

HUMAN DIGNITY AND HUMAN RIGHTS: AN OVERVIEW

Dr. SHAMINA A ANSARI

ASSISTANT PROFESSOR

K S SCHOOL OF BUSINESS MANAGEMENT

GUJARAT UNIVERSITY

AHMEDABAD

E-MAIL: shamina4@gmail.com

MOBILE NO: 09327907903

Abstract

There are two most remarkable facets of Universal Declaration; Human Dignity and Human Rights. The Universal Declaration was formally adopted in 1948- in the aftermath of 2nd World War and is often viewed as the advent of Modern day Human Rights movement. All Human beings are born free and are equal in dignity and rights. In modern usage, Human Dignity represents 'Respect' and 'Status'.

The violation of Human Rights leads to violation of Human Dignity, which has multiple categories: rape, bonded labor, social exclusion etc. There is an increasing use of Human Rights framework to deal with ethical issues. However, Human Dignity alone cannot solve most of these issues; therefore Human Rights provide an effective and practical way to deal with such issues. In fact both are Universal and not necessarily in conflict with respect to present society comprising of Diversity.

KEY WORDS: Human Dignity, Human Rights, Issues and Universal.

INTRODUCTION

Human Dignity can be defined as, "An Individual or Group's sense of self-respect and self-worth, physical and Psychological integrity and empowerment". Human Dignity is inherent to every human being inalienable and independent of the State. Whereas Human Rights are rights inherent to all Human Being, regardless of race, sex, nationality, ethnicity, languages, religion, or any other status. Human Rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more.

The importance of Human Rights and the requirement to respect everyone's right is based on the notion of Human Dignity. Human Dignity is considered to be the foundation of Human Rights. All Human beings are born free and equal in dignity and rights.

History

Human Rights may be understood as an entitlement that Human Beings owe by virtue of their very innate and inherent dignity and Human Dignity is the Moral Heart of Human Rights.

Human rights strive to exist since the time of Jesus Christ who preached morality and The Christian New Testament taught equality before God. 613-632, Prophet Mohammad taught the principles of equality, justice and Compassion. Later on 1760 BCE, in Babylon King Hammurabi drew the 'Code of Hammurabi' an early legal document that promised to make justice reign in the Kingdom and promote welfare of the people. In India Gautama Buddha advocated morality, reverence for life, non-violence and right conduct. Further Britain's King John (1215) was forced by his lords to sign the Magna Carta, acknowledging that free men are entitled to judgment by their peers and that even a King is not above the law. In 1833 the British Parliament abolished the Slavery through Slavery Abolition Act.1948;

The term 'human rights' came into usage after the Second World War particularly with the founding of the United Nations in 1945. It replaced the phrase natural rights because it became a matter of great controversy

and the later phrase the rights of man was not understood universally to include the rights of women. It is common in political philosophy and among scholars to suggest that the antecedents of contemporary rights and liberties are of ancient origin. Many trace the historical origins of human rights to ancient Greece and Rome, where it is closely tied to the pre modern natural law doctrines of Greek Stoicism. The Roman jurist Ulpian declared that according to the law of nature, all men are equal and born free. The present concept of human rights can also be identified with early Christian philosophy or with the advent of medieval constitutionalism. For instance, Thomas Aquinas in the Thirteenth Century revived and expounded the classical doctrine that human dignity sets moral limits to political rule.

The United Nations adopted the Universal Declaration of Human Rights. Eventually in 2011 The United Nations adopted the United Nations Declaration on Human Rights Education and Training.

CONCEPTION ABOUT HUMAN DIGNITY

Human dignity means that an individual or group feels self-respect and self-worth. It is concerned with physical and psychological integrity and empowerment. "**Human dignity** is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities, or merits. Human dignity flows from an individual's capacity for self-authorship as defined by the set of expressive capabilities the individual enjoys. What makes the conception of dignity and the related model of rights, unique is, by detaching it from the classical liberal approach and linking it to a theoretical architecture that synthesizes the approaches of Roberto Unger and Amartya Sen. Dignity operates on a continuum rather than as a kind of transcendental status or socio legal rank. The quality of an individual's dignity is dependent on the individual's capacity for context transcendence through deploying what I call the individual's set of "expressive capabilities." The model of rights presented in the concluding sections unpacks how to respect and amplify dignity, among other things, by engendering a more just distribution of expressive capabilities. Dignity remains a theoretically well-contested topic, with some authors claiming that its philosophical ambiguity renders it an ultimately useless part of the moral lexicon. Dignity is stripped of religious connotations; and often it remains skeptical that it means something substantially different from autonomy or freedom as understood by many classical liberals. The best and most famous articulation of Kant's conception of dignity is probably given in his *Groundwork to the Metaphysics of Morals* (1785). In this seminal work, Kant developed a complex argument to the effect that all human individuals possess free will from the standpoint of practical reason and are therefore able to will their own independent ends. Moreover, this transcendental capacity to will our own ends is the central reason we are not just material objects in a value-free universe. The capacity to will our own ends is central to Kant's broader argument that practical (moral) reason demands that we submit our will to regulative categorical imperatives designed to direct our actions.

However, the Kantian conception has never been entirely satisfying due to its apparent insensitivity to socio historical and other empirical circumstances. Kant seems to simply assert that all individuals possess the transcendental capacity to will their own ends, regardless of the specific details of their lives. Whether this is true of his conception or not, a mono logically transcendental view, although inspiring in some respects, simply seems unrealistic after a point. For Dworkin, dignity is central to the moral framework He claims that respecting dignity involves realizing two social principles. The first is that all individuals should enjoy self-respect the second is that each individual should have an opportunity to live authentically.

Kateb's interpretation of the existential character of dignity is related to a unique existentialist interpretation of morality. Dignity serves two functions. Its directly existential function is to delineate the absolute independence and uniqueness of all individuals relative to one another. This has a conceptual independence from "instrumental practicality" and morality. This is not to say that it cannot be related, and that is indeed the next step Kateb takes. But his point is to emphasize that the existential function of dignity is to make us aware that our identity exists independent of any "suffering" or competing consequentialist concerns for which we might feel compelled to make sacrifices Both Dworkin and Kateb's conceptions of dignity are individualistic because they begin their account by analyzing its value for the individual. A second stream of authors who offer

conceptions of human dignity comprise what might be called the relational stream. Again this is often, although not exclusively, affiliated with various democratic and cosmopolitan thinkers.

After two hundred years of modern constitutional history, we have a better grasp of what distinguished this development from the beginning: human dignity forms the “portal” through which the egalitarian and universalistic substance of morality is imported into the law. The idea of human dignity is the conceptual hinge that connects the morality of equal respect for everyone with positive law and democratic law making in such a way that their interplay could give rise to a political order founded upon human rights.

The modern notion of human dignity involves an upwards equalization of rank, so that we now try to accord to every human being something of the dignity, rank, and expectation of respect that was formerly accorded to nobility.. If dignity exists in isolation from all other factors, why should it really matter in what contexts individuals live?

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Member states of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a Commission on Human Rights and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. On December 10, 1948; the Universal Declaration of Human Rights (UDHR) was adopted by the 56 members of the United Nations. The vote was unanimous, although eight nations chose to abstain. The UDHR, commonly referred to as the international Magna Carta, extended the revolution in international law ushered in by the United Nations Charter – namely, that how a government treats its own citizens is now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are interdependent and indivisible. There is no specific history about the origin of the idea of dignity. The German luminaire Immanuel Kant revolutionized the concept of dignity in 1785.

CONCEPTION ABOUT HUMAN RIGHTS

Human rights are historical in nature. They are legal inventions and institutional structures and respond to historical injustices and serious atrocities suffered by people, or which threaten them. It is useful therefore to first distinguish, both historically and systematically, different *conceptions* of human rights from a *concept* of human rights. I will distinguish three conceptions: national, international and transnational. Included in *national* conceptions are the human rights declarations of North America (1776) and France (1789). The starting event of the *international* conception is the Universal Declaration of Human Rights by the United Nations after the Second World War in 1948. And it can be argued that a *transnational* conception of human rights that better fits the globalised world and the already global developments in international law and governance is needed.

The concept of human rights can be understood as universal, incontrovertible and subjective. Human rights are universal since they belong to every human being without any distinction of ethnicity, race, gender, religion, or type of government. It is incontrovertible, that is, they are absolute and innate. Human rights are subjective as they are properties of individuals who possess them because of their capacity for rationality, agency and autonomy.'^ Today, the concept of human rights includes civil and political rights or public liberties, economic, social and cultural needs particularly with regard to development, the environment and self-determination. As said, it is the state's responsibility to protect and promote human rights. It is also the duty of the state to create conditions for peaceful existence which enable human rights to be enjoyed by every individual in that state. But with the increasing risk of violation of human rights resulting from the activities of the state as well as non-state actors, international law, whether in its universal or regional manifestation, also guarantees and promotes the enforcement and observance of human rights.

TYPES OF HUMAN RIGHTS

1. Individual (civil) rights
2. Rule of law

3. Rights of Political expression
 - i. Freedom of expression
 - ii. Economic and social rights
 - iii. Rights of Communities

THREE GENERATIONS (PHASES) OF HUMAN RIGHTS PHILOSOPHY

Enlightenment (17th-18th Century)

The first tier or "generation" consists of civil and political rights and derives primarily from the seventeenth and eighteenth-century political theories noted earlier which are associated with the English, American, and French revolutions. Think "life, liberty, and the pursuit of happiness." This approach favors limiting government by placing restrictions on state action. The rights set forth in Articles 2-21 of the [Universal Declaration of Human Rights](#) include: freedom from discrimination; freedom from slavery; freedom from torture and from cruel, inhuman, or degrading treatment; freedom from arbitrary arrest and detention; the right to a fair and public trial; freedom of thought, conscience, and religion; freedom of opinion and expression; and the right to participate in government through free elections.

Socialist tradition (19th century)

The second generation of rights broadens the primarily political focus of earlier views to include economic, social, and cultural rights. This view originates primarily in the socialist traditions of Marx and Lenin. According to this view, rights are conceived more in positive rather than negative terms, and thus encourage the intervention of the state. Illustrative of these rights are Articles 22-27 of the Universal Declaration of Human Rights. They include the right to social security; the right to work; the right to a standard of living adequate for the health and well-being of self and family; and the right to education.

The third generation of "solidarity rights" (20th century)

These views are a product of the rise and decline of the nation-state in the last half of the twentieth century. These rights have been championed by the Third World and remain somewhat controversial and debated. The specific rights include the right to political, economic, social, and cultural self-determination; the right to economic and social development and the right to participate in and benefit from "the common heritage of man

1.1. A critical model of human rights

Conception of dignity can be linked to a critical model of human rights. This is because, dignity operates on a continuum determined by individuals' sets of expressive capabilities, and that political structures should be reoriented to amplify these sets wherever possible. Dignity is normatively mobilized to transform the social contexts within which individuals pursue their interests and various life goals. Moreover, I also reject that immanent quality of many moral arguments that flow from the stream of thought that takes dignity to be inherent. This often results in a rather static form of moral reasoning, wherein political institutions and human rights should necessarily take the form an author thinks is important to respecting the inherent dignity of human beings. My model of human rights is oriented around the central idea that individuals should largely be authors of the political institutions that govern them.

BOTH GO HAND IN HAND

"Human dignity" is sometimes presented as a hopelessly vague notion that at best appears to provide some deeper foundation. "The concept of dignity is itself vacuous. As a legal or philosophical concept it is without bounds and ultimately is one incapable of explaining or justifying any narrower interests. The term is so elusive as to be virtually meaningless. The concept of human dignity does not give us enough guidance; it has different senses and often points us in opposite directions. Dignity is a fuzzy concept, and appeals to dignity are often

used to substitute for empirical evidence that is lacking or sound arguments that cannot be mastered. Admittedly, some uses of “human dignity” do indeed lack clear substance. I will argue, however, that this is an accidental feature of those uses rather than an essential feature of the concept. We thus need to move on to the other two conceptions, each of which has something to be said in its favor. Human dignity is often presented as rooted in some particular characteristic. Following Kant, autonomy and reason are frequently mentioned as the foundations of human dignity. In contemporary Christian accounts, the notion that human beings are created by and in the image of God is often appealed to as the substantive foundation of human dignity. Attributing human dignity involves, expressing an attitude of respect towards the humanity

The concept of human dignity originally emerged largely separate from idea of human rights. Kant, for example, often discusses the notion in the context of duties to oneself. Today, however, human rights and human dignity have increasingly become fused. Although one can think of human dignity independently of human rights, that is becoming increasingly infrequent, as the prominence of human rights increases and the link between human rights and human dignity is increasingly seen as normative rather than accidental. Thus we can emphasize upon the mutual co-constitution of human rights and human dignity. Human rights reflect or at least analytically can be understood to reflect a particular specification of certain minimum preconditions for a life of dignity in the contemporary world. But our detailed understanding of human dignity is shaped by our ideas and practices of human rights. And the practice of human rights can be seen as justified, in some ultimate sense, by its production of beings able to live a life of dignity.

HUMAN RIGHTS AND THE CONSTRUCTION OF A LIFE OF DIGNITY

Human rights thus go beyond the inherent dignity of the human person to provide mechanisms for realizing a life of dignity. Human rights specifies both the forms of life that are worthy of being with inherent moral worth and provide legal and political practices to realize a life of dignity that vindicates the inherent worth of the human person. In other words human rights insist that the inherent worth of human beings must not be left in an abstract philosophical or religious domain but rather must be expressed in everyday life through practices that respect and realize human rights. This is the challenge we face today, to use human rights to construct the foundations for lives of dignity all across this planet. It goes back before the Universal Declaration of Human Rights, but really not all that much before it. Nonetheless, today, drawing on a great variety of historical, cultural, and material resources, individual, groups and societies across the globe are actively grappling with the threats and opportunities provided by modern social life as they try, by claiming and practicing human rights, to make for themselves lives of dignity worthy of truly human beings.

CONCLUSION

Human rights are intimately related to the notion of human dignity. Both notions are connected in such a way that one cannot be understood without the other. The importance of human rights and the requirement to respect everyone’s rights is based on the notion of human dignity. In that sense, human dignity is considered to be the foundation of human rights. The advocates of human rights and different social movements resort to human dignity, to justify their claims and their actions. The attack against global poverty, the fight against discrimination, torture and inhumane treatments, and the condemnation of injustice, are all grounded in the notion of human dignity. This central role of human dignity leads to the question of its justification: where does the power of human dignity come from? Or better, why does a person have the dignity that justifies the requirement to respect his rights? The answer to this question depends on the perspective from which one is speaking. That is, from a religious point of view, a philosophical point of view, or an experiential point of view. By establishing the relationship between human rights and human dignity, it enables us to understand that human rights are more about the kind of rational world and the reasonable beings would like to live in.

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