

The Right to Life and Human Dignity

Leon R. Kass

Issues of individual rights tend to stand at the very center of legal disputes and moral debates in the United States. This is no accident, for “rights talk” is as American as apple pie. The moral bedrock of our republic is, as the Declaration of Independence proclaims, the self-evident truth that all men are equally endowed with certain unalienable rights, and, further, that securing these rights—to Life, Liberty, and the Pursuit of Happiness—for all human beings is the primary purpose of government. It is impossible to exaggerate the blessings that have come, both to us and to the world, from this liberal philosophical vision and its embodiment in our democratic political institutions.

Yet the dominance of rights talk in American *moral* discourse also leaves us impoverished in our efforts to understand and to protect what is humanly at stake in the dawning age of biotechnology. More than ever, armed with newfangled powers to alter body and mind, we can freely enjoy our rights and cheerfully use our freedoms in ways that degrade and dehumanize us. For example, by exercising our “right to reproduce,” or our “right to do scientific research,” free of any legal interference or moral objection, we have embraced surrogate motherhood, cloning, the buying and selling of egg and sperm, embryo farming, the creation of man-animal chimeras, and even extra-corporeal gestation. Pursuing the right to a longer life and an ageless body turns out to be perfectly compatible with creating human life solely for experimentation, establishing organ markets for transplantation, and freezing corpses for possible later reanimation. And the right to practice happiness as each sees fit turns out to be perfectly compatible with enhancing our performances with steroids and stimulants or gaining our pleasures and self-esteem from the pharmacist, completely severed from the human activities and attachments that are their proper ground. We Americans lack the language for expressing our concerns and disquiets over these and other threats to our humanity, precisely because we are so attuned to thinking only about our

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rights and our freedoms, and so little accustomed to speaking about our duties or our human dignity. In contrast, continental European discussion of these matters considers not only human rights but also and especially human dignity, in clear recognition that our humanity is not exhausted by our autonomy or by our ability to make claims or to exercise rights free of governmental interference. Certain forms of assisted reproduction are banned, human life cannot be created as a natural resource, and human body parts and human gametes are explicitly excluded from the domain of property and patentability. In contrast to Anglo-American ethics and law, European codes of ethics and specific legislation speak readily of preserving and protecting human dignity.

Life, Dignity, Death

There is, however, one area of American bioethical discourse in which the language of human dignity looms large, indeed, functions almost as a shibboleth: “death with dignity.” Distressed that our efficient life-sustaining technologies can keep people alive, often for many years, in increasingly diminished and degraded conditions, many people have joined a campaign against what they regard as the undignified and dehumanizing consequences of a medicine that seems always to choose in favor of life—longer life, more life, life regardless of its quality. To be sure, because of the American penchant for claiming goods in the name of rights, the “death with dignity” movement often makes its case in terms of a “right to die”—at first (hesitantly and negatively) as “a right to refuse treatment,” now (stridently and positively) as “a right to choose the time and manner of one’s death” or “a right to assistance in suicide.” But the language of rights and freedom are really but a cover for a deeper—and seemingly non-liberal—concern with dignity and its diminution.

Notwithstanding its apparent liberal dress, the claim of a “right to die” or a “right to death with dignity” takes aim, often explicitly, at the foundational liberal idea: the primacy of self-defense against all threats to life and the assertion of the *first* natural right, the right to life. And in seeking to change the law to permit assisted suicide and euthanasia, the death-with-dignity movement seeks to overturn the state’s monopoly on the legitimate use of lethal force and to undermine the fundamental liberal idea that government’s first duty is to secure and protect the right to life of everyone, regardless of his or her mental and physical capacities.

In the political battles over assisted-suicide and euthanasia, the two sides have been content to foster the view of an irreducible conflict, with

partisans of assisted-suicide defending “death with dignity” and opponents defending “right to life”—though sometimes, as I indicated, the former appeal instead to the “right to choose” while the latter sometimes appeal also to “the dignity of human life at all its stages.” A superficial view of the matter might lead one to conclude that having a dignified life is compatible with abandoning or even destroying it, or, conversely, that a concern solely for “mere life” is inherently undignified. The latter is a view that, I must confess, I once shared and for which, when the need arises, I am still able to make the case.

Yet I have wondered increasingly about all of this, and especially about the dignity of human “alive-li-ness” as such—not least because both personal experience and public controversies have forced me to. Though I continue to see instances in which prolonging life mainly means prolonging degradation, I am at the same time—and sometimes in the same cases—compelled to marvel at the will—or maybe only the inclination—of the debilitated and humbled to cling to life and to display dignified humanity, against all odds. Though I continue to believe that human life need not always be sustained, I am puzzled by our culture’s growing willingness to detach, as utterly distinct, the simple presence of life from its so-called “quality” or, better, goodness—as if living existence *as such* were not good in itself and central to the quality, and integral to the worth, of any human life. Though I would, in sadness, withhold antibiotics from a patient with end-stage Alzheimer’s disease, were he to be sent deliverance in the form of pneumonia (once called “the old-man’s friend”), I have trouble justifying this decision; for I cannot embrace either of the implicit moral propositions required to do so, namely, the dangerous doctrine (celebrated by the Third Reich) of “life unworthy of life” or the illogical idiocy of “better off dead.” And similarly I doubt that the abortion question is best framed by opposing a right to life (for the unborn) and a right to personal freedom or the pursuit of happiness (for the woman), without regard to considerations of the *goodness* of life at all of its stages or the meaning of an attack upon a woman’s generative nature in the service of her happiness.

As these examples suggest, there are today many occasions, and not only at life’s end or beginning, that invite us to confront anew the relation between *living* and living *well*, between the goods of *life* and *human dignity*. Are they identical, overlapping, unrelated, or opposed? Is there perhaps a deep connection between human dignity and the tenacious yet fragile vitality of each unique, never-to-be-repeated, individuated, human life? Can there be genuine human dignity in a society that does not fully honor life and the right to life, at all its stages and in all its conditions? A

special aspect of these questions concerns the relation between the *right* to life and human dignity. I say the *right* to life not because I am especially interested in addressing the abortion or the euthanasia controversy or because I think that the right to life is identical with—or even the best way to approach—the value or goodness of life. On the contrary, I generally think our moral life is most *fully* understood not in terms of “rights,” but in terms of “goods” or “virtues” or “obligations.” Indeed, it is partly for this very reason that I want to ask not only about “life” and “dignity,” but about the *right* to life and dignity: I want to reexamine my usual suspicions that our political ethic of individual rights, which begins with the right to life, is, both in theory and practice, a challenge to human dignity, and that, as friends of human dignity, we should be wary of conceding too much to the doctrine of the individual’s natural rights.

Turning to Hobbes

The question may be put this way: Is there not less dignity in standing on your rights than in doing your duty, in claiming for oneself than in sacrificing for others, in self-indulgence than in self-control, in liberties than in virtues, in exercising rights than in practicing righteousness? Especially if natural rights are grounded in our needs and passions, and not in our intellect; especially if they rest not on what’s highest but on what’s most prevalent; especially if they are attractive because they are self-interested and self-serving; then appeals to individual rights would seem, to say the least, indifferent to, if not actually at odds with, human dignity. In fact, historical evidence suggests that the whole doctrine of “rights” was first introduced as a deliberate *substitute* for appeals to virtue or conscience or holiness—in short, to dignity. I confess I have been, and remain, partial to this view.

And yet, not altogether. I have always regarded the Declaration of Independence as the noblest political document ever written, a document that still inspires me with admiration and respect precisely when it declares the equality of men based on their (equal) endowment of unalienable rights, first among which is life. And, in practice, it turns out that liberal polities, founded on this doctrine of equal natural rights, do vastly less violence to human dignity than do their illiberal (and often moralistic and perfection-seeking) antagonists. How to explain this? Might rights confer dignity? Might it be dignity itself that confers rights? How, indeed, do matters stand between the right to life and human dignity?

I propose to come at these questions in a peculiar way. Leaving aside the related matter of the *sanctity* of human life and staying entirely on secu-

lar and philosophical ground, I will try to understand the relation between the right to life and human dignity with the help of the natural rights teaching of Thomas Hobbes. Rather than fool with derivative thinkers, it pays in matters of such complexity to go to the source.

Hobbes is arguably the founder of the modern doctrine of natural rights, proposing it in explicit opposition to his predecessors who gave primacy to virtue or duty or nobility or law or dignity. Furthermore, to oversimplify a little, Hobbes is the teacher of Locke, and Locke is the teacher of Jefferson, and thereby, at least to some extent, also of ourselves, insofar as we are American liberals.¹ Thus, looking at the philosophical origin of the right to life in Hobbes might tell us something about the relation of both “rights” and “life” to human dignity; it might also tell us something basic about ourselves and about liberalism and human dignity. I shall consider mainly one page of Hobbes’s *Leviathan*, the beginning of chapter 14, entitled “Of the First and Second Natural Laws, and of Contracts,” in which Hobbes thematically considers natural right.

In the preceding chapter, Hobbes had described the natural condition of mankind—that is, mankind in the absence of society, law, and sovereign power—and come to his famous conclusion: the natural state of man is the incessant war of each against all, with the consequence that the life of man is solitary, poor, nasty, brutish, and short; worst of all, there is continual fear and danger of violent death. Only human reason can suggest articles of peace, and, therewith, a way out of the state of nature into the more secure state of civil society. But the articles—or rules—of *reason*, which Hobbes strangely calls laws of *nature*, have as their foundation an acknowledgment of a prior and primary singular absolute natural right, the right of self-preservation. The flight *from* nature begins *with* nature, with one natural right. Here is how Hobbes proceeds:

Right of nature what. THE RIGHT OF NATURE, which writers commonly call *jus naturale*, is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgment, and reason, he shall conceive to be the aptest means thereunto.

¹ Curiously, though this is not my present subject, today’s so-called liberals are the ones most dubious about *natural* rights; they regard the claims of a “right to life” to be only *theologically* defensible—and, hence, of only negative concern for the liberal state. It is Christians mainly—not the descendants of skeptical Hobbes—who defend as absolute the right to life, though, in truth, the so-called right-to-life movement is more properly called a sanctity-of-life movement.

The first thing to notice—though it is tangential to my main line of argument—is Hobbes’s radical transformation of the meaning of *jus naturale*, natural right. Hitherto, “the naturally right” meant “the naturally just,” that which is everywhere and always just: the just according to nature and not to convention, which is to say, the just independent of human agreement. Hobbes, by mere assertion and linguistic dexterity, pours new wine into old bottles: natural right becomes *the* right of nature, “a liberty each man hath.” Instead of naming the natural part (or species) of justice, natural right for Hobbes names a species of natural liberty. The entire medieval and (ultimately) classical Greek tradition of natural right understood as natural justice is here abandoned; justice, for Hobbes, becomes in its content purely a matter of convention, defined by the positive law of one’s own country.²

The most important point for us, however, is that the right of nature, or the (one) natural right, is a species of liberty or of freedom—namely, the freedom to use one’s own power to preserve one’s own life, and, derivatively, to do so by using whatever one judges to be the aptest means. This liberty is natural in at least two respects: it is given *by* nature, and it is used *to preserve* (one’s) nature. At the same time, it is—like all natural rights—also individualized: *each* person is free to use (a) *his own* power, (b) as *he will* himself, (c) to preserve *his own* nature, that is, (d) *his own* life, and therefore to use (e) *his own* judgment and reason to determine the aptest means. Modern selfish individualism begins here, with nature’s putative gift of this allegedly rightful liberty.

Facts and Values

As we follow Hobbes’s argument, seeking to understand this new right of nature, we are, however, almost immediately thrown into perplexity. Since the right of nature is defined as a liberty, the meaning of the right depends upon that of liberty, which Hobbes proceeds straightway to define:

Liberty what. By LIBERTY, is understood, according to the proper signification of the word, the absence of external impediments: which impediments, may oft take away part of a man’s power to do what he would;

² Justice does receive from Hobbes a universal *formal* definition: the performance of covenants made. More precisely, in chapter 15 of *Leviathan*, Hobbes gives first the definition of *injustice*, “no other than *the not performance of covenant*,” and then defines justice only as the absence of injustice: “And whatsoever is not unjust, is *just*.” (Emphases in original.) Moreover, though the substance of justice is given by convention, Hobbes holds that justice, understood formally as *obediencē* to convention or covenant, is not a matter of convention, but itself a *natural law*.

but cannot hinder him from using the power left him, according as his judgment, and reason shall dictate to him.

Liberty, according to Hobbes, is the absence of external impediments to the self-initiated exercise of one's powers. This definition creates the following difficulty: having already shrunk the notion of natural right (justice) to *the* right of nature, and having also defined natural right in terms of natural liberty, Hobbes now defines liberty as only a *factual* state of affairs; natural *right* thus seems to be only a *fact*, the fact of absent external impediments.³ To repeat, if a right is a liberty, and a liberty is merely a descriptive fact, then, paradoxically, what Hobbes calls right is not right but fact. Why and how, then, does the fact of natural liberty deserve the name of "right"? How does this *natural fact* become a *natural right* to self-preservation?

This question is, of course, not peculiar to Hobbes. It can be raised about any so-called natural right. Without some moral or juridical authority, for example, God, how do any facts or conditions of nature acquire moral or juridical status?⁴ How does this happen for Hobbes? It is not easy to say, yet "happen" it does, as the sequel makes plain.

The argument in *Leviathan* next introduces the notion of natural law, based on the distinction between right and law:

A law of nature what. Difference of right and law. A LAW OF NATURE, *lex naturalis*, is a precept or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same; and to omit that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *jus*, and *lex*, *right* and *law*: yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear: whereas LAW, determineth, and bindeth to one of them: so that law, and right, differ as much, as obligation, and liberty; which in one and the same matter are inconsistent.

For our purposes, it is important to note the following: (1) law—as law—restricts and obliges, where right keeps open and permits; (2) natural

³ This "fact" of "absent external impediments" is something of an exaggeration: there are always external impediments to men's natural power to preserve themselves, for example, the height of trees, the swiftness of rivers, the occurrence of floods and earthquakes, and the ferocity of bears and lions. The "factual definition" of natural right appears to be not only insufficient but false. This exaggeration might, however, be justified (or at least explained) if Hobbes has mainly in mind the absence of certain *humanly instituted* external impediments. Of this, more later.

⁴ The American Declaration of Independence, for example, asserts that it is "their Creator" that endows all men with their unalienable rights.

law, though it obliges, obliges *as natural* in the service of the goal sought by the right of nature—self-preservation—and obliges only because reason discerns its self-preserving utility; hence, the natural right is prior and superior to the natural law; and (3) though right is contrasted with law, right is nonetheless here treated clearly in a juridical context, not a merely naturalistic or, as we might say, value-free one.

Without any clear argument—indeed, almost by magical sleight of hand—Hobbes “sanctifies” as *rightful* the mere fact of man’s natural liberty to seek his own preservation. The transformation is both complete and evident in the next and culminating paragraph:

Naturally every man has right to every thing. The fundamental law of nature. And because the condition of man, as hath been declared in the precedent chapter, is a condition of war of every one against every one; in which case every one is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; it followeth, that in such a condition, every man has a right to every thing; even to one another’s body. And therefore, as long as this natural right of every man to every thing endureth, there can be no security to any man, how strong or wise soever he be, of living out the time, which nature ordinarily alloweth men to live. And consequently it is a precept, or general rule of reason, that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war. The first branch of which rule, containeth the first, and fundamental law of nature; which is, to seek peace, and follow it. The second, the sum of the right of nature; which is, by all means we can, to defend ourselves.

“Right” is now unambiguously a moral notion, as its name from the first implied. There is something right or proper in the natural liberty each man has to use or to appropriate absolutely anything in the world in order to preserve his life, and especially to *defend* his life against his enemies. To have a right *to* everything is clearly (and massively) a moral assertion. Moreover, Hobbes, at the end of the passage, puts both right and law on the same moral plane: the sum of the *right* of nature, “by all means we can, to defend ourselves,” is presented in the same grammatical and morally prescriptive form as the first and fundamental *law* of nature, “to seek peace, and follow it.”⁵ Though we do not see *how* he did it, we see *that* he has done it: Hobbes has moralized natural liberty. His use of the name

⁵ Earlier in the passage, it is true, there was a significant difference: the first half of the rule is prescriptive (“ought to”), the second half is permissive (“may”).

“right” is linguistically appropriate, at least in this sense: it names what Hobbes regards as a rightful state of affairs.

Just a Fact?

But naming is one thing, justification another. Can we figure out *why*, for Hobbes, the natural right to self-preservation is in fact *rightful*, and not just fact?

We take as a clue that not all liberties are canonized as rights. Because liberty or freedom signifies only the absence of external impediments to motion, liberty, as Hobbes points out (in chapter 21, “Of the Liberty of Subjects”), “may be applied no less to irrational, and inanimate creatures, than to rational.” Animals imprisoned within walls or restrained by chains, and even water whilst kept in by banks or vessels, “are not at liberty, to move in such manner, as without those external impediments they would.” But though the antelope in the wild is naturally at liberty to run in the grasslands, and the waters of the Niagara River are naturally at liberty to drop over Niagara Falls, Hobbes does not—and would not—say that either had a natural *right* to such movement. Natural liberty of antelope or water *is* merely factual; thus, when Hobbes claims for human beings a “rightness” in their natural liberty, he is not just reporting the fact of absent impediments. He must be asserting more than that “unless there is an impediment there is (naturally) no impediment to motion.” On the contrary, he is attempting to oppose and remove certain unreasonable, already existing (and always possible) humanly instituted impediments to human life and action, by showing that they go against what is natural and proper. For Hobbes (and for others), asserting the rightness of a *human* natural liberty seems intended to forestall or refute some counter-claim, a humanly-specific counter-claim, that such natural liberty *ought to be impeded because it is not right*. Rights, it turns out, are politically rather than ontologically grounded, and their moral force is felt only when the liberties they assert to be rightful are denied by others. Of this, more later. For now, we note only that naturally *rightful* natural liberty seems to be something peculiar to human beings, the rightness of which must depend on something peculiarly human: Hobbes ascribes the right of nature only to human beings; and this right has moral import only in their relations with other human beings.

Parenthetically, it is worth noting that the anthropocentric character of Hobbes’s view persists, even today, when some people eagerly ascribe such rights to animals. The ascription of animal rights is meant only to

address and restrain *human* conduct toward animals. No one claims a right to life or to self-preservation for an antelope that would require us to chain up a lion to keep it from devouring the antelope. Even the most extreme proponent of animal rights would not say that the devouring lion violates the antelope's *right*, even when it destroys the antelope's body. The antelope's right to life, assuming that one exists, has consequences not for lions, only for human beings. This shows that reason is needed at least to *recognize* rights, also, perhaps, as we shall see, to have them.

But we must move carefully. Whatever the role or importance of reason in recognizing natural right, one must not ignore the sub-rational, passionate—and perhaps even inanimate—substratum of natural right. Man, like all natural creatures according to Hobbes, has a fundamental natural impulse and inertial tendency to persist in his own being, and, consequently, possesses a fundamental natural desire to preserve himself.⁶ According to some scholars of Hobbes, this natural impulse and desire is itself the ontological foundation of natural right, and there is some textual evidence in Hobbes's writings to support this claim. On the basis of such evidence, Thomas Spragens, for one, argues in his book *The Politics of Motion* that “natural right is for Hobbes simply the legitimation of the basic overwhelming motive force of the world. Natural right is not an *a priori* moral postulate which Hobbes promulgates as the central premise of his political theory. It is merely the realistic recognition and acceptance of the givenness in his own nature which man did not create and cannot abolish.” To support his belief that, for Hobbes, natural right merely legitimates “the basic overwhelming motive force of the world,” Spragens cites the following passage from the *Elements of Law*:

And forasmuch as necessity of nature maketh men to will and desire *bonum sibi*, that which is good for themselves, and to avoid that which is hurtful; but most of all, the terrible enemy of nature, death, from

⁶ Hobbes makes the point more clearly in *De Cive*, I.7: “For every man is desirous of what is good for him, and shuns what is evil, but chiefly the chiefest of natural evils, which is death; and *this he doth by a certain impulsion of nature, no less than that whereby a stone moves downwards.*” (Emphasis added.) But this comparison of human desire with the stony necessity is hard to accept at face value. The jump from “natural inertial tendency” to “fundamental natural desire” (which Hobbes also deftly makes in *Leviathan*, at the beginning of chapter 6, “Of the Interior Beginnings of Voluntary Motions, commonly called the Passions; and the Speeches by which they are expressed”) obfuscates the difference between inertia and appetite, that is, between non-teleological, non-self-initiated motion and self-initiated, goal-directed motion. There is a difference between change-resisting motion, externally regarded, and change-promoting motion *toward*, known from the inside to be purposive. Absent such a difference, men could not initiate the “un-natural” actions that lead to covenant, society, law, and peace.

whom we expect both the loss of all power, and also the greatest of bodily pains in the losing; it is not against reason, that a man doth all he can to preserve his own body and limbs both from death and pain. And that which is not against reason, men call *right*, or *jus*, or *blameless liberty* of using our own natural power and ability. It is therefore a right of nature, that every man may preserve his own life and limbs, with all the power he hath.

What is done by necessity of nature is not against reason; what is done not against reason is a “blameless liberty”; a blameless liberty, Hobbes asserts, is precisely what is meant by “a right.” On this analysis, natural right is but submission to necessity; it strikes one as neither especially human nor especially dignified. Indeed, on first glance, it seems rather low and servile.

A closer look may suggest otherwise. First, there is the strange expression, “blameless liberty,” which Hobbes equates with “a right.” Liberty may be a fact, but its blamelessness is a matter of moral judgment: a “*blameless liberty*”—however defined—must be a *morally licit* species of natural liberty (such an interpretation would not be undermined even if every human natural liberty turned out to be blameless). The very thought of blaming and not blaming presupposes blamable beings—both those who blame and those who are blamed and *blameworthy*. No one would think of describing the liberty of a waterfall or even of an antelope as blameless, precisely because such necessary and unimpeded motion occurs to them as bodies that are *beneath praise and blame*. True enough, the lion that eats the antelope might be said to be *blameless* in exactly this limited sense: one cannot blame him for *this* because one cannot blame him for *anything*, because he does not belong to a blamable species. Of the doings of natural bodies, only those done by human bodies can be reckoned as blameless in a strict sense, because only they can also be blamed: only human bodies can act against reason or against their own natural good. In short, only moral beings can exercise liberty in ways either blameless or blameworthy.

Second, acting in accordance with the “necessity of nature” may not be mere slavishness. After all, this necessity impels men “to will and desire . . . that which is good for themselves, and to avoid what is harmful.” Against the background of what seems to be an indifferent, not to say hostile, cosmic nature, the nature of living beings is in fact teleological: living nature, by nature, seeks its own good. Though Hobbes eschews all talk of natural teleology, and emphasizes instead mechanical necessity, acting in accordance with our own nature and its necessities is, for Hobbes, a way—or,

rather, *the way*—of serving our good. Heeding necessity could be dignified rather than servile if natural necessity itself pointed upward, and if necessity were therefore willingly and knowingly embraced. I shall have more to say on this point at the end.

Defending Our Rights

Returning to the fact that Hobbes's claim of natural right is made only *by* and *for* human beings, let us now add that such claims are made only *to* and *against* other human beings. Why? Presumably because only a human being—but, also, *every* human being—being rational and self-conscious, can recognize the fittingness or rightfulness of the liberty for self-preservation, his own and his fellow man's. And, at the same time, only a human being—alone capable, again by virtue of having reason, of being *unreasonable*—could *deny* the rightness or willfully obstruct the exercise of this liberty for self-preservation. Indeed, it is now best to think about the assertion of natural right solely in the context of such denials and obstructions, for in this way we can come closer to discovering both Hobbes's own intent as well as the relation between this fundamental natural right and human dignity.

Imagine yourself alone in the woods. Suddenly, you are set upon by an enraged and hungry grizzly bear. Your singular passion is fear for life and limb. Having sprained an ankle, flight becomes impossible, so you must stay and fight. Yet, though your life is in danger, though you fight fiercely, you feel no anger toward the bear (or, at least, it would be manifestly unreasonable for you to feel such anger). He may cause you the ultimate harm, but not born of malice or intent to slight. He is not willfully denying your rights or dignity; your death, however regrettable, would not be unjust.

Imagine next that your sylvan opponent is not a bear but another human being. This assailant comes after your food, which you have prepared at home and brought with you. And he attacks you with bear-like ferocity, ready to kill you if you do not surrender it. Even were you to recognize this man's great neediness, even were you to be able—later, in a moment of detached rationality—to recognize that he might simply be exercising *his* right of self-preservation, you would not only be afraid; you would probably also be indignant or angry. Unlike the grizzly bear, this fellow may be assumed to know what he is doing, and to whom. He knows that you know and therefore that you both know about necessity, liberty, and the right of self-preservation. By taking your food, and by attacking your person in order to get it, he knowingly shows contempt for

your needs and your life; insult is added to harm to make it injury as well. To put it bluntly, your dignity is affronted by your human opponent, and when, in response, you fight back, you defend not only your food and your life, but also your natural right to secure them.

Perhaps, you will say, this argument exaggerates the importance of vanity or self-esteem in such a life-threatening encounter with a human adversary. Perhaps, under the exigencies of dire threat, you fight the man as if he were but a bear. Let us, therefore, change the examples slightly; indeed, the point to be made requires this third example. Imagine, in either of the two foregoing contests—against bear or human—that, as you raise your club over your head to strike a neutralizing blow against your life-threatening assailant, an otherwise neutral third party, clearly human, seeks (by force or by speech) to prevent you from defending yourself. He blames you, perhaps, for resorting to violence or for selfish disregard of the claims of your needy adversary or for complicity in a socioeconomic system that has made your (human) antagonist both needy and violent, against his better nature. This moralizing man's challenge is only indirectly to your life; directly, however, he challenges your liberty, your natural right of self-preservation. He imposes—or seeks to impose—an external impediment to your free use of your own natural powers.

To accede to this challenge, Hobbes would say (and we with him), would be madness—unreasonable, perverse, and wrong; the challenge itself is, if not unjust, at least improper. The moralizing and meddling of this man would and should make us indignant, even more so than would or should the attacks of our bodily assailants. We rightfully feel *indignant* toward—and feel our *dignity* threatened by—anyone who would deny us the freedom to defend our life and limb. Implicit in this indignation is our spontaneous and intuitive recognition of the wrongness—and unjustness—of obstructing someone's freedom to preserve himself. Our natural and righteous indignation—directed not at the bear or attacker, but at this self-appointed critic and denier of our liberty—provides the clearest demonstration of the rightness—or justness—of the right of self-preservation.

The assertion by Hobbes of natural right, however much he may justify it by appeals to the workings of natural necessity, makes sense only in a human setting *in which counter-assertions were—and are—explicitly and implicitly being made*. Hobbes's assertion makes sense to us because human reason, in its flights of fancy, has been used—and is being used today in a variety of moral and political contexts—to deny the absoluteness and even the primacy and rightness of the claims made for the necessity of preserving one's nature.

The danger comes not only or primarily from human rapaciousness and greed; it follows also and especially from certain seemingly high-minded and lofty human aspirations and conceits. Indeed, certain extreme claims, say, regarding human dignity or human obligation, advanced by human reason, had in Hobbes's own day led to its very opposite—to human brutality and human indignity on a grand scale, including religious persecution, barbaric torture, and protracted civil war. Hobbes's claim of the absolute natural right of self-preservation both presupposes and opposes the obstacles to life and safety—and, therewith, to *everything* humanly good—that often flow from these so-called higher, but frequently vainglorious or deceitful, claims. Hobbes had especially in mind the claims made in the name of nobility or piety, for example, the claims of self-styled nobles for death before dishonor, for reputation, and for glory, or the claims of self-styled prophets and their vicars for the forcible salvation of souls and the purging of heresies, reinforced in some cases by exhortations to turn the other cheek or by arguments that utterly depreciated the value of earthly or bodily life. Those who pressed these claims sincerely, Hobbes thought self-deceived and mad;⁷ worse, he thought, were those who practiced deceit on others through eloquence, using lofty speeches about “powers invisible” as a cloak behind which they themselves could exert dominion. But regardless of motive, these works of specious reason perverted human life, as only human reason can, by whipping up the passions that are dangerous for human survival.

Hobbes, Teacher of Dignity

Having seen Hobbes's claim for natural right against the counter-claims that would deny it, we are now in a position to discover a curious truth: Hobbes turns out to be a true defender of human dignity. To be sure, he recognizes the perverse, barbaric, and deadly consequences of many existing claims to dignity; indeed, he seems, with his materialism, mechanism, and naturalistic focus, to be a debunker of human dignity altogether. He even pokes fun at the term: Dignity, he says (in chapter 10, “Of Power, Worth, Dignity, Honour and Worthiness”), is just “the public worth of a

⁷ This is not to say that Hobbes himself did not esteem *true* nobility or failed to honor it. See, for example, his sincere praise of the virtues of Sidney Godolphin in the Epistle Dedicatory of *Leviathan*, by which Hobbes points out to discerning readers that he knows that there is more to human life than the grim picture of it painted in *Leviathan*. (Ralph Lerner first showed me this interesting Hobbesian qualification of Hobbesianism.) But Hobbes had no use for the vainglorious claims of deference and the vengeful spirit that habitually took up arms in slighted pride.

man, which is the value set on him by the commonwealth,” having only a few sentences earlier offered this deflating definition of human worth itself:

The *value*, or WORTH of a man, is as of all other things, his price; that is to say, so much as would be given for the use of his power: and therefore is not absolute; but a thing dependent on the need and judgment of another.⁸

Hobbes’s very argument for natural right, however, presupposes and encourages human dignity; and by adopting a manner, tone, and argument that seem to undermine it, he is able, in effect, to safeguard and stimulate it, or at least its more reasonable forms. Let me try to make this clear.

In claiming a *right* to life, a right to *preserve* one’s life by any appropriate means, and a right to *defend* one’s life against those who would destroy it, Hobbes—or any human being—is concerned not merely with the conservation of motion in any natural body. He seeks to conserve the life and function of a particular *kind* of body, a body having particular kinds of powers and (therefore) problems. The right to life is asserted by, for, to, and against only that one kind of a body that reasons, and which, through reasoning, sees the rightness in sustaining the life and well-being of such a body, even though—because it reasons—it is not always *reasonable* when it tries to bring this about. The right of nature, though given by nature and grounded (at least in part) in natural necessity and passion, is strictly human; though attributable to allegedly solitary and non-social men—that is, though it is a pre-political right (and the only such right according to Hobbes, though not according to Locke or Rousseau)—it becomes truly efficacious in human life only when its force is recognized by already socialized and rational human beings. And, strangely yet also effectively, it recalls men to the dignified work of creating a decent political order, *not least by inspiring them against those who would deny their rights and brutalize their lives*. It inspires them to civic-mindedness and public-spiritedness, encouraging them not by exhorting them to courage but by making them afraid, or rather, by making them face up to their fear of (violent) death—and the meaning of attempts to ignore or deny life’s importance—and by supporting their *active* efforts to do something about it for themselves. And it inspires them to question and resist those pretenders to higher moral wisdom who counsel patience, submission, and utter self-denial.

⁸ Hobbes, however, has a high regard for worthiness. See *Leviathan*, chapter 10. See, also, note 7, above.

The natural right of self-preservation, though notoriously minimal in its moral reach, both presupposes and encourages human agency and, therewith, human dignity. This right, recognized by reason, is a right to act—and not merely to move or re-act passively—and human action is, in part, the work of reason. Moreover, unlike so many of the entitlements or privileges casually claimed today in the name of rights—for example, a right to health care or a right to a guaranteed income—the natural right discovered by Hobbes is a right *to do for oneself*, not to have something done for, or given to, one. As such, it celebrates not mere human existence or even human possibility, but the entire realm of human *action*—albeit, explicitly, only the action of active self-preservation.⁹ The self that is preserved does its own preserving; it both can and must exert itself. Moreover, it does so mindfully, with clear awareness of both the possibility and the necessity of such self-exertion. Ultimately, it is in becoming truly and responsibly mindful of mortality—and of their resources before it—that human beings attain their special dignity.

The recognition of the natural necessity that is human mortality is not itself a matter of natural necessity; it is a product of thought. So too the mindful recognition of that inborn necessity of nature “that maketh men to will and desire *bonum sibi*, that which is good for themselves, and to avoid that which is hurtful; but most of all, the terrible enemy of nature, death, from whom we expect both the loss of all power, and also the greatest of bodily pains in the losing.” This doubleness of nature and of natural necessity, which makes natural both death and the inborn struggle against it and which is constitutive of all living things, becomes conscious of itself in human beings. Accordingly, we are able to live against death, to do deliberately what is needed to thwart necessity: this is, in itself, at least part of what is meant by human dignity.

Animals have whatever dignity belongs to the self-preserving of life as such. Normally self-conscious human beings have the added dignity of knowing the precarious goodness of their own life and that of others, and of the meaning of their natural impulses toward their own good. And *properly* self-conscious human beings—those educated by men like Hobbes—have the dignity that accompanies the mutual and self-conscious assertion of the *rightness* of natural right, of the effort to sustain the existence of self-conscious, reasoning, appetitive, active, and moral life.

Finally, not the least aspect of such dignifying self-discovery is the recognition that necessity itself, humanly and properly understood, points

⁹ I am indebted to Nathan Tarcov for this observation.

beyond necessity, and generally upward. In living mindfully against death, we seek to survive *as mindfully active and actively mindful creatures*. Mind, even if initially valuable mainly as a means to preservation, becomes an integral part of the life we seek thereby to preserve, and a part whose work soon exceeds its merely instrumental role. The human mind helps keep the body alive; but the lively human body returns the favor, with interest.¹⁰

The Dignity in the Right to Life

What would grim old Hobbes have to say about my attempts to dignify him by making him a cryptic teacher of human dignity? I frankly have my doubts—though, if he spoke the truth about the soul and the body, he is not now turning over in his grave. To be sure, the arguments I advance in the last five paragraphs are not those of Hobbes, and I doubt whether he would agree that the *claim* of natural rights already implies the presence of something dignified that rises above life's material preconditions. Yet I also suspect that Hobbes would regard himself a true patron of human dignity, by helping to secure peace and justice, through his sound moral teaching.

Be this as it may, which is to say, leaving Hobbes in peace and claiming the argument for myself, I am now in part content. For I believe I can see in the natural right of self-preservation a *foundational* human dignity, one that points toward, as it safeguards, the higher dignity of realized humanity. Though I persist in believing that there is more dignity in human achievement than in human possibility, more dignity in noble self-sacrifice than in base self-aggrandizement or even mere self-assertion, more dignity in defending rights than in exercising or even claiming them, I am convinced that any doctrine of natural human rights rests on a prior presupposition of natural human dignity, and thus serves to support the basic dignity of *human being* as such.¹¹ True, there are arguably other natural rights—to independence or freedom—that might stand taller than the right of preservation. But with the fundamental right of self-preservation, human dignity gains its rightful place at the foundation of decent moral beliefs and political institutions.

¹⁰ Hobbes, to my knowledge, does not make any argument along these lines. Yet his own life gives ample testimony to its truth—not least, in his elation over his discovery of Euclidean geometry at the age of 40. For an exploration of the higher pointings of the human body, see my “Thinking About the Body,” chapter 11 in *Toward a More Natural Science: Biology and Human Affairs* (New York: Free Press, 1985) and my *The Hungry Soul: Eating and the Perfecting of Our Nature* (Chicago: University of Chicago Press, 1999).

¹¹ For a fuller discussion of the relation between the basic dignity of human *being* and the fuller dignity of being *human*, see my lecture “Defending Human Dignity,” a Bradley Lecture given at the American Enterprise Institute on February 5, 2007 and available at www.aei.org.

Now it goes without saying that the foundation is not the whole story. The life-threatening situation of human being faced with bear or assailant is not a model for, nor is the right to life generally involved in, most human relations—though it is well for wishful-thinkers to be reminded, with Hobbes’s help, that so long as there is relative scarcity (that is, an excess of desire over available goods), irremediable, genuine, and often vital conflicts of interests will inevitably set people and nations against one another. Furthermore, the assertion of rights itself defies compromise, and often produces, rather than resolves, moral difficulties: one person’s right to life is set over against another’s, or, more commonly, exercising different kinds of rights (life, liberty, pursuit of happiness) may be in tension with each other. Single-minded devotees of rights—including the passionate American defenders of the “right to life”—are often blind to the importance of the many human goods beyond rights. Finally, the self-interested concerns that are defended by natural rights have a way of expanding themselves into mere selfishness and rampant individualism, eventually undermining the social order and human possibility not by violence but by civic indifference.

Nevertheless, Hobbes seems to me perfectly right to insist on the foundational importance of an individuated human life, and in worrying about the dangers to decency and dignity in making light of the right to life. Those who would, even today, be inclined to disagree, should ponder the human meaning of those seemingly loftier moral outlooks that deny the right to life—outlooks that push millions into gas chambers in order to improve the race, that brutalize and liquidate dissidents in preparation of the coming classless society, that dispatch the elderly and the handicapped newborn, or abort the genetically infirm, in the name of “quality of life,” that call upon doctors to deliver, with the state’s blessing, “death with dignity,” and that mutilate and blow up innocent civilians, all for the glory of God. Hobbes would call this unnatural and crazy, and a denial of natural right. So should we. We must also call it an assault on human dignity.