

Kant's Conception of Human Dignity and the Importance of Singularity within Commonality

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Abstract—Kant's household theory of human dignity as a common feature of all rational beings is the starting point of any intellectual endeavor to unravel the implications of this normative notion. Yet, it is incomplete, as it neglects considering the importance of the singularity or uniqueness of the individual. In a first, deconstructive stage, this paper describes the Kantian account of human dignity as one among many conceptions of human dignity. It reads carefully into the original wording used by Kant in German and its English translations, as well as the works of modern commentators, to identify its shortcomings. In a second, constructive stage, it then draws on the theories of Aristotle, Alexis de Tocqueville, John Stuart Mill, and Hannah Arendt to try and enhance the Kantian conception, in the sense that these authors give major importance to the singularity of the individual. The Kantian theory can be perfected by including elements from the works of these authors, while at the same time being mindful of the dangers entailed in focusing too much on singularity. The conclusion of this paper is that the Kantian conception of human dignity can be enhanced if it acknowledges that not only morality has dignity, but also the irreplaceable human individual to the extent that she is a narrative, original creature with the potential to act morally.

Keywords—Commonality, dignity, Kant, singularity.

I. INTRODUCTION

THE concept of human dignity has become a household moral expression in our day. But it also has lots of enemies. This should be nothing to worry about in principle, as enemies are sometimes even more sincere than friends [1]. When it comes to the normative concept of human dignity, Schopenhauer himself is one of its oldest and harshest enemies. He once stated:

"That expression, *dignity of man*, once uttered by Kant, afterward became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals, or, at any rate, of one that had any meaning. They cunningly counted on the fact that their readers would be glad to see themselves invested with such a *dignity* and would accordingly be quite satisfied with it." [2].

Now, Schopenhauer was both an admirer and a critic of the works of Immanuel Kant, not only concerning human dignity, but generally regarding Kant's epistemology and moral theory. [3] He used to refer to Kant by quoting Voltaire: "It is the privilege of true genius, and especially of the genius who opens up a new path, to make great mistakes with impunity." [3, p.414].

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But Schopenhauer's bitterness may yet be put to the service of human dignity. As an enemy, he is brutally sincere, and his words can be taken by dignitarian philosophers as a bitter medicine to help them perfect their theories. As an admirer of Kant, he reminds us that even those geniuses that we revere the most and by whose normative ideals we rule our daily lives can make mistakes, or at least not take everything relevant into account. Kant is no exception to this assertion, and although Schopenhauer's acrimonious criticism cannot provide anything in the way of substance to enrich Kant's concept of dignity, it is a good starting point for an enterprise of healthy skepticism that aims at enhancing the Kantian project of human dignity.

This paper addresses one of the main problems with the Kantian theory of human dignity: Its lack of consideration for the singularity or uniqueness of the individual, in benefit of the commonality of dignity. In the first part it will briefly describe Kant's account of human dignity (II). In the second part, it explains how such an account neglects the importance of singularity within commonality (III). After such deconstructions, this paper proposes using in a constructive way the works of Aristotle, Alexis de Tocqueville, John Stuart Mill, and Hannah Arendt to redress Kant's shortcomings (IV), as well as address some of the dangers of moving too far away from equality towards singularity (V). Finally, it offers some concluding remarks (VI).

II. KANT'S CONCEPTION OF DIGNITY

Kant's main contribution to the philosophy of human dignity can be found in the second chapter of his *Groundwork of the Metaphysics of Morals* [1785]. There Kant explains:

"In the kingdom of ends everything has either value or dignity. Whatever has a value can be replaced by something else which is equivalent; whatever, on the other hand, is above all value, and therefore admits of no equivalent, has a dignity. Whatever has reference to the general inclinations and wants of mankind has a market value; whatever, without presupposing a want, corresponds to a certain taste, that is to a satisfaction in the mere purposeless play of our faculties, has a fancy value; but that which constitutes the condition under which alone anything can be an end in itself, this has not merely a relative worth, i.e., value, but an intrinsic worth, that is, dignity" [4].

Right after, Kant spells out the conditions under which rational agents can partake in this notion of dignity:

"Now morality is the condition under which alone a rational being can be an end in himself, since by this

alone it is possible that he should be a legislating member in the kingdom of ends. Thus morality, and humanity as capable of it, is that which alone has dignity.” [4, par. 70].

We find references to dignity elsewhere in Kant’s works, for instance, in the *Metaphysics of Morals* section titled *The Doctrine of Right*. There Kant alludes to “dignities” understood as a high estimation attached to a certain rank or office, such as nobility [5], including the elevated position of a king [6]. This is what Oliver Sensen calls the “archaic paradigm” of dignity [6, p.312]. Conversely, for Kant every person in a state enjoys at the very least the universal “dignity of a citizen” [7].

It is important to point out that, according to Sensen, Kant could be ascribed to at least two out of three discrete paradigms of human dignity: Besides the aforementioned “archaic paradigm,” Kantian ideas on dignity could fall under the “contemporary paradigm” of dignity as universal inner worth of human beings, as applied more recently in the German Airliner case [8]. Yet, according to Sensen’s thorough exegetic reading of Kant’s works, his theory of dignity is actually more at home within a “traditional paradigm” of dignity, understood as the Stoic idea of sublimity of human beings over nature [6, pp.312-313].

III. THE IMPORTANCE OF SINGULARITY WITHIN COMMONALITY

Kant’s account of dignity is, no doubt, an everlasting philosophical and ethical legacy of the Enlightenment, so much so that not only has it entered the stream of shared moral intuitions among lay people, but it has also been relied on by courts of law, as the aforementioned German airliner case bears out. However, Kant’s account of dignity suffers from a very important shortcoming. In its commendable effort to find a common, universal ground for the respect we owe each other, it neglects the importance of the *singularity* or *uniqueness* of individuals. To see this, we must focus on the words Kant himself uses to explain his account of universal dignity:

“Now morality is the condition under which alone a rational being can be an end in himself, since by this alone it is possible that he should be a legislating member in the kingdom of ends. Thus *morality*, and humanity as *capable of it*, is that which alone has *dignity*” [4, par. 70] (emphasis added).

We must notice that Kant attributes dignity first and foremost to *morality*, and only *derivatively* and *contingently* to humanity, insofar as it is *capable* of morality. By the time we get to the individual after all these transpositions, it seems as if she only benefits from a watered-down version of true dignity that is only reserved for morality. To be sure, the original German word for humanity used by Kant is *Menschheit* [6, p.324]; that is, “humankind” (as opposed to *Menschlichkeit*, or “humaneness”) [9]. The individual could be implicitly included in this group, especially considering that Kant mentions the “rational being” a few lines earlier in the passage. Yet, human individuals are not the only rational

agents conceivable in Kant’s philosophy – there is also God and angels [10]. If Kant had the individual human rational agent in mind when he wrote this passage, it is not all that clear, and it is this lack of certainty that blurs his contribution to dignity as a normative concept that commands respect not only for humankind as a monolithic class, but also for the singularity and diversity within it.

Without an explicit reference to the importance of the individual as a *unique* and *irreplaceable* unit of the commonality, there is the risk of Kant’s philosophy turning into mere utilitarianism, whereby dignity would become a currency that increases its value the more instantiations thereof we observe. The fact that the “intrinsic value” of dignitarian beings is not replaceable with “market value”; that is, the fact that it is incommensurable vis-à-vis that other type of value, does not mean that *within* the dignitarian universe we cannot speak of a larger or smaller amount of “accumulated dignity” depending on the number of units therein. And if more is better, then it would be impossible not to agree with Vattel’s misguided conclusion when he wrote about the dignity of nations: “(...) an assemblage of a great number of men (...) is, doubtless, more considerable than any individual” [11]. Vattel seems to think of individuals as insignificant units that only matter when considered in large masses, like grains of sand or snowflakes.

But, what is singularity at any rate? And why is it important for a fuller account of human dignity? After all, George Wright poses a fair challenge when he states: “Uniqueness and sheer individuality, however, certainly do not themselves confer dignity. Each snowflake, we may assume, is unique, but no snowflake possesses any sort of dignity” [12]. And yet, his answer of what is distinctive about human dignity is not all that satisfactory either. For him, what is distinctively human is that mystery that remains after everything else physical-wise has been ascertained, including “consciousness, self-consciousness, free will, moral and other reasoning, and autonomy” [12, p.31]. But again, these are traits that we all share, and they do not help us clarify what is it that makes us unique as individuals.

An intuitive response to the question about singularity could be that it is the quality of being unique and irreplaceable [13]. Yet, this is not enough, for every grain of sand or snowflake is also unique and irreplaceable, despite the fact that we tend to value them as part of a larger collective, i.e. sand and snow. What we are interested in is *human* uniqueness.

From a moral point of view, whereas all human beings share a basic common feature, i.e. human dignity, this feature has as many different instantiations as individuals comprise this group. Each and every single human being is unique and irreplaceable, much as the rose in Antoine de Saint-Exupéry’s *The Little Prince* stood out among countless other roses because there was someone who cherished it deeply. But when it comes to human beings, there is no need for someone to actually care for them to acknowledge the need to treat each one of them with the utmost respect. What affection and interpersonal relations cannot provide in the way of deference, ethics and the law guarantee as a legitimate entitlement of

respectful treatment for every person in their own uniqueness. For example, a legal identification number that is unique for every person provides a somewhat cold, yet surprisingly considerate, tool for the acknowledgement of such uniqueness. There might be infinite other Franciscos in my home country, Chile, but the author is the only one endowed with the ID number 16.365.696-5. At the same time, all human beings still partake in the commonality of human dignity, despite their uniqueness, much as a deck of cards has the same common obverse which, when flipped over, reveals a unique two of clubs or queen of hearts; or as the differently-sized Russian dolls share a common pattern despite their unique place in the food chain.

In light of the above, for normative purposes human uniqueness or singularity may be defined as the quality of a human person as being unique and irreplaceable, as recognized and enforced by a normative system such as morals or the law. Now, this is a stipulative definition. But, could there be more to say about human singularity from a philosophical perspective that might enhance the Kantian conception of dignity, beyond the stipulative definition just provided?

IV. ENHANCING THE KANTIAN CONCEPTION OF HUMAN DIGNITY

Human dignity has been recently characterized by Philippe-André Rodriguez as an “essentially contested concept” [14]. According to the creator of this category, the philosopher Walter Bryce Gallie, some examples of essentially contested concepts are “art” and “democracy” [15]. H.L.A. Hart and John Rawls have added “justice” as another example thereof [16], whereas Ronald Dworkin conceives the law as an “interpretive,” essentially contested concept [17]. Jeremy Waldron has followed suit characterizing the “rule of law” as yet another example [18].

Now, according to Gallie an essentially contested concept can be identified through the following traits: (i) it is ‘appraisive’ inasmuch as it holds judgments of value or achievement; (ii) the referred value or achievement is ‘internally complex’, meaning that the positive judgment is assigned to the concept as a whole, not just to some of its parts; (iii) there are a number of possible rival descriptions of its total worth, which is also called ‘ambiguity’ by Gallie; (iv) the achievement must be adaptable to changing circumstances, which Gallie also labels ‘openness’ or ‘persistent vagueness’; (v) essentially contested concepts – or rather conceptions or uses therefrom – are used both aggressively and defensively – i.e. to criticize and to reply to criticism vis-à-vis competing conceptions; (vi) the concept derives from an original exemplar or paradigm of uncontested authority among rival accounts; and (vii) the probability that the continuous competition between rival accounts will benefit rather than damage the original exemplar, so as to be “sustained and/or developed in optimum fashion”.

In order to enhance Kant’s conception of human dignity, there is the need to focus now on features number (iii) and (vii), that is, the fact that there are different, competing

conceptions of human dignity, and the possibility of them all emerging stronger after being put to the test by each other. In order to do this, it is useful to draw on the works of Aristotle, de Tocqueville, Mill, and Arendt in the rest of this section.

Kant’s conception of dignity is, as pointed out by Michael Rosen, “deeply egalitarian” [2, p.24]. As it should be, for every account of what Sensen dubs the “contemporary paradigm” of human dignity must be committed to the value of equality (despite the fact that, according to Sensen, Kant view can better be ascribed under the “traditional paradigm”) [6, pp.312-313].

Now, Andrea Sangiovanni invites us to be careful when thinking about equality as one of the features of human dignity: “human rights are egalitarian in an important and often overlooked sense. They are not egalitarian merely in the sense that all human beings have the *same* rights. For example, all human beings might have the same right to enslave prisoners of war (...). The egalitarianism of human rights is *substantive* rather than merely *formal* constraint” (original emphasis) [19]. In other words, we must be mindful of what is it that we are all equal in. In order to adequately characterize human dignity the concept of equality that we must use is the one Jeremy Waldron calls “basic moral equality,” which conveys the idea of equal worth and status of human beings [20]. Therefore, every philosophical inquiry into the contemporary conception of dignity should begin and end drawing on this egalitarian framework. This does not mean, however, that some adjustments are not required within an egalitarian conception of dignity, such as that of Kant. To begin with, the importance of rooting human dignity in the fundamental moral unit, the individual, has been highlighted time and again by thinkers such as Jürgen Habermas and Michael Ignatieff [21], as well as by courts of law. Indeed, in the *Law vs. Canada*, the Supreme Court reasoned thusly:

“In some circumstances a distinction based upon an enumerated or analogous ground will not be discriminatory. As mentioned, McIntyre J. in *Andrews* gave an indication as to one such type of permissible distinction, namely a distinction which takes into account the actual differences in characteristics or circumstances between individuals in a manner which respects and values their dignity and difference. (...) Human dignity is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities, or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merits of different individuals, taking into account the context underlying their differences” [22].

In the *Hugo* case, Justice Krieger from the Constitutional Court of South Africa stated: “One of the ways in which one accords equal dignity and respect to persons is by seeking to protect the basic choices they make about their own identities” [23]. Further, it is important to be mindful of the dangers that equality entails when it becomes tyranny, a danger from which Aristotle and de Tocqueville have in their own way alerted us. In this particular case, both authors denounced the negative impact that the uniformity coveted by tyranny has on

individual excellency. Indeed, in Book V of his *Politics*, Aristotle remarks that tyrants seek to strike down any kind of diversity that may threaten the uniformity of the established order:

“Hence comes the advice of Periander to Thrasylbulus, his docking of the prominent cornstalks, meaning that the prominent citizens must always be made away with” [24].

In the same vein, Tocqueville laments thusly in his famous *Democracy in America*:

“I think that the small number of outstanding men who appear today on the political stage must be attributed, above all, to the always increasing action of the despotism of the majority in the United States” [25].

But no doubt one of the greatest contributors to the importance of singularity is John Stuart Mill. In Chapter III of his renowned work *On Liberty*, Mill remarks the importance of spontaneity and the originality of the individual in the midst of the uniform conceptions of the majority, comparing human nature to a tree that must be nurtured and left to be freely developed [26]. He concludes:

“Even despotism does not produce its worst effects, so long as individuality exists under it; and whatever crushes individuality is despotism (...)” [26, p 59].

Mill’s remarks on originality echo what John Steinbeck’s would later call “glory” in his masterpiece *East of Eden*:

“(...) a man’s importance in the world can be measured by the quality and number of his glories. (...) It is the mother of all creativeness, and it sets each man separate from all other men. (...) I can understand why a system built on a pattern must try to destroy the free mind, for that is one thing which can by inspection destroy such a system. (...) I will fight against it to preserve the one thing that separates us from the uncreative beasts. If the glory can be killed, we are lost” [27].

It is important to stress that the conception of “individuality” used here by Mill differs greatly from the one used by Gregory Vlastos, who thinks that, regardless of merit (which always sets us apart), we all share a common moral baseline of “individual worth” [28].

Last but not least, Hannah Arendt has also significantly contributed to the philosophical awareness on the importance of originality. Indeed, one of the central components of Arendt’s philosophical anthropology as developed in *The Human Condition* is what she calls “action.” Besides “labor” (i.e. biological functions), and “work” (i.e. the production of objects), “action” is a distinctively human feature amounting to the ability to set something new into motion, from merely being born to taking part in politics and promoting speech among human beings [29]. Although action is an essentially “public” phenomenon in the sense that it requires the awareness of our peers to deploy its effects, it is rooted in the individual as the sole agent capable of starting something new and original.

The works of all these authors help us become aware of the importance of singularity within commonality, an endeavor that in a way challenges the Kantian conception of the dignity

of morality, while at the same time complementing it and helping to enhance it as it anchors it in the fundamental moral unit, the individual. Thus, a preliminary conclusion could be that Kant’s conception of human dignity should be amended so as to state that “it is morality, and the unique and irreplaceable human individual insofar as she is capable of morality, that which alone has dignity”.

V. THE RISKS OF SINGULARITY

Taking account of singularity within the commonality of human dignity is a healthy step towards achieving an enhanced conception of human dignity. Yet, as stated before, this inquiry should come full circle and reappraise the importance of commonality in light of the risks of focusing too much on the features that make us different.

Singularity immediately evokes the image of the so-called “genius,” that brilliant, albeit misunderstood, individual who doesn’t quite fit in with the rest of us, all the while being admired by the community because of her talents. According to Schopenhauer, art as the result of a unique ability for contemplation of the world is what the genius produces and for which she receives our admiration [3, pp.184-194]. In a conformist and totalitarian society, Arendt adds in *The Origins of Totalitarianism*, the genius as mere entertainer is the only recognizable form of individualism available [30].

Needless to say, the genius is an exceptional character that does not come along too often in human history. Thus, it is hardly a concept that we might want to use in order to equalize human beings under a single normative banner, and a rather quite useful one to separate them into discrete categories and hierarchies, as evidenced by the anti-egalitarian works of Friedrich Nietzsche (an early admirer of Schopenhauer’s) [31]. Further, someone might have a particular genius for evil, which we might want to curtail instead of encouraging it. As pointed out by David Kretzmer:

“the mere fact that a particular act is a form of expression which enables a person to achieve self-fulfillment in no way implies that the person has a privilege to do the act when it harms someone else” [32].

Yet, there might still be one way to preserve the concept of genius in human uniqueness or singularity in a way that is a little more egalitarian. According to Mill, genius is not only she who writes a poem or paints a picture. To him “genius” means essentially “originality in thought and action,” something a bit more accessible for the common person, considering we are all endowed with the Arendtian capacity for “action.” Yet, Mill himself acknowledges that geniuses will always be minorities [26, pp.60-61]. Even if we were generous enough to extend the ability to be a genius to every single person, then it is hard to see what it would add to our ideas on singularity and uniqueness that aim at ascertaining what is special about the units within a homogeneous universe, not to mention that as a sort of “positional good” the ability to be a genius loses all its value if it is equally distributed among the population. Thus, it is better to avoid mentioning the genius in our attempt to reassess singularity within commonality.

Another pitfall that this account should avoid is that of equating singularity with *merit*, in part because meritocracy is not such a solid moral theory – who deserves what she got out of the natural lottery anyway? [16, p.64], and in part because our merits tend to grade and separate us rather than acknowledging our irreplaceable character [28, p.52]. Indeed, another possible danger that comes with focusing too much on singularity and uniqueness, somewhat connected to the admiration elicited by the “genius” phenomenon, is the high risk of ending up establishing hierarchies among people, in the following way. If each and every one of us is unique and irreplaceable, then it is considered to be a shame to lose even a single one of us. This line of reasoning can also be transposed to the different peoples and ethnicities that populate the planet. More so, international law has even gone so far as to criminalize the intentional act to destroy certain racial, national, ethnic or religious groups as such, through the crime of genocide [33]. Thus, the rationale underlying this legal category is that it would be a shame (and criminally punishable) to lose even a single one of those human groups, because of the “cultural and other contributions represented by these human groups,” to quote the UN General Assembly [34].

All of the above works perfectly fine in the abstract. Yet, when we think of examples from real life, it is not so easy to sustain equality upon singularity. Let us begin with groups. Consider the mordacious scene depicted in Monty Python’s *Life of Brian*, when a group of revolutionary Jews are complaining about the Romans by asking “what have the Romans ever done for us?” The joke immediately kicks in when replies start coming in mentioning sanitation, medicine, education, wine, public order, irrigation, water, and public health. Thus, without the Romans, they would not have any of these. Not having the Romans around would mean no sanitation, medicine, education, wine, public order, irrigation, water, or public health. Therefore, it is hard not to consider the singular or unique Roman contribution to humankind as a most important one, dwarfing the contribution of other peoples by contrast. If we were to ask conversely, but as sardonically, “what would humankind ever do without the Chileans?” (the community where the author comes from), then the joke would consist of the fact that we Chileans have actually contributed very little so far to the common heritage of humankind (other than good wine and a couple of Nobel Prizes in Literature). And thus, almost automatically, we would have a hierarchy in place where Roman uniqueness is far superior than Chilean uniqueness.

The same line of reasoning could be applied at the individual level. If a lazy high school student, let us call him young John Smith, were to ask his physics teacher “what has Isaac Newton ever done for me?”, then it would be pretty easy to explain him that Newton is one of the greatest contributors to the advancement of science in human history. Conversely, if out of spite the teacher would sarcastically reply to his not-so-brilliant student “what would the world ever do without John Smith?”, then it would become very clear that young John’s contributions to the world are negligible and therefore it would be very hard not to conclude that Sir Isaac Newton’s

uniqueness is far more important than John’s. These results are unacceptable from the perspective of human dignity as a universal, egalitarian value. We owe the same respect to Newton, to Smith, to the Romans, and to the Chileans, despite their uniqueness. How can we justify this assertion without losing sight of the importance of singularity?

The problem with comparing the Romans and the Chileans, and Newton with John, is that it is an outcome-oriented or result-oriented exercise that leads us inevitably to non-egalitarian conclusions – as does any kind of competition, like Vlastos reminds us [28, p.52]. The reassessment of singularity within human dignity should avoid applying this teleological rationale, relying instead on an *ontological* rationale: We are all worthy of the same degree of respect because we are all endowed with human dignity, and that entails, among other things, our *potential* to contribute to the common heritage of humankind, whether we actually end up contributing or not. Some of us will achieve remarkable things; some of us will do terrible, unspeakable things; most of us will just transit through this life uneventfully. Yet, all of us deserve the same degree of dignitarian respect. But, is our potential to make an individual and unique contribution enough to ground that respect? What about those in whom that potential is definitively absent, such as people who are in a coma or are severely disabled? [20]. The potential to make a unique contribution should be complemented with another ontological trait of human beings: our nature as *narrative* creatures; that is, our ability to both tell stories and be part of them [35]. For as long as there is something to say about anybody, even the most inane detail or unremarkable feature, and if only through a boring and bureaucratic account of the fact that someone has been born and recognized as a human being by the law, and then deceased without much else to add, then that person becomes a unique character of a story of which others are aware and that calls for peer recognition and respect. That we all count as a unique part of a common tale, the story of human dignity; that is the way to acknowledge the importance of singularity within commonality.

VI. CONCLUDING REMARKS

Schopenhauer’s spite against dignity has guided this brief reflection as a bitter medicine for getting to know our normative intuitions about dignity a little better. The conception of dignity that has served as the baseline for this endeavor is the one proposed by Immanuel Kant, that “genius” who made a great mistake with impunity: neglecting the importance of singularity within commonality.

Yet, after putting Kant’s conception to the test by rival conceptions that do highlight the importance of individual singularity, including those of Aristotle, de Tocqueville, Mill, and Arendt, but at the same time mindful of the dangers of too much focus on singularity, a stronger and more refined conception of human dignity has emerged. According to this enhanced conception of human dignity, it is morality, and the unique and irreplaceable human individual, insofar as she is capable of morality, and as a narrative creature with the potential for originality, that which alone has dignity.

REFERENCES

- [1] Arthur Schopenhauer, *Parerga and Paralipomena* (New York: Oxford University Press, 2000), p. 460.
- [2] Cited in Michael Rosen, *Dignity. It's history and meaning* (Cambridge: Harvard University Press, 2012), p. 1; Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," *The European Journal of International Law* 19:4 (2008): 661.
- [3] Arthur Schopenhauer, *The world as will and representation* (New York: Dover Publications, 1969).
- [4] Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge: Harvard Classics, 1914), par. 69.
- [5] Immanuel Kant, *The Metaphysics of Morals* (Cambridge: Cambridge University Press, 1996), p. 138; Michael Meyer, "Kant's concept of dignity and modern political thought," *History of European Ideas* 8:3 (1987): 320.
- [6] Oliver Sensen, "Kant's Conception of Human Dignity," *Kant-Studien* 100 (2009): 310.
- [7] Kant, op. cit. (1996), p. 139; Meyer, op. cit., p. 329; Jeremy Waldron, "Citizenship and Dignity," in Christopher McCrudden (ed.), *Understanding Human Dignity* (Oxford: Oxford University Press, 2015), pp. 327-343.
- [8] *Bundesverfassungsgericht*, Feb. 15, 2006, 115 BVerfGE 118, pars. 118 et seq. Online: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2006/02/rs20060215_1bvr035705en.html.
- [9] The difference is not at all trivial, as noted by Hannah Arendt, *Eichmann in Jerusalem* (London: Penguin Classics, 2006).
- [10] Samuel Kerstein, *Kant's Search for the Supreme Principle of Morality* (Cambridge: Cambridge University Press, 2004), p. 2.
- [11] Emer de Vattel, *The Law of Nations* (Indiana: The liberty Fund, 2008), Book II, p. 281.
- [12] George Wright, "Second Thoughts: How Human Cloning Can Promote Human Dignity," *Valparaiso University Law Review* 35:1 (2000): 17.
- [13] Thomas Hill, "Kantian perspectives on the rational basis of human dignity," in Marcus Düwell et al (eds.), *The Cambridge Handbook of Human Dignity* (Cambridge: Cambridge University Press, 2014), p. 217.
- [14] Philippe-André Rodriguez, "Human dignity as an essentially contested concept," *Cambridge Review of International Affairs* 28:4 (2015): 743-756.
- [15] W.B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1955-1956): 168.
- [16] H.L.A. Hart, *The Concept of Law*, 3rd edition (Oxford: Oxford University Press, 2012), p. 159; John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 2005), p. 5.
- [17] Ronald Dworkin, *Law's Empire* (Oxford: Hart Publishing, 1998), p. 71.
- [18] Jeremy Waldron, "Is the Rule of Law and Essentially Contested Concept (in Florida)," *Law and Philosophy* 21 (2002): 149.
- [19] Andrea Sangiovanni, *Humanity without dignity. Moral equality, respect, and human rights* (Cambridge: Harvard University Press, 2017), p. 15.
- [20] Jeremy Waldron, *One Another's Equals. The Basis of Human Equality* (Cambridge: Belknap Press, 2017), pp. 2-3; Jeremy Waldron, *Dignity, Rank, and Rights* (Oxford: Oxford University Press).
- [21] Jürgen Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy* 41:4 (2010): 464-480; Michael Ignatieff, "I. Human Rights as Politics. II. Human Rights as Idolatry," *The Tanner Lectures on Human Values* (Princeton: Princeton University, 2000).
- [22] *Law v. Canada (Minister of Employment and Immigration)*, (1999) 1 S.C.R. 497, pars. 27, 52.
- [23] Case CCT 11/96, April 18 1997, par. 80.
- [24] Aristotle. *Politics*. Book V, 1311a. Online: <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0058%3Abook%3D5%3Asection%3D1311a>.
- [25] Alexis de Tocqueville, *Democracy in America*. Online: http://oll.libertyfund.org/titles/tocqueville-democracy-in-america-historical-critical-edition-vol-2#f1532-02_label_607, Chapter 7.
- [26] John Stuart Mill, *On Liberty* (Ontario: Batoche Books, 2001), pp. 53-55.
- [27] John Steinbeck, *East of Eden* (New York: Penguin Books, 1992), pp. 131-132. On the dangers of using "glory" instead of "dignity," see Jeremy Waldron, "Dignity and Rank. In memory of Gregory Vlastos (1907-1991)," *European Journal of Sociology* XLVIII:2 (2007): 201-237.
- [28] Gregory Vlastos, "Justice and Equality," in Jeremy Waldron (ed.), *Theories of Rights* (Oxford: Oxford University Press, 1984), p. 52.
- [29] Hannah Arendt, *The Human Condition*. 2nd ed. (Chicago: The University of Chicago Press, 1998).
- [30] Hannah Arendt. *The Origins of Totalitarianism* (Cleveland: Meridian Books, 1962), p. 287.
- [31] Friedrich Nietzsche, *Human, All Too Human* (Cambridge: Cambridge University Press, 1996).
- [32] David Kretzmer, "Freedom of Speech and Racism," *Cardozo Law Review* 8 (1986-1987): 482.
- [33] Convention on the Prevention and Punishment of the Crime of Genocide (1948), art. II; Rome Statute of the International Criminal Court, art. 6.
- [34] UN General Assembly Resolution N° 96 (1948).
- [35] Alasdair MacIntyre, *After Virtue. A Study in Moral Theory*. 3rd ed. (Notre Dame: University of Notre Dame Press, 2007).