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Dignity and the Phenomenology of Recognition-Respect

Uriah Kriegel

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Abstract :: What is dignity? My starting point is that dignity is one of those philosophical primitives that admit of no informative analysis. Nonetheless, I suggest, dignity might yield to indirect illumination when we consider the kind of experience we have (or rather find it fitting to have) in its presence. This experience, I claim, is what is sometimes known as *recognition-respect*. Through an examination of a neglected aspect of the phenomenology of recognition-respect, I argue that the possession of inner consciousness is a precondition for the possession of dignity. The reason for this, I suggest, is that the ultimate privacy of the contents of our consciousness grounds a kind of inviolability characteristic of dignity.

The concept of dignity is central to most Western ethical systems. Its centrality within the framework of Kantian ethics is well known: dignity is a kind of intrinsic worth that inheres in persons qua rational beings capable of setting their own ends in accordance with a universalizable rule or maxim. It is an intrinsic worth that confers on persons a value that is absolute, non-tradable, non-fungible. Kant famously writes:

In the kingdom of ends everything has either a price (*Preis*) or a dignity (*Würde*). Whatever has a price can be replaced by something else which is equivalent; whatever, on the other hand, is above all price, and therefore admits of no equivalent, has a dignity. (Kant 1785: 52; 4:434)

When something has dignity, it has a kind of value that no other value can compete with, a value the least amount of which categorically trumps any quantity of any other type of value.¹

Interestingly, dignity makes a crucial appearance in Mill's utilitarian framework as well. In classical utilitarianism, the only thing that has intrinsic value is pleasure; all other goods are merely instrumentally good. But while Bentham took all pleasures to be of *equal* intrinsic value, Mill considered that some pleasures are more intrinsically valuable than others. In particular, spiritual, intellectual, or contemplative pleasures are more intrinsically valuable than sensory or sensuous pleasures. What makes the former intrinsically superior to the latter? Mill's argument features a surprise appearance of the notion of dignity:

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures ... We may give what explanation we please of this unwillingness; we may attribute it to pride, ... we may refer it to the love of liberty and personal independence, ... to the love of power, or to the love of excitement, ... but its most appropriate appellation is a sense of dignity... (Mill 1863: 12-3)

Mill's basic argument, then, is that everybody familiar with both types of pleasure appears to prefer the spiritual kind. Setting aside the cogency of this argument, it is striking that Mill accords dignity a special role in it. Mill's key normative premise may be formulated as follows: for any given intrinsic goods G_1 and G_2 , G_1 is intrinsically better than G_2 just if a person possessed with dignity would prefer G_1 over G_2 . (The argument's only other premise is empirical: that subjects of greater dignity in fact prefer contemplative over sensory pleasures). Thus in Mill's utilitarian ethics, too, the notion of dignity is tied up with what has the highest possible value.

Outside traditional debates in normative ethics, the notion of dignity (often: 'human dignity') has been brought to bear in a variety of political and social debates.

It is often invoked to underpin the notion of *human rights*, and sometimes (more rarely) that of *animal rights*.² (The very opening sentence of the United Nations' Universal Declaration of Human Rights reads: 'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, . . .') Given this evident ethical centrality of the notion of dignity, a philosophical analysis and/or account of that notion would be very welcome. The problem, however, is that dignity may well be one of those philosophical primitives which admit of no informative analysis in terms of more fundamental notions. Dignity is a kind of intrinsic value that inheres in some things and not in others, and that is all we can say about it. We cannot 'get underneath' dignity to reveal its inner structure, its components and grounds – because it has none. It is literally a fundamental notion.

I would like to suggest that even if this kind of primitivism about dignity is right, there is still philosophical illumination to be had of dignity, namely, by examining the kind of *experience* we have of dignity, or more accurately, the kind of experience of dignity it is *fitting* for us to have.³ According to so-called fitting-attitude theories of value, certain values *consist in* the fittingness of certain experiential reactions: for a person to be morally admirable, for example, is just for it to be fitting to morally admire her.⁴ One *could* adopt a fitting-attitude theory of dignity, whereby there is a special experience E, such that for a thing T to have dignity just is for it to be fitting to have E toward T. But even if we reject such a fitting-attitude account of dignity, we can still think of the relevant E as an *instructive symptom* of dignity. Thus, the most natural way to reject the fitting-attitude account of dignity is to insist on an inverse direction of explanation: whatever E is, it is fitting to experience E in the face of T *precisely because* T has dignity. Such a dignity-first view is incompatible with, indeed contrary to, the fitting-attitude account just sketched. But what both views share is commitment to a certain *biconditional*: T has dignity if and only if E is an appropriate experience in T's presence. They only disagree on the order of explanation: whether E's fittingness is grounded in T's dignity (dignity-first approach) or T's dignity is grounded in E's

fittingness (fitting-attitude approach). If the fitting-attitude approach is right, then the biconditional actually constitutes an account of the deep nature of dignity. But even if, as I suspect is the case, the dignity-first approach is the correct one, the biconditional still provides a singularly profitable perspective on dignity. For our subjective experience is something we have direct and personal acquaintance with, so if dignity is pegged to the fittingness of a specific kind of experience, we can, through full appreciation of the relevant experience (and the sense of when it is fitting), obtain a theoretical perspective on dignity itself.



The question is what this experience E is, whose fittingness is claimed to be so beneficially pegged to dignity. Before this question can be answered, though, it must be made more precise. For in truth there is probably any number of ways to relate to dignity in our experience. The question, more precisely, is whether there is a *proprietary* way of relating in experience to dignity. Let me explain the relevant notion of proprietary experience.

Consider our experiential relation to danger. We can think to ourselves that flying is dangerous, we can wonder whether it is dangerous, we can hope it is not dangerous, and so on. These are different ways of engaging with danger in our conscious experience. But there is also a *proprietary* way of engaging with danger in consciousness, namely *fear*. Fear is the kind of experience whose *very nature* is to relate to its intentional object qua dangerous. It presents its object precisely *under the guise of the dangerous*. One way this is sometimes put is that danger is the ‘formal object’ of fear (whereas it is not the formal object of thinking, wondering, or hoping). This way of putting things may be misleading, however. For the crucial feature of fear of flying, distinguishing it from (e.g.) thoughts and wonders about the dangers of flying, is that danger *does not actually appear in the content or object of fear*. Danger is not that which is feared; only flying is feared. The danger is rather a dimension of fear’s very way of relating to flying – its proprietary *mode* of presenting flying. The way I like to put this is as follows: whereas the thought that

flying is dangerous presents flying as dangerous, fear of flying presents-as-dangerous flying. In the former, danger qualifies the thing being presented (flying); in the latter, it is a modification of the attitude taken *toward* that object (fear).

To say that fear is our proprietary experience of danger, then, is to say that it is in the nature of fear to present-as-dangerous whatever it presents. Fear of snakes presents-as-dangerous snakes, fear of policemen presents-as-dangerous policemen, and so on. By the same token, now, to look for our proprietary experience of dignity is to look for a kind of experience whose very nature is to present its objects *under the guise of dignity*. What we are after here is not just any old experience that presents dignitaries, so to speak, but rather the kind of experience whose proprietary intentional mode is that of *presenting-as-dignified* its object. Our gambit is to obtain illumination of the nature of dignity through a phenomenological analysis of an experience whose very nature is to present-as-dignified whatever it presents.⁵

It is a substantive claim, of course, that there *is* such an experience – that our psychological repertoire includes a kind of experience which by its nature presents its objects under the guise of dignity. The hunch I would like to follow here is that there is indeed such an experience in our psychological repertoire, in the form of a *specific type of respect*. Both parts of this are important. The first part is that respect is the kind of mental state that can relate us to dignity in a proprietary way. The second part, however, is that not all types of respect do. Thus, when I respect a colleague for her original and subtle yet rigorously executed body of work in some particularly difficult area, say the philosophy of time, I do not experience my colleague under the guise of dignity; rather, I experience her under the guise of *merit*, or *distinction*. The goal, then, is to isolate the *specific type* of respect the having of which toward something automatically and essentially casts that thing under the guise of dignity.



The relevant type of respect seems to me to have already been isolated in the philosophical literature, in the form of what Stephen Darwall has called *recognition-respect* – and has distinguished from *appraisal-respect*.⁶ The latter is the kind of respect we pay persons in virtue of their accomplishments, or character traits, or some such special *merit* they exhibit. Recognition-respect, in contrast, is insensitive to special merit and is directed at persons purely because they are persons. It is in that sense a non-discriminating kind of respect, and its value resides precisely in the fact that it does *not* draw distinctions between persons; it does not separate them into those that deserve respect and those that do not. It respects equally every person qua person.

This kind of non-discriminating respect is the kind of respect that might be pegged to dignity, since, plausibly, dignity is something that inheres in all persons alike.⁷ We might conjecture, then, that the ‘formal object’ of recognition-respect is precisely dignity (whereas the formal object of appraisal-respect is something like merit or honor). As I would prefer putting it, recognition-respect is that attitude whose very nature is to present-as-dignified its object. Showing that this is the right characterization of the *essence* of recognition-respect falls outside the scope of this chapter; here I offer it as something like a ‘philosophical hypothesis.’

Interestingly, what is essential to recognition-respect, for Darwall, is not that it recommends certain ways of acting toward persons, but rather that it recommends certain ways of *refraining* from acting toward persons:

Some fact or feature is an appropriate object of [recognition] respect if inappropriate consideration or weighing of that fact or feature would result in behavior that is morally wrong. To respect something is thus to regard it as requiring restrictions on the moral acceptability of actions connected with it... (Darwall 1977: 43)

A few lines further, Darwall writes that recognition-respecting *x* is a matter of ‘restricting the class of actions that would be morally permissible’ toward *x*. In this respect, Darwall’s notion of recognition-respect is congruent with Kant’s notion of respect ‘in the practical sense’ (*observantia*). Kant’s notion is clearly also a notion of

respect we owe others in virtue of the dignity of humanity inherent in them (6:449).⁸ What is essential to this kind of respect, for Kant, is the treatment of the other, in whom the dignity inheres, as an end and not merely as a means.⁹ What this means is far from obvious, but the following series of elucidations may take us part of the way to getting clear on this – and will yield the result that the relevant kind of respect, like Darwall’s recognition-respect, has a *negative* action-guiding force.

Let us start by noting that, in the nontechnical sense of the word, a person P’s end is a certain state of affairs S that meets at least two conditions: (i) P wishes that S obtain; (ii) there is no state of affairs S*, such that P wishes that S obtain *only because* P wishes that S* obtain. That is, the person’s end is a certain state of affairs the person wishes for, and wishes for not merely instrumentally. For example, if I want my son to be happy, and not only because this is more likely to make *me* happy, then the state of affairs of my son being happy is an end of mine. Note that in this nontechnical sense it makes no sense to speak of an *individual object*, such as a chair or a person, being an end; only *states of affairs* can be ends. To describe an individual as an end in this sense is simply a category mistake.

In contrast, it is *not* a category mistake to describe an individual object as a *means*, though states of affairs can also be means. For example, I may want my son to receive early musical education because I believe this is likely to enrich his life and enhance his likely happiness. In that scenario, the state of affairs of my son having early musical education is a means to one of my ends. But the tiny drum we are using in his music classes can *also* be described, still in a nontechnical sense, as a means to the same end – even though it is an object rather than a state of affairs. We may say, to a very first approximation, that individual *x* is treated as a means by person P just if (i) there is a state of affairs S, such that S is an end of P’s and (ii) P acts on *x* with a view to bringing about S.¹⁰

With this nontechnical notion of an individual object being treated as a means, we may devise a *technical* notion of an individual being treated as an end, namely, the notion of an individual that is treated as a non-means. If I am fully aware

that I could act on the tiny drum so as to bring about my end (of my son being happy), but choose not to do so, and (crucially) not because some other end of mine would be thereby furthered, then I am treating the drum as a non-means, and to that extent as an end in our technical sense. This would of course be strange behavior on my part, but the same structure can be seen in more natural cases. Suppose I know that I could manipulate my mother-in-law into financing my son's music classes, but choose not to do so, and not because not doing so somehow furthers some other end of mine (to remain in her favor, perhaps). Then I am treating my mother-in-law as a non-means, and thus as an end. More generally, and (again) to a first approximation, x is treated by person P as an end (in the technical sense) just if there is a state of affairs S and an action A , such that (i) S is an end of P 's (or for that matter of anybody's other than x), (ii) P believes that performing A on x will make it more likely that S obtain, (iii) P deliberately chooses not to perform A on x , and (iv) there is no other state of affairs S^* , such that P deliberately chooses not to perform A on x *only because* P believes that not performing A on x will make it more likely that S^* obtain.

Note that being treated as a non-means in this sense goes beyond simply not being treated as a means. The latter can occur simply out of laziness, or ignorance; the former requires a deliberate choice on the agent's part. At the same time, it follows from the above elucidations that for x to treat y as a non-means is fundamentally for x to *refrain from*, rather than *engage in*, certain behaviors. To that extent, an end in this sense is, as Kant puts it, something *negatively conceived* (4:437). What this means is that showing 'practical respect' for persons is negatively action-guiding, a matter of *avoiding* doing certain things.¹¹ As noted, we have here a telling convergence with Darwall's notion of recognition-respect. Dignity is cast in both cases as something the appreciation or awareness of which does not inspire us *to* action, but on the contrary makes us *pull back* and tread with extra care.



The discussion so far suggests the following picture. Dignity in itself may be a philosophical primitive not amenable to informative analysis. Even so, however, an instructive symptom of dignity would be found in the kind of experiential reaction it is fitting to have to its presence. This experiential reaction is a specific type of respect, namely, a broadly Kantian recognition-respect that moves the subject to deliberately refrain from acting on persons even though she believes doing so will enhance her own ends (or for that matter, anyone's ends other than those of the thing being respected).

One issue this picture leaves entirely open is what *makes* something a fitting object of such Kantian recognition-respect. That is, what are the *grounds* of dignity, at least as they are reflected in our (appropriate) experience of something as dignified? As is well known, Kant himself provides an answer in terms of 'rational nature,' which comes down – crushing many subtleties – to the capacity to set ends for oneself and indeed to set moral laws that yield ends which are independent of one's unreflective inclinations (4:431). The literature on this is enormous, and I will not go into it here.¹² I only want to raise a difficulty for this general approach, a difficulty of the form: 'Can you account for certain aspects of our distribution of intuitions about the kinds of thing to which recognition-respect is owed?'

A first case is that of conscious, feeling creatures who are incapable of any action, such as Galen Strawson's 'weather-watchers.'¹³ These are pole-like creatures who are completely immobile, rigidly stuck to the ground, but who nonetheless can sense the ambient temperature, care about it, and take great interest in it. They prefer warm weather, hope for it every morning, and are cheerful when they feel it and disappointed when they do not. They thus have a rudimentary perceptual, cognitive, and emotional life, but crucially, they have no capacity for action and we may stipulate that their faculty of will has atrophied as a result – they experience no such states as deciding, intending, or choosing.

Intuitively, the weather-watchers deserve Kantian recognition-respect. Recognition-respecting the weather-watchers feels *fitting*: even if moving them

around and using them as poles for our beach-volleyball activities would greatly enhance our ends, it feels fitting to refrain from doing so.¹⁴ Indeed, it is built into the experience of recognition-respect toward the weather-watchers that we feel a pull to refrain from moving them around (whether or not the pull is strong enough to override the worse angels of our pre-rational nature). Given Kant's approach to the grounds of dignity, however, it is unclear why the weather-watchers *should* be owed recognition-respect: they are not 'end-setting,' let alone 'law-giving,' creatures. Kant *could* of course maintain that the intuition that the weather-watchers are owed recognition-respect is simply misleading, an intuition we ought not to endorse. But this seems just plain wrong: we very much *should* avoid using the weather-watchers as mere means to our own ends.¹⁵

Conversely, imagine our world contained certain end-setting automata or zombies. It is beyond doubt that much of our behavior is unconsciously driven, which seems to entail that we have many purposes and goals – including, presumably, ultimate goals, that is, ends – that are unconscious. Imagine now a creature *all* of whose ends are unconscious; indeed, all of its mental life, such as it is, is unconscious. It experiences no feelings or emotions, no thought processes, no bodily or perceptual sensations. Yet its unconscious life is sufficiently robust a duplicate of ours that it engages in sensible, goal-directed behavior. My intuition is that, once I am careful to block the temptation to read an inner life into a system that engages in such behavior, I find that no reason is sustained to avoid treating it as a mere means to some justified ends. Indeed, it would be a negligent opportunity waste not to harness these automata to the betterment of everybody(else)'s lives. If we could use them to alleviate poverty in Africa and chose not to do so, that would be a cardinal moral mistake. Again, however, nothing in the Kantian framework allows us to take this stand, since nothing prevents our thought-experimental automata from lawful end-setting.¹⁶

What is striking in these two cases is the concomitant variation between our intuition-distribution regarding the fitting objects of recognition-respect and the presence or absence of conscious awareness in those objects. The weather-watchers

command recognition-respect, we intuit, and *ex hypothesi* they exhibit conscious awareness; the end-setting automata do not deserve recognition-respect, and they have no conscious awareness. This covariation is striking given the absence of any transparent link between consciousness and dignity. Why would consciousness be the grounds of dignity, or at least a necessary component of those grounds? In the remainder, I develop a line of thought that may point in the direction of an answer.¹⁷



Imagine you wake up in an impersonal conference hotel room. The first thing you are aware of may be a mixture of the bed against your body, the pillow you feel and see, and some fleeting images from a fast-vanishing dream. You go to the bathroom, grab your toothbrush and brush your teeth, perhaps take a shower. You put on your nice pants, choose between two potential shirts. You turn on your computer, go quickly over your talk for that day, perhaps reply to a couple of emails. Then you leave your room, get to the elevator, go to the lobby in search of breakfast. You walk past the front desk, exchange nods with a member of staff. You find your way to the restaurant, choose a table on a quiet corner, and when the waiter comes over, you say hello and order a coffee and two eggs, sunny side up.

During this stretch of experience, you encounter in your stream of consciousness a wealth of intentional objects: pillow, toothbrush, pants, computer, elevator, front desk guy, table, waiter, coffee mug, and many others I have not bothered mentioning (bathroom mirror, hallway carpet, elevator mirror, front-desk bouquet, fork and knife, . . .). These objects are experienced by you *as* intentional objects of your conscious awareness; not in the sense that you are somehow unaware that they also enjoy a mind-independent existence, but in the sense that in undergoing this stretch of your stream of conscious awareness, you experience yourself as the sourcepoint of the awareness relation and experience those various objects as so many termini of that relation. These objects populate your overall picture of the world, your living sense of how the world is. We may say that they are denizens of your worldmodel. They are like stars and planets orbiting you, while

you are the sun from which emanate the rays of intentional directedness, of conscious awareness. To repeat, this is not to claim that you need to adopt a specially reflective attitude to consider these objects as mind-independent entities. Even in unreflective mode, you are well aware that the pillow has enjoyed a long existence before you checked into your room and will continue to do so after you go your merry way. Still, when you do encounter the pillow, you are aware – if ever so dimly – of a subject-object structure in your experience, in which the pillow is experienced as the intentional object of your experience, and in that capacity gets absorbed (annexed!) into your internal worldmodel.

Among the objects similarly absorbed into your worldmodel on the same morning, however, are two very special ones: the front-desk guy you nodded to and the waiter you ordered from. This waiter you greet, order from, and thank for your coffee is in one way a denizen of your worldmodel just like the pillow you woke up on. But if you take the time and make the effort to pay the right kind of attention, you can experience a certain Gestalt shift that introduces a new way of being aware of this waiter, whereby he is *also* experienced as something more than just another terminus of your awareness relation; he is also the sourcepoint of an alternative conscious awareness on a par with yours. He is an intentional object of your experience, but at the same time, he is also a subject from which emanate an alternative intentional directedness. When you see the waiter under this guise, he is experienced as nothing less than a walking whole worldmodel alternative to yours.

Crucially, the waiter's alternative conscious awareness can never become yours; the intentional objects populating the waiter's worldmodel, qua intentional objects of his own experiences, resist annexation into your own worldmodel. The reason for this is the familiar phenomenon of privileged access. (Note well: I am emphatically *not* assuming here that we have privileged access to *all* our mental states; only that we do to *some*.) Right now I am visualizing a two-headed octopus; I know that this is so in a way nobody else does. And if next I visualize something else, equally outlandish, and refuse to impart the contents of my visualization, then the following becomes true: there is a fact – part of the natural history of the universe –

which is known to only one person. One could rightly call this a *private fact*. This private fact is an aspect of my worldmodel, and in a very evident sense can be an aspect of no other worldmodel than mine. My token imaginative experience of a two-headed octopus cannot be taken over by any other person, and correlatively, the two-headed octopus, *qua* token intentional objects of that token experience, is a denizen of my worldmodel only. Now, in realizing that the waiter is the seat of an entire worldmodel alternative to yours, some aspects of which are ineluctably inaccessible to you, you experience the absolute and irreducible otherness of the waiter. This absolute otherness entrains a certain kind of *inviolability* that we will explore presently.

But first, note that although the dramatic case of a fact known *entirely* to only one person brings out the point particularly vividly, the (almost trivial-sounding) truth is that a person's experience can be experienced only by her. When you and I look at the moon, it does not matter that the moon appearing to us is exactly the same, and appears to us, let us stipulate, exactly the same. The fact remains that there is a token moon-appearance which inhabits your worldmodel and a *numerically distinct* moon-appearance inhabiting mine. The token moon-appearance of each person looking at the moon at the same time is numerically distinct. We can appreciate a sense in which this is true even without an analysis of appearance talk. The subjective experience of the moon is unique to a single person, and this is so regardless of whether we could one day 'read off' the contents of experience from entirely 'objective,' third-personal evidence. Even if you are a neuroscientist in a futuristic scenario where the neural correlates of consciousness have been fully mapped out, and are inspecting our waiter's brain as he eats chocolate, say, you will not thereby *experience* the taste of chocolate yourself. The chocolate *qua* intentional object of the waiter's experience is destined to remain outside the borders of your worldmodel.¹⁸

When you see the waiter as not only a terminus of your conscious awareness, but also the sourcepoint of an alternative conscious awareness, this modifies your overall experience of the waiter. The way it modifies it is precisely by making you

pull back, with something resembling a sense of awe, and producing a palpable inclination to avoid any callous behavior toward the waiter, any behavior that takes him for granted.¹⁹ In seeing the waiter as a whole worldmodel on a par with yours (indeed a worldmodel of which you yourself can be a mere denizen!), you experience the waiter as on equal footing with you. He is not just another planet orbiting you, but a sun in his own right, complete with an army of stars and planets orbiting him. As such, he stops being just an actor in the drama of your own life, a bundle of affordances as the pillow and coffee mug ultimately are. There is a realization of the full weight of the presence before you that makes you tread with extra care.

These are all recognizable characteristics of respect as characterized by Kant and Darwall. It is not just the kind of 'performative respect' you show the waiter when you speak politely to him, are gracious in your interaction with him, and are generous with your tip to him. It goes much deeper. That kind of performative respect is consistent with all manners of belittling, scornful, contemptuous, ridiculing, or dismissive thoughts about him. But the experience of seeing the waiter as the sourcepoint of a complete alternative worldmodel *shuts down* the capacity to entertain such thoughts about him. (By 'thoughts' here I mean not just fleeting ideas that occur to you spontaneously, but *judgments* that you endorse. My claim is that any capacity to have belittling judgments about the waiter is somehow neutralized once you see him as a 'sun like you.')



What is so special about the experience of a person as the sourcepoint of an alternative conscious awareness is that the privileged access every person has to the content of her consciousness gives rise to a kind of *inviolability* (something that is traditionally taken to be a fundamental aspect of dignity).²⁰

Consider what is to my knowledge the only exception to the notion that every experience can be experienced by only one person: the craniopagus twins Krista and Tatiana Hogan. Reportedly, when Krista is tickled, Tatiana can feel the resulting

bodily sensation, and each can 'see through each other's eyes.' What this means, at bottom, is that when Krista has a proprioceptive tickle experience, or a visual experience, Tatiana has the same access to Krista's experience that Krista herself has. That is to say, Tatiana *can* violate the 'phenomenal privacy' of Krista. But this is an exception that proves the rule, the rule being that each of us has a phenomenal privacy which, as a matter of contingent fact, nobody else *can* violate. (That the fact is contingent is demonstrated by the case of Krista and Tatiana Hogan.) Even though my spouse appears to have greater insight into the unconscious mechanisms underlying my behavior than I do, not even she can access my occurrent phenomenal experiences in the way Tatiana can Krista's. As noted, the case of Tatiana and Krista is the only known exception to human beings' phenomenal inviolability.

This kind of inviolability is in the first instance an *empirical* inviolability: it is a *fact* that the internal space of our conscious experience cannot be violated by anybody. But this original empirical inviolability gives rise to *normative* inviolability as we extend our claim to first-personal authority over the contents of our minds outside the sphere of phenomenal experience. Having developed a sense of hermetic inviolability on the basis of our privileged access to our live stream of consciousness, we find it hard to swallow when this special standing of ours is challenged with respect to the subterranean mental processes underlying it. Our claim to privileged authority outside the experiential domain may be, from an epistemological standpoint, baseless; nonetheless in practice people clearly make such a claim. One learns by bitter induction not to make such comments to one's partner as 'You are not really annoyed that I didn't do the dishes, you are upset that I forgot to buy diapers.' If this author's experience is any guide, partners do not take well to this sort of remark – and for good reasons: they feel *violated*. Yet the mistake in making such a remark is not an *epistemic* mistake; the problem is not in the first place one of insufficient evidence. It is rather a *moral* mistake, one of insensitivity and, indeed, disrespect.

In presuming to overrule another on the contents of his or her mind, even where those contents do not in truth enjoy any phenomenal privacy, one offends against a certain *moral* norm – what I would like to call the *norm of incorrigibility*. Unlike the principle of infallibility, which claims that we cannot go wrong about what goes on in our mind, a principle of incorrigibility claims only that we cannot be *corrected* about what goes on in our mind – corrected, that is, by another subject. As an *empirical principle*, incorrigibility is not much more plausible than infallibility. But as a *moral norm*, it is eminently commendable. The norm is that one ought not, other things being equal, to correct others regarding their mental states; and, conversely, one has the right, other things being equal, not to be corrected about the one's own mental states. My suggestion – admittedly speculative – is that the norm of incorrigibility arises originally from the *empirical* inviolability associated with privileged access and phenomenal privacy. (Note that the falsity of the principles of infallibility and incorrigibility is compatible with the claim of empirical inviolability. The latter is a merely existentially quantified claim about what access others have to a narrow subset of one's mental states. Even if it is true that nobody can have direct access to my current imaginative experience, it follows neither that my own access cannot possibly mislead me nor that I have such access to *all* my mental states.)

There is a very palpable sense in which the norm of incorrigibility is a norm of respect – that abiding by it grants the dignity of inviolability to others. Herein we can appreciate the link between dignity and consciousness. We can vindicate our commonsense intuition-distribution in cases of conscious weather-watchers and end-setting automata. Our intuitions seem to suggest that the possession of inner consciousness tracks the fittingness of recognition-respect, which, as noted, is an instructive symptom of the possession of dignity. This initially surprising link between consciousness and dignity becomes less so when we recognize, on the one hand, that inviolability is a central facet of dignity, and at the same time, that inner consciousness introduces both a real empirical inviolability and (through it) a normative inviolability (in the form of the norm of incorrigibility).²¹



The main contribution I have ventured to make in this essay is to shine a light on what I take to be a neglected aspect of the phenomenology of recognition-respect, namely, that it is directed (when fittingly directed) at objects that have a conscious life. If we accept that fitting recognition-respect is what I have called an ‘instructive symptom’ of dignity, this suggests that consciousness is a prerequisite for dignity. I have not shown here that consciousness is a *sufficient* ground for dignity, but I confess that this is a result I am hoping for, with all its likely consequences for animal rights, medical ethics, and other issues both philosophical and not.²²

References

- Bagnoli, C. 2003. ‘Respect and Loving Attention.’ *Canadian Journal of Philosophy* 33: 483-516.
- Brentano, F.C. 1889. *The Origin of Our Knowledge of Right and Wrong*. Trans. R.M. Chisholm & E.H. Schneewind. London: Routledge and Kegan Paul, 1969.
- D’Arms, J. and D. Jacobson 2011. ‘Fitting Attitude Theories of Value.’ *Stanford Encyclopedia of Philosophy*.
- Darwall, S.L. 1977. ‘Two Kinds of Respect.’ *Ethics* 88: 36-49.
- Darwall, S.L. 2008. ‘Kant on Respect, Dignity, and the Duty of Respect.’ In M. Betzler (ed.), *Kant’s Ethics of Virtue*. Berlin: De Gruyter.
- Dillon, R.S. 2014. ‘Respect.’ *Stanford Encyclopedia of Philosophy*.
- Drummond, J.J. 2006. ‘Respect as a Moral Emotion: A Phenomenological Approach.’ *Husserl Studies* 22: 1-27.
- Ewing, A.C. 1939. ‘A Suggested Non-Naturalistic Analysis of Good.’ *Mind* 48: 1-22.
- Hill, T.E. 1980. ‘Humanity as an End in Itself.’ *Ethics* 91: 84-99.
- Levinas, E. 1961. *Totality and Infinity*. Trans A. Lingis. Dordrecht: Kluwer, 1979.
- Kant, I. 1785/1997. *Groundwork of the Metaphysics of Morals*. Trans. M. Gregor. Cambridge: Cambridge University Press.
- Kant, I. 1797/1996. *The Metaphysics of Morals*. Trans. M. Gregor. Cambridge: Cambridge University Press.
- Kolnai, A. 1976. ‘Dignity.’ *Philosophy* 51: 251–271.
- Kriegel, U. 2009. *Subjective Consciousness: A Self-representational Theory*. Oxford: Oxford University Press.

- Meyer, M. 2001. 'The Simple Dignity of Sentient Life: Speciesism and Human Dignity.' *Journal of Social Philosophy* 32: 115–126.
- Murdoch, I. 1997. *Existentialists and Mystics*. London and New York: Penguin Books.
- Pritchard, M.S. 1972. 'Human Dignity and Justice.' *Ethics* 82: 299-313.
- Sartre, J.-P. 1943. *Being and Nothingness*. Trans. H.E. Barnes. New York: Washington Square Press.
- Scheler, M. 1913. *Formalism in Ethics and Non-formal Ethics of Values*. Trans. M.S. Frings and R.L. Funk. Evanston, IL: Northwestern UP, 1973.
- Sensen, O. 2009. 'Kant's Conception of Human Dignity.' *Kant-Studien* 100: 309-331.
- Siewert, C. 2013. 'Speaking Up for Consciousness.' In U. Kriegel (ed.), *Current Controversies in Philosophy of Mind*. London and New York: Routledge.
- Stein, E. *On the Problem of Empathy*. Trans. W. Stein. Washington: ICS Publications, 1989.
- Strawson, G. 1994. *Mental Reality*. Cambridge MA: MIT Press.
- Wood, A. 1999. *Kant's Ethical Thought*. Cambridge: Cambridge University Press.

¹ I am assuming here, as is common, that Kant's notion of dignity is *our* notion, that is, the notion of some intrinsic worth inhering in persons. Sensen (2009) argues that this is not at all Kant's notion. I do not have the competence to evaluate Sensen's case for that claim, but if Kant's notion of dignity is not the one we are interested in here, then my interest is in a notion of dignity *commonly attributed* to Kant's.

² For the role of dignity in undergirding *animal* rights, see for example Meyer 2001.

³ The approach is not without precedents: see Pritchard 1972, Kolnai 1976. The former appeals to the 'sense of dignity' in seeking illumination of dignity itself (Pritchard 1972: 300), the latter speaks of 'the proper and characteristic response we yield to dignity' (Kolnai 1976: 252).

⁴ In its most general form, the fitting-attitude theory is applied to all value, such that a thing is taken to be valuable, in the most generic sense of the term, iff it is fitting to have a pro attitude toward it. Franz Brentano is generally regarded the first fitting-attitude theorist of the sort (see Brentano 1889). Ewing seems to have been the first to articulate the view clearly in Anglo-American philosophy (Ewing 1939). For a survey of recent work in this area, see D'Arms and Jacobson 2011.

⁵ One might worry about a potential circularity in the approach: we illuminate dignity in terms of a specific experience, but then characterize this experience in terms of presenting-as-dignified. However, this would be so only if the *only* characterization of the relevant experience is in terms of presenting-as-dignified. In fact, however, the main goal of this chapter is to give a more informative characterization of the relevant experience. The purpose of the (highly technical) expression 'presenting-as-dignified' is *not* to provide an *explanation* of what the relevant type of respect is, but just to draw a distinction between incidental awareness of dignity and *proprietary* awareness of dignity.

⁶ The distinction is first expounded – in those terms, at least – in Darwall 1977.

⁷ This is so regardless of the order of phenomenological priority between appraisal- and recognition-respect. A natural picture treats recognition-respect as the more fundamental moral emotion, with appraisal-respect superimposing on it in special cases. According to Drummond (2006), however, the order of priority is opposite: we morally appraisal-respect a person when she leads the morally good life, and this is the fundamental experience of respect as a moral emotion; we recognition-respect persons as such *only because*, although they may not lead the morally good life, it is constitutive of their status as persons that they have the capacities required to do so (compare Kolnai 1976: 259-60). The basic idea is that our original experiential encounter here is with the manifestation of the relevant capacities rather than the capacities themselves. My present point is that even if the experience recognition-respect is somehow phenomenologically dependent upon a more basic type of respect experience, nonetheless it is the former that is pegged to dignity.

⁸ In this early piece, Darwall himself links recognition-respect to what Kant had in mind in discussing respect: 'it is to recognition respect of persons that Kant refers when he writes, "Such a being is therefore an object of respect and, so far, restricts all (arbitrary) choice".' (Darwall 1977: 45) Later, however, Darwall develops a more nuanced picture of the relationship between his notion of recognition-respect and the Kantian notion of respect for persons that makes room for Kant's routine emphasis on appraisal-respect of certain persons' moral excellence (see Darwall 2008).

⁹ Or more accurately, 'always at the same time as an end, never merely as a means' (Kant 1785: 39; 4:429). Note that this formulation makes two separate requirements. However, I will follow Thomas Hill in taking the as-an-end requirement to be prior to the not-merely-as-a-means requirement (see Hill 1980: 87).

¹⁰ I say 'to a first approximation' because this elucidation is likely to require a number of qualifications and/or modifications. For example, perhaps it is possible to treat something as a means not only by acting on it, but also by allowing others to act on it (this could take the form of an omissive rather than commissive treatment-as-means).

¹¹ I set aside questions about whether Kant had in mind respect for persons themselves, as opposed to respect for a certain *property* of persons (humanity) or, even more abstractly, for the moral law (see Murdoch 1997). I am inclined to follow Thomas Hill (1980: 91) in simply distinguishing as many notions of respect (classified primarily by the kinds of objects they are directed at) as one can separate in Kant and then homing in the one of maximal interest – in this case, the one directed at persons.

¹² For relatively recent discussions, see Wood 1999 Chap. 2 and Bagnoli 2003.

¹³ See Strawson 1994 Chap. 9.

¹⁴ It is only a distracting feature of the thought-experiment that, for all that has been said so far, it is unclear how we would *know* that the weather-watchers are sentient beings. We can easily stipulate that in the weather-watcher world, we simply have innate knowledge of the matter, or there is a benevolent god who informs us of this.

¹⁵ I realize that in saying this I am simply reiterating the intuition the Kantian wants us not to endorse. But I find the intuition so strong and so healthy that I am happy to lean on it heavily as a data-point, failure to accommodate which would be a major strike against any account of recognition-respect.

¹⁶ One might simply deny that the automata could be lawfully end-setting things in the relevant sense. But it would not be easy to do so without trivializing the thesis or begging any questions.

¹⁷ The line of thought in question echoes themes from work by Max Scheler (1913), Edith Stein (1917), Sartre (1943 Part 3), and especially Levinas (1961). I will develop the line in my own terms, though – without the thoroughness of these philosophers’ treatments and with a view to getting as quickly as possible to the key relevance to the issue of dignity.

¹⁸ It is a separate question what accounts for this privileged accessibility of conscious experiences. On my view, every token experience has an inbuilt awareness of its occurrence (Kriegel 2009). This inbuilt awareness provides a unique kind of direct access to that *token* experience irreproducible by any person not actually *having* the experience.

¹⁹ In speaking of the awe attendant on this experience of the other as subject in his or her own right, I am alluding to a certain phenomenal similarity between the experience of recognition-respect and the experience of the sublime (see Kolnai 1976: 253).

²⁰ There are, in my view, *two* major aspects of dignity that link it to consciousness: inviolability and irreplaceability. Here I focus on inviolability. For a discussion of the irreplaceability of persons and how consciousness is a prerequisite for it, see Siewert 2013: 214-7.

²¹ Some readers might object to my claim that there exists the relevant kind of empirical inviolability. But for my part, I cannot see what reasonable treatment they could give to the case of visualizing outlandish objects and deciding not to keep the details to oneself (or perhaps being *unable* to share these details). Other readers might object to my claim that the wider-ranging normative inviolability is ultimately grounded in this narrower empirical inviolability. I agree that the claim is speculative, but pending a more plausible hypothesis I am inclined to stand by it.

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