

## Natural Good Theories and the Value of Human Dignity

SEBASTIAN MUDERS

**Abstract:** One of the widely recognized facts about human dignity is its vastly divergent applicability—from highly controversial issues in bioethics to broader topics in political philosophy. A group of theories that this article subsumes under the header “natural good theories” appears to be especially fitted for normatively multifaceted notions like dignity. However, the heavy normative weight the concept of dignity has to bear due to the central position it occupies within these theories creates its own difficulties. As is shown in a discussion of Martha Nussbaum’s capability conception of dignity, dignity appears to be unable to mirror the special normative relevance people want to assign to it in cases of great moral misconduct. The article provides a suggestion on how to solve this problem by means of paradigmatic cases that work as material constraints regarding the exact boundaries of dignity violations.

**Keywords:** human dignity; natural good; Martha Nussbaum; paradigmatic cases; special normative relevance of dignity

### Introduction

One of the widely recognized facts about human dignity is its vastly divergent applicability—from highly controversial issues in bioethics like the moral legitimization of abortion, assisted suicide, and enhancement to broader topics in political philosophy like the question of poverty or human rights. This broad array of subjects already signifies that many different values, norms, and goods are in play when we speak about human dignity. And the differentiations continue: even *within* some debates, the concept of dignity is used to justify contradictory claims. The discussion on the moral legitimization of assisted suicide figures prominently among them: opponents of the attempt to legalize euthanasia claim that taking an innocent human life, regardless of whether or not it is requested by the owner of this life, constitutes an assault on human dignity.<sup>1</sup> Defenders of such a practice, on the other hand, argue that if we do not listen to the autonomous wishes of suffering patients requesting a self-determined death, we will be violating their dignity.<sup>2</sup>

A group of theories that I subsume under the header “natural good theories” appear to be especially fitted for normatively multifaceted notions like dignity. In broad terms, these theories can be characterized via two theses: first, they proclaim an *irreducible plurality of highest goods*; and second, they link these goods to an *empirically traceable nature* common to all or at least the vast majority of human beings. Furthermore, some of them explicitly refer to human dignity as their central notion for marking the normative importance of the irreducible plurality of goods in any human life. This might be regarded as a promising opportunity to explain human dignity’s vastly divergent use in ethical and political debates.

One decisive advantage of a natural good theory would be that it only has to assume *one* unifying conception of human dignity. I call this the *systematic advantage*:

it seems far more convincing (e.g., in terms of explanatory power) to give an account able to encompass all or most of the different usages of dignity than *either* to claim that there is no further explanation and that dignity has to be treated as an “indefinable, simple quality”;<sup>3</sup> or to state that there is a variety of different notions employing the term “dignity,” so “there is no single meaning”;<sup>4</sup> or to argue that “dignity’s messiness is more plausibly a sign that it is a concept with no definitive meaning.”<sup>5</sup> Of course, the resulting “unifying conception” would not merge into one the different normative approaches that attempt to explain how a particular set of different values and norms is linked to dignity. Instead, it would aim to render them superfluous by providing a more direct account of how *all* the different values and norms can appeal to dignity.

Connected to this, natural good theories also have the resources to push forward debates in which human dignity is used by *either* side. Although they have to proclaim that only one position can prevail in the end (unless they state that there is an irresolvable dilemma), they might nevertheless concede that both sides’ arguments largely rest on correct intuitions about human goods and, thus, are not too far astray. This gives natural good theories a *pragmatic advantage*: to many, debates like the one on assisted suicide seem to be stuck because participants constantly deny their opponents’ claims without having the appropriate resources for convincing the other parties to give up the central premises of their argument. Natural good theories now appear to provide exactly the resources for creating a common ground allowing both parties to meaningfully continue the discussion.

So far, natural good theories have been presented as promising candidates for the construction of a general notion of human dignity. On the other hand, these advantages are purchased by the acceptance of a particular normative framework, and of the specific role human dignity plays in it. One concern is that modeling human dignity along the requirements of a given normative position will only lead to a highly artificial conception with no plausibility of its own, as it can only be set to operate in the context of this particular theory. The reason for this is that the advantages just mentioned will work only if natural good conceptions of human dignity can be linked fruitfully to all kinds of applied debates, which often use it in a more general way that is not narrowed down to a specific ethical theory.

What will this more general usage of human dignity look like, and can the concern be calmed down with regard to the natural good conceptions of dignity? These are the questions I deal with in my article.

I first lay down three features every general conception of human dignity should include. One of these states that violations of human dignity form a special case of moral wrongdoings. Next, I introduce Martha Nussbaum’s conception of dignity as a prominent example of a natural good theory, which will be assessed in the light of these features. Although it can satisfy two of the features, it has problems separating dignity violations from less serious moral misbehavior. In response to this, I show how paradigmatic cases of dignity violations may help to sharpen the content of natural good conceptions, without rendering their background theories superfluous. Finally, this solution is applied to my example of a natural good theory, showing how it allows the position depicted to remain faithful to its normative claims, while at the same time utilizing the systematic as well as the pragmatic advantage.

### Three Essential Features of Human Dignity

When examining a notion like human dignity, one might wonder how it would be possible to identify any useful criteria that serve as constraints in its construction. For there clearly are many different ideas of what human dignity amounts to, ranging from positions regarding it as a completely useless notion<sup>6</sup> to theories viewing it as a crucial ingredient for every (bio)ethical theory.<sup>7</sup>

Nonetheless, there appear to be at least some useful restrictions apart from trivial claims such as that human dignity cannot be applied to fridges. This is because, especially since World War II, dignity has figured prominently in *nonphilosophical* discourse—in political, legal, and commonsense contexts that were partly, but not exclusively, informed by its previous use in the humanities. Historical investigations regularly mention Kant's conception of dignity as well as Catholic tradition.<sup>8</sup>

From this perspective, we might take paradigmatic cases informed by the contemporary use as a promising starting point: they leave many of human dignity's specific features open and thus are compatible with different philosophical uses of this term. At the same time, they enjoy broad support even outside academia and can be regarded as valuable sources for where the concept "gained popular currency beyond specialist academic discourse":<sup>9</sup> any general theory of human dignity that takes itself seriously should be able to say *something* about cases like humiliation and torture "where the concept seems particularly apt as part of a description of such morally repugnant acts and practices."<sup>10</sup>

Of interest here is what these examples imply about the envisaged notion: if one abstracts from the specific content of these examples—what does it mean to be tortured, what is it that makes humiliation so repugnant in our eyes—there is still the question of whether there are any formal similarities. I argue we can identify at least three of them.

First, violations of human dignity are not just another type of morally bad action. It is morally bad to steal, to lie, and maybe to dodge public transport fares. The inclusion of "torture" and "humiliation" in this series almost invites accusations of playing down the highly negative evaluation these activities deserve in contrast to the aforementioned. In other words, violations of dignity are a special kind of morally wrongful actions. The horror they invoke is not on a par with being robbed or even being betrayed by someone, albeit these actions are of course also morally bad. What prompts the verdict that these acts are somewhat special—whether it is their brutality, their scope, or the intentions of the perpetrator—is left open for theorizing.

Second and connected to this, many regard violations of human dignity not only as especially objectionable but also as categorically forbidden, even if performed against people who violated somebody else's rights. The Frankfurt deputy police chief Wolfgang Daschner, who was accused of having threatened a child kidnapper with torture in 2002, is one example; another is the mistreatment of Iraqi prisoners by members of the U.S. army and private security firms in the 2004 Abu Ghraib abuse case. Persons may *behave* in an undignified manner or may have their dignity violated; they may also *feel* undignified.<sup>11</sup> But it is hard to forfeit one's dignity completely. The demands it makes that its bearers should be treated with dignity also cannot be completely relinquished. This is not to say that human dignity can never be lost: one might assume, for instance,

that certain crimes that violate the dignity of other people have that effect.<sup>12</sup> However, this also makes clear (especially when connected to the first feature identified previously) that the stakes for this are very high. Again, the decision as to what the exact boundaries are should be left to systematic studies by normative theories.

Third and again connected to the previous point, the understanding of human dignity does not appear to be in need of many further characteristics besides being human. Legal texts give evidence of this point; for example, the Universal Declaration of Human Rights (1948) states that “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” (Article 1). Connecting these two sentences, “endowed” must mean something more than just “being actually able to exercise.” Otherwise, it would be puzzling how men can be “born free and equal in dignity and rights.” Indeed, most of us are inclined to say that human beings with very limited abilities, like newborns or the mentally disabled, still can be treated in an undignified way: the so-called destruction of unworthy lives in Nazi Germany within the “Action T4” would be an example of this. Whether specific cases like early embryonic human life also fall under human dignity’s protective shield is once more not part of this understanding but has to be clarified with the help of ethical theory.

I guess it is safe to say that more or less all conceptions of human dignity aiming to give a satisfying general account of the concept strive to satisfy these features. As the terms “more or less” and “strive” point out, it would be an exaggeration to state that these features can be used as *adequacy conditions* without cutting a significant portion of actual positions out of the debate. Rather, I would like to see them as *orientation marks*: it is possible to say that, for example, not all human beings have dignity; but this is a statement in need of further justification and cannot be a bare premise in anyone’s conception of human dignity. And the more a feature is missed, the more justification is required: a conception that states that only very few human beings are entitled to dignity would be practically indefensible.<sup>13</sup>

### Nussbaum’s Natural Good Conception of Human Dignity

In what follows, I evaluate Martha Nussbaum’s account on human dignity, which falls under the scope of natural good theories, with respect to the three features just developed. Due to space restrictions, I have to confine myself with this single example; however, I would like to emphasize that the results offered here can be applied to other natural good approaches to human dignity as well. What I have particularly in mind are the so-called new natural law accounts of this concept, as given, for example, by Robert George and Patrick Lee.<sup>14</sup> Taken together, both accounts illustrate the huge variations that are possible within this type of theory: taking a plurality of goods founded in human nature as a starting point in normative ethics is compatible with a wide variety of different standpoints toward their metaphysical grounding, their epistemological implications, and the values and norms they defend.

From the 2000s on, starting with *Women and Human Development* (2000), the term “dignity” has become more and more prominent in Nussbaum’s work.<sup>15</sup> She now explicitly grants human dignity a central place in her political philosophy:

I myself have given the idea a key role in my own political conception of justice, holding that a hallmark of minimum social justice is the availability, to all citizens, of ten core “capabilities,” or opportunities to function. All citizens are entitled to a threshold level of these ten capabilities because, I argue, *all ten are necessary conditions* of a life worthy of human dignity.<sup>16</sup>

As a natural good theory, Nussbaum’s conception shares the thesis of the inevitable plurality of *human* goods: her list of goods includes capabilities for life, bodily integrity, emotions, and others. Similar to other natural good accounts, she puts a heavy emphasis on practical rationality, both as a good in its own right and in its role as “structuring”<sup>17</sup> or “organizing and suffusing”<sup>18</sup> (the pursuit of) all the other goods. However, unlike other natural good theories such as those departing from classical natural law, Nussbaum’s understanding of this role is deliberately libertarian. This has a deep impact on the exact nature of the human goods and the way human dignity is interpreted.

For natural law theorists, “practical reasonableness” allows human beings to recognize what is intrinsically good for them, and to act freely on this insight. A person’s autonomous choice is an integral aspect of this reasonableness, but only insofar as it opts for what indeed *is* worthy of our pursuit.

Nussbaum, on the other hand, builds autonomous choice right into the heart of her notion of practical reason. She characterizes it as the ability “to form a conception of the good and to engage in critical reflection about the planning of one’s life.”<sup>19</sup> Although one’s “conception of the good” should be open to including all the goods she lists, including that of practical reason itself, it does not have to do so. If instead someone, after all due reflection and in coherence with his or her idea of the good life, decides not to actualize one or the other capability, he or she does not behave in a way that is morally blameworthy, let alone undignified.

On the contrary, “the respect we have for people and their choices” actually demands not to “dragoon them into . . . functioning.”<sup>20</sup> One of Nussbaum’s frequently used examples is the “deeply religious person [who] may prefer not to be well nourished, but to engage in strenuous fasting.”<sup>21</sup> She asks: “Am I declaring, by my very use of the list, that such lives are not worthy of the dignity of the human being? . . . It is important that the answer to this question is no.”<sup>22</sup>

In sum, the capability of practical reason, understood as a safeguard to ensure that none of the other goods “(totally) bypasses choice,”<sup>23</sup> is the reason why capabilities, not functioning, are decisive for determining the content of “a life worthy of human dignity.” This offers her interesting ways of satisfying the second and third feature from the second section.

With regard to the former, her division of capabilities into basic, trained, and combined ones<sup>24</sup> allows her to distinguish between a stock that comes along more or less naturally when we come into existence (e.g., basic life and health) and other capabilities that need to be carefully maintained and developed within culture. Unlike the latter, the former typically cannot be taken away except by killing their bearer. But one can of course prevent people from developing and satisfying these needs and interests against their will.

To illustrate, if all goes well, one starts one’s life with the *internal* capability to sustain it (a working circulatory system, healthy heart and lungs, etc.). In order to keep one’s organism in good working order, a human being has to acquire trained

capabilities—that is, what to eat, how to care for one’s body, and so on. In addition, modern societies provide their members with a healthcare system to care for unexpected or hardly avoidable illnesses, injuries, and pain. The latter two factors thus become crucial for the requirements of a dignified life in Nussbaum’s sense.

Nussbaum’s talk of “opportunities to function” also leads the way to an answer for meeting the requirements of the third feature. Although not every human being has all the capabilities figuring in her list, more or less everyone can put at least one or the other to good use at different stages in their life.<sup>25</sup> For example, even when mentally disabled persons are not able to reason, they are able to stay healthy and to lead a life of normal length. This already brings them under the cover of human dignity, and similar remarks can be made for other groups like the newborn. Nussbaum emphasizes that even the capabilities we seem to share with other animals will be performed in a recognizably human fashion: “There is something that it is to do these functions in a truly human way, not a merely animal way.”<sup>26</sup> Hence, they still are properly identified as *human* capabilities.

The problem with Nussbaum’s conception of dignity lies in the first feature: in making human dignity the central notion of her conception of justice, she qualifies far too many unjustified restrictions of human capabilities as a violation of human dignity. Of course, she emphasizes that capabilities have to fall below a certain threshold before dignity is compromised. But she does not say much about how to specify this threshold. On the contrary, “differences of history and culture have a legitimate bearing on a nation’s interpretations of the capability threshold for specific capabilities.”<sup>27</sup> This is surprising, for the content of the core capabilities at large is certainly not a matter of cultural variation—quite the opposite, they are described as “certain features of our *common* humanity.”<sup>28</sup> Thus, one might expect something similar when specifying the threshold of these capabilities.

More to the point, introducing the idea of a threshold does not seem to help much when trying to differentiate between a level of capabilities that is morally required and a level below which dignity is put at risk: if the material living conditions in a society are continuously improved, we will eventually reach a level where there is no longer a *moral* obligation to increase them further—say, when everyone owns a luxury villa, while some are still lacking a swimming pool. But there surely is also a range where the living conditions are less than appropriate and call for moral action—if, for example, a greedy landlord offers overpriced accommodation where the heating does not always work—without violating the dignity of the residents. One should be able to differentiate between living in radically impoverished circumstances and the case of the greedy landlord not only in quantitative terms (the former being morally more problematic) but also with respect to the qualitative severity of the situation. In sum, if the threshold separating human dignity violations from moral infringements cannot be distinguished from the threshold setting apart morally serious from unproblematic levels of capabilities, the inflationary usage of the notion does not seem to fit with the first feature.

Nussbaum might reply that her intention is different: she simply does not aim to give an account that exactly matches common usage but tries to elaborate a partly free-floating variant of the concept of human dignity. Yet, in some passages, she explicitly describes her capability approach as “informed by an intuitive idea of a life that is worthy of the dignity of the human being.”<sup>29</sup> Regardless of Nussbaum’s intentions, the main task of this article is not to provide an adequate exegesis or

refutation of her conception of human dignity but to ask whether it can be refined to a conception that enjoys the two advantages sketched in the introduction.

### A Methodological Adjustment

Although Nussbaum's conception of human dignity, given within the natural good framework of her capability approach, picks up at least a couple of important features that govern the colloquial use of human dignity, she pays insufficient attention to the first feature. In particular, her theory has a tendency to think too much of the undisputed importance of human dignity in terms of its centrality to morality. This is understandable and can count as a general worry against natural good theories, insofar as dignity's central position within value pluralism helps to explain the former's divergent applications: it is precisely this placement that grants it the two advantages mentioned in the introduction. On the other hand, it also poses a risk, for the tight connection between dignity and the numerous values might not leave enough room to separate dignity violations from more regular moral misbehavior.

How can we proceed to find a more nuanced role for human dignity within natural good ethics? As Nussbaum states, "dignity is a vague idea that needs to be given content by placing it in a network of related notions."<sup>30</sup> However, placing it within such a network of ethical theory does not necessarily lead to a satisfying conception close enough to the general, multipurposed idea of human dignity we are looking for. Some philosophers even worry that *any* attempt to construe dignity along this way is almost certainly bound to fail: "The theoretical discussion about human dignity usually starts with abstract values such as the sanctity of life or with human capacities such as autonomy, rationality or moral agency. While all of these debated topics are certainly important, they somehow seem to miss our primary interest in human dignity."<sup>31</sup> Instead of beginning with a certain type of moral theory, with its own central notions, and then working out what role dignity might play within this general framework, one should start "from concrete occurrences and interpretations in social life, since this is what motivates us to talk about dignity in the first place."<sup>32</sup> In the second section, I have already demonstrated the merits of such an account.

Because the task is to find a way to harmonize the natural good conceptions of human dignity with the first feature, what is of primary interest here are not so much its *positive* instances. In order to find compelling examples that help us to distinguish between mere moral violations and insults to human dignity, what is needed are striking examples of dignity's *negative* side. Following a suggestion by Ralf Stoecker, one should thus "start from situations which we are inclined to describe as violations of human dignity, and then ask what it is that makes it so appealing to use this concept."<sup>33</sup>

The latter task is then delegated to the natural good theory under consideration: Nussbaum's capabilities approach. The negative occurrences of the concept serve as external constraints to characterize its content—they are the ones that have to be covered by any conception of dignity that aims at the general concept. On the other hand, the ethical theory's framework provides explanatory linkages between these paradigmatic examples. This is crucial for our understanding of why these and not other occurrences have triggered the perceived reaction. At the same time, the background theory alone will not be able to specify all the types of dignity

violations the paradigmatic cases reveal to us. Hence, although this procedure adds external, theory-independent input to the examined natural good theory, it remains faithful to its general spirit. It can thus be implemented as a legitimate extension of it, while at the same time helping it to satisfy the first feature from the second section.

### Nussbaum's Natural Good Conception of Dignity in the Euthanasia Debate

In order for the suggested method to get a foothold, one first needs paradigmatic cases in which the applicability of human dignity is granted by all sides. Such cases include torture, genocide, or humiliation. For reasons to be explained in a moment, I choose the denial of fundamental self-determination as my paradigmatic example. Here, the interlink between the relevant value and claims to human dignity appears to be obvious: suppressing a person's self-determination even for her basic choices is a natural candidate for violating her dignity.

The reasons to pick out this test case instead of others are autonomy's crucial role in the debates on human dignity and on euthanasia and its function in Nussbaum's general account. With regard to the first, many scholars assume a tight connection between dignity and the protection of autonomy.<sup>34</sup> As emphasized in the introduction, natural good conceptions have *prima facie* advantages in explaining the association of *different* goods with the value of dignity. Thus, they should also be able to explain why many see respect for personal autonomy as so important for human dignity that they tend to overlook connections to other values.

Second, with respect to the debate on euthanasia, defenders of this practice often argue that not to respect the autonomy of terminally ill patients means violating their dignity. In order to give this claim its appropriate weight, it would be helpful to know why, contrary to other infringements of autonomy, not only moral goods or rights but also the dignity of the suicidal person is in jeopardy in this case. Because opponents of euthanasia also refer to dignity when stating that euthanasia violates the value of human life, the question is even more pressing.

Third, as highlighted in the third section, Nussbaum builds personal autonomy right into the heart of her own account with her conception of practical reason. Thus it suggests itself that there must be some relationship between dignity, which also occupies "a key role" in her approach, and violations of autonomy. If there is any capability in which Nussbaum should be able to demarcate moral wrongdoings from violations of dignity, it should be her conception of practical reason.

In what follows, I show how the usage of my paradigmatic case of a human dignity violation allows Nussbaum's natural good theory to overcome its failure with regard to the first feature. This in turn enables her to formulate and justify her respective dignity arguments in the euthanasia debate.

There, Nussbaum adopts a largely liberal stance, speaking of a person's undeniable right to determine her own end, especially in circumstances of great pain and suffering. In terms of her theory, she refers to the capability to use one's own practical reason to construct an individual idea of the good life that would be able to guide one: it violates a person's dignity, Nussbaum argues, if the many available, albeit incompatible, ideas of what makes a life good are narrowed down in any substantial way—for example, by selecting the good life of a Roman Catholic as normatively binding.<sup>35</sup>



By recalling the strong standing of the capability of practical reason within her list, and its important relation toward the other capabilities, one gets an idea of why it might trump even legitimate claims to the realization of other capabilities: "The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that I wish to capture."<sup>36</sup> Likewise, I am sure she would add, there is a difference between getting killed and freely choosing to end one's own suffering: "Suicide all by itself is, for me, an easy case: each person should have that choice, . . . and then each will make it in accordance with his or her religious or secular comprehensive doctrine."<sup>37</sup>

This direct linkage between (assisted) suicide and a person's "idea of a good life" suggests a further specification of Nussbaum's conception of dignity, one that allows her to separate it from simpler moral wrongdoings: quite obviously, not all heteronomous restrictions of our ability to choose for ourselves are also infringements of our idea of what it means to lead a good life. In fact, the majority of morally illegitimate curtails on our ability to carry out practical deliberation are of another kind: if someone wants to prevent me from entering a cinema when I am about to watch a movie, I will not justify my right to do so by explaining that my idea of a good life entails this plan. Instead, I will argue from a more basal level, maybe pointing to reviews that suggested that this film is particularly worth seeing.

When discussing the question of how we should die, the justifications given lie on a far more fundamental ground; they will not play out on the superficial level of our short-term interests or unreflected wishes. This is due to the general importance we attribute to that question, to the context in which it is normally debated, and to the graveness of the consequences drawn from the answers we believe to be correct. Here, the reference to our ideas of a good life is more than apt. In view of the other capabilities mentioned by Nussbaum, I want to put forward the more general thesis that it is not the restriction of my abilities to live a truly human life *as such* that constitutes a violation of my dignity (albeit it can mean to treat me immorally), but only impingements that insult it in a fundamental way.

The crux of the matter is that what counts as a "fundamental violation" for each capability cannot be specified in abstracto but has to be settled with the help of exemplary cases: for, to repeat, the threshold Nussbaum introduces to separate dignity violations from unproblematic social conditions (which would have to be complemented by a more fine-grained threshold that also covers less serious moral shortcomings) cannot be used to measure the over- or underfulfilment of a capability when removed from any particular historical and cultural context.

Here the demand to put concrete occurrences first comes into play and has an indispensable function. Here is another tentative idea of how this might work with regard to the first item on Nussbaum's list, the capability for life: an attack on my life carried out just to see me dead (because the attacker regards my existence as such as unworthy) will presumably count as a violation of my dignity. On the other hand, the same might not be true if a construction worker fails to fulfill his duty to safeguard a building site properly, which in turn leads to an accident that kills an innocent person passing by. One might think again of the Nazis' policy to destroy "life unworthy of life" as a paradigmatic example that backs up this reasoning.

In sum, Nussbaum's version of a natural good theory, when enriched by paradigmatic cases, is able to mark the difference between violations of dignity and simpler moral wrongdoings. Although this development requires her to open up

her theory to a sort of external input that cannot be adequately described in terms of the theory's central notions, she is able to justify *why* this is the case. Hence, this concession in no way weakens her theory's explanatory power but on the contrary strengthens her theory, because it allows it to adopt a general conception of dignity that fulfils all three core features identified in the second section.

## Conclusion

To conclude: natural good theories in ethics have granted human dignity a central position within their moral doctrines. They are promising candidates for shedding light on debates in applied ethics in which dignity is used in arguments linked to very different goods and rights—sometimes even within one debate. If they succeed, they would provide a powerful answer to skeptics who think that dignity is a hopelessly vague, confused, and thus overstated notion that should better be abandoned.

However, the heavy normative weight the concept of dignity has to bear due to the central position it occupies within these theories creates its own difficulties. As was shown in Martha Nussbaum's capability conception of dignity, dignity appears to be unable to mirror the special normative relevance we want to assign to it in cases of great moral misconduct: there should be a qualitative difference between morally bad actions like stealing and violations of dignity.

My article has suggested how to solve this problem by means of paradigmatic cases that work as material constraints regarding the exact boundaries of dignity violations. I have shown the compatibility of this method with Nussbaum's example of a natural good theory to help to further improve the respective conceptions of dignity.

## Notes

1. See, e.g., Keown J. Beyond bland: A critique of the BMA guidance on withholding and withdrawing medical treatment. *Legal Studies* 2010;20:66–84; Gorsuch NM. *The Future of Assisted Suicide and Euthanasia*. Princeton, NJ: Princeton University Press; 2006; and Paterson G. *Assisted Suicide and Euthanasia*. Hampshire: Ashgate; 2008.
2. See, e.g., Dworkin R, Nagel T, Nozick R, Rawls J, Thomson JJ. Assisted suicide: The philosophers' brief. *New York Review of Books* 1997;44:41–7; and Battin MP. *Ending Life*. Oxford: Oxford University Press; 2005.
3. Spaemann R. *Essays in Anthropology: Variations on a Theme*. De Graaf G, Mumford J, trans. Eugene, OR: Cascade Books; 2010, at 52.
4. Schroeder D. Dignity: One, two, three, four, five, still counting. *Cambridge Quarterly of Healthcare Ethics* 2010;19:118–25, at 119. This is not to say that all usages of human dignity can be merged into one. As Schroeder indicates, there are several *nonmoral* meanings of dignity—e.g., as a social term to separate different classes within society (Schroeder D. Dignity: Two riddles and four concepts. *Cambridge Quarterly of Healthcare Ethics* 2008;17:230–8, at 233). Another example is the aesthetic usage of dignity (cf. Schaber P. *Instrumentalisierung und Würde*. Paderborn: mentis; 2010, at 48).
5. Debes R. Dignity's gauntlet. *Philosophical Perspectives* 2009;23:45–78, at 46.
6. Macklin R. Dignity is a useless concept. *British Medical Journal* 2003;327:1419–20.
7. Killmister S. Dignity: Not such a useless concept. *Journal of Medical Ethics* 2010;36:160–4.
8. Rosen M. *Dignity*. Cambridge, MA: Harvard University Press; 2012, at 61.
9. Kaufmann P, Kuch H, Neuhaeuser C, Neuhaeuser C, Webster E. Introduction. In: Kaufmann P, Kuch H, et al., eds. *Humiliation, Degradation, Dehumanization: Human Dignity Violated*. Dordrecht: Springer; 2010:1–5, at 1.
10. See note 9, Kaufmann et al. 2010, at 1.
11. For more on this distinction, see George RP, Lee P. The nature and basis of human dignity. *Ratio Juris* 2008;21:173–93, at 174f.

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12. Even scholars like Doris Schroeder who think that a violation of the offender's dignity might have been justified in the Daschner case still point out that one has to commit a most severe crime in order to lose one's dignity. See Schroeder D. Dignity: A child's life or a "little bit of torture"? *Cambridge Quarterly of Healthcare Ethics* 2006;15:188–201, at 199.
13. A further qualification apparent in the first sentence of the current paragraph is the phrase "aiming to give a satisfying general account of the concept": I do not deny that there are a number of theories on human dignity that deliberately confine their analysis to a specific usage of its concept without caring much about the implications for other applications of the term. In contrast, our present enterprise is to see whether a group of normative theories with promising perspectives regarding a general account of human dignity do have the philosophical resources to provide such a conception.
14. See note 11, George, Lee 2008.
15. Nussbaum MC. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press; 2000, at 78n82.
16. Nussbaum MC. Human dignity and political entitlements. In: Pellegrino ED, Schulman A, Merrill TW, eds. *Human Dignity and Bioethics*. Notre Dame, IN: University of Notre Dame Press; 2006:351–80, at 351, my emphasis.
17. See note 16, Nussbaum 2006; cf. Finnis J. *Natural Law and Natural Rights*. Oxford: Oxford University Press; 2011, at 100.
18. See note 15, Nussbaum 2000, at 82.
19. Nussbaum MC. *Creating Capabilities: The Human Development Approach*. Cambridge, MA: Harvard University Press; 2011, at 34.
20. See note 15, Nussbaum 2000, at 88.
21. See note 15, Nussbaum 2000, at 87.
22. See note 15, Nussbaum 2000, at 87.
23. See note 15, Nussbaum 2000, at 91.
24. See note 19, Nussbaum 2011, at 20f.
25. See note 16, Nussbaum 2006, at 363.
26. See note 15, Nussbaum 2000, at 72.
27. See note 19, Nussbaum 2011, at 41.
28. Nussbaum MC. Non-relative virtues: An Aristotelian approach. In: Nussbaum MC, Sen A, eds. *The Quality of Life*. Oxford: Clarendon Press; 1993:242–69, at 262, my emphasis.
29. See note 15, Nussbaum 2000, at 5.
30. See note 19, Nussbaum 2011, at 30; cf. Malpas J, Lickiss N. Introduction to a conservation. In: Malpas J, Lickiss N, eds. *Perspectives on Human Dignity*. Dordrecht: Springer; 2007:1–7, at 1f.
31. See note 9, Kaufmann et al. 2010, at 1f.
32. See note 9, Kaufmann et al. 2010, at 2.
33. Stoecker R. Three crucial turns on the road to an adequate understanding of human dignity. In: Kaufmann P, Kuch H, Neuhäuser C, Webster E., eds. *Humiliation, Degradation, Dehumanization: Human Dignity Violated*. Dordrecht: Springer; 2010:7–17, at 11.
34. Beylefeld D, Brownsword R. *Human Dignity in Bioethics and Biolaw*. Oxford: Oxford University Press; 2001.
35. See note 16, Nussbaum 2006, at 373.
36. See note 15, Nussbaum 2000, at 87.
37. See note 16, Nussbaum 2006, at 373.