

# ResearchOnline@JCU

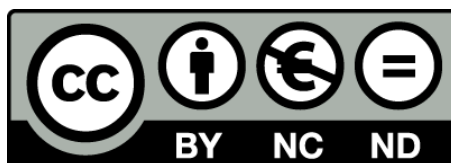
This is the **Accepted Version** of a paper published in the  
journal: Human Rights Review

Giselsson, Kristi (2018) *Rethinking dignity*. Human Rights  
Review, 19 (3). pp. 331-348.

<https://doi.org/10.1007/s12142-018-0501-y>

© 2016. This manuscript version is made available under  
the CC-BY-NC-ND 4.0 license

<http://creativecommons.org/licenses/by-nc-nd/4.0/>



# Rethinking Dignity

## Introduction

Dignity is highly contested concept, being widely debated as to its meaning, philosophical foundation and ultimate relevance within the field of human rights (Rodriguez 2015). The view affirmed by the United Nations describes dignity as inherent: “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” (United Nations n.d.). However, as scholars have noted (Bagaric and Allan 2006; Donnelly 2015; Rodriguez 2015), the UN provides no justification as to why we possess dignity or what it is founded on, which makes it a source of contention. The ambiguity as to the meaning of dignity has led some to describe dignity as ‘vacuous’ (Bagaric and Allan 2006) and ‘useless’ (Macklin 2003) and to dismiss its validity as a foundation for human rights. While the UN does not define inherent dignity, implicit in the concept of dignity in the context of the founding preamble is that inherent dignity is associated with equality, inalienable rights, and justice: moreover, that it is inherent within all humans. In this paper, I will be offering an account of dignity as inherent and equal worth, which is also linked to the concept of justice: an account that affirms that all humans can be viewed as ends in themselves rather than as instrumental means to others’ ends.

Such a validation of the worth of all humans is important, not only because it can provide a possible foundation for human rights, but also because it provides an alternative to accounts which not only devalue the concept of dignity, but devalue certain human lives. The most widespread conception of inherent dignity in the West has been the Kantian model, which links dignity – conceived as equal moral status and personhood – with the possession of rationality and autonomy. However, as scholars have pointed out, such a conception inevitably excludes non-rational humans from moral personhood and equal respect (Brännmark 2017; Kittay 2005; Nussbaum 2006): in other words, as beings without dignity. Moreover, another major philosophical theory, utilitarianism, undermines the idea that human lives are ends in themselves. Indeed, utilitarian philosophies are based on the opposite principle, for it is not the individual that counts, but the majority, the greatest good for the greatest number, and in order to achieve this good, the ends justify the means used to achieve it.

Utilitarianism can include sacrificing individual lives in order to achieve the greatest good for the majority. This means that, ultimately, slavery can be justified within such a schema, as well as the killing of individuals whose lives can be viewed as presenting a too onerous monetary cost on society. This has led to the suggestion that disabled infants, people suffering from cognitive damage and dementia, and even healthy infants can be killed in order to cut costs and to improve the overall greater net happiness within society (Giubilini and Minerva 2013; Singer 2001; Wilkinson and Savulescu 2014). In the words of the most well-known contemporary utilitarian philosopher, Peter Singer, the lives of people who are disabled “are less worth living than the lives of people who are not disabled” (Singer 2001, pp.191-192). Without a concept of humans as having inherent worth in themselves, we risk viewing humans as having purely instrumental value. It was Aristotle who infamously described slaves as mere “instruments” (1941, pp. 15-18), and in a world where slavery is still actively practiced, it is vital that we affirm

the universal and equal worth of all humans; that is, of humans as ends in themselves rather than as instrumental means to others' ends.

At this point, it is important to acknowledge that, as noted above, there are scholars in the Kantian tradition who also exclude infants and other non-rational humans from equal moral consideration in the form of inherent dignity and equal rights (Darwall 2006; Griffin 2008). Further, conversely, that there are scholars who view utilitarianism as compatible with human rights (Bagaric and Allan 2006; Pettit 1988; Ashford 2000; Sen 2005). Despite such suggested compatibility, however, within these utilitarian approaches the question of philosophical or empirical justifications regarding human value and the moral imperative to respect that value still remain unanswered: including who it is that counts as human in the first place. Elizabeth Ashford suggests that the love humans can experience in a family not only provides us with our own sense of equal worth, but provides us with the ability to view the rest of humanity as having equal worth (2000, pp. 436-437). Even if we were to accept such a premise (and put aside the question of how we might enforce adequate parental love), it still does not explain why we *ought* to regard the rest of humanity as equal, simply because we may have experienced love ourselves. Philip Pettit suggests that utilitarianism can even incorporate the concept of dignity (and therefore worth); however, as he admits, he does not substantially define the concept of dignity in itself – that is, what it might be founded on – which leaves the question as to its justification still vulnerable to critique, as Bagaric and Allan argue (2006). Pettit captures a fundamental aspect of what many scholars regard as respect for dignity when conceived as a human right – that another agent “is not free to do to him whatever he wills” (1988, p. 52). In short, that another human represents the limit of another's will and is therefore an end in themselves. However, it is a conception that still relies very much on the concept of an autonomous agent: of one being capable of expressing their consent or disapproval to another's will. This leaves still unanswered the question of the treatment of non-autonomous humans, as well as the question as to why we ought to respect another's dignity: their wishes not to be used without their consent. Johan Brännmark's (2017) concept of 'taxonomical pluralism', while rightly pointing to the need for a theory that includes non-rational humans within the concept of Respect for Persons within bioethics, still tacitly relies however on an understanding of dignity whereby inherent dignity is implicitly assumed, but not explicitly justified. This leaves inherent dignity still vulnerable to the critique that is without foundation, and, as Brännman's theory itself is based on the practice of human rights as a political and social institution, moreover, it tends to beg the question as to what human rights are themselves founded upon, if not the concept of inherent dignity itself.

What follows is a theory of inherent dignity that outlines an account of a common humanity within which all humans might be seen as possessing inherent dignity and therefore deserving of being recognised and respected equally as ends in themselves. Whilst employing the notion of humans as ends, it is a conception of dignity that does not rely on the possession of autonomy and rationality, but rather is based on a communal conception of human being – of a shared humanity. This conception is derived from an important ontological distinction between human and animal being: a distinction that is of moral (or normative), rather than biological significance alone. I will be suggesting that the concept of inherent dignity lies within our practice of morality, both within human communities and between human communities. Central to the practice of morality and our concept of justice is the expectation that we are accountable to each other for our actions, for the way we treat one another: that a person will be held morally

accountable for injury or harm inflicted on another. Stephen Darwall has, importantly, defined this as the practice and expectation of reciprocal accountability (2006). First, I will outline Darwall's theory, before going on to argue that the expectation of moral accountability is a practice that exists on an inter-communal basis between human communities, rather than on an individual basis. I will then suggest that the practice of morality is itself social and communal in nature, and that it is a human practice which points to a significant difference in human and animal being. Throughout I suggest that the practice of communal moral accountability contains a universal moral standard by which we might say that all humans have an inherent worth and dignity that commands respect, thus providing a possible foundation for universal human rights.

### **Morality as reciprocal accountability – Darwall**

In *The Second-Person Standpoint* Darwall presents a compelling argument for the recognition of reciprocal accountability as the basis of morality, or rather, as he states himself "morality as equal accountability" (2006, p. 101). Darwall suggests that respect is implicit in the very form of second-person address itself, in that we are always already committed to recognizing the other's autonomy and rationality – and therefore our ability to hold them, and reciprocally they us, accountable – whenever we address them second-personally; that is, in a direct I-You rather than third person relationship (2006, p. 318). As such Darwall's argument is very much grounded within a Kantian framework; when we hold another accountable, we presuppose both our own autonomy along with theirs, in that we assume that they have the ability to act otherwise, and that we ourselves could be held equally accountable under the same standards (2006, p. 318). For Darwall, it is our inherent ability for reciprocal accountability that marks the limit to another being used as a means to our ends. By holding another accountable, even when that accountability is expressed through the reactive attitude of resentment – which Darwall suggests as being also expressive of a second-person competence and authority (2006, p.17) – we presuppose the limits of another's will with our own freedom marking the limit, or end, to that will (p. 252). Darwall stresses that respect for others is something that is due to another "simply by virtue of being a person" (p. 137). Darwall defines a person, however, as a "free and rational agent," and respect is shown through "acknowledging our mutual accountability" to each other (p. 137). As Darwall himself admits, such a definition of personhood, and indeed humanity, excludes human beings who are not rational such as infants, children and the cognitively impaired (pp. 28, 29, 33, 43, 318).

Despite the fact that Darwall continually emphasizes the role of individual competency in regards to accountability, he ultimately argues that his theory acts as a foundation for contractualism (pp. 300-320). This places the burden for moral standards and practices ultimately upon the efficacy of the social contract, and there are a number of weaknesses within such an approach – not least if reciprocal recognition between persons has not taken place (as in the case of slave-owning communities). Darwall's argument in this case hangs on the possibility that a slave's will is not subjugated to the extent that they will be unable to resent or oppose the treatment meted out by their owners. And here it is important to remember that the existence of reactive attitudes is a presumption on the part of the person reacting that the person to whom they are resentful is capable of choosing otherwise, and that the reacting person effectively regards themselves as ends rather than means (Darwall, pp. 263-268). However, since Frantz Fanon's

important work on the subject in *Black Skin, White Masks* (1986), studies have affirmed that this is particularly crucial in the case of marginalized, oppressed, and subjugated people who internalize their colonisation or oppression, as in the case of the African Diaspora, colonised, and indigenous peoples (see for example hooks 1993; Moraga and Anzaldúa 1983). Although Darwall does name coercion as being in opposition to accountability, for traditionally oppressed groups – including women – the line between coercion and consent is not so clear-cut. Such issues raise the question of whether the moral rightness of a norm can be vindicated by rational consensus alone, given that our rational choices are often limited by the scope of possibilities we see as being available to us, as Nussbaum rightly notes in her discussion on adaptive preferences (Nussbaum 2006, pp.73, 282, 341, 343-344). This is a critique that can also be made of Amartya Sen's capability theory which – although linked to human rights – still relies on reasonable, public agreement for endorsement (Sen 2005). R. Jay Wallace makes a similar point, suggesting with reference to Darwall and Hume's stepping-on-someone's-gouty-toe example, that perhaps the victim of the toe-stepping might be so "demoralized" as to not object, but that he also might also live in a moral community that might not regard such toe-stepping as immoral (2007, p.27). Wallace's point is that moral obligation cannot rest alone on individual or even community claims being made, that surely one would want to say that "the obligation is independent of the explicit demands that your victim might make on you to desist, but it is also independent of the claims that might be implicit in the tendency of people in your 'community'" (2007, p. 27).

Despite these shortcomings, Darwall's recognition of reciprocal accountability as an essential component of morality is groundbreaking. As Darwall puts it, when we exclaim, "Hey, you can't do that to me!" (2007, p. 53) we are presuming that that person can and should be held morally accountable to us. Although Darwall doesn't make the extension himself, assumptions of accountability take place between different moral communities, in that nations and communities can also be characterized as constantly saying to one another, to paraphrase Darwall, "Hey, you can't do that to us!" Putting the question of the normative content of the claim aside, the presumption that the other community is accountable is evidence that they believe that they are dealing with a community that *can* and *ought* to be viewed as morally accountable over their actions towards others: in other words, another human community. It is in this sense that reciprocal accountability can be seen as integral to morality, but only if its form and content are separated from the condition of rationality which limits both the scope of its application and morality itself to that which can be rationally agreed upon alone. Separated from the condition of individual autonomy and rationality, the practice of moral accountability could then be viewed as a universal human practice. However, it needs to be shown that moral accountability is practiced on a communal rather than an individual level, so as to lift the condition of rationality that Darwall places upon the individual as a condition of acceptance into the moral community.

Another important aspect of Darwall's theory is that he links reciprocal moral accountability to the question of human value and dignity, in that the very demand of moral accountability presumes that one considers oneself as an end, not to be used as another's means. As noted, he links dignity, along with Kant (1948), to individual rational humans alone; by contrast, other scholars have linked human worth, dignity, duties and rights to a shared humanity, as opposed to a shared rationality (Pufendorf 1998; Smith 1976; Mancilla 2013; Kleinig and Evans 2013). Pufendorf (1998) and Smith (1976) both view morality as a need arising from our shared humanity and the maintenance of human society. Nonetheless, Pufendorf's concept of

modes of morality being “invented...by reflective beings” and subsequently “‘superadded’ to or ‘imposed’ on the world in order to direct or temper free and voluntary human acts” (Siedler 2015) implies that morality might be viewed as something humans have simply created as a means of regulating society: that is, as superimposed or added onto what it means to be human. In other words,, morality can be viewed as something subsequent to what it means to be human in the state of nature – which Pufendorf views as a state of peace, as opposed to Hobbes who views it as a state of war (Siedler 2015). Smith views morality as arising from our very nature as social beings, and that our need and demand for justice is integral to our very survival as a species (1996). However, while I will also argue that humans are thoroughly social beings, and that justice is an essential component of our shared humanity, there is the implication in both Pufendorf and Smith that our need for justice springs from the need for survival. This implies that the point of morality is the survival of the species, but if it is the survival of the species that is the point, then suggestions that some ‘deficient’ members be eugenically pruned in order to improve the survival of the species as a whole could also be justified. This is also a potential weakness in accounts of morality based on the metaphor of human flourishing.

John Kleinig and Nicholas Evans (2013) offer an account of human flourishing that is linked to both dignity and rights. However, their account still links dignity and flourishing to autonomy and rationality which not only excludes infants and non-rational humans, but also suggests that one can lose one’s dignity concomitantly with the loss of autonomy (Kleinig and Evans 2013, p.555). This further implies that those who have an intellectual disability or cognitive impairment therefore lack dignity: that such lives are not worth living. And although they suggest that such lives might be conceded “flourishing – or welfare-related rights” (p. 556), given that flourishing is such a broad metaphor, the measure of a flourishing life is therefore open to broad interpretation, and therefore vulnerable to relativism. As noted above, eugenic perspectives might argue that some humans are simply defective weeds that should be eradicated, moreover, that it is ‘natural’ to do so given the analogy to nature. Kleinig and Evans do also suggest that non-rational humans might be granted “honorific status – to see humanity as a special status category” (p. 556); however, it is not clear what such a special status category might be based on, or why it should be respected, given that autonomy appears central to flourishing and dignity in their account.

Alejandra Mancilla suggests instead that benevolence, as a shared human emotion, might act as a foundation for respecting human rights (2013). However, as Mancilla herself admits, the acknowledgement of benevolence does not provide any justification as to why we ought to respect others (p. 70). Moreover, the fact we are constantly faced with the moral problems that seem to result from a lack of benevolence – such as war, violence, slavery, and extreme poverty – might seem to suggest that benevolence is perhaps not such a natural, human response after all: or at least not universally speaking. In addition, if we lack the feeling of benevolence, does that mean we are released from acting morally? As with all emotions, benevolence is susceptible to change, making it – I suggest – contingent rather than universal, and subsequently an unstable foundation on which to base claims for universal rights.

While the argument I present here is also based on the concept of a shared humanity, I suggest that we cannot separate our practice and expectation of morality from our humanity; that our understanding of humanity is inseparable from morality. The expectation of moral accountability and justice cannot be separated from the human condition, as if there were a prior

human state from which the need for justice arose, but rather that such needs form an essential part of what it means to be human. My own account of inherent dignity is also associated with the concept of humans as ends in themselves, along with the concomitant association of equality and inherent worth. Additionally, that such dignity is implicit in the expectation and practice of moral accountability not only at a communal level (as opposed to an individual level) but also at an inter-communal level (between human communities and nations). If it can be shown that the practice of moral accountability is both an intra- and inter-communal expectation and practice, rather than an individual practice, then the standard of value or universal norm upon which to judge the validity of accountability claims might then be simply as to whether a person or community is being treated as ends in themselves. That is, as a limit to the imposition of another's or another community's will and therefore as a possessor of equal and inherent dignity – as opposed to what an agent or a community might contingently decide as reasonable.

### **The Expectation of Moral Accountability between Human Communities**

Between human communities there is the expectation that we are morally accountable to each other for our actions; deep resentments are often held between human communities when injuries or wrongs have occurred and there is the expectation that the wrong needs to be acknowledged or paid for in order for justice to occur. When a human community attacks another human community, such as when a nation invades another nation, the nation that is attacked does not simply physically resist the attack, they also immediately assume that the attacking nation is morally accountable to them for the injuries done to them. They assume that the attacking nation *should not* have attacked them and need to be held morally responsible or accountable for that wrong. As noted above, in Darwall's terms, when we are morally wronged, we in effect think "you can't do that to us!" (2006; 2007, p. 53). This is commonly shown in feelings of resentment the nation or community holds against the other nation or community: with resentment being viewed as reactive evidence, in Darwall's terms, of the assumption that the injuring party should and can be held to account and that the injured party are beings that others are accountable to (Darwall 2006, p. 17). It should be noted, however, that the presence of resentment should not be viewed as a condition of accountability as we can expect moral accountability without feeling resentful. The expectation of moral accountability is something that we can see empirically evidenced not only in the present, but throughout our entire human history of war, civil war, imperialism, and colonisation. As Smith has also persuasively argued (1976), our sense of justice seems inextricably bound to the expectation that those who have injured us are morally accountable to us for that injury and that some form of recognition, acknowledgement, retaliation, revenge, or retribution for the injury is necessary in order to bring about a just resolution. In this sense, the expectation of moral accountability can be viewed as integral to the concept of justice. Moreover, the expectation of reciprocal justice is not restricted to particular human communities or societies, but extends to interactions between other human social groups, tribes, communities, and nations. Not only is the history of Western Europe a litany of inter-nation conflict with retaliatory roots that can span centuries (the events leading up to the First and Second World Wars being examples), but the expectation of reciprocal accountability can be also seen on an inter-tribal level (such as in the elaborate 'payback' system of Papua

New Guinea), as well as between different religious communities (as evidenced by the longstanding conflicts in the Middle East).

There are two important points that might be implied from the expectation and practice of inter-communal moral accountability. First, that it can be seen to imply the existence of a universal moral community – the universal human community – and second, that it can imply the existence of a universal moral standard. In relation to the first point, the expectation that our enemies are morally accountable to us reveals that we belong to the same moral community. That is, we judge them to be capable of being judged by a moral standard or law and, moreover, that they are morally culpable to us for the breach of that standard or law. What is so remarkable about such an expectation is that it transcends the multifarious cultures, social practices, and moral norms of widely differing human communities. When we demand moral accountability we recognise that our enemies are beings *like us*, in that they have – just as the members of our own particular human community – a moral responsibility towards us if they wrong us. It is in this sense that the human community can be viewed as a moral community, rather than as simply a biological species – more of which will be discussed later.

What is further significant regarding such a claim is that the recognition of this universal community – of our common humanity – does not depend on sentiment (here I am employing Hume's (1975) use of the term to mean emotion) or good will which are emotions susceptible to contingency (a shortcoming of arguments that base the recognition of rights on the claim that we share common human emotions such as benevolence, as noted earlier). However, the moment we claim that our enemy is accountable to us is also the very moment that we claim that we share the same moral community. Already implicit in all demands for moral accountability – within the very concept and practice of morality itself – is the expectation of an 'ought' in the sense of a moral imperative: that those who transgress moral boundaries ought to be held accountable. In this sense, Darwall is correct in suggesting that reciprocal accountability is an essential component of morality. Further, as it is a claim that transcends the differing languages, cultural mores, and moral norms of each particular community, it might be said to reveal the existence of a universal moral community to which all particular human communities belong. However, as noted earlier, there is also the need for a universal standard by which to judge whether claims for moral accountability are just. This is implied in the expectation and practice of reciprocal accountability itself: the implication that one or one's human community represents a limit to the will of another human community – that they are equal in that they are ends in themselves, as opposed to instrumental means to another's ends, and therefore possess inherent dignity.

One example of the practice of moral accountability amongst humans is the way in which various indigenous groups have been treated by colonial invaders (slavery is another example). We recognise such actions as unjust on the grounds that colonial invaders refused to recognise that they were morally accountable to those they were wronging. And they refused such accountability on the grounds that they considered those they colonised to be on a similar level to animals – as subhuman – in that they were regarded as less than fully human: as illustrated by Rudyard Kipling's infamous characterisation of the inhabitants of the Philippines as part-children and part-devils in his poem *The White Man's Burden* (1899/1997). As Aboriginal Australian scholar Marcia Langton suggests, the legacy of such a view persists to the present day: "it is the



challenge for settler Australians of recognizing that Aboriginal people are fully human beings” (Langton 2003, p. 82).

As noted above, the recognition that colonisers were morally accountable to the colonised can be viewed as the recognition of a shared moral community: the universal human community. Contained in such recognition is an affirmation of both their shared humanity and their equality: that they are limits to the colonisers’ wills and ends in themselves, as opposed to instrumental means to the colonisers’ ends. As noted above, the demand for an acknowledgement of moral accountability can persist over many generations until their oppressors acknowledge their accountability and seek to redress the wrongs they have perpetrated against them – as evidenced in the national apology the Australian government made to Indigenous Australians (2008). As Fanon suggests “The native...laughs to himself every time he spots an allusion to the animal kingdom in the other’s words. For he knows he is not an animal, and it is precisely when he recognizes his humanity that he begins to sharpen the weapons with which he will secure his victory” (Fanon 1982, p. 43).

Here it might be possibly argued that ‘the native’ may only have had a conception of ‘humanity’ post colonisation; that is, through being exposed to Western concepts. An example from an early encounter between English settlers and Aboriginal Australians in 1790 – two years after the colony was first established in Australia – might help to further illustrate this point. In this instance we have two communities with utterly different languages, norms, laws and customs having sustained contact for the first time (Captain James Cook’s crew had been in the area some ten years earlier, but contact was minimal). In re-telling that event by drawing on the written and pictorial sources made at the time, Langton, along with other Aboriginal Australians, and historian and anthropologist Inga Clendinnen, describe the relationship of the first Governor, Arthur Phillip, with a local man, Bennelong (*First Australians* 2002-2008; Clendinnen, 2005). Phillip had abducted Bennelong and imprisoned him in the hopes of training him as a translator and mediator. After Bennelong’s shackles were finally removed, he escaped, with Phillip spending a number of months searching for and eventually meeting him again amongst the members of his community. Phillip hoped to convince Bennelong to return, however, a Karadgi or ‘clever man’ from the community speared Phillip above the collarbone in what Langton, Clendinnen, and others describe as a punitive or ‘pay back’ spearing: a ritual spearing that was a widespread form of punishment within Aboriginal communities. Phillip actually ordered his men not to retaliate, and, after he recovered, was able to resume friendly relations with Bennelong to the extent that Bennelong returned to the settlement and eventually traveled to England himself.

What is significant about this incident is that Bennelong’s community, in exacting a ritual punishment on Phillip, regarded Phillip as morally accountable to them for his treatment of Bennelong. In addition, they held him accountable on their own terms, in accordance with their own moral practices, rather than within the framework of English law or the discourse of human rights. In being presumed accountable, however, Phillip can be said to have been recognized as a member of the same *moral* community, a community transcending the boundaries of their own particular moral community. That is, as belonging to the universal human community. For, by insisting that their oppressors were morally accountable to them, the colonised were acknowledging not only their own humanity, but also the fact that their oppressors were also human: that they were beings that were *like them*.

Here it is also important to point out that the demand for moral accountability between particular human communities – such as between colonised and coloniser – occurs on a communal level as one group demanding moral accountability of another group. That is, the demand is not made on an individual level, but is made communally by the group – or representatives of the group on behalf of the group – just as the Karadgi man acted on behalf of the group regarding the injuries done to Bennelong and his community. This is also demonstrated by the various liberation movements of subjugated groups where it is important to note that such liberation movements were made on *behalf* of all members of the group, not just for those capable of demanding accountability. Indeed, the crucial point is that they are communal claims, rather than individual claims. Individuals speak on behalf of a community and those not able to individually hold others accountable including those (as noted earlier) so demoralized as to be unable to object, the rationally incapacitated, infants and cognitively disabled. Members of these particular moral communities do not have rationality as a basis for membership in their communities, but rather, membership is predicated on affective, cultural, and/or ethnic ties, as well as the recognition of a common humanity (Giselsson 2007). What this demonstrates is that communities can make presumptions of accountability on behalf of all the members of their communities, without there being any condition of rationality in order to qualify for membership to that community.

The crucial question then becomes, of course, of who counts as human: whether one is regarded as a person to whom others are morally accountable, as a limit to another's will, and therefore as an end in themselves. That is, as possessing inherent dignity and the right to be viewed equally as an end in themselves. For of course, there are many human communities that have viewed certain of their members as means rather than as ends. As noted above, the practice of accountability implies just such a universal moral standard by which exclusions from equal recognition and respect might be judged as contingent and arbitrary; however, this claim can be further strengthened if it can be demonstrated that humans practice morality communally, rather than individually. That is, not only on an inter-communal basis – between human communities – but also on intra-communal basis within communities. For if it can be established that *all* humans belong to the human moral community, then no one can be excluded from equal respect on the grounds they lack rationality, have a disability, or lack any other characteristic that might be used to deny their full humanity. Below I will outline an argument as to how we might see all humans as belonging to the human moral community – and therefore as possessing inherent dignity with the right to be viewed as an end in themselves simply by virtue of being human – through recognising that the practice of morality is communal in nature.

### **Communal Accountability**

As Pufendorf and Smith have suggested, humans are social beings, dependent on each other for our very survival. And while I disagree, as noted above, with the linking of our practice of morality to such survival, I also suggest that the practice of morality is social in nature, in that it is inextricably linked to our social condition. For it is human communities rather than single, autonomous individuals, that hold a moral transgressor morally accountable for their actions. We do not leave the practice of moral accountability to individuals to enforce themselves, rather, we

hold our moral laws communally, as well as practice and enforce them communally. This means that individual humans do not need to possess the individual capacity to demand moral accountability, or to hold others morally accountable, as the community does so on their behalf. Human communities hold moral laws communally, and it is the lawful representatives of the community (the police, the law courts, the tribal elders, community leaders or religious leaders) who uphold, regulate or enforce the moral laws the community holds in common.<sup>1</sup> And in relation to the moral rules that regulate our communal life, they do not consist of individual, personal laws that have been created in isolation and which are enforced individually. For, just as Wittgenstein suggested that language is irreducibly social, in that there are no private languages (2001 Part 1 Sections 256-265, 77-79e), morality can also be seen as irreducibly social in nature, in that there is no private understanding or practice of morality. That is, there is no possibility of creating a language, or morality, in isolation from other humans, in that both language and morality can be viewed as always public understandings.

### **Wittgenstein**

As Wittgenstein points out in relation to language, when we understand the meaning of a word, there is already an implicit assumption that we also could have misunderstood that meaning: that we could be wrong (2001 Section 258, 79e). That is, in order to have language we must have words whose meanings are “independent” of their speakers, because if other people are to use them, they must be able to be learned for there to be any public agreement as to their meaning; we cannot simply make up words to mean whatever we want them to mean (Wittgenstein 2001 Sections 261-265, 79e).<sup>2</sup> In the way that we can view language as a public agreement on meaning and rules, we might be able to also view morality. Not because morality can be reduced merely to language or is the same as or equivalent to language, but because morality is, irreducibly, about public or social understandings concerning value. Morality cannot be conceived without the possibility of being wrong. Indeed, the very definition of morality rests on the assumption that a course of action is either morally right or wrong. And in order to have the possibility of being wrong, we need a human community to provide us with a public standard, rule, or norm as to that possibility. Otherwise we could indeed say, to quote Wittgenstein, that “whatever is going to seem right to me is right” (2001 Section 258, 78e).

In this way Wittgenstein’s suggestions in relation to private language might be viewed as not just about the conditions necessary for language, but as to the conditions of normativity. Such a conclusion is not without precedent, for this is indeed what Christine Korsgaard argues in relation to the moral obligation we might owe others in *Sources of Normativity* (1996). It is important to note, however, that the demand and expectation of moral accountability is fundamentally different to Korsgaard’s (1996) interpretation of Wittgenstein’s discussion on private language suggesting that, owing to a common language and shared meanings, we are liable to submit to another’s demands simply because they

---

<sup>1</sup>Here it is important to note that of course not all legally binding laws are moral laws (with the reverse also being true); that there can be a difference between something that is illegal and immoral. My main point here is that we hold and uphold our moral laws communally rather than individually.

<sup>2</sup>My own understanding of Wittgenstein’s private language argument owes much to Rush Rhees’ interpretation (1970, pp. 67-69).

demand it. As noted above, we are often made to be accountable to demands and standards of value that we do not consider just, and it is here that the standard of universal value implied in accountability – of each human as an end – can be used to contest abusive demands and standards.

Here it might be objected that Wittgenstein’s overall theory of language games – that concepts and words only having meaning in relation to other words and concepts within a language, rather than being a direct representation of objects in the world – is ultimately relativistic. However, many scholars have presented convincing evidence to the contrary (Putnam 1995; Barrett 1991; O’Grady 2004; Coliva 2010), pointing out that Wittgenstein repeatedly insisted on a common humanity – that our language structures spring from our common “form of life” (Wittgenstein 2001, PI 241) – which is why we can understand foreign languages and the different concepts that might be expressed therein: “[t]he common behavior of mankind is the system of reference by means of which we interpret an unknown language” (Wittgenstein PI 206). As O’Grady suggests, Wittgenstein held that it is our common human condition – our “basic physical, emotional and intellectual features which we share with all humans” (O’Grady 2004, p. 328) – that form our language structures. Coliva (2010) further persuasively argues that, due to the fact that the conditions that shape our existence as humans are the same; “the fact that our concepts are what they are also because of some very general facts about us and about nature” (Coliva, p. 20) means that human beings do share a “one picture of the world” which is “universal” (Colvina 2010, pp. 21-22). Indeed, Wittgenstein’s famous remark that “if a lion could speak, we could not understand him” (2001, PI, II, p.190) points to the fact that we do not share the same ‘form of life’ with animals (O’Grady 328).

My point here is not only that moral norms are irreducibly social and communal in nature – as opposed to being the province of autonomous individuals acting or conceiving them alone – but that, additionally, the practice of morality is part of our communal ‘form of life’. That is, the practice of morality is part of our ontology and way of being as humans which is different to animals. Here it is important to stress that, of course individuals may have values and principles which run counter to their communal norms, however, they would not be able to know they were counter to such norms without the existence of another human being to say they were ‘right’ or ‘wrong’. It is also not to suggest, as noted above, that morality is reducible to language alone, or that morality consists solely of socially agreed norms. Ultimately, what I am suggesting here concerns the foundational conditions necessary to the very conception of moral standards which are communal in nature and part of our communal form of life as humans: the conditions for the very possibility of morality. Most importantly, within such a view, all humans can be regarded as being part of the universal moral community simply by virtue of being human. For the practice of morality resides within human communities, in that the essential components of this practice – moral principles and moral accountability to those principles – exist communally within and between human communities. We do not have this moral expectation – the expectation and assumption of reciprocal moral accountability – with animal communities. This is not to imply that animals do not have their own ways of being and relating to each other, but to suggest that our systems of reciprocal moral accountability do not include animals, and that

this is evidence of a difference in our ontologies: our ways of being or existing in the world, our different form of life.

## **Humans and Animals**

I have suggested above that to be human is to belong to a moral rather than simply a biological community, in that between and within all human communities, there is the expectation that humans are morally accountable to other humans. Animals do not hold us morally accountable, nor we, them; that is, moral accountability is not practiced reciprocally *between* human and animal communities. We do hold animals accountable to us in a sense, in that we may have rules that they must either obey or are corrected or punished for, but this cannot be equated with moral accountability. If an animal or animal group injures us, we do not have the same expectation of moral accountability as we do with humans – in that we do not view them as having injured us in a moral sense. We may kill or physically harm an animal or animals for attacking or injuring us, but we do not carry the sort of long-standing resentment and moral outrage that human communities – families, gangs, tribes, religious and political groups, cities, nations, and allies – can carry against other humans who have wronged them. In other words, there is not the assumption that the conditions for justice have not and yet *ought* to be met – which Smith also regards as a foundational principle to human society (1976).

It seems that justice cannot exist between beings that cannot hold each other morally accountable to a common standard or norm. Not only do we lack a relationship of reciprocal moral accountability between animals and humans, but we also lack a common moral standard by which we can hold each other fairly and impartially accountable given that all moral standards are inevitably ours. A human may refuse to be held morally accountable to another human by rejecting the moral standard they are being judged by; nonetheless, if that standard can be shown to be universally applicable to all humans, then that standard can be said to be just (as demonstrated in cases that transcend national boundaries such as crimes against humanity). A number of scholars have attempted to include animals within the human moral community and an exploration of their arguments, albeit rather briefly, may help to further explicate this difference – for a lengthier engagement see Giselsson (2012).

Martha Nussbaum (2011) includes concern for and a relationship to other species amongst her list of capabilities, but the extent and nature of that concern is highly contestable, as she also argues for the inclusion of animals within human structures of justice in her book *Frontiers of Justice* (2006). Nussbaum's arguments for the extension of capabilities to include justice for animals make even more tenuous her claim that she provides a broad, non-metaphysical base for overlapping consensus via an intuitively-based conception of inherent dignity, in that she ultimately states: “[i]t seems that there is no respectable way to deny the equal dignity of creatures across species” (p. 383). In short, Nussbaum suggests that animals can be viewed as ends in themselves.

However, it is highly doubtful that animals can actually be seen as either ends in themselves, or as agents or subjects, when it is human beings who ultimately decide what their ‘good’ and ‘end’ consists of. Nussbaum presents a clear argument as to why, even if animals could enter into a social contract with humans, there could be no incentive under the schema of

mutual advantage: this being directly due to the “asymmetry of power between humans and nonhumans” (2006, p. 334). For example, “they are certainly not equals of humans in power and resources” (2006, p. 335) and further should any animal attempt to threaten us in any way “we can just kill them, as we do” (2006, p. 334). Such arguments are meant to prove the inadequacy of contract theories in being able to represent animals’ interests, but Nussbaum does not extend her insights in relation to the power imbalance between humans and animals to her own attempt to apply her capability theory to animals. For, by her own definition, our relationship to animals is inherently unequal and therefore, I suggest, cannot be said to be within the realm of justice. For Nussbaum argues for the imposition of human laws on animals, stating that, for example, wherever possible, predatory animals *should* be physically prevented from eating other animals, suggesting that we might physically place predators in zoos and feed them vegetables (2006, p. 379). It is in this sense that I suggest that it cannot be just to impose laws on animals on the assumption that they are our equals, for we may force them to be accountable to us over standards imposed by us, but they never will be in the position where they can make *us* accountable to *them*. For, as Nussbaum herself acknowledges, if we don’t like what they do, we can simply kill them. In short, animals cannot be agents or subjects if they have definitions of their good and flourishing imposed upon them. Moreover, an animal *cannot be an end in itself when it is being used for someone else’s end*, no matter how moral or paternalistic that end may be – and here Nussbaum actually uses the word paternalism herself (pp. 375, 378). As animals cannot hold us morally accountable over whether they are treated as either ends or means, a relation with them based on justice is, I suggest, impossible.

Jeff McMahan holds similar views to Singer, suggesting that animals with higher cognitive ability should be treated preferentially over humans with less cognitive ability (1996, 2002). As Eva Feder Kittay points out, however, this reduces the moral status of her own severely disabled daughter to the same level as a dog (2005). One solution might be to view both humans and animals as equal, as Tom Regan suggests, but his solution, to grant each and every animal (and human) inherent worth and equal value (2001, p. 44), is nonetheless not without problems. First, rather than raising the level of animals to humans, such an approach can be seen, as Cora Diamond points out, as actually reducing the value of humans; in this case to the value of a chicken or a laboratory rat (1991). For example, Jewish and African American organizations alike have expressed outrage at having the suffering of animals in farm-factories publicly likened to the genocide of Jews during the Holocaust and suffering endured by African American slaves (Southern Poverty Law Center 2005). Furthermore, to extend inherent value to all animals is to effectively demolish conditions and boundaries regarding the grounds needed for respect, and here it is important to note that Nussbaum comes to a similar conclusion to Regan in ultimately defending the right of butterflies not to be killed (2006, p. 393). For, while both Regan and Nussbaum extend equal consideration and value to all living creatures, it is difficult to see what grounds such respect are founded on, apart from perhaps a respect for life itself, which would then need further metaphysical justification (which Nussbaum explicitly eschews and Regan does not provide). For Regan does not explain exactly *why* all living creatures should be considered as having equal inherent worth, particularly given that the individual welfare of many animals depends on actively feeding on other animals.

In the account of shared humanity I am presenting here, based on the recognition of the shared social practice of communal moral accountability, all humans belong to the universal

human moral community, and can therefore be viewed as possessing inherent dignity and the right to be viewed as an end in themselves. This includes infants and non-rational humans, but it also raises the question as to whether embryos and those in Persistent Vegetative Condition (PVC) should also be viewed as fully human with the full human right to be viewed as ends in themselves. My argument for recognising all humans as ends in themselves can be viewed as an argument for the recognition of first generation rights, in that it encompasses, at minimum, the right to life and liberty. Even human remains are also quite uncontroversially viewed as human, and subsequently, in most cultures of the world, accorded and treated with special regard – as evidenced by the ceremonies and rituals we have created to mourn and revere our dead. However, of course, the right to life and liberty are not needed as a protection for our dead (although justice might still be demanded on behalf of the dead, on the basis that their rights have been contravened in the past). And here it is important to note that scholars who argue for animal rights and equality are not justifying their arguments on the basis that there are no species differences between humans and animals: on the contrary, they are based on the claim that we share common qualities and characteristics (pain, sentience, life, flourishing, dignity) *despite our differences in species* – hence Singer’s charge of speciesism. Human embryos and those in PVC are also viewed uncontroversially as belonging to the human species. The question as to whether they should be viewed as ends in themselves based on their membership within the human moral community – that is, with full first generation rights – is a question, I suggest, as to when human life begins and ends. A further exploration of such a question is, unfortunately, beyond the scope of such a short paper.

### **Concluding Remarks**

The social nature of moral norms, along with the communal practice of moral accountability, can be seen as that which defines the human community as a moral community. It is part of that which gives human life – our form of life, our way of being – a significance not based on biology alone. Within such a view, one does not have to be either rational or autonomous in order for others to be held morally accountable over injuries done to one (remembering that even rational members can be so subjugated as to find it difficult to oppose their own subjugation) – although it does need to be acknowledged that there needs to be a sufficient number of rational members in a community for this to occur.<sup>3</sup> The important question is on what grounds a human qualifies for being seen as an equal member of that community: whether you are regarded as a member with equal value, who will then have others take up moral accountability on your behalf. My argument here is that, as our practice and understanding of morality is thoroughly communal, as opposed to individual, all humans can be viewed as belonging to the human moral community. The challenge is just how to prevent such exclusions within particular communities, which is where the concept of inherent dignity, of the universal right of all humans to be viewed as ends in themselves, provides a solution.

Contained within the demand of moral accountability is, I have suggested, the demand to be seen as a moral equal. In the case of colonisation discussed above, for example the colonised

---

<sup>3</sup>I am grateful to Jeff Malpas for pointing this out to me.

assume that they are equal in that they assume that their lives had the same value as their oppressors: that they represent the limit to the imposition of another's will. Moreover, that the wrongs done to them will be acknowledged as wrongs and the colonisers be held morally accountable for such wrongs. Contained also in the perception of injury is the perception of worth; the colonised perceive that a moral wrong has occurred not simply because the coloniser refuses accountability, but because of the nature of the wrong done to them in that they have been treated as a mere means to the colonisers' ends rather than as ends in themselves. It is a standard that those who are wronged place on their own and their community's lives; that their lives are worth more than the instrumental use-value placed on them by those who have injured them.

The expectation that our enemies ought to respect us as ends is clear from the insistence of moral accountability in the first place; indeed, the moral wrong we perceive as having been done to us seems inseparable from the fact that we have been treated merely as means and those who have injured us should not have done so. As noted earlier, we do not have this moral expectation of animals. Contained within the insistence of moral accountability, then, is the assumption that our lives in fact have inherent value rather than instrumental value and that our enemies should or *ought* to recognise and respect that fact. Moreover, when we treat humans as ends we are not imposing an arbitrary, unfair moral standard upon them; we are treating them with the moral standard that all human communities might be able to recognise and condone as just, as it is a moral standard that they hold for themselves when morally wronged and would hold other humans accountable to.

The concept of humans as ends in themselves provides us with a definition of dignity as the inherent worth of each human, affirming that all humans have a worth that demands equal respect: a worth that surpasses instrumental value. Such worth is derived from the principles that are foundational to the practice of human morality; the foundations of moral accountability, equality and justice. In this sense we might truly be able to speak of certain actions as being inhumane or humane, in that in not recognizing our moral accountability to another human we have injured is to treat them as less than human. This is clearly illustrated by the correlation between the classification of certain humans in the past as sub-human and the subsequent denial of accountability towards them. The recognition of moral accountability, then, can be viewed as the recognition of respect, and the denial of accountability as a denial of equal worth. It can be seen as a denial of the respect that we owe other humans as humans.

It is in this way that dignity might be viewed as the inherent worth of each human, affirming that all humans have equal worth and are therefore deserving of equal respect within the species as a whole. Indeed, I would like to end by suggesting is that it is the recognition, expectation and practice of such principles that contribute to making us human. For it is the irreducibly social nature of moral norms, along with the presumption and practice of communal moral accountability, which defines the human community as a moral community. It is part of that which gives human life a significance which is not based on biology alone. Our worth as persons is a fundamental part of our being: our way of being in the world as humans. It is part of the conditions that contribute to making what it is to be human, of making us who we are. That is, it is inherent; it cannot be lost, or jettisoned, without also jettisoning that which makes us human. It is not a result of who we are or a result of what we do: it comprises who we are. As Diamond (1991) suggests in her discussion on the differences between human beings and animals:



These are all things that go to determine what sort of concept 'human being' is. Similarly with having duties to human beings. This is not a consequence of what human beings are, it is not justified by what human beings are: it is itself one of the things which go to build our notion of human being (1991, p. 324).

The practice and expectation of communal moral accountability provides a foundation for dignity that affirms that humans have inherent worth, in that they are ends in themselves, a limit to the wills of others. It provides evidence of the existence of a universal human community, which is not simply a biological community, but a moral community; giving humans a normative significance which cannot be reduced to biological existence alone. The universal moral standard contained within it – that humans have inherent worth and dignity, in that they are ends in themselves and limits to another's will – provides us with the foundation upon which we can say that the exclusion of particular humans from equal moral consideration is both arbitrary and discriminatory. In this sense, inherent dignity can be viewed as providing grounds upon which we base the concept of universal human rights, for it shows that dignity can be seen as providing humans with a worth –and the right – to be respected as an end in themselves.

### **Acknowledgements**

I am deeply grateful for the invaluable advice of Jeff Malpas regarding earlier formulations of the concept of communal accountability. I am also much indebted to the insightful and helpful comments of three anonymous reviewers, and to the generous and detailed eye of Jennifer Francis.

## References

- Aristotle (1941) *The basic works of Aristotle*. R McKeon (ed). Random House, New York
- Ashford E (2000) Utilitarianism, integrity, and partiality. *J Philos* 97(8):421-439
- Australian Government (2008) *Apology to Australia's Indigenous Peoples*. Australian Government. <https://www.australia.gov.au/about-australia/our-country/our-people/apology-to-australias-indigenous-peoples>
- Bagaric M, Allan J (2006) The vacuous concept of dignity. *J Hum Rights* 5(2):257-70
- Barrett C (1991) *Wittgenstein on ethics and religious belief*. Blackwell, Oxford
- hooks b (1993) *Sisters of the yam: Black women and self-recovery*. South End Press, Cambridge MA
- Brännmark J (2017) Respect for persons in bioethics: Towards a human rights-based account. *Hum Rights Rev* 18(2):171-187
- Clendinnen I (2005) *Dancing with strangers: Europeans and Australians at First Contact*. Cambridge University Press, Cambridge
- Coliva A (2010) Was Wittgenstein an epistemic relativist? *Philosophical Investigations* 33(1):1-23. doi:10.1111/j.1467-9205.2009.01394.x
- Darwall S (2006) *The second person standpoint: Morality, respect and accountability*. Harvard University Press: Cambridge, MA.
- Darwall S (2007) Reply to Korsgaard, Wallace and Watson. *Ethics* 117:52-69.
- Diamond C (1991) *The realistic spirit: Wittgenstein, philosophy and the mind*. MIT Press, Cambridge MA
- Donnelly J (2015) Normative versus taxonomic humanity: Varieties of human dignity in the Western tradition. *J Hum Rights* 14(1):1-22
- Fanon F (1982) *The wretched of the Earth*. Grove Press, New York
- Fanon F (1986) *Black skin, white masks*. Pluto, London
- Giselsson K (2007) Assessing an alternative grammar: Are identity, respect and justice possible within posthumanism? In: Connolly J, Leach M, Walsh L (eds) *Recognition in politics: Theory, policy and practice*. Cambridge Scholars Publishing, Newcastle UK, pp. 65-83
- Giselsson K (2012) *Grounds for respect: Particularism, universalism, and communal accountability*. Lexington Books, Lanham MD

- Giubilini A, Minerva F (2013) After-birth abortion: Why should the baby live? *J Med Ethics* 39(5):261-63
- Griffin J (2008) *On human rights*. Oxford University Press, Oxford
- Hume D (1975) *Enquiries concerning human understanding and concerning the principles of morals*. Selby-Brigge LA (ed) Clarendon Press, Oxford
- Kant I (1948) *The moral law or Kant's groundwork of the metaphysic of morals*, Paton HJ (trans.).Hutchinson & Co, London
- Kipling R (1899/1997) *The white man's burden*. Fordham University Internet Modern History Sourcebook. Available <http://sourcebooks.fordham.edu/mod/kipling.asp> Accessed 2 Jan. 2017
- Kittay EF (2005) At the margins of moral personhood. *Ethics* 116(1):100-131
- Kleinig J, Evans N (2013) Human flourishing, human dignity, and human rights. *Law Philos* 32(5):539-564
- Korsgaard C (1996)*Sources of normativity*.Cambridge University Press, Cambridge
- Langton M (2003) Correspondence regarding Germaine Greer's Whitefella Jump Up. *Quarterly Essay* 12:77-83
- Macklin R (2003) Dignity is a useless concept. *B M J* 327(7429):1419-20
- Mancilla A (2013) The bridge of benevolence: Hutscheson and Mencius. *Dao* 12:57-72. doi 10.1007/s11712-012-9313-y
- McMahan J (1996) Cognitive disability, misfortune and justice. *Philos Public Aff* 25:3-35
- McMahan J (2002) *The ethics of killing: Problems at the margins of life*. Oxford University Press, New York
- Moraga C, Anzaldua G (eds) (1983) *This bridge called my back: Writings by radical women of color*. Kitchen Table – Women of Color Press, New York
- Nussbaum M (2006) *Frontiers of justice: Disability, nationality, species membership*. The Belknap Press of Harvard University Press, Cambridge MA
- Nussbaum M (2011) *Creating capabilities: The human development approach*. Harvard University Press, Cambridge MA
- O'Grady P (2004) Wittgenstein and relativism. *Int J of Philos Stud* 12(3):315-337. doi:10.1080/0967255042000243975
- Pettit P (1988) The consequentialist can recognise rights. *Philos Q* 38(150):42-55

- Pufendorf S (1998) *De jure naturae et gentium*, 2 vols. Böhling F (ed.) Vols 4.1-2: Text. Akademie, Berlin
- Putnam H (1995) *Renewing philosophy*. Harvard University Press, Cambridge MA
- Rhees R (1970) *Discussions on Wittgenstein*. Routledge & Kegan Paul, London
- Rodriguez PA (2015) Human dignity as an essentially contested concept. *Camb Rev Int Aff* 28(4):743-56
- SBS (2002-2008) *First Australians*, Episode One, “They Have Come to Stay” and Episode Two, “Her Will to Survive.” Perkins R, Director/Writer/Producer.  
<http://www.sbs.com.au/firstaustralians/>
- Seidler M (2015) Pufendorf's moral and political philosophy. *The Stanford Encyclopedia of Philosophy*. ZaltaEN (ed).  
<https://plato.stanford.edu/archives/win2015/entries/pufendorf-moral/>. Accessed 6 December 2017
- Sen A (2005) Human rights and capabilities. *J Hum Dev* 6(2):151-166.  
doi:10.1080/14649880500120491
- Singer P (2001) *Writings on an ethical life*. Fourth Estate, London
- Smith A (1976) *The theory of moral sentiments*. Clarendon Press, Oxford
- Southern Poverty Law Center (2005) PETA rethinks slavery exhibit. *Teaching Tolerance: A Project of the Southern Poverty Law Centre* August 15, 2005.  
[http://www.tolerance.org/news/article\\_tol.jsp?id=1266](http://www.tolerance.org/news/article_tol.jsp?id=1266). Accessed 21 December 2009
- Southern Poverty Law Center (2005) “PETA apologizes for ‘Holocaust on your plate campaign,’” May 2-6, 2005, [http://www.tolerance.org/news/article\\_tol.jsp?id=1207](http://www.tolerance.org/news/article_tol.jsp?id=1207). Accessed 21 December 2009
- Regan T (2001) The radical egalitarian case for animal rights. In Pojman LP (ed.) *environmental ethics: Readings in theory and application*. Wadsworth, Belmont CA
- Wallace RJ (2007) Reasons, relations and commands: Reflections on Darwall. *Ethics* 117:24-36
- Wilkinson D, Savulescu J (2014) Disability, discrimination and death: Is it justified to ration life saving treatment for disabled newborn infants? *Monash Bioethics Review* 32(1):43-62
- Wittgenstein L (2001) *Philosophical investigations*. 3<sup>rd</sup>edn. Anscombe E (trans.) Blackwell, Malden MA