Chapter Three: The Right to Dignity Even When Dying

In 1996, the state of Oregon passed the first legislation in the United States that allows physician-assisted suicide. However, it was not called the right to suicide act, but instead the Death with Dignity Act. Apart from the merits of the bill, its supporters knew how to name it so as to draw approval. Death with dignity has been one of the most frequently used phrases in the discussions of death during the past three decades. It is difficult to vote against dying with dignity. Who is prepared to say that he or she favors death with indignity?

Although not many people are prepared to speak in favor of undignified death, there are some people who are suspicious of the phrase dying with dignity. Is it a slogan without much substance? Is it a false hope? Is it a euphemism for suicide? In this chapter, I will explore the meaning of the phrase dying with dignity and, more particularly, I wish to resist what could be a tragic misunderstanding of the phrase.

One of the few people who directly attacked the idea of dying with dignity was the theologian Paul Ramsey. In an essay entitled The Indignity of Death and Dignity, Ramsey affirmed that death is - and should be - an indignity. The reason he gave was that to deny the indignity of death requires that the dignity of man be refused also. The more acceptable death is, the less the worth or uniqueness ascribed to the dying life. In Ramsey’s view, death and life are opposites and one has to give dignity to either life or death; he chose life. His willingness to accept this stark contrast, which makes death a necessary indignity, is unusual but a similar attitude may be implicit in the writings of many other authors.

More common than an assault on dying with dignity is the belief that dignity would be desirable at death but - tough luck - it is not available, at least for the vast majority of folks. What may seem to be at issue in this claim is an empirical judgment about how many people die with dignity. Someone who has spent much time with dying patients might seem to be in the best position to render the judgment that dying with dignity is not realistically attainable. But before we get to statistics on the matter, we need to be sure that we are talking about the same thing.

Old and rich words, such as dignity, often have conflicting, sometimes nearly opposite, meanings. This ambiguity cannot be cleared up with a quick
definition; the two meanings are too intimately entangled. This contrast of two related meanings applies to dignity.

The first meaning of dignity is playfully captured in a New Yorker cartoon. A gentleman in top hat and tails is being greeted by the doorkeeper to heaven with the words: I'd like to congratulate you on dying with a lot of dignity. This meaning of dignity as upper class propriety can be found throughout the word's history and is still present today. To be dignified or to keep one's dignity is what the superior person does under all circumstances, including the worst.

Dignity in this first meaning is a prized possession. One would fear the indignity of getting caught in certain situations or of lacking whatever is needed to hold on to one's dignity. An advertisement on television for curing baldness promises to restore your hair and dignity. The advertisers know how to get the attention of the unlucky bald guy whose mirror tells him every day that he has lost not just his hair but his dignity.

This meaning of dignity is assumed in a statement by Leon Kass: One has no more right to dignity - and hence to dignity in death - than one has to beauty or courage or wisdom desirable though these all may be. Kass makes this assertion because he says dignity is undemocratic and aristocratic, something one does not have a right to. Kass is correct in his etymological reference to the Latin dignitas, meaning worthiness, elevation, honor. Although he is aware of the double meaning of dignity, he is dismissive of a right to dignity.

The second meaning of dignity is commonly used in today's ethical discussions. Dignity is the right of every human being. Every human being by reason of being human is entitled to be treated with dignity, or with a minimum of respect and decency. Avishai Margalit writes that dignity, unlike honor, is not a positional good. It is supposed to be accorded to everybody, by virtue of the most universal common denominator of being human.

A right to be treated with dignity, honor and respect may be thought to presuppose a dignity in the one being respected. John Kultgen points out that codes of professional conduct are ambiguous as to where dignity resides. Engineers are told to act in such a manner as to uphold and enhance the honor, integrity and dignity of the profession. Dignity is concerned with the possession of superiority. Physicians are told in the first principle of their code to provide service with compassion and respect for human dignity. Dignity concerns treating human beings who are in need. The code for lawyers says that justice is based upon the rule of law grounded in respect for the dignity of the individual and his
capacity through reason for enlightened self-government. The last phrase might raise a question about the dignity of individuals, including most of the dying, who lack a capacity for enlightened self-government.

Advocates of dying with dignity had better be aware of this ambiguity in the meaning of the phrase. Nowhere is it more important to be aware of dignity’s complex meaning than in discussions of the dying. Are we talking about the actions of the dying person (holding on to one’s dignity), or are we talking about the actions of the those who are caring for the dying person?

Elisabeth Kubler-Ross is often given the credit (or blame) for sparking the advocacy of dying with dignity. She did not actually use that phrase in On Death and Dying but later writers found the idea, or their own idea, of dying with dignity implied in that book. I think that both meanings of dignity are in Kubler-Ross’s writings but she did not sort them out.

All of her writing is about treating the patient with respect and care, that is, to honor human dignity. However, in response to the question Does the patient express a different sense of dignity when he resigns himself to his fate rather than accepting it? Kubler-Ross says there is something very dignified about these patients [who accept death], while people in the stage of resignation are very often indignant, full of bitterness and anguish. Although the qualities she associates with acceptance seem desirable, expecting the patient to be dignified while dying could be cruel or absurd.

For a detailed case study of reaction to dying with dignity, examine How We Die by Sherwin Nuland. This book is deservedly praised as one of the best works on death in recent decades. This fact makes it the more surprising that the author goes single-mindedly after dying with dignity. While the target he attacks may need demythologizing, he does not allow into the discussion a nearly opposite meaning of dying with dignity. That exclusion can have unfortunate practical significance.

The reader does not have to puzzle out Nuland’s attitude to death with dignity. He states it at the beginning and regularly repeats it throughout the book. A have written this book, he says in the Preface, A to demythologize the process of dying. The myth he refers to here is the good death which has always been for the most part a myth, but never nearly as much as today. The chief ingredient of the myth is the longed-for ideal of death with dignity.

In the first chapter, Nuland clarifies what this ideal is: Death with dignity is
our society=s expression of the universal yearning to achieve a graceful triumph over the stark, often repugnant finality of life=s sutterings. What Nuland is intent on showing throughout the book is that A have not often seen much dignity in the process by which we die. Therefore, Af peace and dignity are what we delude ourselves to expect, most of us will die wondering what we, or our doctors, have done wrong.

At one point, Nuland suggests that Adying with dignity@s is not merely an unrealistic hope on the part of the dying person, but is a selfish desire on the part of the survivors. He quotes a man who has cared for his friend with AIDS: AThose of us left behind search for dignity in order not to think ill of ourselves. We try to atone for our dying friend=s inability to achieve a measure of dignity, perhaps by forcing it on him. Although this description is a more severe attack on the idea of Adying with dignity, it has the advantage of moving the question closer to where it belongs, namely, the social and physical environment of the dying patient.

If Adying with dignity@has a defensible meaning, it is in reference to how the dying person should be treated. Dying with dignity ought not to be a burden on the dying; it is a call to the living to treat the dying in a caring, sensitive, respectful way. After describing a debris-strewn hospital room where the patient dies alone among strangers, who are Adeterminedly committed to sustaining his life, Nuland concludes Ahere is no dignity here. What is missing in his description is a call for reforming such situations so as to treat the dying patient with dignity.

How We Die has searing chapters on Alzheimer=s and AIDS in which Nuland disallows any romantic notions of a gentle, peaceful passing. Of an Alzheimer=s patient, he writes, AThere is no dignity in this kind of death. It is an arbitrary act of nature and an affront to the humanity of its victims. Of an AIDS death he writes: ATo imagine extracting a scrap of dignity from this kind of death is beyond the comprehension of most of us. And yet, in both of these chapters, Nuland proceeds to describe precisely what Adying with dignity@s mainly about. Of the AIDS patient he says that the indignity sometimes brings out moments of nobility. In the Alzheimer=s case he marvels that Ahuman beings are capable of the kind of love and loyalty that transcends not only the physical debasement but even the spiritual weariness of the years of sorrow.

Not only in these two chapters but throughout the book, Nuland paints beautiful descriptions of how the dying should be cared for. If he does not wish to describe that caring as Adying with dignity, his reluctance is understandable. Nonetheless, his failure to appreciate that that is what some people mean by
A dying with dignity is puzzling and unfortunate. For example, when hospice nurses use the phrase, its meaning is usually very clear. They are referring to the way that hospice treats a patient. Before deciding whether A dying with dignity is to be defended or attacked, one needs to examine where the phrase comes from and what chance there is to manage its complex meaning.

The Basis of Ethics

One could argue that the most fundamental principle of ethics is: Every human being has the right to be treated with dignity. A Human being would include those who are the most vulnerable, powerless and unattractive among us. A Dignity in this context is a term that has meaning for old and young, men and women, past and present, west and east, north and south, religious and nonreligious.

The unfulfilled struggle of ethics and a moral politics is to be inclusive of every single human being, however much he or she might be an outcast. Certain categories of people become a test of whether we seriously mean that every human being is deserving of respect and dignity. The ultimate test for the meaning of A dignity is the dying person. Thus, the first principle of ethics could be restated as: Every human being has a right to be treated with dignity - even the dying. That is a proposition worth exploring and perhaps worth defending.

Unfortunately, what seems to have happened in the shorthand surrounding death is that this principle - the right to be treated with dignity, even while dying - often breaks down into two slogans: A the right to die and A dying with dignity. Neither slogan makes much sense when taken alone. I will look at A the right to die in the following two chapters; here I examine the meaning and context of A dying with dignity.

Any hope of clarifying A dying with dignity requires stepping back to consider the building blocks of this idea. I think one can identify at least four of them: human nature, human uniqueness, human rights and human dignity. The first, human nature, has been examined already and will re-emerge here in several places. I will briefly clarify human uniqueness before looking in more detail at the idea of human rights. That will lead to the idea of human dignity and the ultimate challenge to human dignity, the process of dying.

The four categories just named - nature, uniqueness, rights and dignity - are linked by the adjective A human. A qualifier usually indicates a narrowing, the selection of one among several elements in a set. In this case, however, the adjective A human has almost the opposite effect, expanding the meaning of each
category. One could use a hyphen in each case to indicate the peculiarity of the relation between adjective and noun. I noted earlier the paradoxical relation between a human and nature, that human nature is neither one of the set called natures nor the opposite of nature. One has to hold together the statement that nature can include the human, and the statement that the human can include nature.

Similarly, a human was introduced as a qualifier of rights not in opposition to nonhuman but as a more comprehensive term than natural, civil, political or other adjectives. Instead of being posited in disregard of other animals, human rights should be inclusive of appropriate care and respect for all forms of life.

Human Uniqueness

The puzzling conflict of meaning in human nature is manifested in the idea of human uniqueness. Some people object to the phrase human uniqueness because they understand it as a claim to human superiority. Humans probably cannot avoid a claim to being superior in some sense; they are the only ones making any claims. In one meaning, unique is a pretentious, even ridiculous claim to a superiority that is dangerous because illusory. In its contrary meaning, however, uniqueness is a recognition of the human vocation, one that carries a heavy burden. The humans are superior in the moral task of responsibility.

Unique is a very unique word, one of the most unique words in the language. The preceding sentence would draw the ire of generations of grammar teachers who have insisted that unique cannot logically have degrees (very) or comparatives (most). The grammarian is logically correct but when people use unique they very often precede it with a qualifier. They correctly sense that there is a good reason for calling something very unique or most unique.

Unique means to differ from all others. There are endless ways in which things can differ. But a thing cannot be totally different from all other things or else it could not be called a thing. When people say that something is very unique, they mean that it differs in many ways or to a high degree from whatever it might be compared to. A most unique thing differs in almost every way imaginable.

As used in popular speech and in much scholarly writing, unique is about a process of increasing differentiation from others. Far from being a term that lacks comparativeness, it always implies comparison, sometimes to its own prior condition and usually to other things that have some similarity.
This first point about the meaning of unique - different from others by a process of continuing but never completed differentiation - leads to a second point. The process of increasing differentiation can proceed in opposite directions, either toward greater inclusion or toward greater exclusion. Something can become more unique by having fewer and fewer notes in common with others. Or something can become more unique by a process of increasing openness to others. xvi

In the sequence abcde, abcd, abc, ab, a, the last element, a, can be called the most unique element. It differs from the others by being the most exclusive; only one note is held in common with the rest. While the element ab is more unique than abc, a is the most unique element in the set.

In contrast, if one describes the set as a, ab, abc, abcd, abcde, one can say that abcde is the most unique element. It differs from all the others because it alone has all the notes of the elements in the set. While abcd is more unique than abc, abcde is the most unique element of the set.

What most unique logically means is most nearly unique, the extreme case of being different from all others. In neither case is the most unique element completely unique. In the first case, it is conceivable that within the element a there might be the sub-elements a₁, a₂, a₃, a₄. Despite the etymology of individual (not divided), individual things always turn out to be divisible further; we never get to a single note.

In the second case, the sequence ending in abcde suggests that there could be abcdef, abcdefg.... The number of notes can be added indefinitely. As long as history endures, no thing can include the notes of every other thing. Novelty is inherent to history.

The first meaning of unique, difference by means of increasing exclusion, may seem to be the obvious and logical meaning. When unique is used of impersonal objects this meaning is the usual one. A thing exists by occupying a unique space and fending off intruders into that space. This rock is unique by being itself and not another rock.

The second meaning of unique - openness to greater inclusiveness - is usually at issue when human beings are in question. Actually, human life is a confusing mixture of the two kinds of uniqueness. Humans share with everything else in space and time a singleness: here is not there, now is not then. But humans
have to discover in their earliest moments that, although the world about them is threatening, it nonetheless is what they have to take into themselves. To be born with a human nature is to have begun the process of increasingly being open. Humans are born unique; their vocation is to become more unique.\textsuperscript{xviii}

Human life emerged from other life forms and remains open to all life. The humans can admire, respect, care for and use other forms of life. That is the distinctively human form of uniqueness which should be an affirmation of uniqueness for all forms of life. Of course, humans easily misunderstand this vocation because this openness can also be called @suffering.@ Some forms of suffering involve pain, a foretaste of death.

In their vain attempt to get security without suffering, humans may fancy that they have some one trump card (reason, free will, language) that puts them above the flow of life and death.\textsuperscript{xx} But that is to trust in a uniqueness of exclusivity. The distinctively human uniqueness is not found in the possession of one characteristic, but in the openness to all things. The unique form of human control comes about through being responsible to others.\textsuperscript{xx}

Many contemporary writers on ecology, in their zeal to attack the image of Aman on top,\textsuperscript{xx} miss seeing that the only effective alternative to man above is Ahumans at the center.\textsuperscript{xx} The choice is not equality or inequality but which kind of uniqueness takes precedence in human life: the move toward separateness and exclusion or the process of increasing inclusion. Eric Freyfogle writes: AWe should be quick to note that many modern ethicists believe that humans are \textit{sui generis} - unique - and that moral worth does not extend beyond the humans. We can refer to these philosophers as the exclusivists.\textsuperscript{xx} Freyfogle is correct about a uniqueness of exclusion. But the only way to get rid of exclusivist uniqueness is with the human uniqueness of inclusion that affirms the moral worth of everything.

The humans have the advantage of being able to guide their lives by the past and to receive instruction from other humans and from nonhumans on earth. However, that ability includes being aware of their mortality. John Hick writes that in relation to death man is doubly unique among the animals: 1) he knows he is going to die 2) in an important sense, he doesn\textsuperscript{t} believe it.\textsuperscript{xxii} If a man did not in some sense deny his mortality he would avoid every risk, danger and threat in a desperate attempt to protect himself. By obsessively trying to save himself from death he would lose his unique self; a unique self that dies.

Whenever someone cites an event as (very) unique, an historian is sure to say
that the statement is banal. Every event is unique in that it happens once and it is not repeated. True, that is one meaning of unique. To the extent that history is viewed as a sequence of impersonal happenings, unique is true of all events and therefore adds no meaning to any event.

Nevertheless, to the extent that events are laden with human meaning, some events are more unique than others. The splitting of the atom, the fall of the Berlin wall, the bombing of the World Trade Center are (very) unique events. They are filled with meaning and nearly everyone can immediately sense some of that meaning. But no one can fully comprehend the meaning of such events; the passage of time is needed to help clarify the meaning in these cases.

An event can encompass other events that have led up to it, and one event can shake up the order of the whole world. We acknowledge that fact by celebrations and memorials. One date is more unique than another; one place can be very unique for some people. Particular communities recognize that some human individuals embody a whole era, sum up a people, or act in a way that transforms numerous lives. It may take several decades or even centuries to judge what has been the result of a unique life and who are the more or the most unique people.

Each human life remains a struggle to the end (or at least close to the end). The struggle can be described as the conflict of uniquenesses. Does life move in the direction of a more inclusive love and care or does one’s life become more cramped in a narrowing ego-centeredness. Since physical infirmities in old age may limit a person’s outgoingness, the overall direction of a person’s life cannot be judged from the outside. Even to the person whose life is in question, the full story of that life is not available.

In any case, the environment of the dying should be supportive of the patient’s better tendencies. Dying is the ultimate test of uniqueness. At its worst, death is an impersonal separation into ultimate loneliness; at its best it is a sign of communion with human and all living reality. As I will suggest in chapter nine, religions look to the death of the unique person as entrance into a communion with all reality.

The first two sentences of Sherwin Nuland’s How We Die are: Every life is different from any that has gone before it and so is every death. The uniqueness of each of us extends even to the way we die. One could read those two sentences as saying that each of us is alone in life and most alone in death. I do not think Nuland would have written the book if he believed that each person’s
dying bears no similarity to anyone else. Rather, a unique death means that one dying is in some respects similar to every other human death, and that to recount the story of one person dying can be instructive for the rest of us who are still alive.

**Human Rights**

The link between human uniqueness and dying with dignity is the concept of human rights. There are now hundreds of books on the origin, nature and extent of human rights. In the last few decades, human rights have become central to international discussions. Most of the time human rights are given exalted praise, although some skeptics dismiss human rights as vacuous rhetoric or as a devious plot by the United States. I will focus here on how awareness of dying might help to clarify some disputed points about human rights and how an ultimate test of human rights is the right to die with dignity.

Discussion of human rights usually begins from the United Nations document, *The Universal Declaration of Human Rights* in 1948. Since then, a body of international law and covenants has been developed to give weight and specificity to the idea. It would be dangerous, however, to assume that the idea of human rights is an invention of lawyers and diplomats in the middle of the twentieth century.

It is true that the phrase human rights rarely found before 1948. The French *Declaration of the Rights of Man and the Citizen* comes close and the United States’ Bill of Rights is also cited as a precedent. One can go further back to the Magna Carta or even to the Stoics and Roman law for the germ of the idea that every person (or everyone recognized in the law as a person) has rights.

If ethics is to be based on human rights, the origin and nature of such rights is more than a historical curiosity. When the ultimate basis of human rights is explored there is usually a menu of three items offered for choice: God, nature, and man. God and nature tend to get quickly excluded; only the third item, man, in some variation, is taken seriously. God, the first of the three items, is assumed to have been tried and found wanting as the basis of ethics. As for nature, the second possible source of rights, it is presumed that people who wish to defend nature or natural law are stuck in the eighteenth century. That leaves the third party, man, to carry the whole burden.

William Schulz, Director of Amnesty International, formulates the triad as God, natural law and pragmatism. He argues for pragmatism as the proper
basis of rights. He equates this third way to justify rights, far better than appeals to God or Nature, with the capacity for human empathy and solidarity. Why these qualities of empathy and solidarity belong to pragmatism but not (human) nature is unclear.

Michael Ignatieff, using slightly different terms, writes that we do not build foundations on human nature but on human history. Ignatieff says that human rights represent a systematic attempt to correct and counteract the natural tendencies we discovered in ourselves as human beings. While claiming that human rights need not make appeal to any particular idea of human nature, he has chosen his own version of human nature in which natural tendencies have to be counteracted.

If one starts with the inclusivity of human uniqueness, morality is a support of some natural tendencies against others. For example, Ignatieff says we are naturally indifferent to people outside the circle of our immediate relations. True, but natural indifference can only be overcome by cultivating natural love, natural care and natural respect.

The main point here is that the choice of abstractions - God, nature, man - practically guarantees that there will be no conversation, except for one among a set of believers. Why shouldn’t there be a conversation among religious, philosophical and political traditions?

The dismissal of God by contemporary secular writers is especially troubling. Although Ignatieff says that a commitment to rights is a willingness to deliberate, he does not seem to include religious conversation. Diane Orentlicher criticizes him on this point, saying that universal acceptance of the human rights idea depends upon its legitimation within diverse religious traditions, and not just alongside them.

The creators of the United Nations document tried their best to engage a multiplicity of traditions. Although Eleanor Roosevelt shepherded the document through its composition and final approval, its chief authors were French, Chinese, Lebanese, and Canadian. The authors did choose to exclude the words by nature and from God in Article 1 but they let stay references to inherent dignity, inalienable rights and born free.

Mary Ann Glendon notes that the Universal Declaration is more influenced by the dignitarian tradition of continental Europe and Latin America than by Anglo-American individualism. Article twenty-nine of the document says: Everyone
has duties to the community in which alone the free and full development of his personality is possible. The document’s heritage would have been clearer if, as some delegates had wished, this article were placed at the beginning of the document.

Since the passage of the Universal Declaration, discussion of human rights has been hampered by two dichotomies: the first between positive rights and negative rights; the second between rights called civil and political as opposed to those called social, cultural and economic. The contrast of positive and negative rights, usually attributed to philosopher Isaiah Berlin, includes the claim that a right has to be stated negatively. In this way of thinking, a right is a defense of something for which we need protection. The Universal Declaration, however, listed many things (including free education and paid holidays) that seem to be rights to something rather than rights to protection from something.

The second contrast overlaps the first: civil and political rights seem to be mostly negative; social, cultural and economic rights are rights to certain goods. This second contrast became embodied in two United Nations covenants, reflecting the fact that cold war rhetoric revolved around this distinction. The cry of the United States for free speech was met by the Soviet insistence that economic concerns take precedence. Unfortunately, this rhetoric has continued after the Soviet collapse. For many Asian and East European countries, the United States seems obsessed with free speech and not enough concerned with homelessness, and lack of health care for everyone. The United States, for its part, preaches civil and political rights as the way to economic prosperity.

The most creative attempt to overcome this split has been done by Henry Shue who tried to shift the discussion to basic rights. Shue describes these rights as everyone’s minimum reasonable demands upon the rest of humanity. That would mean some basic rights, usually called negative, require positive action by some agency.

This meaning of basic right leaves open who or what secures the right. It also does not indicate what economic system is the best. And a basis right to economic help does not guarantee economic security. It does point out the need to supply enough food and shelter that people are not forced to live sub-human lives. While many authors praise Shue’s work he has not been successful in replacing the contrast that originated in the 1950s.

The importance of Shue’s basic rights is that the test of human rights is whether the most powerless people are protected. Everyone has rights but the
plight of the poor, the disabled, the aged, and the child will show if a society actually practices human rights. Each of these categories deserves exploration. The one that I emphasize here is treatment of the dying, especially if the dying person is an economic drain on the family or on an insurance company. Advanced medical technology cannot be guaranteed to everyone but the basic rights of everyone must include a human rather than an inhuman way of dying.

Human Dignity

The single word that can best summarize basic rights is dignity. In whatever way rights are enumerated, the basic right is always the right to dignity. The most essential message of human rights is that there are no excuses for the inhuman use of human beings. That is really a simple principle that ordinary people can understand. However, the rich and the powerful, the fearful and the threatened, are always finding excuses for excluding classes of individuals.

For example, people who are accused of a crime need a right to due process; the worse the crime, the greater the need. Even if convicted of a crime, the prisoner is still a human being who does not deserve to be treated inhumanly. Avishai Margalit, in his extraordinary study, The Decent Society, puts into a single formula what a decent society is: It punishes its criminals, even the worst of them, without humiliating them.

Why is dignity the word for asserting the claims of the most vulnerable people? The word has certainly undergone a paradoxical evolution, given its origin as an aristocratic claim to marks of special respect. But that is precisely the point. Dignity, respect, and honor are birthrights, not something that a government decides to confer. The progress of the human race is measured not by pulling down human excellence to a lowest common denominator, but by recognizing excellence among those people who have previously been called inferior.

The human temptation is to equate power with a force for control and domination. But among the animals, the humans do not rank high in brute strength. Human strength lies in its apparent weakness, in intelligence rather than instincts. Human life is not about getting to the top but about finding out that top and bottom are illusions.

Humans are equal in dignity, or in the respect that comes from being born human. Thus, the first article of the Universal Declaration says All human beings are born free and equal in dignity and rights. And after Germany’s horrific Nazi
period when millions were killed simply because they were Jewish, gay or Gypsy, it was fitting that the Basic law in Germany reads: The dignity of man shall be inviolable.\textsuperscript{10}

\textit{Dignity} is one of the few words that has a chance to bridge ancient and modern ethics, as well as to mediate contemporary disputes. Whereas a phrase such as sanctity of life is narrowly used by one group and rejected by another, dignity is acceptable to almost everyone. Of course, there is the danger that what is acceptable to everyone may be very thin in meaning.

The meaning of dignity may sometimes be hard to pin down but it is not simply vacuous. Dignity shows up at the center of ethical discussions. The Catholic church and contemporary rights advocates are often at odds, but they can agree on dignity’s desirable. Catholic church documents, since the time of Pope John XXIII regularly refer to human dignity as the basis of ethics.\textsuperscript{32}

The almost two-thousand-year history of dignity deserves a more thorough study than it has been given. Here I can mention only a few crucial turns that the term has taken. \textit{Dignitas}, in the world of Roman gentlemen and officials, was concerned with submission: when to submit and to whom.\textsuperscript{33} Dignity was prized as a mark of superiority, the possession of one who demanded respect. Christianity absorbed this sense of worthiness, but, to the extent that the teachings of Jesus were followed, dignity was applied in a radically different way, to every human being.\textsuperscript{34}

Christian mystics were especially influential in the democratizing of dignity. The mystics held to the paradox that joins human greatness and human nothingness. By themselves, humans are nothing but as God’s high priests of creation they are unique, the workshop of creation. Humans possess nothing of their own but, free of an acquisitive mentality, they are able to receive, to respond, to enjoy. The greatest of the fourteenth-century mystics, Meister Eckhart, had the saying Every man a king. Every human being is to be honored as a king, a little less than the angels, not by reason of his or her accomplishments but by reason of royal birth into humanity.

A different strand in the evolution of dignity emerged in the fifteenth century. It is most strikingly evident in \textit{Oration on the Dignity of Man}, by Pico della Mirandola (1463-1494). The Oration contains words that are put into the mouth of God the Father at the time of Adam’s creation. Pico probably did not think of his essay as a radical shift of attitude but it is startling in its modernity. Human beings are described by the words: At is given to him to have that which he
chooses and to be that which he wills. In writers who followed Pico (Nicholas Cusanus, Marsilio Ficino, Gianozzo Manetti) dignity resides in man's possession, his ability to be whatever he chooses to be. The dignity of man became defined in opposition to nature.

As the renaissance, followed by religious and political reforms, widened the inclusiveness of dignity, there corresponded a narrowing of the basis of dignity to one characteristic that separated man from beast. Pascal, for example, describes man as a thinking reed. All our dignity consists, then, in thought. By it we elevate ourselves and not by space and time which we cannot fill. Pascal still had the mystic's strong sense of dependence on God as the basis of dignity but dignity itself was equated with the possession of rationality.

In the centuries that followed, dignity became more and more identified with the possession of autonomy and rational control. Friedrich von Schiller's essay, On Grace and Dignity, set the dignity of man in the context of the human control of nature. True dignity is content to prevent domination of the affections, to keep the instincts within just limits....True dignity wishes only to rule, not conceal nature.

Despite recent changes in thinking about man and nature, his meaning of dignity is still strong today. Michael Ignatieff acknowledged that his critics were correct in saying that an idea of dignity cannot be avoided. But Ignatieff adds: While I concede this point, I still have difficulty about dignity....Dignity as agency is the most plural, the most open definition of the word I can think of.

I suggest a more open definition of dignity would not start with any human possession but with the respect shown a human being, whether or not it can exercise any agency. The most vulnerable human beings may be powerless, either temporarily or permanently, but they still deserve to be treated with dignity.

That is why talk about rights and dignity have to be tested out in relation to the dying. Even a dead body deserves a degree of dignity.

As the most extreme case, consider capital punishment. Helen Prejean, in Dead Man Walking, notes that the state of Louisiana wants the condemned prisoner to go to his death with dignity. Although capital punishment is a total rejection of a person's dignity, the state has the gall to demand that the prisoner maintain his dignity; crying, screaming or soiling his pants would be considered undignified. Prejean recognized that if a condemned prisoner is to retain a shred of human dignity in death it could only come from someone who shows a care for
the life of the condemned man. The prisoner did die with some dignity because he could approach death with a confessing, forgiving and loving attitude, linked to humanity though Prejean, despite Louisiana’s treatment of him as sub-human.

In the one place that Sherwin Nuland refers positively to dignity, he writes: The greatest dignity to be found in death is the dignity of the life that preceded it....Hope resides in the meaning of what our lives have been. This reasonable statement is difficult to argue with. Still, it is a dangerous principle to make dying with dignity depend on the achievements of the life that preceded.

While such achievements may provide support to a dying person, every human being deserves dignity in dying, whatever have been his or her accomplishments. The abused child, the homeless man, the manic-depressed woman may not be able to fall back on a life of dignity. They should at least be shown some respect when they are dying, a respect that may have been absent during most of their lives.

Dying with dignity, instead of being a tired cliche or an unreal expectation, becomes a way to judge a whole society. If the dying and the dead are not treated with respect, then it is not a very good place for the living. Dying with dignity reveals the meaning of human nature. Dying with dignity is the ultimate expression of human uniqueness. Dying with dignity is the ultimate test of human rights. It is the immediate background for today’s discussions of suicide and euthanasia.


v. Ibid., 230.
vi. Elisabeth Kubler-Ross, *Questions and Answers on Death and Dying*, 34.


viii. Ibid., xvi

ix. Ibid., 10.

x. Ibid., xvii.

xi. Ibid., 141.

xii. Ibid., 195.

xiii. Ibid., 41.

xiv. Ibid., 117.

xv. Ibid., 190.

xvi. Ibid., 117.


xxiii. Sherwin Nuland, *How We Die*, 3; similarly, David Kuhl begins the last paragraph of his book, *What Dying People Want* (New York: Public Affairs, 2002), 290: *Just as people live unique lives, so they die unique deaths. The ideas in this book can be used to guide, direct and facilitate the process of dying.* The two sentences make no sense unless *unique* means openness to all others.


xxv. Johannes Morsink *The Universal Declaration of Human Rights: Origins, Drafting and


xxx. Ibid., 79.

xxxi. Ibid., 55; K. Anthony Appiah (*Grounding Human Rights*, 106), criticizes Ignatieff on this point: *The reason why we do not need to ground them in any particular metaphysics is that they are already grounded in many metaphysics and can already derive sustenance from these many sources.*


xxxv. *Covenant on Civil and Political Rights*; *Covenant on Social, Cultural and Economic Rights.*


xxxvii. Michael Ignatieff, *Human Rights as Politics and Idolatry*, 90: *The claim here would be that civil and political freedoms are the necessary condition for the eventual attainment of social and economic security.* While political freedoms may be needed for economic security, it is a different question to ask whether political freedoms take complete priority over citizens sleeping on the sidewalks and having no food stamps.


xliv. Martha Nussbaum traces the democratizing of dignity to the Stoics. She says that this dignity has two problems: political life becomes apathetic and animals are degraded. She argues that dignity needs connection to an alternative tradition where compassion is central. The argument presented above makes an inherent connection between dignity and compassion. See Martha Nussbaum, *Compassion and Terror*, *Daedalus*, 132(Winter, 2003), 10-26.


xlvii. Quoted in Carter, *Revolt*, 188.

xlviii. Richard Sennett traces the modern concept of dignity to two sources, one based on respecting the pain of another, and the other based on the dignity of labor. His analysis is helpful in pointing out that dependence while dignified in private is considered shameful in public. Our public policies do not reflect an understanding of human uniqueness, especially when the suffering and dying are the issue. See *Respect in a World of Inequality* (New York: W.W. Norton, 2003), 57-59; 125.

xl ix. Friedrich von Schiller


li. Helen Prejean, *Dead Man Walking* (New York: Vintage Books, 1993); Prejean (114-115) points out that the Supreme Court in Gregg vs. Georgia (1976) found that execution as not inconsistent with our respect for the dignity of men.


liii. Philippe Aries, *Hour of Our Death*, 556, cites a study of the poor in northeast Brazil: The
possession of their death is their right to escape some day from the grip of poverty and the injustices of life. Death gives them back their dignity.