

# Human dignity and the moral status of animals

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## 1 Introduction

The concept of human dignity is widely used in contemporary ethics and law as a foundational criterion for moral reasoning. Nonetheless, the concept has recently received criticism from various quarters. Some of this criticism has come from representatives of the animal liberation movement. The concept of human dignity is accused of underpinning an ethics that is anthropocentric and speciesist. That is, human dignity is said to be used as the basis of an ultimately unjustifiable attribution of intrinsic moral worth only to human beings and to lead, consequently, to a detrimental prejudice against other species.

This article acknowledges that the critiques of so-called anthropocentrism and its often attendant speciesism should be taken seriously. Nevertheless, the article argues that the language of anthropocentric versus supposedly non-anthropocentric ethics sets up a false dichotomy. This dichotomy leads to mistaken calls for the dismissal of what are, in fact, very useful anthropocentric, ie 'human-centred', concepts, like the concept of human dignity, from our ethical discourse.

Given the ethical usefulness of concepts like human dignity, this article endeavours to outline the beginnings of a 'human-centred' ethics, based on an adequate understanding of the concept of human dignity that, nevertheless, avoids the traps of anthropocentrism and speciesism. This article aims to demonstrate how a 'human-centred', and in this sense epistemologically and morally 'anthropocentric', ethics need not necessarily be an ethics in which only human beings have some kind of intrinsic moral worth. In so doing, the article proposes a human-centred ethics that overcomes the false dichotomy that has been set up between supposedly anthropocentric and non-anthropocentric ethics, whilst still being able to advocate for the rights of animals.

To do this, the article first provides a brief introduction to the critique of so-called anthropocentrism, and to the idea of speciesism. In light of this, the article

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then elaborates the above claim that this discourse of anthropocentrism versus non-anthropocentrism (or zoocentrism, biocentrism or ecocentrism) sets up a false dichotomy. This constitutes an important methodological presupposition for what is to follow in the rest of the article. Second, the article considers the importance of the concept of human dignity in contemporary law and ethics. The third section will trace some of the recent criticism that has arisen surrounding the use and meaning of the concept of human dignity, and consider the variety of understandings of the concept of human dignity at play in contemporary discourse. The fourth section will focus more specifically on the animal liberationist perspective of Peter Singer and his proposed alternative to human dignity, namely, a dignity of persons. The fifth section will argue for the importance of a multidimensional understanding of human dignity in response to these critiques, before the sixth, concluding section works out some of the implications of such an understanding as the possible basis of a non-speciesist, yet nevertheless, human-centred ethics.

## 2 Anthropocentrism and speciesism

In animal rights and animal liberation discourse, the adjective 'anthropocentric' is generally used to connote an unjustifiable moral bias or chauvinism in favour of human beings. From this perspective, an anthropocentric ethic is one in which only human beings have intrinsic moral worth, and everything else, including animals and the natural environment more generally, has only instrumental value for human beings.<sup>1</sup> Not surprisingly, in such discourse, the term has taken on a negative connotation: it is morally bad to be 'anthropocentric'.

A supposedly non-anthropocentric ethics, by contrast, widens the circle of value by attributing moral worth to other living beings or even to the natural world more generally. Depending on the approach, this can range from other animals who share some human-like attributes, such as the great apes, dolphins or other mammals,<sup>2</sup> to everything that exists, for example, in Deep ecology.<sup>3</sup>

In the realm of environmental ethics, much of the blame for the environmental crises currently being experienced around the world, and the ineffectiveness of attempts to get people to do anything about them, is levelled at anthropocentrism. Indeed, it is probably environmental ethics, rather than animal liberation ethics, that initially lifts the veil on the problems of unbridled human chauvinism, albeit, incongruously, by pointing to the detrimental consequences of environmental degradation for humankind.

In tune with the expanding circle of moral concern that characterised the *Zeitgeist* of the 1960s, Rachel Carson's seminal series of articles in *The New*

<sup>1</sup>diZerega 'Empathy, society, nature, and the relational self: Deep ecology and liberal modernity' 1995 *Social Theory and Practice* 21 at 240.

<sup>2</sup>For example, Regan *The case for animal rights* (1983).

<sup>3</sup>For example, Naess *Ecology, community, and lifestyle* (1989).

*Yorker* magazine in 1962 and its later publication as the book, *Silent spring*,<sup>4</sup> was well received by American audiences. Carson raised awareness of the effects that pesticides were having on the environment, especially on bird populations. She rightly criticised the arrogance of the anthropocentric assumption that the natural world existed only for the utilisation of human beings. Yet, whilst this message almost certainly found favour, it would largely have been the implication of the potential harm that lethal pesticides like DDT might be doing to humans that really got people interested. Thus, contemporary environmental ethics is characterised by both supposedly non-anthropocentric views that emphasise the intrinsic value of nature, and anthropocentric or human-centred views, where the concern for the environment is closely tied with concern for human flourishing.<sup>5</sup>

Alongside the environmental movement, and itself in tune with the same expanding circle of moral concern, the 1970s saw the rise of the animal liberation movement. Unlike the animal welfare movement, which really starts much earlier in the nineteenth century, and which allows the use of non-human animals for human ends, the animal liberation movement opposes any such chauvinistic utilisation of animals. Broadly speaking, two strands can be identified. The first is Peter Singer's utilitarian argument, following Bentham, that since animals can experience pain, human beings should not cause them unnecessary suffering.<sup>6</sup> The second is Tom Regan's deontological argument, inspired by Kant, that advocates the intrinsic value of non-human animals as ends in themselves.<sup>7</sup>

It was the animal liberation movement – taking its cue from earlier movements to abolish human slavery – that coined and embraced the terms speciesism and speciesist, or speciest. These terms, supposedly akin to the terms 'racist' or 'sexist', imply that an anthropocentric ethics unjustifiably prejudices one species over others in the same way that an ethics that favours a particular race or sex is racist or sexist.

Notwithstanding the validity of observations that unbridled human chauvinism has led to environmental destruction and non-human suffering, the present contribution argues that the apparent distinction that has arisen between anthropocentric and non-anthropocentric ethics just outlined, particularly with respect to the treatment of animals, is unhelpful because it establishes a false dichotomy between humans and other creatures. It assumes that an ethics must either have humans as its central focus or other creatures/nature as its focus. Thus, the dichotomy appears to imply that an ethics that takes the moral worth of human beings as a foundational starting point of ethical reflection – such as an ethics founded on the concept of human dignity – cannot at the same time give credence to the moral (as opposed to purely instrumental) worth of other creatures and their lives. This dichotomy is false both on epistemological and moral grounds.

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<sup>4</sup>Carson *Silent spring* (1962).

<sup>5</sup>Hay *Main currents in Western environmental thought* (2002) ch 2.

<sup>6</sup>Singer *Animal liberation* (1975).

<sup>7</sup>See text accompanying n 2.

It is false, first of all, because all ethics are arguably epistemologically anthropocentric, ie, it is human beings who are engaging in moral reasoning based on what they know of or can imagine about themselves and the world around them. From this perspective, to say that an ethics is anthropocentric is not the same as saying that there is an unjustifiable bias in favour of human beings.<sup>8</sup> Rather, it is to say that such an ethics proceeds from the assumption that being human (from the Greek *anthropos*) is the central fact of one's reality and the point of reference for all one's moral thought and behaviour. This is an epistemological assumption and not a moral one.

Secondly, it is also false because an ethics that proceeds from the moral assumption that human beings have fundamental moral worth (or dignity) and are the primary ends of moral behaviour does not necessarily preclude the possibility of extending non-instrumental, intrinsic value, worth or dignity to other beings.<sup>9</sup> It is the beginnings of such an ethics – founded on the concept of human dignity – that the present contribution aims to articulate.

To avoid any confusion, I will use the term 'human-centred' when referring to the kind of non-speciesist yet nevertheless epistemologically and morally anthropocentric ethics that I am advocating. This is to be contrasted with the now conventional, and somewhat negative, understanding of 'anthropocentric' as referring to ethics that unjustifiably takes only human beings as having moral worth.

### 3 The concept of human dignity in contemporary ethical and legal discourse

#### 3.1 *The rise of the concept of human dignity*

Since the end of the Second World War, human dignity has become a concept central to much of our contemporary ethical and legal discourse. People turned to the concept of human dignity – an affirmation of the fundamental intrinsic worth of every human person – in an effort to create legislation that would make a repeat of the atrocities of the war and the Holocaust impossible. Thus, the 1945 Charter of the United Nations Organisation states that the organisation seeks to 'save future generations from the scourge of war' and, among other things, 'reaffirm faith in ... the dignity and worth of the human person ... .'

It is probably the 1948 Universal Declaration of Human Rights (UDHR) that has had the most abiding impact. Despite the debates about the legal status of the document in international law, its succinctness and accessibility has made it an important catalyst in efforts to recognise and protect human dignity around the world, be it in civil rights movements, indigenous rights movements, the anti-apartheid

<sup>8</sup>See Fox *Toward a transpersonal ecology: Developing new foundations for environmentalism* (1990) 20-22.

<sup>9</sup>For example, see Hargrove 'Weak anthropocentric intrinsic value' (1992) *The Monist* 75 at 183-207.

struggle, and perhaps most recently the so-called Arab Spring. 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.' Note, however, the implicit connection between human dignity, reason and conscience in this statement, which, as we shall see below, poses potential problems that are capitalised on by animal liberationists in their critique of the concept of human dignity.

The 1966 United Nations International Covenant on Economic, Social and Cultural Rights and the 1966 United Nations International Covenant on Civil and Political Rights, both of which only entered into force in 1976, both state in their preambles that the rights contained therein are derived from the inherent dignity of the human person. There is an important shift in language here from human beings to human persons. The importance of this shift will be seen in the analysis of liberationist critiques of the concept of human dignity that ask whether personhood need necessarily be a human quality.

The rise of the concept of human dignity in international law, and its use in various, admittedly human, liberation movements since the promulgation of the UDHR, has also led to its inclusion as a fundamental principle in numerous post-war constitutions. The concept also found its way into the South African Constitution. Chapter 1, section 1 names human dignity as the first of the Republic's founding values. Section 10 in chapter 2, the Bill of Rights, states, 'Everyone has inherent dignity and the right to have their dignity respected and protected'.

### ***3.2 The importance of the concept of human dignity***

The South African constitution is highlighted here because it provides an example of just how useful the concept of human dignity can be in preventing the kinds of atrocities that the drafters of the UDHR had hoped it would. It was partly an appeal to the concept of human dignity that underpinned the abolition of the death penalty in South Africa.

Justice Kate O'Regan<sup>10</sup> of the South African Constitutional Court argued that dignity is very specifically about affirming the value of all human beings as human beings. In other words, it is not simply about being alive (enshrined in s 11 of the 1996 Constitution),<sup>11</sup> but about being able to live in a certain way, namely, in a way that is worthy of a human being.

Apartheid was a system based on the denial of a common human dignity. This system sought to ensure a life worthy of human beings for only *some* human beings by denying the worth of other human beings. It employed various tools to reinforce the idea that some people did not possess the same inherent worth or

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<sup>10</sup>S v *Makwanyane* 1995 3 SA 391 (CC) paras 327-337

<sup>11</sup>Note that O'Regan refers to s 9, which is where the right to life appears in the 1993 or so-called 'interim' Constitution.

dignity as others. One of these tools was the death penalty. Although the death penalty could be applied as punishment to people of any race, the 'death sentence was imposed sometimes for crimes that were motivated by political ideals. In this way the death penalty came to be seen by some as part of the repressive machinery of the former government.'<sup>12</sup> Moreover, the death penalty not only put an end to a life, it denied the worth of that life; it rejected the idea that the person being put to death had any dignity worth respecting or protecting.<sup>13</sup>

Thus, though unapologetically human-centred, there can be little doubt that the concept of human dignity has not only become enshrined in national and international law, but is indeed useful, if only some of the time, as a touchstone for furthering the kind of society that the founders of the United Nations and the drafters of the South African Constitution envisioned, namely, a just, free and peaceful society.<sup>14</sup>

## 4 The critique of human dignity

Despite the evident usefulness of the concept of human dignity, it is not without its critics, who have questioned both its usefulness and its philosophical underpinnings. Critics have declared human dignity to be useless, vacuous and even just plain stupid.<sup>15</sup> In the field of animal ethics, one of the most vocal critics of the concept is Peter Singer.

Singer captures the sentiments of many recent critics of human dignity when he states, 'Philosophers frequently introduce ideas of dignity, respect, and worth at the point at which reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resort of those who have run out of arguments.'<sup>16</sup>

The cause of such 'last resorts' may ironically lie in the language of human rights itself. The rise of a human rights culture has led to competing rights claims and a culture of trying to trump one person's right claim with a bigger, better right claim. As we have seen, however, these rights are commonly thought to have their basis in the concept of human dignity, and so, when opposing sides try to justify why their right claim is more important, they both end up appealing to the same concept, ie human dignity, leading invariably to an unconstructive deadlock.

Yet, Singer's concern extends beyond this. His concern is not so much that one uses the concept of human dignity to claim that all human beings are equal. He is really concerned with the often unspoken implication of such claims, namely, that human beings are superior to all other animals.<sup>17</sup> In his 1975 book *Animal liberation*,

<sup>12</sup>S v *Makwanyane* (n 10) para 333.

<sup>13</sup>*Id* paras 334-335.

<sup>14</sup>United Nations *Universal Declaration of Human Rights* 1948, preamble.

<sup>15</sup>Bagaric and Allan 'The vacuous concept of dignity' (2006) *Journal of Human Rights* 5 at 257-270; Macklin 'Dignity is a useless concept' (2003) *BMJ* 327 at 1419-1420; Pinker 'The stupidity of dignity' (2008) *New Republic* 238 at 28-31.

<sup>16</sup>Singer 'All animals are equal' in Singer (ed) *Applied ethics* (1986) 228.

<sup>17</sup>Singer 'Speciesism and moral status' (2009) *Metaphilosophy* 40 at 567-581.

Singer states, ‘Faced with a situation in which they see a need for some basis for the moral gulf that is commonly thought to separate humans and animals, but can find no concrete difference that will do this without undermining the equality of humans, philosophers tend to waffle. They resort to high-sounding phrases like ‘the intrinsic dignity of the human individual’.<sup>18</sup> Thus, for Singer, there is a problematic moral contradiction in certain positions that appeal to human dignity. He would find it morally contradictory to appeal to the idea of human dignity to oppose, for example, abortion,<sup>19</sup> euthanasia, the death penalty or even infanticide, and at the same time condone – or even encourage, as in recent Australian advertising campaigns promoting the eating of red meat – the slaughter of billions of animals. For Singer, given that a human embryo or infant, or a person in a persistent vegetative state, would have fewer capacities, including especially a capacity to suffer, at the moment it is killed in comparison with an adult pig at the moment it is slaughtered, such positions require careful justification. If human dignity is the basis of these justifications, then what constitutes human dignity?

#### 4.1 The varieties of human dignity

When one starts to interrogate the basis for claims of human dignity, one discovers a variety of different approaches (Table 1). First, there are those who maintain that human dignity is inherent and inviolable, something human beings always already have. This group can be broken up into two sub-groups: species membership and capacities. Second there are those who think of human dignity more as something that is mutable, and which is acquired or realised during the course of one’s life. These too can be broken up into two subgroups: self-worth and behaviour.<sup>20</sup>

**Table 1: The varieties of human dignity**

1 Dignity human beings always already have	2 Dignity that human beings acquire
a Species membership	a Self-worth
b Some capacity	b Behaviour

<sup>18</sup>Singer (n 6) 266-267.

<sup>19</sup>Interestingly, abortion is legal in South Africa, and indeed in other countries, where human dignity is enshrined in the Constitution. Nonetheless, there are ethical positions, particularly religiously-inspired ones that extend inviolable dignity to the foetus from the moment of conception, and would therefore oppose this legal status.

<sup>20</sup>Kirchhoffer and Dierickx ‘Human dignity and human tissue: A meaningful ethical relationship?’ (2011) *Journal of Medical Ethics* 37 at 552-556.

#### 4.1.1 Dignity as something human beings always already have

Broadly speaking, when, as in the first group (1), human dignity is talked about as something all human beings already inherently have, as a sort of ontological inviolable worth, the arguments underpinning these claims can be distinguished into two kinds.

The first kind (1a) argues that all human beings have dignity simply because they belong to the human species. Examples might range from a religiously-inspired idea that human beings are created in the image and likeness of God, and are hence the crown of creation, to a more neo-Darwinist perspective that might claim that it is natural to favour the survival of one's own species over others, and that hence one's own species has a special worth over against any instrumental or even intrinsic value that other species may have.

The second kind (1b) tries to argue that human beings have dignity because of particular capacities supposedly unique to human beings. The most common capacity appealed to is human reason, as intimated above with reference to article 1 of the UDHR. Others might include autonomy, conscience, or even the capacity to love. Such an understanding may underlie the apparent paradox found in countries that uphold the universality of human dignity, but nevertheless permit abortion, because a foetus is said not yet to possess the dignity-affording capacities. On the other hand, hybrids of the species-membership and capacities arguments also exist that would argue that foetuses, like infants, have the potential to possess and exercise these capacities and therefore should be treated as already possessing inviolable human dignity.

Religiously-inspired and especially Judeo-Christian arguments basing dignity in the belief that humans are created in the image of God (which Singer sees as a third category)<sup>21</sup> actually tend to fall into one or other of these two depending on the emphasis. With regard to those who ground dignity in species membership, in addition to the idea of being the crown of creation, one might argue that God's incarnation as a human being in the person of Jesus, and his death and resurrection for the salvation of human beings, underpins the dignity of all human beings. With regard to those religious arguments that ground dignity in a specific capacity, the belief that humans are created in the image of God might be taken to mean that human beings have been uniquely created with God's attributes, among which are reason, freedom, and love, for example.<sup>22</sup>

#### 4.1.2 Dignity as something human beings acquire

In addition to views that describe human dignity as some immutable worth already present in all human beings, there are those that conceive of human dignity in a more mutable sense.

<sup>21</sup>See (n 17).

<sup>22</sup>Kirchhoffer 'Become what you are: On the value of the concept of human dignity as an ethical criterion in light of contemporary critiques' (2009) *Bijdragen* 70 at 45-66.

First among these are those positions that understand human dignity as (2a) something more akin to a sense of pride in oneself or a conscious sense of one's own worth as a human being living a meaningful life, worthy of the respect of others.

Secondly, there are those who focus not so much on one's own sense of self-worth, but on the realisation of one's human dignity through one's moral behaviour (2b). We often speak, for example, of dignified behaviour, or living or dying with dignity.

Interesting among these latter approaches to human dignity is Avishai Margalit's idea that, unlike for Cicero, dignity is not the honour that accrues to virtuous behaviour or social status but the 'type of honor that people ought to have ...', a sense of self-respect, and a life in a decent society free of, and this is the key point, humiliation.<sup>23</sup>

## **5 Singer's proposal: The dignity of persons**

Singer's criticism of the concept of human dignity, regardless of which ground is used according to the discussion above, amounts to an accusation of speciesism. This is obvious in any argument that simply grounds human dignity in species membership alone. However, even the capacity argument can be seen as speciesist, if not in its argument then at least in the apparent hypocrisy: if human dignity has its foundation in, for example, the supposedly human capacity of reason, then, according to Singer, only those human beings who demonstrate some measure of this reason should be said to have human dignity. If, however, as is usually the case, this same dignity is extended to all members of the species regardless of whether they actually demonstrate this capacity, for example, infants or the profoundly mentally disabled, then, according to Singer, this is simply speciesist: the human species has dignity because most members of the human species have the capacity to reason. Singer argues that since some animals possess intellectual capacities equivalent or better than human infants, or people with mental disabilities, and in some cases perhaps even mental capacities better than most human adults, to situate human dignity in particular capacities and nevertheless to exclude members of other species that display similar qualities is speciesist: it is an unjustifiable prejudice against those who are not like those who currently wield power in the world.

Singer proposes a solution to the problem based on sentience. Singer, following the utilitarian argument of Jeremy Bentham, asks, 'Can they suffer?' If they can suffer, then they have an interest in not suffering, an interest in experiencing pleasure rather than pain.<sup>24</sup> The capacity to suffer thus replaces reason as the basic ground of any claim for equal consideration. Instead of human dignity, this view might defend a dignity of persons where not all human

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<sup>23</sup>Margalit *The decent society* (1996).

<sup>24</sup>See (n 17).

beings are persons, and not all persons are human beings (the language of persons in the 1966 UN Covenants mentioned above).

## 5.1 *The problems with Singer's proposal*

Three issues arise with Singer's proposal: the danger of reductionism, the danger of the lowest common denominator, and the danger of a restricted circle

### 5.1.1 Reductionism

In her critique of the concept of human dignity, bioethicist Ruth Macklin argues that human dignity is a useless concept because, in reality, when people refer to it, they actually mean something else. So, for example, considering those who might ground human dignity in a particular capacity such as human autonomy, respect for human dignity essentially just means respect for human autonomy. That being the case, according to Macklin, there is no need to refer to dignity because one can just as easily and with more clarity refer to respect for the choices a person makes about her own life.<sup>25</sup>

A similar critique could be levelled at any attempt to situate a supposedly non-speciesist dignity of persons (as opposed to that of human beings) in the ability to suffer, or in any other specific ability. Suffering is a useful and important moral category in its own right. Suffering is never good, and should be avoided. But suffering per se is not morally bad even if it is bad at an ontic level. Thus, though suffering should always be taken into account as a morally relevant category, absolutising the avoidance of suffering by making it the ground of a dignity of persons risks making the notion of dignity of persons itself meaningless. If suffering is what is at stake, why refer to dignity at all?

Moreover, few theories of values – including Singer's own utilitarian approach – would ever propose that suffering be avoided at all costs. It may be morally necessary for the achievement of morally good ends. For example, cutting off someone's leg is causing that someone suffering; however, it may be morally necessary to preserve the good of the person's life in the case of gangrene.

I would argue that the concept of dignity, on the other hand, serves a different function. It affirms the worth of the thing itself, and hence the idea that that thing is a moral good in its own right, rather than because of any utility it may have. Situating dignity in the ability to suffer would make any meaningful discussion of the value of suffering in certain circumstances impossible, since all suffering becomes morally bad. Moreover, reducing dignity to the ability to suffer begs the question why one should talk about the dignity or the worth of the thing itself at all, since it is clearly only the pain or suffering that the thing has to endure that is of moral concern in a utilitarian calculus.

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<sup>25</sup>See (n 15).

### **5.1.2 The lowest common denominator**

The second danger in using sentience as the basis for attributing dignity to 'persons' is that dignity is not only reduced to a single capacity, but is reduced to that capacity which offers a lowest common denominator. When this happens, dignity again becomes useless as an ethical criterion because it offers no way of discerning between the right and the wrong thing to do when there are competing interests. In other words, dignity of persons is not more useful (and is arguably even less useful) than the concept of human dignity because, when one needs to adjudicate between competing interests or competing rights claims, one is left with both sides being able to claim that their interests or rights are grounded in the dignity of persons (even if sentient animals still cannot actually make that claim themselves).

### **5.1.3 The restricted circle: Still speciesist?**

Moreover, what about those outside the circle? In other words, has this really resolved the issue of speciesism? At what point does one draw the line of sentience? And a line must be drawn if we are going to be talking about some basis for 'equal' consideration. Could we not just as easily assert that all living things have an interest in being alive? This would surely solve the problem of speciesism, and it might even be possible to thereby assert some intrinsic moral value to all living things, and even to systems of living things. Then, however, one would not be able to distinguish between the interests of a human being in a persistent vegetative state, a mature human adult, an amoeba, and an oak tree. All have an equal interest in being alive. As soon as one admits of other reasons why a patient in a persistent vegetative state, for example, should be allowed to live and an amoeba or oak tree not, one has introduced either other criteria – which risks the charge of speciesism – or other modes of reasoning. Singer, for example, uses a utilitarian calculation aimed at minimising unnecessary suffering. However, once one does this, it makes little sense to talk about intrinsic moral worth anymore. There is nothing particularly controversial about the idea of wanting to minimise unnecessary suffering. The animal welfare movement, and indeed the laws of many countries assert as much without any appeal to the worth or dignity of animals.

## **6 Retrieving a multidimensional understanding of human dignity**

Whilst acknowledging the problems with the concept of human dignity as highlighted in section 3 above, I do not believe that an alternative concept of dignity of persons based in some other cognitive capacity or the ability to suffer offers a solution to the problem. Even though such an approach might appear to

extend moral status to all creatures capable of suffering, such an approach overcomes none of the criticisms levelled at human dignity. First, since it is grounded in only one capacity, as Macklin has argued, one might as well just speak about that capacity itself instead of resorting to, as Singer himself puts it, 'fine phrases'. Secondly, it does not offer any assistance as a criterion in adjudicating between competing rights claims. Finally, because it still situates worth in a particular capacity, it cannot avoid excluding those species that do not demonstrate this capacity.

Moreover, as we have seen in section 2, human dignity is not only a widespread concept but a useful one. Therefore, one would be somewhat reluctant to see it dismissed out of hand. The question then is, if we want to preserve some place for the concept of human dignity in law and ethics, can we use this concept as the basis of a human-centred ethic that nevertheless avoids speciesism?

The answer, I maintain, is 'yes', provided we consider human dignity as a multidimensional concept that affirms the worth of multidimensional human beings and their multidimensional moral behaviour.

### 6.1 *All ethics are epistemologically anthropocentric*

In some respects, the negative connotation that anthropocentrism has taken on in animal and environmental ethics is misguided. As already laid out in section 1, whilst acknowledging that human arrogance and hubris have a great deal for which to answer, even the most 'non-anthropocentric' ethic is always epistemologically anthropocentric. It is human beings who are doing the thinking and the philosophising about what is or is not morally appropriate behaviour. In saying this, I do not want to preclude the possibility that animals may also do this, but at this stage, we cannot know that they do this. All we can know is what we think about ourselves and our place in relation to each other, to other animals and to the rest of creation.

With moral imagination, we can, it is true, put ourselves in the position of an animal in a factory farm, but it is we who are doing the imagining. I have a great deal of sympathy for Thomas Berry's evocative image of a parliament of creatures: 'If there were a parliament of creatures, its first decision might well be to vote the humans out of the community, too deadly a presence to tolerate any further'.<sup>26</sup> Yet, the power of this image comes from our ability to imagine it, and to attribute human qualities, such as the ability to participate in such a parliament, to other animals. Thus, even an unequivocally non-anthropocentric, ecocentric ethic like Berry's remains epistemologically anthropocentric.

In this respect, the term 'speciesist' should not carry the same negative connotations as racist or sexist. We cannot talk to the animals. By this I do not

<sup>26</sup>Berry *The dream of the earth* (1988) 209.

mean simply that we do not have a language with which we can communicate. Different languages exist in human communities too, yet, they can find ways to communicate. Language barriers can be overcome and people can really reason with one another about moral issues. One can even communicate at a sophisticated level with the unborn and with the deceased via written media. Singer enters into discussion with Bentham, and in the future, it is quite conceivable that a person not yet born may enter the same conversation. This cannot be said of other non-human animals. A parliament is a real possibility for human beings, but a parliament of creatures is likely to always remain impossible. At some level, of course, I can communicate with my dog. She can respond to my affection, for example, and I to her's. But I can never reason with my dog, and explain to her that chasing the neighbour's cat is morally bad because the cat has as equal an interest as the dog in avoiding unnecessary suffering. I can do this with human beings, and indeed this is precisely what Singer is seeking to do.

Note that this has nothing to do with the moral status of my dog. I am not suggesting that the dog has no moral status because she is unable to reason. This is an epistemological point. Ethics is 'human-centred' because we are always trying to understand our own moral status and the moral status of other creatures, and indeed of the natural and technological world, in relation to ourselves. If we conclude that factory farming is morally wrong, or that the suffering of animals is morally relevant, or even that they have some sort of intrinsic moral worth, it is nevertheless always we who do so.

Of course, the question that arises, then, is what are the implications of this necessary epistemological human-centredness in our ethical discourse for the treatment of animals? The key point in this regard is that it is possible for human beings to imagine the suffering of animals and to conclude that this is morally wrong. This possibility alone, of course, does not impose a moral obligation on human beings to care for animals. What is needed is a human-centred ethic where the very status of human beings as the moral (and not just epistemological) centre of ethical reflection is dependent upon acknowledging and acting upon the intrinsic moral value of non-human animals. The next section addresses the philosophical anthropological basis of such an ethic.

## ***6.2 Human beings are multidimensional realities***

Human beings are historically-situated corporeal subjects in relation to all that is. Human beings are subjects not objects as they have free choice and the ability to act and reflect on those choices. At the same time, they are corporeal because their subjectivity is necessarily an embodied one. Human subjectivity and corporeality cannot be separated from one another. This being embodied means also that human beings are always already situated in relationship to the world, to other human beings, to social institutions, to transcendence and to time and

history. This means that they are also historical beings, that is, beings who change over time physically and mentally in themselves as individuals and as moral and political communities, and are aware of these changes.<sup>27</sup>

One of the fundamental errors that many criticisms of human dignity make, as we have seen above, is that they seek to situate human dignity in one or other feature of the human being. This misses the point of the concept, namely to affirm the value of the multidimensional *Gestalt* that is each human being.

In this respect, human dignity is not one or other of the grounds discussed in section 3 above, but indeed all of these held together in a complex tension. Human dignity is both something human beings already have and something they acquire: members of the species (1a in Table 1) *homo sapiens*, already have a broad range of capacities (1b) that make it possible for them to realise a sense of self-worth (2a) through morally good behaviour in relationship to a society (2b). None of these can be realistically separated from the others. It makes no sense to speak of dignity only as a conscious sense of self-worth, for example, because self-worth presupposes the capacities necessary to realise a sense of self-worth and the behavioural means to achieve it in a society of similarly disposed beings who would see the value of who one is and what one does. Moreover, all of this requires time: time to develop one's capacities, to learn about society, to grow morally, and to work out what is meaningful in life.

Thus, it is not because people can reason or love that we attribute dignity to them, but because they have the potential to do both of these and more. It is not only because people are free that we attribute dignity but also because they are aware of their limitations in a material universe. From a religious perspective, it is not just because human beings are created by a loving God that they have dignity, but also because they are able to see and further the goodness of God in all creation. It is not just because human beings are members of the species *homo sapiens* that they have dignity, but because being part of this species entails participating in this remarkable combination of features in an historical world, in particular relationships, over time. An infant does not have dignity just because it is an infant, but because it has a lifetime of unique opportunities for growth and interaction ahead of it. An old person does not just have dignity because they require constant care, but because they have a history, a story that has been lived and told. Thus, human dignity is not just an affirmation of a fundamental human moral equality, but also an affirmation of the importance of the uniqueness of every individual, genetically, socially, historically, behaviourally, intellectually, and so on.

The implication of this multidimensional understanding of human dignity, that is the basis of human moral worth, because it takes meaning and time into account, is also that human beings are profoundly moral beings. In other words,

<sup>27</sup> Janssens 'Artificial insemination: Ethical considerations' (1980) *Louvain Studies* 8 at 3-29.

the idea that all ethics is epistemologically human-centred is possible only because, as moral beings, human beings are interested in ethics in the first place.

### **6.3 *Human beings are moral beings***

It is this multidimensional being-in-historical-relationship that makes human beings uniquely moral beings, that is, beings who reflect on the moral meaning of their world and their behaviour in it. We are faced with choices of moral import on an almost daily basis, and we have various ways of navigating our way through these. The law is one of those ways of navigating through the moral nature of our world. By moral here, I mean that our interactions with the world affect how we perceive ourselves as living good and meaningful lives, something that I believe we all fundamentally desire. We all want to feel like we are living a dignified life. It is worth recalling here the second group of grounds for human dignity concerning self-worth and behaviour (s 3.1.2). We do not just want to do the right thing because other people will approve. We also want to do the right thing because we will feel good about ourselves.

What follows will set out some of the moral implications for animal ethics of the epistemological human-centredness of ethics in light of a multidimensional understanding of human dignity, that is, as an affirmation of the moral worth of each human *Gestalt*.

## **7 Conclusion: Towards a non-speciesist human-centred ethic**

The implications of grounding human dignity as a fundamental value in such a multidimensional understanding of the human person as a historically-situated meaning-seeking and meaning-making being in relation to all that is are threefold.

### **7.1 *Human-centred is not necessarily speciesist***

First, a human-centred ethic is not necessarily speciesist. Indeed, one might go so far as to argue that if one takes this multidimensional being-in-relationship adequately into account, many of the ways in which human beings currently treat not only animals but also their natural environment more generally are not philosophically sustainable.

For example, whilst it may not be possible using such an ethic to extend an equivalent dignity to non-human animals, it is nevertheless impossible not to acknowledge that human beings have a meaningful moral relationship to other species, such that it would be self-defeating in the long run to think that human dignity can be fulfilled in a world that is wholly objectified and seen as having no intrinsic value of its own.

Just as an adequately multidimensional understanding of human dignity means that any effort to realise a sense of self-worth by diminishing the dignity

of others – for example, apartheid's use of the death penalty to dehumanise black South Africans (s 1.2) – is unacceptable, so too, any attempt to realise a sense of human worth that relies on the diminishment of the intrinsic goodness of creation as a whole and of non-human animals in particular is flawed.

To claim that that with which I am in relationship has no intrinsic value of its own that is worthy of my respect undermines any claim I may make regarding my own worth, since it is only by virtue of my already being in relationship with other beings, other objects, and with time itself that I am even able to exist to make such a claim. By working for the good of the existence of things in general, I work for the realisation of my own dignity.

In other words, though ethics is human-centred in the sense that it has to do with my moral meaning-making and activity in the world – as well as the moral meaning-making of my human community – my good, my worth, my dignity, cannot be realised if no worth is attributed to others. Just as it is absurd to suggest that human dignity only has to do with my dignity, so too it is absurd to suggest that human moral worth, and human goodness, can be achieved only by taking human worth into account. As beings in relationship to all that is, our worth is always already dependent upon our relationship to human and non-human others, to the world, to institutions, to history, and to transcendence.

To be morally good, and thus to realise the fullness of one's dignity, requires that one extend the circle of one's moral concern to all with which one is in relationship. To not do so, is to undermine one's own claim to moral worth. Thus, instead of arguing for animal or environmental rights on the basis of a nihilistic claim that humans are no more important than anything else in the world and therefore have no right to use and abuse for their own ends (which could arguably just as easily be taken as an argument that they have every right to do so), I am arguing that by taking human beings and their moral meaning-making as of central importance, one must necessarily extend the circle of moral value and concern to all of creation because it is philosophically and hence morally impossible not to do so without undermining one's own claim to moral worth.

## ***7.2 Multidimensionality allows affirmation of the worth of all human beings***

Secondly, and in a similar vein, this being-in-relationship means that one can still uphold the fundamental equality of consideration for all human beings, even those who do not display some of the more classic features of, for example, reason, like those who are intellectually disabled. As human beings, they, like all human beings, are multidimensional historically-situated beings who are, if not themselves capable of seeking and making meaning, at the very least the subjects of the meaning-seeking of others. In other words, this multidimensional understanding of human dignity means that even if some of the dimensions are

not fully developed or are not being expressed, one can still affirm the fundamental worth of the whole.

At the same time, this does not preclude giving due to consideration to animals as having their own intrinsic worth as beings with which one is in relationship.

Thus, Singer's concern that claims of human dignity are speciesist because they afford protection to people with severe mental disabilities whilst allowing the slaughter of sentient animals is legitimate if one only takes sentience as the basis for dignity. If, however, one understands the claim for human dignity in the multidimensional manner that I have outlined above, then, both the way we treat the mentally disabled and sentient animals is morally important, instead of either one or the other. On this view, *contra* Singer, neither the killing of people with mental disabilities nor the unnecessary 'factory farming' and slaughter of animals for food is morally acceptable.

### ***7.3 Human beings have a duty of care***

Thirdly, this being-in-relationship to all that is opens the way to articulating not only the idea that non-human animals have intrinsic worth as morally meaningful beings with whom human beings are in relationship, such that the realisation of our dignity rests in part in how we treat non-human animals (6.1), but, moreover, that non-human animals may have interests and rights that would translate into corresponding duties for human beings. I would propose that based on the multidimensional understanding of human dignity outlined here, there are the beginnings of an argument to say that humanity has a 'duty of care' towards other animals and the environment more generally. The details of how this duty of care might be worked out in practice is a matter for further investigation.