

Dignity and the Grounds of Basic Rights: From Concept to Conception

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Abstract: The notion of Dignity is the supposed grounds for the possession of basic human rights regarding how people ought to be treated by others. However, the idea that basic rights have a Dignity-based moral foundation has been called into question. Furthermore, it is not always clear what it would mean for there to be a connection between a being's *Dignity* and respect for the *social minimum*, in the form of a respect for basic rights. In this paper, I seek to rectify this. First, I explain the need for a positive account of the connection between Dignity and basic rights. Second, I distinguish the concept of Dignity from its possible conceptions. Third, I defend a working conception of Dignity which holds that Dignity is grounded in a being's *capacity to value*. Fourth, I draw out an account of obligations to respect individual's basic needs on the back of this conception. I claim this constitutes a case in favour of a grounding for basic rights in Dignity – akin to the social minimum of acceptable treatment proposed in International Human Rights Law.

Keywords: Dignity, Basic Needs, Moral Patienthood, Human Rights

1 Introduction

The notion of Dignity is the supposed grounds for the possession of basic 'human' rights regarding how people ought to be treated by others.¹ However, the idea that basic rights, and especially socioeconomic rights, have a Dignity-based moral foundation has been called into question.² Furthermore, it is not always clear what it would mean for there to be a connection between a being's Dignity and respect for the social minimum, in the form of a respect for basic rights. In this paper, I seek to rectify this. My goal is to explain the connection between Dignity and basic rights, where those basic rights act as a *social minimum* which all societies should uphold.

As my focus is on establishing the plausibility of a connection between basic rights and Dignity, my discussion is inevitably schematic in places. Much of what I discuss leaves

¹ United Nations General Assembly, 1948.

² O'Neill, 2005; Raz, 2010.

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unanswered questions. This is because I aim to map out a *working* conception, which intentionally puts aside some questions over what is required for a plausible connection. However, I seek to specify where this extra work will need to be done in order to achieve a full account.

I proceed in four stages. First, I diagnose the reason why the connection between Dignity and basic rights is so vague: conceptions of Dignity are often left ambiguous or highly intuitive, their meaning somewhat undefined. I argue that this is largely because Dignity is defined in negative terms. To address this, we must offer an account of Dignity which is *positive*. A positive account will explicitly state what Dignity is and how it grounds basic rights.

Second, and to begin such a positive account, I disambiguate the concept of Dignity from its various conceptions. A concept is ‘the particular meaning of a term’ while a conception includes ‘the principles required to apply it’.³ Concepts are therefore distinguished from particular prescriptive uses of those concepts. Distinguishing this is helpful because, as will become clear, it provides us with the beginnings of an explicit definition of Dignity. I therefore propose the following. Conceptually, Dignity can be equated with *Moral Patienthood*. A being has Moral Patienthood where they are vulnerable to a wronging. By this, I mean in broad terms that we can act so as to wrong them either through the violation of their rights or harming their interests.⁴ On the other hand, a conception of Dignity must tell us what it means to be vulnerable to a wronging. Hence, the concept of Dignity simply points out that a being *is* vulnerable to a wronging, while a conception of Dignity tells us how, why and in what ways they are vulnerable to a wronging.

Third, I propose a general *working* conception of Dignity. As I mentioned, this conception leaves many questions unanswered but allows a plausible account of the connection between Dignity and basic rights, and therefore the social minimum, to get off the ground. This conception claims that a being has Dignity if they have the *capacity to value*, meaning that the being can confer value on other things.

Fourth and finally, I explain how this conception of Dignity understands the ways in which beings are vulnerable to wronging, and thus, I explicate the connection between Dignity and basic rights, which grounds the *social minimum*.⁵ I argue that an individuals’ possession of Dignity requires us to adhere to a Principle of Basic Needs. This principle requires that we help create the conditions for each of us to stand a reasonable chance at living a minimally good life, one where we are able to exercise our capacity to value to a decent degree. This forms the basis of, and a justification for, our basic rights in the form of a social minimum of acceptable treatment. Violating it means failing to recognise and respond appropriately to the Dignity of a being.

³ For this distinction see Rawls, 2005, p.14n and Rawls, 1971, p.5. Note that while my account takes a Rawlsian approach, John Rawls himself rarely used the term Dignity.

⁴ Whether through acts of omission (e.g., through neglect), or commission (e.g., through torture).

⁵ Basic rights should aim ‘to specify a global minimum that people everywhere... are owed as a matter of justice’: See Miller, 2012, p.409.

2 Ambiguity and Negativity

I begin by arguing that to successfully demonstrate the connection between basic rights and Dignity, the conception of Dignity in use must be *positive*. In much human rights legal philosophy Dignity is an ambiguous or ‘subjective [and] squishy’ concept.⁶ This has led scholars to conclude that it constitutes a ‘mere slogan’.⁷ Indeed, even ‘when it is defined, it is usually unquestioned and almost never grounded in theory’,⁸ so its meaning still remains ambiguous or highly intuitive. To combat this issue of ambiguity it is necessary to offer a positive account of Dignity’s meaning.

The ambiguity in Dignity’s meaning is a result of it being defined in negative terms in much human rights law. Negative conceptions accept the ambiguity present in Dignity. They expose situations in which it is clear something like Dignity appears to have been violated, for instance through humiliation, and subsequently they describe the thing that has been violated as ‘Dignity’.⁹ The definition of Dignity is therefore found in what it is *not*. While such conceptions might have advantages in reaching consensus exactly because they are negative, these negative conceptions cannot provide us a clear grounding for basic rights. That is, if Dignity is to be left negative, then it becomes difficult to draw out many inferences about our mutual obligations, which is exactly what a ground of one thing for another ought to accomplish if it is to act as a ground.¹⁰

This problem is not a strictly theoretical one. There are two reasons for this.¹¹ On the one hand, refraining from offering a clear definition has the danger that it opens space for those in power to impose their own definition amenable to their own ends, which may not be legitimate, or morally acceptable. If we want to avoid the possibility of allowing morally unacceptable implications of Dignity, then we ought to formulate a conception which keeps this in mind, purposely constructed in line with the human rights project. Thus, it is not enough to simply seek a conception of Dignity which is *agreeable*, because it is negative. On the other hand, finding a positive well justified conception will also better ‘defeat the sceptic of Dignity’ and therefore the sceptic of basic rights, however they arise.¹² If we wish to provide basic rights with a secure foundation, then we require an unambiguous understanding of that foundation. A negative conception of Dignity cannot offer us that.

While brief, the above reasons provide us sufficient motivation to search for a conception of Dignity which clearly justifies our possession of basic rights *in positive terms*. In the next section, distinguishing between the concept and the conception of Dignity in use will help us achieve this by ironing out potential ambiguities.

⁶ Pinker, 2008, p.29; see also Bagaric and Allan, 2006.

⁷ Macklin, 2003.

⁸ Debes, 2009, p.52.

⁹ Kaufmann et al., 2011.

¹⁰ See Debes, 2009, p.53; Schachter, 1983, p.848; Waldron, 2013, pp.16-17.

¹¹ Debes, 2009, p.55.

¹² Ibid.

3 The Concept of Dignity: Moral Patienthood

If Dignity's meaning is to be kept positive, then it must be clearly fleshed out and delineated. The first step to achieving this is distinguishing the *concept* of Dignity from its *conceptions*. Recall that a concept is an idea which has not yet been applied alongside prescriptive principles. A conception, on the other hand, contains those principles. Why start with this abstract distinction? Dignity is a term which has taken on a multitude of different meanings. In order to achieve a clear definition of the connection between Dignity and basic rights, we should specify which meaning is going to do the heavy lifting. This allows us to be clearer about where disagreement occurs. In other words, we can agree on the concept even if we might disagree over which principles to include in our conception of Dignity.¹³ Furthermore, and again because of the fact that Dignity has a variety of meanings, it is easy for particular propositions to enter the discussion through the back door. Distinguishing the concept from the conception allows us to disambiguate which principles (still) require justification.

In this section I start with the concept of Dignity. I suggest that Dignity is 'a rhetorical flourish' for announcing a being's *Moral Patienthood*, that is, their vulnerability to wronging.¹⁴ A being is vulnerable to a wronging if it is possible to act so as to wrong *that* being. For instance, while there might be some reason why it could be wrong to damage a tree, it would not be a wrong *to* the tree. If someone wrongs a Moral Patient, however, they wrong *that* being. On this understanding, Dignity *is* Moral Patienthood; they are two terms for the same concept.

Note that I maintain the terminological use of 'Dignity', because both the UNDHR, ICCPR and the ICESCR appeal to the idea that basic rights derive from the inherent Dignity of persons.¹⁵ Even as we understand it to mean Moral Patienthood, we might therefore want a conception of Dignity to retain a certain degree of similarity with international law to fulfil what has been called the 'fidelity desideratum'.¹⁶ That is, if 'Dignity' is to support rights practically, we will want this particular term to be the focal point of our investigations.

The concept of Dignity can be equated with the concept of Moral Patienthood. It denotes a being's possession of

- (a) *intrinsic-final* value, which is both
- (b) *unearned* and
- (c) *incommensurable*.

I explain each of these terms in turn:¹⁷

¹³ This same point is made in relation to justice by Rawls, 1971, p.5.

¹⁴ DeGrazia, 1996, p.67.

¹⁵ See United Nations General Assembly, 1948, 1966a, 1966b,

¹⁶ Sangiovanni 2017, p.179.

¹⁷ I draw on Debes, 2009.

(a) *Intrinsic-final value.* Something or someone's value is the importance or worth that they possess. Moral Patienthood, and therefore Dignity, refers to that which has both intrinsic and final value. To understand the meaning of this, it is useful to explain two distinctions in value.¹⁸ The first is between intrinsic and extrinsic value. This distinction refers to the location or source of the value. Something is intrinsically valuable if it carries its value with it; it does not derive its value from its relation to any other thing but is itself a source of its own value. In contrast, an extrinsically valuable thing acquires or derives its value from its relation to intrinsically valuable things. The second overlapping distinction refers to the way in which we value something, either in instrumental or final terms. A thing is of final value if it is an end in itself. That is, it is of final value if it is valuable regardless of the means for which we use it. For instance, we might value artwork in such a way. In contrast, an instrument is always and only a means to a particular end. However, while final values can plausibly be intrinsically or extrinsically valuable, all intrinsically valuable things are finally valuable. A being with Dignity has value in this sense. 'Dignity' therefore refers both to the *location* of someone's value – it is intrinsic, they carry it with them – and to the *kind* of value that they have – they are final, ends in themselves, not mere means.¹⁹

(b) *Unearned.* One implication of intrinsic-final value is that it has that value unconditionally, it is inherent to the being.²⁰ This concept of Dignity must be distanced from another, traditional usage. *Dignitas* historically designated high-ranking public officials. It constituted a meritorious status. In this 'traditional paradigm', Dignity acts as a relational property between persons, always designating a higher status against some others.²¹ Unlike in this antiquated usage the concept I refer to is not the kind of value which can be either achieved or lost. It does not depend on how we or others perceive our social value. One either has Dignity in virtue of the type of thing one is, or one does not.

(c) *Incommensurable.* On top of this, Dignity as Moral Patienthood 'is not commensurable with other values'.²² This runs against views which aim to quantify value through, for instance, the maximisation of happiness. In contrast, it is the being themselves, not their status as a 'receptacle' for what is valuable, which is relevant.²³ In making this prescription, Dignity becomes opposed to certain intuitively unacceptable conclusions by preventing us from weighing up the value of a being with other morally-relevant values, for instance, happiness, or prevention of pain. Beings that possess Dignity therefore have a 'separateness' from one another,²⁴ which means that their lives cannot be used as mere means to achieving other morally desirable ends.²⁵

¹⁸ See Korsgaard, 1983, p.170.

¹⁹ For the source of these distinctions and further discussion see Christiano, 2008, p.104; Gewirth, 1992; Kant, 1997; Korsgaard, 1983.

²⁰ Gewirth, 1992, pp.12-13; Vlastos, 1985.

²¹ See Sensen, 2009, p.313; Gewirth, 1992, p.12; Schroeder, 2008, p.233.

²² Debes, 2009, p.61.

²³ T. Regan, 1986, p.185.

²⁴ Rawls, 1971, p.164.

²⁵ See Kant, 1997. There is an ongoing discussion in the philosophical literature about the *strength* of this prohibition, see Larry and Moore, 2020.

4 The Conception of Dignity: Capacity to Value

I have demonstrated that the concept of Dignity can be equated with the concept of Moral Patienthood. Yet, this concept on its own does not tell us much. It is the conception of Dignity which will flesh out what it means to be vulnerable to a wronging. Nonetheless, having this clear definition of the concept provides us with a good starting point for attaining such a conception. I reiterate that I only seek to provide a working conception of Dignity, which is necessarily incomplete.²⁶ A full conception of Dignity ought to eventually answer five questions:

- (1) Why beings should have Dignity (the problem of grounding);
- (2) Which beings those should be (the problem of scope);
- (3) How much Dignity they should have (the problem of equality);
- (4) How this generates moral obligations on others (the problem of relations);
- (5) What those obligations are (the problem of requirements).

I propose *partial* answers to questions (1), (4), and to some extent (5). Nonetheless, answering these questions is sufficient to demonstrate that it is plausible to think that a connection exists between the *concept* of Dignity and a *conception* of Dignity which incorporates basic rights, and therefore secures a social minimum. In this section, I elaborate on (1), before explaining why it is reasonable to put (2) and (3) to one side. In the next section, I explain how (1) helps us justify and explain an account of (4) and (5) and therefore the social minimum.

The account I develop claims that beings have Moral Patienthood, and therefore Dignity, if they have the capacity to value.²⁷ The capacity to value is the capacity to have ends which are valuable *to* the being possessing them. I argue that where a being has this capacity to consider certain things as valuable or invaluable, they possess Dignity, understood as Moral Patienthood.

In general, we can distinguish between *personal* and *impersonal* value. Personal value arises where someone *gives* an object, activity or concept its significance. If someone finds something personally valuable then the importance or worth of the thing comes from the individual doing the valuing.²⁸ For instance, donuts might be valuable, but only if *we* value them. In contrast, impersonal value is thought to exist independently of whether an individual grants the impersonally valuable object or person its value (unlike in the case of donuts). As it is conceptually defined above, Dignity helpfully articulates this distinction. A person with Dignity is taken to have impersonal (moral) value specifically because we value them in and

²⁶ One separate reason this is a working conception is that it is plausible across a broad range of conceptions of Dignity. Compare my approach with those taxonomized by Fasel, 2018.

²⁷ This view is favoured, in some differential form, by Kant, 1997; Korsgaard, 2018; and Gewirth 1992.

²⁸ D. Regan, 2002, p. 268.

of themselves. Recall that I distinguished this concept from traditional usages which see Dignity as a meritorious status. It is not the case that individuals have Dignity purely because someone else values them. Instead, their value is *unearned* and this is what makes it impersonal. In contrast, certain things attain value (only) because someone values them. For example, if a child finds a particularly beautiful rock, they might pick it up and take it home, because the rock is valuable *to* them.

I claim that a being's possession of Dignity is determined by whether they have the capacity to value. Dignity-possessors are therefore of *impersonal* value because things are valuable to them *personally*. We might caricaturise this capacity in the following way:

X (an activity or object) is *valuable for* Y (a being) with a view to Z (a reason/aim).

Thus, a particular being (Y) has Dignity where they are able to value some activity or object (X) for a particular reason (Z). For instance, Y values baking donuts because Y enjoys pleasing others with home-cooked food.

One reason why this seems a convincing working conception of Dignity is that it seems to capture many contemporary accounts at a general level. For instance, on welfare-based accounts what a being values can be seen as what is *good for* them in subjective terms and what a being *should* value is what is good for them in objective terms. Nonetheless, a focus on value not only encapsulates what we ordinarily think of as 'benefits', that is, those things which are *good for* us. It also captures what individuals have reason to value in addition to, or apart from their being 'good' for our physical and mental wellbeing. That is, beings can reasonably value agency, faith, honour, or self-sacrifice aside from the benefits that it might provide them.

Furthermore, notice that a successful conception of Dignity will be grounded in properties which themselves have intrinsic value. This is because Dignity identifies the intrinsic-final value of a being, so that which grounds a being's possession of Dignity should also have intrinsic-final value if it is to be a grounds.²⁹ There are two reasons for believing that the capacity to value is convincing on this front. On the one hand, it is intuitively plausible to think this capacity has intrinsic value. The capacity to value captures the sense that each person has their own subjective experience of the world, through which things are valued by them. It is valuing things which makes our existences important to us. Experiences with others, our life plans and even our faiths all have importance to us because we value them. It therefore seems intuitive to claim that the capacity to value itself has intrinsic value. On the other hand, being able to value things also seems to be a plausible *source* of value, and so we can regress back from the things we value (our activities and plans) to the capacity to value as that which *enables* us to value those things. This *Regress Argument* was developed by Kant in the case of the capacity for reason.³⁰ While I do not have the space to elaborate it here, I

²⁹ For a deeper discussion see Floris, 2020 and McMahan, 2005

³⁰ See Kant, 1997.

contend that it is similarly applicable in the case of the capacity to value, as Korsgaard has demonstrated.³¹

This leaves out the questions of who has Dignity (2), and how much Dignity they have (3). I argue that despite this, it can still allow us to demonstrate a plausible *working* conception of the connection between Dignity and basic rights. Regardless of what we think about these two questions, the connection between Dignity and basic rights will still hold, its implications will simply differ, depending on how we answer them. Let me briefly explain why.

For the question of who has Dignity (2), the concern is over which beings qualify as possessing the ‘capacity to value’ (and therefore which beings ultimately possess basic rights protected by the social minimum).³² This is a question which a full conception of Dignity must answer, including how human-centred approaches should be altered if they are to admit non-human animals. As it stands, the account I offer will be plausible across these conceptions. This is because the problem of scope can be taken to dispute which beings actually can exercise the capacity to value.

It is worth noting that this makes the source/construction of what the individual values somewhat irrelevant here. This might be important if we wanted to endorse only those conceptions of value through which individuals rationally choose their ends. Nonetheless, this is a question which an answer to the problem of scope should settle. The reason it is irrelevant for now is that not all of our (human) ends are constructed, let alone other animals’ ends. ‘Instinctive’ ends can also be conceived of as valid ‘aims’,³³ such as the consumption of food. I only maintain that ends must *originate from* the being that has the capacity to value. This is because if they do not, then it can hardly be said that the being in question is exercising their ability to value. For instance, if we deceive someone or manipulate them into doing our bidding, even on belief that it is their own bidding, then it runs against our respect for that person as a being with the capacity to value.

Secondly, regarding the question of how much Dignity someone has (3), the concern is over whether possessors of Dignity can be taken to be equal to one another, or not. When understood as strictly ‘human’ Dignity, the concept of Dignity is often linked with human moral equality.³⁴ I do not wish to contest the equality of humans. However, there is a conceptual gap between having Dignity and having equal Dignity, insofar as possessing the former does not entail the latter.³⁵ Indeed, what it means to be one another’s equals is a question for conceptions of Dignity to work out. Answering this important challenge is not necessary to establish a connection between Dignity and basic rights, because regardless of how much Dignity a being has, beings that possess the capacity to value have at least some Dignity.

³¹ See Korsgaard, 2018, pp.135-145 for a further discussion of this.

³² Some defend the notion that Dignity is *only* for humans (e.g., Kateb, 2011; Killmister, 2016). Others claim that it is plausible to think non-human entities possess Dignity (e.g. Heeger 2014; T. Regan, 1986, pp.235-241).

³³ Korsgaard 2018, p.42.

³⁴ See Vlastos, 1985; Steigleder, 2014; Waldron, 2017.

³⁵ Debes 2009, p.59.

5 The Recognition of Dignity: Basic Needs

The previous section established a working conception of Dignity. That conception has gaps that I do not fill here. That is not my intention: my goal in this paper is to establish the connection between Dignity and basic rights. The conception I have offered is adequate enough for me to do just that. In this section, I aim therefore to provide some initial answers to the questions of: (4) how the conception of Dignity I have offered generates moral obligations on others and (5) what those obligations might be.³⁶

Recognising Dignity means recognising that a being has Moral Patienthood as a result of them possessing the capacity to value. I ultimately argue that this requires granting them recognition respect and fulfilling the *basic needs* of individuals. These basic needs ultimately constitute a social minimum, insofar as they constitute a foundation for the *minimal* treatment which beings are obligated to grant one another.

At present, we have a conception of Dignity whereby individuals have unearned and incommensurable intrinsic-final value if they possess the capacity to value. One implication of this conception is that individuals not only themselves have value, but they can value each other through their capacity to value. When one person values another they can do so in two ways. One is distinctly *evaluative*: just as when we value things which are important for our own purposes such as paintings or playing tennis, we might value a teacher in virtue of the fact that they are good at teaching. This value is social because we assess an individual for a particular role or purpose they fulfil. However, we can also value other people in the sense of *recognition*.³⁷ Where the former appears to appraise someone for their personal qualities against a particular standard (e.g., the features of a good teacher), the latter recognises that someone is a being who has value which is unearned. That is, we recognise that, just like us, that individual possesses intrinsic-final value. So, on the one hand we can evaluate others' personal qualities and on the other we can recognise their Dignity.

Where an individual has Dignity, we must grant them recognition respect because they are possessors of intrinsic-final value in virtue of their capacity to value. Treating someone with recognition respect means adopting a respectful attitude or feeling towards them.³⁸ In the first instance, we are therefore required to respect others in terms of the attitude we have towards them, in response to the kind of value they possess, their Dignity. To a large extent this simply restates what I have already claimed in different terms. However, it would be difficult, if not impossible, to divorce the mere (internal) attitude of respect from the (external) behaviour of respecting. One is constitutive of the other. An individual might adopt a feeling of recognition for a person's value; however this seems to have little significance if it is not reflected in how they behave towards them (and vice versa). For instance, if a stranger adopts an attitude of respect towards us while simultaneously trying to steal from us, then it seems evident that they are not truly respecting us. Similarly, if someone behaves respectfully, but

³⁶ See Brune's paper in this volume for a critique of alternative approaches to completing this task.

³⁷ Darwall, 1977, pp. 38–39.

³⁸ Kant, 1997, p.37 claims it entails seeing them *as an end in themselves* rather than merely as a means. See also Darwall, pp. 40–41 and Dillon, 2018.

internally considers us as worthless, then it also seems true to say that this person is not truly respecting us. So, recognition respect also requires that we respect a person's ends in order to recognise their value. It is not enough that we simply feel respect, we must behave respectfully also. The reason for this is that Y's ends are '*constitutive*' of Y's value.³⁹ That is, in valuing a particular end, that end becomes a part of the value of the valuer: Y identifies with it and Y's good becomes co-extensive with the value of the end. As such, any recognition of Y's value which fails to recognise their ends as valuable to them will not be wholly valuing Y. Importantly, this does not mean we have to *value* that which they value, we only have to respect that *they* value it. If I value baking donuts, then it would be disrespectful to me for you to obstruct my ability to bake donuts – perhaps by throwing away my baking materials without my consent – but to respect me, you need not actually value my baking.

Ultimately, recognition respect comes in two parts then. On the one hand, and rather uncontroversially, it will amount to the endorsement of Mill's principle of negative liberty, that we should not interfere in others' lives because to do so would be to obstruct their ends.⁴⁰ This therefore forms a grounding for our *negative* rights against others performing actions which obstruct our ends. On the other, it requires that we act to help individuals stand a minimally decent chance at fulfilling their ends through exercising their capacity to value. I spend the last part of this paper justifying this claim. It follows from my preceding arguments because one can clearly behave in a respectful manner without actually feeling respect.⁴¹ For instance, it is consistent with the principle of negative liberty that I not necessarily recognise a person's ends as valuable, but simply avoid obstructing their fulfilment. In contrast, recognition respect requires that I avoid obstructing them *because* I recognise them as valuable.⁴² Thus, outwardly my manner will be one of consideration for the being's good. The practical result of this is the promotion of the conditions under which they stand a minimally good chance at pursuing what they value. Hence, I claim respect is not merely a passive activity of non-violation of rights as side-constraints, but the adoption of an attitude towards other beings whereby we aim to promote the minimal conditions necessary for them to exercise their capacity to value.

This forms the basis for the Principle of Basic Needs, which states that beings who possess Dignity ought to have their basic needs fulfilled as a matter of respect for their Dignity. Recall from the last section that:

X (an activity or object) is valuable for Y (a being) with a view to Z (a reason/aim).

This summarises the capacity to value. The account of basic needs I offer relies on this caricaturised understanding of how a being with the capacity to value navigates their valuing of things.⁴³ It states that a being *needs* something in a basic sense if they require it in order to

³⁹ Hills, 2008, p. 187 (emphasis added).

⁴⁰ See Mill, 2001.

⁴¹ Darwall, 1977, p. 39.

⁴² See Feinberg, 1969.

⁴³ I draw on the work of Wiggins, 1987.

stand a minimally good chance at pursuing a reasonable aim. Thus, in the spirit of John Rawls' Primary Social Goods,⁴⁴ basic needs are those things which are the necessary components for pursuing a life plan, but not necessarily the *sufficient* components. To characterise:

Y has a *basic* need for X if Y requires X in order to stand a minimally good chance at pursuing Z_R (a *reasonable* aim).

To convincingly establish this principle as a matter of respect for Dignity, the account must first show what specifically counts as a basic need.⁴⁵ Common sense tells us that basic needs have special urgency; they are not just incidental. That is, basic needs distinguish a serious claim to need, such as for food to survive, from a claim to need based on the achievement of a less urgent aim, such as the need for sprinkles and icing to decorate freshly baked donuts. Notice, however, that the *reason* for which any so-called 'need' is demanded is always implicitly present.⁴⁶ Take, for instance, a claim that Y 'needs' to have friends. The reasons why Y needs friends might vary, but at least one of them will be present in the person's mind making or receiving the claim (e.g., Y might just want friends so they can go for free lunches). That is, we get no further in understanding whether Y's need for friends is basic or not unless we know why Y needs friends.

So which reasons determine whether a need is basic? Answering this question allows us to see why basic needs are entangled up with the concept of a social minimum: the primary reason behind needing a particular basic good is that 'a person who lacks X cannot lead a decent life' without X.⁴⁷ A basic rather than an incidental need is one which is *necessary* as a generic condition of pursuing any reasonable aim (Z_R) whatsoever, rather than a *particular* aim. As stated, this approach is similar to Rawls' primary social goods, whereby 'the assumption is that though men's rational plans do have different final ends, they nevertheless all require for their execution certain primary goods'.⁴⁸ Importantly, basic needs are not necessarily *sufficient* for the pursuit of an aim, but the aim could not be pursued without them. So, if a certain object or activity (X) is needed by someone (Y) as a necessary requirement to pursue any reasonable aim and not only for one's own aim, then it counts as basic. By example, a place to sleep is required in order to get enough rest to pursue painting, construction and writing papers. However, sprinkles are required in order to decorate donuts, but not for construction. They are necessary for *some* aims but not for *all* aims. Basic needs are non-contingent needs which everyone must have fulfilled in order to pursue their life plans and live a minimally good life.⁴⁹

The 'valuable for' formulation of the principle makes explicit the connection between Dignity and basic needs. To begin, we ought to consider the personal dimension of need

⁴⁴ See Rawls, 1971, p.62.

⁴⁵ For this distinction see Jones, 1994, p. 151.

⁴⁶ See Barry, 1965, pp. 47–49 and Brownlee, 2020, p.10.

⁴⁷ Miller, 2012, p.414.

⁴⁸ Rawls, 1971, p.93.

⁴⁹ This does not guarantee that an individual will flourish, but it does ensure 'a minimum standard of justice'. See Miller, 1999, p.148.

when contemplating why something is valuable for someone. While important, needs are essentially hollow concepts because many of the things we need 'are valued for quite other reasons' than because we merely need them.⁵⁰ For instance, consuming food might only be seen as valuable for Y because of Y valuing something for which food is necessary, such as baking lessons. My account of the capacity to value and the Principle of Basic Needs takes this into account by granting X, the need, only instrumental value. A person's ends are valuable because the person is valuable. Put this way, we realise that when something is asserted as being valuable, the value of it to the being is implicit. Making this implicit meaning more evident through valuation allows us to notice the *way* in which certain acts are of value to us. Where Y pursues baking lessons, satisfaction of Y's needs will contribute towards Y's baking lessons by contributing towards their success at achieving this goal. Supposed benefits to Y therefore only act as benefits insofar as they help Y to attain whatever their aim is – in this case, basic needs are only valuable for Y because Y values baking lessons.

Note that I specify that aims ought to be *reasonable* (Z_R) to divorce the two principles from those ends which fail to respect Dignity or fail to consider relevant situational facts. On the one hand, an aim is *unreasonable* if it violates Dignity by either directly violating the requirement to treat others with recognition respect or the requirement to secure their basic needs. For instance, if a sadist aims to torture me against my will, it will not be reasonable. This would conflict with recognition respect. The sadist fails to respect my ends, nor even the fact I have ends. Yet it will also conflict with the principle of basic needs because my basic needs (e.g., to safety) are not being met. This constitutes a violation of Dignity, because violating Dignity is co-extensive with a failure to grant recognition respect, or a failure to fulfil the Principle of Basic Needs.⁵¹ On the other hand, an aim is also unreasonable if it fails to consider that our needs are 'entrenched... as essential features of the needing being'.⁵² Y cannot exist without X. We cannot choose our basic needs. Take a masochist who actively seeks any pain as their 'aim' but does not commit a wrong against others. For instance, smashing their head against a wall (X) is an activity which is valuable for this masochist (Y) towards their pursuit of pain (Z). The pursuit of pain does not act against value in others, only in them, nonetheless it is not likely to be something most would want to count as a *reasonable* aim (Z_R). Whilst what is valuable for Y depends on what Y perceives to be valuable, we do not decide what count as our basic needs and consequently, even though these needs derive their instrumental value from our ability to value, we have no choice but to value them as necessary requirements for achieving what we value. Basic needs depend on a being's essential features. Therefore, whilst we ought to respect the ends of a being with Dignity, there are two *unreasonable* contradictions to this requirement. The first occurs where those ends themselves violate the obligations which result from other being's possessing Dignity. The second occurs where a being's ends undermine their own basic needs. In both cases, our normal attitudes of respect for a person are overridden. Even though

⁵⁰ See Scanlon, 1998, p.133.

⁵¹ See Beyleveld, 2015, pp. 588–589.

⁵² See Reader, 2007, pp.54–64

we ought to continue to respect their value, and all their other *reasonable* ends, we ought to adopt alternative (paternal or retributive) principles to address this conflict.

Basic needs are therefore the necessary components for our being able to pursue *what* we value – our reasonable aims (Z_R). They are important for a Dignity-possessor to be able to exercise their capacity to value and therefore live a minimally decent life. Much contemporary political philosophy captures the importance of this sufficiency standard.⁵³ We must respect others ends in order to award recognition respect to them. That is, respecting someone's Dignity means having respect for that which they value. This echoes with the universal minimum Dignity-based rights seek to capture. One need not endorse another's conception of what constitutes a good life to endorse the notion that they should be able to live a minimally good life.⁵⁴ Our respect for one another as Dignity-possessors therefore generates obligations on us to help ensure everyone has a minimally good chance at exercising the capacity which grounds our Dignity, our capacity to value. The provision of basic needs constitutes this minimal respectful support.⁵⁵

6 Concluding Remarks: Dignity and Basic Rights

I have endorsed an account of the connection between Dignity and basic rights in the form of basic needs. To arrive at this, I first explained the need for a positive account of Dignity. Second, I argued for an understanding of the concept of Dignity as Moral Patienthood: (a) intrinsic-final value which is (b) unearned and (c) incommensurable with other values. Providing this clarification allowed space for a working conception of Dignity. The conception I proposed was one whereby Dignity is grounded in beings' *capacity to value*. Using this working conception of Dignity, I lastly drew out an understanding of basic needs, which we have obligations to fulfil in order to respect Dignity.

The last section therefore completed the connection between Dignity and basic needs in the form of a social minimum. It falls out of this that individuals have *basic rights* to having particular basic needs supported, such as to food and avoidance of harm. The reason for this is that these requirements of respect for Dignity generate obligations on others, which we therefore have claims to be fulfilled.⁵⁶ The term 'right' simply designates the correlatives of these moral obligations. Whilst I use the terminology of rights, as in international human rights law, my account grounds the moral foundations of these imperatives, the *lex ferenda*, as opposed to justifying the law as it is currently practiced, the *lex lata*. The grounding I have

⁵³ For a discussion see Shields, 2020.

⁵⁴ See Walzer, 1994.

⁵⁵ Two crucial issues remain which I cannot address here. One is in specifying the *threshold* for the minimum which is neither over nor under inclusive (see Miller, 2012). This issue is however somewhat orthogonal to the claim *that* a connection exists between Dignity and basic needs. For a discussion of what constitutes a decent minimum see Pribytkova's chapter in this volume. The second issue is in determining who is under a duty to fulfil the claims that the social minimum makes (known as the Claimability Problem). For a discussion and some possible solutions to this problem see Tomalty, 2014 and Brownlee, 2020, pp.59-73. For a critique of the possibility of resolving this issue see Tiedeman's chapter in this volume.

⁵⁶ For a similar point see Miller, 1999; 2012.

provided is for particular basic needs, which we have obligations to fulfil. The terminology of ‘human rights’ is the practical means through which these obligations are articulated.⁵⁷ Further work is required to match rights appropriate to each culture with the underlying obligation to respect the minimum, an endeavour taken up in some of the later papers in this volume. These obligations can be achieved through different, culturally and legally sensitive, understandings of how they arise, while those obligations remain the same.⁵⁸ Basic needs form a connection between our basic rights and Dignity because the normative imperatives they generate can be articulated in the form of ‘rights’. That is, while the principles appear to be fairly abstract imperatives for action, when practically instantiated, they will result in obligations akin to that which so-called ‘human’ rights articulate.

Article 22 of the Universal Declaration of Human Rights professes that individuals have ‘the right to social security’ and the International Covenant on Economic, Social and Cultural Rights expands on the meaning of this in 15 articles, including the ‘right to work’, the right to ‘an adequate standard of living’, and ‘the fundamental right of everyone to be free from hunger’.⁵⁹ I have illustrated the *foundations* of the minimum these legal conventions express. I conclude that there is strong reason to believe Dignity grounds basic rights. The protection of these rights is the minimum treatment which we have an obligation to ensure no one falls below.

Acknowledgements: This paper is an evolution of my MA thesis, completed at The University of Manchester in 2019 through an ESRC funded studentship. I owe special thanks to Richard Child and Liam Shields for their invaluable guidance. My gratitude also goes out to the attendees of “In Search for a Social Minimum” at the IVR World Congress 2019 and to the other contributors to this volume, especially Elena Pribytkova and Gottfried Schweiger. I also owe particular thanks to Jennifer Moore, as well as the members of The Manchester Centre for Political Theory (MANCEPT), especially Giacomo Floris and Vittorio Gerosa.

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⁵⁷ Directly equating the practical, legal rights with their moral foundations is not necessarily desirable: see Tasioulas, 2015.

⁵⁸ Donnelly, 2007, p. 299

⁵⁹ United Nations General Assembly, 1948; 1966a. For a further discussion of the foundations of this see Pribytkova’s chapter in this volume as well as Young, 2008 and Pogge, 2007. For an explanation of the social element of this right see Brownlee, 2020.

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