

## **The concept of HUMAN DIGNITY and HUMAN RIGHTS**

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During an interview on human rights in a TV programme made almost ten years ago, the interviewer all of a sudden said that, so far as he could understand, I was establishing a connection between philosophy and torture, and asked me what this connection was. I was shocked. In a couple of seconds I tried to guess how he could have come to such a conclusion. My response was: there is no connection between philosophy and torture, still when you look at the fact of torture with philosophical-ethical knowledge, you can realize that torture does not damage, nor “degrade” the human dignity of the victim of torture, as is usually accepted –e.g. in the formulation of the title of the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”. It causes damage to the human dignity of the person who tortures. We protect or damage human dignity, but *o u r o w n* human dignity, by what we do and *n o t* by what we suffer, since we are responsible for what we do and *n o t* for what others do to us. What we do, or refrain from doing, depends on each of us, i.e. acting in accordance with human dignity in our relations with other human beings is a problem in our ethical relation with ourselves, in spite of the fact that our actions are directed to somebody else.

This is an incident that I often use within different contexts for different theoretical and practical purposes, still mainly in order to reverse the broadly accepted assumption that human beings *a r e* dishonored or degraded by the treatment they undergo; i.e. in order to call attention to the fact that we protect, or give damage to, human dignity –*our* human dignity– *n o t* by what we suffer, but by what we ourselves do.

This claim of mine is closely connected with the most basic aspect of human rights –their the ethical aspect – which is unfortunately neglected in the present debate on, and in the education of, human rights, which focus only on the legal aspects of human rights. Thus in spite of the fact that the term human dignity is often mentioned in connection with human rights, the point of the conceptual connection between human rights and human dignity is not sufficiently clear.

Here I shall try to show this point of connection, which lies also in the origin of single human rights, by clarifying the concept of human

rights and conceptualizing what we call human dignity (*dignité humaine, menschliche Würde, ανθρώπινη αξιοπρέπεια, insan onuru*) through the concept of the value of the human being. Then I shall also try to distinguish this concept of human dignity from other concepts with which is often confused in everyday life, such as honor (*honneur, Ehre, τιμή/υπόληψις, namus/onur*), and pride (*fierté, Stolz, υπερηφάνεια, gurur*) –a confusion which leads to the assumption that there are different perceptions of human dignity in different civilizations or cultures.

This latter is a difficult job, because such words have not always equivalents in different languages or, even if they have, these words have not always the same connotation.

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What are human rights?

What we call 'human rights' is first of all an idea, a conception of the human mind: the conception that human beings, because they are human beings –i.e. because they belong to a species, which, due to certain specificities that it possesses, has produced the bread we eat, has discovered the electricity we use every moment, has written *The Little Prince* which some of us read, has brought the idea of equity (εὐσυνείδησις) and the institution of *ombudsman*, which some countries establish etc., i.e. because it has achieved all these– should be treated in a special way, in a way that makes possible for a human being to actualize such potentialities of the human being. It should be treated in this special way, because in life, most human beings deprive other human beings of this possibility.

This is what the 1st article of the *Universal Declaration of Human Rights* intends to express, by stating that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". In this wording of the 1st article of the *Declaration* which, if I am not mistaken, is the only article which words the conception of human rights underlying the main international human rights instruments, we see the attempt to justify the equality in dignity and rights of all human beings by two natural

characteristics of t h e human being –one intellectual (reason) and one ethical (conscience)–, from which also t h e n e c e s s i t y to act towards one another “brotherly” is deduced: a l l human beings are e q u a l in dignity and rights **because** they are endowed with reason and conscience; and **because** they are endowed with reason and conscience they should a c t to one another in a spirit of brotherhood. Here we see that human rights are also conceived as principles of action as well.

Human beings should be treated, by other human beings, in a special way, in a spirit of brotherhood, still not as Cain and Abel treated each other. But how?

The subsequent 28 articles of the *Declaration* are an attempt to answer this how. And the two *International Covenants* and other similar international instruments are attempts –or intend– to put forward the conditions of the possibility of such a treatment, i.e. to put forward norms –basic “universal” norms– to be made effective in the arrangement of social relations: in legislation at various levels and in the administration of public affairs, so that individuals have the possibility to actualize –each one as much as he or she can– the potentialities of t h e human being, which I mentioned earlier.

What we call human rights are first of all e t h i c a l p r i n c i p l e s for the treatment of individuals, not only in the passive but also in the active sense. They are an attempt –still a very deficient attempt not only in practice but also in theory– to introduce e t h i c a l demands in social organization, in law and politics.

Put very briefly, human rights express, and demand the permanent creation of, the general conditions deemed necessary for the actualizability of certain potentialities of the human being.

This is an anthropological approach to human rights, based on a concept of value, according to which the value of the human being is understood as “the special place of t h e human being (as a species) among other living beings”, due to certain different or plus

specificities of the human being, besides those it shares with other living beings – specificities which also include its potentialities.

Human rights express the objective conditions of the actualizability of such potentialities which constitute the value of the human being as a species. Put forward as norms they tell us how each and every human being should treat, and be treated by, other human beings, so that he or she has the possibility to actualize such potentialities.

Thus, what we call ‘human dignity’ denotes the awareness of the value of the human being. It is this value that makes every human being worthy (*digne* in French) to be treated so as he or she has the possibility to actualize such potentialities of the human being and live in peace with himself or herself. It is the subjective correlative of the objective value of the human being.

Human dignity consists of the philosophical/anthropological knowledge of the value of the human species, i.e. the knowledge of certain of its specificities and of the achievements of the human species in history resulting from them and which secure its special place in the universe. This knowledge makes necessary for all those who possess it, to treat all human beings, whatever their other natural and contingent specificities might be, in accordance with this value –even those who ignore it. It is also this knowledge that helps an individual become conscious of being first of all a human being, become aware of his or her human identity –our only common identity–, whatever all his or her other identities might be.

Single human rights are practical implications of human dignity. They demand from all individuals a kind of treatment for all individuals, which protects the value of the human being. This is why clearly conceived human rights are “universal” norms.

This universality of human rights is what distinguishes them from cultural norms which differ from society to society and show changes in the same society, and consequently what distinguishes ‘human dignity’ from cultural conceptions of ‘honor’, which are usually –

though not exclusively- related to the different and changing value judgements (concerning what is good and bad) prevailing in different cultures, societies, religions etc.

In its most original sense 'honor' denotes the esteem paid to the worth or assumed worth of a n i n d i v i d u a l. This worth can consist of the ethical specificities of a person -of his virtues, as for example described in Aristotle's *Nicomachean Ethics*- i.e., the esteem paid may have an objective correlative and be based on the knowledge of the virtues of an individual; but it can also be considered to consist of the correspondence of an individual's behavior to the value judgements prevailing in a culture, i.e. to the ways or models of behavior and attitudes deemed "good" in a given society.

Thus while the content of the concept of human dignity consists of anthropological knowledge related to the nature of t h e h u m a n b e i n g , the concept of honor is related to the esteem of worth or assumed worth (of the image) of a n i n d i v i d u a l.

We can also see this difference between human dignity and honor especially by looking at cases of dishonor. You will perhaps remember of a statement of an Iraqi prisoner, reported in the press, who was tortured by USA soldiers. He said that he preferred to be given electricity, as it happened when he was arrested in Saddam's time, than to be obliged to stay totally necked in front of a wall, because the latter treatment d i s h o n o r e d him, while the former did not. Thus, though both ways of treatment ignore human dignity, the prisoner didn't f e e l dishonored when he was given electricity, but only when he was obliged to stay totally naked in front of others' eyes.

To protect human dignity, by what we do or refrain from doing, depends on each of us, while to be honored depends on others. Still by attempting to dishonor someone, i.e. to force him to see himself, and be seen, in a position in which he does not want to be seen (as in the case of the Iraqi prisoner), we give damage to human dignity which we share with him, whether he feels dishonored or not. To be

honored depends on others, who evaluate things in different ways, who, if not sufficiently equipped with ethical value knowledge, pay esteem/honor not only the honorable.

A honorable person is he who knows, or at least is aware of, what human dignity is and acts accordingly.

It is interesting that in English (and French) 'honesty' and 'honor' have the same etymon. Honesty can be conceived as the identity (the sameness) of what someone wants to realize by an action and what he carries out. In other words, it can be conceived as the necessary connection between what a person wants to be realized and what he does to somebody else in a given case. An honest person is a person who does to the others what he wants for them, and does not expect, from what he does to somebody else, something "to return" to himself –to use Kant's words, who does not treat the others as means. He is one who protects human dignity. Such a person is an honorable person, whether he is honored or not. He is honorable because he acts in accordance with human dignity.

I think that what differs from culture to culture is the conception of honor which is often conceptually confused with human dignity.

'Honor', as the esteem paid to worth or assumed worth, is also related to one's ethical relation with himself –as self-esteem or arrogance. Self-esteem is based on the knowledge of one's ethical virtues, arrogance on self-image, mostly shaped through the eyes of others. And this is the point where in certain cultures 'honor' is confused with 'pride'. In this case, if someone is treated, or assumes to be treated, by others in accordance with his self-image he feels proud, if not, he feels his pride hurtled or wounded.

Considered from the perspective of the individual: dignity is the subjective correlative –the individual's knowledge or awareness– of the value that individuals as human beings possess and can give damage only by what they themselves do; while honor or dishonor are feelings caused, in the light of self-esteem, by the way individuals are treated by others. Thus it is possible that an

honorable person treated in a way i n t e n d i n g , for some reason independent of himself, to dishonor him in others' eyes, does not feel dishonored, while another person treated in the same way does.

In the latter case we observe a confusion between honor and pride. From the perspective of the individual honor appears as an individual's feeling which has to do with the way he or she is treated by others who pay esteem to his or her ethical virtues –an esteem which corresponds to his or her s e l f - k n o w l e d g e. While pride is a feeling which has to do with an individual's relation with himself or herself, experienced when treated, directly or indirectly, in accordance with his s e l f - i m a g e.

Human rights have to do with human dignity –the knowledge of the value of certain potentialities of the human being, which also constitutes the major premises in the deduction of human rights norms. This is the reason why human rights are first of all ethical norms and universal norms, and consequently have to be carefully distinguished from cultural/social norms. And this is also why clearly conceived human rights should constitute the major premises in the deduction of positive law: because they express the conditions of the possibility of actualizing certain human potentialities and live a humane life in the active and passive sense.

This concept of human dignity put forward in its connection with human rights through the concept of the value of t h e human being, implies that it would be more appropriate to speak of different conceptions of honor in different societies or cultures, due to the different conceptions of the characteristics assumed to constitute the “worth” of a person, than of different conceptions of human dignity. How can human beings be equal in dignity and treated accordingly, if dignity is conceived differently in different cultures?

In the face of the different conceptions of the same ideas, we have to conceptualize these ideas philosophically. An appropriate way concerning how we can do this, we find in Plato's dialogue the *Meno* and Aristotle's *Nicomachean Ethics*. Thus, in the light of these conceptualizations we can evaluate such ideas, so that cultural

conceptions, and the norms formulated on the ground of these conceptions, are not given priority to human rights and so that we can avoid, as much as possible, that human rights are violated for the sake of cultural conceptions\*.

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