

# The Elusive Nature of Human Dignity

*Jeffrie G. Murphy*

A mad animal  
Man's a mad animal  
I'm a thousand years old and in my time  
I've helped to commit a million murders  
The earth is spread  
The earth is spread thick  
with squashed human guts  
We few survivors  
We few survivors  
walk over a quaking bog of corpses  
always under our feet  
every step we take  
rotted bones ashes matted hair  
under our feet  
broken teeth skulls split open  
A mad animal  
I'm a mad animal

—Peter Weiss, *Marat/Sade*<sup>1</sup>

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<sup>1</sup> Peter Weiss, *Marat/Sade*, trans. Geoffrey Skelton and Adrian Mitchell (Prospect Heights: Waveland, 2002) 32–3.

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There seem to be two basic choices about how best to conceptualize morality and its claims on us. One possibility is to think of it as essentially a matter of *consequences*—the promotion of the best possible balance of good over bad consequences—and the other is to think of it in terms of certain fundamental and perhaps even absolute *principles*. Utilitarianism is the best-known version of the consequential approach—a moral theory that sets “the greatest good for the greatest number” as the basic principle of morality and characterizes good as pleasure or happiness.

There are many problems with this vision of morality, of course. For one, it builds the idea of moral good around pleasure or happiness, and many of us think that there are more important things in life than these hedonic states—perhaps even sympathizing a bit with Friedrich Nietzsche’s claim that utilitarianism is a shallow philosophy that would appeal only to pigs and English shopkeepers.

Even if one does not have these elitist and aesthetic objections to utilitarianism, however, it may strike some as leaving out the central values of *rights* and *justice*—an omission that would, so the classic objection goes, allow utilitarianism to justify making slaves of a minority or punishing the innocent if the greatest good for the greatest number would be served thereby. Utilitarianism actually can make a place for rights and justice, but the place will not be central or basic. Rights and justice will be *derivative* values—established only if called for by rules that themselves promote utility. Rights established by such rules might—indeed probably would—rule out slavery and punishing the innocent in most real-world cases. However, those who see this as the right result might understandably think that the result is reached for the wrong reason. The wrongness of treating individuals in this way, they would argue, does not depend on a determination that *others*—the majority—would be rendered insecure if social rules that allowed slavery or punishing the innocent were adopted. Is not avoiding such treatment simply wrong in principle, wrong in itself—something we *owe* to every particular individual regardless of the projected social consequences of making such treatment a general practice?

*What might capture the idea that some ways of treating human beings are intrinsically wrong and not merely instrumentally wrong?*

Finally, utilitarianism simply does not seem very inspiring—not the sort of value that could easily motivate a call to arms. As the philosopher Margaret MacDonald once observed, who would endure blood, toil, tears, and sweat for the sake of a little extra comfort?

If utilitarianism does not appeal—or does not appeal deeply enough to be the basic value—what might be tried as an alternative? What might capture the idea that some ways of treating human beings are intrinsically wrong and not merely instrumentally wrong? The most well-known alternative is a theory of justice grounded in the idea of *basic human rights*, rights that it is wrong in principle to violate. And how does this ground-

ing work? According to Immanuel Kant, the most prominent philosophical defender of such a view, rights and justice must be based on the value of human *dignity*—the moral specialness of persons that makes them precious and perhaps even sacred, earning for them a kind of respect that is not available to any other sentient creature. On this view slavery, for example, will be rejected as a direct affront to the human dignity of each individual who is a slave—rejected as absolutely unacceptable from the moral point of view before any consideration of its impact on the general welfare has been taken.

This appeal certainly does not lack inspirational value, since the call to defend human dignity and rights can get the blood stirring in a way that appeals to a net gain in social utility cannot. Unfortunately, however, inspirational value alone is not sufficient; for inspiration will last only so long as the values on which it is based cannot be defeated by a variety of skeptical doubts—and doubts aplenty can be directed at the very idea of human dignity.

*So what would the Christian put in the place of Kantian autonomy as a foundation for human dignity?*

There are, of course, doubts of a deeply philosophical nature that can be raised against any attempt to establish human dignity on the basis of highly controversial metaphysical claims. Kant, for example, seemed to think that such dignity is grounded in human *autonomy*—an attribute of persons that he sometimes conceptualized as a radical freedom of the will, as “noumenal freedom,”

whereby rationality exercises a kind of contra-causal influence on human actions. Of course, anyone who knows even a little bit about metaphysical determinism will realize that demonstrating the existence of this kind of freedom—or even finding a satisfactory way to analyze coherently the concept of such freedom—may be impossible.

Kant’s conception of autonomy was not always this metaphysically ambitious, however. Sometimes he conceptualized autonomy simply as a capacity to understand moral reasons and to be motivated by them—a capacity that renders persons morally responsible for what they do. Even this more modest view faces some problems, however, since some members of the human species do not possess this trait—small children, the mentally disabled, and those suffering from dementia, just to give three examples—and yet many would want to regard them as persons with dignity and rights.

Kant has often been characterized, with some justice, as attempting to find a secular translation for what is essentially a Protestant view of morality. Kant’s theological critics will condemn this attempt as a failure—one of the great “nice tries” in the history of philosophy perhaps, but one that cannot produce a result that many regard as essential: including *all* human beings in the circle of dignity and not just those that possess Kantian autonomy. Christians, for example, claim to have a basis for regarding the Nazi execution of the mentally retarded and mentally ill—hardly candidates for Kantian autonomy—as assaults on human dignity just as grave as those found in the execution of normal and mature adults.

So what would the Christian put in the place of Kantian autonomy as a foundation for human dignity? Simply this: each human being—every single member of the human species—has dignity (is sacred and precious) because each has been created in the image of God and is one of God’s beloved children.<sup>2</sup>

But surely at least as many skeptical doubts can be raised against the belief in God—and all of the surrounding claims about loving creation—as can be raised against the belief in Kantian autonomy as a foundation for human dignity. And, indeed, it is my hunch that it is people who are already committed to the value of human dignity who may be drawn to Christianity because it claims to enshrine that value. I seriously doubt that many people acquire that value solely through Christian teaching. (Kant’s “moral proof” for the existence of God, for example, starts with a moral claim about the implications of human dignity and then uses that moral claim as a reason for embracing religious belief.)

*I am inclined to think that the greatest obstacle to believing in human dignity... is to be found in the actual history of human behavior from earliest times to the present.*

Also, there is the problem of reconciling Christian teaching with Christian practice. The history of Christianity in power is filled with events—pogroms, crusades, and inquisitions, for example—that indicate that people who mouth the language of love and human dignity do not always avoid treating their fellow human beings in unspeakably evil ways. As Lutheran theologian Reinhold Niebuhr put it, “practically nothing can purify the symbol of Christ as the image of God in the imagination of the Jew from the taint with which ages of Christian oppression in the name of Christ have tainted it.”<sup>3</sup> There have been, of course, many inspiring examples of Christians fighting oppression and defending human dignity—revealing themselves as models of the goodness of which human beings are capable—but it would be hard to establish that such Christians represent a majority within that group.

It would seem, given the above, that metaphysically inclined philosophers and metaphysically inclined theologians have not yet exhibited resources to save the idea of human dignity from the skeptical doubts that can be raised against it.

As interesting and important as metaphysical attempts to ground or attack the idea of human dignity may be, Christianity’s history of coziness with evil leads to another, and more empirical, reason that might cause one to doubt human dignity. Indeed, I am

<sup>2</sup> I am, of course, aware that Christianity is not the only religion that embraces this conception of human dignity. I use it as my example because it is the religion with which I am most familiar and the religion that informed the thinking of Immanuel Kant—the philosopher who has influenced much of my work in moral philosophy.

<sup>3</sup> Quoted in Howard Lesnick, *Listening for God: Religion and Moral Discernment* (New York: Fordham University Press, 1998) 103.

inclined to think that the greatest obstacle to believing in human dignity—an attribute of persons that makes them morally unique within the universe—is to be found in the *actual history* of human behavior from earliest times to the present. This behavior provides strong evidence, as a character in the play *Marat/Sade* suggests, that man may indeed be a “mad animal.” Human history is, to a substantial degree, a history of murder, rape, torture, exploitation, and callous indifference to the poverty and misery of those fellow humans who do not remind us closely of ourselves. How, one might ask, can we speak of the dignity of a species containing so many members who are murderers, rapists, torturers, or—if not themselves active agents of atrocity—at least quite willing to ignore or deceive themselves about the murders, rapes, and tortures committed by others in their name?<sup>4</sup> Reflecting on the Holocaust—just one dramatic example of the depths of evil human beings can reach—philosopher Robert Nozick draws some very disturbing conclusions. I will quote him at some length:

I believe the Holocaust is an event like the Fall in the way traditional Christianity conceived it, something that radically and drastically alters the situation and status of humanity.... Mankind has fallen.

I do not claim to understand the full significance of this, but here is one piece, I think: It now would not be a special tragedy if humankind ended, if the human species were destroyed in atomic warfare or the earth passed through some cloud that made it impossible for the species to continue reproducing itself.... Such an event would involve a multitude of individual tragedies and suffering...so it would be wrong and monstrous for anyone to bring this about. What I mean is that earlier [prior to the Holocaust], it would have constituted an *additional* tragedy, one beyond that to the individual people involved, if human history and the human species had ended, but now that history and that species have become stained, its loss would be no *special* loss above and beyond the losses to the individuals involved. Humanity has lost its claim to continue.

...[Of course there have been other earlier and later large scale atrocities, but] the Holocaust alone would have been enough, all by itself. Like a relative sham-

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<sup>4</sup> It is tempting to adopt the view that most of the great evils in human history have been the work of just a few people of particular nastiness. Books such as Daniel Jonah Goldhagen's *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Knopf, 1996), though not without their critics, provide at least some reason to resist that comforting temptation. In this regard, it is also instructive to think about the phenomenon of psychic distance and the way in which it encourages self-deception. A person who might be utterly unable to put a pistol to a baby's face and blow its brains out might easily be able to drop bombs from thirty thousand feet that will blow the brains out of many babies. (During the Vietnam War the *Doonesbury* cartoon strip would sometimes portray bomber pilots dropping napalm and being struck by the beauty of the little puffs of light and color they saw below them.) Finally, too much weight on the act-omission distinction can tempt one to minimize one's role in evil by saying “but I did not do anything.” Surely there are circumstances in which letting evil happen when one could have prevented it is just as culpable as doing evil. I am grateful to Chrystin Ondersma for reminding me of this point.

ing a family, the Germans, our human relatives, have shamed us all. They have ruined all our reputations, not as individuals—they have ruined the reputation of the human family...we are all stained.

...Humanity has desanctified itself.<sup>5</sup>

This is powerful language, and the thought behind it is deeply disturbing. But to what extent does it, along with Weiss's mad animal diagnosis, undermine the idea of human dignity, the moral specialness of each member of our species? This is a complex question that requires a complex answer.

Let me make a start toward an answer by noting that the most that the passages from Weiss and Nozick could possibly show (and I am not at all confident that they show even this) is that it would not be a tragedy if certain human groups or even the whole human race ceased to exist—by a collective decision no longer to reproduce, for example. On this view, “Save the Human Race” might be a less defensible slogan than “Save the Whales.” While such a view might, to some degree, undermine the idea that there is something particularly wrong about *genocide* to the degree that this is conceptualized as the loss of an entire human group, it would in no sense undermine the claim that the production of this result by *murder* would be a great evil, a grave wrong to each individual person who was murdered. As the passage shows, Nozick clearly agrees with this. So even a person who could contemplate with tranquility the loss of the entire human species might well also maintain that bringing this about through the murder of individual human beings would not only be perpetrating a great evil but would also be perpetrating an evil much *worse* than slaughtering, say, an equal number of mice or cattle. A person who holds such a view would seem to be acknowledging the value of human dignity even if that term is never mentioned.<sup>6</sup> But is it reasonable to subscribe to such a value? Can it be defended? I think that to some degree it can be, though perhaps not with the finality that many would desire.

Consider first Weiss's example of man's mad animal behavior and Nozick's description of the “desanctifying” evil of the Holocaust. What is so bad about these acts, so “desanctifying,” *unless they are understood as assaults on the dignity of human beings*? Without such a view, one could not distinguish these acts from the killing of large numbers of cattle, chickens, or pigs in order to provide food for human beings. I would not for a moment want to suggest that it is unreasonable to feel significant moral qualms about

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<sup>5</sup> Robert Nozick, *The Examined Life: Philosophical Meditations* (New York: Simon and Schuster, 1989) 237–9.

<sup>6</sup> I do not mean to suggest that non-human animals, because they lack human dignity, necessarily lack all dignity. David Lurie, the central character in J. M. Coetzee's novel *Disgrace* (New York: Viking, 1999), begins to find some meaning in his life again when he takes a job that allows him, as he puts it, to make sure that the dogs euthanized in an animal shelter are killed and disposed of in a way that preserves their dignity. The view he takes on this matter strikes me as moving and not at all absurd.

such killings, but—not yet persuaded by some of the more radical animal rights advocates—I still regard the killing of human beings as much worse than the killing of other animals. Some evidence that this view is widely (even if wrongly) shared is revealed in the linguistic fact that we call only the former acts *murder*. So I—and Weiss and Nozick—seem to be, at least tacitly, committed to some notion of human dignity.

Does this then establish that it is rational to subscribe to a doctrine of human dignity? Alas, not fully. The most it shows is that, if one wishes to undermine the concept of human dignity, one will have to do better than trot out multiple examples of atrocities perpetrated by human beings, since the very concept of atrocity seems impossible to understand except as an assault on human dignity. So unless one is willing to abandon such notions as “atrocious,” “moral horror,” “unspeakable evil,” or “acts that cry out to heaven,” it seems that one must grant the concept of human dignity, since the concept is presupposed by these terms of condemnation.

*...do all members of  
the human species merit  
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human dignity...?*

This kind of “transcendental” argument (to use a Kantian term) reveals that the idea of human dignity may be a presupposition for the very intelligibility of the moral language that many of us want to use. And this is perhaps the best we can do by way of arguing for the value of human dignity. Those with no desire to retain the noted moral language—some utilitarians, some radical animal rights advocates perhaps—however, will, of course, not be impressed or persuaded by such an argument—after all, why should one care about the presuppositions of views that one does not hold? Those of us who would cling to some notion of human dignity can only hope that people of this sort are in the minority.

Even if one comes to grant that murder, rape, and other atrocities are assaults on human dignity, another important question remains: do *all* members of the human species merit being treated as creatures of human dignity—even those who themselves commit atrocities and thereby themselves assault human dignity? Consider this passage from Dostoevsky’s *The Brothers Karamazov* (Ivan is speaking to his brother Alyosha):

“One day a house-serf, a little boy, only eight years old, threw a stone while he was playing and hurt the paw of the general’s favorite hound. ‘Why is my favorite dog limping?’ It was reported to him that this boy had thrown a stone at her and hurt her paw. ‘So it was you,’ the general looked the boy up and down. ‘Take him!’ They took him, took him from his mother, and locked him up for the night. In the morning, at dawn, the general rode out in full dress for the hunt, mounted on his horse, surrounded by spongers, dogs, handlers, huntsmen, all on horseback. The house-serfs are gathered for their edification, the guilty boy’s mother in front of them all. The boy is led out of the lockup. A gloomy, cold, misty autumn day, a great day for hunting. The general orders them to undress the boy; the child is stripped naked, he shivers, he’s crazy with fear, he doesn’t dare make a peep... ‘Drive him!’ the general commands. The

huntsmen shout, 'Run, run!' The boy runs... 'Sic him!' screams the general and looses the whole pack of wolfhounds on him. He hunted him down before his mother's eyes, and the dogs tore the child to pieces...! Well...what to do with him?... Speak, Alyoshka!"

"Shoot him!" Alyosha said softly.<sup>7</sup>

The case of the general is (and was intended by Ivan to be) a test of Alyosha's commitment to Christianity as a gospel of love. When confronted with evil of such extreme cruelty, Alyosha finds it impossible—at least as his first reaction—to feel any love in his heart for the general as the perpetrator of this atrocity. Is he then denying the general's human dignity? It is hard to say. If his desire to have the general shot is a desire for just punishment, then he must regard the general as a morally responsible agent and thus at least in that sense as possessed of a capacity that many would see as an important aspect of human dignity. But if he, to use Weiss's language, sees the general merely as a "mad animal" or as a kind of monster, then he must be seeking to have him killed in the same spirit in which we might seek to have a mad dog put down. This is to see the general, as many would see the psychopath or sociopath, as not fully human from the moral point of view and thus as not possessed of human dignity and lacking the rights that dignity generates.<sup>8</sup>

But is it ever permissible to regard any member of the biological human species in this way? Christians, I suppose, would have to say "no," since they are committed to the view that all members of the species—even the general and those like him—are precious because they are created in God's image. But can one really see preciousness in creatures such as the general? Perhaps only if we view them with the eye of *love* as Simone Weil and, more recently, Raimond Gaita have said—a thought captured in Weil's observation that "love sees what is invisible."<sup>9</sup> Perhaps the invisible that one thinks one sees through love is a capacity for redemption, no matter how vile the wrongdoer's past. Or perhaps it is to believe that one sees some decent core of the person through all the layers of corruption. "Lost within a man who murdered, there was a soul like any other soul, purity itself it surely once had been," as the novelist William Trevor says of the serial killer who is the central character of his novel *Felicia's Journey*—a moving sentence by a writer of great moral and spiritual sensitivity.<sup>10</sup>

<sup>7</sup> Fyodor Dostoevsky, *The Brothers Karamazov*, trans. Richard Pevear and Larissa Volokhonsky (San Francisco: North Point, 1990) 242–3.

<sup>8</sup> For an argument that psychopaths may lack certain basic rights normally accorded to human beings, see Jeffrie G. Murphy, "Moral Death: A Kantian Essay on Psychopathy," *Ethics* 82.4 (July 1972) 284–98. I no longer subscribe to all the views I developed in that essay, but it strikes me as still retaining some insights.

<sup>9</sup> See Raimond Gaita, *A Common Humanity—Thinking About Love and Truth and Justice* (London: Routledge, 2000) and his *Good and Evil: An Absolute Conception*, 2nd ed. (London: Routledge, 1999). What knowledge I have of Simone Weil is drawn from Gaita's presentation of her views.

<sup>10</sup> William Trevor, *Felicia's Journey* (New York: Viking, 1995) 212.

However, even those who feel the emotional pull of this sentence, or appreciate the spiritual idea of seeing through the eye of love, will surely have to admit that such a point of view has no clear rational foundation. Perhaps it can be adopted only within a framework of radical religious *faith*—a faith that would allow a believer to see the neighbor even in the general and thus be able to extend the command to love one’s neighbor as oneself even to him.

But what is the non-believer to do? Should the person incapable of radical faith feel free to regard the general and his kind as less than human, as devoid of dignity, and thus as mad animals or monsters that merit no respect and can thus be treated in any way that one might desire?

Even for complete secularists, who are unlikely to recognize any absolute reasons of principle, there are at least powerful *historical* and *pragmatic* reasons that should give them pause before utterly abandoning the idea of human dignity. The twentieth century, for example, gave us many demonstrations of the terrible dangers that can arise when individual human beings or their governments presume to discard as not really human—and thus treat as monsters, animals, or vermin—members of their own species. These dangers are not merely the terrible things that acting on such a view can bring about to those deemed non-human, but also the terrible things that acting on such a view can bring about in the souls of those who would presume to treat others as non-human. To guard against these dangers, it is always a good idea to keep vividly in mind Nietzsche’s wise counsel that “whoever fights monsters should see to it that in the process he does not become a monster. And when you look long into an abyss, the abyss also looks into you.”<sup>11</sup>

Nietzsche’s counsel is in part consequential in nature since it warns of what could happen to the world and to us if we felt free to apply the human/non-human distinction to members of our own species and then act upon it. His counsel is not strictly utilitarian, however, because it is concerned not merely with social consequences to the general welfare but also with negative influences on our own virtue of character.

The case against acting on a human/non-human distinction applied to members of our own species is not limited to these consequential considerations, important as these are. I would also raise what I will call considerations of *moral humility*. If we can overcome our comforting self-deceptions about our own wisdom and goodness, we will surely realize how limited our cognitive powers to read the heart of another are and how great our own potential for evil is—realize that perhaps we do not know enough and are not good enough to presume to dismiss any other human being from the dignity club. A Christian will think here of Jesus’s remark, “let him who is without sin among you be

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<sup>11</sup> Friedrich Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future*, trans. Walter Kaufmann (New York: Vintage, 1989) 89.

the first to cast a stone,” but the insight in that remark as a check to human pride as unjustified self-confidence in one’s own virtue can surely be embraced by even the most secular of readers—an insight that might even incline such a reader to accept W. H. Auden’s counsel to “love your crooked neighbour / With your crooked heart.”<sup>12</sup>

“But wait a minute,” the secular skeptic might say, “I have never had my dogs rip a child apart or committed any other atrocity—have never raped, tortured, or murdered. Surely I am without sin in the relevant sense and can feel free to cast as many stones as I like at the general and his kind—even the stone of refusing to regard him as possessing human dignity. My heart may be a little bit crooked—I was rude to my secretary yesterday, for example—but not so crooked that I must consider loving the general or even according him the kind of respect as a human that he, being a monster and not really a human, does not merit. He is moral excrement, and excrement pretty clearly lacks dignity.”<sup>13</sup>

This response strikes me as too hasty and shallow a response to the insight expressed in Jesus’s remark, which invites those of us who have been virtuous and law-abiding to ask ourselves *why* this has been the case. Is it, as we would like to think, because our characters are splendid all the way down? Or is it perhaps because our circumstances—of upbringing, need, temptation, and all the other things that John Rawls called “our luck on the natural and social lottery”—have been favored?<sup>14</sup> And might it not even be possible that we are virtuous and law-abiding simply because we are *afraid* of the consequences of disobedience? Imagine yourself possessed of Gyges’ ring—a ring that, in the stories told by Herodotus and Plato, makes its wearer invisible—and then try to answer honestly what you might do under such circumstances. I suspect that for most of us an honest answer will be an important lesson in moral humility. This lesson might incline us not to condone what the general has done nor to free him from punishment, but to resist the temptation to distance ourselves from him too far—so far that we would presume to dismiss him from the human race and attribute to him no

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<sup>12</sup> W. H. Auden, from “As I Walked Out One Evening,” *Collected Poems*, ed. Edward Mendelson (New York: Vintage, 1991) 135.

<sup>13</sup> One of the most powerful moments in Stanley Kramer’s film *Judgment at Nuremberg* (2004) is when the former Nazi judge finally brings to full consciousness the magnitude of the evil of which he was an agent and says this of himself: “I have turned my life into excrement.” My interest here is in whether one can ever legitimately make such a judgment of another, but it would also be worth considering if one might ever legitimately make such a judgment about oneself.

<sup>14</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap, 1971). In Sections 12, 13, and 14, Rawls uses the idea of a lottery in the distribution of natural and social advantages to reject what he calls “liberal equality” in favor of “democratic equality” (65–90). Liberal equality is rejected because (in Rawls’s view) it unjustly allows natural and social advantages, which are morally arbitrary because they are simply a matter of luck, to influence the formation of a principle of distribution as part of the basic structure of a society.

human dignity at all and thus make him a target of whatever cruelty we might desire to inflict on him.<sup>15</sup> The question, “who am I to presume to make such a judgment?,” combined with the worry that “there but for the grace of God go I,” should make us at least travel part way down the road sketched for us by Walt Whitman in his poem, “You Felons on Trial in Courts”:

Beneath this face that appears so impassive hell’s tides  
continually run,  
Lusts and wickedness are acceptable to me,  
I walk with delinquents with passionate love,  
I feel I am of them—I belong to those convicts and  
prostitutes myself,  
And henceforth I will not deny them—for how can I deny  
myself?<sup>16</sup>

Aided by the insights of Jesus, Nietzsche, Auden, Rawls, and Whitman, I have tried to develop a case for the relevance of the virtue of moral humility in thinking about excluding wrongdoers, even ones as terrible as the general, from the range of those regarded as having human dignity. The arguments presented in no sense establish the objective correctness of the claim that each human being has dignity. I think that they do, however, provide some reasons why abandoning this claim might be a very bad idea.

Nozick—very gifted at making a point through humor—once gave this characterization of some philosophers’ dream of a perfect philosophical argument: it sets up a chemical reaction in your opponent’s brain so that, if he accepts your premise but denies your conclusion, he explodes and dies. No philosophers actually have this standard of perfection, of course, but many do aim for a level of precision and proof to which the subject matter under investigation may not be susceptible. Much of ethics tends to be like this, and I agree with Aristotle that it is a mistake in this rather messy area to aim for a level

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<sup>15</sup> The Eighth Amendment of the United States Constitution bans “cruel and unusual punishments.” In theory, if not always in practice, this shields even the worst criminals from treatment such as torture or mutilation—treatment that would assault their dignity as human beings and would compromise the dignity of those who would inflict such punishments.

<sup>16</sup> Walt Whitman, *Leaves of Grass* (New York: Vintage/Library of America, 1992) 511. Perhaps I cannot imagine myself joining Dostoevsky’s general and sending my dogs to kill a small boy, but I can—alas—imagine myself a different general who, in time of war, might order a cannon bombardment of a village while knowing that many small boys and other innocent people will be torn to bits. How big, then, is the moral gap between the two generals? My brief exposition of the idea of moral humility and its relevance to judgments of what I call the “deep character” of wrongdoers and of their worth as human beings is a summary of thoughts I pursue at length in two of my published essays: “Moral Epistemology, the Retributive Emotions, and the ‘Clumsy Moral Philosophy’ of Jesus Christ,” *The Passions of Law*, ed. Susan A. Bandes (New York: New York University Press, 1999) 149–67, and “Legal Moralism and Retribution Revisited,” *Criminal Law and Philosophy* 1.1 (January 2007): 5–20. This essay was my 2006 Presidential Address to the American Philosophical Association, Pacific Division, and may also be found in *Proceedings and Addresses of the American Philosophical Association* 8.2 (November 2006): 45–62.

of precision that one might legitimately expect in other fields of philosophy. Those with such an aim often manage to produce not illumination, but only what H. L. A. Hart once called “uniformity at the price of distortion.”

This does not mean that anything goes, of course, but it does make one justifiably suspicious of aspirations for grand theory in ethics. Indeed, I sometimes think that the next great book in ethics—one that would do justice to the complex and conflicted nature of our actual moral lives—might not have as its title *A Theory of...* but rather something more like *Stumbling Along* or *Muddling Through*.

On the subject of human dignity and its place in morality, I certainly have no final theory to offer in the hope that it will settle once and for all the significant disputes over what role, if any, this concept should play in our moral lives. I have simply tried, using Richard Rorty’s fine phrase, to “advance the conversation” a bit—trying to highlight and clarify some of the issues at stake, to alert my readers to some of the problems and difficulties that confront any attempted philosophical account of those issues, and in particular to note some issues that merit additional thought. Perhaps the discussion will allow at least some of my readers to muddle through and stumble along with a somewhat steadier gait than they might previously have been able to manage. That, at any rate, is my hope.

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