



# Human Dignity as an *Existentiale*? On Paul Ricoeur's Phenomenology of Human Dignity

Duška Franeta<sup>1</sup>

Accepted: 18 September 2020 / Published online: 9 November 2020  
© Springer Nature B.V. 2020

## Abstract

Apart from being a pervasive concept of present-day law, human dignity is a phenomenon regularly experienced by people in their lives. Yet before any protection for it can be advanced, it is imperative that an explanation of how human dignity is at all possible be established, including a description of its constitutive figures. Paul Ricoeur made a significant contribution to the lacking phenomenology of human dignity. Despite only rarely using the term dignity directly, he identified and described its three constitutive and interdependent figures—self-esteem, self-respect, and recognition—and embedded them amongst such notions as self, identity, narrative, passivity, bodiliness, fragility, morality, and law. He activated the phenomenological, existentialist, and hermeneutic legacies in understanding human dignity and succeeded in modifying certain sharp-edged structures that have periodically been associated with the notion of human dignity. In this paper I argue that human dignity is a high-ranking topic in Ricoeur's writings, identify and synthesize the phenomenology of human dignity scattered throughout his works, and reveal the profound existential aspects he attributed to it. Finally, I discuss and evaluate his phenomenological-existentialist account of human dignity, particularly taking into consideration the contemporary use of human dignity in law and its associated discourses.

**Keywords** Human dignity · *Existentiale* · Paul Ricoeur · Self-esteem · Narrativity · Passivity

---

✉ Duška Franeta  
duska.franeta@flv.edu.rs

<sup>1</sup> Fakultet za pravne i poslovne studije dr Lazar Vrkatić, Bulevar oslobođenja 76, 21000 Novi Sad, Serbia

## Introduction

How is human dignity possible?—this is a Gadamerian question exemplified in the efforts of Paul Ricoeur to describe the phenomenon of human dignity in his works on self, recognition, and justice. This question is not primarily addressed at the typology of violations of human dignity which in present-day law can be found in various sets of norms—from criminal law to medical, media, or labor law. Rather, it focuses on constitutive figures of the phenomenon of human dignity.

In contemporary law, human dignity has emerged as a specific object of protection and has been interpreted as a particular human right, a right to rights, a constitutional framework right,<sup>1</sup> universal legal status,<sup>2</sup> a legal principle, a legal value, etc., expounded in numerous national and international legal acts of various ranks (Herdegen 2010: paragraph 29; Enders 1997: 503; Barak 2015: 156; Waldron 2009; Alexy 1994: 97; Dürig 1956: 143; Franeta 2015: 104–120). Yet, beside and before its standing as a legal concept, human dignity is also a phenomenon humans experience regularly in their lives. Decades ago, it was claimed that dignity is a specific condition of human being in the world (Maihofer 1968: 26). In order to truly enable its protection, it is necessary to understand and describe this phenomenon and its constitutive figures. Despite law being an important measure of its protection, the task of describing dignity cannot be designated to the realm of law.

Indeed, there are many influential and important ideas about the essence or meaning of human dignity: autonomy and *Vernünftigkeit*, self-respect, authenticity, and identity are only some of the most recognized (Kant 2017: 33; Dworkin 2013: 205–213; Tiedemann 2006: 92). While acknowledging the value of these, Paul Ricoeur did not focus on a single concept that could best capture the idea of human dignity; instead, he described the constitutive figures regularly associated with its experience, as evinced in these two passages:

...to the ethical aim will correspond what we shall henceforth call self-esteem, and to the deontological moment, self-respect. According to the thesis proposed here, it will be made apparent (1) that self-esteem is more fundamental than self-respect, (2) that self-respect is the aspect under which self-esteem appears in the domain of norms, and (3) that the aporias of duty create situations in which self-esteem appears not only as the source but as the recourse for respect, when no sure norm offers a guide for the exercise *hic et nunc* of respect. In this way, self-esteem and self-respect together will represent the most advanced stages of the growth of selfhood, which is at the same time its unfolding. (Ricoeur 1992: 171).

<sup>1</sup> The constitutional framework right is a certain, relatively general, *mother-right*, from which are derived other specific constitutional rights.

<sup>2</sup> Universal legal status, which is ascribed to every human being, is contrasted with statuses ascribed only to specific groups, as, for instance, the status of nobles in aristocratic society.

Taken together, self-esteem and self-respect define the ethical and moral dimension of selfhood, to the extent that they characterize human beings as subjects of ethico-juridical imputation. (Ricoeur 2000: 4)

Although the specific term only rarely occurs in his work, human dignity is clearly one of its essential topics. Building primarily upon the hermeneutic, phenomenological, and existentialist legacies, as well as upon Hegel's, Ricoeur identified self-esteem, self-respect, and recognition as basic manifestations of human dignity and embedded them among a series of notions including self, identity, narrative, passivity, bodiliness, fragility, law, etc. The following words concisely illustrate an important aspect of this modified discourse:

Respect is self-esteem that has passed through the sieve of the universal and constraining norm—in short, self-esteem under the reign of the law. Having said this, the most formidable problem posed by respect as a motive is the introduction of a factor of *passivity* at the very heart of the principle of autonomy. This conjunction within respect between self-positing and self-affection authorizes us to question, in the following study, the independence of the principle of autonomy—the flower of the teleological conception of morality—in relation to the teleological perspective, in other words, to doubt the autonomy of autonomy. (Ricoeur 1992: 215)

In integrating and espousing the phenomenological, existentialistic, and hermeneutical perspectives, Ricoeur modified the existent sharp-edged distinctions such as subject-object, reason-emotion, body-mind, etc., and built a more comprehensive picture of the experience of human dignity. In his works, human dignity is not a right, principle, status, or value: it is an *existentiale*—a reading that will be proposed in the following pages.

In this paper I will trace and synthesize the phenomenology of human dignity in the works of Paul Ricoeur, which while ubiquitously present is rarely directly articulated. I will demonstrate how he introduced ideas such as passivity, narrativity, and fragility to the discourse of dignity and argue that almost all the salient features of the concept of an *existentiale* are captured in this phenomenological exemplification of dignity. Finally, I will discuss the outcomes of this conceptual compatibility, along with the issue of to what extent the phenomenological-existentialistic discourse corresponds to the contemporary legal discourse regarding human dignity.

This paper consists of four sections: “Self in Ricoeur’s writings,” “Self-esteem, Self-respect and Recognition as Basic Figures of Human Dignity,” “Human Dignity as an *Existentiale*,” and “The Value and Difficulties of Ricoeur’s Phenomenology of Human Dignity”. The layout of the paper is as follows: in the first section, Ricoeur’s concept of self is outlined, along with his general approach to the connection between self and law, which together comprise an initial framework for the subsequent topic of human dignity. In the second section, the phenomenology of human dignity is synthesized from the descriptions of self-esteem, self-respect, and recognition distributed across Ricoeur’s works. Throughout the first and the second section important concepts such as narrativity, passivity, plurality, and fragility are introduced and their relevance and relation to the phenomenon of dignity are

exposed. At the beginning of the third section, the main features of the concept of *existential* are briefly articulated and then identified in Ricoeur's descriptions of the phenomenon of dignity. In the final section, such a profound existential grounding of human dignity is discussed and evaluated, along with its embedment among a series of notions such as identity, narrative, passivity, bodiliness, and fragility, while the contemporary legal use of human dignity and its associated discourses are taken particularly into consideration.

## Self in Ricoeur's Writings

In order to make my case about the important, if not the central, position that human dignity holds in Ricoeur's philosophy, I will begin by outlining his idea of self. Ricoeur displaced the autonomous self with the hermeneutic self (Joy 2015: 126), which was, in his writings from the 1980-ies onwards, also developed as the narrative and ethical self. His aim was not to annihilate the autonomous self, but rather to integrate it into wider structures of the human condition such as bodiliness, narrativity, fragility, etc. The inclusion of these structures into the concept of self enabled him to shape and offer a phenomenology of human dignity which will be presented in this article.

Above all, Ricoeur understood selfhood as a manner of existence, not an identity (Romano 2016: 51); the manner structured through its fundamental relations with other selves, or, in the words of a proverb: "a person is a person through other persons" (Allais 2012: 337). In describing such a mode of existence, Ricoeur showed that it was intertwined with, and expressed through, facets of human dignity at every important level of its constitution. Thus, I will first examine the main features of his idea of selfhood, which will also be born out in his descriptions of dignity.

In light of the preceding assertions, Ricoeur's account of self is undoubtedly a complex one and deserves a detailed approach. Self is by no means a new concept, yet in his writings Ricoeur succeeded in developing it further and in making it more rounded by activating a significant measure of the hermeneutic, existentialist, and phenomenological legacies and their associated notions.

If Ricoeur's account of self is to be properly elucidated, several key changes which he made to the famous distinction between *res cogitans* and *res extensa* must be taken into account. First, the identity of self and the identity of thing are not to be understood as opposites. Second, there is an important difference between the identity of self and the identity of subject. Third, the identity of self is a narrative one. Finally, there is a plurality of selves.

Indeed, none of these four changes were completely new, but some of them remained particularly underdeveloped and required better interrelation in order to describe human self-understanding and one's place in the world in a more comprehensive way. Thus, Ricoeur's account of self (and dignity) could be characterized as an endeavor to once again revise the existing answers to the old Delphic maxim *know thyself*, to describe the structure of self, its development, and its capacities more subtly. The following several pages will present this endeavor in brief.

## Narrative Identity

Narrativity is one of the basic structures of Ricoeur's understanding of self and dignity. Reinvoking the idea of the centrality of language in human existence set forth by Heidegger and Gadamer, Ricoeur took this thought a step further and considered human existence and its constitutive self-relations (self-esteem) to be deeply immersed in the continuous endeavors of storytelling.

A narrative is a story, a milieu in which self persists. According to Ricoeur, there are no selves without narratives; only when an "I" begins to understand itself as a story does the self truly start to appear. Contrary to analytical approaches, a narrative understanding of self—following Ricoeur—exposes self as being: (a) *in time*, (b) particular, (c) always one's own (Heidegger's *Jemeinigkeit*), and (d) irreplaceable. While a thing is always identical to itself and is not *in time*, the identity of self is more complex and dynamic. The identity of self entails more: it includes time, incompleteness, and the possibility of change. The difference to the Cartesian approach is an obvious one: the basis of the difference between self and thing has not been built upon extensiveness and non-extensiveness, nor only upon its *cogitationes*; rather, self is in time and bodily and its *cogito* is immersed in wider life structures.

As a narrative, explains Ricoeur, the "I" (a) has a beginning in a specific moment and it is influenced by different habitual factors: it imitates and reacts to the jargon and the moods of the quarters in which it is being raised; its story reflects the historical-political situation in which it lives, and so forth. Yet, the narrative of the "I" (b) is uniquely singular; nobody else has an identical narrative, nor the same identity. Finally, the story is only that of the "I" (c, d); however much it began before the "I" and however much it is being determined by the language and (socially constructed) discourse the "I" is using to spell it out, as well as by events the "I" is making a synopsis of, it is still essentially the singular interpretation of this "I".

The narrative constitution of self clearly reveals the weak spots inherent in the concept of human dignity. To disable a self to pursue and express its own story, to treat self as replaceable or as without a past and future, means to deprive it of its dignity, to negate its specific way of being.

## Identity of Subject and Identity of Self

Finitude is the next fundamental structure of self. This feature is also deeply reflected in the way dignity is being constituted. Yet although clearly juxtaposed to any absolute features (of the world, I, or *cogito*), it is not a finitude that results in any kind of relativism. The finitude of self opens the paths for an individual way of existing, while at the same time reveals the dialectics of the voluntary and involuntary, of passivity and activity, of universality and historicity. This inner tension and fragility of self indicates that enabling and preserving human dignity must take into account the limits and conditions of human existing; that despite being to some degree *given*, dignity is also always yet to be realized.

First, following Ricoeur, the concept of self and the concept of subject must be distinguished. Contrary to subject, self is not an absolute. It is not an ultimate foundation or *causa sui*. The identity of subject is based upon its difference to the identity of object, while self is not antithetical to objectivity. The concept of object is typically related to passivity, while the concept of subject pertains to activity. The idea of self transcends this dualism of activity and passivity and is infused with a considerable amount of the dialectics of acting and suffering. *Passivité vécue* (lived passivity), exemplified in the phenomenon of one's body, is a testimony to activity; only on the basis of suffering is acting possible (Ricoeur 1990: 369). Lived passivity dwells in the limits of narration, language, body, acting, morality, wish, in the affective receptivity of will, etc. In the act of narrating, the "I" is limiting itself by the specific discourse it uses: the "I" builds upon the existing stories, invoking the grammar, semantic, and conceptual structures and the existing "blocks of meaning" (Ricoeur 2007: 30). The "I" did not just make up its story; this narrative includes fiction and fact, experience, dreams, and ideals (Ricoeur 1992: 179). It began long before the "I" existed and ends after it; thus the "I" is the author of a chapter, not of the whole book.

Self is not established upon the grounding of an absolute doubt, but, in Ricoeur's words, upon specific testimonies of suffering and acting which give birth to one's world. Self is created, not just discovered. The identity of self is always a specific, particular, individual identity which grows in a paradoxical cleft between the universal and the historical and it requires interpretation. While subject originates from an absolute doubt, self is a testimony to the paradox of the unity of the historical and the universal. It is a union, a nexus of these, at first glance, disparate continuums, a striving to transform the historical into the universal and to realize the universal in the historical (Ricoeur 2007: 232ff.). The inner world is generated only due to self existing and operating in a rather specific and individual way, and not just as a purely reflective entity. Therefore, existential analysis, phenomenological description, and interpretation of meaning are positively apt approaches to self.

### Identity of Thing and Identity of Self

Being a body is another fundamental feature of self that cannot be transcended or 'put into brackets'. This identity of self and body reveals that violations of human dignity are not confined merely to the world of words, thoughts, stories, insults, honor, and reputation. Just as human existence itself, (violations of) dignity transgress the body-soul dualism. The constitution of human dignity goes all the way 'down' to the desiring body or the desiring self.

In order to explain Ricoeur's axiom that a self is always bodily, the alleged contradiction between the identity of self and the identity of thing must be addressed. Ricoeur deems it a mistake to understand self as soul and body as thing. Self is bodily; Ricoeur calls it its terrestrial condition, bringing to mind Arendt's words that "earth is the very quintessence of human condition" (Arendt 1998: 2). The body is not an instrument, it is a self: "incarnation is the first anchor of existence" (Kearney 2016: 32). The body provides one with *élan vitale*, it constitutes the desiring self

(Ricoeur 1986: 53). Such a state of being bodily and needy is not a deficiency; it is a precondition to self-individuality and valuing. There are no values without the mediation of a body, need, and desire. Obviously, Ricoeur builds here upon Ponty's idea of the lived body. Body itself exposes this original dialectical relation between activity and passivity. It is "what is both most mine and most other" (Kearney 2015: 184). For example, tactility is possible only when including the experience of passivity: when one touches, one is also touched. The lived body destroys the universality of space; when we acknowledge the entity of the lived body, space ceases to be the cosmos in abstract coordinates and turns into a horizon. As Ponty explained, being a body enables us to define the center of our existence; only by being a body is it possible to have any perspective, existence, and individuality (Ponty 2005: 98).

It is clear from the previous passages that the problem of passivity acquires an important role in Ricoeur's understanding of self. When it prevails, passivity can take the form of a decrease in capability and integrity, a vanishing of identity. On the other hand, all sensible behavior is the outcome of the very same dialectic relationship between suffering and acting, passivity and activity. Activity acquires sense from being built upon a certain form of suffering: suffering corresponds to individualization, to being a unique and separate being.

The "original situation" of human being, following Ricoeur, is characterized by tension, or, in his own words, by duality and disproportion (Ricoeur 1986: 1), which concludes in limiting oneself. This *limiting* represents acting and getting immersed in the modes of passivity at the same time. Ricoeur distinguishes three fundamental forms of passivity of self: passivity of the body, passivity related to the foreign, and passivity of the conscience (Ricoeur 1992: 318). All of these represent different forms of encountering otherness, of being affected, the attestation of broken (not absolute) cogito [*wounded cogito* (Joy 2018: 115)], of the dialectics of acting and suffering (Ricoeur 1992: 318). Essentially, Ricoeur understands passivity as the attestation of otherness in self (Ricoeur 1992: 318). Any significant deprecation of any of the three passivities results in the retreat of self. Unfortunately, in the course of their history, humans have collectively experienced all three types of neglect, at times over sustained periods: the denial of body as self (as in Christianity), the denial of conscience as self (mass society), and the denial of other as self (Nazism, racism, fascism, etc.).

## Plurality of Selves

Finally, although being authored by an individual, self is possible only through dialectics with other selves. This dialectic inhibits the present as well as the past; in Gadamer's framework it was grasped as the effective-historical consciousness and the continuous dialogue with others. The move to the plurality of selves in Ricoeur's writings was primarily made through narrativity. The plural constitution of the narrative is then reflected in the relational aspects of human dignity: in the interdependence of self-esteem, self-respect, and recognition with esteem, respect, and recognition of others and by others.

Following Ricoeur, self appears in the first (I), the second (you), and the third (he, she) person and is only complete when all three aspects are united. Self is a dialogical structure in a fundamental sense; narrative is “co-autobiographical” (Plantikow 2008: 93). This of course means much more than self being capable of leading a conversation; self is that dialogue with the other which takes place inside of oneself. This dialogue enables one to confront oneself as “you” and as “he/she.” Being able to narrate oneself enables one to also narrate in other ways, in other genres: it is the precondition of any self-reflection and critical thought (Ricoeur 1986: 91). As soon as there is a narrative self, there is, at the same time, a genuine plurality of selves, and a dialogue that can never be completed.

The plurality of selves does not only presuppose an abundance of perspectives, but also rivalry and conflicts. Selves are particular, fragile, and plural; like in a Babylonian temple, there is no primordial language of the self, but only many competing languages. There is no harmony of selves and narratives, but rather a quest, a contest, and, often, a dispute.

### Three Levels of the Request for Justice

As soon as self is regarded as relational, the feeling, ought, and value of human dignity—represented in its figures of esteem, respect, and recognition—become inextricably tied to the request for, and the problem of, justice. Yet the request for justice also reveals itself as the request for equality in dignity.

The request for justice emerges from the referenced arena of dialogue and competition. Ricoeur explains that, at its core, the request for justice is a demand for respect. There are three levels of this request: the teleological, deontological, and phronetic (Ricoeur 2000: XIV–XXI). According to Ricoeur, the first is the most fundamental one: this is the level of self-esteem, of self-understanding, of affirming and accepting our own narrative, of the story of ourselves, and of what constitutes a good life. The second level is the deontological: here the request for justice and respect acquires a form of universality and legality. The third is the phronetic, or prudential, level and corresponds to the request for equity and fairness. The essential issue in this request for respect, explains Ricoeur, is not to find one and only one language, but rather is whether inevitable disputes are going to be resolved in a peaceful manner, through words, reason, and discourse—or violently.

All three levels represent different aspects of self and are interdependent; there is a deep relation between the good, the just, and the fair. One could perhaps relate them to three great philosophical ideas: the existentialist idea of human singularity, the idealistic idea of human subjectivity, and the Marxist idea of human sociality (Maihofer 1968: 37; Maihofer 1993: 234). The first one introduced, or forcefully underscored, the idea that being a human means to be unique and be constantly developing, the second proposes that being human means being different from things and at the same time identical to all other subjects, and the latter implies that the identity of a human being is always mediated through various roles, positions, and relations in society, as well as is preconditioned by different factors. If these facets of self were to be put succinctly in the context of human dignity, then to respect



a human being would mean to respect it in its identity and difference from other human beings as well as to take seriously the distinctive conditions of one's position in the society. And yet while the request for justice usually stems from the deontological level, this is not an exclusive and independent milieu in which self persists. Its precondition is the teleological level, and its completion is the phronetic one, or the prudent attaching of rules to fundamental reasons in specific cases.

The first level, which Ricoeur labels the teleological or the ethical, relates to the desire for justice, which he considers to be an aspect of the desire for a good life. The essential question of this level is "what is it that we fundamentally desire?" (Ricoeur 2007: 3). At this level we ask ourselves how we should live and take care of ourselves. Without this level, the other two cannot be. If there is no desire for a good life, there is no desire for justice and respect, nor any sense in exploring the institutionalization of this idea. This primary level animates the world; without it, there is no motivation, no dynamics.

The deontological level is the level of duties. It is a formal level at which the request for justice and respect acquires the form of general standards, universal principles, and rules. This level, explains Ricoeur, is dependent upon the teleological one since the heterogeneity of what constitutes good has to be somehow prioritized before the associated duties can be defined.

The third is the level of practical wisdom (*phronesis, prudence*). Only at this level are law and justice actually applied. The formalism of laws and duties needs to be supplemented and superseded in accordance with the features of a specific situation and individuals. There is an "epistemological peculiarity" of the act of judging which is here acknowledged (Ricoeur 2000: XXII–XXIII). Basically, it is not possible to strictly apply only formal-logical methods; there is a certain mediation of argumentation and interpretation going on, or, in Gadamer's words, a certain movement "to and fro" (Gadamer 2004: 104), a hermeneutical circling at work. In any particular case, there is some inherent lack of meaning which should be filled according to the laws of the whole, yet at the same time it should be specified that these laws are pursuant to the characteristics of the individual case.

In short, Ricoeur explains how the situation of the elemental plurality of selves channels the wish for good through these three different but interdependent levels. These three levels or stages will be further described as the general platform upon which Ricoeur develops and portrays the main phenomena of human dignity.

## **Self-esteem, Self-respect, and Recognition as Basic Figures of Human Dignity**

In the opening paragraph of *The Just*, Ricoeur succinctly expresses his view of the (essential) place of human dignity in law and morality and of the idea of its different facets (still without directly using this term):

I want to show that the question with a juridical form 'Who is the subject of rights?' is not to be distinguished in the final analysis from the question in

a moral form: ‘Who is the subject worthy of esteem and respect?’ (Ricoeur 2000: 1)

Obviously, Ricoeur has here articulated the request for justice as essentially a request for respect. Correspondingly, he describes the phenomenon of human dignity as tightly connected to the quest for justice. Intertwined to an important extent, both the request for justice and the request for dignity, following Ricoeur, are manifested in the three interrelated levels previously described: the ethical, deontological, and prudential. Let me now elaborate upon the facets of human dignity at these three levels in greater detail.

### Self-esteem

The first and most basic form of human dignity is self-esteem. It is the first figure of dignity since an individual has direct access to its own inner world.<sup>3</sup> According to Ricoeur, self-esteem is at the same time a feeling of being someone as well as a wish and a claim to be someone; therefore, a phenomenon transcending the cleft of being and ought (Ricoeur 2007: 196). It is ethical clothing of the requirement of singularity (Ricoeur 2007: 81).

Self-esteem is, according to Ricoeur, created at the intersection of wish and reason; it is an attestation of “a desire elevated to the level of reason,” (Ricoeur 1986: 74) or in Alexandre Kojève’s interpretation of Hegel, of a desire for the desire of another. Basically, it evokes the desire to *exist* instead of to merely *be*.

This wish and claim to exist, to be someone, are intrinsically pregnant with the vision of a good life. The idea of being someone corresponds to the created concept of good, which is filled with one’s dreams and wishes and takes the form of a life plan. Self-esteem as an initial valuing of oneself is the most primordial moment of our reflexivity in striving for such a vision of a good life (Ricoeur 1992: 188, 214). It is an initial yardstick by which “we measure our values and values of others” (Ricoeur 1986: 204). As far as this vision is being maintained, acknowledged, approached, or accomplished, self-esteem is being nurtured and the prevailing narrative upheld.

Self-esteem is the ethical and axiological aspect of the self-narrative (Ricoeur 1992: 174). Self-esteem depends upon this narrative, which is neither a pure fiction of our own making nor a pure description of some so-called reality. They are inseparably interwoven.

Just as the self-narrative is itself vulnerable, so too is self-esteem. As an interpretation, a single narrative is always just one among many possible. Therefore, it can be, and often is, challenged by external influences, which can affect the convincingness of one’s narrative and, along with this, one’s self-esteem.

<sup>3</sup> The reasons for which self-esteem is the first figure of dignity (or, in Ricoeur’s words, the first in the course of recognition) have been rightly labeled *phenomenological* reasons: I do not have direct access to the inner world of other people (Marcello 2011: 116).

Self-esteem is not only vulnerable, it is fragile. In *Fallible Man*, Ricoeur explained that its basis was not knowledge or certainty, but belief and opinion (Ricoeur 1986: 121). Raised in the conditions of plurality, it is deeply relational (Ricoeur 2007: 196). Since belief and opinion are not stable or solid, neither can self-esteem be. One's opinion is profoundly influenced by the opinion of others. Yet there is even a more fundamental dependence: the extent to which one esteems the opinion of others is reflected in one's own self-esteem. Esteem of others and self-esteem are mutually dependent (Ricoeur 1986: 121). All this makes self-esteem deeply fragile.<sup>4</sup> It can be "sham, feigned, or alleged; it may also be neglected, contested, disputed, as well as scorned, belittled, choked back, and humiliated" (Ricoeur 1986: 124–125). Furthermore, there is the inherent possibility of pathology in esteem due to its unstable and shaky nature and its indefinite and endless requests (Ricoeur 1986: 125). The depreciation and overestimation of oneself are two poles that create room for possible vices, and were pathologies noted already by Aristotle in the paramount examples of humility and vanity. The endless and indefinite requests of self-esteem create a particularly suitable background for such pathologies.

In his later works, Ricoeur developed the concept of attestation to distinguish the knowledge of self from belief, and established a relation between self-esteem and one's capabilities.<sup>5</sup> Both attestation and belief are opposed to suspicion, but, contrary to belief, attestation is built upon a continuous dialectic with suspicion, as well as upon a semantic polysemy which opens a path for human capacities (Purcell 2013: 151), resulting in individual authenticity. In this manner, Ricoeur modified his earlier views regarding the basis of self-esteem. He explained that despite being vulnerable and fragile, the fundamentals of self-esteem are more deeply rooted than a specific narrative or particular vision of what represents a good life. What makes a self fundamentally worthy of respect is its power to do or its power to act. Self-esteem as a valuing of oneself is established upon insight into one's own capabilities; above all, the capability to initiate an action, to make choices based on reasons, to assess, weigh, and value the purpose of an action. These are tightly bound with the capacities to speak, to act, to narrate, to promise (Ricoeur 2005: 127). In other words, these are the "capabilities of beginning a sequence of action" and "determining oneself with reasons" (Ricoeur 1992: 206). Upon this later grounding of esteem in the power to do, Ricoeur made a distinction between self-esteem and "my" esteem. While the first is concerned with the capability of being an individual, the other one relates to honor as a contextual and relative value.

Finally, following Ricoeur, self-esteem is to be distinguished from the Kantian *Eigenliebe*; it is a feeling, but not some symptom of narcissism. "Self is...a

<sup>4</sup> It has been pointed out that Ricoeur made a transition (via Arendt) from the concept of fallibility, conflated with the idea of fragility in his early works, to the concept of fragility operating as a distinct and dominant one in his later works (Joy 2016: 72). The latter primarily denotes the possibility of interference with, or of the abolition of, primary human capabilities; the incapacity to act (Joy 2016: 72).

<sup>5</sup> He established the connection between attestation and self-recognition (Williams 2008: 468), or, more generally, between attestation and human dignity. The nexus in this relation is the concept of capability or capacity, which implies self-attestation. 'I can' "implies recognition in the sense of self-avowal and self-attestation" (Williams 2008: 468).

non-egoistic, non-narcissistic, non-imperialistic mode of subjectivity” (Ricoeur 1975: 30). Dignity is intertwined with feelings of morality such as “shame, courage, admiration, enthusiasm, veneration, and indignation” (Joy 2018: 118). Self-esteem is not the only possible mode of subjectivity, but it is essentially a characteristic manner of relating to, or of behaving towards, one’s own and other selves. Likewise, self-esteem is a rudimentary form of valuing which is not ‘self-absorbed’ but includes solicitude. It embraces a sense of its being as having been grown upon its own incompleteness and vulnerability and of its being as having been built upon its relations with other selves.

### Self-respect

The second figure of human dignity is self-respect. According to Ricoeur, respect is the way dignity manifests itself at the deontological level. The central phenomenon of this level is autonomy. It is the normative establishing of oneself, the uniting of self and norm on the basis of the self-narrative. Self-esteem is transformed into self-respect in the domain of norms. The preceding domain of wishes, dreams, feelings, and experiences are here transposed into the realm of laws, duties, and imperatives. In entering the arena of duties and rights, self-esteem acquires the form of a universal norm. Self-respect is self-esteem expressed in the context of norms; it is self-esteem under moral law (Ricoeur 1992: 204). Like self-esteem, self-respect is also vulnerable. Not only does it possess all the fragility of self-esteem, but it also requires one to be the commander and the commanded at the same time (Ricoeur 1986: 74). This makes the order of respect particularly fragile.

Ricoeur explained that respect as an aspect of dignity had been primarily captured by liberal conceptions of human dignity, which insist upon equality in dignity. According to him, the idea that equality can, in certain contexts, become a discriminatory tool, is the impetus for the third aspect of dignity—recognition (Ricoeur 2007: 88; Ricoeur 1992: 296).

### Recognition

The final form of human dignity is recognition.<sup>6</sup> Recognition is the *telos* of human dignity. It is an act through which a self is acknowledged in its identity and for its difference to other selves. In the realm of law, this is the level of equity, operating as the justice of an individual case.

Recognition is a sort of course, or experience, rather than just a specific representation, act, or state (Ricoeur 2005: 249). From Ricoeur’s point of view, the course of recognition includes the following stages: the stage of identifying and distinguishing something from other phenomena, the stage of attesting the capacities of a self, and the stage of mutual recognition of selves (Ricoeur 2005: X). While the second

<sup>6</sup> The seeds of the topic of recognition have been traced back to Ricoeur’s hermeneutics of symbols from 1960-ies (Greisch 2006: 151).

stage corresponds to human dignity as equality, the third one should also capture and acknowledge the specific differences among selves. It is the authentic personal identity for which we demand recognition (Williams 2008: 468).<sup>7</sup>

The course of recognition is not just a possibility; it always accompanies and colors our experiences of the world. It strongly influences the way we see the world and its events, the manner—in Heidegger's terms—in which the world opens for us. At its roots, self-recognition is memory and promise (Connolly, 2007: 140). Thus, violations of this course—violations of human dignity—can result in serious harms and damages to self and to its world. These violations have the potential to reach both memory and promise, which serve as the heart of self-recognition.

Being “plagued by self-deception” (Connolly 2007: 140) and limited with our capacities to remember and imagine, self-recognition is inherently prone to such attacks on account of these deficiencies. Ricoeur explains that at the social level violations of dignity take the form of exclusion, injustice, and institutional inequality. Silencing could be added to this list as a relation or technique which can take various forms—indoctrination, propaganda, etc.—directed at the narrative structure of the self. At the existential level, these violations are identical to the diminishing of self-esteem, while at the most primordial, biological level, they acquire the face of “world narrowing,” of regression, of a shrinkage of the world into milieu, environment (Ricoeur 2007: 196f.).

Despite Ricoeur's relatively rare use of the term human dignity, he clearly illustrated how it is ever-present in our experience, sustained and expressed through the figures of self-esteem, self-respect, and recognition. His writings describe their complex structure, their narrative, finite, reflective, relational, and, at the same time, active and passive nature. These figures capture a multifaceted and dynamic process of the phenomenon of dignity: it develops from a feeling, a desire and claim to *exist*, is evoked in our respect for the equality of selves, and manifests in the mutual approval of particular individuals. They capture being and ought at the same time.

Ricoeur demonstrated that this ceaseless process of recognition could be ruptured at various points. He explained how the structural fragility of self—the dialectics of voluntary and involuntary, of activity and passivity—culminates in the profound violability of dignity: it is inherently prone to different types of pathologies and violations. These pathologies and violations always have their existential resonance. Self-esteem is the figure which captures this existential facet of dignity violations. Ricoeur powerfully underscored the relevance of this figure; a violation of human dignity is always an attack on one's feeling, claim, and wish to *exist*. Therefore, he created a space and set down a framework for a profoundly existential grounding of the phenomenon of human dignity.

<sup>7</sup> Some authors have noted (Williams 2008: 470), while criticizing Ricoeur's reading of Hegel, that in his understanding of the *telos* of recognition lies the reason why Ricoeur does not rely heavily on Hegel's famous theory of recognition. The logical structure of recognition along with the interpretation of recognition as “Spirit's return”—the lenses through which Ricoeur reads Hegel—would prevent human plurality and authenticity from being manifested and taken account of (Williams 2008: 470).

## Human Dignity as an *Existential*

Human dignity, as constituted through the figures of self-esteem, self-respect, and recognition, is grounded in a profoundly existential manner. Moreover, human dignity interpreted along these forms qualifies as an *existential*.

In this section I will justify this assertion. First, I will in brief, clarify the concept of *existential* and then go on to substantiate how its main features are indeed present within Ricoeur's understanding of human dignity. In the following section, I will discuss and evaluate Ricoeur's phenomenological descriptions of human dignity along with its existential grounding, particularly taking into consideration the contemporary legal use of human dignity and its associated discourses.

In starting with the Ricoeur's existential grounding of dignity, a question necessarily arises: what is an *existential*?

Put succinctly, Martin Heidegger employed the concept of *existential* in order to overcome the blocks of meaning that the concept of category implied. He attempted to situate our experience of being in the world without objectifying the world, to deconstruct the gnoseo-ontology which had too rigidly divided the rational and irrational, to avoid reducing the concept of a human being to the mere subject of cognition, to evade projecting the preconditions of humanity into specific independent entities, to show that there is no ontology resembling a theory of natural laws, and to underscore human individuality.

*Existentials* are, at least as laid out in Heidegger's *Being and Time* (2001: 70ff.), which I will draw upon in this paper, the structures of existence conceived as openness to being, not qualities. They are universal characteristics of humanity, characters of being human that comprise the basic framework of our existence. *Existentials* do not express any essence of humanity; rather, they create a framework that leaves room for the developing of this essence by every human being on their own. Indeed, *existentials* create a specific framework in which it is only possible for humanity to manifest. They express a characteristic openness towards being and a resistance to being transformed into object. Taken together, *existentials* create a dynamic structure which in particular cases can acquire very different forms; moreover, many of the *existentials* respectively are not simple entities, but structure-like ones. Furthermore, there are no *existentials* outside the human realm. An *existential* is constitutive to being human; it is not something accidental. It is an inevitable axis of the human world. Still, it may be manifested in deficient modes. Finally, every *existential* is a complex substructure of our experiencing of the world and it is not to be equated with any other existing categories, whether gnoseological or ontological.

If we now examine human dignity through the interpretive lenses of self-esteem, self-respect, and recognition, it is readily apparent that it possesses most, if not all, of the noted characteristics of an *existential*.

First, similarly to other *existentials*, dignity—per Ricoeur's interpretation—belongs only to the human realm. It is also a universal and inevitable feature of humanity, not something accidental. Second, in the forms of self-esteem and

self-respect, which influence the opening of the world, it always accompanies our experiencing of the world. It is a matrix through which we understand, feel, and act. Furthermore, in accordance with the discourse of *existenciales*, dignity is not a feature of human beings which can be fully described, depicted, or determined in advance, yet it is always dependent, to an extent, upon a particular individual. In other words, just as lived speech, understanding, *Angst*, or care can take different forms in individual lives, so too are self-esteem and self-respect always marked uniquely by one's own horizon and selected objects of esteem. By virtue of this individual facet of self-esteem and self-respect, self resists being objectified. Fourth, dignity is also manifested in deficient modes (for instance, speech manifested in chit chat), just as is the case with some other *existenciales*. Its deficient modes include feeling humiliated, insulted, discriminated against, etc. Despite self being degraded in these states, the mode's very existence attests to the pervasiveness of dignity in the human world. Lastly, as is true for other *existenciales*, the phenomenon of dignity is a complex structure which can hardly be reduced to any single, already existing ontological or gnoseological concept, such as idea, feeling, rationality, capability, norm, etc., although it shares some features with all of them.

Obviously, human dignity as interpreted through the figures of self-esteem, self-respect, and recognition seamlessly fits into the list of other *existenciales*. In other words, it is characterized as a universal, pervasive, inevitable, complex, and dynamic structure of human existence, an individually marked matrix through which we always understand, feel, and act.

## The Value and Difficulties of Ricoeur's Phenomenology of Human Dignity

Following Ricoeur, the existential understanding of dignity is not an account that should be favored as the most feasible or pragmatic legal interpretation of human dignity. Rather, this interpretation is a phenomenological display of the fundamental manifestations of human dignity in human life. It is an answer to the question: how is dignity possible and what are its constitutive figures? It expounds the manner in which dignity is founded, manifested, and experienced in the first place. To that effect, it should be viewed as a complementary and corresponding approach rather than a rival one to those capturing dignity as a legal concept. In the following paragraphs, I will underscore its strengths, and afterwards will proceed to address some of the major difficulties of Ricoeur's endeavor.

First, Ricoeur succeeded in encompassing the ontological, ethical, and legal connotations of human dignity. Human dignity in the present-day undoubtedly stands as both a moral and legal concept, and thus there is a clear need for a contemporary and comprehensive approach which recognizes this. Ricoeur developed its previously lacking phenomenology by capturing the process and patterns of experiencing dignity.

Second, by underscoring its existential basis, Ricoeur showed that dignity was not just some value that a human being could opt for, but rather, that it was intrinsic

to such a being. It is an inevitable precondition of self—a point also acknowledged by all those legal acts and discourses that have addressed dignity as being inviolable, intact (*unantastbar*), inalienable, fundamental, and indivisible, being a universal value, or that have recognized human dignity as the purpose of human rights. These include, among others, the Charter of Fundamental Rights of the European Union (EU) (Charter), which places human dignity in its Preamble as the first of the values upon which the EU is founded. The first of the six sections of the Charter is entitled “Dignity” and defines it as intact (*unantastbar*) (Charter 2009: Art. 1). Human dignity is also defined and protected as intact by the first article of the German Constitution (*Grundgesetz* 1949: Art. 1). The same document defines this provision as non-amendable (Art 79). The Oviedo Convention (1997), which was the first legal document with human dignity in its title,<sup>8</sup> acknowledged (referring specifically to the context of biomedicine) that human dignity must be ascribed to every human being, something which had indeed already been a provision of international law for several decades [see the UN Universal Declaration of Human Rights (UDHR) 1948: Art. 1, or both UN covenants on human rights (1976),<sup>9</sup> which also state that rights derive from the inherent dignity of the human person (the Preambles)]. Furthermore, human dignity is recognized as inviolable in the Constitution of Finland (1999: Art. 1), in the Constitution of South Africa (1996: Art. 1) as the fundamental legal value, and in the Constitution of Poland as intact (*unantastbar*), inborn, inalienable, and as the source of rights (1997: Art. 30). In the Constitution of Serbia (2006: Art. 19), human dignity is defined as intact and as the *telos* of human rights, in the Constitution of Andorra (1993: Art. 4), dignity is also recognized as intact as well as the basis of human rights, in the Constitution of the Czech Republic (1992: Preamble), it is addressed as an intact (*unantastbar*) value, etc.

Third, Ricoeur managed to contextualize dignity alongside the ideas of finitude, narrative, incompleteness, fragility, existing bodily, feeling, passivity, and suffering, thereby adapting and alleviating some of the faults of the influential discourse on rationality, subjectivity, immateriality, and the absolute, which have had a significant impact on the development of this idea. Such a modified discourse on dignity corresponds more aptly to certain important aspects and trends of the present-day legal use of the concept.

Being most prominently invoked and elaborated upon in the philosophy of Immanuel Kant, the idea of human dignity continuously reflected the subject–object dualism present in his writings (Franeta 2015: 166–178). The so-called object formula—“human dignity is being violated when a particular human being is degraded to the status of the object, mere tool, replaceable quantity” (Maunz–Dürig 1958: 15)—which has been utilized by lawyers attempting to specify more precisely the meaning of human dignity (Herdegen 2010: paragraph 36), also testifies to this

<sup>8</sup> The Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine.

<sup>9</sup> The International Covenant on Civil and Political Rights (ICCPR) (1976) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1976).



influence. Not only scholarly interpretations but also the German Federal Constitutional Court have relied upon this formula in their decisions (authored by German constitutional lawyer and scholar Gunter Dürig)<sup>10</sup> (Herdegen 2010: paragraph 36). There was (and still is) a need to break from this dualistic resonance and to conceive of what otherwise constitutes a human being. This need did (and does) not originate only from the simplified ontology that opposes humans and all other beings, but it was (and is) also necessary in order to help in resolving the perplexities originating from the sometimes unclear meaning of the *degrading of someone to the status of object* of Dürig's formula, as well as in order to more readily recognize that the lack of adequate life conditions can easily annihilate the triad of esteem, respect, and recognition. In Ricoeur's words, there is a need to recognize the fragility of the human being clearly and in its breadth.

It appears that the present-day legal use of dignity is clearly on its way to making this transition. This tendency can be observed from the earliest uses of human dignity in law associating dignity and economic order (Franeta 2015: 20), although the intact core of the protection of dignity in such cases was often much more narrowly defined, understood, and interpreted. Over time, the general nexus of economy and dignity has been translated into an existential minimum [for example, the UDHR 1949: Art 22–23; the decision of the Federal Constitutional Court of Germany (BVerfGE) *Steuerfreies Existenzminimum* (Tax-free Minimum Subsistence Level) BVerfGE 82, 60 on 29th May 1990; *Hartz IV/Arbeitslosengeld II* (Unemployment Benefits II) BVerfGE 125, 75 on 9th Feb 2010], and subsequently into a dignitary minimum [BVerfGE, 1 BvL 10/10 on 18th July 2012; the Constitution of Slovakia (1992: Art. 36)], dignity at work (for example, the Constitution of Portugal 1976: Art. 59; the EU Charter 2009: Art. 31), etc. The connections between education and dignity have also been established (for example, ICESCR 1976: Art. 13), as have the connections between health and dignity (for example, the already mentioned Oviedo Convention). Bodily care and needs are also starting to be regarded as dignity-relevant issues: there have been decisions recognizing that the protection of human dignity includes guarantees of respectfully taking care of those who are not capable of looking after themselves (Bedford 2019: 8–11). Furthermore, such an application of dignity, being to an extent alleviated from the subject–object dualism, also enables one to attribute dignity to some of those individuals who are not considered fully rational. This is the case with the UN Convention on the Rights of the Child (Art. 28, 37), which enables the taking into account of the consequences of social and interpersonal influence upon children's developing self-esteem (dignity), and with the UN Convention on the Rights of Persons with Disabilities, which in Articles 1 and 3 calls for the respect of the inherent dignity of all persons with disabilities, including those with mental disabilities.

Fourth, in Ricoeur's account narrative aspects of human dignity are clearly laid bare. By emphasizing human narrativity, Ricoeur also managed to reinforce both the fragility of self and its individuality. He explained that dignity was deeply connected

<sup>10</sup> Extensively, on Kant's and Dürig's understanding of human dignity and their inherent problems therein: Franeta 2015: 107–110; 166–194; Franeta 2011: 825–842.

with the capability to posit oneself in the form of a specific narrative that was always one's own. Some legal scholars have already built upon this idea in the context of law. For instance, Jeremy Waldron has claimed that the general idea of procedural law is to protect dignity by enabling one to assert their own story (Waldron 2009, 2012: 210–212). In other words, the legal procedure is anchored in the principle *audiatur et altera pars* and in creating an opportunity for both sides to present their own positions and reasons. David Luban (Luban 2005: 839f.) even defines the purpose of the legal profession as the protection of the client's dignity by giving the individual's own story its due in the appropriate legal context. Put differently, the role of the lawyer is to enable one's client to be a first-class citizen by upholding the client in articulating the individual's own narratives.

Furthermore, the understanding of dignity as an *existential* in Ricoeurian fashion enables the transcending of the troubling alternative relation—feature. Some authors insist that dignity is basically a relation of respect, while others regard dignity as certain worthwhile characteristics of a human being, thus imbued with inherent value. The first interpretation focuses on the acts of humiliation, degradation, or respect, while the second emphasizes what enables such relations: mind, autonomy, reason, etc. From the more liberal point of view expounded above, dignity is both: it is a capacity intrinsically tied to relations with others. By transcending this dualism, it becomes obvious that protecting dignity means both prohibiting and empowering some types of relations and enabling and strengthening some capabilities. The first of these implications is currently being recognized by all those contemporary international treaties, constitutions, and pieces of legislation which call for respecting human dignity as a prohibition of torture, of certain punishments, of discrimination, of degrading treatment, of harassment, and of mobbing, such as the UDHR, the Geneva Conventions and its later Protocols (1949; 1977), the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), etc. The second facet has been, and is currently being, established in those dictates of law already referenced in preceding pages which connect dignity with the right to education, the right to work, the right to health, or, more generally, with the group of social, cultural, and other second or third generation rights.<sup>11</sup>

Despite Ricoeur not having the ambition to create a theory of human rights (or a legal theory), nor providing one explicitly, such an understanding of dignity distanced him from those ideas that had promoted narrower interpretations of dignity (for instance, Herdegen 2010: paragraphs 22, 25) and moved him closer to those authors that have construed human dignity in a wide sense (for instance, Maihofer 1968: 37ff. or, Habermas 2011: 16–17, 19). It also pushes his approach especially close to those who have attached human rights and dignity to a flourishing of human capabilities (Nussbaum 1997: 275; Sen 1979: 218), and to who (Sen) he also directly

<sup>11</sup> The term second generation rights most often refers to the so-called positive rights (a term introduced by Georg Jellinek 1979: 87ff.)—the right to education, the right to work, etc., while the third generation rights—still a contested concept—are held to include the right to a healthy environment, the right to natural resources, the right to participation in cultural heritage, the right to the cosmos, the rights to intergenerational equity, etc.

referred in his last work (Ricoeur 2005: 135; 141ff.). Ricoeur explicitly left behind the procedural approaches to law and rights [perhaps the most elaborated critique being that of Rawls (Ricoeur 2000: 50–57)] and made a resolute recourse to the theme of positive liberty<sup>12</sup> (Ricoeur 2005: 148).

Finally, identified as an *existentielle*, dignity is described as an inherently wide and unfinished idea, which corresponds both to some of the existing general assessments of it (Waldron 2013: 7) and to its place in many contemporary constitutions [for instance, the German *Grundgesetz*, the Basic Law of Israel (1992), the Swiss Constitution (1999)], and international treaties, such as the UDHR, both UN Covenants, etc. Indeed, the present-day long list of legally identified acts that violate dignity—the denial of rights, discrimination, insults, or exclusion, the violation of privacy, the violation of integrity, torture, etc.—remains hardly a definite or final one.

Despite the clear enhancement provided to the concept of human dignity by the described understanding, there are several latent problems which could be identified. In the following paragraphs I will outline those that appear to be the most troubling.

First, despite Ricoeur describing human dignity as the purpose and essence of law—just as many contemporary legal documents define it—his account of dignity is not particularly *operable* in the realm of law. For instance, it cannot provide an answer to the questions of when can violating dignity be tolerated and when not, and what amounts to the trivialization of dignity. This is a significant issue for the application of law. Legal scholars have already warned that approaches which are too broad could easily lead to manipulative rhetoric and arbitrary decision making in courts (Herdegen 2010: paragraph 36), as well as that requests for the protection of dignity must be prevented from being trivialized [transformed into banalities (“kleine Münze”) Dürig 1958: 11], and thus pushed into the inherently faulty and vacillating realm of taste and caprice. Added to this, Ricoeur’s descriptions also cannot resolve the difficulties of the notorious dignity versus dignity problem. This is another relevant issue discussed in legal literature and in the courts (Tiedemann 2006: 145ff.). When dignity is understood as the anchor and essence of various rights, it is highly difficult to decide which of the different rights deserves protection when they come into conflict. These gaps in Ricoeur’s approach are partly related to the existential grounding of dignity itself and to the certain indefiniteness of the existentialists’ perspective and jargon which resists being fully transcribed into any specific legal vernacular.

Second, while Ricoeur’s existential grounding and phenomenological descriptions of self and dignity place an important emphasis on passivity, finitude, bodiliness, and fragility, they still seem to posit an anthropocentric boundary that might not be so firm in reality. Put briefly, what about those who are not at all able to narrate or are only minimally able to do so, such as those in advanced stages of dementia? What about non-human animals? Does this approach render to them the identity

<sup>12</sup> He explicitly addressed Isaiah Berlin’s notorious difference between negative and positive liberty (freedom from external restraint and capacity to act upon free will) with the intention to show that recognition and dignity could not be realized upon the grounds of this strict division.

of *idem*? This problem is obviously closely connected to the place of language in all hermeneutic philosophies, including in Ricoeur's opus—sometimes even termed “carnal hermeneutics” (Kearney 2015: 186) in order to underscore his emphasis on the flawed dualism of body and soul—strictly relying on the concept of narrative and therefore partly dismissing the broader topic of non-verbal communication and consciousness. Related to this issue in a broader sense is a still ongoing debate which includes and raises various interrelated, yet distinct questions and arguments, such as: the claim that the narrative is not the core of the self, but rather that there are some more elementary forms of experience comprising the so-called minimal self; the idea that there is implicit narrativity; the question of whether an unintelligible narrative renders one a non-person, etc. (Summa and Fuchs 2015: 388f.; Jongepier 2016: 61; Plantikow 2008: 102).

Third, it appears that the relation of the concepts of self-esteem and “my” esteem needs to be further developed. It has been noted that in his earlier writings Ricoeur considered opinion and belief to be the epistemological basis of esteem, while he later introduced the concept of attestation<sup>13</sup> as its specific epistemological foundation. It seems that the relation of self-esteem and “my” esteem could in reality be more complex than Ricoeur was ready to recognize in his later writings. Some authors have already noted that Ricoeur did not “even mention the expressivist issue of recognizing oneself in one's achievements” (Laitinen 2011: 44). Indeed, this difference between self-esteem and “my” esteem enabled him to avoid conflating honor and dignity, a distinction particularly important for contemporary law and modern accounts of dignity. These accounts have been built upon the opposition of human dignity to ancient *dignitas*, symbolizing the society of rank (Pöschl and Kondylis 2004: 637–645) and honor as a relative category, in which only some people were ascribed with dignity, legal subjectivity, and rights. Yet, despite this important issue, the problem with self-esteem and “my” esteem lingers; is there truly a cleft between the two, and if so to what degree? Also, is the relation between our capabilities, achievements, failures, and capable and incapable self a more complex one?

Finally, the *level metaphor* which Ricoeur employs to capture the phenomenon of human dignity – the teleological, deontological, and prudential levels—is not an ideal one. The image of levels seems to imply a chronological ordering among them, with gaps or unclear linkages present in relations between, and in transitions from, one to another. More complementary or suitable manners of depicting esteem, respect, and recognition as basic manifestations of human dignity and their deep interrelatedness could still be found.

<sup>13</sup> The concept of attestation has been a focus of academic analysis and debate over the last two decades. While certain authors think that Ricoeur's concept of attestation in the end boils down to Heidegger's anti-scientific *alētheia*, others claim it is a misconception and interpret attestation as a subtler, not anti-scientific, understanding of truth (Purcell 2013: 140, 149ff.), placing the concept ultimately close to the idea of trustworthiness (Romano 2016: 44), or even situating Ricoeur's later definition of attestation as transformed into recognition (Marcello 2011: 112).

## Conclusion

There have been many views touching on human dignity originating from political and legal discourses, literature, philosophy, everyday life, etc. Yet, there have been surprisingly few attempts to develop a comprehensive phenomenology of human dignity that captures the actual experience of this phenomenon and its constitutive figures.

Through his various writings on self, recognition, and justice, Paul Ricoeur partially remedied this deficiency. He distinguished and recognized self-esteem, self-respect, and recognition as existing forms or patterns of experiencing human dignity and explained their differences, dynamics, and mutual dependence. He explained self as bodily, narrative, plural, active, passive, and fragile and therefore alleviated certain sharp-edged distinctions sometimes associated with the idea of human dignity. By underscoring the importance of the phenomenon of self-esteem, he laid the foundation for a profoundly existential grounding of dignity: he identified human dignity as a universal and inevitable axis of the human experiencing of the world, as an individually marked matrix through which we intrinsically and perpetually feel, act, and understand.

Undoubtedly, Ricoeur's descriptions of dignity are not beyond criticism. First, they are not easily gathered into a united and condensed picture, as the topic of human dignity was not systematically approached in his writings in an explicit way. The descriptions of self-esteem, self-respect, and recognition are scattered throughout his various works and are too often vague and only loosely connected. Furthermore, there are other thorny issues raised in this paper, such as the problem of the dubious anthropocentric boundaries which narrative theories seem to imply, or of the incommensurability of the existentialist and legal discourses.

Still, the lacking phenomenology of human dignity makes Ricoeur's enterprise highly relevant, despite its deficiencies. There is clearly a need for a comprehensive view of human dignity, and it is not to be expected from legal theory. Such a view has to capture the experience of human dignity while taking into account the ontological, ethical, and legal significance of this phenomenon. To that effect, the phenomenology of human dignity is not necessarily a rival position to legal discourses. It could rather be a complementary view, which would prevent the narrowing down of dignity to certain jurisdictionally limited, gerrymandered, or reductive legal concepts of dignity. With his nuanced figures of self-esteem, self-respect, and recognition, Ricoeur has already made a significant contribution to this awaited work.

**Acknowledgements** The E-discussions with my colleague, Michael George, inspired me to examine in detail the later works of Paul Ricoeur.

## References

- Allais, L. (2012). Restorative Justice, Retributive Justice, and the South African Truth and Reconciliation Commission. *Philosophy and Public Affairs*, 39(4), 331–363.
- Alexy, R. (1994). *Theorie der Grundrechte [Theory of Basic Rights]*. Frankfurt am Main: Suhrkamp.
- Arendt, H. (1998). *The Human Condition*. Chicago/London: The University of Chicago Press.
- Barak, A. (2015). *Human Dignity: The Constitutional Value and the Constitutional Right*. Cambridge: Cambridge University Press.
- Bedford, D. (2019). Human Dignity in Great Britain and Northern Ireland. In P. Becchi & K. Mathis (Eds.), *Handbook of Human Dignity in Europe* (pp. 319–362). Heidelberg: Springer International.
- Connolly, J. (2007). Charting a course for recognition: a review essay. *History of the Human Sciences*, 20(1), 133–144. <https://doi.org/10.1177/0952695107074673>.
- Dürig, G. (1956). Der Grundrechtssatz von der Menschenwürde. *Archiv des öffentlichen Rechts*, 8, 117–157.
- Dworkin, R. (2013). *Justice for Hedgehogs*. Cambridge, MA: Harvard University Press.
- Enders, C. (1997). *Die Menschenwürde in der Verfassungsordnung [Human Dignity in the Constitutional Order]*. Tübingen: Mohr Siebeck.
- Franeta, D. (2011). Ljudsko dostojanstvo između pravnodogmatičkih i filozofskih zahtjeva [Human Dignity between Legal-Dogmatic and Philosophical Demands]. *Filozofska istraživanja*, 124(4), 825–842.
- Franeta, D. (2015). *Ljudsko dostojanstvo kao pravna vrednost [Human Dignity as Legal Value]*. Beograd: Centar za izdavaštvo Pravnog fakulteta Univerziteta u Beogradu.
- Gadamer, H.-G. (2004). *Truth and Method*, revised trans. Weinsheimer, J. & Mar, D. G. London/New York: Continuum.
- Greisch, J. (2006). Vers quelle reconnaissance? *Revue de métaphysique et de morale*, 2(50), 149–171.
- Habermas, J. (2011). *Zur Verfassung Europas. Ein Essay*. Berlin: Suhrkamp.
- Heidegger, M. (2001). *Being and Time*, trans. Macquarrie, J. & Robinson, E. Oxford UK/Cambridge USA: Blackwell.
- Herdegen, M. (2010). Kommentierung zu Art. 1 GG. In: Maunz Theodor et al. (Ed.), *Grundgesetz Kommentar [Commentary on the Constitution]*. München: C. H. Beck, Loseblattsammlung.
- Jellinek, G. (1979). *System der subjektiven öffentlichen Rechte*. Aalen Scientia: Verlag.
- Jongepier, F. (2016). Towards a constitutive account of implicit narrativity. *Phenomenology and the Cognitive Sciences*, 15(1), 51–66. <https://doi.org/10.1007/s11097-014-9368-9>.
- Joy, M. (2015). Paul Ricoeur: from hermeneutics to ethics. *Journal of Chinese Philosophy*, 42(1–2), 125–142.
- Joy, M. (2016). Ricoeur from fallibility to fragility and ethics. *Symposium*, 20(1), 70–90.
- Joy, M. (2018). Ricoeur's affirmation of life in this World and his journey to ethics. *Études Ricoeuriennes / Ricoeur Studies*, 9(2), 104–123. <https://doi.org/10.5195/errs.2018.451>.
- Kant, I. (2017). *Groundwork for the Metaphysics of Morals*, <https://www.earlymoderntexts.com/assets/pdfs/kant1785.pdf>. Accessed 25 November 2019.
- Kearney, R. (2015). Ricoeur's Wager of Flesh: Between Phenomenology and Hermeneutics. In: Savage R. (Ed.), *Paul Ricoeur in the Age of Hermeneutical Reason. Poetics, Praxis and Critique* (pp 179–190). Lanham/Boulder/New York/London: Lexington books.
- Kearney, R. (2016) Thinking the Flesh with Paul Ricoeur. In: Davidson S., Vallée (Eds.), *Hermeneutics and Phenomenology in Paul Ricoeur* (pp 31–42). Switzerland: Springer.
- Laitinen, A. (2011). Paul Ricoeur's surprising take on recognition. *Études Ricoeuriennes / Ricoeur Studies*, 2(1), 35–50. <https://doi.org/10.5195/errs.2011.57>.
- Luban, D. (2005). Lawyers as upholders of human dignity. *University of Illinois Law Review*, 3, 815–845.
- Maihofer, W. (1968). *Rechtsstaat und menschliche Würde [Rechtsstaat and Human Dignity]*. Frankfurt am Main: Klostermann.
- Maihofer, W. (1993). Recht und Personalität [Law and Personality]. In: Haft, F. V. (Ed.), *Schrfagerechtigkeit. Festschrift fuer Arthur Kaufmann zum 70. Geburtstag* (219–248). Heidelberg: C. F. Müller.
- Marcello, G. (2011). Paul Ricoeur and the Utopia of mutual recognition. *Études Ricoeuriennes/Ricoeur Studies*, 2(1), 110–133. <https://doi.org/10.5195/errs.2011.69>.
- Maunz–Dürig, (1958). *Grundgesetz: Kommentierung der Artikel 1 und 2 Grundgesetz von Günter Dürig*. München: Verlag C. H. Beck.
- Nussbaum, M. (1997). Capabilities and human rights. *Fordham Law Review*, 66(2), 273–300.

- Plantikow, T. (2008). Surviving personal identity theory: recovering interpretability. *Hypatia*, 23(4), 90–109. <https://doi.org/10.1111/j.1527-2001.2008.tb01435.x>.
- Ponty, M. M. (2005). *Phenomenology of Perception*, trans. Smith, C. London/New York: Routledge.
- Pöschl, V., & Kondylis, P. (2004). Würde. In O. Brunner (Ed.), *Geschichtliche Grundbegriffe. Historische Lexikon zur politisch-sozialen Sprache in Deutschland* (Vol. 7, pp. 637–677). Stuttgart: Klett-Cotta Verlag.
- Purcell, S. (2013). Hermeneutics and truth. From Alētheia to attestation. *Études Ricoeuriennes / Ricoeur Studies*, 4(1), 140–158. <https://doi.org/10.5195/errs.2013.156>.
- Ricoeur, P. (1975). Philosophical hermeneutics and theological hermeneutics. *Studies in Religion*, 5(1), 14–33.
- Ricoeur, P. (1986). *Fallible man*, revised trans. Kelbley, C. New York: Fordham University Press.
- Ricoeur, P. (1990). *Soi-meme comme une autre [Oneself as Another]*. Paris: du Seuil.
- Ricoeur, P. (1992). *Oneself as Another*, trans. Blamey, K. Chicago/London: The University of Chicago Press.
- Ricoeur, P. (2000). *The Just*, trans. Pellauer, P. Chicago/London: The University of Chicago Press.
- Ricoeur, P. (2005). *The Course of Recognition*, trans. Pellauer, D. Cambridge MA & London: Harvard University Press.
- Ricoeur, P. (2007). *Reflections on the Just*, trans. Pellauer, D. Chicago/London: The University of Chicago Press.
- Romano, C. (2016). Identity and selfhood: Paul Ricoeur's contribution and its continuations. In: Davidson S., Vallée M.-A. (Ed.), *Hermeneutics and Phenomenology in Paul Ricoeur* (43–59). Switzerland: Springer: DOI: [https://doi.org/10.1007/978-3-319-33426-4\\_4](https://doi.org/10.1007/978-3-319-33426-4_4)
- Sen, A. (1979). *Equality of What? The Tanner Lecture on Human Values*. [https://www.ophi.org.uk/wp-content/uploads/Sen-1979\\_Equality-of-What.pdf](https://www.ophi.org.uk/wp-content/uploads/Sen-1979_Equality-of-What.pdf) Accessed 11 July 2020.
- Summa, M., & Fuchs, T. (2015). Self-experience in Dementia. *Rivista internazionale di filosofia e psicologia*, 6(2), 387–405. <https://doi.org/10.4453/rifp.2015.0038>.
- Tiedemann, P. (2006). *Was ist Menschenwürde? [What is Human Dignity?]*. Darmstadt: WBG.
- Waldron, J. (2009). *Dignity, Rank and Rights*. [https://tannerlectures.utah.edu/\\_documents/a-to-z/w/Waldron\\_09.pdf](https://tannerlectures.utah.edu/_documents/a-to-z/w/Waldron_09.pdf). Accessed 25 November 2019.
- Waldron, J. (2012). How law protects dignity? *The Cambridge Law Journal*, 71(1), 200–222.
- Waldron, J. (2013). Is Dignity the Foundation of Human Rights? *New York University Public Law and Legal Theory Working Papers*.
- Williams, R. (2008). Ricoeur on recognition. *European Journal of Philosophy*, 16(3), 467–473. <https://doi.org/10.1111/j.1468-0378.2008.00315.x>.

## Legal acts

- BVerfGE 82, 60 on 29th May 1990
- BVerfGE 125, 75 on 9th Feb 2010
- BVerfGE, 1 BvL 10/10 on 18th July 2012
- The Charter of Fundamental Rights of EU (2009)
- The Constitution of Andorra (1993)
- The Constitution of the Czech Republic (1992)
- The Constitution of Finland (1999)
- The Constitution of Poland (1997)
- The Constitution of Portugal (1976)
- The Constitution of Serbia (2006)
- The Constitution of Slovakia (1992)
- The Constitution of South Africa (1996)
- The German *Grundgesetz* (1949)
- The Basic Law: Human Dignity and Liberty, Israel (1992)
- The Federal Constitution of the Swiss Confederation (1999)
- The UN International Covenant on Civic and Political Rights (1976)
- The UN International Covenant on Economic, Social and Cultural Rights (1976)
- The Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine (The Oviedo Convention) (1997)

---

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)  
The UN Convention on the Rights of Persons with Disabilities (2006)  
The UN Convention on the Rights of the Child (1989)  
The UN Universal Declaration of Human Rights (1948)

**Publisher's Note** Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.