

# **The Roman Catholic Church on the Secularization of the Concept of Human Dignity**

**David G. Kirchhoffer**

**Author's Post-Print Version.**

**Final version published in *Louvain Studies* 39 (3) (2016): 240-260; available at**

**<https://doi.org/10.2143/LS.39.3.3170048>**

## **Abstract**

Human dignity is a contested concept in contemporary moral discourse. One of the causes of this is the varying claims concerning the ground of human dignity, including religious and non-religious grounds. Consequently, some scholars have called for the dismissal of the concept of human dignity. Others, however, seem to be attempting to resacralize the concept of human dignity by arguing that the only legitimate ground is a religious one. This article argues that the reason that the concept of human dignity has been so successful in expanding the moral circle is because of a conscious attempt to secularize the concept in the drafting of the UN Universal Declaration of Human Rights. This secularized conceptualization has found support in post-war developments in Roman Catholic Social Teaching. The resacralization is, therefore, contrary to both the secular and Roman Catholic understandings that have developed in the second half of the twentieth century. Furthermore, it does not present an adequate solution to the problem of dignity talk because it ignores the reason the drafters of the Universal Declaration opted for a secularized understanding of human dignity in the first place.

## **Introduction**

In this article, I will argue that the concept of human dignity, though clearly having religious and less religious precursors, nonetheless rises to prominence in contemporary moral discourse as a result of a secular compromise following the Second World War. This secular understanding of human dignity has proven to be very useful in relation to certain kinds of moral problems. It is this secularized conception of human dignity that has found support in developments in the social teachings of the Roman Catholic Church: Pope John XXIII's Encyclical *Pacem in Terris*, and two key documents of the Second Vatican Council, *Gaudium et Spes* and *Dignitatis Humanae*. Yet, despite the success of the concept, the problem of dignity talk has led some to call for its dismissal from public moral discourse. This in turn has led to an attempt to defend the concept by what can be described as a resacralization of the concept, whereby it is argued that the concept cannot be properly understood without reference to its religious origins. Neither this approach, nor the dismissal of the concept from public discourse is adequate, however, because both risk undermining the important moral achievements obtained through the secularization of the concept.

## **A Working Definition of Human Dignity**

The concept of human dignity is usually used in contemporary, English-language discourse to denote an apparently inviolable moral criterion, based upon which moral claims and moral events can be judged good or bad, right or wrong.

By *moral claim*, I mean a claim that a person makes on another or on a social institution to be protected from some disvalue or evil, or to have some value or good provided to him or her.

Typically, today, this is expressed in the language of rights, but it need not be. It may, for example, be expressed in a language of duties borne by particular social roles—for example, a mother's duty to care for her child, an employer's duty to pay her employee, and so on.

Following the work of Joseph Selling,<sup>1</sup> I use the term *moral event* to refer to a course of behavior as a whole, inclusive of all the constitutive parts of that course of behavior about which we might make an evaluation of goodness or badness, rightness or wrongness, such as intentions, means, ends, circumstances, and consequences.

The word *dignity* is supposed to denote a moral worth attached to human individuals<sup>2</sup> that is supposedly absolute and which cannot therefore be weighed with other relative goods in moral

---

<sup>1</sup> Joseph Selling, "Understanding the Moral Event: The Polarity Model of Ethical Discourse," *Louvain Studies* 34, no. 1 (2010):19-38.

<sup>2</sup> In this article, I make no distinction between human *being* and human *person*. I do so because this distinction is also not made in the key documents that I analyse. The UN Universal Declaration of Human Rights states that it is human beings who bear dignity. Yet, by stating that they are born with it, the declaration seems to leave open the question of whether unborn humans are included as dignity-bearers. The history of the drafting discussions, and the subsequent development of human rights law, seems to suggest that this was not even on their minds. Indeed, I will show that both the declaration, and the Catholic religious documents that endorse it, seem to focus on dignity as something that free and rational adults possess (which, following Aristotle, is frequently associated with the concept of *person* rather than *being*). It is precisely the extension of dignity in recent bioethical debates to those who do not seem to possess these capacities, such as embryos and people in a persistent vegetative state, that has led to recent questions about how helpful the concept is for contemporary ethics. I shall not address these distinctions here. Rather, the aim of this article is to emphasise that some common affirmation of the worth human individuals is necessary in order for meaningful moral discourse to take place in the public sphere. Consequently, I sometimes use human *individual*, to avoid any connotation associated with either being or person. This should not be taken to be an argument in favour some sort of 'individualism' understood in a political-philosophical sense. For more on the distinction between beings and persons and the challenges that this involves for the concept of dignity in healthcare ethics, see David G. Kirchhoffer, "Personhood and Human Dignity," in *Foundations of Healthcare Ethics: Theory to Practice*, ed. John Ozolins and Joanne Grainger, 51-69 (Cambridge: Cambridge University Press, 2015).

deliberations. It trumps all other goods or values. There is supposedly no greater good for which human dignity can be violated.

A moral event or a state of affairs is judged morally wrong insofar as it can be said to violate human dignity, for example, if legitimate moral claims are not met. Morally right moral events should at least not violate human dignity and should, ideally, be said to further, enhance, or realize human dignity or the fullness of human dignity, which is frequently associated with the idea of human flourishing. Meeting legitimate moral claims is supposed to realize or honor the good of human dignity.

### **The Rise of Human Dignity as a Moral Criterion and its Usefulness**

It can be argued fairly safely that whilst the use of human dignity as a moral criterion may have important historical precedents, not least in the work of Immanuel Kant, it is not until the second half of the twentieth century that the sort of usage described above gains widespread legal, political, and popular currency. This is largely attributable to the important place the concept assumes in the founding Charter of the United Nations (1945), and especially in the 1948 United Nations Universal Declaration of Human Rights (UDHR).

The incorporation of the idea of human dignity into these documents was important for two reasons. First, it provided a language that could be used to speak about why aspects of the Second World War were so morally bad. The Holocaust was morally bad because it denied and violated the dignity shared by all members of the human species. The Allied bombings of Dresden and Hiroshima were morally bad (or at least, in 1945, morally questionable even if perhaps deemed to be morally justifiable by some for some 'greater good'), because they did not treat noncombatants as ends in themselves, that is, as having absolute moral worth. Instead, their

deaths were seen as part of the means to an end of a 'greater good'.<sup>3</sup> The war itself—its causes, the manner in which it was fought, and its consequences—could be decried as a violation of human dignity, of the absolute moral worth of the human individual. Second, and at the same time, the language of human dignity provided a justification for why such terrible things should never be allowed to happen again. It provided the language for a radical shift away from the interests of nation states, ruling hegemonies, and political and religious ideologies, toward both the human individual and the good of humanity as a whole.

The implication was that, if we take human dignity seriously, then something like the Second World War should never happen again. Thus, the 1948 UDHR affirms human dignity both as the basis of human rights, and the goal of human rights. Because humans have dignity, they have rights (legitimate moral claims). And if these rights are met, human individuals will, or are at least will be able to realize the fullness of their dignity.

This incorporation of the concept of human dignity into such high-level documents as the United Nations Charter and the UDHR meant that human dignity became everybody's concept. That is, it facilitated important developments in civil and political rights. The concept of human dignity functioned as a rallying cry for those whose dignity (that is, fundamentally equal worth) had been denied or violated for so long.

Though the concept has Enlightenment precursors in the notions of equality and freedom, as enshrined in the values of the American and French Revolutions, in practice, this equality and freedom was frequently denied to members of the human species who were nonetheless deemed inferior—or even subhuman—because they belonged to a particular group, such as people of

---

<sup>3</sup> Tami Davis Biddle, "Dresden 1945: Reality, History, and Memory," *The Journal of Military History* 72, no. 2 (2008):413-49.

color, women, people who had no property, people in distant lands, people with disabilities, and so on.

Thus, the post-war developments with regard to race, gender, class, migration status, and, most recently, disability are particularly noteworthy and bear testimony to the value of the concept of human dignity as a moral criterion in contemporary society.<sup>4</sup> Structures of illegitimate discrimination or oppression, such as colonialism and racial segregation, are being dismantled. The death penalty has been suspended or made illegal in many countries. And education and healthcare have been made more widely available than ever before. All this has been done in the name of human dignity. An indication of this can be seen in the proliferation of international human rights documents and national constitutions that make explicit reference to human dignity as either the basis of rights or the constitution, or the goal of rights or the constitution.<sup>5</sup> Prior to World War II, human dignity seldom appeared in such legal documents.

This is not to say there are not still significant problems and significant cases of people being oppressed or persecuted around the world. This is also not to say that, since World War II, everything has been rosy. This is patently not the case. However, it is important to note that the incorporation of human dignity as the basis of international human rights law has meant that the world's moral landscape has altered significantly, and, one could argue, largely for the better.<sup>6</sup>

That said, these gains remain tenuous, and are always at risk of being undone. Rwanda,

---

<sup>4</sup> Consider the following United Nations documents: International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Convention on the Rights of Persons with Disabilities (2006).

<sup>5</sup> David G. Kirchhoffer, *Human Dignity in Contemporary Ethics* (Amherst, NY: Teneo Press, 2013), 51-52.

<sup>6</sup> See René Cassin, "Nobel Lecture: The Charter of Human Rights," Nobel Media, accessed 23 January, 2016. [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1968/cassin-lecture.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1968/cassin-lecture.html).

Srebrenica, and Syria, to name a few, are stark reminders of how easily human dignity can be denied, even as those perpetrating violence can claim to be defending dignity.

### **The Secularization of Human Dignity**

The failures and threats notwithstanding, the remarkable progress that has been achieved since the end of World War II in acknowledging, protecting and furthering the dignity of every human person through the protection and provision of political, civil, social, and cultural rights may never have eventuated had an agreement regarding the basic affirmation of human dignity in the UDHR not been reached. Moreover, the agreement that was eventually reached was one that people of different religious, philosophical, and political persuasions could endorse.

Unsurprisingly, this was achieved by resorting to expressly secular language when talking about human dignity. By *secular*, here, I mean language that avoided any explicit or implicit reference to the supernatural or to religious worldviews in order to substantiate the claim of universal human dignity, such that the claim would be comprehensible and acceptable by people of any or no particular religious persuasion.

In his analysis of the drafting of the UDHR, Johannes Morsink<sup>7</sup> demonstrates how, at various stages in the drafting process, the question of the basis or ground for the claim that all human beings have dignity came up for discussion. Morsink shows that generally delegates, including those from culturally and philosophically different traditions, for example China, were quite content with the Enlightenment notion that all human beings are equal and should have equal rights, and that this should be expressed using the concept of dignity.

---

<sup>7</sup> Johannes Morsink, *Universal Declaration of Human Rights : Origins, Drafting and Intent*, *Pennsylvania Studies in Human Rights* (Philadelphia, PA: University of Pennsylvania Press, 1999), 281-90.

Problems arose concerning the justifications for this fundamental equality and these rights.

Morsink identifies three broad bases which were contested. The first is the explicitly religious idea that human beings have dignity because they are created by God in God's image. The second is the implicitly religious notion—more attune to Enlightenment thinking—that human beings have dignity by virtue of their Nature and Reason. Morsink emphasizes the use of capital letters here and argues, rightly, that Enlightenment thought did not radically distinguish Nature from the existence of its Creator, a Supreme Being, even if this was a more Deistic than Theistic view. In other words, Nature conferred dignity on human beings because this dignity trickled down from the Supreme Being who created it. The third is a materialist view. Here, nature is written with a lowercase *n*. As the debates ensued, use of the term 'nature' tended to be attributed to Communist countries. In the end, it was agreed that it was not for the United Nations to put the question of the existence of God to a vote. A compromise was reached in line with the original intentions of the drafting committee, namely the goal of universality.<sup>8</sup> The word 'nature' was dropped and all proposals for an explicit mention of God were withdrawn.

As a result, the United Nations UDHR presents us with a *secularization* of the concept of human dignity. With the exception of a few fundamentalist religious perspectives (Morsink highlights the Saudi Arabian abstention as illustrative of this), which held that moral truths are only accessible through religion, and then only through Divine revelation, the UDHR offered an affirmation of the fundamental moral worth of human individuals to which all people could

---

<sup>8</sup> Jacques Maritain makes a similar argument with regard to the idea of a list of human rights in general. Given his role as chair of a group of philosophers convened by UNESCO to assess whether there were sufficient grounds for a statement of common principles shared by all people, and that group's conclusion that whilst the justifications for principles varied, there was a practical consensus, we can assume that this thinking was influential in arriving at the wording we now have. See Jacques Maritain, "Introduction," in *Human Rights: Comments and Interpretations*, ed. UNESCO, 9-17 (New York: Columbia University Press, 1949); Mary Ann Glendon, "The Sources of 'Rights Talk': Some Are Catholic," *Commonweal* October 12 (2001), 11-13..



agree, filling in the reasons for doing so with their own metaphysical, religious, or philosophical beliefs, be that God, Nature or nature. This is borne out in Robert Traer's study of contemporary religious support for human rights.<sup>9</sup> Traer asserts, following Jacques Maritain, that there is a "secular faith" in human rights that covers all major religions and geographic regions. Maritain defines this "secular faith" as a practical, convergent reverence, possibly for quite divergent reasons, for "truth and intelligence, human dignity, freedom, brotherly love, and the absolute value of moral good."<sup>10</sup>

It is important to note, however, that there has always been resistance to this secularization of dignity and rights and to the implication that morality can exist apart from religion. This is demonstrated in the 1981 Universal Islamic Declaration of Human Rights, and in the recent 2008 Universal Declaration of Human Dignity—by the so-called, International Committee on Human Dignity—a document that has supposedly been endorsed by a number of high-ranking Roman Catholic officials.<sup>11</sup> One could describe this process as the resacralization of the concept of human dignity. By *resacralization*, I mean an attempt to oppose secular, that is, non-religious, public usage of the term as incorrect or inadequate, and a claim that the concept's true meaning can only be understood in light of religious belief, or better yet, in light of the authority of the teachings of a particular religion. Moreover, this resacralization of the concept tends to seek to strengthen an interpretation of human dignity and its inviolability that justifies only those moral claims supposedly supported by the teachings of that religion, or a particular ideological faction within that religion. I will argue that such resacralization, at least from a Roman Catholic

---

<sup>9</sup> Robert Traer, *Faith in Human Rights: Support in Religious Traditions for a Global Struggle* (Washington, D.C.: Georgetown University Press, 1991), 10-11.

<sup>10</sup> Jacques Maritain, *Man and the State* (Chicago: Chicago University Press, 1951), 111.

<sup>11</sup> International Committee on Human Dignity, "Universal Declaration of Human Dignity," Dignitatis Humanae Institute, accessed 27 August 2014, 2014. <http://www.dignitishumanae.com/index.php/declaration/>.

perspective, is incorrect since it undermines the important affirmation that basic human worth or dignity can be recognized, respected, and promoted regardless of one's religious convictions. Such an affirmation is worth defending precisely because it has made possible the kinds of advances, the so-called expanding circle of moral consideration, described above.

### **Roman Catholic Support for the Secularization of Human Dignity**

Roman Catholic Social Teaching is widely said to begin with Pope Leo XIII's 1891 encyclical on the condition of workers, *Rerum Novarum*.<sup>12</sup> In the body of papal and church documents that make up Catholic Social Teaching, the theme of human dignity has always had a prominent place, and with it the idea of fundamental human rights. Indeed, the acceptance of the language of rights in the Catholic Church is largely acknowledged to begin with *Rerum Novarum*.

Arguably, many of the themes of this encyclical are echoed in the UDHR. In this section, I propose, first, that the Church has always argued that its affirmation of human dignity based on Christian revelation can also be reached through the application of human reason, and, second, that there is an important development in the Church's official teaching in this regard that begins in the pontificate of John XXIII with his 1963 encyclical *Pacem in Terris*, and culminates in the Second Vatican Council's two 1965 documents, *Gaudium et Spes* and *Dignitatis Humanae*.<sup>13</sup> This development effectively constitutes an endorsement not only of the UDHR but also of the secularization of the concept of human dignity that this brought about in the pluralist context of the contemporary world. The development culminates in the Church's acknowledgement of a right to freedom of conscience and freedom of religion.

---

<sup>12</sup> Jean-Yves Calvez and Jacques Perrin, *The Church and Social Justice*, trans. J. R. Kirwan (London: Burns & Oates, 1961), 78.

<sup>13</sup> *Pacem in Terris* arguably paved the way for *Gaudium et Spes* and *Dignitatis Humanae*. See Robert Gascoigne, "Fifty Years after *Pacem in Terris*," *Australasian Catholic Record* 90, no. 4 (2013), 387-397, at 391.

What I am not arguing is that this endorsement of a certain secularization of the concept means that the Church does not hold to its own theological foundations, or that it is not possible to ground dignity and rights theologically. On the contrary, it is precisely because of the Catholic Church's own theological grounding of human dignity that it supports a practical secularization in the political and civil realm.

### *Reason and the Natural Law*

The Roman Catholic Church has traditionally held that since the universe is created by a supremely rational being, there is in the universe a rational order in which the ends of all created things can be discerned. Consequently, the so-called natural law that inheres in this order is in accordance with the divine law of God. As creatures endowed by God with reason, human beings have the capacity to discern this natural law independent of revelation. The moral law, then, is accessible to believers and non-believers alike through both reason and revelation.<sup>14</sup>

In its social teaching, this affirmation of human reason and its capacity to discern moral norms from the natural law can be found from Leo XIII onwards. Moreover, it is implied in the way that the popes, in their social teachings have always addressed the world, and not simply Christians or even just Catholics.<sup>15</sup> Consequently, references to human dignity and human rights are frequently framed using an appeal to natural law and human reason.

For example, in making his case for a natural right to private property, Leo XIII states,

---

<sup>14</sup> See Calvez and Perrin, *The Church and Social Justice*, 39-53.

<sup>15</sup> David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, Woodstock Studies (New York: Paulist Press, 1979), 113, 16-17.

It is the mind, or reason, which is the predominant element in us who are human creatures; it is this which renders a human being human, and distinguishes him essentially from the brute. And on this very account—that man alone among the animal creation is endowed with reason—it must be within his right to possess things . . . (RN 6).<sup>16</sup>

In Pope Pius XI's 1931 encyclical on the reconstruction of the social order, *Quadragesimo Anno*, a similar appeal to reason and the natural law is made to justify the Church's intervention in the social and economic sphere:

Yet it is reason itself that clearly shows, on the basis of the individual and social nature of things and of men, the purpose which God ordained for all economic life. But it is only the moral law which, just as it commands us to seek our supreme and last end in the whole scheme of our activity, so likewise commands us to seek directly in each kind of activity those purposes which we know that nature, or rather God the Author of nature, established for that kind of action, and in orderly relationship to subordinate such immediate purposes to our supreme and last end (QA 42–43).

Pope Pius XII, in his Radio Message for Pentecost 1941, commemorating the fiftieth anniversary of *Rerum Novarum*, reiterates this importance of the reason and the natural law in arriving at conclusions about respect for human dignity and rights, stating,

the dictates of the Natural Law and the truths of Revelation spring forth in a different manner, like two streams of water that do not flow against one another but together, from the same divine source; and the Church, guardian of the supernatural Christian order in which nature and grace

---

<sup>16</sup> Unless otherwise indicated, all quotes from Papal and Vatican documents are taken from the versions published on the Vatican website: [www.vatican.va](http://www.vatican.va).

converge, must form the consciences even of those who are called upon to find solutions for the problems and the duties imposed by social life.

Consequently, “To safeguard the inviolable sphere of the rights of the human person and to facilitate the fulfillment of his duties should be the essential office of every public authority.” And finally, “These are the principles, concepts and norms, beloved children, with which We should wish even now to share in the future organization of that new order which the world expects and hopes will arise from the seething ferment of the present struggle, to set the peoples at rest in peace and justice.”<sup>17</sup>

In Pope John XXIII’s 1963 encyclical, *Pacem in Terris*, the premise is that peace on earth will only be established if we follow the order inherent in God’s creation. This order is accessible to human beings who are endowed with intelligence, freedom, and conscience. Consequently,

Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual man is truly a person. His is a nature, that is, endowed with intelligence and free will. As such he has rights and duties, which together flow as a direct consequence from his nature. These rights and duties are universal and inviolable, and therefore altogether inalienable.

I shall not elaborate further, here, on the various places in Catholic social teaching where the traditional teaching of the natural law and its connection to human reason, and hence dignity and rights, has been articulated. Let the above examples suffice in support of the claim that, whilst the Catholic Church has, of course, always insisted that human beings have dignity because they

---

<sup>17</sup> An English translation of the text can be found in Pope Pius XII, “The Anniversary of *Rerum Novarum*,” *Logos* 5, no. 4 (2002), 156-169, which reprints the translation found in Vincent A. Yzermans, ed. *The Major Addresses of Pope Pius XII* (St. Paul, Minn.: North Central Publishing Co., 1961).

are created in the image of God and redeemed by Jesus, it has always done so whilst at the same time affirming that this truth is accessible to human reason independent of divine revelation.

### *Important Developments*

The aforementioned quote from *Pacem in Terris* is important for another reason. It marks the beginning of a development in the Catholic Church's teaching on human dignity and the rights that flow from it. This development does not lie in any significant move away from the traditional teaching of natural law and reason. Rather, the development lies in a shift of emphasis in understanding of the natural law. Previous documents largely based human dignity on the human individual's place in the natural order relative to God, that is, relative to Truth. In *Pacem in Terris*, the emphasis is now more squarely on the human individual's own nature as a being endowed with reason and free will, and on what possessing such a nature means relative to God, that is, relative to Truth (PiT 9).<sup>18</sup> Consequently, in *Pacem in Terris*, John XXIII affirms an understanding of human dignity more in tune with that of the UDHR than any of the previous popes. Indeed, he explicitly endorses the UDHR in paragraphs 143-145, including its affirmation of human dignity.<sup>19</sup> Moreover, *Pacem in Terris* also makes far more extensive use of the word *dignity*: thirty-one times. *Rerum Novarum*, by contrast, used it three times.

*Pacem in Terris* laid the theoretical foundation for this development from a focus on the natural order to the nature of the human individual, which was then concretized in two 1965 documents

---

<sup>18</sup> See Drew Christiansen, "Commentary on *Pacem in Terris* (Peace on Earth)," in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth R. Himes, 217-243 (Washington, D.C. : Georgetown University Press, 2005), 226.

<sup>19</sup> At the time of the drafting of the UDHR, Angelo Roncalli, who was to become John XXIII, was the Papal Nuncio in Paris. The French member of the drafting committee was René Cassin. Cassin claims in his biography to have received personal encouragement from Roncalli (see Glendon, "The Sources of 'Rights Talk': Some Are Catholic."). In other words, in addition to the ties that Roncalli had with Jacques Maritain, who chaired a committee of philosophers organised by UNESCO, he also seems to have had some influence on the very drafting of the UDHR. At the very least, this goes some way to explain the explicit support he gives the declaration in *Pacem in Terris*.

of the Second Vatican Council. With regard to the concept of human dignity and how it was understood by the Second Vatican Council, *Gaudium et Spes*—the Pastoral Constitution on the Church in the Modern World—and *Dignitatis Humanae*—the Declaration on Religious Freedom—should be read together. *Gaudium et Spes*, especially Part 1, provides the theoretical underpinning for the practical consequences spelled out in *Dignitatis Humanae*. At the same time, the practical consequences spelled out in *Dignitatis Humanae* offer an insight into how the theory of human dignity in *Gaudium et Spes* should be interpreted. A careful analysis of the two reveals an understanding of human dignity and its consequences that implicitly supports the secularization of the concept in the UDHR, whilst still being able to hold fast to Catholic teaching that human dignity comes from God.

Though the link is not explicit, there is clearly an association, in the UDHR, of human dignity with the possession of those capacities that Enlightenment humanist philosophers thought distinguished human beings from animals, namely, reason and conscience. Of course, generally speaking, one could say that that these are much the same capacities as Catholic scholastics, Roman stoics, and Aristotle thought distinguished human beings from animals.<sup>20</sup> We have already seen how Catholic Social teaching has also emphasized these capacities of the human individual from its arguments from natural law.<sup>21</sup> Moreover, in tune especially with Kantian thought, it would seem to be on the basis of these capacities that human beings should act

---

<sup>20</sup> This should not be surprising given the influence of the Catholic Thomist philosopher, Jacques Maritain, both on the drafting of the UDHR and on key players in the Second Vatican Council, such as John XXIII and Pope Paul VI. See, among others, Richard Francis Crane, "Jacques Maritain, the Mystery of Israel, and the Holocaust," *The Catholic Historical Review* 95 (2009), 25; Michael R. Marrus, "The Ambassador & the Pope," *Commonweal* 131, no. 18 (2004): 14-19; David Hollenbach, "Human Rights and Religious Faith in the Middle East: Reflections of a Christian Theologian," *Human Rights Quarterly* 4, no. 1 (1982), 94-109.

<sup>21</sup> See also Calvez and Perrin, *The Church and Social Justice*, 36-53. In addition to the support that René Cassin supposedly received from Angelo Roncalli, Charles Malik, the Lebanese member of the drafting committee, and rapporteur of the Commission on Human Rights, seems to have been heavily influenced by *Rerum Novarum* and *Quadragesimo Anno*. See Glendon, "The Sources of 'Rights Talk': Some Are Catholic."

towards one another in a spirit of brotherhood and sisterhood. Article 1 of the UDHR states, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

The focus of the UDHR after the war was on eliminating the oppression and persecution of all human individuals. Given the emphasis on reason and conscience, it is unsurprising that the most immediate focus was on eliminating discrimination against groups of *adult* human beings previously marginalized by unjust systems that did not duly recognize the possession of these capacities of reason and conscience, especially on the grounds of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2). Consequently, the rights listed largely focus on negative rights to freedom from persecution that would prevent the flourishing of an adult person, and on positive rights to the provision of those things (even in childhood) without which the flourishing of an adult person would be frustrated. Children, therefore, only appear to have dignity and rights insofar as they possess a capacity to function as reasonable adults in the future. Among the negative rights are the right to life and security; freedom from slavery and torture; equality before the law; freedom from arbitrary arrest, detention and exile; freedom of movement; freedom to seek asylum; freedom for adults to marry and start a family; to own property; freedom of religion; freedom of expression and association; access to participation in government. Among the positive rights are the right to work, choice of employment, equal pay, and join trade unions; rest and leisure; health and well-being, including food, clothing and housing and medical care; education; and participation in the cultural life of the community through arts and science. Note, especially with regard to the emphasis on adult human beings, Article 26(3) which states, “Parents have a prior right to choose the kind of education that shall be given to their children.”



This implicit emphasis on the dignity of competent adults, as possessors and users of reason and conscience, also finds expression in *Pacem in Terris*, *Gaudium et Spes* and *Dignitatis Humanae*.

For example, *Gaudium et Spes* affirms—perhaps somewhat controversially nowadays in an age of environmental awareness—that human beings are the center and crown of creation (par. 11), with a superior intellect that shares in the light of the divine mind (par. 15). Human beings are endowed with conscience (par. 16) and freedom (par. 17). Moreover, this freedom is strongly associated with the traditional affirmation that human beings are created in the image of God, of which authentic freedom is an exceptional sign. Consequently, “Only in freedom can human beings direct themselves towards goodness. . . . Human beings’ dignity demands that they act according to a knowing and free choice that is personally motivated and prompted from within” (par. 17).<sup>22</sup>

This emphasis on intellect, conscience and freedom in Chapter 1 of *Gaudium et Spes*, which offers an extended explanation of the human person and his or her dignity, is played out in Chapter 2, which addresses the role of the human person in society. As in the UDHR, and indeed in *Pacem in Terris* (PiT 11-33), we see an articulation of negative and positive rights that seem primarily to address the flourishing of adult human beings, the non-inclusive language notwithstanding.

. . . there is a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable.

Therefore, there must be made available to all men everything necessary for leading a life truly human, such as food, clothing, and shelter; the right to choose a state of life freely

---

<sup>22</sup> See also *Pacem in Terris* 3, 14, 34, 35.

and to found a family, the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norm of one's own conscience, to protection of privacy and rightful freedom even in matters religious (par. 26).

And especially significant is an apparent distinction made between human life, human integrity, and human dignity.

Furthermore, whatever is opposed to *life* itself, such as any type of murder, genocide, abortion, euthanasia or wilful self-destruction, whatever violates the *integrity* of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults *human dignity*, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where men are treated as mere tools for profit, rather than as free and responsible persons; all these things and others of their like are infamies indeed (par. 27; italics my own).

What is significant about this quote is that the violations against human dignity seem to be violations primarily against responsible freedom, or, put differently, against human moral autonomy.

It should come as no surprise, then, that this seems to be the understanding of human dignity that is also most strongly emphasized in *Dignitatis Humanae*, which affirms the negative right to freedom of religion:

The council . . . declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God

and by reason itself. . . . It is in accordance with their dignity as persons—*that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility*—that all human beings should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. . . . [T]he right to this immunity continues to exist even in those who do not live up to their obligation of seeking the truth and adhering to it and the exercise of this right is not to be impeded, provided that just public order be observed (par. 2; italics my own).

The importance of this declaration cannot be overlooked. It represents a significant shift in official Roman Catholic Church language with regard to the relationship between human dignity and the rights that flow from it. In his 1888 encyclical on the nature of human freedom, *Libertas praestantissimum*, Pope Leo XIII states that human beings are endowed with a rational nature and hence with the dignity of power over their own actions (par. 1). Freedom of religion, however, is not one of the freedoms to which human beings have a right, according to Leo, because the only true—that is, reasonable—religion is Catholicism, which both the state and its citizens are bound by reason to accept (par. 19–22). For Leo, the only legitimate freedom is the freedom to submit to the will of God, which translates into obedience to the Church and the just—that is, Catholic—State (par. 36).<sup>23</sup>

Two points need to be made to explain this change, both are relevant to the case being made that the Catholic Church has supported the secularization of the concept of human dignity in the public sphere, notwithstanding its reserving the right at the same time to speak meaningfully of dignity and rights in religious terms in the same public sphere.

---

<sup>23</sup> Gascoigne shows how *Pacem in Terris* is key to this change by including freedom as a central principle, basing rights not in a metaphysical order but in human dignity. See Gascoigne, "Fifty Years after *Pacem in Terris*."

First, as David Hollenbach notes, this development results from the Church's acknowledgement of a plurality of human self-understandings in the post-war world, and the role that culture (including religion) and methodological specialization of human knowledge play in conditioning those self-understandings. In other words, whilst still acknowledging reason, reasoning and freedom as essential aspects of human nature, the Church also acknowledges how these can be historically conditioned in ways that make shared moral meanings difficult. The certainty with which the Church spoke previously of the human individual's ability to access moral and religious truth is tempered by the realization that all human reason is conditioned by its context. This means both that working for a common language of human dignity and rights in the public forum is important, as well as providing an explicit theological grounding for the same.<sup>24</sup>

Second, the development that takes place in *Dignitatis Humanae*, in light of the new awareness of plurality and historicity, is an acknowledgment of the importance of freedom of conscience and its relationship to human dignity. As Louis Janssens points out, “. . . invincible ignorance in the domain of natural law has as its fundamental reason the very historicity of our existence. The margin of ignorance on this level, as much for the individual as for a group, will depend fundamentally on the level of objective and subjective culture already acquired.”<sup>25</sup> In other words, acknowledging a plurality of human self-understandings and the role that culture, etc. play in conditioning these means taking seriously conscience as a person's subjective relationship to the objective moral truth that grows and matures in the truth over time through free human acts.

---

<sup>24</sup> Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition*, 118-33.

<sup>25</sup> Louis Janssens, *Freedom of Conscience and Religious Freedom*, trans. Brother Lorezo CFX (Staten Island, NY: Alba House, 1966), 45.

For David L. Schindler, the development that takes place in *Dignitatis Humanae* is profoundly theological, and lies precisely in the Church's deepening or drawing out of the relationship between human nature, especially reason and freedom, and truth. The Church must recognize freedom of conscience and religious freedom, especially in light of a new awareness of plurality and historicity, precisely because of its own theological understanding of the aforementioned relationship. According to Schindler:

Entry into the truth realizes the subjective-interior free act of man which *by nature is made-for-truth*, even as the realization of truth takes place only *via this subjective-interior* free act. The development of doctrine in *Dignitatis Humanae* thus consists in a deepened sense of *the demand of truth itself* for freedom, as the inner condition and form of truth's own proper realization.<sup>26</sup>

The result of this development, both in terms of the awareness of plurality and historicity, and in terms of the demands of human nature and truth, is that the Church, by declaring the right to religious freedom, does not, and indeed cannot insist that the concept of human dignity can be understood and be morally meaningful *only* if it underpinned by religious belief. To do so would make the concept of human dignity and the rights that flow from it morally meaningless in contemporary society. At the same time, the Church does claim that it can contribute through its theological reflections to our human understandings of the moral implications of this basic affirmation of human worth.

---

<sup>26</sup> David L. Schindler, "Freedom, Truth, and Human Dignity: An Interpretation of *Dignitatis Humanae* on the Right to Religious Freedom," in *Freedom, Truth, and Human Dignity: The Second Vatican Council's Declaration on Religious Freedom*, ed. David L. Schindler and Nicholas J. Jr. Healy, 39-209 (Grand Rapids, MI: William B. Eerdmans, 2015), 106.

As we have seen, this shift in emphasis has yielded important fruit. Today, the Catholic Church, through its so-called social teaching, is a strong advocate of the rights of the oppressed and marginalized, including economic, civil, political, and cultural rights. There can be little doubt that this is in no small part due, as in the case of international human rights law and national constitutions, to the role that human dignity plays as the basis and goal of these rights in Catholic social thought and teaching. And where these successes have been most widely felt has been where dignity is strongly associated with notions of human moral agency and responsible freedom, which can just as easily be defended from a secular perspective.

### **Dignity Talk and the Resacralization of Human Dignity**

The success of the concept of human dignity in both its secular and sacral versions in expanding the circle of moral concern to all adult human individuals, however, has not been without its problems. A chief problem recently identified is the problem of dignity talk. This is where two opposing sides of a debate both seem to appeal to the same moral criterion as the basis of their argument. Moreover, this appeal is made in such a way that the moral criterion—human dignity—is meant to function as an argument-winning trump card. The problem should be obvious: be it in secular or religious discourse, a moral impasse results.<sup>27</sup>

It should also be clear why this situation has arisen. The prominent place given to the concept of human dignity as the basis and goal of human rights in important secular and religious documents has meant that only moral behavior that at least respects this criterion can be condoned by secular and religious institutions alike. The side of a moral debate that controls the

---

<sup>27</sup> David G. Kirchhoffer, "Bioethics and the Demise of the Concept of Human Dignity: Has Medicine Killed Ethics?," *Human Reproduction And Genetic Ethics* 17, no. 2 (2011), 141-54.

message about what human dignity is supposed to mean, also controls what is or isn't morally permissible.

The problem of dignity talk has led some ethicists, typically those arguing from a supposedly more secular or indeed even secularist (read antireligious) perspective, to call for the dismissal of the concept of human dignity from moral discourse. Ruth Macklin, for example, has argued that we should rather simply talk about respect for autonomy or respect for persons.<sup>28</sup>

An opposing response, however, supposedly against such so-called secularist attacks on human dignity, seems to consist of an attempt to *resacralize* the concept of human dignity. By this I mean that proponents of this position, though claiming to defend the concept of human dignity from its critics, in fact do so by proposing that human dignity was always a religious concept and that it can only be understood as a religious concept. This position holds that so-called secularists who question the usefulness of the concept of human dignity also deny God and the legitimate place of religious belief in the public square. Consider the following quote from the aforementioned 2008 Universal Declaration of Human Dignity by the Dignitatis Humanae Institute:

The International Committee on Human Dignity

. . . .

10. Calls on all men of goodwill to make explicit reference, always and everywhere, to the fact that the dignity of Man, and the state-conferred human rights that recognise this dignity, proceeds from the image and likeness of God which is within us; and therefore in

---

<sup>28</sup> Ruth Macklin, "Dignity Is a Useless Concept," *British Medical Journal* 327, no. 7429 (2003): 1419-1420. I have argued at length elsewhere as to why this is an inadequate solution: see Kirchhoffer, *Human Dignity in Contemporary Ethics*, especially Chapter 2.

believing Man is created in the image and likeness of God lies the only sure protection of Man's dignity (and correspondingly also his rights);

. . . .

12. Calls on all men of goodwill to make explicit reference, always and everywhere, to the fact that recognition of 'fundamental human rights' in their fullest capacity demands the recognition of their source; that our true rights lie ineluctably beyond, and infinitely transcend, any charter, no matter how well-intentioned the attempt to codify them; and that the pre-eminent 'human right' is to have one's humanity recognised as being made in the image and likeness of God.<sup>29</sup>

The call to dismiss human dignity from moral discourse is, of course, an inadequate response to the problem of dignity talk, not least because terms like *autonomy* and *person* suffer from a similar problem to *dignity* when it comes to their definition and determining the moral implications thereof. I would argue, moreover, that it is inadequate for the same reason that the resacralization of human dignity is inadequate: both ultimately result in the removal of the concept of human dignity as the basis of a common public moral discourse, and in doing so both lose sight of the usefulness of a common basic affirmation that all human individuals have a fundamentally equal moral worth, as evidenced in the expanding moral circle exemplified in numerous international human rights documents.

---

<sup>29</sup> Such statements, despite their claim to being Catholic, are not supported by a large body of teachings that support the alliance of faith and reason in defence of human dignity. In other words, as we see from *Pacem in Terris* onwards, the Second Vatican Council and all subsequent popes have supported the idea that the affirmation of human dignity can be arrived at by human reason. This is clear from the frequent practice of addressing 'men of goodwill' as a group distinct from Christians, who are presumably a subset of the former. For example, see Pope Paul VI's 1967 encyclical *Populorum Progressio*, par. 81-86. It is not assumed in such addresses that these 'men of goodwill' must also affirm Christian doctrine regarding creation in the image of God.



Why this would be the case for those who call for the dismissal of human dignity from public discourse is clear. What follows explains why this is effectively also the case for those who seek to resacralize dignity.

The problem with the resacralization of human dignity lies in the alleged impossibility of affirming human dignity without at the same time affirming that it has its origin in a divine creator. As we have seen in the discussions leading to the formulation of Article 1 of the UDHR, and its definitive establishment of the concept of human dignity as a powerful moral criterion that has led to notable moral achievements, the stumbling block for the drafting committee was not the affirmation of the fundamental worth of every human individual. This fundamental worth was self-evident to the members of the drafting committee, regardless of their particular religious or political perspective. The stumbling block was the specific articulation of the source of dignity. It was naming the source, be that God, Nature, or nature that was divisive. Therefore, resacralizing the concept of human dignity on this exclusive basis—which neglects the natural law tradition, and the reciprocity of faith and reason—is not a viable solution to the problem of dignity talk, nor a viable response to calls to dismiss human dignity from moral discourse. Instead, it only exacerbates the problem by providing further evidence for those who see in the concept of human dignity a hidden religious agenda. Instead of being able to speak meaningfully about the worth of all human individuals in the public square regardless of one's religious persuasion, and in some cases indeed because of it (see, for example, *Gaudium et Spes*), resacralization risks consigning the concept of human dignity to the esoteric discourse of religious groups. Removing the common language, upon which constructive ethical debate relies in the public sphere, risks undoing the goods that have been achieved by the common affirmation of the worth of every human individual.

## Conclusion

Dignity talk, for all its problems, presents an important opportunity. It begs the question, what does human dignity mean? This is a question that needs to be answered by ongoing dialogue in the public forum—a forum in which it should be quite legitimate to use religious language to express one's commitment to human dignity without precluding the possibility of affirming the concept with other or no religious convictions. And it is a question not only about the origin, source or ground of human worth, but also, more importantly, about the implications for a universal affirmation of human worth for how we treat each other, and how we structure our societies. As Jacques Maritain put it in the UNESCO document that inspired much of the UDHR:

Where the difficulties and arguments begin is in the determination of the scale of values governing the exercise and concrete integration of these various rights. Here we are no longer dealing with the mere enumeration of human rights, but with the principle of dynamic unification whereby they are brought into play, with the tone scale, with the specific key in which different kinds of music are played on the same keyboard, music which in the event is in tune with, or harmful to human dignity.<sup>30</sup>

The solution to dignity talk, then, lies in interrogating what the proponents of a particular position mean when they appeal to human dignity. What is it about human individuals that these proponents hold to be most worthy of respect? What is their 'scale of values'? In so doing, one can uncover the values and goods that a particular position believes are at stake in a particular ethical issue, while at the same time not undermining the fact that these values are part of an overall commitment to the worth of the human individual as a multidimensional, historically

---

<sup>30</sup> Maritain, "Introduction," in *Human Rights: Comments and Interpretations*, 15-16.

situated, corporeal subject in relation to all that is. Thus, as Maritain suggests with regard to human rights, any meaningful discussion of how best to serve human dignity will require a nuanced weighing of competing values. But without human dignity as the common goal, the common object of concern, no such meaningful discussion can take place.

*David G. Kirchhoffer* is a lecturer in the School of Theology at Australian Catholic University's McAuley campus in Brisbane (PO Box 456, Virginia QLD, 4014, Australia; david.kirchhoffer@acu.edu.au) and a member of ACU's Institute for Religion and Critical Inquiry. He is also a Senior Research Associate of the University of Johannesburg's Department of Philosophy and has been a Senior Visiting Fellow at the National University of Singapore's Centre for Biomedical Ethics. Born in Johannesburg, South Africa, he completed a Bachelor of Science degree at the University of the Witwatersrand and a Master of Philosophy in Theology at St Augustine College of South Africa, before going on to read for his doctorate in the theology at the Katholieke Universiteit Leuven. His research focusses on the concept of human dignity and its meaning and significance in contemporary ethical discourse. This includes areas of applied ethics, especially in biomedical ethics. To this end, he is currently conducting research into the limitations of the concept of autonomy in theological anthropology and applied bioethics. He is the author of several articles and book chapters, and the monograph *Human Dignity in Contemporary Ethics*. He is also co-editor of *Being Human: Groundwork for Theological Anthropology for the 21<sup>st</sup> Century*. The present article is a result of an ACU-funded Research Support Team grant, headed by Professor Neil Ormerod.