

UNIVERSAL DIMENSION OF HUMAN DIGNITY: A PERSPECTIVE

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Abstract

Human dignity the most eternal, intrinsic and absolute value of all human beings, is the most talked about concept in various socio-economic political and cultural forums. Internationally too, the idea of human dignity is subject to various debates and discussions. Many constitutions of the world and various international instruments, adhering to the universal idea of human dignity have incorporated various rights for the holistic development and betterment of the subjects. Despite the fact, that human dignity is legally recognized, there have been innumerable instances of human rights' violations, nationally as well as internationally. One of the reasons for such state of affairs is the fact, that human dignity though universally acknowledged and accepted, is the most ambiguous concept, owing to its divergent interpretations of subjective nature.

The paper will discuss, the noble and sacred concept of human dignity, its true essence and, how man's quest for dignity has led him to identify the self with the external factors such as, particular culture, religion, caste or ethnic group etc. Thus, in most of the cases; human dignity is believed to have its backing in religious, caste, cultural, ethnic identities. This anomalous notion of human dignity has divided the world society into competing segments, with irreconcilable objectives and goals. Use of a particular caste, religion and culture by its members, to assert ideological and doctrinal supremacy over the other has resulted in inter-caste, inter-religious, inter-cultural conflicts, thereby making the concept of human dignity a victim of divergent prejudicial interpretations. The aim of this paper is to build a conceptual framework of human dignity and discuss it from a fresh perspective, in light of its two fundamental dimensions i.e, initial dignity and realized /relative dignity.

Key Words: Human dignity, universal identity

INTRODUCTION

Human dignity one of the most fundamental values cherished by the people across the globe is regarded as the very basis of human existence and all human rights. It refers to the intrinsic, inviolable, inalienable worth of all human beings. Human dignity constitutes the core of such fundamental rights as equality, liberty and integrity and is regarded as a compass to guide the courts to find solutions especially in cases where there are gaps in the legal system. Due to its centrality in both the United Nations Charter¹ and the Universal Declaration of Human Rights,² the concept of "human dignity" now plays a central role in human rights discourse. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights both state that all human rights derive from the inherent dignity of the human person³. Human dignity acts as a goal or supreme value for the entire constitutions of the world. The paper is divided into three parts. Part I talks about the concept of human dignity in light of its philosophical foundations. It further discusses various aspects of the concept of human dignity from different perspectives. Part II discusses the universal dimension of human dignity as the foundation of the acquired dimension of human dignity. Part III concludes the paper with strong recommendations and suggestions by which human dignity can be assured to the individuals in true sense.

Human dignity and its philosophical foundations.

Dignity is justice, that protects an individual from psychological harm, unjust treatment both in personal and public relations. Talk of dignity now pervades many walks of life, and academic discourse, from our

¹Charter of the United Nations, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153.

² Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

³International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3; International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171

fundamental human rights, to our healthcare and protection from the encroachment of biotechnology, and other related fields. Furthermore, it serves as a basis of all fundamental rights and moral justification for the courts' reasoning. Apparently, it is implausible to provide a comprehensive definition of dignity. The word "dignity" derives its original meaning from the Latin word *dignitas* conveying honor and respect. It is rooted in Ancient philosophy, as well as in Christian theology. In Ancient times, the concept of dignity usually referred to respect for individuals with a high social status: for example a Greek king or a Roman senator. It was the Stoics who first developed the idea of a dignity attributable to the human being *per se*, i.e. independently of individual characteristics. In Cicero's writings, we find both interpretations side by side. However, Cicero believed that all human beings have *dignitas* because of their inherent capacity to reason. This universal attribute bestows all human beings equal respect. Christianity picked up on the second meaning and interpreted the dignity of all human beings theologically. It advocated that the origin of dignity may be attributed to the special position which the human being assumes within creation as *imago dei*. Human dignity is viewed here as reflecting the dignity of God. Immanuel Kant also gave his concept of human dignity. Kantian notion of dignity calls for respect of individual choices of persons, as well as not to treat them as objects that disregard their free will. According to him inherent dignity connotes individuality, rationality and autonomy. It does not judge the merits of individual choices or reasoning.

Universal dimension of Human dignity as the foundation of the Acquired dimension of Human dignity

Human dignity as a concept contains two fundamental dimensions. Firstly – the initial dignity and Secondly-the realized dignity. **Initial dignity**- Is that dimension of human dignity which is inalienable, absolute, innate and universal. It is believed to have metaphysical characteristics not subject to time, space, terrestrial identities and is therefore universal. It is absolute in the sense that it cannot be modified, depending on the circumstances of a given case. Initial dignity, the first dimension of human dignity, implies that every individual has self-worth just because of being human regardless of the choices he makes. It stems from human nature as such and distinguishes human beings from members of other species. In other words initial dignity refers to the exceptional position of human beings representing man's intrinsic excellence, thereby distinguishing man from other living creatures. It constitutes the essence of a human being, makes up a human being and is referred to as a constitutive element of man or personal identity. While inherent dignity connotes individuality, rationality and autonomy, it does not judge the merits of individual choices or reasoning. The concept of initial dignity encapsulates the idea of humanity which regards human being as an end and never merely as a means. Thus, initial dimension of human dignity implies, that all human beings be treated in accordance with the virtue of humanity. Conceptually, the notion of initial dignity is similar to Kant's notion of dignity, as an internal, unconditional and incomparable value. For Kant, humanity is a virtue which innately exists in every human being and must be observed by an individual not only with respect to himself but with respect to others also. This is often called the dignity principle or the principle of humanity.⁴

Realised Dignity -Is that dimension of human dignity which is relative and not absolute. It is also referred to as the culturally relative dimension of dignity which is acquired by man by virtue of external aspects of behavior in diverse social environments. In other words it relates to the external aspects of behavior. It cannot exist independently and is greatly determined by man's interaction with the society and the social world. In contrast to initial dignity, realised dignity is in fact precarious and unstable. It represents the dignity that people can perceive and feel when in touch with themselves and their fellow humans. Therefore, people's attitude toward particular individual is an important factor in them achieving their realised dignity. For example, deprivation and oppression of an individual by society may reduce their realised dignity, yet their initial dignity continues to exist in all its perfection. Initial dignity is an inherent part of human nature. The existence of initial dignity is completely independent of the existence of realised dignity. Initial dignity can exist in a human being's complete isolation from the rest of the world. Even if their realised dignity is completely minimized, a human being still possesses initial dignity as the core of every human being. On the other hand realised dignity cannot exist all by itself. Rather it derives its strength from initial dignity which is regarded as its corner stone. For the successful and effective implementation of realized dignity it is important that legal instruments incorporate the principles of initial dignity while providing protection to the former.

CONCLUSION

Through this paper the author has tried to draw a clear-cut demarcation between the two dimensions of human dignity, which in many cases are considered as overlapping. For the proper and effective implementation of the principle of human dignity, it is pertinent to understand the different aspects of human dignity. The dignity which is being greatly debated around the globe is the realized/relative dimension of human dignity, which is subject to time, space and perceptions. Therefore, it cannot be called as absolute, as it

⁴ DANUBE: Law and Economics Review, 8 (3), 117–137
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is acquired by the people on the basis of external identities, by virtue of belonging to a particular caste, religion or ethnic group, cultures and environments .Such a form of dignity instead of establishing peace and harmony in society can lead to conflicts and jeopardize the peaceful processes initiated by the Nations of the world. The author in this paper has highlighted the importance of the 'initial' dimension of dignity in shaping the 'realized' dimension of human dignity. Realised dignity which is bound by the terrestrial limits must derive its strength from the initial dignity which is absolute and universal. That, initial dignity is a fundamental building block of realised dignity must be realized by the Nations while enacting legal instruments for safeguarding the latter. Realised dignity is hollow without initial dignity.