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# THE PRIORITY OF RESPECT: HOW OUR COMMON HUMANITY CAN GROUND OUR INDIVIDUAL DIGNITY

*Richard Stith*

**ABSTRACT:** In this essay, we notice that the priority of persons, the unbridgeable political gap between persons and mere things, corresponds to a special sort of moral and legal treatment for persons, namely, as irreplaceable individuals. Normative language that conflates the category of person with fungible kinds of being can thus appear to justify destroying and replacing human beings, just as we do with things. Lethal consequences may result, for example, from a common but improper extension of the word “value” to persons. The attitude and act called “respect” brings forth much more adequately than “value” the distinctively individual priority of persons, allowing our common humanity to be a reason for each person’s separate significance. Unless we focus on the respect-worthiness of human life rather than on its value, we will not be able to argue coherently against those who think its destruction permissible.

**T**HE PRIORITY OF persons, the unbridgeable political gap between persons and mere things, corresponds to a special sort of moral and legal treatment for persons, namely, as irreplaceable individuals. Normative language that conflates the category of person with fungible kinds of being can thus appear to justify destroying and replacing human beings, as we shall see by examining a common but improper extension of the word “value” to persons. The attitude and act called “respect” brings forth much more adequately the distinctively individual priority of persons, allowing our common humanity to be a reason for each person’s separate significance.

## THE PRIORITY OF PERSONS<sup>1</sup>

A quotation from Justinian’s *Corpus Juris* is useful here as a starting point: “[A]ll law is made for the sake of human beings” (*Digest* 1.5.2). I take this claim to be relatively non-controversial. What, however, does “for the sake of human beings” (*hominum causa*) mean? Does it mean “in order to produce human beings,” to increase the population, or at least to fabricate the next generation? The phrase “for the sake of” can indeed have this meaning as a semantic matter. When I say “I

<sup>1</sup>Both this subtitle and the quotation from Justinian that follows are taken from John Finnis, “The Priority of Persons,” ed. Jeremy Horder, *Oxford Essays in Jurisprudence: Fourth Series* (Oxford: Oxford Univ. Press, 2000), 1–15, here 1.



made this investment for the sake of profit," I mean that I hope to produce a profit with my investment. Similarly, "I bought this mare for the sake of the foals that I expect her to produce" makes perfect sense. But in real life few, if any, legal orders are directed toward persons solely in this narrow sense of production. Creating and nurturing the next generation may be one of the many aims of the law, but it is surely not what was in the mind of Justinian's scholars when they reminded us that all law is made for the sake of human beings.

A much more commonsensical elaboration of "for the sake of human beings" would be "for the sake of benefitting human beings." Law aims not so much to produce human beings as to produce—in its limited, rule-bound way—what is good for human beings. Laws are made for the sake of security and cooperation, at least, and perhaps for the sake of more controversial sorts of benefit.

But wait. Haven't we lost something here? "For the sake of human beings" has become "for the sake of security and cooperation," or more generally, "for the sake of human benefits." Reverting to an "in order to produce" in our thinking may have clarified exactly what it is that the law produces, but human beings have faded into the background. Isn't there some way for the law to be directly for their "sake" without making them its goal or end?

A way to continue to think of human beings as the object of "for the sake of" would be to emphasize that law treats human beings not as ends but as beginnings. Human being is not a result but a starting point—a principle—of law. Every legal order begins with a given set of human beings (which it calls "persons" or "subjects of the law") whose needs and purposes define the benefits that law aims to produce. And this meaning of "for the sake of" is at least as common as the "in order to produce" meaning we examined above. If I say that I am leaving the office early "for the sake of my child," no one would think that I had in mind producing a baby with my wife. People would think, rather, that I am referring to a child as a given, a starting point, a source of needs and other claims that I will seek to meet once I am back home, not a goal at which I am aiming.

So it is that law commences with a strict separation between human beings or persons as a given and those things beneficial to persons that it hopes to produce. On one side of this separation stands a given set of human individuals whose needs and projects define the purposes of law. On the other side lie the goods at which the law aims, goods that we do not usually regard as having individual significance. When we say that law aims at cooperation, for example, we do not mean that any particular individual cooperative arrangement is required. There is a givenness, an inviolability and accompanying individuality, about those human beings for whose sake the law exists that stands in sharp contrast to the fungibility of every instantiation of a good such as cooperation.

This last point requires elaboration. If a legal order aimed at benefitting a set of human beings but did not treat that set as inviolable, it would become unprincipled and could not make rational judgments about which ends to pursue. If some individuals in that set could intentionally be sacrificed for the benefit of others, whose needs would govern? Or, put another way, if there were an inner circle of humans



for whom others may be sacrificed, then the law would really be made only “for the sake of” that inner circle. The point here is first of all logical, not moral. Reason can operate only as long as its initial premises are not arbitrarily abandoned.

Thus, even those societies that permit selective killing of some human beings must have recourse to the distinction between persons and things. Their members could not cooperate at all unless killing one another were ordinarily excluded from the means that they considered using for their common benefit. They too need a way to talk of their legal projects in which they treat people as ordinarily given and inviolable.

The same is not true of the objects directly or indirectly constructed by the law. These objects are not individually inviolable in the way that persons must be held inviolable. Even if law necessarily pursues some ends that are always and everywhere of benefit to humans, and so these ends are also a constant given, the particular instantiations of these ends can be sacrificed whenever some equal or better alternative is available. Houses can be torn down and rebuilt without calling into question the aims of security or shelter. Contracts can be renegotiated without betraying the aim of cooperation. This is because houses and contracts are fungible. We do not need particular houses or contracts, we need only something like them. As a type or category they may be necessary, but as individual instances they are not. Even where a legal community aims at producing children, it is concerned to produce only persons as such, not particular individuals. Once those persons exist, they matter as individuals. Young Mary and Xavier may now be inviolable starting points, people for whose sake the law exists. But before they were conceived or born none of us cared for them by name, i.e., as individuals.

The fundamental structure of all legal thought (and of much else as well) thus requires a language that can express the deep divide between those (ordinarily at least) inviolable individual sources of needs that the law calls persons, and those usually fungible things that the law helps create in order to meet the needs generated by persons.

In the remainder of this essay, I propose that the two words “value” and “respect” (and their accompanying feelings, attitudes, and acts) fittingly express this thing-person difference. And I even mine these words for ethical and legal implications. But I do not insist that they are the only words that we could use, nor that other expressions would not share in many of their various merits and demerits. For example, “worth” and “good” seem to me often substitutable for “value” as a noun. Instead of the words “dignity” and “virtue” that I use below to describe the object of respect, one could speak of “nobility,” “worthiness,” or even “sanctity.” The word “reverence” has great overlap with “respect,” and even some advantages, especially if we wish a parallel term to use with “sanctity.” What is fundamental is not particular language nor the phenomenology that accompanies it, but the political task at hand: that of finding ways to understand and express well the inviolability of persons over against the fungibility of things. It would be wrong, therefore, to become embroiled in terminological controversy. If someone prefers words other than those used here, I have little objection.

The word “value” seems nevertheless quite appropriate for goods such as security or cooperation. We can say that we value cooperation, or that cooperation has value or is a value, or even has “intrinsic” value for human beings, and we will make perfect sense. Indeed, the word “value” is often widely extended to encompass all that we wish to bring into or maintain in existence. Some speak even of the good and the beautiful as representing but subcategories of value. (With Allan Bloom<sup>2</sup> I think such an extension mistaken, but that is not immediately to the point here.) Notice that when we thus make “value” a generic concept that can encompass the good and the beautiful, we place both on the same level and call them instances of the same thing, even if we still somehow regard them as irreducible one to another. Surely, we might think, no one would do this to persons themselves; no one would speak of them being simply of value, even of intrinsic value, for this would put them on a level with those goods that the law aims to produce.

Such language, however, is quite common today, born no doubt of our unfortunate acceptance of “value” as a neutral normative category that takes up everything other than “fact.” For example, John Finnis has written of “an acknowledgment of the reality and value (‘dignity’) of other persons, as my equals in reality and value”<sup>3</sup> (even though he knows better<sup>4</sup>). We shall soon see the dangers of such a formulation.

More common than the direct ascription of value to persons is the suggestion that a person’s “life” has more or less value (often depending on its quality). Yet from all but an extremely dualistic point of view, a person’s life is his very being and cannot be separated from his person. Life is not something added to or produced by human or animal organisms, it is those organisms themselves. Nor can life simply be “taken” from a person, as a possession can be taken away, leaving that person intact. Hamlet said it well as he contemplated ending his own life: “To be or not to be, that is the question.” To say that Hamlet is alive is to say simply that he exists, that he is. If Hamlet’s life no longer has value, his existence has no value and he himself has no value. If Hamlet kills himself, Hamlet is gone. To be biologically alive is the only way we can exist in the present world; to die is to cease to be entirely—not to subsist in some way, perhaps better off because lifeless.

To be sure, many people who say someone’s life has little value may not think they are saying that person has little value. They may be sincere soul-body dualists, or by the word “life” they may mean only something like “what happens to” that person, as in the phrase “she has had a bad life.” But the linkage between life and being is real, despite any confusion in metaphysics or semantics. Thus the devaluation of life may lead to an attack on the existence of the person, to proposals to kill her. The first step in defense against such proposals, as we shall see, should not be to insist upon a high valuation of each person or of each life, but rather to distinguish clearly the person from all that she encounters, and to discover a language more apt than value to express the priority of each individual human being.

<sup>2</sup>Allan Bloom, trans., *The Republic of Plato*, second edition (New York: Basic Books, 1991) xiii (Introduction).

<sup>3</sup>Finnis, 5.

<sup>4</sup>See text at n5 below.

The word proposed below is “respect.” We shall find “respect for persons” or “respect for human life” far more appropriate than “value of persons” or “value of human life” to express the individual dignity of persons that makes us reluctant to kill and ready to respond to claims made upon us by others. The same Professor Finnis has put this point as well as anyone (if only he would stick to it!):

Human beings are not just “values” . . . rather, they are persons each incommunicably, non-fungibly individual in [a] peculiar, deep way, and so entitled, one by one, to be respected.<sup>5</sup>

### THE INSUFFICIENCY OF VALUE

The language of value cannot coherently explain our ordinary reluctance to kill our fellow human beings. In this section, we shall see first that we are often reluctant to kill even when we value people so lowly (or in such a limited way) that we are indifferent, or even opposed, to producing more human beings or to using extraordinary efforts to preserve those now existing. We shall then discover, second, that our problem is not one of relativism or subjectivism, for even speaking of the infinite and intrinsic value of life cannot provide an adequate reason to care as we do about each human individual. Third, the peculiarly degrading feel of the word “value” will be brought out in a phenomenological reflection, so that we become ready to look elsewhere to find a word and attitude expressive of the special dignity of persons.

In his argument for abortion and euthanasia, Ronald Dworkin has made much of the apparent contradiction found in persons or nations that wish to limit the number of children they produce and yet draw back from infanticide and even from abortion.<sup>6</sup> Dworkin’s explanation (that we really value not individual life but only various sorts of productive investment in it) is not faithful to our root intuitions of individual human dignity nor to their practical implications (that killing infants is at least as wrong as killing adults).<sup>7</sup> But Dworkin has put his finger on the impossibility of speaking coherently here of the “value of life.” An object that is valued now that we have it (as an actuality) must also have been valued when we could have had it (as a possibility). True, we discount the value of possible goods by the time, trouble, and uncertainty involved in obtaining them. But we would surely think someone at least confused who was stingy with a box of candy when he did not wish to have it in the first place, or who asked people not to smoke but also insisted they continue once they had begun.

<sup>5</sup>John Finnis, “Public Reason, Abortion and Cloning,” *Valparaiso University Law Review* 32 (1998) 361–83, 377–78.

<sup>6</sup>Ronald Dworkin, *Life’s Dominion: An Argument About Abortion, Euthanasia and Individual Freedom* (New York: Alfred A. Knopf, 1993) 70.

<sup>7</sup>See Richard Stith, “On Death and Dworkin: A Critique of his Theory of Inviolability,” *Maryland Law Review* 56 (1997) 289–383. I say killing infants is “at least” as wrong as killing adults because it seems worse to attack the weak (babies, the blind, the disabled) than the strong (healthy adults) and also worse to betray dependants in one’s care (as parents do if they kill their children).

Dworkin is correct that as individuals and as a society many of us do not wish indefinitely more children. When considering their possible existence, many think children a net disvalue beyond a certain number. Yet once a child is born, or once it is conceived, killing is for most of us out of the question. This reticence about destroying that which we never wished to obtain to begin with would border on insanity if we were speaking of something we merely valued. We cannot explain our reluctance to kill by saying simply that we value human life, because sometimes we do not and yet are reluctant.

Like Dworkin, Jeffrey Reiman has used what he helpfully calls “the asymmetric value of human life”<sup>8</sup> in order to construct an argument for abortion and euthanasia. He points out that if human life were simply valued as such, “then there would be no net loss in value if one human being were killed and replaced with another, or there would be just as much loss from not procreating as from murder.”<sup>9</sup> Since we do not in fact think this way, Reiman rightfully observes that we seem to value “existing particular human lives *asymmetrically*, that is, far above the lives of possible future human beings”<sup>10</sup> (emphasis in original). Reiman does not explain this discrepancy, as Dworkin did, by making the asymmetry depend on the increasingly valuable productive investment added to a child the longer he or she is in existence. However, like Dworkin, he asks us to betray our root intuition that our lives have great intrinsic dignity from birth on (at least). Reiman would have us postpone the possible-to-actual asymmetric shift in value until the point where a human comes subjectively to care about living.<sup>11</sup> Only thereafter does killing amount morally to murder.<sup>12</sup>

There is a further, analogous way in which our valuing of life appears inconsistent or “asymmetric.” Sometimes killing a particular existing individual is avoided even though more life for that individual would not be valued highly. Here, apparently high-valued actual life precedes apparently low-valued possible life, whereas in the procreation example given above the possibility-actuality contrast came in the reverse order. Thus, for example, many doctors would be reluctant to use “extraordinary” measures, those involving great hardship, in order to lengthen the lives of persons able to live only a very short time in any event. Such short additional survival times are seemingly considered not valuable enough in themselves to justify the financial or other costs of heroic treatment. Yet many of these physicians would also be reluctant actively and deliberately to kill in order to avoid equivalent future costs, e.g., in order to avoid a large estate tax increase about to come into effect. Why? Do these doctors see something else in life besides its value?

Interestingly, neither Dworkin nor Reiman focus upon this analogous asymmetry—perhaps because their theories cannot account for it. Under Dworkin’s theory,

<sup>8</sup>Jeffrey Reiman, *Abortion and the Ways We Value Human Life* (Lanham: Rowman and Littlefield, 1999) 1 (title of introduction). The title of his introduction is “The Asymmetric Value of Human Life.”

<sup>9</sup>Ibid., 2.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid., 4–5.

<sup>12</sup>Ibid., 6–7.

we ought to be equally willing to eliminate our no-longer-valuable investments by intentional killing as by letting them peter out. Similarly, Reiman's claim that we oppose killing because we value "*that beings who consciously care about the continuation of their lives get what they care about*"<sup>13</sup> (emphasis in original) should mean that once someone no longer consciously cares to continue living, active killing is as permissible as non-treatment. But many patients and their caregivers would not agree. Dworkin and Reiman may, of course, try to convert them, but a good theory of human dignity ought at least to explain how such asymmetric desires are possible. Moreover, it is hard to believe that even Dworkin or Reiman would expect completely to eliminate this asymmetry. Surely many who are reluctant to spend \$10,000 on a life-saving operation will continue to refuse to kill themselves in order to save \$10,000 in estate taxes. Dworkin and Reiman have difficulty explaining the structure of such asymmetry, perhaps because they oppose it, but perhaps also because they try in vain to solve the asymmetry problem by reconfiguring the set of valued objects, rather than by seeking an answer entirely outside the bounds of value.<sup>14</sup>

There is clearly no way to understand the above data regarding the phenomenon of inviolability merely in terms of the value of life. If we set the value of additional life low enough to account for the fact that we often do not want more of it or do not wish to spend extraordinary efforts preserving it, then our reluctance intentionally to kill comes to seem an irrational squeamishness that should be overcome. If we wish to resist lethal pressure to get over our qualms, we need first to understand their source. We need normative language that can make sense of the deeply felt divide between permissible omissions to beget and bear new life, or to provide extraordinary care, and the impermissible commission of murder. Value-of-life talk cannot do the job.

I have just argued that the value of more life is sometimes too low to be sufficient to prevent killing, and so we should look elsewhere for reasons not to kill. However, I suspect that at least some of us will not be ready to give up on value this easily. Not knowing what else we may find, some may be appropriately cautious about casting loose from what may seem the only firm mooring for the protection of life. "Should we not," some might ask, "find ways instead to increase the value we give to life, even at the cost of greater population and more respirators?" I want to cut us off from this last hope in the value of life by arguing that even if we somehow felt that human life always had immeasurable intrinsic value, we would not necessarily prohibit killing.

Let us then assume for the sake of argument that human life has infinite value. By this I mean that a human being is so valuable, of such great worth, that no other

<sup>13</sup>Ibid., 5.

<sup>14</sup>Reiman comes much closer than Dworkin to the proper solution, however. At one point he seems to see that valuing is inherently symmetric and thus the asymmetric way we regard life means that something other than value is at work. He writes: "Usually that we value something is about equally a reason for creating new ones and a reason for not destroying existing ones. This is not just a description of our conventional valuing practice. It is that, but it is also a claim about the nature of value itself" (2). Furthermore, Reiman actually introduces the key concept of "respect," with which this essay is concerned below, though he still thinks it a subspecies of value. See note 31 *infra*.



kind of entity (thing, relationship, or whatever) or combination of entities, could ever be preferable to such a being. Thus insofar as we chose rationally that which is most valuable, we would never choose something else instead of a living human being. Consequently, we would never choose to destroy such a being, no matter what other kinds of benefits we might realize.

Nevertheless, we might well destroy such a being for the sake of the same kind of benefit—human life. Indeed, if we felt that human life were of infinite value, we might well feel morally compelled to kill whenever killing would save more lives than those lost. For example, when faced with starvation in a lifeboat, we would kill and eat one among us, in order to save the rest. That is the way to preserve the most life. We also would kill a healthy person if his vital organs were absolutely needed to save a number of ailing siblings.

Note that I am assuming only that life has an infinite relative value—that we would exchange an infinite amount of anything else for one life—so that two lives are still worth more than one. If one life were taken to provide infinite absolute value, then we would be indifferent as between preserving one life or many. This infinite absolute value, however, would be even less able to prevent killing than would infinite relative value, for although it would counter well the claim that we ought to kill one person in order to save two or fifty (by affirming that one person has as much value as fifty), it would also be indifferent to killing fifty in order to save one (by affirming that no value would thus be lost).

We might also kill for reasons other than saving life. If life were really of infinite value, but our resources were limited, would we not favor those who were most fertile or lived longest at least cost? Would we not, like some kind of prize-animal breeder, put to sleep the fat and the sick and the sterile in order to permit more people to replace them? If every single life had tremendous value, we would want as many as we could afford for as long as possible even if this meant destroying those requiring greater care, resources, or space.

Similarly, we would not avoid comparing the lives we valued and perhaps killing as a result. Even if all lives had infinite value, we would have no rational objection to killing whenever an equal substitute were available. Even if I valued Mexican gold coins infinitely, I would not have any objection to returning one to the mint in exchange for an exact duplicate. So, too, I would not object to killing a newborn if he could quickly be replaced and any extra inconvenience could be compensated. Moreover, I would actually prefer to destroy and replace if the quality of what I had could be in any way improved. Even if I valued those coins infinitely (in that I would give anything else to have even one), I no doubt would return a scratched one in exchange for one without a blemish. Similarly, even though I valued every baby infinitely, relative to everything else, I would prefer to have one of maximum quality, as long as it were easy to have “defective” ones sent back to their maker and new ones substituted. No value of human life, no matter how high, can preclude killing simply to improve life’s quality.

These examples begin to reveal the reason why no amount of valuing human life, not even infinite valuing, can be in harmony with our intuitive regard for life.

We think that the particular individual matters, whereas for something we merely valued infinitely, we would accept a relevantly identical substitute. Valuing (in common with many other attitudes) seems to be for types (essences) rather than for particular examples of these types. No matter how highly I value gold coins, there is no possible reason why I would prefer one to another if both partook equally of value-conferring characteristics. If we only valued human life, we would likewise treat people as replaceable; because we do not so treat them, we must be doing more than valuing human life.

We cannot make do with value by saying simply that we value the particular examples of the type rather than the type itself. Such a clarification is no doubt true; we do not value some kind of disincarnate type called “human life” any more than I value the abstract form of gold coins. My point, however, is that as long as individuals are described as valuable only because they are human beings—examples of a type—they become substitutable for one another. That is, insofar as I simply value the set called “individual human beings,” I cannot object to the substitution or maximization of the members of this set, even if it involves killing.

Someone might object here that I have misunderstood the way in which we value human beings by saying that we do not value them merely as examples of the human species but for their qualities as “unique” persons. Uniqueness, however, cannot be the whole story. There are many unique entities in the world, and they are not all inviolable. Moreover, even if each person is unique, we can hypothetically imagine the existence of many absolutely identical sisters. Would our reluctance to kill one in order to save the others be in any degree lessened by their lack of uniqueness? I think not. They would be identical without being fungible. Obviously, something other than valuing their uniqueness must be at the root of our reticence. We must somehow explain how the particular individual matters to us (and not just to her) in the sense that we are reluctant to kill her even if she is exactly the same kind of person as her sisters.

I do not rest my case with such strangely same siblings, however. Let us grant that each person is significantly different from all others. Let us suppose that each person contains or is a unique self or world, at least *in potentia*, and that this unduplicable individuality is at least as important to her dignity as is any capacity for traits like understanding and love that we all may share. It is nevertheless the case that we cannot value a stranger’s own special individuality, since we do not know it. We can value her only because she is an instance of the sort of being, i.e., human being, that always has such a unique character. We value her for that which she shares with other humans, her trait of unrepeatable individuality. Even unique beings are the same in being unique. If we refrained from killing strangers simply because we valued such uniqueness, we would still kill one of them whenever we could thereby save or generate two or more equally unique beings. But we do not kill. Therefore, we do not only value.

Perhaps if we prescind for a moment from the word “value,” the logical point being made here will become clearer. I am suggesting that, paradoxically, the goodness of the future existence of a type of being may be a reason to kill present instances of

that kind of being. The more we desire that a certain kind of being exist in the future, the more we may kill the fat, the sick, and the infertile. Therefore, we must desist in our efforts to explain not killing by appealing to the goodness of future life. We are searching for an appreciation of human beings that does not depend on wanting their future existence, one that presupposes their existence rather than seeking it.

Another, quite different, way to demonstrate the arrogance of valuing (and similar stances) toward particularity is to contrast it phenomenologically with other attitudes. "I love my wife" has a very different feel to it from "I value my wife." The latter seems at first objectionable because of its instrumentalist connotation; one suspects that I care about my wife only because I have some use for her. The antagonism between love and value goes deeper, however. If anything, it sounds more inappropriate to eschew instrumentalism and to say, "I consider my wife to have intrinsic value."

No doubt I can speak of valuing our marriage, but to speak of my wife herself having value seems to demean her, not because of a connotation of instrumental value, but because the very idea of valuing her seems to reduce her to a good or commodity to be prized and even priced. I appear in some way to have set myself above her and to be evaluating and preferring her, rather than unselfconsciously delighting in her in the way of *eros* and giving myself to her in the way of *agape*. Indeed, to speak of a beloved solely in value terms seems so misguided as to be nearly absurd.

Moreover, at least some lovers care about the beloved as a particular individual. Let us recall that valuing is being willing to exchange, to accept substitutes of at least equal value. We found this willingness to be quite appropriate for value because valuing proceeds from a value judgment, an evaluation, and it would be silly not to value two entities equally if both were judged to have the same valued characteristics—to be the same valued type. Love, by contrast, is often not willing to accept substitutes, even if identical. Even if God were to promise that He would immediately substitute an identical person (or more than one) for my wife if I would let Him take her away, I would refuse. I do not want someone *like* her; I want her.

A particular instance of a type of being is distinguished not by its unique character—not by *what* it is at all—but by the fact *that* it is, its existence. I can think abstractly of a table, but I cannot think, for example, of the third identical table I am about to build unless I imagine all three present before me. Only if they have different space-time coordinates can two or more entities of the same type be distinguished. Only if they occupy a place in the physical world, consequently, can they be thought of as particular individuals. (Since the future does not yet exist, it cannot contain any particulars except those whose space-time coordinates can somehow be specified in advance. Thus, projects for the future tend to be largely indifferent to, and potentially dangerous for, individuals.)

Put another way, one might say that existence is part of the very being of an individual. In searching for a way of thinking that can respect the individuality of people, we are thus looking for a mode of thought that can take existence seriously. Love may indeed do this, but only insofar as it cares for the individual because she is Mary, not because of her Mary-like traits and certainly not just because she is human. By contrast, we need an attitude that cares about individual instances



of human being or essence, simply because they are such, as we all do when we recognize the dignity of strangers unnamed and unknown to us. We must somehow find a way to respond to the form or type or idea that we call “human being” and yet to care about particular examples of this type.

To accomplish our task requires a degree of metaphysical courage. In particular, it requires that we give up our comfortable categorization of the lived world into the two boxes called “fact” and “value.” Is our reticence about killing due to some empirical fact of life? If not, conventional thought takes it to be founded on a “value judgment” about life. For such a mindset, our proof that new or continued life cannot be valued sufficiently to prevent killing could be evidence only that our reluctance to kill is irrational and arbitrary. Yet we need not think this way. As Karl Mannheim remarked long ago:

[T]he fact that we speak about social and cultural life in terms of values is itself an attitude peculiar to our time. The notion of “value” arose and was diffused from economics. . . . This idea of value was later transferred to the ethical, aesthetic, and religious spheres, which brought about a distortion in the description of the real behavior of the human being in these spheres.<sup>15</sup>

Against such economistic narrowness, this essay affirms that value language may become a trap and prison of the mind and that the moral world has a multitude of curious creatures in it, many of whom are at least as fascinating as those two beasts of burden called “fact” and “value.” Pierre Manent would agree:

It might be argued that this heterogeneity is adequately taken care of through the public acknowledgment of the legitimate plurality of human values. Nothing could be more mistaken. . . . To interpret the world of experience as constituted of admittedly diverse “values” is to reduce it to this common genus and thus to lose sight of that heterogeneity we [wish] to preserve. If God is a value, the public space a value, the moral law within my heart a value, the starry sky above my head a value, . . . what is not? . . . Value language, with the inner dispositions it encourages, makes for dreary uniformity.<sup>16</sup>

Modernity has available another language, of course, the language of “rights,” which can remedy most or all of the defects we have uncovered in value talk. Rights do attach to individuals. And one of the central features of rights is their radical interference with the maximization of value. It makes perfect sense to say that a dying person has a right not to let his healthy heart be cut out while he is still alive, in order to save a sibling’s life, even though both lives will otherwise be lost.

But the language of rights has its own problems.<sup>17</sup> The central difficulty for us here is that rights are not an original moral datum. A “right” is not a root perception or intuition but a theoretical construct, like its usual correlate “duty.” Rights are a conclusion that calls for an explanation of premises, an explanation of why

<sup>15</sup>Karl Mannheim, *Ideology and Utopia* (New York: Harcourt, Brace and World) 82.

<sup>16</sup>Pierre Manent, “The Return of Political Philosophy,” *First Things*, 103 (May 2000) 15–22, 22.

<sup>17</sup>Richard Stith, “Generosity: A Duty Without Right,” *Journal of Value Inquiry*, 25 (1991) 203–16.

individuals have rights against the community. Of course, the simple political theory outlined at the beginning of this essay can answer this question. Individuals have rights, including the right to life, because they and their claims are the starting point for every calculation of community benefits. Intentionally to sacrifice some individuals for the sake of others would be to lapse into incoherence. We may not kill others even in a good cause because it is only the givenness of others that lets us know which causes are good.

We need, however, a word and attitude that can operate on the same level as valuing attempts to do, the level of direct appreciation of the dignity of human being, an attitude neither detached from persons nor derived from rules (as are rights and duties). Put another way, we are searching for the phenomenological basis of human rights, for the fundamental recognition of individuals as such that helps lead us eventually to accord them rights. When we reflect upon things we merely value, we cannot imagine caring about them “asymmetrically,” caring for them much more in existence than in possibility. We need to find an attitude that can conceive of individual existence as mattering before we can go further and ascribe rights to those individuals whom we recognize.

There is a further reason to eschew rights talk. It may go too far in an individualistic direction. Rights consciousness tends to split the world into persons and property, consumers and consumed. All entities other than persons dissolve into an amorphous stockpile of resources, what Heidegger named “*Bestand*,”<sup>18</sup> to be divided among the rights-holders. The law itself loses much of its dignity as it is reduced to a set of private security guards defending individual fiefdoms. Rights talk may have an ungrateful,<sup>19</sup> resentful, zero-sum quality actively hostile to authority and to the good of others. The political theory with which we began, even though it sharply divided persons from benefits, left open the possibility that some goods might have an authoritative structure and dignity of their own, either in themselves or for persons, and that the benefits to be achieved might be commonly rather than individually enjoyed. To treat rights as a fundamental datum could blind us to the intrinsic goodness of the world and to human solidarity. Both “value” and “rights” close our eyes to the richness of human experience. We need words that can open them up. One such word is “respect.”<sup>20</sup>

<sup>18</sup>Martin Heidegger, *The Question Concerning Technology* (New York: Harper and Row, 1977) 17.

<sup>19</sup>Robert Kraynak has argued that “rights are essentially ungrateful claims against authority.” *Christian Faith and Modern Democracy* (Notre Dame: Univ. of Notre Dame Press, 2001) 172.

<sup>20</sup>In a religious worldview, perhaps love could be both universal and particular, and so could be another alternative to value. If God knows and loves every existing individual (without necessarily valuing them and thus wanting to maximize their numbers), then those who love God, and so want to act benevolently toward those He loves, should treat even strangers with respect and consideration. This solution may be superior to the one based on the secular attitude of respect that I focus upon below. I do not develop it here both because religious arguments are less politically useful and because it simply pushes our problem off onto God, who turns out to be strangely asymmetric in His desires.

A still stronger religious basis for our deferential treatment of other human beings could be found in the belief that human beings are made in the “image of God.” For this belief to have its most powerful effect, we must adhere to the ancient sense that an image (icon) shares to some degree the very being of its prototype. Pope John Paul II seems to make just this claim in *Evangelium Vitae* #34. After he asks “Why is life a good?” the Pope answers that every human being is “an icon of Jesus Christ,” and that life is “a gift by which God shares

## THE OBJECT OF RESPECT

We ought first to notice that the feeling or attitude of respect, like that of love, cannot easily be translated into value talk. I might tell a judge of my respect for her court, or for the trial process, but I would be unlikely to tell her how I valued them. Valuing again seems connected to using, or at least implies congruence with one's desires, and the judge is normally not interested in how desirable I find her court or its procedures. Just as valuing seemed unloving in regard to a spouse, so here it seems disrespectful in regard to a court. Its evaluative boldness seems to obscure a court's particular kind of dignity, no matter how highly I finally rank the court in my scale of values.

Note, too, that we cannot respect just anything we value. I can value diamonds, but would I make sense if I said "I respect diamonds"? The answer is obvious. The point is not that I would be silly or overly materialistic, but that the sentence would not make sense. It would perhaps be wrong of me, but certainly not senseless, to say "I value diamonds more than anything else in the world." Nor is it important here that diamonds are rarely valued as ends in themselves, or that they are merely desired but not obligatory ends. I certainly can say "I think diamonds ought to exist for their own sake," or "Everyone has an obligation to produce a maximum number of diamonds." Yet it sounds like gibberish to say "I respect diamonds." We would be dumbfounded by such a statement during a conversation.

Similarly, we cannot sensibly say "I respect happiness," although certainly many value it. Happiness and diamonds just do not seem to be the proper kinds of objects for respect. Whether eudaemonism or hedonism are inadequate ethical theories is irrelevant here. It certainly is possible to think of happiness as having great value, yet it is not possible even to imagine it as an object of respect.

If someone were to ask us why we cannot feel respect for goods of such obviously high value, we might well respond, "But they don't do anything! How can I say I respect them?" Agency, the ability to act or to participate in action, seems necessary for respect. So we can respect intelligence but not good looks, and courage but not praise. We respect not goods or goals, but virtues—not only moral virtues but all that might be called "directed powers."<sup>21</sup> A great beast may excite this feeling in us. Even vegetation may do so. Think not only of a giant redwood but also of a

something of himself with his creature." Reverence, rather than respect, here constrains us—for to kill another human being would be to attack God. See Stith, "On Death and Dworkin," 360–62. (Indeed, I myself focused on reverence as the best alternative to value in my first effort at solving the problems addressed in this essay. Cf. "Toward Freedom from Value," *The Jurist* 38(1978) 48–81. We need not maximize the number of human beings any more than we need maximize the number of painted icons we revere.)

However, even if we were to find the attitude or feeling we need in love or reverence (or anything other than respect), the act called "respect" or "showing respect" would describe the most appropriate response to the object of our attitude or feeling. I would still say, for example, "I respect [as an act of deference and non-violation] George's life and rights," even if I thought "I don't feel any respect [as an attitude] for him or his virtues; I just know God loves him." Simplicity of explanation favors basing respect shown upon respect felt, and simplicity is useful if value-language is to be combated. Then, too, Dworkin and Reiman, along with Kant and many others, are also drawn to "respect"—perhaps because of its many-faceted character—and communication may be facilitated by the adoption of a term already in wide use.

<sup>21</sup>Richard Stith, *A Theory of Respect* (University Microforms, 1973). Unpublished doctoral dissertation on the phenomenology of the attitude of respect.



hardy plant surviving fierce conditions or of a weed thrusting through the asphalt. Wherever lifeforms strive well to flourish,<sup>22</sup> we stand back in respectful awe.

Moreover, even where the object of valuing appears to be the same as the object of respecting, our phenomenological stance toward it is quite different. “I value intelligence” has a different feel from “I respect intelligence.” The former puts intelligence into my sphere of action and speaks of the preference it has; the latter steps back and accords the virtue of intelligence its own proper sphere of action. The first is a holding, the second a releasing.

Undoubtedly, then, to respect people means something importantly other than to value them. The special respect that we feel for human beings discerns their dignity as entities that push powerfully and purposefully toward human ends. Although this agency is often discovered in people one at a time, all human beings seem to direct themselves, from the beginning of their existence, toward at least some kinds of human excellence—moral virtue, for example. This self-developing potency or design may be enough by itself to evoke respect. Michael Polanyi has written:

[H]owever greatly we may love an animal, there is an emotion which no animal can evoke and which is commonly directed toward our fellow men. I have said that at the highest level of personhood we meet man’s moral sense, guided by the firmament of his standards. Even when this appears absent, its mere possibility is sufficient to demand our respect.<sup>23</sup>

Polanyi surely does not mean “possibility” in the sense of something that might be added to a man from the outside, for this sort of possibility conveys no dignity beforehand. He

<sup>22</sup>Reiman would accuse me of “anthropomorphism” (66) here, but I am pointing not only to phenomenological fact but also to the real continuity of life that his illusory dualism would deny. Human purpose has its roots in the purposiveness of nature. Indeed, human consciousness and even our vaunted self-consciousness (including that found in Reiman’s “*beings who consciously care about the continuation of their lives*,” 5, emphasis in original) can be seen to be founded in the reflexivity of all life. In any organism there are processes of homeostasis and homeorhesis occurring, in which the organism monitors its own life, well-being, and development. This is feedback, con-science, with-knowledge. If internal or external forces harm its being or becoming, corrective mechanisms are applied to heal the injury and reestablish proper growth. Life must be conscious of itself in order to govern itself, in order to exist as a unified being. Josef Pieper has made the same point in “The Philosophical Act,” *Leisure: The Basis of Culture*, trans. Alexander Dru (New York: Random House, 1963), 83–84: “Every living thing lives in a world, in ‘its’ world, and ‘has’ a world in which it lives . . . [T]he relation between a plant and the nutriment it draws through its roots out of the ground . . . is a real relation in the primary sense of the word, in the active reflexive sense of ‘relating itself’: the nourishment in the ground and in the air is absorbed and assimilated into the sphere of the plant’s life by the dynamic centre of the plant, and its power of establishing relations. All that constitutes the plant’s range of relations makes its world. A plant, in fact, has a world, and a stone has not.” Ancient philosophy pointed to this continuity of life when it spoke of the “soul” of the animal and even of the plant. By making everything except mind a purposeless mechanism (see, e.g., Reiman, 66), the followers of Descartes make ready the reduction of mind itself to mechanism, once the continuity of human with non-human life is reestablished.

<sup>23</sup>Michael Polanyi, *The Tacit Dimension* (Garden City: Doubleday, 1966) 51. John Rawls has likewise argued that potentiality—in his case, the potentiality to compact—defines the scope of the human community. Thus children presently unable to compact are part of his community. *A Theory of Justice* (Cambridge: Harvard Univ. Press, 1971) 509.

must mean something like what we have here referred to as active potency or design, an inner drive that may manifest itself given time and occasion.

Perhaps this underlying dignity of design stands out most clearly precisely in those who manifest hardly any actual human virtue, e.g., infants and those with serious mental disabilities. Killing a baby seems in a way a greater lack of proper respect (as well as more brutal and a greater betrayal) than killing an adult, partly because the infant still has a whole world open, has not yet reduced his or her fragile potency to particular virtues. Even the radically disabled possess this potency—this active design—but without the possibility of ever fully manifesting it in actuality. In infants and the severely disabled, we seem to respect humanity or personhood in its essential purity, perhaps because we cannot so easily be distracted by their virtues as parents, athletes, scholars, altruists or anything else.

All human beings are designed to strive, and do strive, for virtue—until the moment of death, when design loses all force and decomposition begins. If this inner drive for human greatness, this virtue of developing virtue, is sufficient for respect-worthiness, then respect may be an especially good name for the attitude to the human political community that we are seeking. More simply, if the human species as such is worthy of respect, this feeling or attitude would be appropriate even for our neighbors who cannot yet, or cannot any longer, manifest the latent virtues they possess as members of our species.<sup>24</sup>

Does such respect-worthiness extend even to the prenatal stages of human development? For most people, it may be sufficient to point out that the only plausible basis for respect for infants (their self-developing capacity for human virtues) is found also in fetuses and embryos. Furthermore, as we look back upon ourselves or upon our neighbors, we do recognize that we and they once existed as embryos. Oliver O'Donovan puts the point well when he writes, “[T]hose . . . yet unborn become *known* to us as persons when they are children . . .”<sup>25</sup> (emphasis in original). We come to know that embryos are persons because we know both that children are persons and that they first came into existence as embryos.

Even Jeffrey Reiman acknowledges this fact, albeit regretfully, when he concedes, “[W]e tend to read a kind of personal identity backwards into fetuses and personal identity carries connotations of moral identity beyond mere physical identity. . . . Just because it is so natural to us to think that way, I believe that this ‘retroactive empowerment’ is the single greatest source of confusion in the abortion debate.”<sup>26</sup> But consider just how unnatural Reiman’s counter-theory would be. Since they do not yet consciously care about their own lives, the newborn are like the unborn, and “killing infants is not, morally speaking, murder.”<sup>27</sup> An infant is not really one of us, someone who has crossed the line

<sup>24</sup>Stith, “On Death and Dworkin,” 358–70.

<sup>25</sup>Oliver O'Donovan, “Again, Who Is a Person?” in *On Moral Medicine*, ed. Stephen E. Lammers and Allen Verhey (Grand Rapids: Eerdmans, 1998) 380–86, 384.

<sup>26</sup>Reiman, 92.

<sup>27</sup>*Ibid.*, 108. Reiman would “protect infants out of respect, not for them, but for those who love them,” 107. He does, however, find it acceptable to kill “severely handicapped infants,” 108.

from mere sperm-egg-fetus-like material to deserve membership in the “human moral community.”<sup>28</sup> Thus, for Reiman, just as it is a mistake for us to think that we once were embryos or fetuses, it is also a mistake to think that we once were newborn infants.

I submit that the reason it is “so natural,” as Reiman says, for us to identify with the earlier stages of our organic existence is that we think development, un-like making, implies continuity in being. Once our form or design is made and set (once sperm and egg have joined, according to modern biology; or once a human soul has been added, according to ancient biology; or once an imagined maternal factory has finished constructing a viable child, according to some who favor early abortion), making ends and development begins. Thereafter, no change in *what* we are can occur (for only food, not form, is later added) until that form or design loses all control over our bodies at death. This is the way we conceive the identity of all living creatures, not just of humans. Once a tree bears apples we know in hindsight that it was always an apple tree, even last year when it was barren, unless someone can show that its later form was a product of making (grafting) rather than development. It is unimaginable that Reiman and those like him can abolish a way of understanding so deeply embedded in our thought.

#### THE ACT OF RESPECT

Because valuing seeks actively to further a type, it cannot be bothered with individuals. It seeks to use them in future production or preservation of their common type. Valuing seeks to dominate the material world. The entire stuff of being becomes a mere resource to be manipulated and shaped into what we value. All that exists is expendable, because only the abstractions we have here called “types” count. Even if these types are considered to have intrinsic or infinite value, rather than only instrumental value, the individual examples of these types (including human beings) are reduced to the status of desired goods and can be destroyed and replaced at will. No wonder, then, that valuing feels bold and arrogant in contrast to the other attitudes we have examined; a world we only value is a world entirely subject to our evaluation and control.

Respect, by contrast, *responds*. It eschews control. It steps back before the type of thing cared about, and thus necessarily before every individual example of that type. A limit is given to us and to our schemes of domination. We can no longer destroy and rebuild as we wish; we must accept and accommodate being, even the being of individuals. If I respect human life, if I think it inviolable, then rather than making and manipulating it, I acknowledge and defer to it; I let it be. True, I may

<sup>28</sup>Ibid., 107. Reiman himself worries that “care about one’s life” (100)—the “property” (88–89) that for him eventually confers dignity upon an older child—may seem “too thin a reed upon which to rest respect . . .” (100). His worry is justified. The winds of postmodern skepticism may easily bend or snap this reed. See the position taken by the prominent bioethicist Arthur Caplan: “Dignity . . . is conferred on a human being by other human beings. There is no inherent property that confers dignity on a human being . . .” quoted in *BioEdge: Bioethics News for Health and Legal Professionals and the Media* #108 (16 Jan. 2004), [www.australasianbioethics.org](http://www.australasianbioethics.org).



sometimes (but not necessarily or always) have a kind of attraction to the object of respect, but even here, my feeling goes beyond the achieving and holding stance that accompanies valuing, to include an appreciative awe or delight.

Respect is shown, above all, by acknowledgment and deference. Because respect is a largely passive withdrawing, a “letting be” of a type, it must pause and stand back before every individual instance of that type. We cannot leave something alone without leaving each part of it alone.

Yet respect does not immediately commit us to production or preservation of the type respected. My respect for courts does not require me to want more of them, nor to wish their processes to be extended indefinitely! I can feel and show respect for a nursing home or a museum in my neighborhood even if I originally fought to keep it out and refuse to contribute to its upkeep. Respect thus grounds right independently of any good of existence, just as we respond to a red traffic light or to a cry of distress without thinking about whether red lights and anguished cries are good or valuable, and without wanting them to be more or longer. That to which we respond need not be identical to that which we desire or value.

Note here that we have unearthed a moral category much larger than respect (even the word “moral” seems paltry). We have found that, in addition to valued entities, the world is made up of entities to which we must respond. I have just mentioned red lights and cries of distress, which call respectively for stopping and for aid, instead of calling directly for respect. I could add churches and icons, which seem to call for a certain reverence rather than for respect. Dworkin speaks of the sanctity of art and of human cultures and non-human species in danger of extinction, and even of flags.<sup>29</sup> Reiman gives another example, starving beings, when he notes that wanting to respond by giving them food need not imply that one thinks it good that starving beings come into existence.<sup>30</sup> The dignity of our fellow humans, and the respect and inviolability they call for, is thus a subcategory of a wider set that could be labeled “sources of value” or, perhaps more appealingly, “calls.”<sup>31</sup>

### CONSEQUENCES OF RESPECT

We can now easily make sense of the seeming antinomies that we considered earlier in this essay. How can we sometimes refrain from producing more children and yet never consider killing them once they are conceived or born? Obviously, in such a

<sup>29</sup>Dworkin, 72–75.

<sup>30</sup>Reiman, 5.

<sup>31</sup>Reiman comes to the very brink of this discovery at various points but then pulls back to value language. He focuses on the idea of “respect” and writes correctly that “respect is a kind of indirect valuing” (6), although I would prefer to say that respect “includes,” rather than “is,” indirect valuing insofar as it values that which is of value for others whom one respects. But then he immediately mis-paraphrases himself as saying respect is “a valuing of another’s valuing,” which would mean that respect wishes to bring such valuing others into existence—which he agrees is false.

Reiman points out correctly that respecting can be called a sort of “conditional valuing” (96), which he presents as “If and only if there exists Ys wanting Z, then I value their getting Z” (95). But this very formulation shows that an entity Y is here not necessarily valued at all. It is a member of our new moral category: a source of value, that to which we must respond. Reiman sets this conclusion up well but then fails to draw it.

situation we do not highly value additional human beings, but we still respect them once they exist (for their active design for virtue, I have suggested here). Why do we refuse to expend extraordinary effort in keeping someone alive a little longer and yet also refuse to kill him? We may simply think such a short life not worth costly efforts, which does not mean that he has become an obstacle that we intend to remove from the world. No matter how little value their continued existence may seem to have for us or for them, persons cannot be stripped of their status as inviolable fellow-subjects in our community. Even a person who “vegetates” remains a person. (Only thus is his condition tragic. We do not pity tomatoes.) We ought not turn against those who seem to lack value, even all value, for they retain their human nature and the respect thereby demanded.

Note the relevance of this principle of respect to death penalty debates. When we punish, we seek to deprive a person of something of value, usually money or liberty, but sometimes we treat even life as a thing to be taken away from the criminal. In so doing, we do not devalue life—indeed, we treat it as the most valuable of all goods and therefore the greatest loss—but we do fail to respect the condemned person. Execution does not just take what is most valuable away from a person, as “capital” punishment would claim. It is the destruction of the person himself. It does not deprive a person of a good, as retribution for a crime; it does not make him “pay his debt to society.” It is qualitatively different. It does not exact a debt, it kills the debtor. It violates his being and the foundational assumption of our community.

Some may argue that by committing a serious crime, the criminal forfeits his right to be a member of our community and voluntarily chooses to become an outlaw. But this cannot happen as long as we hold to respect for human dignity. We do not entirely lose our active potential for virtue even by habituation to vice. We cannot forfeit or waive our humanity nor change its status as a principle. We cannot legally consent to be enslaved (to be reduced from person to property) nor to be killed. Voluntary euthanasia and capital punishment are wrong for the same reason: there is nothing any person could say or do that could negate the equal and intrinsic human inviolability which is the axiomatic starting point for public life. Someone’s suffering or his evil deeds are horrors we face with him. His existence is not itself a horror, even if in his despair he begs us to treat him only as a worthless thing.

Another implication of respect should be mentioned. Individual human being as a starting point for legal reflection, and the respect that makes this possible, do indeed forbid every action intended to destroy such a being. But not every omission is thereby permitted. The members of our human community are a given; their destruction must be unthinkable in the sense of unplannable. Although we are not able to benefit everyone at all times, we must never intentionally seek to destroy anyone, by action or by omission. If we cleverly plan to kill the severely disabled by omitting to feed them, this denies them deferential respect as a given just as surely as injecting them with poison. If law is to be for the sake of human beings, it cannot ever intentionally turn against any of those beings.

At the same time, absolute respect-worthiness must not be wrongly translated into “infinite value,” so that persons with needs or disabilities seem to have a claim

to infinite help (perhaps even on demand, perhaps even without their consent). Human dignity calls only for non-violation and just consideration of the needs of all. A failure to help is not an attack unless it is intended to be an attack.

Both universal and particular, both for an essence and for an instance, respect remedies the deficiencies of valuing and provides an adequate concept descriptive of our feelings and behavior toward human life and especially of our refusal to destroy it. But is the significance of respect for persons exhausted by a rule forbidding killing? Does respect for life demand only that we not intentionally kill by act or omission? It would seem not. Rather, respect (or some similar attitude of response) is a foundation, perhaps the only foundation, for all principles that make individual people a matter of moral and legal significance.

All moral attitudes that, like valuing, demand that some sort of being exist must be indifferent as between individual examples of that which they seek. Only an attitude such as respect, which seeks to *respond* to a sort of being already present, first of all by letting it be, necessarily has regard for every individual example of the object of its concern. Only by responding to them can individuals even have reality for us, in the full sense of that which must be accepted and taken into account in planning how to use the things of the world. And once given space by our respect (or our reverence or other responsive attitude) they may come to fill it. All calculations of benefit and all human rights may well be derivable from the fact that people are sources of value rather than merely things of value, from the fundamental requirement that we not intentionally reduce them to means or even to ends but let them be beginnings, let them surprise us in their developing freedom. Respect teaches us to wait, watch and listen.

Such open waiting may in fact be needed for human development. Human form or design cannot manifest itself if it has no space in which to do so. O'Donovan writes that "treating the fetus as a baby, and then the newborn baby as a person, is actually *necessary*, . . . if the baby is ever going to develop those 'personal' characteristics which are not themselves personhood but communicate it."<sup>32</sup> Reiman recognizes a similar need, but imagines (incorrectly, I would argue) that parents and society can continue sufficiently to love and protect (non-severely handicapped) babies even though, according to Reiman, no one is yet there in the infant to be loved or protected.<sup>33</sup>

Respect for life grants us yet another sort of appreciation of the dignity and meaning of the human condition. This fact was brought home to me some time ago when I spoke to a meeting of parents of children with mental disabilities. During my speech, I had gingerly expressed sympathy for the "burdens" of such children. Afterwards a number of parents came up to me to say that they did not think of their children as "burdens;" they were just "their children," although they did have needs others did not.

Yet surely, I thought, any parent deciding whether to let such a newborn child die would perceive those burdens. And then I realized that these people were not

<sup>32</sup>O'Donovan, 383.

<sup>33</sup>Reiman, 104-08.



making such choices. For them, their children were a given, something they simply accepted and indeed (as I later saw) came to delight in.

Options—alternative futures—lead to evaluations. If assisted suicide is legal, we may come to resent our grandmother's selfish refusal to make use of it. To allow killing leads us to evaluate and so to devalue those whom we might kill, even if we do not do so. Conversely, a pro-child attitude is possible, despite any disabilities, because respect for life not only does not correspond to life's value but also tends to exclude a consideration of its value. There is no point in evaluating that which is a given, that for which there is no alternative. We do not resent not being able to fly like birds. Where there is no occasion to compare a child's existence with its non-existence, one does not easily come up with the feeling that the child has little value, or is even a disvalue. To take imperfect others as given lets them be the possible objects—and subjects—of appreciation and delight.

Common commitment to respect for life, to the inviolability that undergirds all individuality, may at the same time be the safest source of solidarity. All future goals, be they children, health, quality of life or anything else ever so good, are dangerous because they are values, and values are indifferent to particulars. Unless accompanied by respect for human life, all valuing is incipiently callous toward the individual. By contrast, primarily because it is a retreat rather than a charge, respect for each human being can be shared without becoming totalizing or collectivizing. We can find solidarity more safely in a common respect than in a common goal.