburgh: Edinburgh Printing Company, 1845), 127.

[111] Stefano Bacin, "Kant's Idea of Human Dignity: Between Tradition and Originality," *Kant-Studien* 106, no. 1 (2015): 97-106.; Stephen Darwall, "Equal Dignity and Rights," *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017); Remy Debes, "Human Dignity Before Kant: Denis Diderot's Passionate Person," *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017). Kari Saastamoinen, "Pufendorf On Natural Equality, Human Dignity, and Self-Esteem," *Journal of the History of Ideas* 71, no. 1 (2010): 39-62.

command grounds morality. However, the content of that command was that "every man, so far as in him lies, should cultivate a sociable attitude."[112] A sociable attitude is one in which every person recognizes themselves as mutually bound to others, simply as human. The relation of human to human is founded on natural equality, which ought to generate esteem, obligation, and issue in specific rights. To esteem somebody is to inhabit their level or rank. So, if humans are equal and deserving of esteem, then the most appropriate response is as follows:

> There seems to him to be somewhat of *Dignity* (*dignatio*) in the appellation of **Man:** so that the last and most efficacious Argument to curb the Arrogance of insulting Men, is usually, *I am not a Dog, but a Man as well as your self*. Since then Human Nature is the *same* in us all, and since no Man will or can cheerfully join in Society with any, by whom he is not at least to be esteemed equally a Man and a Partaker of the same Common Nature: It follows that, among those *Duties which Men owe to each other*, this obtains the *second* place, That *every Man esteem and treat another*, as naturally *equal to himself*, *or as one who is a Man as well as he*.[113]

A sociable person recognizes everyone as equal, responsible, and accountable because of their humanity. In Pufendorf, dignity is connected to natural equality and certain expectations (or rights) of respectful treatment, making him a notable precursor to contemporary dignity. The leap is not too wide from "I am not a Dog, but a Man as well as you self" to the famous civil rights photographs of "I am a Man" signs at the 1968 Memphis Sanitation Workers Strike.

Remy Debes finds a trend among the eighteenth-century *philosophes* an attempt to identify "the existence of a kind of moral community between humans, the 'membership' of which is unearned and normatively privileged."[114] In Diderot, dignity is an unearned status realized in recognition and respect among citizens in a political community. Diderot believed the English Constitution of 1688 may have been the first to ensure human "dignity, personal liberty

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[112] Pufendorf quoted in Stephen Darwall, *Modern Moral Philosophy: From Grotius to Kant* (Cambridge: Cambridge University Press, 2023), 71.
[113] Pufendorf quoted in Debes, "Human Dignity Before Kant," 217.
[114] Debes, "Human Dignity Before Kant," 209.

and freedom of thought."[115] A constitutional order under the rule of law makes a person a citizen, which is a dignity that opposes royal and priestly dignity:

> Wherever there are neither fixed laws, justice, constant forms, nor real property, the magistrate amounts to little or nothing. He waits for a sign to be what is wanted of him. The great lord grovels before the prince, and the people grovel before the great lord. The natural dignity of man is eclipsed. He has not the least idea of his rights.[116]

All humans have dignity by nature and deserve equal protection of the laws as a refuge from unaccountable political and ecclesiastical power. Diderot's conception of history posited a cyclical rising and falling of societies, characterized by tyrannical rule followed by a renewed birth of democracy, in which "the sacred name of *patrie* is heard…[and] the humbled man lifts up his head and shows himself in all his dignity."[117] In democracy, "laws reign, genius takes wing, sciences are born, and useful work is no longer held in low esteem."[118] After a while, democracy is supplanted by tyranny, and the cycle repeats. Diderot represents an early progenitor of the eventual distinction between condition-dignity and status-dignity.[119] The status of humans as free and equal may be true but not observed. Dignity is "eclipsed" under despotism and "shows" itself in establishing democracy.

The rule of law and natural dignity could also lead to opposition to slavery. In the *Encyclopédie*, edited by Diderot and Jean D'Alembert, Louis Chevalier de Jaucourt states:

> Thus everything converges to leave to man the dignity which is natural to him. Everything cries out to us that one cannot deprive him of that natural dignity which is liberty. The rule of justice is not founded on power, but on that which conforms to nature. *Slavery* is not only a humiliating state for those who suffer it, but for humanity itself which is degraded by it. The principles just posed being unassailable, it will not be difficult to demonstrate that *slavery* can never be

[115] Denis Diderot, *Political Writings*, trans. and ed. John Hope Mason and Robert Wokler (Cambridge: Cambridge University Press, 1992), 189.
[116] Diderot, *Political Writings,* 190.
[117] Ibid, 207.
[118] Ibid.
[119] Pablo Gilabert, *Human Dignity and Human Rights* (Oxford: Oxford University Press, 2019), 113-40.

> whitewashed on any reasonable grounds, not by the law of war, as thought the roman jurisconsults, by the law of acquisition, nor by that of birth, as some moderns have wanted to persuade us. In a word, nothing in the world can render *slavery* legitimate.[120]

Despite recent historiographical nuance, Kant nevertheless dominates discussions of dignity. According to Michael Rosen, "it is appropriate that Kant's thought about dignity should stand at the center of any historical account of dignity, for it has been the inspiration— rightly or wrongly— of very much of what has come later."[121] There is in Kant an example of what Pierre Hadot called bricolage, by which thought evolves by "incorporating prefabricated and pre-existing elements, which are given new meaning as they become integrated into a rational system."[122] Kant speaks thus of dignity in the *Groundwork of the Metaphysics of Morals*:

> In the realm of ends everything has either a price or a dignity. What has a price is such that something else can also be put in its place as its equivalent; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity. That which refers to universal human inclinations and needs has a market price; that which, even without presupposing any need, is in accord with a certain taste, i.e. a satisfaction in the mere purposeless play of the powers of our mind, an affective price; but that which constitutes the condition under which alone something can be an end in itself, does not have merely a relative worth, i.e. a price, but rather an inner worth, i.e. dignity. Now morality is the condition under which alone a rational being can be an end in itself, because only through morality is it possible to be a legislative member in the realm of ends. Thus morality and humanity, insofar as it is capable of morality, is that alone which has dignity.[123]

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[120] Louis Chevalier de Jaucourt. "Slavery," in *The Encyclopedia of Diderot & d'Alembert Collaborative Translation Project,* trans. Naomi J. Andrews (Ann Arbor: Michigan Publishing, University of Michigan Library, 2012). http://hdl.handle.net/2027/spo.did2222.0000.667 (accessed October 24, 2023). Originally published as "Esclavage," *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers,* 5:934–5:939 (Paris, 1755).
[121] Michael Rosen, *Dignity: Its History and Meaning* (Cambridge: Harvard University Press, 2012), 19.
[122] Pierre Hadot, *Philosophy As a Way of Life: Spiritual Exercises From Socrates to Foucault*, trans. Michael Chase (Oxford: Blackwell Publishers, 1995), 65.
[123] Immanuel Kant, *Groundwork for the Metaphysics of Morals: With an Updated Translation, Introduction, and Notes,* trans. Allen W. Wood (New Haven: Yale University Press, 2018), 46-47.

For some, Kant represents the contemporary conception of dignity.[124] Every human has equal intrinsic worth, which is inalienable and incomparable, raising the person above all price. Dignity is founded on the requirement to treat every person not merely as a means but also as an end. This results in the directive to act as reciprocal lawmakers in an ideal kingdom of ends. The moral law and the autonomy requisite for recognizing this law ground dignity. From a practical perspective, all humans are potentially autonomous agents and, therefore, have an incomparable dignity. Humanity, for Kant, signals our rational nature as a whole, and autonomy is the freedom to govern oneself in accordance with universal law. Thus, Kantian autonomy is not egoism or hedonism but the more expansive idea that one should not will arbitrary maxims alone. We are bound by the person and possessions of others, who are our moral equals.[125]

For other commentators, the revolution in Kant was not the discovery of a metaphysical, priceless kernel implanted in the center of every human. Kant's real breakthrough was his notion of autonomy.[126] Oliver Sensen opposes dignitarian interpretations of Kant, claiming that humans do not possess value for Kant and that dignity is not the name of such a value. The respect humans owe one another does not issue from their value but one's own reason. Kant reverses the idea that dignity grounds respect. According to Sensen, for Kant "it is not that one should respect others because they have dignity, but others have dignity because they should be respected!"[127] Dignity in Kant is still a rank concept. Humans have value due to their ability to freely and

[124] This paragraph follows Thomas E. Hill, "Kantian Perspectives on the Rational Basis of Human Dignity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014). See also, Thomas E. Hill, *Dignity and Practical Reason In Kant's Moral Theory* (Ithaca: Cornell University Press, 1992).
[125] For the legal and political consequences of Kant's doctrine of autonomy, see Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge: Harvard University Press, 2009).
[126] This paragraph follows Oliver Sensen, "Dignity: Kant's Revolutionary Conception," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017). See also Oliver Sensen, *Kant On Human Dignity* (Berlin: De Gruyter, 2011).
[127] Sensen, "Dignity: Kant's Revolutionary Conception," 240.

autonomously will in accordance with universal law. Such freedom and autonomy remain rank concepts, not the *result* of a metaphysical kernel of worth. “By itself, 'dignity’ merely expresses that human beings are special,” Sensen argues.[128]

Ultimately, it matters little for our purposes whether Kant is closer to the more classical idea of dignity as rank or the contemporary idea of dignity as inviolable worth. What matters is that the reception of Kant revolutionized conceptions of dignity. Those after Kant would draw on his terminology and advance his contribution to a secular conception of dignity. In Feuerbach, for instance, we find a radical transvaluation of traditional dignity: the Christian belief in a prideful fall from true dignity is portrayed as egoism by another route; humans have been alienated from their own proper dignity, which they transfer erroneously to “God.”[129] Concerning terminology, Kant's distinction between price and dignity would inspire any number of dignitarian impulses, especially in an increasingly industrial and technological age where worries arose about humans being reduced from a being to a having, from a person to a thing, from end to mere means. For example, Karl Marx's conception of alienation appears to be a radicalization of the Kantian idea of reducing humans to mere means.[130] The *Economic and Philosophic Manuscripts of 1844* overflow with quotations like the following:

> Just as [the worker] is thus depressed spiritually and physically to the condition of a machine and from being a man becomes an abstract activity and a belly, so he

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[128] Ibid, 258.

[129] “In brief, man in relation to God denies his own knowledge, his own thoughts, that he may place them in God. Man gives up his personality; but in return, God, the Almighty, infinite, unlimited being, is a person; he denies human dignity, the human ego; but in return God is to him a selfish, egoistical being, who in all things seeks only himself, his own honour, his own ends; he represents God as simply seeking the satisfaction of his own selfishness, while yet he frowns on that of every other being; his God is the very luxury of egoism.” Ludwig Feuerbach, *The Essence of Christianity*, trans. Marian Evans (London: Trübner & Co., 1881), 27.

[130] For Marx’s pivot away from the more philosophical language of alienation, see Anthony Giddens, *Capitalism and Modern Social Theory: An Analysis of the Writings of Marx, Durkheim and Max Weber* (Cambridge: Cambridge University Press, 1971), 9ff.

> also becomes ever more dependent on every fluctuation in market price, on the application of capital, and on the whim of the rich.[131]

Socialism would recognize true human dignity because it raised the dignity of labor to the level of the bourgeois and royal classes. Yet, the term dignity is ambiguous in Marx. Since morality and law are trappings of those who own the means of production, human dignity, like rights, would be an outgrowth of bourgeois consciousness for the protection of the private individual and his property. Nevertheless, the alienation of humans from their species-being degrades true human dignity.[132] Such language will ripple into the twentieth century, for example, in Jean-Paul Sartre's claim that existentialism "is the only theory that endows man with any dignity, and the only one that does not turn him into an object."[133] Additionally, we might think of Martin Buber's influential belief that an I-Thou relationship is critical to non-objectified human relations and is categorically differentiated from an I-It orientation to the world.[134]

The great antithesis of Kant (and Marx) on dignity was, of course, Friedrich Nietzsche. Instead of the alienation of the capitalist mode of production, it is through a slave revolt, mediated *via* a priestly class, that establishes Christianity and the values of morality in society. For Nietzsche, individuals find their highest worth in contributing their lives to culture.[135] If one does not have the dignity of a great artist or composer, their dignity is found in mixing the artist's paint or cleaning the composer's bathroom. Dignity is earned and entitled only to the respect

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[131] Karl Marx, *Economic and Philosophic Manuscripts of 1844,* in Karl Marx and Frederick Engels, *Collected Works*, vol. 3 (London: Lawrence and Wishart Electric Book, 2010), 238.
[132] For example, Marx states, "we are to such an extent estranged from man's essential nature that the direct language of this essential nature seems to us a violation of human dignity, whereas the estranged language of material values seems to be the well-justified assertion of human dignity that is self-confident and conscious of itself." See Marx, *Comments on James Mill, Élémens d'économie politique,* in Karl Marx and Frederick Engels, *Collected Works*, vol. 3 (London: Lawrence and Wishart Electric Book, 2010), 227.
[133] Jean-Paul Sartre, *Existentialism Is a Humanism,* trans. Carol Macomber (New Haven: Yale University Press, 2007), 41.
[134] Martin Buber, *I and Thou*, trans. Walter Kaufmann (New York: Touchstone, 1996).
[135] The following summary of Nietzsche on dignity relies on Andrew Huddleston's insightful article, "'Consecration to Culture': Nietzsche on Slavery and Human Dignity." *Journal of the History of Philosophy* 52, no. 1 (2014): 135-160.

generated by achieved dignity. For Nietzsche, since those things held in common by all are of the lowest value, a shared dignity would not be a dignity worth having.[136] In a radical reversal of dignitarianism equaled only later by Carl Schmitt, Nietzsche believed it was in a particular type of enslavement that most people found their dignity and flourishing. Nietzsche remarks, "every enhancement of the type 'man' has so far been the work of an aristocratic society — and it will be so again and again — a society that believes in the long ladder of an order of rank and difference in worth between man and man, and that needs slavery in some sense or other."[137] Why pretend, the Nietzschean line insists, that all are capable of the same level of greatness? It is better that the masses live an uncomfortable, demanding life contributing to greatness than a life of free decadence. The Christian idea of innate worth and significance is just the flowering of Christianity's "miserable flattery of personal vanity."[138] If Feuerbach said God's dignity belongs to humanity, Nietzsche said even human dignity belongs only to the elites. To be scaffolding in the achievements of others constitutes the small amount of dignity that most can obtain. Importantly, Nietzsche believes even this small amount of dignity is higher than bourgeois decadence. Enslavement provides more dignity to the masses, as seen when Zarathustra says, "there are some who threw away their last worth when they threw away their servitude."[139] Just like he did for reason and inclination, Nietzsche inverts Kant, arguing that dignity can be found in being a mere means. Thus, Nietzsche's ultimate question is not whether the masses can have lives of equal worth but whether a *worthwhile* life is possible. His is a plan for worthwhile lives.

Nietzsche represents both the turn to personal *value* in relation to dignity and the extreme antithesis of the sense of dignity that would ultimately become commonplace. Nietzsche was

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[136] Huddleston, "'Consecration to Culture'," 145.
[137] Nietzsche quoted in Huddleston, "'Consecration to Culture'," 135.
[138] Ibid, 143.
[139] Ibid, 148.

already battling against a Christian idea of dignity that was not an uncontested idea within Christianity. My argument is that post-Kantian theologians contributed in no small way to the contemporary use of dignity, blending the challenges of critical philosophy with theological motifs, such as in the German biblical scholar Wilhelm Martin Leberecht De Wette, a student of Friedrich Schleiermacher. In De Wette, we find some of the earliest direct connections of human dignity with moral universalism, sacredness, respect, and the image of God.

> Now, since human dignity and human worth appear partly in ourselves and partly in others, the main trunk of duty is separated into two great branches, which are the duties of justice and honor. Justice is respect for human dignity in others; honor, or pure self-respect, is respect for human dignity in ourselves. The image of God is the same in ourselves as in other persons, and we everywhere owe it respect.[140]

For De Wette, to be just is to feel a "sacred reverence for the true dignity of humanity" and to have a heart that responds to "everyone who bears the image of God," such that "the foundation of all moral lawgiving is respect for that dignity of the human soul, which bears in itself an incomparable worth, and is exalted above all human estimation."[141] Despite his tremendous respect for Kant, De Wette charges Kant with having an anemic moral anthropology that must be injected with pious feeling. The revolutionary nature of this development allows for a lengthy quotation.

> The Kantian doctrine leaves the heart cold and has tended to diffuse a narrow, subtilizing, anxious view of life. It has made many men coldly conscientious and tended to rob existence of all energy and joy. The categorical imperative has, like a ghost, haunted men at every step in their anxious inquiries into duty. From the pulpit, it has driven away all the warmth of faith and love, and enshrined in its place a cold and critical morality. Yet we must not speak slightly of the great principle of Kant, for it implies the great idea of duty. The Kantian rule of life is sufficient if we can only give it an aim and object. This aim and object we place in the true life of man. To act out the true dignity of human nature is the great aim

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[140] Wilhelm Martin Leberecht De Wette, *Human Life: Or, Practical Ethics,* trans. Samuel Osgood (Boston: J. Munroe and Company, 1842), 70.
[141] De Wette, *Human Life,* 88-9, 199.

> of life. Thus amended, the categorical imperative stands thus: 'You should respect the dignity of man from pure respect for it in itself.'[142]

De Wette's work was a tributary into a river of post-Kantian reinterpretations of theological and moral anthropology that saturated broad church, liberal, and transcendentalist religious life in the middle of the nineteenth century. Indeed, the reason we have De Wette's work quoted above available in English is because it was included in the fourteen-volume *Specimens of Standard Foreign Literature*, edited by prominent Unitarian minister and transcendentalist George Ripley.[143]

In conjunction with political and economic revolutions, such as democracy, the working class and bourgeoisie, socialism, and the social question, we find the first unmistakably contemporary usages of dignity in the second half of the nineteenth century. Thus, it is vital to remember the interdependent relationship between intellectual and social history, or mental and material factors. While the following list is not exhaustive, some of these factors were as follows. Jürgen Osterhammel speaks of the rise of a cosmopolitan bourgeoisie in the nineteenth century, characterized by respectability, domesticity, and the belief that middling classes between laborers and royalty should make a definitive mark upon a society's politics, economics, and culture.[144] Such a shift could support the individual, expressivist pedagogy of *Bildung*. Jennifer Herdt argues that with *Bildung*, the Pietist idea of subjective formation was secularized, with the

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[142] Ibid, 62.
[143] The influence of Schleiermacher and De Wette, however, simply allowed many young Unitarian clergy to reach where Ralph Waldo Emerson had already arrived in terms of religious epistemology. See Albert J. von Frank, "Religion," in *The Oxford Handbook of Transcendentalism,* ed. Sandra Harbert Petrulionis, Laura Dassow Walls, and Joel Myerson (Oxford: Oxford University Press, 2010). For Emerson's influences and impact on Unitarianism see Gary Dorrien, *The Making of American Liberal Theology: Imagining Progressive Religion, 1805-1900* (Louisville: Westminster John Knox Press, 2001), 58-110.
[144] Jürgen Osterhammel, *The Transformation of the World: A Global History of the Nineteenth Century*, trans. Patrick Camiller (Princeton: Princeton University Press, 2014), 744-78.

individual often taking the place traditionally given to God.[145] This is glimpsed in Johann Gottfried Herder's consociationalist anthropology of cultural life, Hegel's narration of a *Bildung* of Spirit itself, and the rise of the *Bildungsroman* as a secular, "intensive" scripture, best exemplified in Goethe's *Wilhelm Meister.*[146] Albert Hirschman and David Wootton have both narrated the withering, over several centuries, of the more traditional language of passions and virtue and the rise of the language of individual interests, happiness, and pleasure.[147] Mirroring such a diffusion, if not democratization, of interests and pleasures, Ethan Shagan has skillfully narrated a democratization of belief.[148] Concepts such as judgment and the weighing of evidence were often expressly limited to those with spiritual and intellectual authority and prohibited for many. Shagan demonstrates how no small part of the significance of the Reformation was how it provoked a counter-Reformation in the Catholic Church, the centuries-long dialectical tension of which would turn both Protestants and Catholics into education machines for their adherents. Paradoxically, focusing on individual, explicit faith shattered the traditional Christian idea of implicit faith. Secularization and individual judgment (including atheism, agnosticism, or exclusive humanism) were thus logical outgrowths of such a demise of implicit faith. Today, we are assumed to have pleasures, interests, and an account of happiness, just as we are expected to have justified beliefs about any range of political, economic, and cultural topics. Unlike commentators we will meet later, I do not mention these developments pejoratively. However, that the contemporary sense of dignity could fit such a milieu so well is, I contend, no mistake.

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[145] Jennifer A. Herdt, *Forming Humanity: Redeeming the German Bildung Tradition* (Chicago: The University of Chicago Press, 2020), 56-81.
[146] Herdt, *Forming Humanity*, 184.
[147] Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism Before Its Triumph* (Princeton: Princeton University Press, 1977); David Wootton, *Power, Pleasure, and Profit: Insatiable Appetites From Machiavelli to Madison* (Cambridge: Harvard University Press, 2018).
[148] Ethan H. Shagan, *The Birth of Modern Belief: Faith and Judgment From the Middle Ages to the Enlightenment* (Princeton: Princeton University Press, 2018).

Despite the attention to intellectual and material shifts in the nineteenth century, what has been overlooked by most commentators is how intimately related dignity was to an equally novel use of sacredness language in many theologians and religious thinkers. For William Ellery Channing, slavery violates the "sacred rights" of humans, reducing persons with "true dignity" to things.[149] In Henry Churchill King, a critical element of social consciousness is "the sense of the value and sacredness of the person."[150] Indeed, there appears to be a feedback loop between developments in the language of dignity and that of sacredness. Formally, a sacred thing was that which was deputed to the divine worship, so for centuries it was most common to read about sacred scriptures, the sacred union of marriage, the sacred science of theology, sacred dogmas, or the sacred hierarchy of the Church. The broadening of the attribution of sacredness mirrors the individualizing of dignity in the nineteenth century.

This shift in terminology happened in fits and starts. For example, in *Quod Apostolici Muneris* (1878), Pope Leo XIII found "the equality of men" in a common human nature and the fact that all are "called to the same most high dignity of the sons of God," which grounded unequal political rights against the "depraved" teachings of the socialists.[151] Dignity is still a call to redemption, in line with Aquinas' claim that to sin is to lose the dignity of being counted among the children of God. Yet, in *Rerum Novarum* (1891), the founding encyclical of contemporary Catholic social teaching, Leo XIII states that "no man may with impunity outrage that human dignity which God Himself treats with great reverence, nor stand in the way of that

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[149] William Ellery Channing, *Slavery*, 2nd ed., rev. (Boston: J. Munroe and Company, 1836), 8.
[150] Henry Churchill King, *Theology and the Social Consciousness: A Study of the Relations of the Social Consciousness to Theology*, 2nd ed. (New York: Hodder & Stoughton, 1902), 16ff.
[151] Pope Leo XIII, *Quod Apostolici Muneris*, encyclical letter, Vatican website, December 28, 1878, 5. https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_28121878_quod-apostolici-muneris.html.

higher life which is the preparation of the eternal life of heaven."[152] This oft-quoted line, from an encyclical responding to the challenge of socialism, is followed by another that shows just how transitional dignity language was at the time, stating that the laborer "cannot give up his soul to servitude, for it is not man's own rights which are here in question, but the rights of God, the most sacred and inviolable of rights."[153] Since the dignity of man may be crushed in unjust conditions, Leo XIII says that the sacred rights of God are at stake when employers "grind men down with excessive labor as to stupefy their minds and wear out their bodies."[154] However, Leo XIII does not tie dignity to a general sacredness of life that infuses all people, making them worthy of equal respect and rights regardless of vocation, age, sex, religion, or ethnicity.

Not without its own paternalism, racism, and bourgeois exceptionalism, post-Kantian Protestant thought had been groping toward an explicit dignitarianism that connected sacredness with respect and equal concern under the banner of the universal Fatherhood of God and brotherhood of man. Interestingly, this tradition couched its nascent dignitarianism in the language of "personality." As R.L. Ottley remarked in the influential Anglican *Lux Mundi* essay collection,

> Personality, we answer, marked man from the first as a being destined for communion with, and free imitation of, God. Personality enables man to be receptive of a message and a call from God. It confers on each possessor of it an absolute dignity and worth. *Personality,* —here is our crucial fact, enabling us to take a just measure of man and of our duty towards him. One of the deepest truths brought to light by the Gospel was the value of the personal life, of the single soul, in God's sight. Man is great, not merely because he thinks, and can recognize moral relationships and obligations but chiefly because he was created for union with God; and was destined to find blessedness and perfection in Him alone. Christianity therefore rates highly the worth of the individual; and her task

[152] Pope Leo XIII, *Rerum Novarum*, encyclical letter, Vatican website, May 15, 1891, 40. https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.
[153] Pope Leo XIII, *Rerum Novarum,* 40.
[154] Ibid, 42.

is to develop each human personality, to bring each into contact with the Personality of God.[155]

Beginning with the English appropriation of Hegel and Schelling, mediated through Samuel Taylor Coleridge, it is difficult to overstate the priority of personality language in some quarters of late nineteenth and early-twentieth-century liberal Protestant thought. The English Hegelian Andrew Seth Pringle Pattison directly influenced idealist philosopher W.E. Hocking and Hegelian-inspired pragmatist Josiah Royce.[156] Half a century before the prominent Catholic personalists of the 1930s, the sacredness of human personality is found in Walter Rauschenbusch, the early Reinhold Niebuhr, and Edgar S. Brightman. Later, Martin Luther King Jr. would find in personalism the "metaphysical basis for the dignity and worth of all human personality."[157] We find similar terminology in reform and liberal Judaism as well. For Leo Baeck, Judaism teaches that man has an "incomparable possession," which is "the dignity of human personality" founded on the "doctrine of having been created in the image of God."[158] Echoing Hermann Cohen on Judaism's invention of the *Mitmensch*, Baeck states, "Judaism created the fellow-man or 'neighbour', and with it the conception of humanity in its true sense, in the sense of respecting the life of our neighbour, of esteem for human dignity, of reverence for

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[155] R.L. Ottley, "Christian Ethics," in *Lux Mundi: A Series of Studies in the Religion of the Incarnation*, ed. Charles Gore, 5th ed. (New York: John W. Lovell Company, 1889), 395. Gary Dorrien credits *Lux Mundi* theologians with launching "a new era of Anglican theology." See Gary J. Dorrien, *Kantian Reason and Hegelian Spirit: The Idealistic Logic of Modern Theology* (Malden: Wiley-Blackwell, 2012), 379.
[156] Dorrien, *Kantian Reason and Hegelian Spirit,* 393.
[157] Martin Luther King, Jr, *Stride Toward Freedom: The Montgomery Story* (New York: Harper & Row Publishers, 1958), 100. Rufus Burrow, Jr. insists we do not downplay the degree to which King's metaphysical personalism was a "homespun" justification of a belief in the value of personal dignity found already in the Black church and King's own family life. See Rufus Burrow, Jr., *God and Human Dignity: The Personalism, Theology, and Ethics of Martin Luther King, Jr*. (Notre Dame: University of Notre Dame Press, 2006), 1-5.
[158] Leo Baeck, *The Essence of Judaism*, trans. Victor Grubwieser and Leonard Pearl (London: Macmillan and Company, 1936), 155. Hermann Cohen argues that Kantian ethics remained focused on formal duties to humanity, but religion (specifically, Judaism) deepens ethics by turning the next man (*Nebenmensch*) into the problem of the fellowman (*Mitmensch*). See, Hermann Cohen, *Religion of Reason: Out of the Sources of Judaism*, trans. Simon Kaplan (Atlanta: Scholars Press, 1995), 114. I am personally indebted to Asher Biemann for pointing me toward the works of Leo Baeck.

the Divine in all who wear the face of man."[159] Chapter two shows that similar language saturated the Protestant Federal Council of Church's fight for social justice and against segregation in America.

This historical overview of dignity ends with an analysis of three critical turning points in dignity. First, in the early 1930s, several European countries adopted constitutions directly appealing to the person's dignity. The 1937 Irish Constitution, one of the earliest, sought "to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations."[160] In 1930s and 1940s constitution-making, dignity language was formalized to an unprecedented degree.

Second, in Pope Pius XII's 1942 Christmas Address, dignity was directly connected to human rights and intrinsic value in the context of a rightful political ordering: "He who would have the star of peace shine out and stand over society should cooperate, for his part, in giving back to the human person the dignity given to it by God from the very beginning."[161] The dignity of the human person would become one of the most well-known phrases in Catholic social teaching to the present day. There were political reasons for the Catholic Church to make such a shift (examined in chapter two). However, it is enough to mention that modifying the emphasis on dignity to the human person allowed for an equally novel development in sacredness language. In the overlooked but historically consequential encyclical *Mater et Magistra* (1961), Pope John XXIII declared that "Human life is sacred—all men must recognize that fact," so

[159] Baeck, *The Essence of Judaism,* 193.
[160] Preamble, 1937 Irish Constitution quoted in Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015), 25ff.
[161] Pope Pius XII quoted in Moyn, *Christian Human Rights,* 2.

much so that "the Church constructs her social teaching" upon "the sacred dignity of the individual."[162]

Third, in 1948, the United Nations produced the UDHR, which states in Article 1 that "all human beings are born free and equal in dignity and rights" and should "act towards one another in a spirit of brotherhood."[163] Catholic personalists such as Charles Malik and René Cassin were prominent among the drafters of the Declaration, but that is not all. There was the Episcopalian Eleanor Roosevelt, Confucian P.C. Chang, and trade union activist John Peters Humphrey. One of the earliest draft declarations on human rights submitted to the Economic and Social Council of the General Assembly of the United Nations was the Cuban delegation, which lists first in their list of rights "the right to life, to liberty, to personal security and to respect of… [human] dignity."[164] Interestingly, in the documents of the meetings of the drafting commission, most instances of the word "dignity" are followed by the word "worth." This use matches the United Nations Charter of 1945. If dignity now means inviolable worth, then why would worth so regularly follow dignity? On one level, I believe that is because "dignity and worth" helpfully disambiguates two aspects of the normative significance of human persons that have been operative for some time. That is, dignity as a concept lends to an idea of vertical ranking. When contemporary usage says humans are equal in dignity, it denotes that every human, *qua* human, inhabits the same rank. There ought not be any natural rank of white over black, man over woman, Anglo-Saxons over "foreigners," Christians over infidels, even rulers over ruled. Any hierarchies must be for political, economic, or civic expediency and, in theory, open to all based

[162] Pope John XXIII, *Mater et Magistra*, encyclical letter, Vatican website, May 15, 1961, 194. https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html.
[163] United Nations, "The Universal Declaration of Human Rights," art. 1.
[164] William Schabas, ed., *The Universal Declaration of Human Rights: The Travaux Préparatoires*, *vol. 1, October 1946 to November 1947* (Cambridge: Cambridge University Press), 16.

on qualification. Inhabiting the same station, all are subject to the same laws and should demand the same rights and respect. Dignity is thus similar to, but not replaceable with, worth. Worth names the actual value of the station all people occupy – and that worth is very great.[165]

The history of dignity is often the history of an equivocal concept. However, it is less pressing to map every tributary than to survey where the dignitarian river empties. Between the 1940s and 1970s, there was a revolution in dignity discourse in ecclesial communities, constitutional law, and political theory. Dignity was introduced into political, legal, and cultural documents with the idea that dignity was inalienable, inviolable, and reflective of high worth. It exists merely by reason of being human without recourse to any other office, role, or station. More provocatively, we can say humanity itself became an office, a rank position occupied equally by all humans. This institution of humanity is often constitutive of a scheme of rights, though the quantity and quality of those rights vary upon the particular dignitarian proposal. Proposals run from the primarily negative (freedom from heinous violations of the body and conscience) to the positive (e.g., a slate of social services such as education, healthcare, and employment).

Additionally, an institution of humanity captures why dignity language is commonly reached for in contexts of violence, trauma, humiliation, and degradation, where acts against the person are felt to be an unjustifiable ejection of a person from their proper station.[166] However, in this dissertation I argue that leveling upward of humanity to one station or office is a necessary but not sufficient understanding of dignity. Gaining the same rank does not explain the affective

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[165] For a similar distinction see Jeremy Waldron, *Dignity, Rank, and Rights,* ed. Meir Dan-Cohen (Oxford: Oxford University Press, 2012), 24.

[166] Moshe Halbertal gives less heinous occurrences of this same phenomena. For example, when one becomes superfluous. Imagine the indignity a parent would feel if they gave their grown child a gift and met with the response that they have no need of gifts from their parents anymore – that they have nothing to offer. See Halbertal, *op. cit.*

aspects of what dignity has come to name – feelings of horror and disgust familiar with dignity violations. In Émile Durkheim, we will see, the sacred is distinguished from the profane not by magnitude or strangeness – the distance between the two is immeasurable. Equal high rank does not fully capture the sacred aura with which the human body has been imbued.

The dominance of the contemporary idea of dignity and its cognate concepts (person, rights, respect, and sanctity) explains why previous conceptions of dignity as meritocratic, civil, or personal comportment can feel antiquated. Nevertheless, one can still hear mentions of the dignity of a building, a statue, or a speech. Likewise, we might still revere the dignified individual who comports herself coolly and with confidence in trying situations. With these points in mind, we now turn to more contemporary approaches to the concept of dignity.

1.2 Dignity in Contemporary Literature

With the ubiquity of dignitarian discourse since the 1940s, the scholarship on dignity has ballooned into a colossal subfield in political theory, law, ethics, and history. Michael Rosen has offered a fourfold typology of dignity, which includes dignity as a valuable characteristic, high social status, dignified behavior, and respectful treatment.[167] We can still find examples of all of these usages today. For example, Chris Arnade is interested in those putatively left behind by modern society and writes about dignity in the context of a lack of respect and general contempt for everyday Americans shut out of the nation's upwardly mobile credentialed classes.[168] For Vincent Lloyd, dignity is not an innate characteristic, but the struggle against domination.[169] In

[167] Rosen, *Dignity*, 114-5.
[168] Chris Arnade, *Dignity: Seeking Respect In Back Row America* (New York: Sentinel, 2019).
[169] Vincent Lloyd, *Black Dignity: The Struggle Against Domination* (New Haven: Yale University Press, 2022).

Lloyd, we find hints of Diderot and the civic tradition of dignity, where dignity can be won or lost in contexts of domination and striving for liberation.

Colin Bird has recently offered one of the most suggestive typologies of dignity.[170] Bird finds four ways to conceive human dignity: (A-dignity) inherent in persons but transient; (B-dignity) inherent but fixed; (C-dignity) ambient among persons but fixed; (D-dignity) ambient among persons and transient. In A-dignity, dignity is inherent within persons, but it can be lost. This speaks to temperament and the possibility of losing one's cool. Losing control, personally or forced externally, diminishes this dignity.[171] In B-dignity, dignity is both inherent in persons and fixed. It is inalienable in just the way that Christian conceptions of the image of God or the UDHR maintain. In C-Dignity, dignity cannot be lost, but it is not fixed to individual persons, obtaining instead in the relations between them – it is "ambient." One of the most influential proponents of C-Dignity is Stephen Darwall, whose account grounds dignity in a second-personal relation of accountability that allows humans to demand things of one another as free and equal members of a moral community.[172] Darwall distinguishes between "recognition respect" and "appraisal respect," the former naming the basic dignity one is owed as a member of the moral community, the latter naming estimable qualities like accomplishments or charisma. Such a distinction echoes Pablo Gilabert's division between status-dignity and condition-dignity."[173] D-dignity, on the other hand, is when dignity is both ambient among persons and transient, such as in honor-based cultures. Think of dueling culture, or an episode of *The*

[170] Bird, *Human Dignity and Political Criticism*, 51-66.
[171] Friedrich Schiller and Erving Goffman come to mind as theorists of A-dignity.
[172] Darwall, *The Second-Person Standpoint*, 122ff.
[173] Pablo Gilabert, *Human Dignity and Human Rights* (Oxford: Oxford University Press, 2019), 113-40. Some argue dignity cannot be inviolable when dignity is empirically violated all the time. Distinctions such as Darwall's and Gilabert's have become common attempts to address this concern. In this dissertation, I am partial to Gilabert's terminology, since I think it communicates "what one is owed on account of one's status" versus "how it is going for one" in a more robust way than Darwall's highly juridical terminology.

Sopranos, where one establishes dignity in complex webs of obligations and where that dignity can be damaged by something as small as a rude gesture. D-dignity contains hints of Homeric meritocratic dignity and the Renaissance idea of dignity as a task to be accomplished.

Considering the diversity in what dignity has meant and could mean, it is no surprise that some advocate ditching the concept all together. Ruth Macklin, at this point infamously, objected to the perceived carelessness with which the *US President's Council on Bioethics* used the word dignity in their report on human cloning. To Macklin, the term dignity is little more than a slogan that adds nothing to medical ethics not already covered by respect for persons and their autonomy. Dignity can be "eliminated without any loss of content."[174] Macklin's criticism set off a firestorm of responses, including a fine volume discussing Macklin's charge and dignity in general from multiple political and philosophical positions.[175] Other than perhaps international law, no other current field is currently as closely associated with the term dignity as bioethics. This, I believe, is due to two converging factors. First, is the prevalence of conservative bioethicists and the dogmatic assertion of a kind of B-dignity (inherent and fixed) into every medical question. For many Christian bioethicists, drawing on Psalm 8, human dignity names how God created man in God's own image, just "a little lower than the angels." Such has been a fecund framing for the promotion of socially conservative positions.[176] For example, because

[174] Ruth Macklin, "Dignity is a Useless Concept," 1420.
[175] The U.S. President's Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President's Council On Bioethics* (Washington, DC: www.bioethics.gov, 2008).
[176] As a general framework, but without invoking any of his specific positions on moral issues, I have in mind Gilbert Meilaender, *Neither Beast Nor God: The Dignity of the Human Person* (New York: Encounter Books, 2009). Of course, it would be incorrect to insist that only conservatives express reservation about biomedical innovations. For Jürgen Habermas, recent biotechnological adjustments have surpassed simple enhancement and challenge the ethical self-understanding of the human species. Humans ought to be autonomous and thus self-authors of their own life. The ability to choose the genetic structure of the child, for example, replaces chance with choice and inserts the preferences of designers into the person's future life. He sees this as an act against dignity, which he defines largely as disposability or a domineering attitude that imposes choices on another beyond certain limits. See, Jürgen Habermas, *The Future of Human Nature* (Cambridge: Polity Press, 2003).

human dignity is found *between* animals and angels, any biomedical intervention that can be construed as raising humans above their station to omnipotence (such as radical life enhancement, gender-affirming care, or euthanasia) or lowering humans beneath their station to animals or mere matter (such as cloning, stem cell research, or abortion) can be regarded as dignity violations. Second, however, dignity forces itself into bioethical discussions for less ideological reasons. When physicians work upon the body, there is tremendous potential for abuse, suffering, and victimization. Just as dignity seems to show up in international law in contexts of horrendous violence, the slaughter of innocent civilians, systematic rape, genocide, and ethnic cleansing, so the field of bioethics (across the political spectrum) remains acutely aware of the injustice and cruelty to which medical experimentation has been put in service, such as in chattel slavery, Auschwitz, and the Tuskegee Syphilis Study. While this dissertation refrains from discussing these matters of practical ethics, I do attempt to show why it is in contexts of violence, victimization, and cruelty that dignity almost seems to assert itself as a reflexive terminological response in a way that justice and injustice cannot fully capture.

Bioethics is interesting as a site for the contestation between theology, philosophy, and public policy. As we saw above, in theology, dignity was, for a long time, not uniformly connected to the image of God or the sanctity of life. Nevertheless, since the reconceptualization of dignity in the 1940s and the Second Vatican Council, the inviolable and inalienable dignity of the person has been central to the social teaching of the Catholic Church, with the *Compendium of the Social Doctrine of the Church*, compiled for Pope John Paul II in 2004, using the term almost 200 times, overwhelmingly in its contemporary sense of high value and intrinsic worth.[177]

[177] Pontifical Council for Justice and Peace, "Compendium of the Social Doctrine of the Church: To His Holiness Pope John Paul II, Master of Social Doctrine and Evangelical Witness to Justice and Peace," Vatican website, 2004, accessed January 9, 2024,

When comparing social encyclicals from the nineteenth century with those of the twenty-first century, traditional mentions of the dignity of offices, objects, people, and institutions have been eclipsed by the person. In what moral theologian David Hollenbach has called a "remarkable development" for the Roman Catholic Church, human dignity is what all personal and institutional behavior should uphold and further.[178] Whereas Pope Gregory XVI in 1832 could declare that the right to freedom of conscience was a kind of insanity, *Dignitatis Humanae* in 1965 affirmed 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."[179] The person's dignity transcends the state and is the basis of human rights. For the Catholic Church, human dignity is grounded in the book of Genesis and the idea that humans are created in God's image and likeness. Expanding beyond the Catholic Church, I believe David Gushee is correct when he says that the dignitarian concern of life's sacredness was raised to official Christian doctrine in the major branches of Christianity over the twentieth century, and yet that each branch fills in the idea of sacredness with their own theological priorities, such as humans being the image of God, being the handiwork of God, being gifts, or having reason and free will. God imbues each person with a transcendent kernel of sacred value, and this dignity in other humans deserves respect and reverence. "When we look upon the face of a human being," Hollenbach remarks, "we stand in the presence of the sacred."[180]

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https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.

[178] David Hollenbach, "Human Dignity in Catholic Thought," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 250.

[179] *Dignitatis Humanae* quoted in Hollenbach, "Human Dignity in Catholic Thought," 250.

[180] Hollenbach, "Human Dignity in Catholic Thought," 252. For other Christian accounts of dignity, see John Nurser, *For All Peoples and Nations: The Ecumenical Church and Human Rights* (Washington: Catholic University of America Press, 2005); Richard Berquist, *From Human Dignity to Natural Law: An Introduction* (Washington D.C.: The Catholic University of America Press, 2019); Peter E. Bristow, *The Moral Dignity of Man: An Exposition of Catholic Moral Doctrine With Particular Reference to Family and Medical Ethics in the Light of Contemporary*

Analogous to Ruth Macklin's critique of bioethics, the new Christian dignity consensus has its detractors. Radical integralists such as Alan Fimister and Thomas Crean recognize the novelty of today's dignity talk and reject it outright.[181] Fimister and Crean's work is a harvest of reactionary talking points, but I uncomfortably agree with them that contemporary dignity talk is a genuine development from the use of dignity present in the Christian tradition for many centuries. Alasdair MacIntyre, we will see, also agrees with this critique, but would not endorse many of the reactionary attitudes of integralists. A much more subtle critic is the anthropologist Gaymon Bennett, who argues that the provenance and subsequent success of the idea of human dignity as intrinsic human worth arose as the Catholic Church's attempt to shepherd the modern world.[182] Across the religious, political, and scientific spheres of the modern age, human dignity has become the anchor point of how the Church hopes to take responsibility for its flock, which it sees as a universal task encompassing the global community. My analysis will differ slightly from Bennett's but aligns with his focus on the novelty of dignity as intrinsic worth and his dissatisfaction with how dignity has become a way to shepherd the modern world toward a more socially conservative vision. More than Bennett, I emphasize the corresponding shift in conceptions of the sacred that accompanied shifts in dignity. The Christian churches should not have a monopoly on dignity language, and a critical look at how the sacred has shifted in the past

Developments, 2nd ed. (Dublin: Four Courts Press, 1997). David L. Schindler, *Freedom, Truth, and Human Dignity: The Second Vatican Council's Declaration on Religious Freedom* (Grand Rapids: Eerdmans Publishing Company, 2015); Regis A. Duffy and Angelus Gambatese, eds., *Made in God's Image: The Catholic Vision of Human Dignity* (Mahwah: Paulist Press, 1999); Matthew R. Petrusek and Jonathan Rothchild, eds., *Value and Vulnerability: An Interfaith Dialogue on Human Dignity,* (Notre Dame: University of Notre Dame Press, 2020); Jürgen Moltmann, *On Human Dignity: Political Theology and Ethics* (London: SCM, 1984); Thomas Albert Howard, ed., *Imago Dei: Human Dignity In Ecumenical Perspective* (Washington, D.C.: The Catholic University of America Press, 2013); Loughlin, John Loughlin, ed., *Human Dignity In the Judaeo-Christian Tradition: Catholic, Orthodox, Anglican, and Protestant Perspectives* (London: Bloomsbury, 2019).

[181] Thomas Crean and Alan Fimister, *Integralism: A Manual of Political Philosophy* (London: editiones scholasticae, 2020).

[182] Gaymon Bennett, *Human Dignity: Bodies, Souls, and the Making of Intrinsic Worth* (New York: Fordham University Press, 2015).

three centuries could have more consequential effects on Christian social ethics than has been heretofore recognized.

In the philosophies of Max Scheler, Emmanuel Levinas, and Paul Ricoeur the Kantian distinction between means and ends was at the center of a specific phenomenological strand of dignitarianism that sought to concretize the encounter with the Other as an end in themselves. For Max Scheler, dignity applies to the person in the act of love.[183] In encountering the other, one encounters the unique, incomparable individual. Love establishes an objective order of values from the useful to the holy – from the relative to the non-relative. Yet, while humans have supreme value in Scheler, a formal concept such as human dignity risks depersonalizing the concrete individual and turning her into a formal category. Emmanuel Levinas also grounded dignity in an encounter with the Other.[184] In the face-to-face encounter, one recognizes not only the Other but also their rights and dignity in a way that precedes universalization, reason, or autonomy. One is pre-volitionally concerned for the Other. The recognition of the face is a recognition of a fundamental humanity, and that face expresses the third commandment, "Thou shalt not kill."[185] The will is predisposed before principle to respond to the needs of the Other, and therefore we must prioritize the ethical encounter with an individual over the ontological classification of individuals as human. Paul Ricoeur similarly radicalized Kant's use of humans being above all price and ends in themselves, such that where there is a conflict between

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[183] Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt toward the Foundation of an Ethical Personalism*, trans. Manfred S. Frings and Robert L. Funk (Evanston: Northwestern University Press, 1973). Zachary Davies, "Scheler and Human Dignity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 163-9. I'm indebted to Davies' lucid summary for my comments on Scheler.

[184] Peter Atterton, "Dignity and the Other: Dignity and the Phenomenological Tradition," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 276-85.

[185] Atterton, "Dignity and the Other," 277.

"universal rule" and the concrete individual, the "point of reference" ought to be the individual.[186]

This dissertation has affinities with the phenomenological priority of the incomparable value of the concrete individual/Other. I do, however, place more emphasis on the idea of humanity in general and the sacred, as I do not regard pre-volitional concern as sufficient to generate respect or reverence for the person. Reverence arises from what an individual or collective considers sacred, and pre-volitional experiences of the sacred can be diabolical or evil from a moral point of view.

Another prominent philosophical dignitarianism places the concept of recognition centerstage. For thinkers such as Axel Honneth, Rainer Forst, Charles Taylor, and Francis Fukuyama, the endpoint of the struggle to be recognized as equal is the dignity and worth of individuals. Dignity is a status that humans have in relation to other humans. Influenced by G.W.F Hegel and G.H. Mead, prioritizing recognition in grounding dignity is seen as a normative alternative to classically liberal (read: Lockean) theories of self-preservation.[187] For example, in Axel Honneth, human self-realization is intersubjective all the way down, composed of three concrete relations in which the person struggles to achieve recognition.[188] The result of recognition in each of three primary ethical relations leads to the realization of self-confidence,

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[186] Maureen Junker-Kenny, "Dignity, Fragility, Singularity in Paul Ricoeur's Ethics," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 289.

[187] A central contention in Fukuyama is that capitalism, while superior to communism, is not sufficient to order a just society. An authoritarian capitalist state could be just as productive as a democratic one. Humans, in Fukuyama's account, long for worth and respect (a recognition of their dignity), which is why liberal democracy, not simply capitalism, is the "end" of history. See Francis Fukuyama, *The End of History and the Last Man*. (New York: Free Press, 1992), 123-5. It is no mistake that Fukuyama relies on a strongly Kojèvian reading of Hegel's master-slave dialectic, since Kojève used dignity language in his exposition of this section of the Hegel's *Phenomenology of Spirit.* See, Alexandre Kojève, *Introduction to the Reading of Hegel,* trans. James. H Nichols, Jr. (Ithaca: Cornell University Press, 1969), 20, 24.

[188] Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, trans. Joel Anderson (Cambridge: Polity Press, 1995). For a lucid summary of the work, see Joel Anderson's summary in Honneth, *The Struggle for Recognition*, x-xxi.

self-respect, and self-esteem. Dignity is central to Honneth's second ethical relation: self-respect in legal equality and the ability to make claims based on reasons. As can also be found in the work of Charles Taylor, the dignity of persons is possible only after the collapse of aristocratic ideas of honor and estate-based esteem, and in its place is substituted respect for personal autonomy and moral responsibility under common laws.[189] "In the course of this upheaval, the social esteem guaranteed to individuals via stratified principles of honor made its way into newly formed legal relations, where esteem attained democratic currency in the concept of human dignity."[190] Rights, then, are the tools by which individuals can live with dignity and be morally responsible to others. For Honneth, there is a moral dimension to social conflict, and revolt and resistance often arise in contexts where the people perceive that they are being disrespected.[191] Thus, the question is not whether people ought to be regarded as having equal dignity. For these thinkers, any reasonably normative order will guarantee the equal dignity and respect of persons. The challenge is how individual and group uniqueness can interact justly with equality. Whatever the conclusion, though, disrespect appears as the opposite of dignity, exemplified when a society's "hierarchy of values is so constituted as to downgrade individual forms of life and manners of belief as inferior or deficient[.]"[192]

For George Kateb and Jeremy Waldron, the traditional idea of dignity as rank is reconfigured to include equality and supreme value. Waldron is interested in how dignity moved from an aristocratic status to apply democratically to all people, a historical trend we have

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[189] Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Charles Taylor and Amy Gutmann (Princeton: Princeton University Press, 1994), 26-27.
[190] Honneth, *The Struggle for Recognition*, 125.
[191] The recognition approach to dignity is often construed in terms of discursive justification. See Rainer Forst, "The Ground of Critique: On the Concept of Human Dignity In Social Orders of Justification," *Philosophy & Social Criticism* 37, no. 9 (2011): 965-976.
[192] Ibid, 134. Each of the three primary ethical relations (representing love, law, and solidarity) has a corresponding form of disrespect. See also Honneth, *Disrespect: The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007).

confirmed above.[193] For Waldron, it is not abstract principles or victory in philosophical argumentation but legal practices and classification that explain the shift. Equal dignity results from legal practices that defined all people according to the traditional concept of aristocratic dignity, lifting up those who were typically excluded, for example, in the crumbling of voting restrictions to white, propertied men. Dignity is not primarily human worth, which Waldron would instead call "worth," but aristocratic status.[194] Dignity names a *set* of which rights are *members*.[195] The great normative revolution in law and politics over a few hundred years has been the inclusion of all into this once highly circumscribed set. Working from a more Anglo-American legal context, Waldron ends at a place similar to recognition theorists.

Kateb argues for a universal conception of human dignity based on the uniqueness and worth of humans; the worth of humans should be understood both individually, in their equal *status,* and collectively as a species in comparison with other species, in their superior *stature*.[196] Human uniqueness and superiority are required because moral defenses of human dignity focus too much on suffering and pain, which are necessary but not sufficient for grounding dignity and rights.[197] Dignity requires an existential defense to grasp a more profound sense of why human nature is valuable and worthy of respect. Human worth is established by characteristics that separate humans from other species, especially self-consciousness, language, and the ability to analyze, record, and record nature from a perspective higher than mere nature.[198]

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[193] "If our modern conception of human dignity retains any scintilla of its ancient and historical connection with rank — and I think it does: I think it expresses the idea of the high and equal rank of every human person — then we should look first at the bodies of law that relate status to rank (and to right and privilege) and see what if anything is retained of these ancient conceptions when dignity is put to work in a new and egalitarian environment." Waldron, *Dignity, Rank, and Rights,* 14.

[194] Ibid, 24.

[195] Ibid, 18.

[196] George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011), 6.

[197] Kateb, *Human Dignity*, 33ff.

[198] Ibid, 115ff, 160, 189.

This dissertation makes little of human stature as the basis of dignity. Not only might this position require humanity's outstanding achievers to define or prove dignity on behalf of everybody else, but I also do not believe it captures the discursive shift at the heart of dignitarianism. For example, In 1863, Pope Pius IX would not allow a chapter of the British Society for the Prevention of Cruelty to Animals to open in Rome since "it might create the impression that human beings have moral duties to animals."[199] In 2015, Pope Francis quoted the Catechism to say the opposite: "Every act of cruelty towards any creature is 'contrary to human dignity.'"[200] This is a notable about-face, since if there is one consistent theme to human dignity from antiquity to the modern age, it has been that human dignity is substantiated with reference to the superiority of humans to other creatures. A turn to the affective qualities of the sacred can better explain why a concern for animal suffering and environmental degradation could follow so logically (and historically) from dignitarian shifts *vis-à-vis* the human person. In Durkheim, every community contains a plurality of sacred objects, and so a path is opened when exploring processes of value formation to explain how both humanity and nature (and humanity as thoroughly natural) came to be charged with an aura of the sacred.[201]

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[199] Norman Phelps, *The Longest Struggle: Animal Advocacy from Pythagoras to PETA* (New York: Lantern Books, 2007), 57. Herbert Marcuse would tell this story to show how a domineering conception of "Reason" turns nature into "the sub-rational" with a "negative status." See Herbert Marcuse, *One Dimensional Man: Studies In the Ideology of Advanced Industrial Society* (London: Routledge, 2002), 241-2.

[200] Pope Francis, *Laudato Si'*, encyclical letter, Vatican website, May 24, 2015, 92, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

[201] The prominence of sacredness language in relation to the environment and non-human creatures world could be a dissertation in its own right, and most likely has been. Especially, I am thinking of the ways in which the same religious and transcendentalist impulses that would redefine the person as sacred also transferred to the environment and non-human creatures. The following are works that could help bear this point out: Thomas Berry, *The Sacred Universe: Earth, Spirituality, and Religion in the Twenty-First Century*, ed. Mary Evelyn Tucker (New York: Columbia University Press. 2009); Ursula Goodenough, *The Sacred Depths of Nature* (Oxford: Oxford University Press. 1998); Roger S. Gottlieb, *This Sacred Earth: Religion, Nature, Environment*, 2nd ed. (New York: Routledge, 2004); Melanie L Harris, *Ecowomanism: African American Women and Earth-Honoring Faiths* (Maryknoll: Orbis Books. 2017); Graham Harvey, *Animism: Respecting the Living World* (New York: Columbia University Press, 2006); Stuart A. Kauffman, *Reinventing the Sacred: A New View of Science, Reason, and Religion* (New York: Basic Books. 2010); Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions. 2013). James Lovelock, *Gaia: A New Look at life on*

In political theory, dignity plays a role in the capabilities approaches of Amartya Sen and Martha Nussbaum. Central to the capabilities approach is the idea that humans have worth because of "their capacities for various forms of activity and striving."[202] For Nussbaum, a capability is the capacity for an individual to accomplish a certain good, including life, health, bodily integrity, affiliation, and play. Capabilities must be concretized in actual functionings, or the slate of values and activities individuals pursue. Functionings are what humans decide to *have, do,* or *be.* For example, taking a daily walk is the concrete realization of the capacity for health. Justice names an order that guarantees essential capabilities, leaving undetermined what functionings individuals will choose. Nussbaum introduced dignity to her work at a later stage as a firmer normative ground for her capabilities approach, stating that "all human beings ought to acknowledge and respect the entitlement of others to live lives commensurate with human dignity."[203] Dignity for Nussbaum names not only human worth but extends to non-human animals (whose capabilities for life are thwarted by cruelty and unnecessary suffering). Nussbaum includes a strong affective dimension in her account of dignity – in how "there is something wonderful and wonder-inspiring in all the complex forms of life."[204] Dignity is associated with nobility, and the human being with dignity has a kind of "awe-inspiring something" that should make us react when their humanity is degraded or eclipsed. Nussbaum is

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Earth (Oxford: Oxford University Press. 1979; 2000); Mark Stoll, *Inherit the Holy Mountain: Religion and the Rise of American Environmentalism* (Oxford: Oxford University Press, 2015); Bron Taylor, *Dark Green Religion: Nature Spirituality and the Planetary Future*. (Berkeley: University of California Press, 2010); Mark I. Wallace, *When God Was a Bird: Christianity, Animism, and the Re-Enchantment of the World* (New York: Fordham University Press, 2018); Michael York, *Pagan Theology: Paganism As a World Religion* (New York: New York University Press, 2003).

[202] Nussbaum quoted in Rutger Claassen, "Human Dignity in the Capability Approach," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 244. Nussbaum has written about her capability approach across many books and articles, and connected dignity to her approach for reasons that are sometimes unclear. Thus I rely here on Claassen's helpful synopsis of Nussbaum on dignity, which spans her entire *corpus*.

[203] Nussbaum quoted in Claassen, "Human Dignity in the Capability Approach," 242.

[204] Ibid, 243.

connecting human dignity with awe, and the protection of that awe politically and legally cashes out in a strong human rights framework. Dignity depends on others for its instantiation, introducing vulnerability to dignity despite being ontologically inalienable since humans always retain the potential for forms of activity and striving.

Just as Nussbaum includes vulnerability in her conception of dignity, some make negative experiences of violation central to their account of dignity. Andrea Sangiovanni aims to distinguish human rights from traditional concepts of dignity, be they Christian, aristocratic, or Kantian.[205] Dignity cannot be the basis of human rights because he finds the concept unusable in critical ways. For example, Christian dignity is based on the idea of a soul and that soul's relation to God *via* its creation in God's image, which is unhelpful for those who reject such a view of the human person. Aristocratic dignity, associated with Aristotle and Cicero, fails because it cannot ground *equal* dignity even if it can establish a general dignity of humans. Instead, Sangiovanni prioritizes a "Negative Conception" of human equality focused on individuals' susceptibility to social cruelty. Cruelty is terrible because it disrupts and undermines an individual's ability to form, plan, and revise an integral sense of self. Dehumanizing, infantilizing, objectifying, instrumentalizing, and stigmatizing actions all reduce the control one has over one's life. Human rights are social arrangements that protect against this susceptibility to social cruelty. To borrow a term from Judith Butler, a negative conception of dignity might help to recognize the equal "grievability" of lives.[206] For Butler, the worth of lives within an institutional framework can be gauged according to how grievable those lives are considered when violated. As Ralf Stoecker has suggested, a negative conception of dignity can combat the tendency for dignity to become a

[205] Andrea Sangiovanni, *Humanity without Dignity: Moral Equality, Respect, and Human Rights* (Cambridge: Harvard University Press, 2017).
[206] Judith Butler, *The Force of Nonviolence: An Ethico-Political Bind* (London: Verso, 2020).

useless concept or a trump card.[207] Some instances of violation almost necessitate using the term human dignity, as in torture, nursing home abuse, or child sexual abuse. If these impulses are then applied in an inductive analysis, we may discover a "unified concept" of dignity from "scattered applications" of the term.[208] The conclusion, Stoecker believes, is that when viewed inductively across time and space, we tend to reach for dignity language when the "universal nobility" of humans *qua* human is violated, lowered, or demeaned.[209] This contention brings Stoecker near to Waldron's idea of an upward movement of all humans into the highest ranks of dignity formerly reserved for princes and priests.

This dissertation closely follows the impulses found in the negative account of dignity in both dignity's historical genesis and theoretical validity. For Hans Joas (chapter four), negative experiences of self-transcendence and violations of the person are potent catalysts for the emergence of universalist values under certain conditions. For Judith Shklar (chapter five), liberalism should put cruelty first among the vices. Sangiovanni even names Shklar as a primary influence on his negative conception of human equality.[210] Nevertheless, exactly how and why a kind of self-evidence and affective intensity can arise in relation to violations of the person needs more explanation. It may be obvious *now* that it is a dignity violation for a nursing home worker to wash a senior's face with the same cloth used for excrement. Yet, pre-reflective impulses do not have a teleological outcome, and it is not the case that all people regarded killing, maiming, or humiliating another person as the worst possible of actions and crimes. For the actual genesis

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[207] Ralf Stoecker, "Three Crucial Turns on the Road to an Adequate Understanding of Human Dignity," in *Humiliation, Degradation, Dehumanization: Human Dignity Violated*, eds. Paulus Kaufmann, Hannes Kuch, Christian Neuhäuser, and Elaine Webster (New York: Springer, 2010).
[208] Stoecker, "Three Crucial Turns," 12.
[209] Ibid, 14.
[210] Sangiovanni, *Humanity without Dignity,* 5-6. I disagree with Sangiovanni that embracing a negative conception of equality requires jettisoning dignity language. In fact, Sangiovanni overstates the degree to which modern dignity is still tied to classical ideas. Modern dignity mirrors some of his concerns about cruelty and sociability more than he allows.

of values from inchoate impulses, this dissertation analyzes complex, contingent processes of sacralization whereby some formerly mundane actions can be charged with an aura of violation, profanation, and desecration.

Before we explicate the positive case of dignity as the sacredness of the person, however, we now turn to two prominent conceptions of dignity in contemporary social ethics – dignity triumphalism and dignity skepticism.

Chapter Two: Dignity Triumphalism and its Discontents

Some Christian philosophers and theologians tell a dramatic history of dignity that begins *in media res.* Human life is demeaned, degraded, and dispensable. Then, Christ entered the stage with a ministry and teaching that extolled the sanctity of human life, injecting human nature with a novel normative significance. Then, some Christian communities compromised their teacher's ideals for power and fame, relegating his radical dignitarianism to one political option among others. Different ecclesial traditions and thinkers start from different moments (e.g., Constantine, the corruption of the medieval church, or the arrogance of Enlightenment thought). Regardless of which thinker or tradition is the primary intellectual or political deviant, the bloodshed of the twentieth century is often traced to deeper theological errors that gave rise to nationalism, materialism, and relativism. It is in antiquity in general, and Christianity's synthesis of antiquity with revelation, where dignity was historically founded and can again be secured. As Patrick Deneen remarks, while contemporary liberalism seeks to promote liberty and human dignity, the concepts "were developed over centuries in classical and Christian thought and practice."[211] Rights and inviolable human dignity were "achievements of premodern medieval Europe," despite the imperfect execution and extension of these in practice.[212] Liberalism, then, is living off borrowed capital and does not understand the thick grounds and history of its own concepts. Solutions to the aporias and excesses of modern life, from environmental degradation to poverty, will be found in the degree to which a society is willing to look back and inhabit the classical and Christian worldviews that bequeathed the concept of dignity, eschewing the redefinitions of liberalism's architects.[213]

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[211] Patrick J. Deneen, *Why Liberalism Failed* (New Haven: Yale University Press, 2018), 19.
[212] Deneen, *Why Liberalism Failed*, 23.
[213] For another triumphalist account of dignity, see John Milbank, "Dignity Rather than Right," *Open Insight 5,* no. 7 (2014): 77-124.

Deneen is a dignity triumphalist. However, the historical chapter above dispensed quickly with his particularly crude form of triumphalism. Therefore, this chapter profiles the triumphalist history of dignity and its cognate concepts (e.g. the person and sacredness) in two eminently capable proponents. By examining two different Christian theologians, who vary considerably in tone and substantive positions — Protestant social ethicist David Gushee and Pope John Paul II (JPII) — I confirm that advocates of dignity triumphalism credit Judeo-Christianity with the invention of intrinsic human worth, an invention liable to being eclipsed by political and intellectual deviations. To complicate my task and show how the framework of triumphalism can encompass different moral and political conclusions, I chose one representative with whom I share a lot in common (Gushee) and one representative that is distant from my own theological, ethical, and political priorities (JPII). I then discuss the recent revisionist critique of triumphalism in the work of Samuel Moyn and others. The revisionist critique aims to show that the contemporary sense of human dignity is far from a perennial Christian teaching. Instead, dignity as the supreme normative significance of the human *qua* human is a recent innovation. As we saw in chapter one, it could not be said, as Deneen does, that the "dignity of the individual" and the "concept of the person" were central to the political philosophy of the Middle Ages or classical thought in a way that would be fully transparent today.[214] One does not need to say the modern use of dignity was an achievement of liberalism *per se* to recognize that dignity underwent a far-reaching redefinition that liberals, Christians, socialists, and throne-and-altar conservatives all had to grapple with.

In following Moyn and others and claiming that dignity is a recent innovation, I do not claim that modern dignity is antithetical to the Bible or the teachings of Christ. Rather, impulse

[214] Deneen, *Why Liberalism Failed*, 184.

differs from impact: the Christ event unleashed a torrent of novel impulses, capable of redefining both kingship and democratic revolt, the religious life and anti-clericalism, and magisterial control and dissenting voices.[215] Following Ernst Troeltsch, certain impulses within the Christian churches were able to flourish and become institutionalized at different moments depending on specific configurations of power and social context.[216] In his classic *The Social Teaching of the Christian Churches,* Troeltsch is sociologizing the history of dogma, attempting to bridge the gap between ideality and reality in Christianity through attention to value formation.[217] Troeltsch had a wide-ranging and complex view of how dogma related to history. Competing processes of sacralization and value formation drove "creative ruptures" within Christianity.[218] In Troeltsch, the churches are social forms and, therefore, appear contingent. And yet, for Hans Joas, values do not create institutions. The struggle with ideals and values fashion institutions in the direction of those values. When Troeltsch offers his typology of the forms of Christianity – Church, sect, and mysticism — these forms should not be taken as classifying all Christian organizations. Rather, they are illustrative examples of how the Christ event had the power to shape Christian communities. Thus, there is no teleological outcome of Christianity *per se*.[219] There is pluralism in the Christian churches, just like any other institution and its organizational forms. In transmitting values, organizational forms are not neutral or passive vehicles. Organizational forms work upon themselves in the light of the values of the people who constitute that organization. For example, the motivation for retributive justice and vanquishment of infidels has

[215] A classic, and still relevant, treatment of Christian interpretations of kingship is Ernst Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 2016). See also, Francis Oakley, *Kingship: The Politics of Enchantment* (Oxford: Blackwell Publishing, 2006).
[216] Ernst Troeltsch, *The Social Teaching of the Christian Churches*, trans. Olive Wyon, 2 vols. (London: George Allen & Unwin Ltd; New York: The Macmillan Company, 1931).
[217] Here I am following closely Hans Joas' interpretation of Troeltsch. See Joas, *The Power of the Sacred: An Alternative to the Narrative of Disenchantment* (Oxford: Oxford University Press, 2021), 90-110.
[218] Joas, *The Power of the Sacred*, 96.
[219] Ibid, 104.

often been as normative as the Christian vision of mercy, hospitality, and neighbor love. This Troeltschian priority of value formation within power-laden historical contexts (explored in greater depth in chapter four) is the operating lens through which I analyze triumphalism.

2.1 David Gushee: The Betrayal of Primordial Sacredness in Christian Social Action

David Gushee argues that the belief in human sacredness is "a grand moral conviction of ancient origin," a teaching familiar to Christianity and Judaism.[220] While many associate human dignity with conservative cultural warriors in the United States, who mobilize the term in defense of traditional stances on beginning and end-of-life moral questions, Gushee believes the sacredness of human life is Christianity's "greatest moral contribution…to world civilization"[221] and that progressive Christians should not allow the Christian right a monopoly on this language. Considering the role of liberal Protestantism in bestowing the language of sacredness and personality to late nineteenth and early twentieth century social ethics, Gushee is not without historical precedent in his desire for progressives to use the language of dignity and the sacred.

Gushee seeks to rescue human sacredness by highlighting dignity as a moral norm taught by Jesus, articulated in early Christian writings, and central to the Christian moral tradition throughout history. However, despite the revolutionary way Christians reordered antique moral anthropology, Jesus' commitment to human sacredness "has been cruelly rejected in practice and thought, often by Christians themselves."[222] Human sacredness is ultimately a revealed reality and divine command that always remains a task in history, upheld or transgressed depending on the time, place, person, and group. In the beginning, before the Fall, an original sacredness of

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[220] David P. Gushee, *The Sacredness of Human Life: Why an Ancient Biblical Vision Is Key to the World's Future* (Grand Rapids: Eerdmans Publishing, 2013), 1.
[221] Gushee, *The Sacredness of Human Life,* 1.
[222] Ibid.

harmony and beauty reigned before sin led to the desecration of human life, “especially in the form of bloodshed and violence (Gen. 6:5-8).”[223]

Gushee combines history and moral theory from a Christian theological perspective, arguing that sacredness as inviolable worth is the best interpretation of scripture and a critical thread woven throughout Christianity's two-millennia history. In other words, he makes a normative and historical claim about the centrality of sacredness to the Christian tradition.

There is a difference between the "sanctity" of human life, which has to do with moral *achievement,* and the "sacredness" of human life, which has to do with divine *ascription.*[224] The former is not dependent upon the latter. Such a distinction echoes Stephen Darwall’s division of respect into recognition and appraisal respect. For Gushee, dignity is overdetermined by its history as a status concept, and yet provides “a useful crossover term bridging diverse intellectual and religious communities.” Dignity is a less theologically potent way to gesture toward life’s sacredness. Even if the aristocratic and estate-based conceptions of dignity have been democratized, Gushee aims to give dignitarian discourse a more profound theological resonance captured in the term sacredness.

Before the Christian tradition, sacredness had long been predicated in its adjectival form of people, places, and things: “kings, mothers, gods, temples, lovers, knights, and rivers.”[225] To be sacred was to be an object consecrated to a higher purpose and surrounded by prohibitions. As Aquinas states, “a thing is called ‘sacred’ through being deputed to the divine worship [*ad divinum cultum ordinatur*].”[226] If a thing is specifically deputed to divine worship, then it is sacred in a way analogous to how a thing is considered good if it is deputed to a good end. While

[223] Ibid, 14.
[224] This distinction echoes Darwall, *The Second-Person Standpoint,* 122ff.
[225] Gushee, *The Sacredness of Life*, 21.
[226] Aquinas, *Summa Theologica*, IIª-IIae q. 99 a. 1 co.

occasionally the term sacred is analogically applied outside of liturgical contexts, the formal definition of sacred things dominated the usage throughout Christian history. While not drawing explicitly on Aquinas or this liturgical emphasis, Gushee outlines a "sacredness paradigm" that closely mirrors the tradition. The sacred is when:

1. Something is lifted from the ordinary.
2. It is consecrated by "some agency."
3. There are compelling reasons for the agent to consecrate the object.
4. The sacred object evokes an affective response (awe, reverence, etc.) in those who experience it.
5. Moral obligations, positive and negative, surround the sacred object.
6. These obligations "preserve" the inviolability of the sacred object, and obligations and sanctions increase or decrease the sacredness of the object. [227]

Gushee also does not cite Durkheim as an influence on his sacredness paradigm, though his account rhymes with Durkheim to an impressive degree, especially with an emphasis on the affective dimension and negative sanctions associated with the sacred. What it means, therefore, for humans to be sacred is to apply all six aspects of the sacredness paradigm to every human being:

> Human life is sacred: every human being has been set apart for designation as a being of elevated status and dignity. Each human being must, therefore, be viewed with reverence and treated with due respect and care, with particular attention to preventing any desecration or violation of a human being.[228]

It is an ancient and universal belief that certain people or groups have always been sacred. However, the idea that every human being is sacred, of the same rank, deserving of the same

[227] Gushee, 22.
[228] Ibid, 24.

base level of reverence and respect, with the same consequent sanctions for its violation, "comes to humanity from beyond humanity."[229] Humans require the revelation of God in Christ to arrive at the endpoint of universal human sacredness. Christ is the only agent who could bestow sacredness upon every human person with authority.[230]

Before Gushee turns to scripture and Christian history to support his thesis, he asks a final question about whether talk of human sacredness is new, a point directly relevant to the second half of this chapter. To this end, Gushee sought out articles that mention the terms "human dignity," "sanctity of (human) life," or "sacredness of (human) life" in JSTOR. These terms were infrequent but present from 1869 to1939 ("239 articles used these terms (3-4 per year)"), gradually increasing with time. Then, the terms exploded between 1970 and 2009 ("1970-2009: 6,467 articles (165 per year)") with the most significant shift occurring between 1945 and 1946. Gushee reports 171 articles between 1940-1945 and a whopping 1,837 between 1946-1969.[231]

For Gushee, these numbers prove that "the hypothesis that language ascribing universal dignity, sacredness, or sanctity to human beings is a contemporary innovation is incorrect."[232] Instead, the eruption of sacredness language is found in the nineteenth century, explicitly or implicitly derived from the Christian tradition, intensifying in the middle of the twentieth century as "*a crisis-induced recovery of an older moral tradition rooted in biblical faith but never previously formulated as a matter of dogma*."[233] That is to say, human sacredness has been latent in the Christian tradition since Christ. However, it took the horror of two world wars and the

[229] Ibid, 25.
[230] Ibid.
[231] Ibid, 26.
[232] Ibid, 27.
[233] Ibid, 29. Italics in original.

Holocaust to force the sacredness of every individual life to the fore. Absent from any central creed or Christian thinker, the sacredness of human life did not require articulation until violated to a degree not seen before. Then, human sacredness was raised to official Christian doctrine in almost every major branch of Christianity. Presently, human sacredness and dignity are at the forefront in every major ecclesial branch, with each tradition filling in the six aspects of the sacredness paradigm with their own theological justifications, motifs, and priorities in an overlapping consensus.

A few of the reasons why God has consecrated humanity as sacred in contemporary Christian traditions include: humans are created by God, are the peak of God's creative process, are gifts, are made for a supernatural *telos*, are created in the image of God, participate in the Noachide and Mosaic covenants, are in a special relationship with God, are owned by God, or have unique capacities (reason and free will). Gushee's own definition is as follows:

> Human life is sacred: this means that God has consecrated each and every human being— without exception and in all circumstances — as a unique, incalculably precious being of elevated status and dignity. Through God's revelation in scripture and incarnation in Jesus Christ, God has declared and demonstrated the sacred worth of human beings and will hold us accountable for responding appropriately. Such a response begins by adopting a posture of reverence and by accepting responsibility for the sacred gift that is a human life. It includes offering due respect and care to each human being that we encounter. It extends to an obligation to protect human life from wanton destruction, desecration, or the violation of human rights. A full embrace of the sacredness of human life leads to a full-hearted commitment to foster human flourishing.[234]

With this definition, Gushee turns to scripture and reads this definition into the text from Genesis to Revelation. The creation narratives, in particular, demonstrate God’s commitment to human sacredness, from humanity’s creation in the image of God to God's liberating power in Exodus

[234] Ibid, 33.

and the protection of life found in the covenantal law codes. Perhaps more than anywhere else in the Hebrew Bible, the prophetic visions of *shalom* provide the basis of high human worth.[235]

The themes of image of God, liberation, law, and *shalom* are intensified with the incarnation of Christ. Gushee quotes Dietrich Bonhoeffer: "whoever from now on attacks the least of the people attacks Christ, who took on human form and who in himself has restored the image of God for all who bear a human countenance."[236] Gushee walks through the stages of the incarnation, showing how in each — birth, public ministry, crucifixion, resurrection, and ascension — Christ extended neighborliness, care, and personal validation to all while promoting the flourishing of all creation. Christ also exemplified in his life and teaching the split between sacredness and sanctity expounded above, upholding the value and worth of all (sacredness) while calling humans to a higher moral potential (sanctity). Gushee finds substantial evidence in every aspect of Christ's earthly ministry that he valued individual humans, and the concept is not merely a sacred cow from the contemporary Religious Right.[237] Gushee thus argues against moral theologian Stanley Hauerwas, who maintains that Christians "do not believe in the inherent sacredness of life or in personhood…. or that we have inherent dignity."[238] Rather, Hauerwas, in a rather bizarre dichotomous flourish, would like Christians to return instead to an understanding of human life as a gift from God.

Beyond the Bible, Gushee uncovers the sacredness of life in early Christianity, advancing the thesis that there was a roundly accepted, coherent, and practiced sacredness of life ethic up until the emperor Constantine. In a type of kernel and husk history, after Constantine "the

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[235] Ibid, 37ff.
[236] Bonhoeffer quoted in Gushee, *The Sacredness of Life,* 85.
[237] Gushee, *The Sacredness of Life,* 114ff.
[238] See Stanley Hauerwas, "Abortion, Theologically Understood," in *The Hauerwas Reader*, eds. John Berkman and Michael Cartwright (Durham: Duke University Press, 2001), 615-6.

sacredness ethic was both negated and advanced; everywhere that Christian civilization traveled, so did the elevating and the desecrating of human life."[239] The elevation of human worth was explicitly found in the ancient Christian prohibition of armed service, abortion, infanticide, and gladiatorial games. Two critical texts come from Lactantius and Clement of Alexandria, who speak of life's sacredness. These are two of the only antique Christian texts that mention the sacredness of human life and the Clement of Alexandria quotation is much more dubious when examined in context than Gushee admits. Gushee quotes Clement as saying, "for think not that stones, and stocks, and birds, and serpents are sacred things, and men are not; but, on the contrary, regard men as truly sacred, and take beasts and stones for what they are."[240] In context, however, Clement is arguing against those who believe animals or objects can represent or speak for God, but not humans. The quotation takes place in the context of who or what God is capable of speaking through, an argument very much in line with more traditional conceptions of the sacred as that which is deputed to the divine worship. A fuller quotation than Gushee provides is as follows:

> For think not that stones, and stocks, and birds, and serpents are sacred things, and men are not; but, on the contrary, regard men as truly sacred, and take beasts and stones for what they are. For there are miserable wretches of human kind, who consider that God utters His voice by the raven and the jackdaw, but says nothing by man; and honour the raven as a messenger of God. But the man of God, who croaks not, nor chatters, but speaks rationally and instructs lovingly, alas, they persecute; and while he is inviting them to cultivate righteousness, they try inhumanly to slay him, neither welcoming the grace which comes from above, nor fearing the penalty.[241]

In the very next sentence Clement labels his opponents "miserable wretches." The passage is an indictment of heathens and Christianity's opponents, not an example of early dignitarianism.

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[239] Gushee, *The Sacredness of Human Life*, 121.
[240] Clement quoted in Gushee, *The Sacredness of Human Life*, 116.
[241] Clement of Alexandria, *Exhortation to the Heathen*, trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers,* vol. 2 (New York: Charles Scribner's Sons, 1913), 201.

Nevertheless, Gushee marshals many sacredness-adjacent texts to conclude "that Christians most of the time lived in a way that aligned with the exhortations and descriptions of these early Christian texts."[242] At times, he seems to give a history of pacifism or respectful treatment, not of sacredness or dignity. The kingdom community, living in apocalyptic expectation of their Savior, set themselves apart from the Roman empire in service of the dignity of human life. Yet, even here, things do not fit so easily. For example, Tertullian did proscribe military service for Christians, which could bolster a sacredness of life ethic today. But Tertullian is also the author of that infamously sadistic passage in which he admits to imagining God's bloody revenge against heathens with great eagerness.[243] While Christians at the moment cannot physically view scenes of philosophers, poets, tragedians, and wrestlers "tossing in the fiery billows," Christians can "have them by faith in the picturings of imagination."[244] As quoted in the previous chapter, this is in no small part because Tertullian believed Christians excelled all others in dignity.

This way of life changed with Constantine. Gushee hedges his fall narrative by claiming that "it is an unfortunate telescoping of history to pin all that went wrong later in Christendom onto Constantine himself."[245] Nevertheless, Constantine got the ball rolling, and the abandonment of the primordial Christian teaching of life's sacredness was intensified by Theodosius, resulting in a legacy in which political actors and collectivities corrupted Christian teaching. While violence and degradation always found brave detractors (e.g., St. Francis of Assisi against the crusades and Bartolomé de Las Casas against Spanish colonialism),

[242] Ibid, 136.
[243] Tertullian, *The Shows, or De Spectaculis*, trans. Alexander Roberts and James Donaldson, in *Ante-Nicene Fathers,* vol. 3, ed. Alexander Roberts and James Donaldson (New York: Charles Scribner's Sons, 1918).
[244] Tertullian, *The Shows, or De Spectaculis*, 91.
[245] Gushee, *The Sacredness of Life*, 153.

"*Christianity's life-revering vision was badly damaged*" in the legacies of war, colonialism, crusades, and anti-Judaism.[246]

In the remainder of his book, Gushee discusses a critical challenge to sacredness (Friedrich Nietzsche) and secular affirmation (Immanuel Kant) before discussing how the Holocaust and historical Christian anti-Judaism ultimately forced a more explicit recovery of Christianity's life-revering ethic in the twentieth century. However, I have detailed Gushee's argument enough for our purposes. The prelapsarian dignity of human life was renewed, promoted, and elevated with the incarnation of Christ. Christ is the only Word that can proclaim every human life as sacred. For two millennia, Christian churches have failed to live up to the standard set by Christ and practiced by the earliest Christians. However, with the catastrophe of the twentieth century in general and the horrors of the Holocaust in particular, an ecumenical impulse comes to the fore, making the Christian teaching on the value of human life explicit.

There is much to commend in Gushee's socio-ethical vision of human sacredness, and his definition of the sacred will come close to my Durkheimian definition in chapter four. However, I think there are several unworkable hypotheses in Gushee's account, especially on the level of historiography.

First, the Bible and even the public ministry of Jesus offer plenty of counterexamples to a contemporary dignitarian vision. This is not to say that the sacredness of the person is not the most apt hermeneutical lens for reading scripture or that the tenor of Christ's teaching is not a reverence for the marginalized and excluded. Instead, it is to say that an affirmation of the sacredness of life must be counterbalanced with passages that easily trouble the modern conscience, from slavery and preemptive war to Jesus' statements about his exclusive mission to

[246] Ibid, 163. Italics in original.

Israel. Indeed, Rudolf Bultmann is correct to maintain that the late-nineteenth-century ideal of the sacredness of human personality would not have been on the mind of Jesus or the New Testament authors and redactors.[247] Second, Gushee often speaks of the adherence to or abandonment of a sacredness of life ethic in the Christian tradition, such as in St. Francis of Assisi or Bartolomé de las Casas. And yet, to conflate moments of respectful treatment with dignitarianism *tout court* is to downplay history in favor of interpretation. As we saw above, even in cases of brutality as clear-cut as European colonization, there were well-established theological justifications for limiting rights to Christians and enslaving conquered barbarians. There would be less to argue with in Gushee's account if he argued for the moral and theological superiority of his interpretation of scripture, which centers the sacredness of human life. However, Gushee weighs down his account by claiming a prevalent historical presence for his interpretive stance. Gushee believes this to such a degree that he utilizes JSTOR to prove that terms such as human dignity and the sacredness of life are not new. He hunts for a meager sampling of ancient Christian quotations that call humans sacred. In light of the history presented in chapter one, his historical research rather proves my own point. It is only since the nineteenth century that words such as dignity and sacredness have been reformulated and applied to every human being to signify supreme normative significance and the expectation of equal respect and rights in relation to God and to others in a political community.

When he mobilizes the language of sacredness in the progressive direction, Gushee stands in a laudable tradition that has been too often forgotten since its heyday in the late nineteenth century. I do not claim that Gushee's account represents Christianity as a whole. Instead, my task is to point toward several representative accounts of the history and role of

[247] Rudolf Bultmann, *Jesus and the Word*, trans. by Louise Pettibone Smith and Erminie Huntress Lantero (New York: Charles Scribner's Sons, 1958) 52-53.

dignity and sacredness in Christian social ethics. In the case of Gushee, I've chosen an account close to my own belief that the Christian ethicist should employ the hermeneutical lens of sacredness to argue for progressive morals and politics. And yet, to show that Christian thinkers can belong to a tradition of dignity triumphalism while reaching opposing positions on critical moral questions, I now turn to JPII.

2.2 John Paul II: The Gospel of Life and Tentacles of Secularism

In the work of JPII, I will focus on *Evangelium Vitae*, one of the most influential accounts of dignity and sacredness in the culture-warring of the American Right over the past 30 years.[248] JPII defines the ground of human dignity before charting out which political and cultural goals grow directly from this ground. "The Gospel of life," he states, "is at the heart of Jesus' message."[249] Human worth begins with God's action in Israel, reaching its apogee in "the Birth of a Child."[250] In Christ's teaching, confirmed in His death and resurrection, God establishes the "incomparable worth of the human person," a task and mission passed onto the church to expound and defend. The person is of incomparable worth because they are called beyond earthly existence to share the life of God.[251] In arguing that the person's supernatural vocation imbues earthly existence with dignity, value, and honor,[252] JPII gives a personalist twist to the classical, capacities-based conception of dignity, combining rationality and rank with intrinsic

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[248] John Paul II, *Evangelium Vitae*, encyclical letter, Vatican website, March 25, 1995, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html. For example, the 2006 statement of Evangelicals and Catholics Together, "That They May Have Life," is structurally and conceptually indebted to *Evangelium Vitae* to such a degree that it can often read as a summary. See, "That They May Have Life," A Statement of Evangelicals and Catholics Together, 2006, *First Things*, accessed January 6, 2023, https://www.firstthings.com/article/2006/10/that-they-may-have-life.
[249] John Paul II, *Evangelium Vitae*, 1.
[250] Ibid.
[251] Ibid, 2.
[252] Ibid

worth. One can hardly be surprised, given the priority of capacities-based conceptions of dignity and human superiority throughout the Catholic tradition. Combined with the philosophical personalism of Max Scheler, on whom JPII wrote a dissertation, the classical rank conception of human nature could be combined with an emerging prioritization of supreme (even transcendent) worth. The sacredness of human life is accessible by reason and faith, universally available to all:

> Even in the midst of difficulties and uncertainties, every person sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart (cf. Rom 2:14-15) the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree.[253]

Echoing *Mater et Magistra,* the sacred value of human life is the foundation of every human and political community. The church's task is to proclaim the Gospel of human sacredness in all places and times. Nevertheless, since natural reason is perfected in the saving event of Christ, “the Gospel of God's love for man, the Gospel of the dignity of the person, and the Gospel of life are a single and indivisible Gospel."[254] For this reason, JPII believes the church ought to remain in the vanguard of promoting the dignity of the person amidst the moral, political, and cultural trends of the end of the twentieth-century – especially with regard to abortion and euthanasia. JPII warns that once a moral decision has been made against life, politicians and policymakers tend to legalize criminal acts, transforming democracy into totalitarianism. A "culture of death" emerges, in which absolute autonomy, defined as hedonism and the eclipse of the sense of God, is held up as the sole end of human life.[255] The person's worth in contemporary society is ironic

[253] Ibid.
[254] Ibid.
[255] Ibid, 12-13.

in the Niebuhrian sense: prioritizing ethics produces immorality, promoting democracy ends in totalitarianism, and celebrating human life results in a culture of death.[256]

For JPII, as in Gushee, the Gospel of Life begins at the beginning, "when man was created in the image of God for a destiny of full and perfect life."[257] Focusing on Cain's slaying of Abel, JPII argues that due to sin, forces opposed to life entered the world and humanity rebelled against the creator. In Genesis, life belongs only to God and not even the murderer. Cain does not lose his dignity even after fratricide. Poignantly, the question of God to Cain ("What have you done?") puts the question of the value of life directly to the one who has transgressed it.[258]

Contemporary societies, however, are not equipped to respond to God's question to Cain. Skepticism is rampant, and the objective distinction of good and evil is blurred. The confusion of good and evil is "actively fostered by powerful cultural, economic and political currents which encourage an idea of society excessively concerned with efficiency."[259] Such a conspiracy against life perpetuates the culture of death. For example, while contraception is a distinct sin from abortion, both are direct outgrowths of a contraceptive mentality that degrade life from a being into a having.[260] Rooted in "a hedonistic mentality unwilling to accept responsibility in matters of sexuality," founded upon "a self-centered concept of freedom" as personal fulfillment, the same trend is glimpsed in end-of-life care, where doctors abandon the Hippocratic task in favor of mastery and efficiency.[261]

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[256] See Reinhold Niebuhr, *The Irony of American History* (New York: Scribner, 1952), viii: "If virtue becomes vice through some hidden defect in the virtue; if strength becomes weakness because of the vanity to which strength may prompt the mighty man or nation; if security is transmuted into insecurity because too much reliance is placed upon it; if wisdom becomes folly because it does not know its own limits-in all such cases the situation is ironic."
[257] Ibid, 7.
[258] Ibid, 9.
[259] Ibid, 12.
[260] Ibid, 13.
[261] Ibid, 13

The conspiracy against life is particularly scandalous in contemporary societies that boast about human dignity and rights.[262] Lip service is paid to human dignity while states demolish any coherent meaning from ideas of the rule of law, solidarity, and freedom. Valuing absolute autonomy, liberating themselves from tradition and authority, contemporary societies ignore objective and universal truth and the sole reference point of politics and culture becomes the individual will and everything becomes "open to bargaining," even life itself.[263] When codified into law, the "tentacles" of secularism result in God-forgetfulness and moral decay,[264] reducing the person to bare physicality, to a thing stripped of transcendent character. Ailing from the moral disease of autonomy, the person does not receive life as a gift and abandons the veneration of such a sacred object as a human life. Persons become bodies, and bodies become "a complex of organs, functions and energies to be used according to the sole criteria of pleasure and efficiency."[265] To invert Gilles Deleuze, the modern age has produced organs without bodies. Despite the modern stress on dignity, human worth ultimately requires a robust sense of God, aided by political and cultural institutions founded on the precepts of the natural law.

Nevertheless, JPII finds hope in the blood of Abel as a symbol of the blood of Christ. Christ redeems, purifies, and saves humanity, sanctifying life by sacrificing his own. Christ, as the second person of the Trinity, can extend true life to those who believe and follow Him. “Through the words, the actions, and the very person of Jesus, man is given the possibility of 'knowing' the complete truth concerning the value of human life.”[266] Humans find their end in Christ, a *telos* that is nothing but God's own eternal life. Christ's earthly ministry illustrates the

[262] Ibid, 18.
[263] Ibid, 20.
[264] Ibid, 21.
[265] Ibid, 23.
[266] Ibid, 29.

value God places on human life, highlighted most transparently in Christ's compassion for the suffering and the outcast. Christ’s public ministry restores dignity to abandoned and degraded life.

> In Jesus' own life, from beginning to end, we find a singular "dialectic" between the experience of the uncertainty of human life and the affirmation of its value. From the very moment of his birth, Jesus' life is marked by uncertainty. He is indeed accepted by the righteous, who echo Mary's immediate and joyful "yes" (cf. Lk 1:38). But there is also, from the start, rejection on the part of a world that grows hostile and looks for the child in order "to destroy him" (Mt 2:13)[267]

If Christ exemplified the value of life in his ministry, his death became the fountain of new life for all.[268] "Truly great must be the value of human life if the Son of God has taken it up and made it the instrument of the salvation of all humanity!”[269]

Since inviolable dignity is now a fact of experience and human reason, JPII explains further *why* in light of the incarnation.[270] The first reason is rank: the human person is different from other creatures, “a manifestation of God in the world, a sign of his presence, a trace of his glory (cf. Gen 1:26-27; Ps 8:6).”[271] Humanity’s sublime dignity is found in the fact that humanity is the summit and crown of creation. Creation is ordered and made subject to humanity, whose dignity issues from having been created in the image of God. Specifically, the human capacities of "reason, discernment between good and evil, and free will" confirm the stature of humanity as supremely valuable.[272] JPII marshals just about every strand of dignity talk to ground his socio-ethical vision: the peak of creation, the image of God, capacities, gift, and intrinsic worth. In short, JPII grafts the emerging contemporary sense of dignity onto the classical tradition. And I

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[267] Ibid, 33.
[268] Ibid.
[269] Ibid.
[270] Ibid, 34.
[271] Ibid.
[272] Ibid.

really do mean emerging, as JPII was a young seminarian in Poland when a strong tradition of Catholic anti-Semitism could still claim that not all human "beings" were human "persons." This tradition (which JPII opposed) advocated that personhood, and by extension certain political and civil rights, be dependent upon conversion to the Catholic faith.[273]

However, human greatness and worth are now imperfect – sin entered the picture. Christ speaks of and gives eternal life on the other side of sin. In the Sermon on the Mount, for example, Christ expresses the inviolability of human life, radicalizing moral demands beyond the law to encompass the heart's intentions. We must now revere every person's life. In humanity's creation, redemption, and salvation, we find the ground of dignity in God, the Lord of life. These theological claims issue directly in moral imperatives: "No one can, in any circumstance, claim for himself the right to destroy directly an innocent human being."[274] The inviolability of the person reflects the inviolability of the person's sovereign creator and judge. Thus, the church has always taught the value of thou shalt not kill.

In *Veritatis Splendor*, JPII explores how dignity and the sacredness of life are connected to the traditional questions of moral theology. In doing so, JPII does acknowledge that the sense of dignity has been "heightened" today:

> This heightened sense of the dignity of the human person and of his or her uniqueness, and of the respect due to the journey of conscience, certainly represents one of the positive achievements of modern culture. This perception, authentic as it is, has been expressed in a number of more or less adequate ways,

[273] For more on the intellectual leaders and anti-Semitic aspects of Polish personalism, see Piotr H. Kosicki, "Masters in Their Own Home or Defenders of the Human Person? Wojciech Korfanty, Anti-Semitism, and Polish Christian Democracy's Illiberal Rights-Talk," *Modern Intellectual History* 14, no. 1 (2017): 99–130. For an insightful account of how Catholics grappled with the upheavals of the twentieth century in Poland and France, see Piotr H. Kosicki, *Catholics on the Barricades: Poland, France, and "Revolution," 1891-1956* (New Haven: Yale University Press, 2018).
[274] John Paul II, *Evangelium Vitae*, 53.

> some of which however diverge from the truth about man as a creature and the image of God, and thus need to be corrected and purified in the light of faith.[275]

Because dignity is a fact of experience, and yet one ignored by large sectors of contemporary society (politics, technology, economics, culture, and family life), JPII fosters a deep distrust of democracy.

> Democracy cannot be idolized to the point of making it a substitute for morality or a panacea for immorality. Fundamentally, democracy is a 'system' and, as such, is a means and not an end. Its 'moral' value is not automatic but depends on conformity to the moral law to which it must be subject, like every other form of human behavior. In other words, its morality depends on the morality of the ends it pursues and the means it employs. Nevertheless, suppose today we see an almost universal consensus about the value of democracy. This is considered a positive "sign of the times," as the Church's Magisterium has frequently noted.[276]

As a "sign of the times," a phrase from the Gospels that Pope John XXIII used in convening the Second Vatican Council, democracy is valuable to the extent that it can enact and promote the Roman Catholic conception of human worth. The values JPII endorses "cannot be provisional majority opinions, but only the acknowledgment of an objective moral law which, as the 'natural law' written in the human heart, is the obligatory point of reference for civil law itself."[277]

The precision with which dignity dictates moral demands is remarkable. In *Veritatis Splendor,* JPII connects dignity directly to the prohibition of "contraception, direct sterilization, autoeroticism, pre-marital sexual relations, homosexual relations and artificial insemination."[278] To question the Church's historical teachings on these moral questions is to malign human dignity since one jettisons the metaphysical and biological structure of the human person for self-designing freedom.

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[275] John Paul II, *Veritatis Splendor*, encyclical letter, Vatican website, August 6, 1993, 31. https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html.
[276] John Paul II, *Evangelium Vitae,* 70.
[277] Ibid.
[278] John Paul II, *Veritatis Splendor*, 47.

According to Carlo Accetti, JPII set the tone of Catholic social teaching to the present day; after the fall of Communism, the Catholic Church pivoted back to an attack on Western “relativism” once the supreme atheistic threat of the Soviet Union had been neutralized.[279] Pope Benedict XVI picked up many of JPII's threads, which he wove together with the highest intellectual sophistication, consummate with his reputation as one of the leading Catholic theologians of the second half of the twentieth century. In Benedict, we hear again how the person is not a thing, how human dignity is a gift and a task, and how indifference to the person's "transcendent dignity” leads to relativism and totalitarianism.[280] Before becoming Pope Benedict XVI, Joseph Ratzinger had combined the two into the idea of a “dictatorship of relativism,” the putative *modus vivendi* of modern life.[281]

Despite their differences, David Gushee and John Paul II provide two triumphalist histories of the ground and development of human dignity, consisting of at least three traits: first, the foundation of human dignity is the image of God in every person*;* second, the image of God is the source of each person’s sacred valuation; and third, Christ renews and deepens the sacred dignity of persons to the highest degree. From chapter one, we already have many reasons to nuance these accounts since the image of God was not uniformly connected to a universal dignity or sacred valuation of humans *qua* human. Dignity was most often attached to a station or institution, and the sacred was often used in a technical liturgical context and not applied to human life in general. Even in the rare instance that human dignity was extolled, it was often in relation to humanity in general or before the Fall, to membership in the Church, to intellectual

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[279] Accetti, *Relativism and Religion*, 18, 48, 57ff.
[280] Benedict XVI, "The Human Person, The Heart of Peace,” message for the celebration of the World Day of Peace, January 1, 2007, Vatican websie, accessed January 6, 2024, 6. https://www.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20061208_xl-world-day-peace.html.
[281] Benedict also affirms the UDHR, but only "if the rights described in the Declaration are held to be based not simply on the decisions of the assembly that approved them, but on man's very nature and his inalienable dignity as a person created by God." See Benedict XVI, “The Human Person, The Heart of Peace,” 13.

capacity or creativity, or to the soul's high status after redemption. There is a broad chasm, and many historical and theological shifts to account for, between Aquinas' claim that through sin a person loses the dignity of a child of God and the modern emphasis on the universal fatherhood of God and the universal brotherhood of man. Recently, this chasm in triumphalist histories of dignity has become a topic of intense interest in law, political theory, and history.

2.3 Samuel Moyn: The Christian Invention of Human Dignity in the twentieth Century

A revisionist historical critique of dignity has snowballed in recent years, generating speed and weight as scholars produce articles, publish monographs, and organize conferences on dignity from a critical angle. The disagreement is more sophisticated than Ruth Macklin or Stephen Pinker labeling dignity as "useless" or "stupid."[282] The claim, rather, is that triumphalist histories of dignity are reductionist and ideological, lacking a critical historical consciousness.

Samuel Moyn is a scholar at the center of the revisionist critique of dignity. Moyn traces the rise of dignity as the *lingua franca* of moral discourse to a conservative revolution in Christian constitution-making in the first half of the twentieth century.[283] The United Nations Charter (1945), the UDHR (1948), and the West German *Grundgesetz* (1949) are not so much crowning achievements of a two-thousand-year-old tradition as innovations manufactured to meet a particular political and religious moment. In short, the contemporary emphasis on dignity and the sacredness of the person is about eighty years old. Dignitarian discourse is not a liberal, leftist, or secular overlapping universalism but a conservative — primarily Catholic — innovation. The contemporary sense of dignity resulted from religious constitutionalism, where

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[282] Ruth Macklin, "Dignity is a Useless Concept," *BMJ (Clinical Research Ed.)* 327, no. 7429 (2003): 1419-1420, doi:10.1136/bmj.327.7429.1419; Steven Pinker, "The Stupidity of Dignity," *The New Republic*, May 27, 2008, https://newrepublic.com/article/64674/the-stupidity-dignity, accessed January 6, 2024.
[283] Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015).

traditional authorities attempted to split the middle between liberalism and a fully integrated religio-political order. For example, Moyn calls the Irish Constitution of 1937 "a tape recorder that, because it was on at the right time, captures the moment in which an accident happened that still determines our moral speech."[284] The Irish Constitution sought to "promote the common good, with due observance of Prudence, Justice, and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations."[285] The Vatican newspaper, *L'Osservatore Romano*, affirmed the Irish constitution despite initial misgivings by the Pope, because "it differs from other constitutions" in its "respect for the faith of the people, the dignity of the person, the sanctity of the family, of private property, and of social democracy."[286]

Dignity became the rallying cry of Christian Democracy, a political and constitutional movement that sought to synthesize traditional policies on sex, gender, the family, and education with social democratic economics and modern representative politics.[287] The ideology of dignity changed its trajectory in the 1930s and 1940s. Where once dignity was used in its adjectival form to denote groups or entities, and not persons, after WWII, dignity increasingly referred to the status of the individual, to the kernel of inviolable worth found within each person.[288]

Additionally, the "person" arose as an alternative conception of the "individual," a new descriptor with the ability to shoulder the metaphysical heft of the new concept that dignity meant to convey. Religious thinkers promoted the "person" as a relational and communitarian

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[284] Moyn, *Christian Human Rights*, 60.
[285] Preamble, 1937 Irish Constitution quoted in Moyn, *Christian Human Rights*, 25.
[286] *L'Osservatore Romano* quoted in Moyn, *Christian Humans Rights*, 48.
[287] For three excellent accounts of Christian Democracy, see Carlo Invernizzi Accetti, *What Is Christian Democracy?: Politics, Religion and Ideology* (Cambridge: Cambridge University Press, 2019); Martin Conway, *Western Europe's Democratic Age, 1945-1968*, (Princeton: Princeton University Press, 2021); Maria D. Mitchell, *The Origins of Christian Democracy: Politics and Confession in Modern Germany* (Ann Arbor: University of Michigan Press, 2012).
[288] Moyn, *Christian Human Rights,* 33-34.

substance at odds with the atomized and materialistic individual under liberalism, fascism, and communism.[289] Even absent the language of dignity found in the 1937 Irish constitution, the Portuguese constitution (1933) of António de Oliveira Salazar and the Austrian constitution (1934) of Austro-fascist leader Engelbert Dollfuss could draw directly on Pope Pius XI's *Quadragesimo Anno* and Catholic personalism to promote a corporatist vision of society.[290] By the early 1940s, a draft constitution of the Vichy Regime under Philippe Pétain read, "the liberty and dignity of the human person are supreme values and intangible goods [*la liberté et la dignité de la personne humaine sont des valeurs suprêmes et des biens intangibles*]."[291] Thus, dignity was not as much a threat to integrally Catholic and Christian Democratic movements but could prove a possible boon.

The traditional authorities adopted the dignity of the human person to defeat liberalism and the left in the swiftly shifting political conditions of modernity, where an integrated religious order was seen as out of touch with popular democratic movements and liberal rights. "Human dignity," Moyn states, "mainly helped wrest both rights and constitutionalism from the heritage of the French Revolution specifically and from political secularism generally, with which they had hitherto been associated in European history."[292]

Dignitarian language became more prominent with the release of Pius XI's *Divini Redemptoris* and intensified in later anti-communist encyclicals. Moreover, for fifty years, Communism represented the central opponent to dignity after the fall of most fascist regimes. The constitutionalization of dignity following *Divini Redemptoris* shows how conservatives

[289] Ibid, 37-49.
[290] Ibid, 34.
[291] "Projet de constitution du 30 janvier 1944," *Digithèque MJP*, accessed January 6, 2024, https://mjp.univ-perp.fr/france/co1944p.htm.
[292] Moyn, *Christian Human Rights*, 59.

developed a new politics of the human as a religious alternative to a wholly religious state. Dignity became a strategic retreat when traditional religious authorities could no longer dominate modern life. The strategic retreat worked, however, as the language of dignity provided by religious thinkers played an outsized role in constructing the ideological apparatus of the UDHR in 1948. Thus, when the New York Times quoted Pope Pius XI talking about the "worth and dignity" of "human personality," we see an anticipation of the language later used in the Preamble and Article 1 of the UDHR.[293]

Moyn does not know how many people regarded the struggle for dignity as a conservative alternative to failed authoritarianism. In defense of his thesis, Moyn states these religious accounts were simply the "most frequent" and that Christian Democrats and anti-communist conservatives were more likely to employ the language of dignity and socialists, when able to exert control, "were far less likely to invoke dignity in constitution making."[294] How can Moyn be sure that the use of the term dignity was minor before the 1930s? Simply because people did not use it. He finds an absence even in the usual suspects we would today assume had the most stake in the term, such as Kantians like Hermann Cohen. It was a different lineage that injected dignity into our moral speech – Catholic personalism.

Born of anti-liberal impulses in the 1910s-1930s, cobbled unevenly together from philosophers such as Nikolai Berdyaev, Alexandre Marc, and Max Scheler, Catholic personalism taught the sacredness of the person as an alternative to liberalism, fascism, and communism.[295] Personalists like Emmanuel Mounier and Jacques Maritain believed liberalism, fascism, and communism to all be materialistic systems. Only recognizing the infinite value of the human

[293] Pope Pius XI quoted in Moyn, *Christian Human Rights*, 52.
[294] Moyn, *Christian Human Rights*, 53, 58.
[295] Ibid, 69-89.

person could save modern life from the destructive impulses of individualism. Moyn believes that in the personalists, we find the idea of the sacred and inviolable worth of the person as it is understood to the present. For Maritain, the dignity of the human person "means nothing if it does not signify that, under the natural law, the human person has the right to be respected, is the subject of rights, possesses rights."[296] As a spiritual alternative to materialistic politics, a personalist reconceptualization of dignity could confront liberalism in the West and communism in the East. The movement soon caught on among postcolonial elites, such as Charles Malik, a central figure in drafting the UDHR.[297] "In Christianity, the individual human person possesses an absolute value," Malik explained in 1951. "The ultimate ground of all our freedom is the Christian doctrine of the absolute inviolability of the human person."[298] From state constitutions in the 1930s to the United Nations, personalism played a significant and overlooked role in how billions today understand dignity, inviolability, and the human person.

While we will have reason to complicate this narrative below, Moyn astutely recognizes a shift in the concept of dignity that bears the weight of scrutiny. Even just since the French Revolution, dignity was predicated most often of groups, institutions, and nations. Before the 1890s, it is difficult to locate a reference to dignity that was not primarily adjectival, applied in this more traditional manner.[299] To pull a small sampling only from papal encyclicals, there was the dignity of the religious life, the dignity of priesthood, the dignity of Rome, the dignity of order, the dignity of religious days and occasions, the dignity of particular churches, the dignity of Christian rulers, the dignity of holy objects, the dignity of the sacraments, the dignity of a

[296] Maritain quoted in Moyn, *Christian Human Rights*, 82-83.
[297] Moyn, *Christian Human Rights*, 91.
[298] Malik quote in Moyn, *Christian Human Rights,* 92.
[299] I relied upon the following volumes for my review of dignity language in papal encyclicals since 1740: Claudia Carlen, ed., *The Papal Encyclicals*, 5 vols. (Beloit: McGrath Publishing Company, 1981).

nation, the dignity of a Catholic university, and more. Likewise, it was an indignity for one who had taken holy orders not to wear a clerical collar and for bishops to be tried in a secular court of law by lay judges. As demonstrated in chapter one, it is in the encyclicals of Pope Leo XIII, whose pontificate lasted from 1878 until 1903, where we find a scattering of references to human dignity and the person. It is no mistake, I contend, that this occurred at the same time as industrialism, democracy, and socialism were putting the social question at the center of the political agenda, seeking new forms of collective agency beyond traditional structures of solidarity.[300] By the time of Pope Pius XII's 1942 Christmas address and Pope John XXIII's 1961 encyclical *Mater et Magistra*, the term dignity was almost unrecognizable from how it had been used a century earlier. Not coincidentally, Catholic social teaching sought to address the social question as late as 1967, as in Pope Paul VI's *Populorum Progressio.* JPII would later read the history of Catholic social encyclicals since Leo XIII as the Catholic attempt to come to terms with the social question.[301] As mentioned above, in 2004, the *Compendium of the Social Doctrine of the Church* would use dignity in its contemporary sense almost 200 times. Thus, the rapid shift in the meaning of dignity, which came to be applied to the core of the individual (or the "person"), is as striking as Moyn narrates. But Moyn does not discuss the social question, or how dignitarianism might have succeeded as an inter-ideological terminology to the social question. Since Catholic social teaching was fixated for over a century on responding to the social question, and the social question gained much of its prominence after the French

[300] This did not go unnoticed at the time. See, for example, J. A. Zahm, "Leo XIII. and the Social Question," *The North American Review*, vol. 161, no. 465 (1895): 200-214.
[301] "Faced with the poverty of the working class, Pope Leo XIII wrote: 'We approach this subject with confidence, and in the exercise of the rights which manifestly pertain to us ... By keeping silence we would seem to neglect the duty incumbent on us'. During the last hundred years the Church has repeatedly expressed her thinking, while closely following the continuing development of the social question." John Paul II, *Centesimus Annus*, encyclical letter, Vatican website, May 25, 1991, 53. https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

Revolution, here might be one example of religion capitulating to the issues and vocabulary of modernity, even if the Catholic Church's answer would differ dramatically from the liberal's or the Marxist's.

Moyn is also mostly correct that once the moral speech changed, historians began reading the shift back into history. Often, historians mobilized dignity to boost their anti-communist credentials and manufacture an image of a unified Christian West. The prominent Protestant example, since Moyn has spent so much time with Catholics as laying the groundwork for the post-war turn to dignity, is the German Gerhard Ritter.[302] Ritter focused on religious freedom as the first human right and the need for Christianity to ground and shepherd the person against the forces of communism. Since Ritter, historians have rushed to offer the backstory behind the new understanding of dignity. Many "historians adopted a celebratory attitude toward the emergence and progress of dignity and rights, providing recent enthusiasms with uplifting backstories and differing primarily about whether to locate the true breakthrough with the Greeks, Judaism, medieval Christians, early modern philosophers, democratic revolutionaries, abolitionist heroes, American internationalists, or anti-racist visionaries."[303] Putting the past at the service of the present, for many these traditions are mobilized as a "conservative defense of old verities, not progressive betterment of the world."[304]

Moreover, the content of these defenses tended to limit politics, especially radical politics. Therefore, Ritter took to the recently formed World Council of Churches in 1948 and John Foster Dulles' understanding of human rights in the international arena as "a Christian moral mission": "Geopolitically," Ritter remarked, "there can be no doubt that the future of

[302] Moyn, *Christian Human Rights,* 101-36.
[303] Ibid, 102-3.
[304] Ibid, 108.

everything that we customarily regard as the heritage of Christian-Occidental culture depends on the almost religious zeal with which today's America defends the principle of general human rights against the totalitarian state system."[305] Other prominent religious leaders, such as George Bell and Emil Brunner, believed similarly. Moyn points out that there was an overlapping consensus between the emerging moral framework of dignitarian and rights universalism and the advent of Christian realism, which "insisted on the realities of power as a framework for moralism."[306]

If Moyn is correct on these two points, we glimpse more shortcomings in dignity triumphalism. Both start with something like the UDHR's definition of dignity, the person, and inviolable worth and read them back into the image of God, the life of Christ, the early Christians' communal life, and the historical mission of the Christian churches. Whether the result is a lament at Christianity's failure to live up to dignity, as in Gushee, or a more cavalier proclamation of the church's consistent dignitarianism, as in JPII, both tend toward anachronism.

Historian James Chappel has supplemented Moyn's revisionist critique, adding nuance to the Catholic Church's sudden shift in emphasis on dignity, rights, and the person in the early 1930s. Against those who would reduce dignitarianism to conservatism and those who would wield the shift as a universalist "endpoint of political-moral thinking," Chappel warns against searching for a "unit idea" in the discourse, in which individuals from different times and places are understood to be talking about the same thing.[307] Moyn himself is open to the charge that he makes religious conservativism the unit idea of dignity.

[305] Ritter quoted in Moyn, *Christian Human Rights,* 120.
[306] Moyn, *Christian Human Rights*, 134.
[307] James Chappel, "Explaining the Catholic Turn to Rights in the 1930s," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins (Cambridge: Cambridge University Press, 2020), 63-64. See also Chappel, *Catholic Modern: The Challenge of Totalitarianism and the Remaking of the Church* (Cambridge: Harvard University Press, 2018).

Nevertheless, Chappel agrees with Moyn that dignity and rights are the "lingua franca for an organization with more than one billion adherents," referring to the Catholic Church.[308] The shift occurred when "thinkers came to accept the legitimacy of the secular nation-state, and at which point rights talk served to explain the duties and limits of that state project."[309] Chappel also notes how dignity and rights talk migrated from describing corporate bodies to individuals. In addition, the shift to dignity and rights occurred not only in encyclicals but "through a dense web of newspapers, youth and women's movement newsletters, trade union bulletins, and the like."[310] Print culture in the 1930s was essential to dignitarian discourse and was popular on the political right. One Bavarian theologian wrote in 1934, the year after Hitler's rise to power, of the ineffable dignity and primeval rights of the individual.[311]

Otto Schilling, a Nazi and leading German theologian, argued similarly. "The command of the hour," Schilling insisted, "is the integration of all Christian thinkers and friends of Christian culture in the struggle against the enemies of Christianity."[312] For Schilling, the Catholic Church respected the "dignity [and] personality of men" in accordance with natural law more than anybody else.[313] In Catholicism, the redefinition of dignity was not an embrace of individualism, which was forbidden, but a way for Catholic political discourse to gain credibility by sounding modern. The equivocation was brought about by utilizing language found throughout Catholic history (e.g., *dignitas*) while defining these terms following traditionalist norms.

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[308] Chappel, "Explaining the Catholic Turn to Rights in the 1930s," 64.
[309] Ibid, 65.
[310] Ibid, 67.
[311] Ibid, 68.
[312] Shilling quoted in Chappel, "Explaining the Catholic Turn to Rights in the 1930s," 68.
[313] Ibid.

In four case studies, Chappel shows how dignitarian language became central to disputing the role of the Catholic faith in modern life. In contrast to Moyn, Chappel's examples run the spectrum from right to left. The German Jesuit Robert Linhardt turned to dignity and the human person after the failure of political Catholicism during the collapse of Weimar and the rise of Hitler, synthesizing the Aristotelian idea of a mixed constitution of monarchist, aristocratic, and democratic elements to the social order while giving the monarchist aspect of Aristotle's thought a philo-Nazi coding.[314] Another philo-Nazi Catholic, Henri Massis, turned to rights in the 1930s, not as a bulwark against authoritarianism, but as the basis of authoritarianism; Massis helped Marshal Pétain draft the Vichy constitution in1940, believing Mussolini, Salazar, and Franco could defend the dignity and rights of the person better than secular, democratic leaders.[315] Linhardt and Massis desired authoritarianism with a Catholic conscience.[316]

The tendency above is one part of the story, and Chappel believes it would be reductionistic to maintain that dignity is reactionary because reactionaries mobilized the word. At the same time, anti-fascist Catholics turned to the same language. Emmanuel Mounier turned to dignity, rights, and the person to support the right to a basic income and women's work.[317] Jacques Maritain, once a follower of the reactionary *action française* until its papal condemnation, turned to this new language later than most and used it to argue that the ages of clericalism and liberalism were over, necessitating the need for a new age of democracy, economic justice, and religious and cultural pluralism founded upon the dignity of the person. Explicitly against Moyn, Chappel states, "despite later historians' linkage of Maritain with

[314] Ibid, 69-73.
[315] Ibid, 73-76.
[316] Ibid, 74.
[317] Ibid, 77-78.

Christian Democracy, the rights talk Maritain espoused in the 1940s bore almost no resemblance to the conservative anti-communism of the Christian Democratic era."[318]

Therefore, there is no clear dividing line between those who utilized dignitarian and personalist language and those who did not. Instead, dignity was a battlefield over how Catholics should come to terms with the modern state and democratic movements. Chappel states:

> Catholic thinkers came to grudgingly accept that the secular nation-state, in some form or another, was the horizon of political expectations in the modern age. Rights talk emerged as a discursive toolbox to help them explain what shape that state should take and how Catholic principles might be incarnated.[319]

Notably, for Chappel, rather than a clean-cut dichotomy between right-wing and left-wing interpretations of dignity, the motivating social impulse in modern Catholicism to the present day is a tension between "paternal" and "fraternal" impulses in Catholic social teaching, the paternalists emphasizing anti-communism and traditional values in the family and education, the fraternalists emphasizing antifascism and a blurring (but not abolishing) of traditional distinctions in family, education, and the economy.[320]

Few scholars, including Moyn, advocate a more hard-edged position against the Catholic turn to dignity and rights than Carlo Accetti. Accetti argues that when democratic revolutions first brought the language of rights, the Catholic Church's response was full-throated rejection.[321] Against the idea that Catholic dignity won at the United Nations, the UDHR was not mentioned in an official Vatican document until John XXIII in 1963. The Vatican had to accept human rights in form but create its own content. The language of democracy was "co-opted" by the church

[318] Ibid, 79.
[319] Ibid, 80.
[320] James Chappel, *op. cit*.
[321] Carlo Invernizzi Accetti, "Catholic Social Doctrine and Human Rights: From Rejection to Endorsement?," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins (Cambridge: Cambridge University Press, 2020), 81.

against liberal freedoms and pluralism. The church's previous rejection of rights is still "latent" in the present-day church.[322] Where Moyn focuses on the advent of dignitarian language in the 1930s, Accetti focuses on the language's official adoption in the texts of the 1960s that informed Catholic social teaching during and after Vatican II. The Catholic personalist movements were not the catalysts of "left-leaning secular liberals" discussing dignity and rights in the 1970s.[323] In contrast, "the Catholic conception of human rights developed over the course of the past half-century was explicitly construed in opposition to a rival secular or liberal conception."[324] There is no overlapping consensus. There are two rival traditions, the democratic and the Catholic traditionalist, which use the same language. The Catholic Church uses dignitarian language to reject democracy and pluralism with more sophistication.

However, if Moyn's brush paints Catholicism's turn to dignity too broadly, he also conveniently downplays the Protestant story of dignity. Moyn expounds on the German conservative historian Gerhard Ritter, who too conveniently fits Moyn's narrative. Ritter has everything Moyn dislikes: an account of human rights that foregrounds focusing on religious freedom; a need for Christianity as a historical force to safeguard the person against communism; an uplifting backstory of a Western legacy of human worth; a political and intellectual alliance with John Foster Dulles and Reinhold Niebuhr on the need for Christian-inspired power politics; and a general allergy to post-war progressivism and radicalism. Moyn is so concerned that Ritter reads the past to serve the present that Moyn himself overlooks how his own hermeneutics of suspicion might cause him to do the same.

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[322] Accetti, "Catholic Social Doctrine and Human Rights: From Rejection to Endorsement?," 82.
[323] Ibid, 83.
[324] Ibid.

According to P. MacKenzie Bok, Moyn exaggerates at every turn. “[I]t doesn’t follow that being provoked to counter a conservative spin on one’s ideas demonstrates that those ideas really are conservative in essence.”[325] Bok finds that Moyn is too cavalier in collapsing Christianity into conservatism, too dichotomous in pitting Christian human rights against the secular rights of the French Revolution, too narrow in associating the Irish constitution with the subsequent meaning of dignity, and too fixated on correcting the idea that the Holocaust birthed human rights talk to recognize “that a sincere sense of horror and violation, rather than ideological strategy alone, helped provoke the emergence of personalism.”[326] Moyn reduces an idea to its political use, limits his examples of the political use of that idea to conservatives, and then calls the idea conservative. However, perhaps the greatest of Moyn's foibles “is its difficulty in accommodating the Protestant and American sides of the story.”[327]

Bok recounts at length the influence of George F. Thomas’ liberal Protestant idealism on a young John Rawls, showing that a robust idea of human worth, dignity, and personality was operative outside of the European Catholic context in the first half of the twentieth century.[328] American personalists were drawing from Emil Brunner, Martin Buber, and Ferdinand Ebner, in addition to the Boston Personalists, to ground their emphasis on absolute human worth and responsible action in a world community.[329] For this reason, Bok repeats my connection above, calling Moyn’s selection of Ritter as representative of Protestantism “frustratingly inapt.”

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[325] P. MacKenzie Bok, "Did the Christians Ruin Rights?" *The New Rambler Review: An Online Review of Books*, accessed November 21, 2023, https://newramblerreview.com/book-reviews/history/did-the-christians-ruin-rights.
[326] Bok, “Did the Christians Ruin Rights?,” para. 12.
[327] Ibid, para. 14.
[328] P. MacKenzie Bok, “Inside the Cauldron: Rawls and the Stirrings of Personalism at Wartime Princeton,” in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins (Cambridge: Cambridge University Press, 2020), 160ff.
[329] Bok, “Inside the Cauldron: Rawls and the Stirrings of Personalism at Wartime Princeton,” 181-184.

The historian Gene Zubovich has produced a remarkable study of the role of liberal Protestantism in dignity and rights as promulgated by the UDHR, filling out aspects overlooked by Moyn.[330] Zubovich shows how liberal Protestants in the mid-century United States placed dignity, rights, and personality at the center of their activism, advocating for the adoption of the UDHR in 1948 abroad and the abolition of Jim Crow ("a violation of the Gospel of love and human brotherhood") at home.[331] Driven by a desire for a global *oikoumeme*, denominations affiliated with the Federal Council of Churches (FCC) represented up to a third "of the US population."[332] Combined with numerous voluntary groups, ecumenical liberal Protestants were consequential players in American politics.

In the early 1930s, liberal Protestant missionary activity took an anti-racist, anti-imperialist, and interfaith turn, and Protestant leaders in the U.S. advocated economic cooperation and the dignity of labor. Internationally, they rallied against the threat of fascism, hoping to defend religion, democracy, and internationalism. Domestically, the postwar peace imagined by liberal Protestants would combine "national and local practices," requiring American Christians to face the glaring inconsistency in their postwar plans: a vision of global freedom, democracy, and harmony abroad while segregation and white supremacy prevailed at home.[333]

The Harvard philosopher William Ernest Hocking was a critical voice.[334] Charles Malik asked Hocking to provide feedback on the initial draft of the UDHR.[335] Hocking, a liberal

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[330] Gene Zubovich, *Before the Religious Right: Liberal Protestants, Human Rights, and the Polarization of the United States* (Philadelphia: University of Pennsylvania Press, 2022).
[331] Federal Council of Churches quoted in Zubovich, *Before the Religious Right*, 1.
[332] Zubovich, *Before the Religious Right*, 3.
[333] Ibid, 79.
[334] See also Gene Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," in *Christianity and Human Rights Reconsidered*, ed. Sarah Shortall and Daniel Steinmetz-Jenkins (Cambridge: Cambridge University Press, 2020).
[335] Zubovich, *Before the Religious Right,* 109-10.

Protestant who provided the first systematic philosophical defense of human rights in the United States, believed the one natural right humans had was to develop their "personality."[336] Hocking developed a robust defense of religious liberty and allowed the translation of Christian concepts of dignity and worth into more secularized concepts. Hocking studied with Josiah Royce at Harvard, whose idea of a "Beloved Community" would form Hocking's idea of a global community of moral concern, much like it did for Martin Luther King, Jr.[337] Hocking's idea of personality (which had been in common use and was a mainstay of Boston personalism) named both the task of personal self-development (thus, the absolute right to freedom of conscience) and the site of connection between other humans and God. For this reason, Hocking came to refer to peoples' "sacred rights," arranged along a hierarchical scale but ultimately rooted in religious liberty and freedom of conscience.[338]

According to Zubovich, "personalism would be at the heart of the 1940s-era human rights. It would justify human rights as a defense of personality and would provide the distinctive language of 'personality,' 'dignity,' and the 'human person' to the era's rights talk."[339] Moreover, although there was a common inheritance of personalist language in Protestant and Catholic thought, "substantial theological and political differences and a history of mutual suspicion prevented Catholics and ecumenical Protestants from working together in the 1940s."[340] Ultimately, several critical planks from the Federal Council of Churches, which Hocking had a hand in drafting, made it into the UN Charter of 1945.[341]

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[336] Ibid.
[337] Zubovich, "William Ernest Hocking and the Liberal Protestant Origins of Human Rights," 143.
[338] Ibid, 147-8.
[339] Ibid, 144.
[340] Zubovich, *Before the Religious Right*, 111.
[341] Ibid, 115.

Protestant personalism and the language of human sacredness and infinite worth saturated the language and activism of Benjamin Mays, Howard Thurman, Dorothy Tilly, Thelma Stevens, and Martin Luther King, Jr. In the "Commission on Church and Minority Peoples," we find the statement that all humans have "infinite dignity and promise" and that "human progress is measured and human institutions are judged by the extent to which the sacredness of human personality is recognized, enriched and fulfilled, and the opportunity offered to all men to live in the dignity and freedom proper to those who are God's children."[342]

The short-lived commission pushed the FCC to adopt its 1946 condemnation of Jim Crow, which the YWCA, YMCA, and several more denominations soon joined. The World Council of Churches (WCC) would also denounce segregation. This was followed in 1948 by an FCC statement on human rights in which personal and social rights flowed from the infinite worth of the human person.[343]

When the UDHR passed in 1948, it reflected the nonsectarian spirit of liberal Protestant personalism (with all its talk of dignity, rights, and sacredness) as much as Catholic traditionalism. Moyn's revisionism helps uncover the texts, documents, and figures who played a role in dignity's shift from its more traditional use as a rank concept to its modern use as the supreme normative significance of every person. Yet, his account does not sufficiently account for several aspects in the rise of dignitarianism and is irresponsibly one-sided. There seems to be just as much of a case for a Protestant or Jewish liberal genesis of the UDHR and contemporary dignitarianism than for a conservative Catholic origin. Ultimately, however, I do not find this answer (swapping one ideology for another) satisfactory. For example, many other traditions, including Marxism, felt the pressure after 1945 to normatively ground their social theories in

[342] The Commission on Church and Minority Peoples quoted in Zubovich, *Before the Religious Right*, 141.
[343] Zubovich, *Before the Religious Right*, 169.

such a way as to not be seen as enemies of dignity and liberal freedoms. This points toward the emergence of a milieu of moral concern for the individual, which stemmed from any number of intellectual and material factors, such as those outlined in the first chapter, that required *some* answer from many different ideologies. By reacting to the popular idea that dignitarianism sprung fully from the global community's response to the Holocaust, Moyn infelicitously downplays the degree to which the horror of violation and destruction was central to dignitarianism. In the three-volume preparatory works of the UDHR, it is clear that the crimes of National Socialism were top of mind for the drafters. However, what is also rhetorically interesting is how Nazism is portrayed as a major, but not exclusive, cause for a universal declaration on human rights. The American Federation of Labor's proposal for the declaration maintained that despite the triumph over Nazism, "the people in many parts of the world – in the victorious as well as the defeated lands – are still denied those basic rights which are the essence of freedom and the web and woof of the democratic way of life."[344] The UDHR, along with its later consolidation in the 1966 International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) should be viewed as sites where the global community, representing many ideological positions (including Catholic personalism) adjudicated the normative significance of the person in light of unprecedented violence and suffering. It was not a case of one tradition driving others to redefinition. A suitable understanding of the UDHR requires a more extensive timeline, notably beginning with humanitarian objections to chattel slavery and torture in the eighteenth century and in the

[344] Schabas, *The Universal Declaration of Human Rights*, 74.

centuries-long transference of dignity from a concept that guaranteed state sovereignty (the dignity of the state) to one that limited and critiqued sovereignty (the dignity of the person).[345]

Nevertheless, Moyn has opened up fresh vistas for viewing just how contingent the shift to contemporary dignity talk has been. While his case has shortcomings, it offers one of the best jumping off points for critically revising any idea of dignity triumphalism. Triumphalism, I have argued, posits dignity and the sacred as too univocal across time and space. For religious believers or adherents to the classical inheritance as it has been packaged in some quarters, it is imperative to recognize that impulses in the past are not teleological. Even the profundity of the Christ event did not produce a univocal value system across time and space. When it comes to the normative significance of the person, therefore, we must be attentive to creative ruptures within institutions and how contexts of moral and material power shape which values flourish or not. Moyn's work recognizes this with suspicion, and therefore often slips into dignity skepticism, as when he states that dignity was a tool that the middle-class used to stabilize Europe in the name of bourgeois rule. Therefore, I now want to dig deeper into skepticism by examining two influential critiques of dignity in contemporary social ethics: Carl Schmitt and Alasdair MacIntyre.

[345] I have found the following monographs tremendously helpful on these points: Ginevra Le Moli, *Human Dignity In International Law* (Cambridge: Cambridge University Press, 2022), 5-6; Fabian Klose, *In the Cause of Humanity: A History of Humanitarian Intervention In the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2022).

Chapter Three: Dignity Skepticism

Dignity triumphalism views the contemporary conception of dignity as a direct descendent of Christianity or classical political thought more broadly, often paired with claims about the ability of dignity to be realized in societies not tethered to that preceding worldview. On the other hand, dignity skepticism has become equally (if not more) fashionable since the promulgation and widespread acceptance of the UDHR and the Christian shift to dignitarian priorities. In this chapter, the writings of Carl Schmitt and Alasdair MacIntyre will represent two powerful socio-ethical objections to universal human dignity. While the treatment of each author's work should be sufficiently robust, I do not claim to offer comprehensive coverage of their life and work, focusing instead on the aspects of their thought that are relevant to their critique of dignity. The writings for and against contemporary dignitarianism are vast, so the criterion of focusing on these two authors at length is twofold; first, both authors represent a strong articulation of a specific type of dignity skepticism for which they are representative in this dissertation; second, both authors have enjoyed a special cachet in the fields of social ethics and political theology over the past three decades.

In the case of each author, I begin by examining a short piece that is overtly critical of dignity and the normative accounts of value that characteristically ground dignity. I then contextualize that short piece within their larger bodies of work, adding context, weaving in relevant concepts, explaining the part by means of the whole. The goal of the chapter is to establish Carl Schmitt as representative of a *substantivist* critique of dignity who rejects the conclusions of dignitarianism and the grounding of politics on morals more generally; likewise, the chapter establishes Alasdair MacIntyre as representative of a *formalist* critique of dignity, who does not reject many of the conclusions of dignitarianism but rather critiques the theoretical

means by which dignity gained prominence and continues to shape the moral language of so much political and moral theory. If the previous chapter relies heavily on history, this chapter represents a transition to theory, as a fair amount of historical dignity skepticism can be seen in Samuel Moyn's critique of dignity triumphalism.

The chapter concludes by pointing to several undeveloped areas in Schmitt and MacIntyre. These areas will become the site of a thorough critique in the next chapter. In short, both Schmitt and MacIntyre overlook the role of the sacred in human rationality and value-constitutive experiences. Schmitt's voluntarism is placed in the historical context of how an early modern prioritization of the unconstrained will of God is just one way of configuring the transcendent within a field of other options. How one responds to those options is connected to a person's experiences of sacred values, which renders Schmitt's ideas of the political and the friend-enemy distinction tenuous. MacIntyre's focus on the tradition-bound and narratological nature of justice, practical reason, and the virtues similarly underplays how exactly values are formed, experienced, and disseminated – namely, through experiences of the sacred. I show Aquinas himself could not help drawing political conclusions from his culture's most profound ideas of the sacred, conclusions that help illustrate just how dramatically our conception of the human person has shifted. MacIntyre may disagree with the conclusions, but the turn to dignity by people of all political persuasions is hardly incoherent, and the abandonment of dignity for justice is unworkable.

3.1 Carl Schmitt: Friends, Enemies, and The Tyranny of Values

Carl Schmitt was a German legal philosopher, Nazi, and Catholic. A rage for order in the political, legal, and cultural spheres characterized his life and work.[346] Schmitt lived during at least four distinct moments in German history — Wilhelmine, Weimar, Nazi, and the Federal Republic — and the critique of humanitarianism, liberalism, parliamentarism, and universal values form a continuous thread through Schmitt's work, often changing tone and emphasis with the times.

Much discussion around Schmitt has revolved around whether his involvement with National Socialism animates his entire work or whether he or his work can be extracted from Nazi ideology and mobilized in productive directions, including on the political left.[347] Such questions, however, are not my own. Drawing on Schmitt's diaries and careful readings of his later works, recent scholarship has shown – convincingly, in my view – that Schmitt was no opportunist regarding National Socialism. He provided public juridical justification for Nazi ambitions and later advocated full amnesty and forgetting of Nazi crimes (including the Holocaust); he was also an inveterate anti-Semite in his private life. He remained unrepentant about these aspects of his life and thought until he died in 1985. Nevertheless, after World War II, and long after the texts that have become most associated with Schmitt in the contemporary humanities, Schmitt often couched his racial and ethnic hatred in indirect rhetoric. Nevertheless, my purposes concern the reception of Schmitt in social ethics and political theology and the precise reasons why his critiques might be resurrected against dignity and liberal democracy. It is

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[346]For a recent thematic overview of Schmitt's life and thought, see Jens Meierhenrich and Oliver Simons, "'A Fanatic of Order in an Epoch of Confusing Turmoil': The Political, Legal, and Cultural Thought of Carl Schmitt," in *The Oxford Handbook of Carl Schmitt,* ed. Jens Meierhenrich and Oliver Simons (Oxford: Oxford University Press, 2017), 3-70.

[347] Chantal Mouffe, ed., *The Challenge of Carl Schmitt* (London: Verso, 1999); Josh Booth and Patrick Baert, *The Dark Side of Podemos?: Carl Schmitt and Contemporary Progressive Populism* (Abingdon: Routledge, 2018).

to a short pamphlet in his later work that I now turn as an entry point into his substantive critique of dignity.

"The Tyranny of Values" was initially released as a private pamphlet for a lecture among friends and was printed anonymously on and off from 1949 to1959 in "various German and European newspapers."[348] The pamphlet is a subtle work of Nazi apologetics, a plea urging international amnesty and forgetting of Nazi war crimes based on Schmitt's belief that "*ex post* criminal convictions for Nazi atrocities" would be an aberration because such acts were "juridically permissible when committed."[349]

Schmitt makes his case via a critique of value developed in German philosophy and social theory in the late nineteenth and early twentieth centuries, just before Schmitt's own scholarly and public career. While Schmitt opposed appeals to values, rights, and dignity throughout his life, even before the rise of National Socialism, it is in his postwar writings that he "turned increasingly to a concern with things being transformed into values (*Verwertung*)."[350]

Schmitt begins the pamphlet with the questions: "What are values? And what does value philosophy signify?"[351] The idea of value moved from its traditional *locus* in tradeable goods and services to new arenas in philosophy, ethics, and religion, to such an extent that now even dignity is considered a value. "Value has, so to speak, increased its value,"[352] Schmitt remarks. The idea of value consumed actions, attitudes, and concepts that would never have been associated with that economic grammar. Schmitt has his finger on the pulse of perhaps the most dramatic shift

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[348] Samuel Garrett Zeitlin, "Indirection and the Rhetoric of Tyranny: Carl Schmitt's The Tyranny of Values 1960-1967," *Modern Intellectual History* 18, no. 2 (2021): 430. Zeitlin is the most recent translator of "The Tyranny of Values," and his article in *Modern Intellectual History*, in addition to his footnote additions to Schmitt's text, provides a detailed analysis of Schmitt's abiding Nazism and anti-Semitism.
[349] Zeitlin, "Indirection and the Rhetoric of Tyranny," 430.
[350] Ibid, 436.
[351] Carl Schmitt, *The Tyranny of Values and Other Texts*, trans. Samuel Garrett Zeitlin (Candor: Telos Press Publishing, 2018), 27.
[352] Schmitt, "The Tyranny of Values," 27.

that would come to mark modern moral discourse in general, and dignity in particular. Namely, that dignity could be called a "value," something that largely escaped terminological possibility before the advent of modern economics, mathematics, and critical philosophy. While Schmitt opposes the ubiquity of value talk, he is also opposed to the Marxist theory of value that would reduce all prices and value to surplus value rooted in the dynamics of production and exchange. The Marxist dismissal of value would be too easy, ignoring that value philosophy had become, by Schmitt's time, an "incontestable success."[353]

The lineage of value philosophy is, following Martin Heidegger, a "positivistic ersatz for the metaphysical." With the rise of putatively value-free "causal-legal" sciences, it became more critical to posit philosophical values as a realm of pure validity to safeguard human freedom and responsibility.[354] After Nietzsche and the development of Neo-Kantianism, value came to name the realm of freedom, validity, and worth to be affirmed (neo-Kantianism) or denied (Nietzsche). Schmitt quotes Heidegger's pithy genealogy of value to capture the omnipresence of value talk in early twentieth-century Germany:

> One speaks of life values, of cultural values, of eternal values, of the hierarchy of values, of spiritual values, which one believed were to be found, e.g., in antiquity. In the learned preoccupation with philosophy and in the reconstruction of neo-Kantianism one came to value philosophy. One built systems of values and pursued in ethics the striation of values. Even in Christian theology one defined God, the *summum ens qua summum bonum*, as the highest value.[355]

Commenting on this passage, Samuel Zeitlin remarks, "value is thus figured, by both Schmitt and Schmitt's Heidegger, as a term which attempts to substitute for virtue, dignity, piety and sanctity while trying to save human responsibility within a broader secularization narrative of the

[353] Ibid, 28.
[354] Ibid, 29.
[355] Martin Heidegger quoted in Schmitt, "The Tyranny of Values," 29.

history of philosophy and ethical language."[356] For Schmitt, attempts to save human freedom and responsibility through value were construed subjectively or objectively, with Max Weber representing the former and Max Scheler and Nikolai Hartmann representing the latter.

In Max Weber, value is found in subjective end-setting in a world of value-free science. Schmitt maintains that such a voluntaristic, "purely subjective freedom of value-setting" leads to a war of all against all, exceeding even the political philosophy of Hobbes. According to Weber, "… the old gods have become disenchanted and become merely valid values." So, while the cultural, political, and ethical battles of modernity are fought in environments of unprecedented technical advancement, they are at the same time waged by fighters who are "dubiously self-righteous," assured in their subjective values.[357]

Max Scheler and Nikolai Hartmann try to avoid Weber's subjectivism and erect an objective hierarchy of values from "useful to holy."[358] While values are objective and arrayed hierarchically, they await actualization by value-feeling subjects and are not free-floating, Platonic forms existing outside and beyond their realization. To use a common example from Scheler, just as colors are only actualized on concrete surfaces, so objective values are actualized in a person acting in such a way as to move up the objective hierarchy of values (which constitutes a good action) or down the hierarchy of values (which constitutes a bad action).

From this analysis, Schmitt concludes that whether in subjective form (Weber) or objective form (Scheler), values are always made and, therefore, *imposed.* "Whoever says value, wants to make valid and impose values," Schmitt states.[359] The terminology is critical. While virtues are exercised, norms are applied, and commands are fulfilled, "values are set down and

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[356] Zeitlin, "Indirection and the Rhetoric of Tyranny," 439.
[357] Schmitt, "The Tyranny of Values," 30.
[358] Ibid.
[359] Ibid, 31.

imposed."[360] Whoever says values are valid without somebody imposing them "desires to deceive."[361]

The determination of values from an agent-relative standpoint and point of attack is a "relativism" combined with "a fundamental, well-wishing neutrality."[362] Such relativism masks the fundamental war of all against all hidden within a putatively value-free science combined with moral, spiritual, and political values.[363] Schmitt reiterates his points: values always imply assertion, the devaluing of other values, and the triumph of one's own values, which are a mixture of "self-shielding" and "self-righteousness."[364]

We are now able to understand why Schmitt uses the phrase "the tyranny of values."[365] If values are ranked from lower to higher, as in Scheler, and if they do not exist outside of their actualization by subjects, then higher values must violently reign over lower values. In imposing one's higher values, one can disqualify as "value-blind" the other who does not share the same valuations.[366] To drive home his point, Schmitt views objective value theory's hierarchy as a sophisticated means-end distinction in which lower values can be sacrificed to higher values. Schmitt reads Scheler's theory in particular as a justification of evil for evil, a view that "transform[s] our earth into a hell, the hell however to be transformed into a paradise of values."[367] Objective values are how people get herded onto trains and how some lives are judged unworthy of being lived. Any jurist or lawgiver must be aware of the baleful effects of such a philosophy.[368] We might note in passing the devilish irony of a Nazi accusing Scheler,

[360] Ibid.
[361] Ibid.
[362] Ibid, 33.
[363] Ibid, 34-35.
[364] Ibid, 35.
[365] Ibid, 36. The phrase is appropriated from Hartmann.
[366] Ibid, 37.
[367] Ibid, 38.
[368] Ibid, 38ff.

whose work was suppressed by the Nazis, of producing work that could justify herding people onto trains and judging some lives unworthy of being lived.

Schmitt finds the tyranny of values present in more than just the highly technical and somewhat parochial context of early twentieth-century German philosophy and social theory. Value thinking also triumphed at the Second Vatican Council and in Pope John XXIII's encyclical *Mater et Magistra*. Schmitt points out that in this encyclical "the Latin word *Bonum* (good) is rendered in the Italian translation with *valore*, in German with *Wert* (value)."[369] God is now the highest value, and humans created in God's image now have an intensified dignity, which is construed as inviolable on account of its valuation as sacred. Above, I also have prioritized *Mater et Magistra* as an unprecedented document. Similarly, in *Nostra Aetate*, "after the *bona* spiritualia et moralia, the *valores socio-culturales* are named—which can also be found among those who profess non-Christian religions—and ought to be recognized, defended, and advanced."[370] Schmitt finds that the shift to value thinking resulted in a genuine transvaluation for the Catholic Church, which abandoned its traditional stance of Jews and Muslims as "eternal enemies (*hostes perpetui*)."[371] The Catholic Church's ability to hold tensions and contradictions within itself and its unabashed willingness to name other faiths as enemies was one aspect that attracted Schmitt to the Catholic Church as an institution, an aspect abandoned in the capitulation to "socio-cultural" values and a more significant moral universalism at Vatican II.

"The Tyranny of Values" is a compact polemic against the triumph of value language in religion, morals, and politics. I now turn to Schmitt's earlier work, which repeats many criticisms

[369] Ibid, 8.
[370] Ibid, 9.
[371] Zeitlin, "Indirection and the Rhetoric of Tyranny," 448. These statements about eternal enemies comes from Schmitt's 1950 text, *The Nomos of the Earth.*

from a juridical and political perspective, rounding out his critique of morality in politics and connecting his critique of values to his denunciation of dignitarianism.

If "The Tyranny of Values" is one of Schmitt's lesser-known works, *The Concept of the Political* and *Political Theology* are central to the Schmitt revival in the humanities. In these texts, written before Schmitt's total involvement with National Socialism, the "political" sphere is partitioned from the aesthetic, the economic, and the moral.[372] Following Zeitlin again, we can pass easily to these earlier works because of the formal similarities between Schmitt's claim in "The Tyranny of Values" that "whoever says value, wants to make valid and impose values" and Schmitt's claim in *The Concept of the Political* that in political discourse "whoever invokes humanity wants to cheat."[373] Humanity and values are ideological justifications for conquest and endless war in the name of morality.

In *The Concept of the Political*, Schmitt argues against the conflation of the state with politics, as politics are only recognizable where the "state and the public institutions can be assumed as something self-evident and concrete."[374] It is precisely where the state cannot be assumed as self-evident, where extremes are reached or the complexities of society penetrate the state, that the need arises for a definition of the political drawn solely on political categories, which can then be extended to the founding and justification of the state. The political must be defined by its own "ultimate distinctions, to which all action with a specifically political meaning can be traced."[375] Just as morality's ultimate distinction is good-evil, aesthetics' is beautiful-ugly, and economics' is profitable-unprofitable, "the specific political distinction to which political

[372] For the history, prominence, and consequences of the novel distinction between "politics" and "the political," see Martin Jay, *The Virtues of Mendacity: On Lying in Politics* (Charlottesville: University of Virginia Press, 2010), 76-129.
[373] Carl Schmitt, *The Concept of the Political,* trans. George Schwab (Chicago: University of Chicago Press, 2007), 54.
[374] Schmitt, *The Concept of the Political,* 22.
[375] Ibid, 26.

actions and motives can be reduced is that between friend and enemy."[376] The friend-enemy distinction is the necessary and sufficient criterion for a definition of the substance of the political.

Utilizing a geometrical metaphor, the friend-enemy distinction names "the utmost degree of intensity of a union or separation, of an association or dissociation."[377] Therefore, the political names the antagonism and extreme point of this distinction. The political stands not in a hazy or complicated relationship with the moral but is entirely partitioned from moral or value considerations; the "political enemy need not be morally evil or aesthetically ugly" to be the enemy.[378] The political enemy is just "the other, the stranger" in an "intense way" with whom one has conflict to such a degree that there arises the possibility of physical killing.[379] Consistent with the belief that the political and the moral are partitioned from one another, the enemy's character is also not determined by "a general norm" or "judgment of a disinterested…third party."[380] Instead, the enemy can be named only in a concrete situation of extreme antagonism. In other words, just because some group is morally good does not mean they are a friend, or *vice versa.*[381]

Friends and enemies are defined concretely and existentially at the antagonistic extreme of one group *versus* another. Additionally, the enemy is not the general opponent or "private adversary": the enemy is public.[382] Liberalism, as Schmitt understands it, fails since it seeks to turn economic enemies into competitors, intellectual enemies into debating partners, and moral

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[376] Ibid.
[377] Ibid.
[378] Schmitt, *The Concept of the Political,* 27.
[379] Ibid, 27, 33. The closer a public feud between two groups gets to war (between states) or civil war (within a state), the closer the relationship nears the friend-enemy distinction and, therefore, the political.
[380] Ibid, 27.
[381] "The morally good, aesthetically beautiful, and economically profitable need not necessarily become the friend in the specifically political sense of the word." Ibid.
[382] Ibid, 28.

enemies into those held accountable according to universal, abstract norms of goodness or justice. On this account, contemporary dignitarianism would fail by the same standards.

When Jesus commands the love of enemies in the Gospels, he is not talking about the political enemy but private opponents. Jesus' command of love of enemies did not prohibit the church for thousands of years from inciting concrete and often mortal struggles with Jews and Muslims because of Jesus' command. Indeed, in earlier periods of Christian history it would not "occur to a Christian to surrender rather than defend Europe out of love toward the Saracens or Turks."[383] For Schmitt, the existential struggle of Christians against Jews and Muslims is not an example of a disastrous hermeneutic contrary to the Gospel, but another example of the pre-Vatican II Church as an institution living up to its political task.

Since goodness, ideality, and desirability are not legitimate criteria for selecting enemies, the liberal pacifist and Marxist dream of a world without war would be a world without politics, the political being the only coherent impetus for war. It is "senseless to wage war for purely religious, purely moral, purely juristic, or purely economic motives."[384] Only when conflict within these spheres leads to existential antagonism that includes the possibility of physical killing is conflict properly political and therefore justified. For this reason, the political is "the decisive human grouping."[385] We can now understand why and how a purely political definition of politics justifies the state. Nevertheless, first, we must take a detour through Schmitt's conception of sovereignty. Schmitt's conception of the political requires an entity with the

[383] Ibid, 29.
[384] Ibid, 36.
[385] Ibid, 38.

sovereignty to decide what is to be done in moments of existential crisis and antagonism. As Schmitt famously states: “Sovereign is he who decides on the exception.”[386]

Like the political, sovereignty is a “borderline concept” pertaining to the “outermost sphere” of crisis. As a general theory of the state, and not just “any emergency decree or state of siege,” sovereignty names the person or group of people who decide in an extreme situation on which abstract concepts and general norms must be applied in the concrete. The situation establishes the sovereign, and the sovereign defines the response to the situation. To this end, most modern constitutional theories are attempts to do away with sovereignty, attempting to dissolve the concrete decision into mechanisms: an *Ur*-norm, the Parliament, or the market.[387] The legal order cannot be based on a norm or abstract principle. Norms come into play, but only downstream from the fount of sovereignty: the decision. The state decides, determines the enemy, and suspends usual norms and constitutional principles if needed.

In contrast, the liberal constitutionalist’s construal of the state fails because it “attempts to repress the question of sovereignty by a division and mutual control of competences.”[388] Schmitt advocates a philosophy of concrete life that rises to the exception, free from the delusions of endless talk without exceptions.[389] The difference between liberal constitutionalism and decisionism is that between superficiality and passion. The true exception, being more than an emergency or state of siege, requires “unlimited authority,” a fact that cannot be delegated to concrete practices like voting and debate or abstract devices such as an overlapping consensus or

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[386] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. Schwab, George (Chicago: University of Chicago Press, 2005), 5.
[387] Schmitt believes the difficulties with sovereignty lie in the fact that, according to Jean Bodin’s traditional conception, sovereignty is both the “highest, legally independent, underived power,” and that it is governed by “actual interests.” Schmitt, *Political Theology,* 17. So, Schmitt critiques Hans Kelsen, who, rather than seeing a constitutive element in each decision, traces the concrete legal order “back to the impersonal validity of an impersonal norm.” Ibid, 29.
[388] Ibid, 11.
[389] Ibid, 15.

ideal speech situation.[390] Attempting to dissolve the decision into procedural mechanisms leads to Schmitt's charge elsewhere that many liberal norms act as "a superfluous decoration, useless and even embarrassing, as though someone had painted the radiator of a modern central heating system with red flames in order to give the appearance of a blazing fire."[391] Liberal constitutionalism's norms are destroyed by the exception, which requires a decision preceding any norm. Sovereignty, therefore, is not the monopoly to coerce (Max Weber), but the monopoly to decide.[392]

Such a radically voluntaristic conception of political constitution, where "a point of ascription first determines what a norm is and what normative rightness is," is a scheme mirrored by theological voluntarism, where God creates and intervenes by arbitrary *fiat*.[393] Within this context, Schmitt intones his most consequential statement for contemporary political theology: "all significant concepts of the modern theory of the state are secularized theological concepts."[394]

The sovereign is a political god who decides what is right absent any determining norm, and the exception arises in jurisprudence like the "miracle" in theology.[395] Where the decisionist model that Schmitt endorses sees the lawgiver as analogous to God working outside the natural order, deciding what is and is not correct, the positivism of Hans Kelsen relies on a sense of causation "that is entirely natural-scientific."[396] In positivism, as in the metaphysics of Gottfried

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[390] Ibid, 12.
[391] Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge: MIT Press, 1988), 6.
[392] Schmitt, *Political Theology*, 13.
[393] Ibid, 32.
[394] Ibid.
[395] Ibid, 41.
[396] Unlike Enlightenment rationalism, which rejects the exception, Schmitt says Catholic philosophers such as Louis de Bonald, Joseph de Maistre, and Juan Donoso Cortés understand this better. For a thorough explication of competing constitutional theories at the time, including Hans Kelsen, see David Dyzenhaus, *Legality and Legitimacy: Carl Schmitt, Hans Kelsen, and Hermann Heller in Weimar* (Oxford: Oxford University Press, 1997).

Wilhelm Leibniz and Nicolas Malebranche, the state machine is, after a while, supposed to run itself, abandoning the decisionistic quality of sovereignty in favor of God's general declarations of will, where the people are always good and virtuous.[397]

To summarize so far, Schmitt combines sovereignty and the political in the entity of the state, which has the power to declare the exception, define the enemy, and fight the enemy. We are now able to understand his critique of liberalism and ethical humanitarianism, under which contemporary dignitarianism falls, defined as an international regime of normative standards and the belief that politics is not partitioned but rather subordinate to the moral.

Schmitt contends that only war for political purposes can be justified. War for morality, religion, or the economy would be unreasonable and dangerous. Moreover, it is precisely wars in the name of morality and economics that Schmitt sees as animating liberalism. "If such physical destruction of human life is not motivated by an existential threat to one's own way of life, then it cannot be justified."[398] War is a political act for political ends, and the struggle to keep oneself in existence amongst antagonism justifies war. In contrast, the liberal state is animated by ethical and economic concerns and mobilizes the concept of humanity as a "useful ideological instrument of imperialist expansion."[399] The ethical and economic concerns of liberalism are so united that "ethical humanitarianism" is little more than a justification for economic imperialism. This is Schmitt's foremost critique of liberalism and parliamentarism scattered throughout his *corpus*. The concept of humanity and of normative discourse between humans in resolving

[397] Ibid, 48. Schmitt saw this shortfall in the United States, where "the people hover above the entire political life of the state, just as God does above the world, as the cause and the end of all things, as the point from which everything emanates and to which everything returns." Ibid, 49
[398] Schmitt, *The Concept of the Political,* 49.
[399] Ibid, 54.

political questions is a ruse — invoking humanity is cheating, and taking recourse to values is an imposition.

Those who invoke humanity have an excuse to deny the enemy as fully human; those who invoke an objective scale of values have an excuse to dominate those who do not share the same valuations. Not sharing the West's humanitarian ideals makes individuals and states "outlaws" from humanity.[400] In this context, normal wars between political enemies are transformed into extraordinary wars between humanity and humanity's outlaws.[401] "Humanity," Schmitt says, is "not a political concept, and no political entity or society and no status corresponds to it."[402] Growing out of the eighteenth-century denial of aristocratic and feudal privileges, "humanity according to natural law and liberal-individualistic doctrines is a universal, i.e., all-embracing, social ideal" that precludes war and dissolves the political.[403] Dignitarian politics, on this account, would be an anti-politics, leading to the depoliticization of the world and the irrelevance of states, confiscating the *ius belli* from states and handing it over to a league of nations or international federation, which in turn would deny its own *ius belli* while flattening all groups into nothing more than "customers purchasing gas from the same utility company, or passengers traveling on the same bus."[404]

With the quest for depoliticization comes a liberal anthropology that is fixated on the inherent goodness of man. The state is duty-bound to uphold and further inherent human goodness.[405] Another consequence of depoliticization and a general commitment to humanity is

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[400] Schmitt, *The Concept of the Political*, 54, 79.
[401] This is one reason why Schmitt's work garnered new interest after September 11, 2001, and the United States' War on Terror.
[402] Ibid, 55.
[403] Ibid.
[404] Ibid, 57.
[405] Ibid, 60ff.

the ease with which economic expansion can become the endpoint of the priority of morality in politics. Liberalism oscillates between ethics and economics, morality and materialism.[406]

> [Liberalism] discusses and negotiates every political detail, so it also wants to dissolve metaphysical truth in a discussion. The essence of liberalism is negotiation, a cautious half measure, in the hope that the definitive dispute, the decisive bloody battle, can be transformed into a parliamentary debate and permit the decision to be suspended forever in an everlasting discussion.[407]

The negative conception of the state as the protector of rights and promoter of the human good goes hand in hand with a rosy view of humanity in education, law, theology, and morality, a sanguine anthropology that a properly political outlook cannot accept.[408] That being said, liberalism's anti-political optimism and emphasis on discourse and norms are still tacitly political despite itself, wielding ideas of justice, humanity, and peace as political weapons against its declared enemies.[409]

The political is therefore defined against dignitarian politics in two ways: first, in the critique of humanity and morality in politics; second, in the critique of individualism, which has no way of dealing with the valid political entity's demand for citizens to kill, to be killed, and to sacrifice life.[410] The individualist state becomes society writ large, controlled by humanitarianism in its ethics and production in its economic system.[411] In pursuing morality and economic gain, liberalism transforms the political enemy into a mere "disturber of the peace" who must be extirpated from the global community.[412]

[406] Ibid, 70-71.
[407] Schmitt, *Political Theology,* 63.
[408] Schmitt, *The Concept of the Political,* 64.
[409] Ibid, 67ff.
[410] "In case of need, the political entity must demand the sacrifice of life. Such a demand is in no way justifiable by the individualism of liberal thought. To compel him to fight against his will is, from the viewpoint of the private individual, lack of freedom and repression." Ibid, 71.
[411] Schmitt finds this dual ideological structure at the Peace of Versailles and mentions Article 231, which forced Germany to claim responsibility for the First World War.
[412] Ibid, 79.

The depoliticization and neutralization of the political wrought by liberal humanitarianism unfolded in four stages, from the theological stage in the pre-seventeenth century to the contemporary triumph of the ethico-economic.[413] In the theological stage, everything was in order if theological questions were in order, and thick value questions based on God prevailed. Then, in the seventeenth century, a metaphysical stage distanced God from the world in the face of the new natural sciences, especially physics. At this time, deism ruled. In the eighteenth and nineteenth centuries, a more neutral domain of ethical humanitarianism surfaced and reduced all questions to education before passing into the most neutralized of all stages, the economic, which turns all problems into questions of "production and distribution of goods," aiming to make even moral and social questions irrelevant.[414]

For the liberal humanitarian, each stage ought to be progressively less controversial, as evidenced in the twentieth-century liberal obsession with technology. The belief that social problems could be redefined as technical problems is considered the "ultimate neutral ground" for naming and resolving political issues. Thus, technology is the furthest point removed from theological politics.[415] Schmitt concludes, "today we even recognize the secret law of this vocabulary and know that the most terrible war is pursued only in the name of peace, the most terrible oppression only in the name of freedom, the most terrible inhumanity only in the name of humanity."[416]

Schmitt leaves us with three chief accusations against dignitarianism, which it will be the task of the following two chapters to refute. First, talk about values and humanity are not neutral,

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[413] Carl Schmitt, "The Age of Neutralizations and Depoliticizations," in *The Concept of the Political: Expanded Edition*, trans. George Schwab (Chicago: The University of Chicago Press, 2007), 82ff.
[414] Schmitt, "The Age of Neutralizations and Depoliticizations," 86.
[415] Ibid, 90f.
[416] Ibid, 95.

inclusive categories; values and the concept of humanity are sophisticated ideological tools that aid ethico-economic imperialism while labeling detractors as outlaws from humanity. We see a theoretical overlap here with Moyn's historical contention that the development of dignitarian discourse buttressed the "restabilization of bourgeois Europe" following the Second World War and "was fashioned to contain the political left while moralizing capitalism and legitimatizing middle-class rule."[417] The idea that dignity (and the rights resulting from such dignity) is a ruse hiding ulterior motives is popular today. Schmitt gives us the most unrelenting version of this criticism, constituting a substantive dismissal of any moral ground of politics. Second, dignitarian politics is an anti-politics since it denounces the proper basis of the political — the friend-enemy distinction and the sovereign that names the enemy in a state of exception. Third, liberalism entails an optimistic anthropology that attempts to reduce political questions to education and economic production. Would dignity, democracy, and a concept of humanity still be desirable socio-ethical goals if one held a bleaker and more "realist" picture of human life?

We will respond to these accusations and questions in the following chapters, but not before discussing the work of Alasdair MacIntyre, another strident critic of dignity and liberalism's claims to accommodate competing life plans under a uniform set of political and legal arrangements. Schmitt provides a substantivist critique that rejects the conclusions of dignitarianism. MacIntyre's formalist criticism of dignity instead raises questions about our access to the moral ground of dignity because of the incommensurability of moral claims and our inescapably tradition-bound practical rationality and conceptions of justice.

3.2 Alasdair MacIntyre: Charades, Witches, and The Incommensurability of Values

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[417] Moyn, *Christian Human Rights*, 171.

In 2021, Alasdair MacIntyre delivered a paper on human dignity at the University of Notre Dame's de Nicola Center for Ethics and Culture. The paper recognizes the salience of dignity in contemporary moral and political discourse since the 1940s and critiques the mainstream understanding of dignity as a high, inherent worth of the person that demands respect and issues in fundamental rights.[418]

In the 1930s and 1940s, beginning in Ireland, spreading across the European continent, and culminating in West Germany's *Grundgesetz* and the UDHR, those writing constitutions for a post-World War order made human dignity central to their visions.[419] For MacIntyre, the concept of human dignity for the past 75 years has been used in "at least two different ways," the first unproblematic, the second highly objectionable. If by human dignity we mean treating someone with respect, then MacIntyre finds the concept unproblematic. After all, even the classical sense of dignity as weight, gravity, or exalted status brought with it considerations of respectful treatment. However, MacIntyre is puzzled by the idea of human dignity if we mean ascribing worth to humans *qua* human as the ground and justification of respect and proper treatment.

After all, should we treat torturers with respect because of their worth? How should we explain that people were not using the concept of human dignity until after 1945? How should we understand that the idea of treating someone with respect simply because they are human was absent from most children's education in the 1930s and 1940s, including MacIntyre's? Finally,

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[418] Alasdair MacIntyre, "Human Dignity: A Puzzling and Possibly Dangerous Idea?," YouTube video, 1:32:43, November 12, 2021, https://www.youtube.com/watch?v=V727AcOoogQ. Unfortunately, I have not located a published version of this paper, so I will summarize more than I will directly quote.

[419] MacIntyre's account of the recent provenance of dignity in constitution-making is so similar to Moyn's that if I had a published version of MacIntyre's talk, I would not be surprised if he cited Moyn for the introduction.

how do we explain that the expression "human dignity" is not found in the Bible or most classical authors?

MacIntyre first criticizes dignity on account of value. There are many ways to learn to value human: as a family member, a teacher or student, or a capable practitioner of specific skills. But MacIntyre asks what it would mean to value a human *qua* human, detached from any role.[420] Should he only stop for a wounded person on the side of the road and not a horse? Likewise, does human dignity imply that a rising population is always valuable? Many will reply that dignity supplies a set of minimum standards for treating others with respect, the standards most perspicuously absent in the Third Reich. Such a reply gives credence to the popular narrative that dignity arose in the 1940s due to the Holocaust. However, dignity was not the traditional concept to refer to minimum standards of respectful treatment or what was wrong with the myriad ways blood was spilled and people brutalized in the twentieth century — that traditional concept was *justice.*

MacIntyre is in strong (though not explicit) agreement with Moyn that the history of human dignity is indebted to processes of constitutionalization. For example, the draft of the Vichy constitution proclaimed liberty and the dignity of the human person as supreme values. More credible authors then reiterated these values: the UN Charter, the constitutions of Bavaria and Italy, UDHR, and the *Grundgesetz*.

MacIntyre believes the desire to "secure agreement" on moral fundamentals drove the race to dignity in post-war constitution-making, papering over metaphysical differences and eschewing the clarity required for moral intelligibility. As evidence of its mostly rhetorical

[420] See also Alasdair MacIntyre, *Ethics in the Conflicts of Modernity: An Essay on Desire, Practical Reasoning, and Narrative* (Cambridge: Cambridge University Press, 2016), 30: "What it was to flourish qua human being was one thing for an Athenian contemporary of Aristotle, quite another for a medieval Irish farmer or an eighteenth-century Japanese merchant or a nineteenth-century English trade union organizer."

function, states that embedded dignity into their constitutions tended not to use the concept in legal proceedings or in determining if violations had occurred. The purpose was to forge a rhetorical agreement to cover for a lack of moral substance among different political groupings and lifestyles. MacIntyre claims it took fifty years for dignity to receive robust philosophical defenses.

Of the earliest philosophical defenses of dignity, MacIntyre focuses on the clash between Emmanuel Mounier (and the French personalist journal *L'esprit*) and Belgian-Canadian Thomist philosopher Charles De Koninck. In 1932, Mounier argued that individualism and markets misunderstood and mistreated humans. Humans understand themselves as persons in relation, not self-sufficient individuals who secondarily develop relations with others to serve their ends. *L'Esprit* rejected the right and left, viewing liberalism, fascism, and communism as materialistic creeds at war with the human person. As we saw in Moyn and Chappel, central to personalist thought was a strong emphasis on the intrinsic and absolute dignity of the person.

In 1943, De Koninck launched an attack against the personalists based on the thought of Thomas Aquinas. What distinguishes humans from other animals is their end, to know and love God. The *dignitas* of the human end gives humans their own *dignitas*. Dignity is not intrinsic to who or what people are. In order to be directed to a final good, it is necessary to be directed toward a set of other goods, common earthly goods achieved in and through relations. The decision to direct themselves to the final ends of life and the political community is voluntary, a choice in our power as rational agents. So, if and insofar as humans fail to direct themselves to natural and supernatural ends, then to that degree humans squander their worth — their *dignitas* – and nobody has reason to treat those humans as holding properly human worth.

The contrast between De Koninck's Thomist account of dignity and that of the personalists and constitution-makers of the 1940s could not be starker. First, constitution-makers attempted to establish agreement among divergent views, while Aquinas' account assumes a robust metaphysics that immediately distinguishes itself from rival traditions. Second, on Aquinas' account, humans often lose their dignity, unlike the personalist view in which humans maintain their dignity at all times. Finally, in Aquinas' view, it is not what humans are that gives us dignity — it is instead what is "in us to become if we direct ourselves to our end." Dignity is an accomplishment, not a perpetual status.

The rest of MacIntyre's talk is devoted to defending the Thomistic view of dignity (refracted through De Koninck). Ultimately, the modern view of the personalists and constitution-makers is incoherent because the justifications for common values (against slavery, bodily harm, murder, disrespect, theft and robbery, economic inequality, and lying) are too multifarious to be convincing. Moreover, if we cannot agree on the justification of shared values, we must question those values. For MacIntyre, modern dignity is not credible in light of the incompatible justifications for dignity.

In addition to incommensurability, MacIntyre objects to how modern dignity is rendered as a primarily negative claim. On any credible account of morality, MacIntyre argues, negative limitations find their purpose in a relation to more positive precepts and comprehensive conceptions. For example, in a slave society, abolition can exchange slavery for free misery while nothing else is done for enslaved persons. In contrast, the negative abolition of slavery ought to be connected to securing enslaved persons' common good. The dichotomy MacIntyre draws here between negative libertarianism and promoting a uniform common good, with little

moral terrain between the two, runs throughout his *corpus* and is one of his most unconvincing contributions.

In MacIntyre's Aquinas, the dignity of human ends is separated from that of animals because of humans' rational nature. To achieve proper human ends is to perfect oneself as a rational being. Humans have dignity not by what they are but by what they will become, in virtue of their potentiality. To act as a rational agent is to move toward a fuller understanding of oneself and one's place in the order of things. The knowledge and love of God is central to this understanding. Humans gain more dignity as they subsume more particular, finite ends under the common earthly good and, ultimately, the supernatural final end. Humans, therefore, fall away from their dignity by sinning and by failing to subsume their individual goals under higher ends.

Anticipating objections, MacIntyre maintains that a lack of dignity does not justify treating people unjustly or uncharitably. Unlike Schmitt, his issue is not with the demands of objective justice but with the formal vacuity of the modern usage of dignity and how this incoherent tradition has attempted to do the work traditionally reserved for justice. In the 1992 *Catechism of the Catholic Church,* for example, there is an explicit recognition of the dignity of the person justifying a list of several moral principles, such as refraining from scandal, society helping with living conditions, limiting experimentation on others, prohibiting kidnapping, torture, and hostage-taking, caring for the dying, and respecting the bodies of the dead. MacIntyre calls these principles "unproblematic." But why? What is it about these examples that make them constitutive of the dignity of the person? In Roman Catholicism, God commands these principles to be matters of injustice. Justice, on the other hand, is giving others their due in "family, workplace, political community, neighborhood." So, dignity in the *Catechism* is not the

ultimate justification of these principles. Dignity is buoyed by the more ultimate demands of justice, which in turn flow from the eternal will of the creator God.

And what is due to people as a matter of justice? First, they are owed things not as individuals but as parent, child, aunt, teacher, student, buyer, seller, carpenter, printer, or citizen. Nothing is owed to individuals as such, except inclusion in social relationships. The *Catechism* applies to everyone because flouting the demands of justice commanded by God is injurious to a wide range of social relationships.

MacIntyre offers two examples: first, experimenting on others without consent is unjust because it "deforms" the doctor-patient relationship; second, torture is wrong because it wrongs a just social order. The prohibition of torture flows from political justice, not dignity. Dignity has been called upon to do the work that justice has traditionally done, and instead of ceding matters of justice to an incoherent, negative conception of dignity, we need to think harder about justice. In MacIntyre's opinion, Catholics will have no easier time convincing a secular audience of the claims of human dignity as they understand it than of the traditional demands of prudence, justice, and charity, so it is best not to embrace a watered-down idea of dignity simply because one believes the traditional language of justice will be inaccessible.

MacIntyre's argument is at times tendentious. The most puzzling claim is that a modern society could turn back the clock and apportion value and respect based on role, office, or relation rather than the person. When one takes account of the radical transformations that had to occur (often as moral demands of concrete people) in order to loosen the relation between the "individual" and her "role," the burden of proof should be on MacIntyre to show that role- or estate-based esteem is not only normatively desirable but even possible. As Axel Honneth has recounted, the universalization of legal recognition central to modern dignity can plausibly be

seen as a moral feature of the struggle for recognition that depends on overcoming the honor-based dignity and status-bound rights. Nevertheless, MacIntyre's paper has the virtue of distilling his wide-ranging thought over a long career onto the question of dignity.

The idea of fracture and incommensurability, a central tenet in MacIntyre's work, is most famously relayed in the opening pages of *After Virtue*, in which we are asked to imagine a catastrophe befalling the natural sciences. The result is a science in which only fragments remain, and the reconstruction effort yields experiments and language "detached from any knowledge of the theoretical context which gave them significance."[421]

Such a hypothetical world in science is, in point of fact, the world of morality. However, few have recognized this catastrophe as people hurl around moral language and accusations, claiming rights without any larger theoretical framework that would make such claims intelligible. In war, abortion, and concepts of justice and redistribution, the striking feature of modern moral theory and practice is its interminable debates about values and rights.[422] On major moral questions, different camps have drawn logically valid conclusions from premises that cannot be weighed against the premises of another's valid conclusion. In other words, moral arguments today are not about validity but soundness — premises are little more than a matter of impersonal, shrill assertion drawn from the most disparate historical origins.

MacIntyre's is a story that progresses from order to disorder, from social embeddedness to ghost-like abstraction, and from thick conceptions of the good life to emotivism, the belief that "all moral judgments are nothing but expressions of preference, expressions of attitude or

[421] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 2007), 1. See also MacIntyre, *Ethics in the Conflicts of Modernity*, where he maintains there are no "generally acceptable solutions to such dilemmas," 116.
[422] MacIntyre, *After Virtue,* 6ff.

feeling, insofar as they are moral or evaluative in character."[423] Despite its historical provenance in the early twentieth century, emotivism masks its personal preferences behind what it takes to be universally true. It rejects any rational justification of objective and impersonal morality, and whether it is explicit or not, modern culture behaves as if emotivism is true.[424]

MacIntyre, like Schmitt, points to Weber as the central emotivist presence in sociology, for whom "questions of ends are questions of values, and on values reason is silent; conflict between rival values cannot be rationally settled."[425] Indeed, against the liberal's claim that the character of modern life is an irreducible pluralism of comprehensive doctrines, MacIntyre maintains that modernity is simply Weberian, with individuals creating their ends and values. Radical voluntarism is at the basis of modern thought, and individuals are forced to choose between "parties, classes, nations, causes, ideals."[426] As in Schmitt, values are a way to impose one's preferences and little more.

That being said, there are certain "cultural characters" — the aesthete, the manager, and the therapist — whose ideals moderns are expected to mimic and admire. A character is an "object of regard by the members of the culture generally or by some significant segment of them. He furnishes them with a cultural and moral ideal."[427] The aesthete, the manager, and the therapist are perfect modern characters as they all embody the emotivist ethos, severing means from ends and manipulating means for voluntaristic ends. These characters cannot engage in moral debate because ends are assumed or merely posited. Contemporary culture gets its moral ideals and formation from characters incapable of morality.

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[423] Ibid, 12.
[424] Ibid, 19. See also, MacIntyre, *Ethics in the Conflicts of Modernity,* 31, 128.
[425] MacIntyre, *After Virtue*, 26.
[426] Ibid.
[427] Ibid, 29.

In addition to mimicking certain stock characters, morality is also supposed to be universal, attached to the individual *qua* individual. Selves have no social identity and are "criterionless."[428] Anyone and everyone can thus be a moral agent since moral agency is located in the self and not in social roles or practices. Moral agency has been democratized, while at the same time, an elite of moral characters has arisen. All of this is in sharp contrast to pre-modern societies, where "it is through his or her membership in a variety of social groups that the individual identifies himself or herself and is identified by others. I am brother, cousin, and grandson, member of this household, that village, this tribe."[429]

Therefore, modern society's politics amount to little more than an oscillation between the freedom of individual behavior and the collectivist control or policing of any anarchy resulting from emotivism. This oscillation results from the breakdown of the Enlightenment project into incommensurable premises and commitments, which had to fail.[430] The various attempts at a universal Enlightenment paradigm had to fail because they rebelled against Aristotelian teleology, where a distinction was drawn between man as he happens to be and "man-as-he-could-be-if-he-realized-his-essential-nature."[431]

Ethics for the Aristotelian was the science that aids humans in progressing from one state to another, and the virtues were the means to accomplish this science. This Aristotelian conception broke down in Protestant and Jansenist conceptions of reason. Despite their disagreements, Kant, Hume, and Kierkegaard abandoned a strong teleological notion of human nature, and thereby "eliminate[d] any notion of man-as-he-could-be-if-he-realized-his-telos."[432]

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[428] Ibid, 33, 39.
[429] Ibid, 33.
[430] Ibid, 51ff.
[431] Ibid, 52.
[432] Ibid, 54.

The loss of teleology is seen in the radical separation between "is" and "ought." The distinction that moral conclusions cannot be drawn from factual premises is only possible in the Enlightenment paradigm, which lacks an idea of humanity as a "functional concept." Just as a watch can be a good or bad watch from factual premises about what it means to be a good watch, so on the Aristotelian scheme, a person can be a good or bad person based on certain factual premises about what it would mean for a human being to flourish or fail to flourish. It is possible to have valid arguments "which move from factual premises to an evaluative conclusion" if one has a robust teleology.[433] However, when a person is considered an individual outside any teleological role, "moral judgments lose any clear status and the sentences which express them in a parallel way lose any undebatable meaning."[434]

The failure to find an undebatable, functional idea of the person has several consequences involving dignity in modern moral discourse. MacIntyre's critique of human rights in *After Virtue* closely aligns with his critique of dignity in his Notre Dame paper. Values now appear as vehicles of emotivist wishing, unable to provide criteria that would enable one to choose between incommensurable values in human life.

MacIntyre agrees that humans have rights, just as he does not deny that humans have dignity; rather, MacIntyre objects to the idea of a "right" detached from "highly specific" and "socially local character," just as he denies that dignity can make sense outside of a teleological and ultimately religious context. Historically, rights, like dignity, have not existed outside of specific social contexts that have made these ideas socially intelligible. Claiming a right in a

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[433] Ibid, 58.
[434] Ibid, 60.

context that lacks it would "be like presenting a check for payment in a social order that lacked the institution of money."[435]

MacIntyre nuances further, informing the reader that he is talking about negative rights that belong to the human *qua* human, and not what in classical natural law is known as civil law, which grants rights to "specific classes of person."[436] For how could a right attach to a human *qua* human if there was not even a conception of a right "until near the close of the middle ages" and was missing from "Hebrew, Greek, Latin or Arabic, classical or medieval, before about 1400, let alone in Old English, or Japanese even as late as the mid-nineteenth century"?[437] In a later work, he states that "what it was to flourish qua human being was one thing for an Athenian contemporary of Aristotle, quite another for a medieval Irish farmer or an eighteenth-century Japanese merchant or a nineteenth-century English trade union organizer."[438]

If human rights existed before the modern age, then nobody knew that there were such rights. MacIntyre recognizes that such a conception will raise many questions but does not want to be "distracted" by them. Instead, he charges into his (in)famous claim that "the truth is plain: there are no such rights, and belief in them is one with belief in witches and unicorns."[439] Like witches and unicorns, "every attempt to give good reasons for believing that there are such rights has failed."[440] For the same reasons, forty years later, MacIntyre calls such a disembodied conception of rights "fictions and the debates which employ them charades, socially indispensable charades, but nonetheless charades[.]"[441]

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[435] Ibid, 67.
[436] Ibid,68.
[437] Ibid, 69.
[438] MacIntyre, *Ethics in the Conflicts of Modernity*, 30.
[439] MacIntyre, *After Virtue,* 69.
[440] Ibid.
[441] MacIntyre, *Ethics in the Conflicts of Modernity*, 77.

There are no self-evident truths, and the specifically eighteenth-century character of natural rights, like the post-war reliance on dignity, bottoms out in a conception of self-evident truth. Just as in prominent declarations of rights, MacIntyre sees in the UDHR a prime example of “not giving good reasons for any assertions whatsoever.”[442] Dignity and rights are instead moral fictions, which, along with utility, are generated to serve the condition of a modern autonomous agent, stuck as she is between individual rights claims on the one hand and the bureaucratic management of anarchy on the other. Indeed, protest takes its place as a central feature of modern moral discourse precisely because moral claims are emotivist preferences dressed up in the language of rights. Therefore, generating indignation is the primary way to overcome the impasse of incommensurable moral views and get what one wants.[443]

Against the liberal view that “the ends of human life are to be regarded from the public standpoint as systematically unsettleable,”[444] MacIntyre wants a view in which rules are not justified before their application, so he turns to antiquity and virtue in heroic societies, where inhabiting one's place well was the beginning and end of morality. As in chess, or hockey, the goods of an activity ought to constitute how to play well. “Within the vocabulary of chess, it makes no sense to say that was the only move which would achieve checkmate but was it the right move to make?”[445] The self in heroic society did not aspire to universality and lacked “the capacity to detach oneself from any particular standpoint or point of view.”[446] From this, MacIntyre concludes that morality is tied to particularity and that there can be no virtues without a particular tradition bequeathing them.

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[442] MacIntyre, *After Virtue*, 69.
[443] Ibid, 71. See also MacIntyre, *Ethics in the Conflicts of Modernity*, 77: "There are recurring debates among those who invoke these conceptions as to whether or not some violation of this or that right can be justified, if the consequences of that violation for the utility of some set of individuals are taken into account."
[444] Macintyre, *After Virtue*, 119.
[445] Ibid, 125.
[446] Ibid, 126.

MacIntyre explores this contextualist epistemology in great depth in *Whose Justice? Which rationality?*, where he explores the dramatic range of one virtue, justice, and the variety of answers given about what this virtue is and what it requires.[447] Since MacIntyre wants to replace dignity with justice, it behooves us to look briefly at this work.

Today, individuals draw from a smorgasbord of justifying reasons provided by academic philosophy and communities of shared belief, such as churches or political associations. In following one's conception of justice and rationality as universal, one contributes to a moral discourse that is weaponized and sophistical. Honest rational discourse can only take place within a tradition. In his Notre Dame paper, MacIntyre argued that dignity only makes sense in light of the metaphysical claims central to Catholic social teaching.

The moral-pedagogical disaster of justifying justice results from the Enlightenment belief that rational justification could float above particular traditions. After all, diversity also arose in the Enlightenment, with conceptions of justice and practical rationality given different answers by the *Encyclopédie*, by Rousseau, by Bentham, by Kant, and by the Scottish commonsense tradition. Nevertheless, despite an inability to settle on one notion of justice and practical rationality, the Enlightenment excluded the one authentic way of reuniting justice and practical reason, namely by viewing both as tradition bound.[448]

Nevertheless, just because rationality is tradition-bound does not mean that differences between traditions "cannot be rationally resolved."[449] One can come more fully to the truth when recognizing a particular tradition's background assumptions and standards. Through Macintyre's exhaustive discussions of the relationship of justice and practical rationality in Homer, Plato,

[447] Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988).
[448] MacIntyre, *Whose Justice?,* 6.
[449] Ibid, 10.

Aristotle, Augustine, Aquinas, and Hume, one finds each to be operating within a larger narrative of the good for humans and the cosmos, narrative being the only way MacIntyre believes a tradition can be disclosed.

MacIntyre prefers Aristotle on justice and practical rationality due to Aristotle's emphasis on the goods of excellence in human life over the goods of effectiveness. For Aristotle, justice is a central virtue because to judge "the different character of the goods which are at stake in different types of situations" one must "judge correctly in respect of the whole range of the virtues."[450] The *polis* does not aim at individual goods but rather the subsuming of all individual goods under the highest good, namely *theoria*, which ties together the quests for individual and civic goods. Moreover, while justice is first and foremost the virtue of giving others their due, there can be no true justice without *phronesis*, applying a rule to a specific situation in which applying this rule is underdetermined. Both justice and *phronesis* are socially particular:

> It follows that for those who have not yet been educated into the virtues the life of the virtues will necessarily seem to lack rational justification; the rational justification of the life of virtue within the community of the polis is available only to those who already participate more or less fully in that life.[451]

Likewise, Aristotle's conception of human flourishing is superior in incorporating all human powers (physical, perceptual, emotional, rational, political, moral, and aesthetic) into a greater whole of *eudaimonia*. Aristotle's robust moral anthropology is made possible by language, which allows humans to "associate cooperatively" and, in turn, scrutinize how we have been educated or miseducated in the structure of cooperation (i.e., in the *polis*). Only in achieving the ends of the *polis* can one be considered to have attained *eudaimonia*.[452]

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[450] Ibid, 106.
[451] Ibid, 110.
[452] For MacIntyre's most extended account on the physical-biological basis of his neoAristotelianism, see MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999).

Those who are or are on the way to flourishing have those qualities of mind and character that enable them, in the company of others, to develop their powers to achieve those goods that complete and perfect their lives. Central to this neoAristotelian moral epistemology is a recognition of great diversity in social contexts and, therefore, great diversity in what it means to flourish and the virtues requisite to accomplish flourishing.[453]

Against this nuanced view, most moderns follow "Morality," a set of rules accessible to anybody, which requires obedience from all.[454] Such a uniform account needs to grasp the sheer amount of diversity mentioned above. Kantians and inviolable rights theorists dispute with a vast array of consequentialisms, and now even virtue theorists, on the proper universal rules and what obedience to those rules demands.[455]

In contrast to Aristotelians, the proponents of Morality attempt to "make it possible for each of us to pursue the objects of our desires, no matter how conceived."[456] While Aristotelians ask about the human good *qua* human being, within a common good shared with others, Morality severs the moral "from 'the political' 'the legal', 'the aesthetic', 'the social', and 'the economic'."[457] MacIntyre here contradicts Schmitt, who desired a strict partitioning of the moral from other domains.

Morality focuses only on balanced autonomy without a way to rank goods, choices, and desires.[458] Rational agreement on a human good, what it is, and how to attain it is considered impossible in modernity. Individuals are simple "preference maximizers" nowadays, and happiness is construed as a "state of only positive feelings."[459]

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[453] MacIntyre, *Ethics in the Conflicts of Modernity*, 30.
[454] Ibid, 65.
[455] Ibid, 66.
[456] Ibid, 117.
[457] Ibid, 118.
[458] Ibid, 134.
[459] Ibid, 216, 196.

MacIntyre contrasts Augustine and Hume with this Aristotelian view of justice as socially embedded. In combining the Stoic universalism with the Decalogue and Paul's idea of universal disobedience, Augustine critiques the classical tradition, maintaining that justice is "not by itself sufficient to generate right action."[460] Augustine instead argues that one's love must be properly ordered by the will, which is defective through sin, into a form that perfectly embodies love found only in Jesus Christ. Justice is now effected by humility, by overcoming pride and primordial disobedience. In contrast to Aristotle, the *polis* is different from the city of God, where charity and humility are required for justice and being a saint is life's goal. The *telos* of human life ought to exceed civic goods and even life itself.

Aquinas synthesized the Aristotelian and Augustinian traditions. However, since two traditions cannot be neutrally characterized by subject matter or their claims evaluated by neutral standards, how can such a synthesis of traditions occur? For MacIntyre, a tradition needs to face genuine controversy. A tradition makes claims on its own terms and then determines if a rival tradition has proffered points that challenge its own standards. Considering the difficulties it faces in light of the rival, a tradition may either feel restricted or capable of incorporating objections. This is the dialectical nature of tradition that Aquinas accomplished in his "dialectical construction" of Aristotle with Augustine.[461]

Despite internal and external dispute, only traditions themselves can judge the soundness of valid arguments. There is no "justification independent of the context of any tradition," since the first principles of a theory are justified only concerning the theory "as a whole."[462] Thus, for MacIntyre, the answer to relativism is the presence of epistemological crises between traditions.

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[460] MacIntyre, *Whose Justice?,* 154.
[461] Ibid, 172.
[462] Ibid, 252.

A tradition cannot mature without facing and overcoming encounters with other incommensurable theories.

MacIntyre's diagnosis returns to where he was in *After Virtue*; in modernity, all debate and considerations of ranking goods are transformed into bargaining for one's desires. There is "the emergence of a type of practical reasoning in which this kind of expression can be the initiating premise of a practical argument."[463] This idea of the liberal public sphere, where the individual reigns supreme, could not be further from Aristotle, where the individual *qua* citizen reasons, or from Aquinas, where the individual *qua* enquirer into the goods of community and cosmos reasons.

Nevertheless, despite its best efforts, liberalism also transformed itself into a tradition. Despite its highly contingent principles and legal system, liberalism cannot escape the fact that it is not neutral regarding conceptions of the human good. It is stuck in a self-justifying feedback loop of liberal premises, supplemented by its own texts, debates over those texts, and conditions of rationality. Yet, MacIntyre claims to escape relativism by appealing to the dialectical nature of tradition. From his critique of emotivism in *After Virtue* and his similar rejection of expressivism in *Ethics in the Conflicts of Modernity*, he is adamant that tradition-bound rationality is not a form of relativism. I want to elucidate further why this is the case.

The first salient point is that MacIntyre believes no set of standards found within a tradition has an uncritical claim to our allegiance.[464] In a clever inversion, MacIntyre argues that "Post-Enlightenment relativism and perspectivism" are mirror images of the Enlightenment's faux universalism.[465] If the Enlightenment rationalist belongs to just another socially embedded,

[463] Ibid, 338.
[464] "Every set of standards, every tradition incorporating a set of standards, has as much and as little claim to our allegiance as any other." Ibid, 352.
[465] Ibid, 353.

tradition-bound rationality, then the inversion of this rationalism into relativism is also a socially embedded, tradition-bound rationality. The correct moral anthropology will not be universalist or relativist. Instead, traditions make universal claims, and all traditions should maintain a robust idea of self-scrutiny in light of possible error. MacIntyre states:

> We therefore have to become suspicious of ourselves, our attitudes and our feelings, and each of us has to press upon ourselves the question: What justifies my judgment that I am sufficiently independently minded to engage with integrity in the tasks of moral and political enquiry and justification?[466]

In addition to self-scrutiny, MacIntyre also believes in moral progress, if understood as narrow liberations from "arbitrary and oppressive rule."[467] So, MacIntyre is emphatically not a relativist. Proponents of Morality are relativists because they do not recognize human goods "independently of and prior to our choices and preferences."[468]

> The key then to provincializing the Enlightenment without embracing relativism is to mobilize a different notion of inquiry, one that starts from tradition instead of escaping from it. Inquiry begins in the contingent and should progress through several stages. In the first, the ways of a given community are settled and unquestioned; second, new events and questions challenges the tradition, which recognizes in itself a lack of resources or justifications to answer; third, the tradition, or more specifically representatives of the tradition, attempt responses to the new challenges through 'reformulations, reevaluations, and new formulations and evaluations.'[469]

Only through such a "dialectical justification" in a "developing conceptual scheme" can the upholding or discarding of first principles occur.[470] Therefore, to overcome an epistemological crisis, the enriched scheme must answer critical questions, understand why previous answers

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[466] MacIntyre, *Ethics in the Conflicts of Modernity*, 112.
[467] Ibid, 123.
[468] Ibid, 143.
[469] MacIntyre, *Whose Justice?*, 355.
[470] Ibid, 360.

were futile, and merge new answers into the structures of belief and action internal to the tradition. Epistemological crisis can befall any tradition of belief, occasionally requiring the tradition to supplement its own beliefs with those of an alien tradition. In responding to epistemological crises, a tradition can establish its "adequacy or inadequacy."[471]

Often, two rival traditions require conceptual, linguistic, and social innovation to reach an understanding. Analogous to the act of translation, where innovation is always required to accommodate the meaning of the original language, a tradition must learn to be polyglottic, knowing how to go on in one language after encountering the other, making one's tradition one of "critical reinterpretation" through additions and subtractions.

MacIntyre seems to think that few can speak in such a way as to fulfill this more traditional approach to intellectual and moral life. Thus, most contemporary debate today is between conservative liberals and radical or progressive liberals, who believe all share a common reason. Instead, how to rationally respond to the questions posed to one's tradition is a decision only arrived at within the tradition — the tradition, not universal reason, will decide what it means to respond to a crisis rationally.

Yet, despite the role MacIntyre grants to institutions (the church, the university, etc.) in upholding and furthering traditions, it is not clear how he fully escapes relativism. Even if traditions determine the soundness and validity of first principles, there is nothing to say that two entirely wrong traditions could not encounter one another and enrich each other's conceptual schemes. For example, imagine two traditions. One believes those who commit serious civil injuries against others should be put to death without trial or jury; the other believes those who commit serious civil injuries should undergo trial by ordeal, walking across hot irons. In this

[471] Ibid, 364ff.

case, from a dignitarian perspective, there would be nothing gained in the encounter at least as it concerns the proper treatment of those accused of serious civil injuries. Both are unsound and invalid, and so can only enrich each other in the wrong direction. When arguing about moral questions especially, many tend to believe we are groping for more than dialectically justifying our own conceptual scheme – we are concerned about validity beyond our individual traditions. Vittorio Hösle makes a similar point against MacIntyre, arguing that historical analysis can only go so far in analyzing "the right relation between goods, norms, virtues, and rights."[472] And so MacIntyre tends to rely on philosophical criticism when critiquing his opponents, but historical genealogy when supporting his own tradition. This subtle tactic can make MacIntyre's own tradition look stronger than is conceptually justified, and at the same time (as Jeffrey Stout suggests) veil the ways in which modern moral values may not be as anarchistic in practice as MacIntyre suggests.[473] Jockeying back and forth between philosophical criticism of opponents and historical explication of friends is a subtle way of stacking the deck. We will face a similar, though distinct, issue in the sociological reasoning of Hans Joas in the next chapter.

Nevertheless, MacIntyre admits that one never fits solidly in a tradition but "betwixt and between…. a variety of familial, religious, educational, and other social and cultural sources."[474] Challenging a tradition requires an attack from another particular tradition. Returning now to dignity and rights, we see why MacIntyre maintains the following:

> My quarrel is not at all with their claim that there are such unconditional prohibitions. It is with their advancing the thesis that appeals to human rights, understood as rights attaching to each and every human individual qua human individual, provide a justification for asserting and enforcing such prohibitions. Such appeals could only function as justifications, if

[472] Vittorio Hösle, "Can a Plausible Story Be Told of the History of Ethics?" in *Dimensions of Goodness*, ed. Vittorio Hösle (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 115.
[473] Jeffrey Stout, *Ethics After Babel: The Languages of Morals and Their Discontents* (Princeton: Beacon Press, 2001), 212.
[474] Ibid, 397.

> there were sound arguments for asserting the existence of such rights. And there are no such arguments…. The notion of a human right is another philosophical fiction.[475]

By the time of *Ethics in the Conflicts of Modernity*, MacIntyre's answer to the liberal individualism is an Aristotelian-Thomistic tradition, supplemented by Marx's social analysis, that enables one to "act against modernity from within modernity."[476] This is the tradition MacIntyre locates himself in, and the tradition that he believes is best suited to the answer how we are best able to make sense of our lives, desires, habits, thwarted aspirations, reasons for acting, and desire for a slate of goods that lead to flourishing or deformation.

Thus, to conclude our discussion of MacIntyre, we can now see why MacIntyre reached the conclusions he did in his Notre Dame paper on human dignity. First, MacIntyre's entire *corpus* rejects the idea that we can make sense of a human *qua* human, removed from specific social roles. He claims the problematic version of human dignity does this and needs to be corrected. Second, MacIntyre claims that the traditional concept of addressing grave abuses against the human person was justice, the content of which will vary depending on one's tradition. Since human dignity seeks a rhetorical agreement to paper over the varieties of justice and practical rationality, human dignity is a vacuous concept. Third, the Catholic use of dignity is grounded in a robust metaphysics, while the contemporary use of dignity ignores metaphysics. Fourth, MacIntyre believes people can lose their dignity since dignity names the rational capacities of the human being to grow into their natural and supernatural *telos*; therefore, modern human dignity, construed as inalienable and inviolable, is mistaken. Fifth and finally, traditional *dignitas* and civil/positive rights are not merely negative limitations as in modernity but find "a

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[475] MacIntyre, *Ethics in the Conflicts of Modernity,* 78.
[476] Ibid, xi.

point and purpose only because of those limits' relationship to positive precepts." Since modern human dignity, like modern moral discourse more generally, rejects a robust conception of the flourishing life with its carefully ranked goods, human dignity is incoherent.

And yet, if for Schmitt the answer to human difference and faux liberal humanitarianism is to recognize the irreducible agonism at the heart of human reasoning, for MacIntyre we should think harder about justice, the traditional virtue of giving others what they are owed. Justice can do the work human dignity fails to do.

At this point, I have raised quite a few objections to dignity, perhaps too many. We have encountered the history of dignity as the triumph of the Christian message (Gushee, JPII), the historical revisionist critique of dignity as a recent ideological innovation (Moyn), the substantivist critique of dignity as ethico-economic imperialism (Schmitt), and the formal critique of dignity as a vehicle of anarchic preferences and rights claims severed from a coherent tradition (MacIntyre).

In the service of responding more fully to triumphalism and skepticism, I now turn to the second objective of this dissertation: explicating an alternative account that better explains dignity's rise as a value and promoting liberal democracy as a particularly potent institutional arrangement for the realization of dignity.

Chapter Four: The Sacralization of the Person

Hans Joas is a sociologist and social theorist at the Universities of Berlin and Chicago. After writing a dissertation on American pragmatist G.H. Mead, he has since contributed voluminously to the sociological debates around values, action theory, norms, power, and secularization, which have also occupied other seminal contemporary German theorists such as Jürgen Habermas and Axel Honneth. In this chapter, I examine Joas' work with the primary objective of expounding Joas' account of human dignity. In the process I seek to introduce Joas' work to the field of religious social ethics. In addition to being a sociologist schooled in the classical theories of Marx, Durkheim, and Weber, Joas also demonstrates a keen interest in the fate of Christianity in contemporary society. Those working from a Christian-influenced perspective on religion, ethics, and culture have yet to reciprocate the same level of interest in Joas' tradition or work, despite the potential for beneficial cross-pollination. The thesis of this chapter is that Joas' account of dignity provides a compelling alternative to dignity triumphalists and dignity skeptics.

The chapter follows the structure of the previous chapter on Carl Schmitt and Alasdair MacIntyre, beginning with an analysis of a work in which Joas addresses the question of human dignity directly, before contextualizing this work within Joas' *corpus.* However, I then show how Joas' genealogy of dignity as the sacredness of the person follows from his views on value formation, secularization, and disenchantment and use this investigation to offer a critical response to Schmitt and MacIntyre.

In *The Sacredness of the Person: A New Genealogy of Human Rights,* Joas examines unproductive debates about the religious or secular-humanistic origins of dignity and rights. Against both, Joas' alternative grounds dignity in shifting sacralization processes since the

eighteenth century, wherein the human person becomes charged with sacredness to a new degree. Joas proposes

> that we understand the belief in human rights and universal human dignity as the result of a specific process of sacralization—a process in which every single human being has increasingly, and with ever-increasing motivational and sensitizing effects, been viewed as sacred, and this understanding has been institutionalized in law.[477]

Sacralization is not restricted to religious thought. The dichotomy of sacred and profane is capable of laying the foundation of individual and social value formation, irrespective of whether such systems are religious or secular. Any object or concept that produces "subjective self-evidence and affective intensity" with regard to its own right to be preserved and fenced in with prohibitions can be considered sacred. The sacred is characterized by malleability and can be transferred to new contexts and endowed with novel meaning to the point of individual and social revolutions.

> New processes of sacralization may cast doubt on old legitimacies, while giving rise to new opportunities for the legitimation of old and new claims to power. A whole range of individuals and collectives, objects and ideas, may be sacralized: the ruler and the country, the people and the nation, the race or class, science or art, the church or the commodity and the market.[478]

More than ever before, the human person has become an object charged with subjective self-evidence and affective intensity. Such an "affirmative genealogy" – contrasted with the negative genealogical methods of Friedrich Nietzsche and Michel Foucault – posits that the person in modernity is a dense, though not exclusive, *locus* of the sacred. This development, Joas maintains, is a normatively desirable outcome for pluralistic societies.

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[477] Joas, *The Sacredness of the Person: A New Genealogy of Human Rights,* trans. Alex Skinner (Washington, DC: Georgetown University Press)*,* 5.
[478] Joas, *The Power of the Sacred*, 248.

To begin, Joas dismisses both religious and secular origin stories of dignity, focusing principally on triumphalist genealogies of dignity, which are flawed for several reasons. First, they beg the question as to which normative impulses within an internally complex and contested tradition will gain prominence to such a degree that some impulses will be institutionalized into ecclesial law and civil life and not others. In Christianity, for example, dignitarian appeals to the sacredness of life or the priority of neighbor love ignore how theologians and ecclesial leaders produced available statements to "limit morality and notions of human dignity" to Christians.[479] Likewise, a prominent view in the Christian tradition taught that Christ's call to love one's enemy referred to the private opponent (not the political enemy), allowing the church to live in the tension between political power and Christ's calls to perfection. Carl Schmitt was correct that increased valuation of the person within many ecclesial traditions in the middle of the twentieth century was a significant augmentation of a genuine tradition in which the vanquishment of infidels was a laudable pursuit. Second, these genealogies represent a sleight of hand by portraying dignity as an achievement of Christianity "despite its having been condemned by representatives of that same tradition when it first emerged."[480] This argumentative strategy is clearly recognizable in the formal denunciations of human rights by the Catholic Church and certain branches of evangelicalism until the middle of the twentieth century. Indeed, even after sluggish adaptation of a dignitarian grammar, Christian discourse was compatible with what many today find inexcusable inequities.[481] Third, they cherry-pick evidence from history, as "anything and everything can all too easily be proved with cleverly selected quotations." With a

[479] Joas, *The Sacredness of the Person,* 9-10. I have supplied ample evidence to support this point in my brief history of dignity in the introduction. However, the most prevalent example is colonial encounters between European colonizers and indigenous groups in the Americas.
[480] Ibid*,* 5.
[481] Anne Phillips, *The Politics of the Human* (Cambridge: Cambridge University Press, 2015), 103-4.

few creative strokes, any tradition can appear as the inexorable path to contemporary values. Joas maintains, "the intellectual roots of human rights in Renaissance humanism, the Reformation, or late Spanish Scholasticism are generally of less help in understanding our problem than the dynamics of their sudden institutionalization."[482] Searching for an alternative genealogy of contemporary values is an ineffectual way to understand how the human person is imbued with sacred significance. Rather, dignity discourse should instead move from a question of historical roots to processes of institutionalization.

However, fallacious searches for roots does not negate the significance of history. There was an impulse toward dignitarianism in North America at the end of the eighteenth century, which was subsequently exported to France. And yet, a dichotomy between American Protestantism and French Enlightenment cannot be established; secular and religious origins of dignity are intertwined in both countries, with dissenting Baptist groups and Congregationalists playing a role in the American tradition and many clergy in France supporting the Revolution and the "Declaration of the Rights of Man and of the Citizen." The perception that both countries were excessively secular stems from an overemphasis on Thomas Jefferson and deism in America and the eventual excesses of the terror, combined with Pope Pius VI's dichotomizing of faith and revolution, in France.[483] The crucial point is that rights were referred to as sacred, explicitly in the French Declaration and in early drafts of the American Declaration of Independence. The focus of each was on the individual within and against the state, signaling a charismatization of human personhood, shifting greater political and religious attention toward the individual. Dignity and rights everywhere show "a complex interplay between the religious

[482] Joas, *The Sacredness of the Person*, 23-24.
[483] Ibid, 15, 26-27.

and secular" and "cannot be adequately understood as Christian or anti-Christian."[484] Joas rejects a "triumphalist history of Christianity" that would regard dignity "as the gradual unfolding of a religious view of humanity."[485]

The charismatization of personhood signaled by several major eighteenth century declarations also did not emerge from thin air or the pens of the *philosophes.* To say so would repeat a common secularist rebuttal to Christian triumphalism. Instead, Joas turns to cultural practices of the time, and specifically to practices as they relate to the human body and punishment. In the eighteenth century there was a "turn away from torture as a means of ascertaining the truth or extracting confessions, and from ordeal as a public spectacle of punishment."[486] Movements against torture, public execution, and chattel slavery display a widespread process of moral reevaluation, which was increasingly institutionalized throughout the twentieth century, a point contrasted with two prominent myths: the Enlightenment myth and the Foucauldian myth.

The almost hagiographical legacy of Cesare Beccaria and his arguments against torture in his *On Crimes and Punishment* (1764) stands in for the myth of the Enlightenment. This myth reads like a "heroic epic" in which ignorance, custom, and prejudice prevailed.[487] Then, philosophical and proto-social scientific analysis showed certain practices to be "relics" and "barbaric practices" that societies clung to "either due to inertia or because they reflect certain interests."[488] Beccaria lacked a sufficient understanding of the dominant forms of punishment at precisely the points it mattered most. For example, he believed that the worst possible crime was

[484] Hans Joas, *Faith as an Option: Possible Futures for Christianity* (Stanford: Stanford University Press, 2014), 33.
[485] Joas, *Faith as an Option,* 110.
[486] Joas, *The Sacredness of the Person,* 37.
[487] Ibid, 39ff.
[488] Ibid, 39.

homicide — a fact foundational in human nature — when sacrilege, heresy, and blasphemy were often more heavily policed and condemned than the killing of a profane human being. The failure of the Enlightenment myth is found in viewing certain values as innate when when what is needed is an account of the genesis and institutionalization of those values as emergent. Murder has not always been regarded as the worst crime, nor have people always affectively recoiled against the body in physical pain to an equal degree.

Michel Foucault's influential *Discipline and Punish* represents a second myth, which has set the terms of debate about punishment, power, and control for fifty years.[489] Foucault explored the evolution of techniques of power, unmasking how individuals are subjected to disciplinary mechanisms in the past and present. Discipline once visited publicly upon the body by the sovereign is now visited upon the mind, as forces akin to a prince "without the persona of the Prince."[490] Discipline migrated "to the 'behavior' and 'mind' of the convicted, while public execution became rarer, ultimately ceasing altogether."[491] The soul becomes a prison for the body, in Foucault's provocative inversion of Plato.[492]

Foucault does not just overstate the "advancing disciplining process," but fails to account for "key aspects of the penal reforms carried out in the eighteenth and nineteenth centuries." Against the idea found elsewhere in Foucault's work, especially *Madness & Civilization*, that "the lunatic was tolerated as a normal part of creation," only to be excluded and consigned to total institutions in the age of reason, Joas maintains that the madman or lunatic was by and large not considered as a full member of the human community, but "virtually a member of a different

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[489] Ibid, 45ff.
[490] Michel Foucault, *The History of Sexuality: Volume I: An Introduction* (New York: Random House, 1978), 97.
[491] Joas, *The Sacredness of the Person,* 45.
[492] Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2nd Vintage Books ed. (New York: Vintage Books, 1995), 101.

species."[493] Paradoxically, "confinement in asylums may be regarded as a first, albeit inconsistent step toward the integration of the lunatic into the human species."[494] Modern penal discipline was an insufficient attempt at inclusion, as the shift away from external, public discipline mirrored the drive to include all humans into the community of the fully human. Again, Joas calls modern discipline inadequate, as anyone who looks at the history of incarceration should readily admit. Foucault is thus correct that the Enlightenment response has led to mixed results in every aspect of punishment, especially in reformation and rehabilitation, but his conclusion to "question the right of state or society to impose punishment" is not convincing.[495] In response, Joas posits an alternative hypothesis:

> Let us suppose that it is inclusion rather than disciplining that provides the key to understanding the changes that occurred in the eighteenth century. Inclusion here means integration into the category of human beings, integration of those—such as criminals or slaves—who had not been self-evidently included within this concept. Let us also suggest that—contrary to the ideas of the Enlightenment—it is not at all natural to conceive of murder as the worst possible crime. In the history of criminal law, the worst crime has generally been that which violates the sacred core of the community. So it seems reasonable to trace changes in the penal system back to changes in the understanding of the sacred. This is why I refer to the alternative interpretation proposed here as the 'sacralization of the person.'[496]

As an antidote to Enlightenment and Foucauldian myths, it was Émile Durkheim who attempted to demonstrate how "the reforms of penal law and penal practice, and the rise of human rights in the late eighteenth century, are the expression of a profound cultural shift in which the human person became a sacred object."[497] To better understand Joas' account of the sacralization of the

[493] Joas, *The Sacredness of the Person,* 47-8.
[494] Ibid.
[495] Ibid, 49. For a recent account that is sympathetic with the call to dramatically rethink punishment while upholding the need to impose punishment even in a social democratic or socialist society, see Tommie Shelby, *The Idea of Prison Abolition* (Princeton: Princeton University Press, 2022).
[496] Joas, *The Sacredness of the Person*, 49.
[497] Ibid.

person, it is necessary to examine at length Durkheim on the sacred. This will provide a clearer background against which we can see how Joas agrees with and departs from Durkheim.

4.1 Durkheim on the Sacred

Despite his indebtedness to William James' pioneering studies of religious phenomena and experience, Durkheim developed a more collectivist interpretation of religion than his American counterpart. Against naturism and animism, for Durkheim all religious rites and beliefs are "designated by two distinct terms which are translated well enough by the words profane and sacred (*profane*, *sacré*)."[498] The "plurality" of things that a collective considers sacred are arrayed hierarchically and vary in the degree to which they are charged with sacredness.[499] For individuals, and the groups composed of those individuals, there is a constellation of sacred objects that the profane should not come into contact with, lest there be consequences. The putatively anthropological universal dichotomy of the sacred and profane precedes any specific religion, which Durkheim defines as "a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden—beliefs and practices which unite into one single moral community called a Church, all those who adhere to them."[500] There is no common measure between the sacred and the profane; the sacred is not differentiated by greater power or strangeness: the sacred and the profane are immeasurable, such that the sacred is fenced in with prohibitions, curses, and sanctions as protection against profanation.[501] Additionally, the germ of the sacred character in any object lies outside man and nature.[502] Within his own anthropological

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[498] Émile Durkheim, *The Elementary Forms of Religious Life*, trans. Joseph Ward Swain (London: George Allen & Unwin Ltd, 1915), 37.
[499] Durkheim, *The Elementary Forms of Religious Life*, 41.
[500] Ibid, 47.
[501] "Sacred beings are not distinguished from profane ones merely by the strange or disconcerting forms which they take or by the greater powers which they enjoy; between the two there is no common measure." Ibid, 62.
[502] Ibid, 87-88.

analysis, Durkheim found a sacred force or aura emerging from the collective effervescence of the group, which is then encapsulated in the clan's totem.[503] Collectivities, spanning from clans to the modern nation-state, manufacture the sacred, generating a diffuse array of rites, beliefs, and offices downstream from their core symbols. A nation's flag, for example, is a totem by which a group of citizens marks itself off from others. Sanctions such as laws against political criticism or desecration of the flag surround the presence of the sacred, clearing a space that establishes its untouchability.[504] Durkheim asserts:

> This aptitude of society for setting itself up as a god or for creating gods was never more apparent than during the first years of the French Revolution. At this time, in fact, under the influence of the general enthusiasm, things purely laïcal by nature were transformed by public opinion into sacred things: these were the Fatherland, Liberty, Reason.[505]

While *The Elementary Forms of Religious Life* dubiously juxtaposes the sacralization processes of "primitive" and "modern" societies to illustrate their parallel nature, Durkheim's most revealing insights into the relevance of the sacred for modern societies might be found in an earlier essay from 1898, composed at the height of the Dreyfus Affair. In 1898 the Jewish military officer Alfred Dreyfus was accused of treason, a case which ignited anti-Semitic sentiment across France. On the question of whether Jews were treacherous to the nation, liberals, Jews, and proponents of universal rights squared off against monarchists, nationalists,

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[503] Ibid, 119. "This effervescence often reaches such a point that it causes unheard-of actions. The passions released are of such an impetuosity that they can be restrained by nothing. They are so far removed from their ordinary conditions of life, and they are so thoroughly conscious of it, that they feel that they must set themselves outside of and above their ordinary morals." Ibid, 216. For a micro-sociological account of collective enthusiasm, see Randall Collins, *Interaction Ritual Chains* (Princeton: Princeton University Press, 2004).

[504] "In addition to men, society also consecrates things, especially ideas. If a belief is unanimously shared by a people, then, for the reason which we pointed out above, it is forbidden to touch it, that is to say, to deny it or to contest it. Now the prohibition of criticism is an interdiction like the others and proves the presence of something sacred." Ibid, 213.

[505] Ibid, 214.

and not a few Catholics. It was in this tumultuous climate that Durkheim authored the essay "Individualism and the Intellectuals."[506]

Durkheim maintained that the reactionary forces lining up against "individualism" in modern French society had conflated this notion with atomistic utilitarianism.[507] The utilitarian understanding of society was only one form of individualism, and the worst one since it was dying a natural death under its own inadequacies. The individualism of Rousseau, of Kant, and of the various declarations of rights, are opposed to such individualism and represent the "moral catechism" of modern life.[508] In this second type of individualism, morality consists in the application of norms based on the humanity of each individual. Here the human person is the antithesis of egocentric libertarianism:

> This human person (*personne humaine*), the definition of which is like the touchstone which distinguishes good from evil, is considered sacred in the ritual sense of the word. It partakes of the transcendent majesty that churches of all time lend to their gods; it is conceived of as being invested with that mysterious property which creates a void about sacred things, which removes them from vulgar contacts and withdraws them from common circulation. And the respect which is given it comes precisely from this source. Whoever makes an attempt on a man's life, on a man's liberty, on a man's honor, inspires in us a feeling of horror analogous in every way to that which the believer experiences when he sees his idol profaned. Such an ethic is therefore not simply a hygenic discipline or a prudent economy of existence; it is a religion in which man is at once the worshiper and the god.[509]

As both worshipper and god, in the religion of humanity the individual person is a sacred object, surrounded by a series of prohibitions to protect from profanation.[510] Even the state must respect the dignity and rights of the individual. Skirting for a moment the normative question of whether

[506] Émile Durkheim, "Individualism and the Intellectuals," in *Émile Durkheim On Morality and Society: Selected Writings*, ed. Robert N. Bellah (Chicago: University of Chicago Press, 1973).
[507] Durkheim, "Individualism and the Intellectuals," 44.
[508] Ibid, 45.
[509] Ibid, 46.
[510] Elsewhere, Durkehim uses the phrase "cult of personality" in connection with dignity. See Durkheim, "Division of Labor in Society: Conclusion," in *Émile Durkheim On Morality and Society: Selected Writings*, ed. by Robert N. Bellah (Chicago: University of Chicago Press, 1973), 138.

such an arrangement *ought* to obtain, Durkheim believed this form of individualism had become more than “a drawing-room theory” or “a philosophical construct”: it was a descriptive fact of modern life.[511] To give up on this particular form of individualism would be to "recast our whole moral organization at the same stroke."[512] It is impossible to follow the modern imperative to become a more realized, authentic individual while systematically undermining the societal conditions of such consciousness. As Durkheim remarked in an earlier work:

> Thus, the progress of individual personality and that of the division of labor depend upon one and the same cause. It is thus impossible to desire one without desiring the other. But no one today contests the obligatory character of the rule which orders us to be more and more of a person.[513]

Importantly, the religion of humanity is as capable of reproducing rites, beliefs, moral permissions and prohibitions, and social solidarity as traditional religions. Anticipating Stephan Darwall’s distinction between recognition respect and appraisal respect, Durkheim maintains that the dignity of the person must not arise from “personal characteristics,” but rather from participation in humanity.[514]

> The cult, of which he is at once both object and agent, does not address itself to the particular being which he is and which bears his name, but to the human person (*la personne humaine)* wherever it is to be found, and in whatever form it is embodied.[515]

Every person is an incarnation of humanity and draws their sacredness from humanity, a contention that mirrors Durkheim’s belief in *The Elementary Forms of Religious Life* that objects are consecrated by diffusion from the collective totem. With the sacralization of humanity, compassion for human suffering and misery and commitment to amelioration and justice become

[511] Durkheim, “Individualism and the Intellectuals,” 46-47.
[512] Ibid, 47.
[513] Durkheim, “Division of Labor in Society: Conclusion,” 142.
[514] Durkheim, “Individualism and the Intellectuals,” 48.
[515] Ibid.

sites of devotion.[516] Humanitarian impulses, democracy, the autonomy of reason, and free inquiry form the constellation of religious beliefs that Durkheim defined as "the representations which express the nature of sacred things and the relations which they sustain, either with each other or with profane things."[517]

Durkheim then responds to the objections that the sacredness of the person represents excessive individualism and would entail anarchy. Excessive individualism is not a dire objection for a similar reason that abuse of the sacraments in Christianity is not dire. "Abusive exploitation of individualism proves nothing against it, just as the utilitarian falsehoods about religious hypocrisy prove nothing against religion."[518] Against the charge of anarchy, a persistent argument ("always refuted and always renewed") of Catholic social teaching since the French Revolution, Durkheim argues that individualism is not antithetical to adherence to competent authorities or social solidarity.[519] Turning the tables on contemporary postliberals, Durkheim would say that today only individualism can morally unify society. The "mystic tones" of modern prophets of religious and cultural decline do not recognize that symbols, rites, temples, and priests do not sit at the foundation of religion but are superstructural components.[520] Religion is the "unified system of beliefs and practices relative to sacred things"; beliefs and practices are ancillary to the sacred core of the community. So, while religion in Durkheim's technical sense may be indispensable in the formation of moral communities, religion changes as collective conceptions of the sacred change.

[516] Ibid, 48-49.
[517] Durkheim, *The Elementary Forms of Religious Life*, 41.
[518] Durkheim, "Individualism and the Intellectuals," 49.
[519] Ibid.
[520] Ibid, 50-51.

The argument then becomes overtly normative: "What is important therefore is to say what the religion of today should be. Now everything converges in the belief that this religion of humanity, of which the individualistic ethic is the rational expression, is the only one possible."[521] The genesis of the religion of humanity is societal breadth, complexity, pluralism, and mobility, based on the division of labor, where "everyone tends to go off in his own direction."[522]

> As they become more voluminous, as intelligence becomes richer, activity more varied, in order for morality to remain constant, that is to say, in order for the individual to remain attached to the group with a force equal to that of yesterday, the ties which bind him to it must become stronger and more numerous.[523]

In conditions of differentiation and complexity, members of a society — even members of the same political or social class — have little in common "except their humanity, except the constitutive attributes of the human person (*personne humaine*) in general."[524] Societies have become wider and deeper, so to speak, and the *locus* of worth increasingly rests on the individual as an instance of humanity, a process which could only be reversed through the imposition of mechanical societal arrangements upon organic society. Such an imposition could only be achieved through "romanticized gangsterism," to borrow a phrase from Karl Popper.[525]

Durkheim's atheism is apparent in his account of the sacralization of humanity, since historical rites are overcome, and new gods can no longer be created without self-delusion. The worth of the person is a societal achievement, the sacred core of the person nothing more than the collective enthusiasm of a modern collectivity stamped upon individual souls. Despite his

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[521] Ibid, 51.
[522] Ibid.
[523] Ibid.
[524] Ibid.
[525] "The more we try to return to the heroic age of tribalism, the more surely do we arrive at the Inquisition, at the Secret Police, and at a romanticized gangsterism." See Karl Popper, *The Open Society and Its Enemies* (Oxford: Taylor & Francis, 2012), 189.

atheism, however, Durkheim opens a route for a theological justification of the religion of humanity, since he finds in Christianity a “remarkable development of the individualistic spirit[.]”[526] Christianity taught that the value of an action derived from an individual's intentions, that the individual stands alone before God's judgment, and that Christ partitioned spiritual from temporal terrains when he commanded his followers to give to Caesar what is Caesar’s and to God what is God’s (Mark 12:17). Jürgen Habermas also argues that the idea that “everyone must face the Last Judgment as an irreplaceable and unique person” played a role in cleaving the individual from their social role, and is therefore a precursor to contemporary dignity.[527] It would be erroneous to pit individualism entirely against Christian morality since “the former derived from the latter.”[528] With individualism, in Durkheim’s nuanced definition, “we do not deny our past; we only continue it.”[529]

The affective dispositions instilled by the religion of humanity include feelings of disgust and profanation at the sight of suffering and the trampling of fundamental rights. Acts of degradation against the person constitute sacrilege in a way that is more than metaphorical, and “a religion which tolerates sacrilege abdicates all dominion over men's minds.”[530] Law and morality arise from the sacred core of the community and provide the “totality of ties which bind each of us to society, which make a unitary, coherent aggregate of the mass of individuals.”[531]

Like Hegel and later theorists of recognition, Durkheim sees individualism as socially derived. So much so that “the duties of the individual towards himself are, in reality, duties

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[526] Durkheim, “Individualism and the Intellectuals,” 52.
[527] Jürgen Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy* 41, no. 4 (2010): 474.
[528] Durkheim, “Individualism and the Intellectuals,” 53.
[529] Ibid.
[530] Ibid.
[531] Durkheim, “Division of Labor in Society: Conclusion,” 136.

towards society."[532] The task of a society that recognizes the sacredness of the person is to move beyond individualism's essentially negative aspects to a fuller degree of perfection in terms of respect and rights. In contemporary terms, Durkheim gestures toward the later distinction between generations of rights, from the largely negative rights of conscience, press, and political participation in the eighteenth century, to the civil and solidaristic rights of the nineteenth and twentieth centuries — from negative to positive liberty. Once liberty is secure, it must be allowed to prosper.[533]

4.2 Hans Joas' Critical Durkheimianism

Joas follows Durkheim beyond Enlightenment and Foucauldian myths. Reason or discipline do not fully explain the contemporary sense of dignity but shifting processes of sacralization. Joas augments Durkheim's use of "individualism" with a more consistent use of the term "person." The language of person better signifies that dignity is not an "unscrupulous, egocentric self-sacralization of the individual and thus the narcissistic inability to break away from self-referentiality."[534] Durkheim is clear on this point, but the term individualism is possibly unsalvageable, especially in the North American context.

Joas also agrees with Durkheim that the person has taken on the intense aura of a sacred object; he disagrees, however, with Durkheim's "programmatic atheism."[535] It goes too far to say that the modern sacred person is at the same time "both believer and God." The sacralization of the person can find a home in the Christian tradition through creative reintegration of

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[532] Ibid, 137.
[533] Durkheim, "Individualism and the Intellectuals," 56.
[534] Joas, *The Sacredness of the Person*, 51.
[535] Joas, *Do We Need Religion?: On the Experience of Self-transcendence*, trans. Alex Skinner (Boulder: Paradigm Publishers, 2008), 137.

contemporary value orientations. As our second chapter demonstrated, inviolable dignity and the sacredness of life is a value orientation that has been incorporated into Christian belief to such an extent that many wrongly consider it a perennial teaching.

The dichotomy of sacred and profane remains relevant to social ethics because the human person has a force or aura of inviolability. Prohibitions surround persons, designed to keep them from ritual contamination. Furthermore, current debates about values gain clarity when viewed through the lens of the sacralization of the person: in (ideal) scientific debate in which all arguments count, in democracy in which all votes count, in medical ethics on the emphasis on informed consent and the right to information, and in sexual ethics on the promotion of non-heterosexual, non-married consensual adult relationships in combination with increased concern and "growing public awareness of sexual molestation in general and child sex abuse in particular."[536] Likewise in campaigns against lynching, castration, and more inclusive language exemplified by not referring to children with birth abnormalities as "monsters."[537] Affective and self-evident repulsion toward violations of the person's body, conscience, and ability to construct an integral self is a recognition of the aura of the sacred within them, that which in Kantian terms raises them above all price. And yet, the sacred is not just a higher legal rank than the profane; the distance between the two is immeasurable. The sacred is lifted out of the ordinary, protected from profanation, and withdrawn from common circulation.

For Joas, the extent to which the sacralization of the person has shifted priorities concerning political and civil rights shows "how false it would be to characterize our contemporary moral situation through terms such as 'liberalization' or 'value loss'" since "the relaxation of norms in certain areas often contrasts with greatly increased sensitivity in

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[536] Ibid, 57. See also Joas, *Do We Need Religion?,* 142.
[537] Joas, *The Sacredness of the Person,* 63.

others."[538] Against Pope John Paul II especially, the modern situation is not characterized solely by a loss of values and the triumph of hedonism, but by emergent values that correspond to the sacredness of the person. If JPII cannot recognize the way LGBTQIA+ freedom and permissive societies more generally are a result rather than a corruption of the sacredness of the person, it may be that he has not grasped one logical conclusion of the grammar of dignity and the sacred that he relies upon, or that he is more committed to a counter-sacred in the form of a heteronormative typology of Christ's "male" relationship with a "female" church, and the Magisterium's "male" relationship with a "female" laity.

The sacralization of the person also better explains the paradox of criminal justice than Foucault's disciplinary account. It is difficult to punish or holistically address severe wrongdoing without dehumanizing a perpetrator.[539] Yet, inviolable dignity would mean caring for victims without degrading the perpetrator, a near contradiction "that can only be mitigated."[540] For this reason, Durkheim believed "prison sentences have come to replace corporal punishment—at least when and where the sacralization of the person endures."[541] Once public execution, solitary confinement, and torture are correctly seen as impugning the dignity of the person regardless of their material actions, we should then expect to see advocacy for restorative approaches to justice and incarceration. It is possible to be horrified by violence and abuse and at the same time recoil from the idea that a reciprocal sexual assault in prison represents a perpetrator getting what was coming to them.

[538] Ibid, 57.
[539] "The same process that teaches us to reject cruel forms of punishment—because we see the human being in the criminal, whom we therefore respect— makes us more sensitive to the cruelty of crimes. This both stimulates and inhibits the drive to punish." Ibid, 58.
[540] Ibid.
[541] Ibid.

Yet Joas believes Durkheim fails to offer a convincing causal account of sacralization other than recognizing that society is becoming more attuned to the individual person due to societal complexity and differentiation. The shift also cannot be attributed wholly to empathy, although cultivating empathy is critical when promoting dignity. Since it is too easy to dehumanize entire classes and populations of people, the sacralization of the person must in some way arise before widespread empathy is achievable.

So far, this may sound like a progressive or whiggish history. Once, the sacred was located in church, king, or nation, and now resides in the person. Even a sympathetic reader may look around at today's crushing poverty, white supremacy, anti-Semitism, sexual violence, institutional misogyny, environmental degradation, and far-right movements and ask if an empirical glance at the present does not instead refute this sacralization thesis. Nevertheless, Joas denies that he is a progressive historian if that is understood evolutionarily or teleologically. Sacralization "does not refer to a homogeneous world-historical process, but rather to a complex and unpredictable plethora of such processes."[542] There is no vector of the sacred, progressing in one direction. There are many configurations of the sacred core of collectivities. The sacredness of the person, once achieved, can be attacked by a counter-sacred, relativized, coopted, or entirely ignored.[543] In fact, dignity and rights have never been fully secured. The dynamics of lynching in the U.S. between Reconstruction and Civil Rights exemplify the results of a counter-sacred, where the purity of whiteness is the sacred core of a community. In James Baldwin's short story "Going to Meet the Man," the main character, a white deputy sheriff, recalls attending

[542] Joas, *The Power of the Sacred*, 249.
[543] "Yet even human rights, like the idea of universal human dignity, never become an entirely secure cultural possession. Once again, there is no vector of increasing sacralization of the person. Like all forms of sacralization, human rights may degenerate into the mere legitimation of power-political strategies, or even, because they impede state action, be explicitly relativized." Ibid, 270.

a lynching as a child, where after the gruesome murder the whites have a picnic.[544] That relaxed spectator attitudes and a picnic could coincide with a racist, sadistic torture show illustrates the affective power of the sacred. As we explore further below, value-constitutive experiences of the sacred are not automatically good but may also be demonic and diabolical. Sacralization processes inhabit two planes – the descriptive and the normative – and describing how one contingent process of sacralization emerged does not negate the need to ground and persuade people of its normative rightness or validity. And yet, here Joas may fall into the same issue that MacIntyre does *vis-à-vis* relativism. Joas spends a considerable amount of time explaining how sacralization processes must be normatively defended, but rarely, if ever, normatively defends the sacredness of the person. It is hard to determine if this is an oversight or weakness, however, considering that Joas is primarily a sociologist and not a moral philosopher or theological ethicist.

The sacralization of the person must be achieved at an individual and a societal level. And it is with the justification and normative validity of the sacralization of the person that we'll extend our examination to the rest of Joas' *corpus.* At the end of this analysis, dignity emerges as a value, one that must be experienced by valuing subjects, embedded into practices, and upheld by institutions. Consequently, our initial focus will be on the process of value formation and how values become sacred to individuals and collectivities. Then, we will explore the role of the sacred within ostensibly secular and disenchanted modern societies. The experience of value, value formation, and sacralization processes are characteristics of human action as such and are not reducible to religious/secular or imminent/transcendent dichotomies. Therefore, dignity as a sacred value of individuals and institutions is not fatally challenged by a rise or fall in religion or

[544] James Baldwin, *Going to Meet the Man* (New York: Dial Press, 1965).

particular ideas of the transcendent. Finally, the chapter ends with rebuttals to Schmitt and MacIntyre.

4.3 Sacralization, Value Formation, and Affirmative Genealogy

Dignity is a value that arose from the sacralization of the person and has been embedded into myriad political, cultural, and legal institutions, especially since 1945. Nevertheless, it is not immediately clear why one should prefer the language of value or speak of dignity as such. As Carl Schmitt noted, the philosophical study of value started near the end of the nineteenth century, where the discourse migrated from seventeenth- and eighteenth-century economic (and mathematical) discussions.[545] The priority of values would later be read back into Kant after Neo-Kantians such as Hermann Lotze placed value center stage in their own thought.[546] When both classical metaphysics and idealism no longer appeared as fully secure modes of establishing the true and the good in human life, value began to usurp the place "once occupied by the concept of the 'good' in the philosophical tradition."[547] Carl Schmitt was clear-sighted in his recognition of this history, which led him to castigate Pope John XXIII and the Second Vatican Council for their capitulation to value thinking when they translated the Latin word *bonum* into the German *Wert.* Quickly after the triumph of value thinking there arose another crisis: It was difficult to ground values objectively. The crisis of objective values, Joas contends, prompted a turn to the valuing subject's sensations and judgments and the resulting threat of relativism is what exercised Neo-Kantian value theorists such as Wilhelm Windelband and Heinrich

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[545] Another theorist who takes the historical context and emergence of value seriously in conversations of dignity is Colin Bird. Though I cannot compare and contrast here, his emphasis on value and dignity as a social currency related to respect and disrespect has been suggestive throughout this dissertation. See Bird, *op. cit.*
[546] Hans Joas, *The Genesis of Values,* trans. Gregory Moore (Chicago: University of Chicago Press, 2000), 20.
[547] Hans Joas, *The Genesis of Values*, 21.

Rickert.[548] Friedrich Nietzsche would become the most well-known figure to center the idea that values and valuing subjects were central to philosophical and religious thought. Paradoxically, Nietzsche elevated the prominence of values as a philosophical domain in his attempt to deny certain values altogether through genealogical unmasking.[549]

The success of value thinking is also seen in contemporary moral discourse. Politics is saturated with the language of "values" – the value of life, the value of democracy, values voters. A disdain for such value thinking is also at the center of MacIntyre's critique of modern moral discourse. The political left and the political right share the same emotivist ethos and are doomed to trade subjective value preferences in the place of substantive moral disagreement. But how do value commitments arise in the first place? How are old values reformed into new values? Joas believes these questions are lacking in public debate and so turns to the "foundations of our experience of value" for answers.[550] Again, a turn to the valuing subject in genetic accounts of value arose after a double crisis: first, the crisis of classical metaphysics and idealism; second, the crisis of objectively grounding values. Since MacIntyre would not regard classical metaphysics as in crisis, he does not have the same need to turn to the valuing subject when explaining modern moral experience. MacIntyre focuses on traditions of justice and practical reason, and individuals insofar as they carry those traditions. Joas also finds a tremendous amount of diversity in values today but reaches the opposite conclusion than in MacIntyre. Political and moral discourse today is marked by a "reflexive turn" in which we must probe our "relationship to the origin of our ideals and to the fate of their realization."[551] Life today is more reflexive, individualized, and contingent, but people still have and feel secure in certain values.

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[548] Ibid, 22.
[549] Ibid, 23.
[550] Ibid, 10.
[551] Ibid, 8.

Instead of incoherence or incommensurability, moral experience may be better defined as an uncomfortable transition to the contingency that arises in light of "the massive increase in individual action options and the growing number of experiences that result from this massive increase."[552] Joas therefore places contingency central to his account of the experience of value. Increasing contingency does not automatically destroy values and thick commitments, but changes the nature of those commitments; a new "contingent certainty" arises in which individuals become committed to certain values through predisposition, culture, or personal experience, but they are more aware of the situatedness of their positions.[553] For this reason, jeremiads against cultural and moral fragmentation are often erroneous, as is linking the dissolution of a certain traditional moral framework with the disappearance of community, values, and trust. Instead, making sense of modern moral experience requires swapping a moribund two-stage schema of the decline and loss of values with a three-stage schema that "leaves room for reintegration through individuals' creative action and goes on to ask under what conditions creative adaptation succeeds or fails."[554]

In an era of contingency and contingent certainty, three processes arise in relation to values, be they political, moral, or religious/secular. First, *proceduralization* names how values must today include a "willingness to obey the law, to be tolerant, and to embrace fairness and pluralism" amidst the proliferation of action options, life plans, and commitments.[555] Against the common charge that such proceduralization is not value-free, Joas wholeheartedly agrees. Conditions of high contingency create the need to house contingent value commitments within a procedural framework that can be shared by all to the greatest extent possible. The opposite

[552] Joas, *Faith as an Option*, 73.
[553] Ibid, 76.
[554] Ibid, 82.
[555] Ibid, 86.

would, I believe, require a type of romanticized gangsterism, overcoming increased action options and the contingency of contemporary life for the mechanical uniformity of a single common good. Proceduralization does not need to be value free to be legitimate. It only needs to be value free relative to other thick conceptions of social order. Second, *value generalization* complements but is different from proceduralization. Value generalization consists in the process by which the engagement with other value commitments (e.g. Christian-Buddhist dialogue) spurs the reinterpretation of values within more general and abstract categories. For example, the Christian and the Buddhist, through their interpersonal engagement and place within a procedural framework of fairness, can come to agree on "human dignity" without their support becoming "detached from the affective underpinning of a given tradition."[556] Through dialogue, putative universalisms can be particularized, and particularisms can be stretched in new universalist directions. MacIntyre's work underplays how values and traditions generalize through mutual interaction and the epistemological crises he so ably explicates. For MacIntyre, the end of an encounter with another tradition seems to be the augmentation of specifics within a coherent tradition, and not the broadening and generalizing of the tradition itself. Third, and finally, *empathy* is required in a world of increased contingency. For Joas, the ability "to see the world through others' eyes" is the only response to contingency capable of delivering a peaceful coexistence.[557] Empathy requires a distance from oneself and spurs the creative reinterpretation of values.[558] Importantly, however, the process of empathy can also lead to *stronger* worldviews, rather than weaker, because one's chosen worldview has been compared with an "undistorted

[556] Ibid.
[557] Ibid, 87.
[558] For an account of the dangers of empathy and its reconstruction as a political virtue, see Richard B. Miller, *Friends and Other Strangers: Studies In Religion, Ethics, and Culture* (New York: Columbia University Press, 2016), 109-34.

alternative."[559] Thus, we return to Joas' dissatisfaction with the idea that contemporary moral experience is characterized by value loss. "The relaxation of norms in certain areas," he remarks, "often contrasts with greatly increased sensitivity in others."[560] Procedures (such as democracy, judicial review, and checks and balances), generalizations (such as dignity), and empathy can become values in their own right, complete with the affective sense of the sacred. The storming of the United States Capitol building, or the attempt to steal an election, can be charged with an aura of desecration, as can unjustified police force against those protesting the death of a sacred person. In addition, one must take account of the ambiguity between liberation and disciplinization, which tend to progress together, since institutions (old and new) are both enabling and constraining.[561] For example, permissive sexual societies grounded in autonomy might agree on consent as foundational to fencing in the human person from unwanted contact, but this may increase debates about appropriate sexual exchanges instead of settling them.

By now we have spoken enough about the prominence of value commitments (even in modern societies), and how contingency can convincingly explain modern moral experience as well as or better than relativism or emotivism. But how, concretely, do value commitments arise? And how do certain beliefs, concepts, objects, persons, and institutions take on the self-evidence and affective intensity associated with the sacred in a Durkheimian sense?

Values arise in "experiences of self-formation and self-transcendence."[562] Value formation names how humans are "guided… by ideas about the thoroughly good and the thoroughly evil" and can arise in instances of "extraquotidian individual experiences or ecstatic-

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[559] Joas, *Faith as an Option,* 90.
[560] Joas, *The Sacredness of the Person*, 57.
[561] Peter Wagner, *A Sociology of Modernity*, 16, 20.
[562] Joas, *The Genesis of Values*, 1.

collective physical practices."[563] While self-formation is generally accepted as a topic of study in psychology and education, self-transcendence often sounds too mystical.[564] Yet both are central in Joas' account of action. Value formation is a complex, historically contingent process that occurs in action and experience and internally contests not only traditions, but also individuals' senses of themselves. After the formation of individual and collective values, which come to be experienced as self-evidently and affectively valuable to a degree that they are properly signified by the term sacred, an impulse arises to embody such values in practices and uphold them in institutional form. For Joas, the grounds of the possibility for sacralization and value formation arise from human action as such and can grasped in a fivefold schema.

First, human action is relational all the way down. A human is an organism that relates to its environment by way of adjustment, modification, and reinterpretation. There is no "individual action" or state of rest underlying discrete human actions.[565] Action is inherently creative and situated. This account of action, influenced by American pragmatism, breaks down strictly interior or teleological conceptions of intention and purposiveness within the realm of action.[566]

Second, due to the situatedness of action, the "self" emerges "out of the processes of social interaction."[567] The self is not merely the biological individual, but the "framework" that emerges from the synthesized relations and interactions with others and oneself (and even oneself *as* another, exemplified most clearly in the child's capacity for role-taking).

Third, the self is not bound by specific psychological processes or laws of maturation but engages in a lifelong, ongoing process of self-formation in "the active management of conflicts

[563] Joas, *The Power of the Sacred*, 235. Joas uses the language of ideals and values largely synonymously. "Ideal" is the more Troeltschean-inflected word for value. Here I will only use the term value for terminological consistency.
[564] Joas, *The Genesis of Values,* 2.
[565] Joas, *The Power of the Sacred*, 238.
[566] For a fuller account of this theory of "situated creativity," see Hans Joas, *The Creativity of Action* (Chicago: University of Chicago Press, 1996).
[567] Joas, *The Power of the Sacred,* 240.

between others' expectations and one's own self-perception."[568] As Randall Collins states, "contrary to an implication of Freudian theory and others that stress early childhood experience, socialization once laid down does not endure forever; emotional energies and symbolic meanings fade if they are not renewed."[569] Even after childhood, the self faces varying degrees of conflict or crisis that require a "restructuring of one's self-understanding."[570] Think, for example, of how aging or disappointed life expectations can cause inner turmoil. The self can also face the modification or dissolution of its symbolic boundaries, as when its commitment to particular persons or values is challenged or placed in a different light. Such experiences of "self-transcendence" occur when the individual is "pulled beyond the boundaries of one's self," captivated by something other than one's self, or freed from focusing on one's self.[571] These experiences might include physical attraction, erotic love, dialogue, anxiety, vulnerability, prayer, collective enthusiasm, trauma, illness, the fear of death, and guilt. The boundaries of the self can also be made porous violently in heinous acts such as of murder, rape, torture, and slavery. Such violence represents "the radical inversion of the experience of self-transcendence" and signals an "uncanny structural similarity between ecstatic experiences of self-transcendence and the experience of violence."[572] Thus experiences that call the self into question can be positive or negative, edifying or shattering, active or passive.[573] Often, the experiences of self-transcendence involve a passive element of being seized by forces beyond or outside oneself, which brings Joas to his next stage.

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[568] Ibid, 241.
[569] Collins, *Interaction Ritual Chains*, 44.
[570] Joas, *The Power of the Sacred,* 241.
[571] Joas, *Do We Need Religion?*, 7.
[572] Joas, *The Genesis of Values*, 165; Joas, *Faith as an Option,* 105.
[573] "Clearly, not all experiences of self-transcendence are morally good. But we have to be willing, at least initially, to look in a 'value-free' way at all experiences that tie human beings to values, whatever these values are, even if we despise them or find them worthless, dangerous, or evil." Joas, *Do We Need Religion?*, 10.

Fourth, the experience of being seized gives rise to “stirring forces,” a comforting or unsettling distance from everyday life opens up, and the situation becomes charged with emotion.[574] The disruption of relatively stable physical or symbolic boundaries saturates experience with “affective certainty” and “a pre-reflective binding force.”[575] Durkheim defined the sacred as these stirring forces within an emotionally charged, extraquotidian situation. According to Joas, “experiences of self-transcendence necessarily lead to the attribution of the quality of the ‘sacred.’”[576] And yet, not every process of sacralization is a process of positive value formation. The experience of the sacred is not always the experience of something morally good – the holy and the diabolical are both possible, as a fascist leader or the purity of the white race can also take on the aura of the sacred for an individual or collective. For sacralization to give rise to concrete values, the process must be “ethicized” and intelligibly abstracted in terms more general than pre-reflective experience; for a sacralization process to give rise to *true* values, the process must be normatively defended and elucidated.[577]

Fifth and finally, experiences of self-formation and self-transcendence do not remove but rather force the question of interpretation upon individuals. Joas believes Durkheim failed to see this critical point. Durkheim believed personal meaning would be univocally deduced from experiences of collective enthusiasm. “As promising as his theory of sacralization and later attempts to build on it are, Durkheim himself is unmistakably one-sided when it comes to the various phenomena of self-transcendence.”[578] Durkheim lacks a thorough account of the

[574] Joas, *The Power of the Sacred*, 243.
[575] Ibid.
[576] Ibid.
[577] Ibid.
[578] Ibid, 242.

necessity for the interpretation of experience. There is not one "obvious interpretation just waiting to be shared by all."[579]

The hermeneutic task in human action consists of three poles: experience, interpretation, and articulation. In the act of interpretation, one attempts to articulate the experience to themselves and others in a process without a single direction. The articulation of experience is a circle in which one moves "between the realities of the situation that exist independently of us, our holistic experience of this situation, our own current interpretation of our experience, and publicly established interpretations."[580] An experience can challenge previous interpretations, and the attempt to articulate experiences can become inadequate and require reformulation in light of contexts of power, historically settled or imposed interpretations, and cultural symbols, language, and religion.

Joas' theory is highly technical and escapes full explication, so I will illustrate with an example. In a portion of his autobiography, Malcolm X recounts at length his first experience on Hajj, the annual Islamic pilgrimage. He narrates the process of value formation from an experience of self-transcendence, and then attempts to articulate that experience in letters back home that may "shock" those who received them.[581] On Hajj he experienced hospitality and a spirit of brotherhood "practiced by people of all colors and races" that he did not believe was possible.[582] He encountered white people from whom God had removed the "white" from their minds, behavior, and attitude.[583] For a week he had "been utterly speechless and spellbound by the graciousness" he found in others. He felt more honored than ever before, and at the same

[579] Ibid, 244.
[580] Joas, *Do We Need Religion?*, 46.
[581] Malcom X, *The Autobiography of Malcom X* (New York: Ballatine Books, 1973), 347.
[582] X, *The Autobiography of Malcom X*, 346.
[583] Ibid, 347.

time more humble and unworthy than ever before. He became more convinced that American "needs to understand Islam, because this is the one religion that erases from its society the race problem."[584] Racism in America was a cancer, and only via a "spiritual path of truth" could America "ward off the disaster that racism inevitably must lead to."[585] This value-constitutive experience of self-transcendence highlights agency within contexts of power and the United States' imposed interpretations and cultural symbols.

However, if this explanation and example seem nebulous, note that people often cannot fully justify their values and grow irritated when asked to even imagine desecrating what they hold sacred.[586] Values are found in elucidating pre-reflective volitions that already have emotional meaning and the inclination of our will. Due to his pragmatist theory of action, for Joas sacralization processes and value formation are characteristics of human action as such. For this reason, many of the fashionable terms to describe the interplay of action, the sacred, and values in religious studies and the sociology of religion — "surrogate" or "ersatz" or "disguised" religion, "political religion" or "secular religion," "pseudo-religion," "crypto-religion" — are mistaken attempts to pigeonhole the modern religious/secular divide into the more universal division of the sacred and profane.[587]

In the socio-political context, Joas points to three of the most prominent sacred valuations in history: the sacralization of kings, the sacralization of the people, and the sacralization of the person. In the transition in many archaic to state societies, there was an "emergence of sacred kingship," where the ruler either believed they were a god, believed they represented a god, or

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[584] Ibid.
[585] Ibid, 348.
[586] Collins, *Interaction Ritual Chains*, 103-5; Philip Tetlock, "Thinking the unthinkable: sacred values and taboo cognitions," *Trends in Cognitive Science* 7 (2003): 320-324.
[587] Joas, *The Power of the Sacred*, 245-6.

were high priests of god.[588] Sacral kingship met criticism whenever there was a growing awareness of moral universalism or a new account of transcendence; transcendence is a kind of "reflexive sacredness," emerging when the self-sacralization of kings or collectives is subordinated to a higher power.[589] Here, the Hebrew prophets especially come to mind. A transcendence-based criticism of sacral kingship is found not in a singular axial moment but in uneven waves across time and place. For example, Jesus's claim that "”my kingdom is not of this world" (John 18:36) can be read as a desacralization of Rome, and yet after Christ the history of Christianity "is pervaded, indeed dominated, by attempts to justify the sacredness of rulers within the framework of Christian ideas."[590] By the time of Charlemagne, a "theocentric power legitimation" had developed in Christianity to the point where some kings were thought to be able to perform miracles from their offices alone.[591] This practice still existed in France at the coronation of Louis XVI.[592]

In contesting sacral kingship, some Catholics and Calvinists argued for the right to resist unjust tyrants on theological grounds. Other thinkers developed proto-contractualism based on the consent of the ruled. Additional countervailing forces to sacral kingship include, "carnivalistic reversal of hierarchies, prophetic critique of rulers, monastic refusal to be integrated into worldly orders, popular forms of disrespect, or uprisings among the oppressed, such as slaves and poor peasants."[593] Joas believes these forces are underreported in history because of the nature of recordkeeping and who is able to record history.

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[588] Ibid, 259.
[589] Ibid, 261-2.
[590] Ibid, 262.
[591] Ibid, 263.
[592] William Doyle, *The Oxford History of the French Revolution* (Oxford: Oxford University Press, 2002), 1.
[593] Ibid, 265.

As with the different types of kingship, there have been many distinctive instantiations of the people as a sacred valuation. Once the *vox populi* could replace the *vox regni* as the *vox dei*, the idea of “collective ethnic self-sacralization” could issue in the rise of modern nationalism.[594] However, the people need to see their sacredness reflected in some object(s), so the sacralization of the people has been compatible with both dictatorship and democracy. Likewise, the idea of a people’s “historical mission” or “chosenness” could also be highly variable, ranging from an "unconditional privilege" to “forfeitable quality.”[595] In the history of tying a people’s mission to objective justice and not innate qualities, Joas points to the significance of prophetic critique in Israel, especially Amos, which "explicitly disputes any special rights for the people of Israel."[596] God loves justice, and those who do justice belong to God.

Beyond the sacralization of the king and people, a third prominent form of sacralization is the sacralization of the person, which has gained progressively wider subjective self-evidence and affective intensity since the eighteenth century, though it was never fully absent from any period and can never be fully secured. As discussed above, for Joas the sacralization of the person is the normatively desirable sacralization process, one consistent with the highest teachings of religious and secular morality, though one not immune from its own corruptions. For this reason, Joas sees “radical desacralization of political power,” an uneven path traveled since the Axial Age, as an achievement and task.[597] The sacralization of the person “requires the relative desacralization of state, ruler, nation, or community.”[598] The keyword is relative. It does

[594] Ibid, 266.
[595] Ibid, 268.
[596] Ibid.
[597] Ibid, 269.
[598] Ibid.

not mean abandoning these things *per se* but rather that in the Durkheimian plurality of sacred things, they must always fall below and be subordinate to the sacredness of the person.

Above we examined how experiences of self-transcendence are not necessarily good, and yet can still be value constitutive. There is even an "uncanny" resemblance between the experience of self-transcendence and the experience of violence. Such negative experiences of violence, trauma, and powerlessness have played a significant role in the rise of the sacralization of the person, and therefore modern dignity. As Lynn Hunt argues in relation to the eighteenth century,

> …the body became sacred on its own in a secular order that rested on the autonomy and inviolability of individuals. There are two parts to this development. Bodies gained a more positive value as they became more separate, more self-possessed, and more individualized over the course of the eighteenth century, while violation of them increasingly aroused negative reactions.[599]

Consequently, Joas investigates the impact of violence on the historical trajectory of sacralization. How did experiences of violence turn into value commitments, particularly universalistic values such as human dignity?

To begin, "suffering alone does not give rise to values."[600] These experiences must be embedded in practices and upheld by institutions. The energy of these experiences must be given direction and form, which necessarily involves power-building. It is in the nexus of values, institutions, and practices, combined with the creativity of human action, where particular historical traumas — such as chattel slavery and the Holocaust — can be converted into universalistic value commitments. Such power-building requires at least two aspects. First, moral

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[599] Hunt, *Inventing Human Rights*, 82. Hunt insightfully identifies many of the changes in attitudes, routines, and manners that could contribute to people gaining a new sense of self-possession, such as not blowing one's nose on the ground or urinating in public. These more quotidian changes would have to be added to the more obviously positive and negative accounts of self-transcendence we've explored in order to account for the shift to the individual in modernity.
[600] Joas, *The Sacredness of the Person*, 74.

decentering, such as in the cases of slave revolts, the testimony of escaped enslaved persons, and evangelical religion asking people to consider the least of these.[601] Moral decentering, however, without institutional expression, will flare out. Second, there must be "a sociostructurally induced expansion in the cognitive attribution of moral responsibility," which refers, again in the case of abolitionism, to how the "increasing global interlinkage of social relations, on economic grounds," formed a "precondition" for abolitionism and humanitarianism.[602] These two things together, moral decentering and a sociostructural space that articulates suffering, cemented new values such as the sacredness of the person. When these two aspects gain a wider scope, possibly in "transnational advocacy networks," we glimpse how global values are spread and institutionalized.[603]

Just like particular value commitments, the concretization of values in practices and institutions is not a teleological process, by which values once achieved are always secured. Sacralization requires power-building, and *vice versa.* When taking account of past moral decentering and the practices and institutions it has given rise to, we must still "take account of as-yet-unarticulated suffering—but also a demand that we abandon any sense of cultural self-satisfaction."[604] Since the history of dignity is intimately connected to the history of violence and trauma, the continued sacralization of the person depends upon listening to and addressing concrete suffering. This critical point — evidenced in Judith Shklar's conception of liberal democracy — will be explored in the next chapter.

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[601] Ibid, 91.
[602] Ibid, 92. Joas is drawing on Thomas Haskell's fiercely debated thesis about how markets revolutionized the attribution of moral culpability. For a work that nuances Haskell's thesis within the larger slavery debate, see Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London, New York: Verso, 2011).
[603] Ibid.
[604] Ibid, 94.

Joas calls this method, jockeying back and forth between normative values and the circumstances of their genesis, "affirmative genealogy." This method seeks to avoid the excesses of both Kant's pure, universal claims and Nietzsche's "irreducible" subjectivism.[605] In their place, Joas builds on the work of Ernst Troeltsch, who refused to collapse history into philosophy or philosophy into history. Value formation occurs within specific contexts and is just as often the result of powerful affective experiences as rational deduction or justification. Thus, when accounting for values, we must keep two things in mind: first, their historical genesis (including the context of the historian or theorist), and second, the intensity these values have within individuals and whole cultures. Troeltsch used the idea that values emerge from life as a path out of relativism. Competing sacralization processes and value formation are the engines behind creative ruptures in Christianity. For this reason, Joas does not like any talk of Christianity doing things. Christianity does not act – people and organizations do, and they do so in light of value-constitutive experiences that are interpreted and articulated in light of a body of texts and other received interpretations (language, symbols, violence, and more).

What makes a genealogy affirmative, then, is recognizing that "every attempt to achieve timeless validity must always remain a temporal phenomenon," while at the same time defending against the idea that this defeats universalistic moral claims.[606] For Joas, any genealogy that does not justify its values with reference to history is ideological.[607] In summary, "values cannot remain mere values. They come alive only if they are defended argumentatively as values—but above all if they are upheld by institutions and embodied in practices."[608] In light of Joas'

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[605] Ibid, 97-98. This same dichotomy Joas finds reflected in the contemporary thought of Michel Foucault and Jürgen Habermas.
[606] Ibid, 128.
[607] Siep Stuurman has shown how humanity itself, and especially equal dignity, had to become "thinkable" in history. Often frontiers and frontier-texts played a non-negligible role in these developments. See Stuurman, *The Invention of Humanity*, 3-6.
[608] Joas, *The Sacredness of the Person*, 135.

complex theory of sacralization, value formation, and affirmative genealogy, we now turn to his critique of secularization and disenchantment, where he argues against the idea that the sacredness of the person could become irrelevant in a secular age.

4.4 Secularization, Disenchantment, and Sacred Valuation

Religion is a potent *locus* of self-formation and self-transcendence, grounded as it is in an an experience of what one considers divine. In acts of conversion, prayer, and worship, one's symbolic boundaries can be reordered, softened, and sometimes entirely broken. In addition, there is for the religious believer often a battle between a new and an old will, between duty and inclination, between a proleptic desire to be a certain way and the accomplishment of embedding the new value into one's self, as when the apostle Paul spoke of doing what he does not want to do.[609] Because of the power of religion as a source of self-transcendence, Joas does not believe in any modernization theory that includes the inevitable decline of religion. He also does not believe that modernity is disenchanted, pre-modernity enchanted, or that the necessary religious response to late modernity is re-enchantment. The popular claim that there has been a return of religion or strong gods overplays the strength and uniformity of value commitments in the past and downplays value commitment in modern societies.[610] Instead, to understand the sacred in modernity, we need "new narratives of religious history as it is intertwined with the history of power[.]"[611] In this section, I will first discuss Joas' critique of the inevitable decline of religion.

[609] For a helpful of this phenomenon see Agnes Callard, *Aspiration: The Agency of Becoming* (Oxford: Oxford University Press, 2018).
[610] One example would be R. R. Reno, *Return of the Strong Gods: Nationalism, Populism, and the Future of the West* (Washington D.C.: Regnery Gateway, 2019).
[611] Joas, *The Power of the Sacred*, 1.

I will then, however, devote more space to discussing why even a decline of religion would not be fatal for the sacralization of the person.

The collapse of religion predicted both by religious traditionalists and secularists has not materialized, despite each having their own reasons for asserting religion's decline. For many, there was the belief for a better part of a century that modernization entailed a decline in religion. Nevertheless, while classic modernization theory has become a less common position, there remains a strong popular level idea that religion and science do not mix easily, combined with declining objective measures of traditional belief, behavior, and belonging.[612] On the other end of the spectrum, some religious practitioners have reason to believe in the imminent secularization of society since it allows them to explain the problems of modern societies with an appeal to the decline of religion. Society's prevailing ills, from poverty and environmental degradation to far-right extremism can be painted as functional outgrowths of the deeper alienation of "modern man." But things are stranger than either side lets on.

After all, many secularized societies ardently maintain a moral outlook. When assessed quantitatively, secular societies frequently exhibit higher moral standards compared to religious societies, as evident in lower levels of political corruption and stronger commitment to basic human rights.[613] For example, the United States, often regarded as a religious exception to the secularization theory among modernized societies, stands out among developed nations in its rates of gun deaths and child poverty. Religion is not the only thing that provides societal stability.

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[612] Isabella Kasselstrand, Phil Zuckerman, and Ryan T. Cragun, *Beyond Doubt: The Secularization of Society* (New York: New York University Press, 2023).
[613] This assumes one considers a lack of political corruption and basic human rights as morally desirable.

However, the imminent secularization hypothesis is also flawed. It is correct if, with José Casanova, we narrow the scope and define secularization as the process by which certain spheres (politics, religion, economy, science, etc.) became more differentiated on account of the Reformation, modern states, capitalism, and the scientific revolution.[614] But it would be incorrect to further argue that modern societies do not blend public and private religion in civil society, or that religion has been entirely privatized, or that there is a teleological process of rationalization that will chip away at religion in a single direction. To say so would posit religion almost entirely as a cognitive matter, characterized by immature knowledge, a theodicy in response to hardship, and the suppression of true knowledge.[615] Joes argues that these two major narratives (that modernization leads inexorably to secularization and that irreligion leads to moral decline) have run "out of steam."[616] Neither religion nor secularism can be definitively declared winner or loser in modern societies.

Nevertheless, this stalemate does not mean we should lose sight of secularization. It is too easy to largely define secularization out of existence and overlook massive shifts with regard to organized religion, for example by labelling secular patterns of thought as ersatz religions.[617] Instead, we need to pay careful attention not only to why the secular option and a possibility of exclusive humanism arose, but why it proved so attractive or repugnant to people. Charles Taylor speaks of a "nova effect" of expanding options of belief since the eighteenth century, and yet does not sufficiently explain why certain value commitments are presently accepted or rejected

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[614] José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994).
[615] Joas, *Faith as an Option,* 15.
[616] Ibid, 3.
[617] I find this trend among post-secular theologians. See for example, William T. Cavanaugh, *Migrations of the Holy: God, State, and the Political Meaning of the Church* (Grand Rapids: Eerdmans, 2011) and *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (Oxford: Oxford University Press, USA, 2009).

within the "galloping pluralism" of spiritual options.[618] In other words, there may be a smorgasbord of metaphysical, philosophical, and religious beliefs and values for people to choose from, but this does not mean that the options chosen are anarchic or superficially held.

The relevance of religion to people's lives should exercise us less than the processes by which people come to hold strong value commitments, and here Joas maintains a strict division between the recent and highly contingent category of religion on the one hand, and the category of the sacred on the other. The study of religion as a self-contained concept found one of its earliest theorists in David Hume.[619] Hume was one of the first to attempt a universal history of religion abstracted from specific doctrinal and theological systems. Regardless of how contemporary history and ethnography regard Hume's conclusions, what was new in Hume is "the attempt to open up the universal history of religion to unrestrained empirical investigation."[620] Many in the German Enlightenment (e.g. Herder) held Hume in the highest esteem, joining his quest to locate belief in the sensitive part of human nature, his lack of teleology, and his drive to question religious texts such as the Bible in light of a psychological understanding of belief. It was more the engagement with Hume than Hume's conclusions that led to the innovations scholars of religious studies are so familiar with.

In the work of William James, "religious experience" was constituted "as an object of scholarly inquiry" above and beyond the traditional focus of religious scholarship as doctrinal systems or "social institutions."[621] James' work influenced many, from Durkheim to Troeltsch. For James it was in the creative tension of action that our desires and values gather together and

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[618] Taylor, *A Secular Age* (Cambridge: Harvard University Press, 2007), 299-300. Joas argues that while Taylor may explain the rise of secularization, Taylor avoids explaining why the secular option is embraced or shunned. See Joas, *Faith as an Option,* 41.
[619] Joas' discussion of Hume can be found in Joas, *The Power of the Sacred*, 10-23.
[620] Ibid, 23.
[621] Ibid, 33.

form the foundation of religious experience. Action in James necessarily gives rise to values and shows how "we cannot bracket off the enthusiasm inspired by our ideals."[622] James' theory was taken up and refined by other American Pragmatists such as Josiah Royce, G.H. Mead, and John Dewey. Religion after James was no longer theological exegesis or the analysis of social institutions (positively in Catholic historiography or negatively in Marxism). Rather, it was the organized investigation of the connection of experiences of self-transcendence, the formation of values, and the “semiotic theory of self and community with a nonteleological understanding of history.”[623] James, however, would use the word religion where sacred is perhaps more appropriate.

Durkheim did just this. He immediately wanted to broaden James’ individualism and examine the importance of collectives, the centrality of ritual and the sacred, and the development of ideals from experiences of the sacred and the loss of the self. From Nietzschean/surrealist readings in Roger Caillois and Georges Bataille to the micro-sociology of Randall Collins, Durkheim’s focus on ritual, enthusiasm, and the sacred struck a chord with many.[624] When his perceived secular excesses were removed, Durkheim put the questions of sacred valuation and enthusiasm forcefully to societies in which many believe religion was disappearing, thereby offering a powerful counter to the theory of disenchantment [*Entzauberung*], coined by Max Weber. Disenchantment is not the only possible translation of *Entzauberung*, and Weber himself never used the converse terms re-enchantment or enchantment.[625] It is a multifaceted and ambiguous concept, with possible meanings of

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[622] Ibid, 43.
[623] Ibid, 55.
[624] Ibid, 83-87; Joas, *Faith as an Option*, 106-7.
[625] Joas, *The Power of the Sacred*, 111.

demagification, desacralization, detranscendentalization, or devalorization.[626] Yet, it remains an open question where Weber got the word and why he utilized it as he did.[627]

Also unclear and indirect is Weber's influence on thinkers such as Franz Rosenzweig, Martin Buber, Max Horkheimer, and Theodor Adorno, who all explicitly used the term.[628] In 1913, Weber used disenchantment to talk about the weakening of "subjective instrumental orientation" in religion (such as magic), but not secularization.[629] Moreover, concerning the volume most associated with disenchantment, *The Protestant Ethic and the Spirit of Capitalism,* Weber only used the term in a 1919-1920 revision, where he used disenchantment to refer to ascetic Protestantism, which was the teleological outcome of the demagification of religion by the ancient Hebrew prophets.[630] Ascetic Protestantism also instituted a "devalorization," in which subjective rationality was transferred from the magical realm to the occupational sphere.[631]

It was in "Science as a Vocation" (1917) that Weber used disenchantment most often and with more precision, connecting the word to ideas of progress and the demotion of mysterious forces in favor of calculation.[632] In modernity, Weber believed, individual lives were more easily mastered by calculation than mystery. However, this does not mean that the horizon of ordinary life from a first-person perspective had changed people's experience of values, only the knowability of certain conditions. While Weber denied the possibility of a religious solution to

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[626] Ibid, 113, 120, 125.
[627] Ibid, 114-5.
[628] Ibid, 115-6.
[629] Ibid, 116-7.
[630] Ibid, 121-2.
[631] Ibid, 124-5.
[632] Ibid, 129.

disenchantment, Joas expands Weber further to refuse any "single process of disenchantment[.]"[633]

First, Weber was wrong to place presymbolic magic at the foundation of religion, since there is no pure nature awaiting the agent's personal ends. Nature, instead, is the harbinger of values. Perception itself is "semiotically mediated" in ways that imbue the world with meaning.[634] As William James maintained, truth itself relies on the valuing agent and how different aspects of experience are combined in a "marriage-function," which combines new perceptions with one's stock of old values and pre-volitional impulses.[635] Since this has always been the case, disenchantment and enchantment are inappropriate metaphors for describing the experience of value, even in the premodern era. "What counts," Joas remarks, "is that the everyday experience of a value-laden world ought not to be described as enchantment, and thus its loss should not be conceptualized as disenchantment."[636] Instead, as hinted at above, analytical precision is required in relation to several dichotomies that tend to coalesce when speaking of religion: sacred/profane, transcendent/immanent, and religious/secular. They are not synonymous:

> The concept of the "sacred" is an attempt to convey a universal anthropological phenomenon, one arising from human experiences of self-transcendence. The concept of the "transcendent" refers to ideas of a separation between the realm of the divine and that of the mundane and concurrently to the localization of the truth in the realm of the divine; these ideas are by no means a universal anthropological phenomenon and came into existence historically in identifiable places and at particular points in time. Finally, the concept of the "religious" is only meaningful when contrasted with an alternative; this has been entirely possible only since the

[633] Ibid, 134. For an interesting, though controversial, view of Weber as receptive to enchantment, see Jason Ā. Josephson-Storm, *The Myth of Disenchantment: Magic, Modernity, and the Birth of the Human Sciences* (Chicago: The University of Chicago Press, 2018), 269-301.
[634] Joas, *The Power of the Sacred*, 138.
[635] William James, *Pragmatism and Four Essays on the Meaning of Truth* (New York: Meridian Books, 1955), 50-53. This is why James can say, "the most violent revolutions in an individual's beliefs leave most of his old order standing." James*, Pragmatism,* 53.
[636] Joas, *The Power of the Sacred,* 140.

> rise of the "secular option" (Charles Taylor) in the Europe of the seventeenth and eighteenth centuries.[637]

Complex, historical processes are associated with each dichotomous pairing and there is no one-to-one causation between them. For example, processes of sacralization and profanation may be directly related to dynamics of religion and secularization, but not always. For many Protestants, disenchantment (understood as a demagification of the Roman Catholic Church) was at the same time a radical "transcendentalization," opening personal experience beyond settled distinctions of medieval cosmology to increase the focus on the power, majesty, and otherness of God. Thus, disenchantment might name the process of different conceptions of the sacred clashing more than the quantitative decrease of certain beliefs. In one account of image-breaking in mid-sixteenth century Geneva, for instance, not only did a choir of children destroy the images and statues of a cathedral after being convicted by a Psalm about idols, but they also seized a collection of consecrated hosts and fed them to dogs.[638]

Modern societies have seen a complex recasting (if not precipitous decline) of magic and the transcendent since the Reformation, modern states, capitalism, and the scientific revolution. Nevertheless, a decline in magic and the rise of exclusive humanism do not entail desacralization if, by the sacred, we mean "a motivating relationship with the world."[639] Humans still turn toward ideals, have value-constitutive experiences, and are secure in some values, developing and critically revising conceptions of a good life beyond the procedurally right and fair. Therefore, it should not be surprising that the age of Enlightenment could also be an age of Pietism, Methodism, and "Great Awakening" and the post-modern age could be a time for

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[637] Ibid, 140-1.
[638] James Noyes, *The Politics of Iconoclasm: Religion, Violence and the Culture of Image-breaking in Christianity and Islam* (London: I.B. Tauris & Co, 2013), 26.
[639] Joas, *The Power of the Sacred*, 144.

Pentecostalism and "political Islam."[640] Contingency does not automatically produce fragilization. From a first-person perspective, the rise or fall of dignity as the sacredness of the person will be influenced by, but not reducible to, religious beliefs or conceptions of the transcendent. Dignity will be much more challenged by competing sacralization processes. As a value, dignity is grounded in positive experiences of encounter and dialogue and negative experiences of violence, trauma, and suffering. Such a value must be embedded in practices and upheld by institutions if it is not to remain a mere value. An important way in which the value of human dignity was embedded in practices and institutions was through moral decentering and a cognitive expansion of moral responsibility. We can now turn to why, in light of this account, the anti-dignitarian writings of Carl Schmitt and Alasdair MacIntyre are unworkable at critical junctures.

4.5 Response to Schmitt and MacIntyre

Carl Schmitt offers a substantivist critique of dignitarianism. He also decries the triumph of value thinking in contemporary socio-ethical discourse. For Schmitt, value and humanity are not neutral categories, but rather sophisticated ideological tools of ethico-economic imperialism. Detractors of humanitarian values are labeled as outlaws from humanity. Therefore, dignitarian politics would be an anti-politics since it denounces the proper basis of the political: the friend-enemy distinction and task of the sovereign to name the enemy in a state of exception. Finally, liberalism – which Schmitt regards as the political philosophy of humanitarianism — entails an optimistic anthropology that attempts to reduce political questions to education and economic production.

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[640] Ibid, 152.

Schmitt is correct that values such as dignity, humanity, or rights could be mobilized toward ideological ends, and that part of the persuasive power of universal concepts for one group is how others are excluded from the concept and marked as an enemy. "Democracy" played a similar ideological function in the United States both during the Cold War and later when confronting "political Islam" in the War on Terror. An entire cottage industry has arisen tracing the ideological origins, development, and practice of human rights. The advantage of Joas' conception of dignity as the sacralization of the person is that it makes no claim to value neutrality. Precisely as a value, dignity is the result of a contingent process of value formation that is secured only to the extent it finds realization in practices and institutions. In international law, for example, it is through legal principles that dignity passed from a more traditional concept as the dignity of states to the dignity of the person. Dignity moved from bolstering state sovereignty (sovereign dignity) to critiquing and limiting state sovereignty (human dignity).[641] In Joas' theory, any alternative account to the sacralization of the person will offer an alternative account of the sacred core of the community. Schmitt gestures toward such a counter-sacred in his overtly theological language concerning the sovereign. For Schmitt, all political concepts are secularized theological concepts: the political sovereign mirrors the power of the voluntarist God, and the sovereign's decision — preceding all norms — is likened to a miracle by God. Neither the sacralization of the sovereign nor the sacralization of the person are value-free. Schmitt does not ethicize or offer any reason why the former is more normatively desirable than the latter. In light of the sensitizing humanitarian effects of a growing awareness of the interconnectedness of all people and nations, of the body in pain, of the shattering effects of violence and trauma, of the individual search for self-formation and self-transcendence, Schmitt

[641] Ginevra Le Moli, *Human Dignity in International Law*, 5-6.

would offer the dictator as an alternative. But what motivational impulse, which moments of collective enthusiasm, could make such an account of the sacred not just convincing but an affective alternative to dignitarian humanism today? At one point in his career, as the crown juror of the Third Reich, the sacralization of the sovereign was a reality. Schmitt died seeing his own account of the sacred swallowed up by the dignity of the person (*de jure* if not *de facto*), writing pamphlets against the tyranny of such values and defending the legality of Nazi crimes. Of course, and this cannot be emphasized enough, no value is ever secure. To see an extension of Schmitt's own logic we might look at Vladimir Putin today, whose concrete definition of the enemy as a self-justifying legitimation of war outside of international law is a challenge to the legacy of dignitarianism since 1945.

By extension, we can also see that dignitarianism is not an anti-politics. Schmitt's conception of the political as the friend-enemy distinction fails to account for the historical genesis of values in processes of sacralization. In the sixteenth century, the demagification of Roman Catholicism in Protestantism led to an increased transcendentalization of God's power and majesty. Often drawing on medieval predecessors, locating the truth in a the divine will was capable of imbuing religious devotion and objects with new sacred valuations and bursting into different denominational directions. By offering the political sovereign as a secular analogue to the voluntarist God, Schmitt offers an account of transcendence and how that account of transcendence should be experienced in the lives of valuing subjects – he is not merely stating a brute fact. And yet, by locating the truth in the will of the sovereign, he expects that a valuation of friend or enemy could be read univocally off the sovereign's will by the sovereign's subjects. It would be like expecting the Reformation to generate one understanding of the divine will after Protestants had heightened its significance. It is erroneous to believe that an experience of the

sovereign's power will have a one-to-one, transparent meaning in the lives of political subjects. This would downplay the hermeneutic nature of human action: All experience, and particularly experiences connected to the sacred, requires interpretation and articulation. The political as Schmitt defines it is explicitly predicated upon a strict partition from morality. But just as there is no nature that is available stripped of symbolic meaning, so there is no political friend or enemy stripped of the normative force that sacralization processes provide. Schmitt would have to provide a much more convincing account of friends and enemies than those against whom the state is faced with the possibility of physical killing. After all, despite all the mystifications of nationalism, states are composed of people. And in war people do the physical killing. The sovereign is unable to singularly dictate the reception of its authority in individual lives and communal practice, and therefore could not state a magical plain fact about who is a friend and who is an enemy. To this end, I believe, lies a deeper understanding of propaganda and repressive state police: they are the true attempts to impose a tyranny of values in light of the creativity and irreducible pluralism of human action and experience.

Furthermore, Schmitt may be correct that certain justifications of liberalism are based on a naïve conception of the intrinsic goodness of human nature. This would, however, be only a faulty justification and not the defeat of the values themselves. While we will examine this point further in the work of Judith Shklar in the next chapter, we find in Joas an account of universalistic values (they need not be fully convertible with any one type of liberalism) that emerges through negative experiences of self-transcendence. Under the conditions of societal differentiation and contingency, humanity itself can emerge as a value, with all the subsequent tussles over exactly what this emergence entails in terms of legal principles, rights, obligations,

and criminal law.[642] Likewise, genuine encounter can make values more contingent, while at the same time generalizing values under a common procedural framework. Dignitarianism is as much a result of agonism as a naïve alternative to it. In this sense, however, Schmitt's criticism should serve to make dignitarianism more self-consciously political, since any account of values, even universalist ones, that do not refer to their own genesis or are wrapped in historical teleology would indeed be naïve and ideological.

Alasdair MacIntyre, on the other hand, offers a formalist critique of dignity. He rejects the idea that we can make sense of a human *qua* human, removed from specific social roles. He claims the problematic version of human dignity does this and needs to be corrected. The traditional concept of addressing grave abuses against the person was justice, the content of which will vary depending on one's tradition. Since dignity seeks a rhetorical agreement to paper over deeper metaphysical differences about justice and practical rationality, contemporary dignity is a vacuous concept. To that end, MacIntyre joins Aquinas in believing that people can lose their dignity if they fail at their natural and supernatural end. He also insists that dignity is too concerned with negative limitations and not connected to positive precepts.

Several of these objections can be dismissed in short, such as his conception that dignity contains no positive precepts. One of MacIntyre's operating lenses is that rejection of the Aristotelian-Thomistic concepts of final ends results in libertarianism or emotivism. Such a claim conflates contingency with fragilization. An increase in action options does not automatically entail value loss; likewise, when values do arise they seek to be embedded in practices and institutions. Many people and institutions are still secure in their values and a governed by ideas of the thoroughly good and evil. For Joas, the increase in action options could

[642] Le Moli, *Dignity in International Law,* 7.

also increase the possibility of value-constitutive experiences and encounters, leading to people holding values against "undistorted alternatives" and therefore holding them deeper than they otherwise would.[643] Likewise, if Durkheim is correct that humanity as such can take on the aura of a sacred object under certain societal conditions, MacIntyre's charge of dignitarians papering over metaphysical differences is off base. For it is more likely that under the societal conditions examined at length in Durkheim and Joas, that there had been a shift of the sacred more toward the individual, and competing political and religious thought systems were both reacting to and at times driving this process. For example, some strands of liberal Protestantism and Judaism were grasping toward dignitarianism with their language of personality even before the twentieth century. Part of this process was the decoupling of the worth of a person from their social role, a process that many have placed as central to contemporary dignity, and a process that MacIntyre bemoans. When combined with a general notion of humanity, attributing stature and worth to the human *qua* human becomes empirically observable and open to theoretical defenses. MacIntyre's claim that he cannot understand what it would mean to regard a human *qua* human as dignified and the subject of rights and respect, brings us to our central concern.

MacIntyre does not talk about the relation between what a community considers sacred and their conceptions of justice and practical rationality. He speaks of traditions — traditions create the soundness of valid arguments, and traditions justify the first principles of a theory. Conceptual innovation occurs through epistemological crises, spurred on by the encounter with alien traditions. The dialectical justification of its "conceptual scheme" allows a tradition to uphold or discard first principles.[644] The resulting enriched scheme must answer the most critical

[643] Joas, *Faith as an Option,* 90.
[644] MacIntyre, *Whose Justice?,* 360.

questions of the crisis, understand why previous answers were futile, and merge new answers into the structures of belief and action internal to the tradition.

Because MacIntyre is a neoAristotelian, he believes with Aquinas that dignity can be lost when humans fail to attain their *telos.* He also believes that within his tradition the virtue of justice dictates how others ought to be treated, not dignity. MacIntyre is mostly correct that Aquinas believed dignity could be lost. Yet MacIntyre makes it sound like dignity in Aquinas concerns only the ends of human life, and not the concrete treatment of other individuals, which would be false. Within commutative justice, offenses against a person are against either their substance or dignity. Offenses against the dignity of the person would be whatever deprives a man of "his good name," such as gossip, slander, false accusations, or public insult.[645] Distributive justice, on the other hand, does not consider persons but causes that bequeath a special dignity. For example, a professor should be promoted because of the special dignity of her knowledge, not because of who she knows or how much money she has.[646] It is more accurate to say that when talking about civil matters, dignity for Aquinas is institutional, because it concerns the position one holds within an institution (fathers in a family, sailors on a ship, etc.). And yet Aquinas cannot help but open some interesting hermeneutical avenues throughout his *corpus*. The above quotation about offenses against the good name of the person is one example. For while gossip and slander against one's institution would be included, would not also the institution of *being human*, once that was more clearly defined, be a logical extension? In a modern world that is more connected and contingent, a true global community, would not it be an offense against the dignity of the person if, knowing absolutely nothing about another than that they were another human, I decided to slander and publicly insult them? When the

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[645] Aquinas, *Summa Theologica,* II^{a}-IIae q. 61 a. 3 co.
[646] II^{a}-IIae q. 63 a. 1 co.

xenophobe says that South American immigrants are drug dealers and rapists, he impugns the dignity of the vast majority who are not, regardless of whether they are parent, child, aunt, teacher, student, buyer, seller, carpenter, printer, or citizen (MacIntyre's list). If I can wrong the person regardless of their social role, then there is something else that I wrong – namely, the dignity of their person as such. This point is admittedly hypothetical and constructive, as the application of Aquinas' ideas to our own times will necessarily look different than strict exegesis of his writings within his own times. The more interesting slippage in Aquinas comes in regard not to dignity, but to the sacred.

For Aquinas in particular, the sacred is much more circumscribed than naming great value. The sacred is a formal category most often discussed in the context of worship. While worshipping God, "we may consider the worship itself, the worshippers, and the instruments of worship."[647] Worship itself consists in sacrifices offered to God. The instruments of worship "refer to the 'sacred things'" that are present in and constitute the worship of God, "such as the tabernacle, the vessels and so forth."[648] And with regard to the worshippers he considers two points: first, the worshipers are prepared to worship God by an act of consecration (namely, *via* the sacraments), and second the worshipers are distinguished from those who do not worship God by "their particular mode of life."[649] Thus, for Aquinas sacred things (*sacra*) must have an "immediate connection with the worship of God."[650] The sacred does not refer to a general sense of awe, sublimity, interconnection, or to the recognition that something is of great value. To be sacred is to be consecrated and deputed to the worship of God.

[647] Iª-IIae q. 101 a. 4 co.
[648] Ibid.
[649] Ibid.
[650] Iª-IIae q. 101 a. 4 ad 4

The reason why this idea of the sacred feels so constricted compared to modern usage is that worship, and the sacred things used in worship, are discussed within Aquinas' idea of religion (*religio*): like sacred things, Aquinas uses the term *religio* in a specific way. Religion for Aquinas is a special virtue within the more general virtue of justice. Religion is sharply delineated from faith, which is a supernatural virtue, unlike justice, which is a natural virtue. Justice is the virtue that perfects our rational appetite — the will — as it concerns giving others their due. Thus religion, which concerns the worship of God, is the virtue of giving due to God.[651] Yet, humans can never give equal due to God, as they are to give to other humans, but humans can give proper due to God "in offering service and ceremonial rites to a superior nature that men call divine."[652] For Aquinas, this formal account of *religio* is natural to all people, regardless of the content of worship.

Thus, religion as a virtue excels other moral virtues because "its actions are directly and immediately ordered to the honor of God."[653] After his extended discussion of religion, Aquinas turns to several sins against the virtue of religion: tempting God, perjury, sacrilege, and simony. These all violate the proper due humans owe to God. For example, perjury consists in lying when someone has called on God as one's witness.[654]

The sin of sacrilege is the violation of a sacred thing. From the Latin words *sacra* and *legere* (to take), *sacri-lege* means literally the taking of a sacred thing. Aquinas develops it this way:

> a thing is called "sacred" through being deputed to the divine worship [*ad divinum cultum ordinatur*]. Now just as a thing acquires an aspect of good through being deputed to a good end, so does a thing assume a divine character through being deputed to the divine worship, and thus a certain reverence is due

[651] IIª-IIae q. 81 a. 4 co.
[652] IIª-IIae q. 81 a. 1 s. c. Aquinas is quoting Tully as his authority here.
[653] IIª-IIae q. 81 a. 6 co.
[654] IIª-IIae q. 98 a. 2 co.

> to it, which reverence is referred to God. Therefore whatever pertains to irreverence for sacred things is an injury to God, and comes under the head of sacrilege.[655]

At least in moral theology and Christian ethics, this definition remained relatively unchanged up to the twentieth century. For example, Thomas Slater's once enormously popular *A Manual of Moral Theology* follows Aquinas closely, yet he gives further examples that may (or may not) be more relevant to the believer's everyday life, such as using the words of Scripture to make an "obscene joke."[656] This view of sacrilege is narrow and yet slips almost immediately into a broader, more metaphorical meaning in Aquinas.[657] It is narrow in the sense that both the sacred and sacrilegious violation take place in the context of worshiping God and the special virtue of religion. For this reason it is clear why Aquinas would label sacrilege against the Eucharist as the "the gravest of all" acts of sacrilege since "it contains Christ Himself."[658] Yet, Aquinas also argues that because the rulers of a commonwealth are said to administer divine providence, it can be said "by a kind of likeness" (*secundum quandam similitudinem*) that irreverence toward the sovereign constitutes sacrilege.[659] Or, because the Christian community as a whole is sanctified by faith in Christ and His sacraments, having a non-Christian (specifically Jews) hold public office over Christians can "reasonably be called a sacrilege" (*rationabiliter sacrilegium dicitur*).

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[655] II^{a}-IIae q. 99 a. 1 co.
[656] Thomas Slater, *A Manual of Moral Theology For English-Speaking Countries*, 5th ed. (London: Burns, Oates & Washbourne Ltd., 1925), 149.
[657] More specifically, Aquinas discusses three forms of sacrilege. In responding to the question whether "the species of sacrilege are distinguished according to the sacred things," Aquinas answers in the affirmative and distinguishes between persons, places, and things. Some people are more sacred than others — the priest more than the laity, the Pope more than the priests — and some places are more sacred than others: for example, the tomb of a martyr or the sanctuary of a church. This is what Aquinas means when he says the species of sacrilege comes from the nature of the sacred thing it violates. Thus, attacking the Pope is a greater sacrilege than attacking one's local parish priest. And since people are more valuable than places, sacrilege against a person is more severe than sacrilege against a holy place.
[658] II^{a}-IIae q. 99 a. 3 co.
[659] II^{a}-IIae q. 99 a. 1 ad 1

Aquinas quotes 1 Peter 2:9 in support: "You are a chosen generation, a kingly priesthood, a holy nation, a purchased people."[660]

This dissertation has noted a shift in the usage of the word sacred in conjunction with shifts in the meaning of dignity. Today, in Catholic social teaching, human life *as such* is sacred. And despite MacIntyre's misreading of the basis of dignity in contemporary Catholic social teaching, the human *qua* human has dignity in light of this sacredness. I struggle to find any official document that follows MacIntyre in saying that torture is wrong just because it wrongs a just social order, and that the prohibition of torture flows from political justice, not dignity. In a 1982 address to the Red Cross in Geneva, later quoted in the *Compendium of the Social Doctrine of the Church,* JPII stated that the prohibition of torture in every circumstance shows "respect for the fundamental rights of man and his dignity, uniting without distinction all those who, believer or not, are in love with this ideal [*le respect des droits fondamentaux de l'homme et de sa dignité, unissant d'ailleurs sans distinction tous ceux qui, croyant ou non, sont épris de cet idéal*]"; and that in torture "the dignity of man is degraded in the one who is struck as also in his executioner [*la dignité de l'homme est avilie chez celui qui est frappé comme d'ailleurs chez son bourreau*]."[661] The oversight is most likely due to MacIntyre not recognizing a shift in conceptions of the sacred so significant as to redefine dignity. However, just because MacIntyre overlooks the reason for a dramatically new definition of dignity, does not mean it is incoherent or metaphysically thin — it means that his own Aristotelian-Thomistic conceptual scheme has arguably not been sufficiently enriched in encountering this alien tradition. In light of the preceding discussion, is it not transparent, rather than incoherent, that Cardinal Pietro Parolin at

[660] II^a-IIae q. 99 a. 1 ad 2

[661] The address is not currently available in English. See, "Au Comité International de La Croix Rouge (15 Juin 1982) | Jean Paul II," accessed September 22, 2023, https://www.vatican.va/content/john-paul-ii/fr/speeches/1982/june/documents/hf_jp-ii_spe_19820615_red-cross-geneve.html.

the "World Congress of Child Dignity in the Digital World" could call child abuse a "sacrilege" and Pope Francis, in a statement to the press in August of 2018 could say that sexual abuse is "practically" a sacrilege?[662] In his time, and with his account of the sacred, Aquinas could say that disobeying the sovereign is reasonably considered sacrilege; in our time, we can say without incoherence that a heinous violation of the person – any person – is sacrilege.

It is right where MacIntyre is at his most perceptive, in discussing the crises of traditions and the need to reevaluate in light of alien encounters, that he fails to do just that. Instead, MacIntyre falls back on platitudes about how contemporary moral experience is defined by a naïve Morality, in which modern individuals are preference maximizers and happiness is construed as the pursuit of positive feelings. Insofar as the idea that Jews and other non-Christians holding public office over Christians would not be in any way considered sacrilege today, to that extent we glimpse the revolution in moral discourse that occurred between eighteenth century humanitarianism and the major human rights documents of the mid-twentieth century.

Another reason for MacIntyre's oversight in this regard is connected to his account of tradition. Despite MacIntyre's admission that we are always "betwixt and between" traditions, requiring morally intelligent people to be polyglottic, his account of tradition fails to take account of the situated creativity of human action, and how action is connected to the formation of values through sacralization. In MacIntyre, traditions enter epistemological crises more so than individuals, and traditions are dialectically enriched through "reformulations, reevaluations,

[662] José Mario O Mandía, "Pope Francis: 'To Abuse Children is a Sacrilege' – 1st World Congress on Child Dignity in the Digital World – O Clarim," accessed May 6, 2019, https://www.oclarim.com.mo/en/2017/10/20/pope-francis-to-abuse-children-is-a-sacrilege-1st-world-congress-on-child-dignity-in-the-digital-world/; Alessandro Gisotti, "Pope Francis on Clerical Sexual Abuse: Always Seek the Truth - Vatican News," August 18, 2018, accessed May 6, 2019, https://www.vaticannews.va/en/pope/news/2018-08/pope-francis-clerical-sexual-abuse-pennsylvania-truth.html.

and new formulations and evaluations."[663] This is most likely true. But individuals also engage in reformulations and reevaluations, not just of their traditions (which are often inchoate even to the most perceptive) but their experiences of the divine, of dialogue, of erotic love, of guilt, of violence, and whatever else makes the self porous or forces a restructuring of the self. As with our criticism of Schmitt's belief about the transfer of a sovereign decision into concrete values of the populace, MacIntyre underplays the ways in which a tradition hands down conceptual schemes to individuals. The reception of experience always involves the hermeneutic tasks of interpretation and articulation. By extension, any account of tradition must be made even more permeable than MacIntyre lets on: value formation and experiences of the sacred can lead to a revolution of moral grammar from the heart of a tradition, internally critiquing tradition-bound practices and rationality. One of Joas' most consistent themes is the inability for values to be reduced to rationality, which is why he focuses so much on the affective dimension of the sacred. The aura of the sacred that saturates what are later ethicized as values is unstable, capable of bursting forth in different directions not governed by the previous growth of a tradition's conception of justice or practical rationality.

With these criticism's in mind, we now turn to the work of political philosopher Judith Shklar and argue that Shklar's unique vision for liberal democracy allows us to apply Joas' conception of dignity to concrete socio-ethical concerns. With Shklar, I argue that cruelty in political arrangements is a primary *locus* of sacrilege today.

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[663] MacIntyre, *Whose Justice?*, 355.

Chapter Five: Cruelty, Fear, and Sacrilege

The political philosopher Judith Shklar was born Judith Nisse in 1928 in Riga, Latvia, to well-off, well-educated Jewish parents. She lived there for eleven years until the increasingly noxious anti-Semitism of the Third Reich to her west and the Soviet Union to her east forced her family to emigrate. Other members of her friends and family were eventually killed by the fascist Thunder Cross and in Nazi concentration camps. Through a long journey by way of Sweden, Russia (where Shklar's father bribed their guards with "a large quantity of Mickey Mouse watches"), and Japan, the Nisse family landed in Seattle, Washington in 1941, where they were imprisoned and eventually released with the help of a Rabbi.[664] From there, they passed through New York and eventually settled in Canada.

Shklar's professional relationship to her biography "must be appreciated indirectly, through those human and intellectual reactions to Nazism, and illiberal regimes in general, which accompanied her for the rest of her life, and constitute the wellspring of much of her contributions to political thought."[665] Shklar studied at McGill University in Montreal for her bachelor's and master's degrees, eventually moving to Harvard University, where she obtained a doctorate. She would eventually become "the first tenured woman in the Government Department at Harvard, and the first woman president of the American Political Science Association."[666]

Shklar fully assimilated into American life and held a deep suspicion of Germans for the rest of her life, even, unlike Hannah Arendt and others, conversing and corresponding with German academics in English, even though Shklar's native tongue was German. She was an

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[664] Giunia Gatta, *Rethinking Liberalism for the 21st Century: The Skeptical Radicalism of Judith Shklar* (London: Routledge, 2018), 23.
[665] Gatta, *Rethinking Liberalism for the 21st Century,* 24.
[666] Ibid, 29.

exile, a refugee, and the broad currents of the topics she addressed, from illiberal movements to exile and loyalty to cruelty and victimhood, are reflected in her biography, even if the writing, when divorced from this biography, can often be read as relatively detached.

This chapter argues that Shklar's specific rendering of liberal democracy is a potent correlate to Joas' conception of dignity. Specifically, suppose dignity can be understood as the sacralization of the person. In that case, the political concern of one who affirms such a conception should predominantly focus on cruelty, victimization, and practices of injustice by which the powerful subject the weak. This is Shklar's focus, and these concerns are central to her account of liberalism. Despite Joas' insistence that his work on affirmative genealogy and the creativity of action clears a space for an account of values beyond genealogical unmasking, Joas has little to say about the concrete application of his work on dignity, the sacred, and moral universalism. He gestures in interesting directions, but he does not give the socio-ethical task extended attention. Shklar, I maintain, allows us to apply Joas' ideas to the political arrangements that promote or thwart dignity. In the moral necessity to "put cruelty first," Shklar maintains that an overriding concern for cruelty, found primarily in thinkers such as Montaigne, represents a radical break from traditional morals and politics. Shklar's "liberalism of fear" grounds liberal democracy not primarily on rights or a perfectionist understanding of the human intellect but on the capacity of the powerful to be cruel, manipulative, and exploitative. The powerful desire to make the weak servile and afraid, so refusing and combatting cruelty on an interpersonal and institutional basis should be the basis of liberal democratic politics. Furthermore, Shklar's later works, in which she argues for the importance of the voices of victims of injustice and equal social standing in democratic citizenship, represent a plausible outgrowth of a conception of dignity as sacredness.

The choice to turn to a reconceptualization of liberal democracy at the end of this dissertation is based on the priorities of our previous interlocutors. As we have seen, many significant critiques of dignity or also critiques of liberalism, since both are based on the priority of the individual. For John Paul II, liberal democracy as a system is a "sign of the times," and, therefore, can receive the qualified endorsement of the Catholic Church. However, democracy itself is only a means, and JPII accuses democracy just at the point where liberal freedoms and rights conflict with the socially conservative morality of the magisterium. Liberal democracy can covertly morph into totalitarianism, a dictatorship of relativism within a culture of death. Dignity and the actual practices of liberal democracy are often at odds with the thought of JPII. There is no such qualified endorsement for Carl Schmitt. Just as he rejects dignitarianism, he rejects liberalism, which he believes is an imperialistic ideology that drapes itself in the robe of humanitarianism for economic expansion. Liberalism also mistakes the true nature of the political in attempting to reduce existential conflict to neutral procedures and a mistaken anthropology about the inherent goodness of humans. For Alasdair MacIntyre, liberalism is a confused tradition, which he criticizes along with dignity as mired in incoherence. The liberal does not grasp the incommensurability of traditions, does not recognize how liberalism is itself a tradition and relies on a single concept of morality and rationality under which everybody should be able to pursue their own conceptions of the good life. The result is moral anarchy, in which subjective rights claims multiply uncontrollably, requiring the state bureaucracy to balloon in size as it attempts to control the resulting chaos.

Shklar, therefore, allows us to address these concerns while giving Joas' theoretical sociology a more concrete application. First, I show that Shklar's dissatisfaction with common historical genealogies of contemporary values rhymes with Joas' to an impressive degree.

Second, I explain the concepts of "putting cruelty first" and a "liberalism of fear," and show how they coincide with Joas' contention that changes in how a society punishes and regards the body in pain are not uniform across time and place. A moral revolution concerning these points was required for the sacralization of the person, and in Shklar, the endpoint of these developments is applied to concrete political institutions. Furthermore, Schmitt's critique that liberalism must require an anthropology of the inherent goodness of humans is refuted by Shklar's type of liberalism. Third and finally, I examine Shklar's later works on victimization and citizenship and connect them to Joas' belief that the moral decentering and transnational awareness that was critical in the genesis of contemporary dignitarianism requires that we must always "take account of as-yet-unarticulated suffering" and "abandon any sense of cultural self-satisfaction."[667] Shklar argues that democracy provides the best opportunity for society's victims to be heard compared to other political arrangements.

Additionally, utilizing Shklar's work with reference to Joas will overcome some of Shklar's own shortcomings. For example, Shklar does not often speak of dignity, and hardly ever of sacredness. Partially on her own admission, her work does not provide a robust answer to the question, "Why not be cruel?" or "Why should we not impugn people's dignity?" beyond the intuition that these things are bad. In that sense, Shklar's work does not sufficiently account for "the relationship to the origin of our ideals and to the fate of their realization," which, I contend, would bolster her insights.[668]

As a final note, the Shklar that I present here will look familiar and unfamiliar to those who engage her primarily in political theory. For example, I will focus much more on her engagement with and critique of Christian thought than most political theorists, and I forego

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[667] Joas, *The Sacredness of the Person*, 94.
[668] Joas, *The Genesis of Values*, 8.

some of the thornier and circumscribed debates in her own field between political realism, non-ideal theory, and agonism.

5.1 Social Theology and the Failure of Christian Fatalism

Critiquing dignity triumphalists and dignity skeptics has been one of the two primary objectives of this dissertation. Shklar offers a critique of historical genealogies relevant to overcoming triumphalism in her account of what she calls "social theology," the idea that culture and politics are direct embodiments of or rebellion from fundamental religious and metaphysical worldviews. Shklar critiques social theology in her first book, *After Utopia*, which looks at political helplessness since 1945. Her two primary targets are romantic and Christian theorists, against whom she advocates an Enlightenment skepticism against alienation and fatalism. Enlightenment too quickly became a foil for romantics and Christians, Shklar maintains, both of whom argue against the optimism, anarchism, and intellectualism of Enlightenment thought.[669]

Enlightenment optimism believed humanity was improving morally and socially, not so much as a matter of economic or biological laws, but according to the "commonsense notion" that humanity will learn from experience.[670] The belief in progress explains the preponderance of the Enlightenment intellectual or secular moralist, who gathered insights through philosophical reflection and then had the responsibility "to reform and to teach society," overcoming irrationality and suppressing superstition. Second, Enlightenment anarchism names intellectuals' belief that they were uncovering a "politics to end all politics."[671] Political arrangements as they stood were for the Enlightenment intellectual not inscribed into the order of things but as

[669] Judith Shklar, *After Utopia: The Decline of Political Faith* (Princeton: Princeton University Press, 2021), 4.
[670] Shklar, *After Utopia,* 5.
[671] Ibid, 8.

servants of the forces of unreason. Traditional structures of unreason could (and would) be overcome in a "self-regulating society" aimed at "universal felicity," substituting free reason for power and habit.[672] Third, Enlightenment intellectualism was the commitment to dismiss unhelpful metaphysical subtleties and customs if they could not stand firm under the gaze of the emerging sciences and critical philosophy. In this context, "opposition to the Roman Catholic Church was the strongest bond uniting the philosophers."[673]

The goal of these three Enlightenment traits was "the perfectly rational society of men as equal as they were alike in their common rationality."[674] Humanitarianism and justice are central to Enlightenment optimism, something Shklar believes many critics of the Enlightenment forget. When humanitarianism and justice received romantic and Christian attention, the reaction was commonly criticism and dissatisfaction. Nevertheless, according to Shklar, "to ridicule this preoccupation is easy enough; whether anything superior has ever been considered is, however, quite another matter."[675] In the previous chapter, Joas offered a more cogent critique, arguing that much of this Enlightenment optimism was a myth of how societies relate to their own values. Often, the Enlightenment considered specific values as innate to human nature without probing the genesis or institutionalization of those values.

However, romantic and Christian fatalism did not tend to offer Joas' objection. Instead, for Shklar, the romantic spirit rejected the Enlightenment, setting up dichotomies and preferring experience to analysis, creativity to cold rationality, and tragedy to progress. Romantics would yearn for Greece, the Ossian, the Middle Ages, the Renaissance – for any time that was not their

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[672] Ibid.
[673] Ibid, 6.
[674] Ibid, 11.
[675] Ibid.

own, for “any time more blessed than the present.”[676] The romantic thus developed an acute unhappy consciousness. The unhappy consciousness is a “sense of lostness in the ‘real’ world,” which became a continuous tradition of pitting individuals against society, first against Philistines, and later in existentialism against the masses.[677] The unhappy consciousness opposed the Enlightenment spirit, replacing optimism, anarchism, and intellectualism with alienation and a world-weariness caused not by specific rulers or political systems but by the outer world or society itself. Such a position Shklar calls the “romanticism of defeat,” which she indicts for an easy slide from a *critique* of the Enlightenment’s excesses to its own rejection of “the very possibility of social knowledge and amelioration.”[678] While the first generation of Romanticism has died out, it has lived on in existentialism, except now God is dead, history tragic, and aesthetics anarchic, in addition to "the old cult of individuality, and hatred for the masses.”[679] The romantic’s Prometheus becomes the existentialist’s Sisyphus, a shift from world-weariness to “futile defiance.”[680]

Christian fatalism shares characteristics with Romanticism, though it is less nuanced and more dogmatic, denying Enlightenment progress for the doctrine of original sin. Though Shklar’s consummate example in the work is Joseph de Maistre, both Protestants and Catholics regard any civilization unmoored from religious tradition as a degraded civilization. These Christian social theorists require cultural life to depend upon religion in a strictly causal fashion, where a one-to-one correlation between a civilization’s religion and its cultural and political life prevails. “Here the democratic Jacques Maritain is at one with the authoritarian monarchist Henri Massis,”

[676] Ibid, 16.
[677] Ibid.
[678] Ibid, 18.
[679] Ibid, 107.
[680] Ibid, 120.

Shklar argues.[681] The fatalism of social theology repeats much of the romantic critique in focusing on "rootless city life, technology, the prevalence of modes of thought that derive from the natural sciences, [and] the popularity of totalitarian parties and ideologies."[682] However, the believer is less estranged than the pure romantic since, for the believer, hope and faith remain duties and virtues of the highest order. Furthermore, orthodox Protestantism and Catholicism do not share the romantic animosity toward reason or call for individuality and personality. The romantic and Christian alliance against Enlightenment remains a negative alliance.

The negative alliance becomes apparent in their different responses to the totalitarian disasters of the 1930s. Totalitarianism alienated the modern romantic even further. In Shklar's view, existentialists proved unable to understand what had happened while simultaneously trumpeting their "apartness from history."[683] The ethic of existentialism became authentic selfhood, a passionate stand for oneself against the totalitarian state and against the masses. Communion is only possible in encountering "the other," a more or less violent process depending on the author; citizenship is only "arbitrary rule" in which everyone is a subject.[684] This "spirit of futility" cannot trust politics, relies on personal encounter, and finds itself stretched between "technology and the masses," searching for authentic existence.[685] Despite the focus on lived reality and phenomenology, for many thinkers the world is a prison today more than ever. For Shklar, the spirit of futility is an impoverished political ethic and bolsters equally poor political analysis. "The romantic of today is not interested in understanding what distinguishes one political form from another or really in the causes of totalitarianism."[686] If a

[681] Ibid, 21.
[682] Ibid, 22.
[683] Ibid, 130.
[684] Ibid, 147.
[685] Ibid, 151, 155.
[686] Ibid, 156.

political system is not specifically National Socialist or communist totalitarianism, it is defined by the totalitarianism of bourgeois frivolity or liberal materialism. On this point, it is again easy to see why existentialism and Catholic philosophy could have so much cross-pollination in the 1930s and 1940s.[687] We also see here Shklar's rejection of the sort of dignitarianism that would become prominent in Catholic thought, from Mounier's denunciation of liberalism as materialistic like fascism and communism to Catholic social teaching's broadsides against Western relativism and hedonism after the fall of the Soviet Union.

The Christian reaction to totalitarianism was as complete as the romantic/existentialist, but of a different nature. The romantic only saw herself, *qua* individual, as alienated, whereas the "Christian sees the entire edifice of theology, of church establishment, and of centuries of tradition dissolving before his eyes."[688] Christian social theology teaches that Christians are in an "unhappy position" in the modern world due to the crumbling of their traditional authority in light of science, critical philosophy, and secularization. Political theology, the belief that politics "ought to be based upon direct revelation," gave rise to a more general "social theology," wherein now both culture and politics ought to be read as the direct embodiment of or rebellion from religious and metaphysical ideas.[689] While not collapsing all Christians into the same political preferences, since Christianity has been used to justify just about any order, Shklar argues it is not so much the answers that any Christian gives to political questions but the inspiration behind the answers. It is here, she believes, that Maritain and Massis are one. Compiling an impressive, ecumenical list of thinkers, Shklar argues that the essence of Christian social theology is, to echo a phrase in Schmitt, that "all political problems are at bottom

[687] Sarah Shortall, *Soldiers of God in a Secular World: Catholic Theology and Twentieth-Century French Politics* (Cambridge: Harvard University Press, 2021) 185ff.
[688] Shklar, *After Utopia,* 166.
[689] Ibid, 169ff.

theological."[690] Religion, to the Christian, is "the most vital force in shaping culture," and any order hollowed of true religion through atheism or heterodoxy decays.[691] "The contribution of social theology," Shklar says, "to the analysis of contemporary life lies in its extreme fatalism, for social theology, from the outset, completely denies that political life has any autonomy. Politics are regarded as a mere reflection of deeper spiritual forces, thus quite incapable of social creativeness."[692] As John Milbank, a social theologian *par excellence* on Shklar's terms, remarks: "Once, there was no secular."[693] Instead, putatively scientific social, political, or economic theories are "theologies or antitheologies in disguise."[694] Long before Radical Orthodoxy or the post-secular term in religious studies, Shklar found in the renowned Christian political thinkers of the first half of the twentieth century a belief that "the social and political disasters of the age are only symptoms of the death throes of a culture from which the spirit has all but departed."[695] Political failures from totalitarianism to consumerism to the technological age can be seen as "the expression of the most deep-seated theological errors."[696] For example, Maritain joined other reactionaries in blaming totalitarianism on the Reformation despite evidence for or against these claims. Lutheranism leads to Nazism; Bolshevism is just secularized Orthodoxy. Shklar's criticism is apposite at this point due to the similarities it bears to Christian triumphalist accounts of dignity. The station and worth of the person are directly connected to dignity's putative foundation in Christian and classical thought. The extent to which modern societies diverge from

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[690] Nathaniel Mick quoted in Shklar, *After Utopia*, 172.
[691] Shklar, *After Utopia*, 175.
[692] Ibid, 175.
[693] John Milbank, *Theology and Social Theory: Beyond Secular Reason*. 2nd ed. (Oxford: Blackwell Publishing, 2006), 9.
[694] Milbank, *Theology and Social Theory,* 3.
[695] Shklar, *After Utopia,* 176.
[696] Ibid, 185.

these foundations is the extent to which they hallow out dignity for hedonism, technocracy, relativism, and other pejorative accusations.

For Shklar, social theology represents "dogmatic intolerance" and ignores how uncertain or remote the effects of religious doctrine on secular policy are.[697] “Indeed,” Shklar says, briefly abandoning her patience, “there are few theories that assume more and explain less than this one.”[698] She does not deny that religious beliefs play a role in political history, and *vice versa,* but rather that we should see that “history is not a simple process of the embodiment of religious ideas in political acts. Historical change is a matter of multiform interactions, not of plain lines of cause and effect.”[699] Drawing on the hermeneutic nature of human experience, Peter Wagner has recently made a point in relation to socio-political concepts that applies to Shklar’s views on religion:

> Human beings are ‘self-interpreting animals’ (Charles Taylor). The ways in which they interpret the world has a shaping impact on the world. But interpretative devices such as socio-political concepts are not of the kind that can be ‘realized’ in the form of a straightforward transfer into a practice or an institution. In turn, practices and institutions may well be informed by concepts, even created and sustained by them, and as such they should be analysed. But they are not the unequivocal realization of any concept. One can say, to give an example, that the concept of liberty informed many institutional innovations in post-revolutionary France. But it would be wrong to say that the concept of liberty was realized in the institutions of post-revolutionary France.[700]

The temperamental and definitional position of social theologians is, for Shklar, a motivating factor in such a roughshod connection of (anti-)religious concepts to modern institutions: "It seems rather easy for Christian writers to announce the end of the age since, after all, it never was to their liking."[701] The broad brush Christian social theologians paint with is because of the

[697] Ibid, 191.
[698] Ibid.
[699] Ibid, 195.
[700] Peter Wagner, *Progress: A Reconstruction* (Cambridge: Polity Press, 2016), 10.
[701] Ibid, 196.

falsity of every other form of politics, economy, and culture. Socialism, communism, capitalism, and fascism are all more similar to one another than to a Christian social order because they subordinate "material to spiritual ends."[702]

Social theology extends from a political and historical claim to psychology. “Man, it is argued, is naturally predisposed to be religious. When he is denied the satisfactions of true religion…he turns to secular religions. Totalitarian ideologies are primarily such substitute religions.”[703] Again, this claim, Shklar believes, comes despite substantial evidence to accept it. Take Christian anti-democratic and anti-Semitic persecution. Why is communism a false religion for engaging in these acts, not Christianity? It is a potent form of special pleading. To trace a line of intellectual deviation from Joachim of Fiore’s agnosticism to Thomas Hobbes’s voluntarism to modern totalitarianism or liberalism represents a "grand simplicity about looking at the modern age with one glance and rejecting it all."[704] Ultimately, Christian fatalism "subjects modern history to an excess of simplification to satisfy its sense of outrage."[705]

Dissatisfied with Romanticism and Christian fatalism, Shklar in her early career found little hope in socialism and liberalism as alternatives, more from a failure of nerve than ideological deficiency. At the time, she pleaded for skepticism simply because of the empirical and philosophical dubiousness of romantic and Christian fatalism on the one hand and the untenable nature of liberal or socialist utopias on the other. “A reasoned skepticism is consequently the sanest attitude for the present. For even skepticism is politically sounder and empirically more justifiable than cultural despair and fatalism. For neither logic nor history is in

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[702] Ibid, 205.
[703] Ibid, 206.
[704] Ibid, 210.
[705] Ibid, 218.

accord with these, and this even when no happier philosophies flourish."[706] Shklar would go on to provide a more positive account of political and social ethics, namely in her two most well-known works: *Ordinary Vices* and "The Liberalism of Fear."

5.2 Ordinary Vices and the Liberalism of Fear

With the growing prominence of virtue theory in the 1980s, Shklar published *Ordinary Vices,* pointing out that amidst the renaissance in virtue, there was a lack of philosophical engagements with ordinary vices such as cruelty, hypocrisy, snobbery, and betrayal. For their part, theologians have been more concerned with "offenses against the divine order" and sin to sufficiently analyze these commonplace, intersubjective vices. She believes Michel de Montaigne did this and is a hero because he initiated a "transvaluation of values" in relation to cruelty.[707] Montaigne saw that we must not only investigate common vices, in their public and private manifestations, to develop and promote a more human, sympathetic, and just political order but that we have to get our ranking right.

Her own liberalism puts cruelty first among the vices. Whereas critics castigate liberalism as an ideology of private hedonism leading to public benefit, Shklar says that "nothing could be more remote from the truth. The very refusal to use public coercion to impose creedal unanimity and uniform standards of behavior demands an enormous degree of self-control."[708] The alternative is not between virtue and self-indulgence, but between cruel repression (for the sake of the highest goods) and "a self-restraining tolerance" that protects all ("old or young, male or

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[706] Ibid, 272-3.
[707] Shklar, *Ordinary Vices,* 13
[708] Ibid, 4-5.

female, black or white").[709] Putting cruelty first is often too hard for "those who cannot endure contradiction, complexity, diversity, and the risks of freedom," because it is too constraining.[710]

For Shklar, cruelty is "the willful inflicting of physical pain on a weaker being in order to cause anguish and fear."[711] "Cruelty," she notes, "is not one of the seven deadly sins, of which pride is by far the worst."[712] Similarly, cupidity, revenge, and anger are given some time by theologians, but cruelty as such is absent. That theologians were not concerned with cruelty makes sense, considering that "if one really wants to know what cruelty looks like, one can, of course, look at Giotto's Last Judgment, where every conceivable instrument of physical torture is used against the damned."[713] With the rise of humanitarianism in the eighteenth century, doubt grew about literal accounts of hell and the idea that God would be cruel to God's creatures.[714] And while humanitarianism struggled with a cruel view of God, even humaneness is not enough if one hopes to put cruelty first. "To hate cruelty more than any other evil," she says in a critical quotation, "involves a radical rejection of both religious and political conventions. It dooms one to a life of skepticism, indecision, disgust, and often misanthropy."[715] In making cruelty the *summum malum,* the traditional idea of sin in revealed religion becomes unintelligible. In traditional Christianity it is pride, the first sin against God, that ranks first among the vices, and all other sins are located in relation to pride. Shklar continues, "to hate cruelty with utmost intensity is perfectly compatible with Biblical religiosity, but to put it first does place one irrevocably outside the sphere of revealed religion."[716] As evidence, those who put cruelty first

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[709] Ibid, 5
[710] Ibid.
[711] Ibid, 8.
[712] Ibid, 7.
[713] Ibid, 7.
[714] Ibid, 8.
[715] Ibid, 8.
[716] Ibid.

(e.g. Montaigne and Montesquieu) were some of the only voices to morally condemn Christianity because of Spanish colonialism.[717] Montaigne did not simply regard the Spaniards' actions as wrong, a deviation from real Christianity; he reordered ideas of morality and God in light of his condemnations of cruelty. For example, Montaigne would call into question the sinfulness of lust, which was not even wrong. "What could be more appalling than to hide in the dark as we create a new life, while we destroy life with whoops of joy in broad daylight as we cry 'kill, rob, betray'"?[718]

Another result of putting cruelty first is the tendency to focus on victims. Nevertheless, while attention to the victims of cruelty is important, even victimhood cannot come *first*. It is both undignified and dangerous to idealize political victims, because if circumstances change, anyone can become a victim, so overestimating victimhood closes our eyes to the cruelties of the future. Concern for the victim should not be grounded in the fact that they are "a decent man or a villain" but in the recognition that "no one deserves to be subjected to the appalling instruments of cruelty."[719] In putting victimhood ahead of cruelty, we "unwittingly aid the torturers of tomorrow by overrating the victims of today."[720] The same obtains for putting oppression first. There is such a thing as Machiavellian hatred of cruelty, in which one takes up the tools of cruelty to put an end to cruelty.

For Shklar, the mental habits of those who put cruelty first are "an easy acceptance of cultural variety and a negative egalitarianism."[721] Montaigne and Montesquieu each defended

717 Ibid, 11.
718 Ibid, 13.
719 Ibid, 19.
720 Ibid.
721 Ibid, 26.

natives against barbarous treatment regardless of their cultural practices. No difference between the groups "could ever justify cruelty."[722]

Inequality – defined as any too great a distance between rulers and ruled — opens up a vacuum that can make cruelty easier to justify and execute. "Nothing, then, could be more dangerous than the deification of political superiors. For this reason, the desacralization of politics was one of Montesquieu's chief objects."[723] Here we find a critical connection to Joas' work, in which Shklar recognizes that a turn to cruelty against the person will require a desacralization of political rulers. In addition, putting cruelty first changes one's valuing of certain sins. Political and legal authorities should focus less on sin and minor faults (especially related to sexuality) that do not in themselves constitute cruelty for the more "serious business of protecting the security of life and property."[724] Whether or not Randall Collins is correct that the twentieth century was the most "eroticized culture to date," sexual expression and practice have become questions of dignity today because sex is a potent *locus* of self-transcendence.[725] The policing and stigmatization of consensual actions among adults gives permission to cruelty, making people fear their most intimate passions and how they express them.

Some further commitments that may be present in the mental attitudes of those who put cruelty first are skepticism, a distrust of planned utopianism, and a negative temperamental conservatism, which is suspicious of dramatic alternatives in one's personal or political life that come at the expense of working to be less cruel from within one's own religion or country. By this, Shklar means a "conservatism of universal disgust, if it is conservatism at all."[726] Shklar, in

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[722] Ibid, 27.
[723] Ibid, 29.
[724] Ibid, 29.
[725] Collins, *Interaction Ritual Chains*, 254.
[726] Shklar, *Ordinary Vices*, 32.

a remarkable parallel to Joas, points to the eighteenth century's growing "revulsion against cruelty" as the fuel for this reform:

> It was not the inalienable rights of the Declaration of Independence but a new sense of the suffering of slaves that brought about the abolition of slavery in the South. The effect attributed to Uncle Tom's Cabin speaks of the same power of pity. This is but a half-truth in both cases, no doubt, but not wholly misleading. From Hogarth's horrifying cartoons to the protection of animals, and from moralizing fiction to prison reform, something was being said and done that was quite new, and known to be so.[727]

In the age of humanitarianism, some such as Jeremy Bentham began to put hatred of evil and pain before hatred of cruelty, which often led to cruelty in the name of ending pain. At the same time, Christianity could be regarded as an intrinsically cruel religion that only an outburst of alternative (pagan) energies could remedy. For Nietzsche — as for Machiavelli — this set up an either/or scenario in which "mankind in fact has only two possibilities: a cruel self-mutilating conscience ruling the empire of the weak, or ruthless egotism in which the strong cruelly dominate their inferiors."[728] Putting cruelty first requires an overhaul in choices like these in "a radical spirit of denial."[729] It is here, and in the spirit of Montesquieu, that putting cruelty first "enriched the native tradition of natural rights by enshrining a certain grim realism and a fear of unified political power in its constitutional law."[730]

There is, then, a direct connection between a revulsion to cruelty and specific political and legal institutionalization patterns. Her now-famous article, "The Liberalism of Fear," shows what it looks like when the mental value of putting cruelty first is embedded in practices and

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[727] Ibid, 35.
[728] Ibid, 41.
[729] Ibid, 42.
[730] Ibid. The remainder of *Ordinary Vices* concerns what happens if vices other than cruelty are put first. This leads to penetrating insights, for example in Shklar's analysis of those who put hypocrisy first, and how this leads to a political culture obsessed with "unmasking" one's opponents.

upheld by institutions. Shklar also discusses the failure of liberalism's critics and insufficient variants of liberalism.

Liberalism is a political doctrine that seeks to "secure the political conditions that are necessary for the exercise of personal freedom."[731] Freedom, consequently, is the recognition that "every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult." For Shklar, the modern state is the entity most capable of limiting, reducing, and destroying this freedom. Liberalism is not as ancient as many believe, and Hobbes did not begin the liberal tradition.[732] Globally, liberalism has been exceedingly rare even since the Enlightenment. The United States, for example, "was not a liberal state until after the Civil War, and even then often in name only."[733] For liberalism was only an authentic tradition in the U.S. "if black people are not counted as members of its society."[734] Moreover, in Europe, it is "difficult to find a vast flow of liberal ideology in the midst of the Catholic authoritarianism, romantic corporatist nostalgia, nationalism, racism, proslavery, social Darwinism, imperialism, militarism, fascism, and most types of socialism which dominated the battle of political ideas in the last century."[735] Liberalism is the historical exception, not the rule. The core of liberalism's historical genesis was religious toleration, for "to insist that individuals must make their own choices about the most important matter in their lives — their religious beliefs — without interference from public authority, is to go very far indeed toward liberalism."[736] But toleration is not synonymous with liberalism. And

[731] Judith N. Shklar, "The Liberalism of Fear," in *Political Thought and Political Thinkers*, ed. Stanley Hoffman (Chicago: University of Chicago Press, 1998), 3.
[732] Shklar, "The Liberalism of Fear," 6. Helena Rosenblatt has recently made the same point in Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First Century* (Princeton: Princeton University Press, 2018), 19ff.
[733] Shklar, "The Liberalism of Fear," 4.
[734] Ibid, 5.
[735] Ibid, 4.
[736] Ibid, 5.

the religious toleration that Shklar sees as central to liberalism arose from some people putting cruelty first. “Born in horror, that cruelty is an absolute evil, an offense against God or humanity,” the first true liberalism was a fear of fear. From this core, however, many liberalisms arose — Protestant, Kantian, Jeffersonian, Emersonian.[737]

Shklar rejects convoluted genealogies of liberalism that see "its origins in a theory of absolutism" or as necessarily “atheistic, agnostic, relativistic, and nihilistic.”[738] Such genealogies fail "to distinguish psychological affinities from logical consequences."[739] By this, she means that while liberalism has a particular connection to skepticism and the natural sciences, it "is not necessarily linked to any one religious or scientific doctrine.”[740] Instead, liberalism rejects political or religious doctrines that do not distinguish the public and the private realm because toleration demands that such a line be drawn, though states will draw this line in different places.

Shklar sets her liberalism off primarily from two forms of liberalism. First, the liberalism of natural rights, as found in the Declaration of Independence, and the liberalism of personal development, as found in Locke or Mill. Both are discretely lacking in historical attention. While they may overlap with the liberalism of fear, neither the "sturdy citizens" of natural rights claiming his rights against a state by invoking a "higher law" nor the enlightened and educated member of an open society pay enough attention to hostile powers, usually state backed.[741]

> Given the inevitability of that inequality of military, police, and persuasive power which is called government, there is evidently always much to be afraid of. And one may, thus, be less inclined to celebrate the blessings of liberty than to consider the dangers of tyranny and war that threaten it.[742]

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[737] Ibid, 5-6.
[738] Ibid, 6.
[739] Ibid, 6.
[740] Ibid, 6.
[741] Ibid, 8.
[742] Ibid, 9.

It is less that Shklar does not believe in rights or the importance of personal development within an open society, than that for her own liberalism "the basic units of political life are not discursive and reflecting persons, nor friends and enemies, nor patriotic soldier-citizens, nor energetic litigants, but the weak and the powerful."[743] By basing liberalism on a dichotomy between the weak and the powerful, between those capable of inflicting cruelty and those unable to resist its fear and victimization, Shklar indicts all regimes — fascist, communist, or liberal. Such an indictment is more than another form of Isaiah Berlin's negative liberty since negative liberty is a necessary but not sufficient condition for a liberalism of fear. While not mentioning this model of freedom explicitly, Shklar is gesturing what has become known as freedom as non-domination (or "republican" freedom).

In addition, the liberalism of fear does not rest on moral pluralism, since it does not offer a *summum bonum* of rational discourse, relationality, or democratic virtue. It offers a *summum malum*: "evil is cruelty and the fear it inspires, and the very fear of fear itself. To that extent the liberalism of fear makes a universal and especially a cosmopolitan claim, as it historically always has done."[744] Since for Shklar cruelty is "the deliberate infliction of physical, and secondarily emotional, pain upon a weaker person or group by stronger ones in order to achieve some end, tangible or intangible, of the latter," it is universal.[745] Cruelty, and the fear it inspires, is larger than a simple natural or animal reaction to a negative stimulus on the body. For while "to be alive is to be afraid…. And when we think politically, we are afraid not only for ourselves but for our fellow citizens as well. We fear a society of fearful people."[746] Because she adds the

[743] Ibid, 11.
[744] Ibid, 11.
[745] Ibid.
[746] Ibid.

intersubjectivity of fear, the descriptive or realist claim becomes normative: we should put cruelty first to avoid fear and pain in a fearful and pained society.

Here Shklar addresses dignity directly. "What I have called 'putting cruelty first,'" she remarks, "is not a sufficient basis for political liberalism." [747] This comes as a surprise. She does not believe cruelty is a thick enough concept to ground the dignity of the person, one of the few times she uses the words "dignity of persons." The hatred of cruelty remains "an act of moral intuition based on ample observation," which can support liberalism.[748] "Since systematic cruelty is so universal, moral claims based on its prohibition have an immediate appeal and can gain recognition without much argument."[749] But in order to fully escape from a naturalistic fallacy, the prohibition of cruelty would need to "be universalized and recognized as a necessary condition of the dignity of persons if it would become a principle of political morality."[750] An account of dignity as a universal value is precisely what I explained at length in the previous chapter. The sacralization of the person by way of negative experiences of self-transcendence, moral decentering, and transnational awareness can deepen Shklar's intuition against cruelty into a principle of political morality. We can go even farther and say that whereas Shklar promoted the desacralization of political authority in *Ordinary Vices*, she may not have recognized the extent to which such a task would require a new sacred object in its place: namely, the person as such.

Shklar notes that some will see the liberalism of fear as reductionist because it is " based on the physical suffering and fears of ordinary human beings, rather than on moral or ideological

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[747] Ibid.
[748] Ibid.
[749] Ibid.
[750] Ibid, 12.

aspirations."[751] She responds that while it may be noble to have an overriding cause, "it is not at all noble to kill another human being in pursuit of one's own 'causes.'"[752] In Rawlsian terms, Shklar objects to the collapsing of the reasonable and the rational, to those who would foist their own comprehensive conceptions of the good life upon others without sufficient justification. After all, only a socio-ethical vision that is ignorant or contemptuous of the lived experience of others could label the avoidance of fear and cruelty as reductive. Additionally, to the objection that the liberalism of fear "replaces genuine human reason with 'instrumental rationality,'" Shklar responds with uncharacteristic impatience: "The accusation of 'instrumentality,' if it means anything at all, amounts to a disdain for those who do not want to pay the price of utopian ventures, least of all those invented by other people."[753] But more positively, a liberalism of fear would instill "the habits of patience, self-restraint, respect for the claims of others, and caution" as forms of sociality consonant with personal freedom.[754] We glimpse again the shortcomings of MacIntyre's zero-sum rendering of modern moral discourse as either total emotivism or total commitment to a shared common good. Shklar rightfully recognizes that a contingent society does not guarantee value loss but can produce its own strongly held values. No state or legal system will ever forgo having psychological effects. Liberalism should not apologize "for the inclinations and habits that procedural fairness and responsible government" encourages in its adherents.[755]

In a final objection, Shklar responds to whether liberalism of fear "is both a very unhistorical and an ethnocentric view that makes quite unwarranted claims for universality."[756]

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[751] Ibid, 13.
[752] Ibid, 13-14.
[753] Ibid, 14-15.
[754] Ibid, 15.
[755] Ibid, 15.
[756] Ibid, 15.

In the previous chapter, it was argued that dignity can be historicized without discrediting its claims in an affirmative genealogy that overcomes dignity skepticism. Shklar provides her own reasons that bolster these. The liberalism of fear offers a minimal test to the "injured and insulted victims of most of the world's traditional as well as revolutionary governments" to see if they, in fact, "enjoy their chains."[757] There is little evidence that the injured, the insulted, and the enslaved enjoy their chains, a claim bolstered with some credibility considering her early life experience as a Jew fleeing the Nazis and as a Latvian under the shadow of a bellicose Soviet Union. Any relativism or skepticism that too completely rejects a liberalism of fear as too Western and abstract is "too complacent and too ready to forget the horrors of our world to be credible."[758] Reducing all human aspirations to tradition and local practice and refusing to step outside customs ironically produces arrogance. Shklar remarks,

> the arrogance of the prophet and the bard who pronounce the embedded norms is far greater than that of any deontologist. For they profess not only to reveal a hidden popular soul, but to do so in a manner that is not subject to extratribal review. That orgies of xenophobia just might lie in the wake of these claims of hermeneutical primacy is also not without historical example. The history of nationalism is not encouraging. But even at its best, ethnic relativism can say little about fear and cruelty, except that they are commonplace everywhere.[759]

To the objection that liberalism lacks a thick conception of the self, Shklar responds with the conviction that liberalism can get by with a minimalist idea of the self, given the facts of pluralism and diversity. It is as simple as realizing that some "will be encumbered with group traditions that they cherish, while others may only want to escape from their social origins and ascriptive bonds."[760] There is no moral alchemy that transforms a tradition into individually felt

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[757] Ibid, 16.
[758] Ibid.
[759] Ibid.
[760] Ibid, 17.

values, but rather a process of interpretation, articulation, and reformulation in light of experience. Some come to consider themselves harmed by their traditions and want to escape from these bonds. Others choose not to leave but to creatively graft new values onto a tradition that historically lacked or suppressed these values – e.g. Christian feminism.

The liberalism of fear is not based on inherent and basic rights. Instead, rights are "those licenses and empowerments that citizens must have in order to preserve their freedom and to protect themselves against abuse."[761] Just as rights are for limiting political abuse, so is democracy:

> because without enough equality of power to protect and assert one's rights, freedom is but a hope. Without the institutions of representative democracy and an accessible, fair, and independent judiciary open to appeals, and in the absence of a multiplicity of politically active groups, liberalism is in jeopardy.[762]

Thus, the marriage between liberalism and democracy is "a marriage of convenience." In the early 1990s, Shklar developed her account of democracy more fully in *The Faces of Injustice*.[763] Notably for our purposes, it is here that she connects democracy with an account of victimhood and human dignity.

5.3 Dignity, Victimhood, and Democratic Citizenship

Shklar begins by noting that in life we draw lines between misfortune and injustice.[764] The difference between the two cannot be reduced to misfortune being natural and injustice being intentional. The natural and the intentional are always blurred, such as in racism or sexism,

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[761] Ibid, 19.
[762] Ibid.
[763] The link between putting cruelty first, the liberalism of fear, and Shklar's later investigation of injustice and citizenship, is not entirely clear. The common reading has been to argue that putting cruelty first and the liberalism of fear undergird her support for victims and the sense of injustice in *Faces of Injustice* and her explorations of American citizenship and its exclusions in *American Citizenship.*
[764] Judith N. Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), 1-3.

where certain given characteristics are made to carry meanings of inferiority. Likewise, a natural disaster might also be a public injustice, as when anthropogenic climate change or corrupt state officials intensify people's suffering during a misfortune. Instead, "the difference between misfortune and injustice frequently involves our willingness and our capacity to act or not to act on behalf of the victims, to blame or to absolve, to help, mitigate, and compensate, or to just turn away."[765] That is to say, we tend to label as "misfortune" those things we can do very little to address or ameliorate. Such labelling is almost always political, as when free market apologists regard the shattering effects on many people of unemployment and boom and bust economic cycles as misfortunes of nature.

Further, Shklar divides injustice into active and passive injustice. Active injustice is when the corrupt state official sides against victims. Passive injustice, however, involves all citizens, "when we do not report crimes, when we look the other way when we see cheating and minor thefts, when we tolerate political corruption, and when we silently accept laws that we regard as unjust, unwise, or cruel."[766] To believe something is wrong and to do nothing constitutes passive injustice. Public servants are liable to be passively unjust with more consequence because they are "unwilling to step outside the rules and routines of their offices and peers, afraid to antagonize their superiors or to make themselves unduly conspicuous."[767] Clearly one of the most consequential jobs today in which we find a proliferation of active and passive injustice is American policing.[768] Active injustice is the police officer who plants drugs at a crime scene or lies on the stand about what happened at a traffic stop; passive injustice is the many officers who

[765] Shklar, *The Faces of Injustice*, 2.
[766] Ibid, 6.
[767] Ibid, 6.
[768] For two insightful recent accounts of American policing, see Radley Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces* (New York: PublicAffairs, 2021) and Alex S. Vitale, *The End of Policing* (London: Verso, 2018).

know these things occur and say nothing, either from fear or misguided convictions (e.g. that more leniency is required for police to do their jobs, or that they personally might be in a position someday that they will benefit from the present unjust procedures).

Like virtue in relation to vice, Shklar believes that typical models of justice do not provide robust accounts of injustice. While a sense of injustice can be found in sermons and drama, philosophy seems to “shun injustice.”[769] For example, when discussing promises, traditional models of justice focus heavily on the grounds and commitments of the act of promising but often never on the "full personal and social implications of broken promises for the person whose expectations have been disappointed[.]"[770] Shklar, therefore, wants to account for injustice from a first-person perspective, which she was well acquainted with in her own life. Legal or retributive justice, which are necessary to tame societal violence toward fairness, do not capture the phenomenological reality of the experience of injustice. In injustice, a rule was not simply broken for victims and their families. It is insufficient to simply correlate the victim's grievances "against the rules of justice in order to settle whether she was really treated unjustly or was merely out of luck."[771]

While we should not put victimhood first in our moral concern for reasons explored above, the first-person lens of victimhood is nevertheless critical given that everybody is a potential victim, and current victims can themselves become victimizers — a theme consistent with her reflection on victimhood in *Ordinary Vices*. Even in ordinary experience, people are more likely to go around saying "'this is unfair' or 'this is unjust' more often than 'this is just.'"[772] Nevertheless, in standard models of justice — from Aristotelians to Kantians and from

[769] Shklar, *The Faces of Injustice*, 15.
[770] Ibid, 10.
[771] Ibid, 14.
[772] Ibid, 16.

utilitarians to moral theologians — injustice is reduced to a "prelude to or a rejection and breakdown of justice."[773] The phenomenology of subjective victimhood arises where there is "a new interest in the victims of injustice."[774]

Thus, Shklar wants to treat injustice with the respect it deserves. Not that it has not been treated at all before: for Plato, injustice is a cognitive problem, when the balance of justice is not arrived at psychologically or socially. With Augustine, sin renders law and justice futile to "significantly alter" guilt and evil.[775] Coercive government is a stopgap against deeper evil and disorder, and yet the ignorance caused by sin precludes the possibility of true political justice. Injustice was a matter of the intellect and the will and of not giving God or man their due because of sin. For Shklar, aristocratic and Christian ethics both give short shrift to victims. In many Christian renderings of the relation between a master and an enslaved person, the master is ultimately more of a victim when the afterlife is considered. Thus, in the Christian view, the powerful are the real victims and in the Nietzschean model the "victorious oppressor" is the "the truly noble and free individual."[776] Against all attempts to turn the criminal into the victim, the victim *as* victim requires more attention. Instead of ignoring or excoriating victims, we must attend to the character of injured parties, taking "account of their experience" lest the "picture of injustice" be "incomplete."[777] Especially in a democratic political theory, which Shklar espouses, the sense of injustice within victims cannot be ignored or silenced. "If democracy means anything morally, it signifies that the lives of all citizens matter, and that their sense of their rights must prevail."[778]

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[773] Ibid, 17.
[774] Ibid, 28.
[775] Ibid, 25.
[776] Ibid, 34.
[777] Ibid, 35.
[778] Ibid.

So, who is a victim and what is victimhood? The question is not as easy as it first appears. Victimhood occurs when one is at the mercy or whims of another, and especially since the seventeenth century the word has "been applied to people who were put to death or subjected to cruel and oppressive treatment."[779] Furthermore, while the victim may be temporarily passive against the domination of another, victimology is important because of how the sense of injustice "has not merely festered but has led to new institutions."[780] Thus, while victimhood is a subjective experience of being wronged or cruelly treated, its effects lead to intersubjective demands for improved objective conditions. Additionally, it is possible for others to take victim's side in a "politics of protest," even if they "have no personal experience of injustice and its humiliations."[781] Here we find significant overlap with Joas' account of how values are institutionalized through violence, protest, and acts of moral decentering.

Because passive injustice concerns both public officials' and citizens' failure to come to the aid of victims, injustice attacks "those informal relations upon which a republican order depends and which its ethos prescribes."[782] Thus, it is not enough for citizens to wait for government agents to act against public wrongs. Both officials and citizens are accountable for aiding victims and should not shrink from the task because it is difficult or inconvenient. From not reporting domestic violence to turning a blind eye to a colleague who is unfair to students, passive injustice can happen anywhere. In her ideal, American citizenship would consist "not simply in the right to political participation but in the democracy of everyday life" where habits of equality and mutuality obtain between citizens.[783] The unjust person can be bold enough to

[779] Ibid.
[780] Ibid, 37.
[781] Ibid, 39.
[782] Ibid, 41.
[783] Ibid, 43.

actively "deprive others of their dignity and life," but they can also be "indifferent to it."[784] The latter case represents moral deafness and disinterestedness, which we all in some way partake in and can be just as deleterious as active cruelty or domination. Shklar sees injustice rising everywhere, not just from a mere lack of theoretical acuity or practical resolve but in "irrationality, cupidity, fear, indifference, aggression, and inequality."[785]

Despite the decrease in mass interest in the question of why God allows innocent people to suffer, Shklar finds that "we continue to accuse life of being unfair and nature of being unjust."[786] Often, an unjust world is easier to swallow than a meaningless world, as we need somebody to blame — occasionally, we will even blame ourselves. In the complex overlapping of misfortune and injustice, "we must deal with the victim as best we can."[787] Even though misfortune cannot be entirely done away with, we should look first to holding accountable those who failed to prevent disasters and help victims. Those who see disasters as simple accidents and "claim that disasters are 'just one of those things'" are often sidestepping being implicated in them.[788] They look for rational explanations that protect them from culpability and responsibility. And yet, "real tragedy," Shklar remarks, "is very rare."[789] Against the impulse to naturalize injustice, we must relieve suffering where we can. And the most reliable way to determine the line between misfortune and injustice is to hear the victim's voice, both "to find out whether officially recognized social expectations have been denied" and "to attend to their interpretations of the situation."[790]

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[784] Ibid, 48.
[785] Ibid, 49.
[786] Ibid, 54.
[787] Ibid, 55.
[788] Ibid, 57.
[789] Ibid, 71.
[790] Ibid, 81.

The sense of injustice harbored by victims is “a special kind of anger we feel when we are denied promised benefits and when we do not get what we believe to be our due.”[791] In other words, the victims sense of injustice a reaction to betrayal. While justice in its aims must be "general and social," the experience of injustice is "particular and individual," giving rise to an asymmetry of moral experience.[792] Whereas in the aristocratic *ethos*, the wounded party could receive satisfaction in vendetta, in a democratic *ethos* more is called for: namely, "a public recognition that it is wrong and unfair to deny to anyone a minimum of human dignity."[793] Thus, the democratic *ethos* must respect the victim's sense of injustice and increase the scope of its significance in political decision-making. In a striking and essential passage, Shklar states:

> …one must, at least initially, credit the voice of the victim rather than that of society's official agents, of the accused injurer, or of the evasive citizens. Given the inevitability of the inequality of all kinds of power among us, it is the necessary democratic response. The claim may be unfounded on the available evidence and might be rejected, but the putative victim must be heard. Hers is the privileged voice because hers is the one voice without which it is impossible to decide whether she suffered an injustice or a misfortune.[794]

In her unique combination of democracy, victimhood, and dignity, Shklar advocates something like a preferential option for the victim. The victim's voice is the one voice without which a decision on injustice cannot be settled, and yet often the first voice to be silenced, ignored, or belittled. Under "reasonably favorable, democratic political conditions," the victim's "sense of personal dignity will flourish and be encouraged to assert itself."[795] Where victims are acquiescent and maligned, favorable democratic conditions are lacking.

[791] Ibid, 83.
[792] Ibid, 84.
[793] Ibid, 86.
[794] Ibid, 90.
[795] Ibid.

Nevertheless, the feelings of betrayal that come with injustice cannot be fully overcome. Procedures, even democratic ones, “do not conquer the dominion of injustice."[796] Justice settles disputes and punishes criminals more reliably than revenge or mob violence. But justice in theory and practice can never fully address particularized injustice. This is why cinematic depictions of vendettas against injustice gives pleasure in a way procedural justice does not.

Due to the asymmetry between justice and injustice, no justice system is ever able to entirely absorb valid political change stemming from injustice. This means democratic citizens perennially "listen to the voice of protest, hear it out, weigh its message, and move.”[797] Shklar gives examples of women's rights: even after the movement for equal rights made some concrete gains, “what of all the women whose sense of outrage went unheard and unnoticed for so many years?"[798] Many women lived and died as eccentrics, unwilling to accept the norms and science of their day. The primary lesson is not that justice was delayed or that democratic reform occurs slowly (both of which are true). Instead, the lesson is that "democratic principles oblige us to treat each expression of a sense of injustice not just fairly according to the actual rules but also with a view to better and potentially more equal ones."[799] True democracy allows the voice of protest, which can lead to amelioration. The priority of the claims of injustice is always in a way prior to just institutions.

It is also important not to believe people are happy or satisfied if they’re not protesting. Democracy requires continuous consent in "opportunities for choice, voice, protest, and denial."[800] Procedures like "voting, legislating, and judging" allow an outlet for grievances and

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[796] Ibid, 91.
[797] Ibid, 106.
[798] Ibid, 108.
[799] Ibid.
[800] Ibid, 116.

finger-pointing and also force forbearance.[801] But even “perfect procedures can be grossly inequitable in specific cases, especially when their aims are forgotten, ambiguous, or simply irrational."[802] Ultimately, no clear line exists between mere freedom of expression and justified expression of injustice. It is a dialectical spiral that always returns to the concern for and listening to concrete experiences of injustice and victimization. "Whatever decisions we do make will, however, be unjust unless we take the victim's view into full account and give her voice its full weight."[803]

In the preceding argument Shklar references human dignity and personal dignity. Basic human dignity is violated in concrete acts of active or passive justice. However, personal dignity is violated more by the atmosphere in which victims experience injustice and do not have the resources, procedures, or cultural acceptance to assert their experience of betrayal. This account of personal dignity is a democratization of the classical conception of civic *dignitas*. The sense of injustice cannot simply be satiated in an act of vendetta, as in gunslinger and mafia movies. The ability for victims in a democratic society to hold their heads high demands public recognition that a deeper human dignity was violated, and that their sense of injustice should be factored into political decision-making for the betterment of democratic institutions. Levinas helps illustrate this connection between human dignity and personal dignity with the covenantal law codes of Israel. In the law codes, Levinas recalls a parallel between the blood that drains from the cheeks when one is humiliated, and the blood that drains from the body when one is violently assaulted or killed: “The draining of blood causing the cheeks to pale would appear to be as horrible as bloodshed! It is as if the meaning of all the Torah's legalities, from the purely formal prohibitions

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[801] Ibid, 124.
[802] Ibid.
[803] Ibid, 126.

that seem of little consequence to the 'Thou shalt not kill' of the Ten Commandments, were essentially concerned with respect for the dignity of the human person in the other."[804]

A year after *The Faces of Injustice,* Shklar published *American Citizenship*, where she sought to look at an extraordinarily important way in which civic dignity is denied – namely, through the denial of citizenship. Just as she foregrounded injustice in relation to justice, so she sought to look at American citizenship in relation "to those women and men who have been denied all or some of its attributes, and who ardently wanted to be full citizens."[805] The most democratic state to date "played out in counterpoint to chattel slavery, the most extreme form of servitude"; equality of political rights for some was "proclaimed in the accepted presence of its absolute denial."[806] She shows that this paradox of radical servitude in a republic built on liberty has formed how Americans think about citizenship. Furthermore, she develops the idea of citizenship as social standing that elucidates the critical importance of a democratic idea of civic dignity as a complement to basic human dignity.

Citizenship can mean different things. Citizenship as *standing* names recognition and the civic dignity one has.[807] In a democracy, those denied standing, as in the inability to earn or to vote, are denied their civic dignity and feel dishonored, powerless, and poor. Citizenship as *nationality* names the legal and geographical entity to which one belongs.[808] Citizenship as *active participation* names the "political agent who takes part regularly in politics locally and nationally," volunteering, contacting representatives, protesting, etc.[809] From large-scale

[804] Emmanuel Levinas, *In the Time of the Nations*, trans. Michael B. Smith (Bloomington: Indiana University Press, 1994), 63.
[805] Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard University Press, 1991), 15.
[806] Shklar, *American Citizenship*, 1.
[807] Ibid, 2.
[808] Ibid, 4.
[809] Ibid, 5.

whistleblowing to shoveling snow on the sidewalk in winter, citizenship as active participation names one who seeks to be an exemplary citizen in neighborhood, school, workplace, and public space. Finally, citizenship as *ideal participation* names those who "have no serious interests apart from public activity."[810] This is the mythical Athenian or Spartan man constantly involved in ruling and being ruled with single-minded devotion.

Citizenship as standing is most important for Shklar. This does not mean the other forms of citizenship are meaningless. Nationality is important, as Shklar knew from personal experience that "a stateless individual is one of the most dreadful political fates that can befall anyone in the modern world."[811] Similarly, active citizenship is essential. Shklar often waxes lyrical about the need for civic virtue and public involvement to overcome passive injustice and form a positive sense of self in community. However, active participation does not get to the heart of citizenship since the good person and the good citizen are often at odds. The good person and the good citizen fully merge only in a utopia since the good citizen is only as good as the laws, norms, and institutions they inhabit and uphold. There are myriad examples in the twentieth century when people should have been worse citizens in the name of being better people, especially when it comes to racism and anti-Semitism. On the other hand, Shklar has little time for citizenship as ideal participation. The ideal Athenian or Spartan citizen is not sustainable in a democracy and probably not desirable for anybody, let alone for those (women, enslaved people, and children) at the bottom of the patriarchal and class arrangements required to domestically support the free male's fanatical public drive.

Citizenship as social standing, Shklar maintains, can be further broken down historically into voting and earning. Many of the early American white men who fought for independence

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[810] Ibid, 11.
[811] Ibid, 4.

from the British crown focused on perceived attacks against representation and held up their own hatred of aristocratic idleness for the dignity of work. Thus, there was a double definition of the ideal American citizen, in historical self-narration if not in fact: the American was to be free from their British tyranny, yes, but also from their inferiors: enslaved people and most often women.[812] Social standing was defined as voting and earning, and those who could not vote or earn could not be true citizens. For this reason, in addition to a real institution, the language of slavery, and the fear of being reduced to a slave or woman, became prominent in American political vocabulary.[813]

Shklar first turns to voting. The privileged standing that voting offered issued from how many were excluded. The right to vote signified much more than the actual exercise of casting a ballot — it signified a "condition" as much as a "call to action."[814] One reason for this is the modern idea of a "citizen-proprietor," which names how a person claims self-ownership of himself and his immediate possessions, which is the antithesis of slavery.[815] In pursuit of self-ownership, "the citizen is an elector and a taxpayer."[816] And while natural rights theory makes it hard to exclude others from self-ownership, "no historically significant form of government or of citizenship is in principle incompatible with the exclusion of large groups of people."[817] America has "found plenty of ideological reasons, from racism to social Darwinism, from religious bigotry to nativism, to justify exclusionary and discriminatory policies."[818] Eventually, the vote was granted to all *de jure,* despite all the *de facto* complications that exist to the present day. Before then,

[812] Ibid, 15.
[813] Ibid, 16.
[814] Ibid, 27.
[815] Ibid, 36.
[816] Ibid.
[817] Ibid, 37.
[818] Ibid, 38.

> those who demanded the vote were not up against aristocratic or monarchical principles of government, but against a representative democracy that falsely ascribed personal deficiencies to them, in order to treat them as lesser beings than 'We the People.' The excluded were not merely deprived of casual political privileges, they were being betrayed and humiliated by their fellow-citizens.[819]

They were denied their "civic personality and social dignity" in every sphere: the political in the vote, the civil in equal rights to the public sphere, economic in job discrimination, and domestic redlining.[820] While not sufficient for poverty and unemployment, voting represented standing, "being there, being heard, counting, having a sense of 'somebodyness' as a black voter was to say many years later."[821] Voting in American history has represented having sombodyness, or civic dignity. Like free whites against the British crown, Black freedmen after the Civil War did not want virtual representation but to directly elect themselves or their chosen representatives. Thus, Frederick Douglass would combine the institutional reality of slavery with the by now American rhetorical tradition of associating a lack of the vote as a form of slavery: "Slavery is not abolished until the black man has the ballot."[822] Douglass's reason to overcome education requirements in voting was that "education is great but manhood is greater. The one is the principle, the other the accident. Man was not made as an attribute to education, but education as an attribute to man. Take the ballot from the Negro and you take from him the means and motive that make for an education."[823] Voting is agency, a mechanism of establishing somebodyness. The central place of voting to civic dignity explains why after the passage of the 15th Amendment a white supremacist country would erect against Black freedmen "registration

[819] Ibid.
[820] Ibid, 39.
[821] Ibid, 43.
[822] Frederick Douglass quoted in Shklar, *American Citizenship*, 52.
[823] Ibid, 54.

requirements, literacy tests, poll taxes, grand-father clauses, white primaries, and more chicanery than they could possibly defeat."[824]

Something similar can be said for women's suffrage, where lacking the vote was associated with slavery. Of course, here the rhetoric often was noxious, since middle-class white women relied on racist alliances and frequently called for voting to be a privilege. The putative ineptitude of Black men, who had gained the right to vote, represented for many white women (who had never been literally enslaved) an offense to their educated, respectable, and class-conscious interests.

For Shklar, the fierce battles over voting show how a democratic society is not a joint stock company where those who pay the most ought to receive the most on their investment.[825] It is an association of citizens. Moreover, with the idea of citizenship as standing, there are pervasive threats since "nothing is more unequally distributed than social respect and prestige."[826] Only when citizenship is a universal, natural right that secures equal standing for all will it be consonant with equal human dignity.

As with voting, so with earning. If voting concerns standing in the political sphere, the question of earning concerns more directly standing in the civil and domestic spheres. It is not just in elections, but in civil society with one's neighbors that self-respect is granted or denied, the feeling of somebodyness conferred or negated. In Hegel, civil society mediates between the private and the public and is not reduced to either. Earning and spending may concern personal interests, and yet the juridical, ethical, and cultural restraints on earning and spending are anything but private.

[824] Ibid, 55.
[825] Ibid, 51.
[826] Ibid, 57.

With respect to earning, the American ideal was defined in opposition to two poles: the aristocrat and the slave, the former signaling idleness and the latter dependence. Shklar attributes the peculiarity of the mythology of an American work ethic not to "the class values of pre-industrial artisans" but rather to "the ideology of citizens caught between racist slavery and aristocratic pretensions."[827] To be an earner and to decide how to spend those earnings represented independence. Therefore, to be a *wealthy* earner who was self-employed became an aspiration. Labor had gained a dignity in America not seen in Europe, and so any leisure must be seen as the result of labor, invention, and thrift rather than inheritance or title. Additionally, there has been within American culture a populist streak that does not draw the main lines of battle between the rich and the poor, between capital and labor, but between "do-somethings" and "do-nothings."[828]

Thus, the word slavery was a source of fear for workers, and a politically potent rhetorical weapon. This had interesting ramifications. When Frederick Douglass began to earn a wage at his first paying job, he could directly connect earning with independence: "I can work for a living… I have no Master Hugh to rob me of my earnings' —placed me in a state of independence."[829] Likewise, abolitionists argued that southern planters were old-world relics and do-nothings: They were "ferocious, improvident, inactive, effeminate, and poorly educated, all thanks to their self-inflicted forced idleness."[830]

Without glorifying this work ethic, without arguing it was representative of all American laborers or a fully accurate image of European society, Shklar believes nevertheless that the "resentment of the idle monopolist" and the "fear of being reduced to the condition of a black

[827] Ibid, 64.
[828] Ibid, 75.
[829] Frederick Douglass quoted in Shklar, *American Citizenship*, 83.
[830] Ibid, 79.

slave” is a schema bequeathed to the American political experience with lasting effects.[831] Personally, however, Shklar is not sanguine about this longstanding prioritization of the self-made producer, whose dignity is conferred by what one has and spends. She is not a romantic, either of the European or neoconservative types. Workers often hate their work; they work only to earn. Nevertheless, the work ethic remains amid this tension, signified by how unemployment and the fear of not earning objectively affect workers’ civic standing and subjectively affects their sense of self-worth. "The result is not perhaps a coherent ideology, but it is certainly an intelligible one. Not to work is not to earn, and without one's earnings one is 'nobody.'"[832]

One way out of nostalgia or romanticizing labor would be to say that workers are just confused, suffering from an acute form of self-deception, as a particular stream of Marxism might claim. Shklar also refuses this route, asking if "incoherent views do not express real social experiences."[833] It is possible to hate work and yet regard “unemployment as even worse, and not only because of lowered income."[834] Recall that in the history of the labor movement, the wage system as a whole was often viewed with suspicion because to be dependent on an employer for something as critical as one's social standing was itself an indignity.[835] For Shklar, the development of unemployment benefits over private charity or family help is an improvement since "the former is impersonal and a right, and as such has no strings attached."[836]

When Shklar was writing about American citizenship in the early 1990s, she saw an agreement between critics and defenders of welfare, in which both sought to attack the lower class and turn them either into earners against their will or force them into occupations they

[831] Ibid, 85.
[832] Ibid, 92.
[833] Ibid, 93.
[834] Ibid.
[835] The Knights of Labor, among others, initially opposed collective bargaining for this reason. See Jeremy Brecher, *Strike!*. (San Francisco: Straight Arrow Books, 1972), 29-30.
[836] Shklar, *American Citizenship*, 96,

found undesirable or impossible in their life circumstances. Democrats and Republicans saw work as almost the sole means of civic dignity. Shklar died suddenly in 1992, and so did not see her analysis become even more true in Bill Clinton's welfare reforms.

Since such beliefs are "irrational and unfair" despite their standing as "deeply entrenched social beliefs," Shklar herself turns in a social democratic direction to ease, without eliminating, the tension between the feelings of indignity that come with not working and the belief the work endows civic dignity *tout court.*[837] Namely, she advocated a federal right-to-work policy that is separate from any questions of relief or welfare. She sees a right to work as "an element of American citizenship."[838] By right to work, Shklar does not mean anti-union rightwing legislation, but rather the belief popularized on the progressive wing of the Democratic Party since 2015 that the federal government should offer "opportunities for work to earn a living wage for all who need and demand it."[839] And if such a policy cannot rise to a constitutional or judicially enforced right, "it should be a presumption guiding our policies."[840] Work is a political priority, since it concerns not just spending power, but social standing, self-respect, and civic dignity.

To further alleviate the tensions Shklar has outlined, we could add to her right to work a continued effort by courts and employers to attack unions legally and illegally. Positively, we could add workplace and broader economic democracy as a guiding political priority. In an age of crumbling hierarchies, there remain as few nakedly and rigidly hierarchical organizations as the corporation.[841] Tying fewer social benefits to work, such as healthcare and childcare, also

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[837] Ibid, 98.
[838] Ibid, 99.
[839] Ibid.
[840] Ibid.
[841] For more on how dignity is eclipsed in unaccountable work life, see Elizabeth Anderson, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)* (Princeton: Princeton University Press, 2017).

become priorities. As Marcel Mauss has provocatively argued, social democratic reforms in the state and corporation are not deviations from an ostensibly natural market, but a return to traditional notions of "the themes of the gift, of the freedom and the obligation inherent in the gift, of generosity and self-interest that are linked in giving[.]"[842] When each worker has a sacred valuation as first and foremost a person, their time and labor become gifts that a just social order should not fail to reciprocate.

Thus, listening to the voice of victims and pursuing equal social standing for all are necessary, if not sufficient, components to putting cruelty first and a liberalism of fear. Cruelty, fear, victimization, and a rejection of equal social standing represent an assault against the idea of each person's sacred valuation as expounded upon by Joas. This chapter has argued that true democratic citizenship is formally a potent expression of the belief that all people are sacred and are to be treated with respect, first and foremost in hating cruelty and prioritizing the self-understanding of victims. Dignity is intimately tied to the history of violence and exclusion, and Shklar helps us see how the continued sacralization of the person depends upon listening to and addressing concrete suffering. Furthermore, in a way that is more than metaphorical, we should not shy away from naming cruelty as a type of sacrilege against the person in liberal democracies, just as Aquinas, in his day, believed it would be sacrilege for an "infidel" to hold political authority over Christians. By giving victims a voice, hating cruelty, and challenging injustice, we establish and promote the value of dignity in our practices and institutions.

[842] Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W.D. Halls (London: Routledge, 2002), 87.

Conclusion: Dignity as an Option

There are many reasons one could choose to be skeptical of dignity. This dissertation has seen the objections that dignity is a tool to promote bourgeois frivolity, promote reactionary attitudes in politics and sex, obstruct radical social change, paper over metaphysical differences with rival traditions, and mark those who do not subscribe to a specific value system as outlaws from humanity. We have responded to such objections by expounding a revisionist account of dignity as the sacredness of the person. Dignity as sacredness gains empirical credibility as we discover and tend to the sensitizing humanitarian effects of the interconnectedness of all people and nations, the body in pain, the psychic and communal effects of trauma, and the individual's search for self-formation and self-transcendence. And from Kant to Catholic social teaching, attempts have been made to ground the person's dignity as an indisputable fact of reason based upon a supreme principle of morality.

For example, Alan Gewirth sought to establish a supreme principle of morality that is rationally accessible and unconditionally valid for all people through an examination of human action as such.[843] This principle would ground human worth, rights, and duties. Human action involves voluntariness and purposiveness, or the ability to set the means and ends of action. Gewirth aimed to progress from the normative structure of rationality to a dialectically necessary affirmation of the idea that denying agency to oneself or others would be a performative self-contradiction. Consequently, commitment to the freedom and well-being of others arises as a result. While Gewirth's account is one of the more convincing rationalist attempts to ground human worth from the standpoint of moral philosophy, its influence remains limited. Even if one

[843] Gewirth, *op. cit*.

successfully grounded dignity in a supreme principle of morality, this would not explain dignity's political, economic, or cultural success.

Dignity's rise as a value and institutionalization in many areas of contemporary political, economic, and cultural life was a complex process driven by at least the following factors: sociological processes of contingency, mobility, reflexivity, and value generalization; technological processes of mass communication, industrialization, and the standardization of time and tools; interpersonal processes of encounter, exclusion, and violence; and axiological processes of shifting sacralization patterns. More was, and is, required for the rise and institutionalization of dignity than a dialectically necessary affirmation of others' agential capacities. Even today, when dignity is one of the most recognizable grammars in modern moral discourse, many reject dignity's basic commitments. For this reason, I contend that dignity in social ethics will remain a genuine choice between competing “hypotheses" of sacralization.

When the pragmatist philosopher William James set out to defend the possibility of religious faith, he began with the idea of a "hypothesis." A hypothesis is "anything that may be proposed to our belief."[844] Much like the belief in God or immortality, a commitment to dignity as the sacredness of the person is such a hypothesis, as is the sacralization of ruler, nation, or market. James called the decision between hypotheses an "option."[845] For individuals, options may be living or dead, forced or avoidable, and momentous or trivial. A "genuine option" occurs when an option "is of the forced, living, and momentous kind."[846]

First, a genuine option requires that both hypotheses in front of an individual are “live” and could reasonably be the object of ascent. For a hypothesis to be live for an agent, it must

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[844] William James, *The Will to Believe, and Other Essays in Popular Philosophy* (London: Longmans, Green, and Co., 1913), 2.
[845] James, *The Will to Believe,* 3.
[846] Ibid.

constitute a “real possibility.”[847] Second, a genuine option requires that the decision between the two hypotheses is forced, allowing little space for an in-between position.[848] If it is suggested that I have soup or a sandwich for lunch, the option is not forced. I could bring no lunch at all or have something else entirely. On the other hand, a captain's decision to abandon ship represents a genuine option: There is no way to "sort of" drown with the ship. Finally, a genuine option is momentous, concerning significant matters or high stakes for one's life and self-understanding, where one loses a certain good as much by skepticism as by active opposition.[849] One impetus for Blaise Pascal's famous wager for God's existence seems to have been an attempt at establishing the momentousness of a belief in God.[850] If I believe and am correct, then I gain an eternal reward. If I believe and I am wrong, then I lose little. However, if I do not believe and am wrong, I lose an ineffable reward and gain eternal misery.

James was unsatisfied with Pascal's wager because he believed it required a pre-existing tendency to believe in a creator God and the religious patterns of thought relevant to Western Christianity.[851] The decision may be momentous and forced for a sixteenth-century Frenchman, but it would not have been live for the vast majority of, for example, Buddhists, who do not believe in a creator God or a single, distinct choice for a post-mortem destination of the soul. Even on significant questions, there can be "no tendency to act…to any degree."[852]

Whether an option is live or dead can change over time. Options can be live or dead because of a prior action or tendency of individual or collective will, which includes "fear and hope, prejudice and passion, imitation and partisanship, the circumpressure of our caste and

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[847] Ibid, 2.
[848] Ibid, 3.
[849] Ibid, 4.
[850] Ibid 5.
[851] Ibid, 6.
[852] Ibid.

set."[853] Therefore, we often opt for certain hypotheses without knowing why, influenced by historical, cultural, and linguistic factors. When it comes to faith in something, we often have little more than "faith in some one else's faith[.]"[854] Pure deduction and rational thought are "not the only things that really do produce our creeds."[855]

For this reason, James believed that "passional nature" will play a role in deciding between hypotheses that cannot be decided on purely intellectual grounds.[856] This should not be too devastating a conclusion, since to leave the option open has the same risk of forfeiting truth as a solid decision. Against absolutists who believe a hypothesis can be definitively known (and known to be known), James advocated an empiricism that regards the truth as attainable, but not infallibly so. Much like MacIntyre, James recognizes that "no concrete test of what is really true has ever been agreed upon."[857] The truth is a *Grenzbegriff* or "the infinitely remote ideal of our thinking life."[858] Such contingent certainty is preferable to philosophies of objective certitude, since James believed the latter cash out in the "the conscientious labors of the Holy Office of the Inquisition" and are not worthy of respect.[859] To give up on objective certitude is not to abandon the hope of truth. Whereas the scholastic attempt at certitude lies in the *terminus a quo* of principles, James locates the test of truth in the *terminus ad quem* of action or the outcome of a genuine option.[860]

James believed there are some genuine options in speculative questions: Famously, God and the amelioration provided by a belief in immortality are just such options. However, many

[853] Ibid, 9.
[854] Ibid.
[855] Ibid, 11.
[856] Ibid.
[857] Ibid, 15.
[858] Ibid, 16.
[859] Ibid, 17.
[860] Ibid.

moral questions are also genuine options because they are "questions whose solution cannot wait for sensible proof."[861] In relation to such options, James made space for faith. In speculative and moral thought, faith can manufacture "its own verification."[862] However, faith in a Jamesian sense is not a total relativism in which the agent creates their own reality, or a tradition decides upon the soundness of first principles. Instead, faith recognizes that in some speculative and moral hypotheses, “a fact cannot come at all unless a preliminary faith exists in its coming."[863] For example, a faith in the existence, organization, and operation of states, armies, colleges, businesses, and athletic teams can be *productive* of the facts that emerge from them. Similarly, a faith in God can be productive of sacramental and devotional experiences that could not otherwise obtain. Evidence must be met half-way before some truths can manifest.[864] On numerous occasions, James gives the example of a climber who, facing a jump over an abyss between two ledges, makes a successful (though unverified) leap on account of her subjective state of hope, confidence, and determination. The leap may have gone differently if pessimism and uncertainty possessed the climber.[865]

Human dignity, I believe, is just such a leap. The belief that all people ought to be regarded as inviolable, self-contained, and deserving of equal rights and respect, will be productive of certain moral facts and experiences that may not otherwise obtain. Reverencing the face of the other, in Levinasian terms, realizes experiences of gratitude and frustration, commitments of reciprocity and empathy, and practices of equality and solidarity that would be lost if dignity was fungible, a matter of degree, or heritable and alienable. Such a belief will

[861] Ibid, 22.
[862] Ibid, 24.
[863] Ibid, 25.
[864] Ibid, 28.
[865] William James, “Is Life Worth Living?” in *The Will to Believe, and Other Essays in Popular Philosophy* (London: Longmans, Green, and Co., 1913), 59.

concern the tendencies of our individual and collective wills and the orientations of our passional natures. The vital goods of autonomy and recognition are at stake, as are Axel Honneth's primary ethical relations of self-confidence, self-respect, and self-esteem. For this reason, the option is forced. If individuals and institutions remain skeptical or agnostic about the dignity of the person, this does not free them from the risk of acting as if persons have sacred valuation: skepticism is itself a risk, since we may "lose the good, if [dignity] be true, just as certainly as if we positively chose to disbelieve."[866] The option is also momentous, since dignity makes a claim here and now about weighty matters, such as the way others will be treated in contexts of need, victimization, and power: as ends or means, as agents or subjects, as persons or objects. Moreover, dignity is a living option, perhaps at no time more so than the present. This is not to say that dignity as sacredness was not possible until its blossoming in the eighteenth through twentieth centuries, or to give into a crude Hegelianism about a teleological progression in freedom and dignity from one to some to all. Instead, it is to say that the incontestable success of the sacred valuation of the human person (as Carl Schmitt might pejoratively put it) has proposed the supreme normative significance of the person as a legitimate object of ascent and institutional purpose for most, if not all, nations, institutions, and people today.

After all of the processes examined above, from contingency and global interconnection to humanitarian agitation and modern war, human dignity does not appear as an absurdity despite its possible excesses. However, where dignity does appear as an absurdity or a dead choice, we now have the language to explain why. A choice is often dead because of pre-volitional tendencies and the emotional timbre of individuals and institutions. This dissertation explored how such tendencies are produced and secured through experiences of the sacred and value

[866] James, *The Will to Believe*, 26.

formation. Thus, if the sacredness of the person were a dead option today for some, we should examine that individual's or collective's sacred core – the people, places, or things that they charge with subjective self-evidence and affective intensity. It is no mistake that on occasions where one finds the excuse or relativization of rape, torture, or the murder of civilians in combat or for utopian projects, it is often because a reverence for a group or concept (the nation, the race, the party, God, even "Democracy") has relegated the person not necessarily to a worthless object, but at least to a profane one — an object that should not approach the sacred, lest there be consequences.

To turn one's back on the language of dignity in the name of justice or solidarity will not mitigate the risk either, for dignity ought to name the sacred core that justice is meant to serve and solidarity further. Belief is measured by action, so those who do not want us to believe in dignitarian terms also forbid "us to act as we should if we did believe it to be true." Dignity, like religion, "hinges upon action."[867] For this reason, we should not too quickly downgrade the dignity rituals that have pervaded modern life, from public remembrances and ceremonies to the rules and manners that have grown to govern the multiform encounters between modern, self-possessed agents, so perceptively analyzed by Erving Goffman.[868] Conversely, we should be quicker to critique rituals and practices that may attempt to hide beneath dignitarian guises, from making the world safe for democracy to nostalgia for the lost interpersonal privileges of masculinity.

In a provocative book that ranges from Amnesty International and Save Darfur to Paris Hilton and U2, Joel Pruce has outlined how human rights discourses merge with (or are coopted

[867] Ibid, 29.
[868] Erving Goffman, *Interaction Ritual: Essays in Face-to-Face Behavior* (Chicago: Aldine Publishing, 1967).

by) neoliberal and celebrity logics.[869] Inasmuch as dignity must be a sort of individualism, premised upon the self-contained, buffered self, Pruce's concerns are valid and the excesses worrisome. Yet, as Durkheim maintained against the concern that individualism leads to anarchy, "abusive exploitation of individualism proves nothing against it, just as the utilitarian falsehoods about religious hypocrisy prove nothing against religion."[870] Even individualism will be cemented through social practices that breakdown and restructure the self. Because dignity is not merely cognitive commitment, we can say of the sacralization of the person what Randall Collins has said of socialization more generally: "once laid down [it] does not endure forever; emotional energies and symbolic meanings fade if they are not renewed."[871] Through cupidity, fear, apathy, ignorance, malice, or the assaults of counter-sacreds, the dignity of the person is always at risk of being diminished. Thus, when Judith Shklar discusses the historical significance of voting or the necessity for public apologies to victims of past injuries, we should not overlook the ceremonial aspects of these events either. From seemingly insignificant "I voted" stickers, to the removal of statues of men who fought to preserve racial slavery, civic life will often be constituted by rituals and clashes over sacred valuations. What to some is sacrilege will for others be a holy act, as when Calvin's followers threw the Catholic host to dogs. In the tensions that inevitably arise, a more basic human dignity must underwrite civic dignity and social standing. It is insufficient to view dignity as able to be entirely gained or lost in the political sphere, as a sanctification of the political (party, struggle, people, etc.) easily relativizes outrages against opponents. To mitigate the risk that tussles over sacred valuations will boil over into physical violence and killing, a liberal democratic society can do little more than put cruelty first

[869] Joel R. Pruce, *The Mass Appeal of Human Rights* (Cham: Palgrave Macmillan, 2019).
[870] Durkheim, "Individualism and the Intellectuals," 49.
[871] Collins, *Interaction Ritual Chains*, 44.

among the vices and listen to the voice of victims as we navigate our public lives together, which do not always constitute a "common" life when the true facts of pluralism are considered. While "little more" may sound defeatist, the commitment in practice is tremendous.

I believe this all makes the primary socio-ethical task in relation to dignity twofold: First, the desacralization of the ruler in authoritarianism and the desacralization of the people in nationalism and racism are perennial obligations since authoritarianism and racism are threats to liberal democratic life, always waiting to rear their heads when the sacredness of human personality is attacked, relativized, or ignored. Second, and perhaps less obvious, is the desacralization of the market, where the person is construed as little more than a hedonistic pack of passions, incapable or unwilling to escape egocentricity. As discussed above, because the contemporary notion of human dignity arose to some extent from processes of individualization, it can morph quickly into a narcissistic ethos that grounds and justifies mass consumer culture, the plundering of the environment, and cruelty toward non-human creatures. Distinguishing between the sacredness of the person and the sacredness of the person's interests in relation to the market will require a keen moral eye and the development of a scrutinizing casuistry of modern life. For people do not just want things, they also want to inhabit their own selves and their world in certain ways: as just or unjust, honest or dishonest, authentic or insincere. We have, in relation to the world we encounter, thick commitments, sacred values, hopes, fears, guilts, attractions, and repulsions. Often, we want to become, in one way or another, people that we do not yet feel it is in us to become. We never neutrally stand by and survey our surroundings; we experience a unique profile of every object, person, and place we meet. The intensely affective commitment to the sacredness of the person is to be found at this deeper level of forging and critically revising a conception of a good life, and in securing the mental and

material conditions that must obtain for this life to occur. For the religious thinker, the affirmation of contemporary dignity will often be a genuine development of their tradition, but it does not need to be a cancellation. Often, concerning dignity there will not be a singular choice presented between pure novelty and a single, genuine tradition. Rather, religious thinkers will need to address tensions, as in Hinduism where one finds a tension between the dignity of individual striving in the *Upaniṣads*, class-based dignity in the Laws of Manu, and a relatively more egalitarian concept of dignity in the *Bhagavadgītā* – or in Islam, where *Shariʿa* requires a pious person to uphold dignity, but interpretive traditions differ over whether dignity is limited to devout Muslims or extends to all people.[872] For the Christian thinker, the impetus for reverencing every person as sacred is today found in the belief that life is a gift, and every person bears God's image. However, the Christian thinker might want to push even further, past the image of God conceived as freedom and rationality or as the peak of creation, to the humbling claim that God became flesh and dwelt upon the earth, opting from eternity to be with and for every person.

When Jane Addams scribbled in her notebook that she would like to see a cathedral of humanity "capacious enough to house a fellowship of common purpose" and "beautiful enough to persuade men to hold fast to the vision of human solidarity," she was espousing a much-derided late-nineteenth century bourgeois positivism.[873] Yet, this dissertation has shown, from a quite different angle, that against the disdain of much twentieth-century *realpolitik*, the manipulation of religious triumphalists, and the cynicism of skeptics, it is theoretically possible

[872] Jens Braarvig, "Hinduism: The Universal Self in a Class Society," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 168; Miklós Maróth, "Human Dignity in the Islamic World," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives,* eds. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 160.
[873] Addams, *op. cit.*

and practically necessary today to promote a cathedral of humanity, or the sacred valuation of every person, in politics, economy, and culture.

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