

**INTERDISCIPLINARY PERSPECTIVES  
ON HUMAN DIGNITY AND  
HUMAN RIGHTS**

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# **INTERDISCIPLINARY PERSPECTIVES ON HUMAN DIGNITY AND HUMAN RIGHTS**

EDITED BY

**HODA MAHMOUDI AND MICHAEL L. PENN**



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# Introduction

*Hoda Mahmoudi*

## Human Dignity: A Notion Defined, A Defining Notion

Human dignity defines us. It shapes a narrative of who we are, who we were, and who we may become. It grapples with ideas of autonomy, spirituality, rights, responsibilities, and the individual versus the collective. Defining human dignity provides a means of defining the basic nature of our humanity – a way of answering the “big” questions. The search for these answers has captivated every tribe, culture, and nation, and continues to do so today.

But though it is one of the most important topics of our age – and of ages past – it is also one of the most difficult subjects to discern, describe, or define. It can be elusive and squishy. But though it’s meaning and messages are challenging to enumerate, its importance is beyond question. This is because the concept of human dignity lies at the fault line of our greatest moral and ethical challenges. The idea that there is something indivisible and irreducible about the human species, and the concomitant demands and responsibilities that this idea confers on individuals, communities, and states surrounds the debate of every critical societal challenge. Though we may not always view it as such, human dignity – the sense of what is right, decent, proper, moral, and ethical about how we relate to one another – frames all the great questions about our human experience.

## Human Dignity: A History

In the Western world prior to 1900, human dignity was associated with the works of Kant, the writings of the French Revolution, and Catholic social thought<sup>1</sup> (particularly the papacy of Leo XIII 1878–1903; [Beitz, 2013](#)). To Kant, human dignity and freedom were intrinsic to all human beings – a status that placed human beings above all others. In this sense human dignity is inviolable – it cannot be taken away based on one’s actions. In the writings of the French Revolution dignity was a responsibility enacted, a code lived-out, and an inner garden

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<sup>1</sup>See *Rerum Novarum*, Encyclical of Pope Leo XIII on Capital And Labor. [http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum.html](http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html).

cultivated. To Catholics, the intrinsic dignity of all human beings was a God-given attribute – its presence was always in line with God’s gift and God’s providence.

Before the twentieth century, the word dignity was not a part of the language of law or jurisprudence. Dignity was originally mentioned in the Constitutions of the Weimar Republic (1919), Portugal (1933), and Ireland (1937). After World War I, human dignity was still mostly absent from human rights documents. Dignity does not appear in the H. G. Wells’ famous influential work, *The Rights of Man*, nor is it mentioned in Franklin Roosevelt’s “Four Freedoms” speech. However, between 1943 and the post-World War II period, human dignity begins to appear in a variety of documents describing human rights. But, as the scholar Charles Beitz explains,

it seems more realistic to regard the project of producing a conception of human dignity, understood as a ground or feature of human rights, as a matter of constructive interpretation rather than as an effort to give an account of an idea of human dignity implicit in the framing of postwar human rights.

In the 1945 Charter of the United Nations, human dignity was linked to human rights:

We the peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ....<sup>2</sup>

Human dignity was invoked in the *Universal Declaration of Human Rights* by the United Nations General Assembly in 1948. Here, dignity was given the following dual attributes: inherent *dignity*, *dignity* and worth, *dignity* and equality, *dignity* and rights, *dignity* and freedom, and *dignity* and personality.<sup>3</sup>

## Defining Dignity, Defining Rights: Vectors and Geographies of Dignity

Human dignity can be examined from a perspective of history, philosophy, politics, law, or religion. It can be researched by historians, sociologists, philosophers, anthropologists, and judges. It can be considered by individuals working in conflict zones. It can be pondered by ordinary citizens facing their own lives and challenges. It can be studied by psychologists, psychotherapists, and social workers. It can be invoked by pastors, imams, and rabbis.

Human dignity’s form, once defined, can give rise to its function. One’s conception of human dignity will shape whether one believes it to be a universal

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<sup>2</sup><http://www.un.org/en/sections/un-charter/un-charter-full-text/>.

<sup>3</sup>Italics are added. <http://www.un.org/en/universal-declaration-human-rights/>.

need, a fundamental human characteristic, a state of mind, an emotional condition, or a political right. These forms lead to functions that emphasize dignity as a philosophy of thinking, a prescription for action, a form of human capital, a political principle, a strategy of economic redistribution, or a fundamental driver of human capability.

Within the academy, some scholars have suggested that the concept of human dignity is indefinable. Others argue that human dignity is an abstract concept with multiple possible meanings. Some scholars locate human dignity as a prerequisite human right. Still, other scholars claim that human dignity is conferred on people by law and is, therefore, a legal status.

Yet nowhere are discussions about human dignity more animated than when exploring its meaning in relation to human rights. Take, for example, Remy Debes' (2009) argument about human rights and human dignity.

[T]he difference between rights-denial and dignity-denial is a chasm. We bandy about the claim that slavery was an insult to human dignity, but we must realize that if it was, it was not the “mere” denial of rights to some group of people. That is not the relevant sense of “inhumanity” at stake, as if there was simply a problem of discrete (albeit vast in number) moral misjudgments about the value of persons. Slavery was an insult to dignity because it arguably *obliterated* persons: it erased them from the *space* of value. This is not only wrong, but vile. Similarly, in the case of Jewish genocide ... what began as a demonizing depression of Jewish agency and corresponding suppression of rights ended in a more radical depersonalization. It became something different, something not explicable in conventional moral terms, but needing new conceptual powers that “dignity” and its “annihilation” perhaps provide.

To enlarge on the problematic nature of linking human dignity to human rights, Debes draws upon Alexander Hamilton's criticism of the United States Bill of Rights. “One could argue,” Debes (2009, p. 55) points out, “that more power is actually reserved for persons by *not* specifying what powers they have – or in the case of dignity, what accounts for those powers.”

For, as Hamilton noted, once you specify, you create ‘handles’ for the forces of zeal. In particular, precedent is created in thinking that the specification is all there is – all the rights that *are*, or all that dignity *is*. Thus, Hamilton argued, if nothing is surrendered then everything is retained and there is ‘no need of particular reservations. (Hamilton, 1788)

The moral philosopher Doris Schroeder (2012) has noted how apart from the 1966 International Covenant on Civil and Political Rights (recognition that these rights derive from the inherent dignity of the human person), there is no

other legal document that makes a distinction made between human dignity and human rights. But, as Hamilton argued, a lack of specification does not necessarily indicate a lack of importance.

Other scholars are dubious about the connection between human rights and human dignity<sup>4</sup>; for many scholars and practitioners, the linking of dignity to human rights remains problematic at best. Bagaric and Allan are two of several scholars who raise major objections to using human dignity as a foundation for human rights. They argue that since human dignity is not clearly defined, “it is not at all clear how one can attempt to prove (or disprove) the worth of such a concept” (Bagaric & Allan, 2006). Accordingly, they argue, it difficult to uphold dignity as a foundation of human rights. This “empty nature of the concept of dignity” (Bagaric & Allan, 2006, p. 266), they argue, can be shown through the problem of euthanasia.

Opponents of euthanasia argue that deliberately killing a person violates their dignity. Proponents of euthanasia argue that not allowing a patient to die violates their dignity. Beyleveld and Brownsword (2001) maintain that:

the right to choose is a basic expression of one’s dignity and there is no more fundamental expression of one’s dignity than the right to make life-saving or life-terminating choice. Dignity ... is embedded in the right to choose itself, irrespective of the particular choice that one makes.

In this example, dignity is used “both as a vehicle to justify something as being important and as a means to extinguish it and thereby detract from its importance in the most direct fashion possible” (Bagaric & Allan, 2006, p. 267) The authors thus conclude that dignity “should be discarded as a potential foundation for rights claims unless, and until, its source, nature, relevance and meaning are determined” (Bagaric & Allan, 2006, p. 269). Others have concluded that the term dignity generates confusion since its meaning can be interpreted from a variety of perspectives; religious, philosophical, political, legal, or pragmatic (Schroeder, 2012). Michael Ignatieff (2001) finds the concept of dignity difficult to accept because of its multiple cultural expressions.

Rituals of sexual initiation, like genital cutting, for example, are linked to an idea of womanly dignity and worth. Likewise, ultra-Orthodox Judaism imposes a role on women that secular women find oppressive, but that religious women find both fulfilling and respectful of their dignity. So ideas of dignity that are supposed to unite different cultures in some shared attachment to human rights actually divide us.

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<sup>4</sup>See, Beitz (2013), Kretzmer and Eckart (2002), Bagaric and Allan (2006), Dworkin (2011), Waldron (2012, 2013), Kateb (2012), McCrudden (2008), Margalit (1996), Rosen (2012), Donnelly (1982), and Schroeder (2012).

For Ignatieff (2001, p. 165), the relationship between dignity and human rights stems from the classical European model of

republican citizenship, from the political conception of human beings as entitled to participate in the making of the laws that rule them, to deliberate freely over their meaning, and to be protected from the arbitrary exercise of power.

From this Western outlook, human rights declarations and agreements govern the relationship between citizens and the states within a democratic system. Ignatieff points out that those individuals who represent non-Western traditions may not identify with the Western conception of dignity. For example, identity with one's religion or tribe presents a challenge to individualistic notions of dignity.

Christopher McCrudden (2008) also believes that the concept of human dignity lacks a clear definition. Yet, he contends that this is not accidental. In his estimation, because the drafters of human rights covenants could not agree on what language to use, they purposely selected philosophical language like dignity to elide more difficult choices.

The theistic philosopher Andrew Gleeson (2014) argues that human dignity is “something very different from what we get if we focus on sentience, rational autonomy, flourishing and so on”. According to Gleeson, reverence for human life is not simply about autonomy, sentience, or flourishing, but should include the unborn, babies, the disabled, and those adults who have suffered terribly or experienced appalling humiliation.

And when we do focus on adult humans in a way that brings out the moral demands they make upon us, it is *not* their rationality, flourishing, sentience or even their moral qualities that bears the weight of those demands, but simply their *mortal vulnerability*, the very opposite of rational, autonomous flourishing. (Gleeson, 2014)

To expound on his perspective regarding human dignity, Gleeson turns to an example made by the philosopher Cora Diamond. Diamond in turn describes a scene from Dickens' *Our Mutual Friend*. Rogue Riderhood, our anti-hero, is collectively loathed. Pulled from the river Thames and presumed drowned, the townspeople gather around him in interest. Yet, Dickens describes a sense of empathy, amazement, and concern. Gleeson (2014, pp. 372–373) notes:

it seems little more plausible that his life and his death are the momentous things they are for them because of his capacities for rational autonomy or for flourishing or even the moral qualities. The discourse of these theories sit ill with the sense of solemn awe in face of the mysteries of life and death, the sense of being bound to Riderhood – this terrible man who normally so disgusts them – by a common condition, predicament or fate, that Dickens puts

front and center: ‘If you are not gone for good, Mr. Riderhood, it would be something to know where you are hiding at present .... If you are gone for good, Rogue, it is very solemn, and if you are coming back, it is hardly less so. Nay in the supreme and mystery of the latter question, involving that of where you may be now, there is a solemnity even added to that of death.

Gleeson (2014, p. 373) concludes that:

“[...] the awe that Dickens describes here is something very different from that excitement we can feel towards high intelligence and healthy flourishing, and other kinds of worldly success, an awe liable to resentment and envy and superiority, among other things. It is a sense of awe before something sublime, something uncanny, something humbling, and it is one very important instance of inter-human bonds of sympathy and fellow-feeling *that are among what I have called the moral qualities*. Before death, we are all equal. To shut someone out from companionship in the face of that enemy is the ultimate (moral) sanction.”

Herbert Spiegelberg (1971) elucidates the distinction to be made between “the ultimate dignity in man and the claims issuing from it, which can be violated in the sense of not being fulfilled, though they can never be annihilated.” Human dignity is not something that is achievable, rather it is inherent. Spiegelberg (1971) explains that “‘Losing one’s dignity’ in the sense of becoming deprived of it ... [is] something which the thesis of universal human dignity considers impossible.” Even when individuals lose their dignity through their own undignified actions, this does imply the loss of their dignity as a human being. Human dignity is an unchanging condition that applies equally to all human beings. Spiegelberg (1971) calls attention to the distinction that must be made between “the ultimate dignity in man and the claims issuing from it, which can be violated in the sense of not being fulfilled, though they can never be annihilated.”

The philosopher Doris Schroeder (2012) identifies no less than five different meanings for human dignity.

A. Inviolable dignity

- (1) Traditional Catholic dignity – Dignity is an inviolable property invested by God in all human beings, which makes each life sacred.
- (2) Kantian dignity – Dignity is an inviolable property invested in all rational beings due to their capacity for moral self-legislation. As dignity holders, rational beings have the right to exact always respect for their sense of purpose and self-worth.

B. Aspirational dignity

- (3) Aristocratic dignity – Dignity is the quality of a human being who has been invested with superior rank and position and acts accordingly.

- (4) Comportment dignity – Dignity is the outwardly displayed quality of a human being who acts in accordance with society’s expectations of well-mannered demeanor and bearing.
- (5) Meritorious dignity – Dignity is a virtue, which subsumes the four cardinal virtues and one’s sense of self-worth (p. 332).

Schroeder (2012) explains, “If we want to use dignity as the foundation of human rights *and* accord *all* human beings human rights, then only the Traditional Catholic<sup>5</sup> understanding of dignity is appropriate” (p. 332). Kantian dignity, Schroeder (2012) explains “excludes those who will never (re)gain rational faculties.” She objects to the use of dignity as the grounds for universal human rights and concludes, “proponents of universal human rights are better off looking for alternative frameworks to justify human rights rather than relying on the concept of dignity. However, there is one proviso.” This, according to Schroeder, would require the reversal of the relationship between rights and dignity such that dignity “informs the content of human rights. Those who formulate, pronounce and try to protect human rights would turn to empirical instances of dehumanization as experienced, for example, in Nazi Germany, or during the Cultural Revolution, or in Abu Ghraib, to refine their efforts” (Schroeder, 2012, pp. 333–334).

From this perspective, the real value in linking human dignity to human rights lies in our capacity to describe instances where human beings are subjected to humiliation and degradation; using empirical evidence to describe dehumanizing experiences suffered by individuals or groups allows advocates of human rights to develop measures to protect said individuals (Schroeder, 2012, see also Rao, 2008, 2011). Dignity may be conceived as an antidote to the destructive power of humiliation, dehumanization, and stereotyping. Yet, it may not be an antidote that works in all cases. There may occur moments so horrendous, so unimaginable, so unspeakable, that they challenge not only our concept of human dignity, but also our concept of humanity itself.

## Outside the Lines: Human Dignity and Human Evil

Examining the notion of human dignity when faced with unspeakable evil can be instructive. The horror of the Holocaust and its system of mechanized torture and murder challenges us and forces us to come face to face with the nature of human experience. One of the most uncomfortable questions the Holocaust raises – and there are many – is the following. Does it make sense to speak of positive human values any longer? Or to paraphrase Theodore Adorno – is discussing poetry after Auschwitz wrong? Are some evils so grand that its perpetrators permanently forgo any claim of humanity? Are there any moral victories in the face of incomprehensible destruction?

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<sup>5</sup>Schroeder notes that “other religions are likely to have equally tenable justifications at their disposal, as long as the justification is used only amongst believers.” Footnote, p. 332.

The Italian writer and Holocaust survivor Primo Levi describes the “at once stupid and symbolic violence” executed against those forced into concentration camps. He describes the

iniquitous use that was made (not sporadically but with method) of the human body as an object, an anonymous thing belonging to no one, to be disposed in an arbitrary manner. (Levi, 1986)

He reminds us of the “chosen individuals” – well-fed prisoners destined for the torture table – who needed to be healthy for the vile Nazi experiments.

This cruelty, typical and devoid of apparent purpose but highly symbolic, was extended, precisely because symbolic, to human remains after death: those remains which every civilization, beginning with remotest prehistory, has respected, honored, and sometimes feared. (Levi, 1986, p. 124)

He reckoned that “these were not human remains but indifferent brute matter, in the best of cases good for some industrial use” (Levi, 1986, p. 124).

The human ashes coming from the crematoria, tons daily, were easily recognized as such, because they often contained teeth and vertebrae. Nevertheless, they were employed for several purposes: as fill for swamp lands, as thermal insulation between the walls of wooden buildings, and as phosphate fertilizer; and especially notable, they were used instead of gravel to cover the paths of the SS village located near the camp, whether out of pure callousness or because, due to their origins, they were regarded as material to be trampled on, I couldn’t say. (Levi, 1986, p. 125)

What is one to make of such conditions? Does it make sense to discuss “dignity” when human beings burn other human beings? What is human dignity to the butchers butchered alike? These extreme conditions challenge the very nature of our definitions. But if it is difficult to imagine dignity in such conditions, it is also difficult to imagine *rights* in these circumstances as well. In imagining the Holocaust, what haunts us is not so much the loss of *rights*, but the total absence of the ability to preserve one’s *dignity*. The hellish nature of its poison is rooted not in the loss of constitutional order, but in the loss of moral order – in the scabrous nature of evil on display when all concern for human dignity is devoured.

But the Holocaust is not our only example of a grotesque system so horrid that it challenges our fundamental understandings of human nature. America’s history of slavery is rife with not only unpalatable incidents, but occurrences that drive a stake into what we understand about human dignity and humanity itself.

In 1856, more than a decade before Emancipation, Margaret Garner, an escaping slave, murdered her two-year-old daughter with a butcher knife. Her pursuers