



## Papeles el tiempo de los derechos

### “Understanding Human Dignity”

Antonio Pele

Instituto de Derechos Humanos Bartolomé de las Casas. Departamento de Derecho Internacional, Eclesiástico y Filosofía del Derecho. Universidad Carlos III de Madrid

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## Understanding Human Dignity<sup>#</sup>

*Antonio Pele*

*Assistant Professor in Legal Philosophy  
Carlos III University of Madrid*

*antonio.pele@uc3m.es*

Throughout his *Adventures of Ideas*, Whitehead defines the history of civilization as the progressive formation of the idea of human dignity, just like a “tiny glow announcing the dawn of a new life order”<sup>1</sup>. According to Patočka, the role of what he calls the “moderate supercivilization” consists in the creation of goods that can be universalized to all human beings. He insists particularly on two core values: scientific truth and human liberty. Both configure the “recognition of man by man as equal”<sup>2</sup>. Even if he does not talk explicitly about human dignity, Patočka refers to this notion as the central value of western civilization. Also, and from an historical perspective, Béjar thinks that the “greatest revolution of modernity is the affirmation of the individual as the deciding and unquestionable center of the collective organization”<sup>3</sup>. With these three preliminary references, it might be possible to think about the idea of human dignity. On one hand, this notion would be the mirror of a moral progress: social and political organizations would find their “*raison d’être*” in the respect of the value of human being. On the other hand, human dignity would match with a specific historical period (Modernity) and a particular civilization (the Western world). Indeed, this culture has formulated morally and philosophically this notion, that has integrated in the XXth

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<sup>1</sup> WHITEHEAD, A. N., *Adventures of Ideas*, consulted in French: *Aventures d’Idées*, Breuvar, J-M & Parmentier, A., (trans.), Les Editions du Cerf, Paris, 1993, [17], p. 58-59. Other passages where Whitehead talks about human dignity as a conquest of Europe and civilization, are the followings: [15], op.cit., p. 57; [22], op.cit., p. 62; [47], op.cit., p. 83; [105], op.cit., p. 133; [106], op.cit., p. 136. (The square brackets refer to the original pages).

<sup>2</sup> PATOČKA, J., “La surcivilisation et son conflit interne”, *Liberté et Sacrifice*. Abrams, E., (trans.), Ed. Jérôme Millon, Grenoble, 1990, pp. 121-122. Also see of the same author: “La culture tchèque en Europe”, *L’Idée d’Europe en Bohême*, Abrams, E., (trans.), Ed. Jérôme Millon, Grenoble, 1991, p. 135.

<sup>3</sup> BÉJAR, H., *La Cultura del Yo: Pasiones Colectivas y Afectos Propios en la Teoría Social*, Alianza, Madrid, 1993, p. 158.

century the national and international legal orders as the base of human rights. For Peces-Barba, human dignity is the “grounding of the public ethic of modernity, like a *prius* of the political and legal values”<sup>4</sup>. As a consequence, the purpose of human rights is the defense and the development of this ideal<sup>5</sup>. In the XIXth century, Von Humboldt defined human dignity as the “internal value” of man; it is the moral value that becomes the “universal criteria” of human relationships. It would come from the presence of the “mark of humanity” in each individual<sup>6</sup>. Nowadays, some try to understand the legal limits of this concept; for instance, bioethics has opened brand new perspectives for its application<sup>7</sup>. However, the notion has brought up many questions related to the ambiguities of its meaning and the inconsistency of separating the “human” to the “animal”<sup>8</sup>. In addition, others thinkers have tried to understand its historical and philosophical background<sup>9</sup>. This paper will try to contribute to this perspective. Human dignity is indeed the “radical nucleus from where has been built the philosophical construction of human rights”<sup>10</sup>. Also, Lukes defines human dignity as the “moral (or religious) axiom” that recognizes a supreme and intrinsic value in the individual<sup>11</sup>. The concept of the “individual” is indeed important if we want to understand the background of human dignity. Thus, Dumont points out: “When we speak of man as an individual, we designate two concepts at once: an object out there, and a value. Comparison obliges us to distinguish analytically these two aspects: one, the *empirical* subject of speech, thought, and will, the individual sample of mankind, as found in all societies; and, two, the independent, autonomous, and thus essentially nonsocial moral being, who carries our paramount values and is found primarily in our modern ideology of man and

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<sup>4</sup> PECES-BARBA MARTÍNEZ, G., *La Dignidad de la Persona desde la Filosofía del Derecho*, Cuadernos “Bartolomé de las Casas”, Dykinson, Madrid, 2003, p. 12.

<sup>5</sup> RHODA E. & DONNELLY J., “Human Dignity and Human Rights”, *Universal Human Rights in the Theory and Practice*, Cornell University, Princeton, 2002, p. 66.

<sup>6</sup> HUMBOLDT, W., (von), *De l'Esprit de l'Humanité et Autres Essais sur le Déploiement de Soi*. Mannoni, O. (trans.), Ed. Premières Pierres, Charenton, 2004, p. 59 & 61.

<sup>7</sup> DWORKIN, R., “What is Sacred” in *Life's Dominion*, Vintage Books, New-York, 1994, p. 68-102.

FUKUYAMA, F., “Human Dignity” in *Our Posthuman Nature*, Picador, New-York, 2002, p. 148-180

MARCUS HELMONS, S., (dir.), *Dignité humaine et Hiérarchie des Valeurs: Les Limites Irréductibles*, Université Catholique de Louvain, Faculté de Droit. Centre des Droits de l'Homme, Academia, Louvain-la-Neuve, 1999. ANDORNO, R., *Bioética y Dignidad de la Persona*, Tecnos, Madrid, 1998.

<sup>8</sup> FLEMMING, A., “Using a Man as a Means”, *Ethics*, n°1, vol. 100, oct. 1989, pp. 283-298. SENNETT, R., *Respect in World Of Inequality*, W. W. Norton, London, 2003. SINGER, P., (ed.) *In Defense of Animals. The Second Wave*, Blackwell, Victoria, 2005.

<sup>9</sup> BAKER, H., *The Image of Man. A Study of the Idea of Human Dignity in Classical Antiquity, the Middle Ages & The Renaissance*, Harper Torchbooks, Nueva-York, 1961. POISSON, J-F., *La Dignité Humaine*, Les Études Hospitalières, “Essentiel”, Bordeaux, 2004.

<sup>10</sup> ANSUÁTEGUI ROIG., F. J., *Orígenes Doctrinales de la Libertad de Expresión*, Instituto de Derechos Humanos “Bartolomé de las Casas”, Universidad Carlos III de Madrid, BOE, Madrid, 1994, p. 22.

<sup>11</sup> LUKES, S., *Individualism*, ECPR, University of Essex, Colchester, 2006, p. 54.

society. Where the individual is a paramount value I speak of individualism. In the opposite case, where the paramount value lies in society as a whole, I speak of holism”<sup>12</sup>. Dumont implicitly refers to human dignity as the central value that has shaped individualism. He also raises another question that could perfectly apply to the historical construction of human dignity: “The problem of the origins of individualism consists *grosso modo* in knowing how and from which type of holist societies, could be developed a new type that contradicted essentially the common conception. How this transition could have been possible? How can we imagine a transition between those two opposite universes, those two irreconcilable ideologies?”<sup>13</sup>. In others words, Dumont asks himself how *individualism* can stem from *holism*. The French anthropologist thinks this incompatibility can be solved considering history: he detects a “slow transformation” from a kind of individualism to another that comes to the modern individual, as a subject who is “self-sufficient” in the social world<sup>14</sup>. Thus, Dumont defines contemporary human beings as “individuals-in-the-world”, that is to say, mundane and autonomous individuals. This kind of individualism has appeared first in holist and traditional societies. It comes from a basic kind of individualism, described as “*Outworldly* individuals”. Those who have incarnated this last type are the so-called “renouncers” in India, the figures of the pre-socratic wise man and the Christian. Those figures would have two common points: the “distance from the social world” and the “*relativization* of life”<sup>15</sup>. These two characteristics have generated what Dumont calls the “spiritual development of individual”. The latter refers to the ideals of autonomy and self-sufficiency. Those ideals would be the grounding of modern individualism and human dignity. Indeed, and following the terminology of Dumont, the “individual as a value”, has been built from the *outworldly* individual. This one is situated outside the established political and social organization: it is outside and beyond it. The conciliation and the transformation of the “*outworldly* individuals” into the “*inwardly* individuals” have been done slowly thanks to some processes of “adaptation to the world”. Among those processes, Dumont insists on the notion of the “Natural Law” defined by stoicism (and used afterwards by the Church) as an “indispensable instrument of adaptation”<sup>16</sup>.

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<sup>12</sup> DUMONT, L., *Essays on Individualism. Modern Ideology in Anthropological Perspective*, The University of Chicago Press, Chicago, 1986, and in particular Chap. I: “Genesis I. The Christian Beginnings: From the Outworldly Individual to the Individual-in-the-world”, p. 25.

<sup>13</sup> DUMONT, L., *Essays on Individualism...*, op.cit., p. 37.

<sup>14</sup> DUMONT, L., *Essays on Individualism...*, op.cit. p. 24.

<sup>15</sup> DUMONT, L., *Essays on Individualism...*, op.cit., p. 26.

<sup>16</sup> DUMONT, L., *Essays on Individualism...*, op. cit., p. 62.

This analysis of Dumont can be useful to our research on human dignity. On one hand, if we want to understand the origins of this notion in the pre-modern ages (such as Antiquity), we will deal with a specific concept of the individual: an *outworldly* individual who tries to adapt his situation “in-the-world”. In this case, the individuality still depends on ethical holist frameworks. The idea of an autonomous individual, premise of human dignity and such as we conceive it in our modern times, does not exist yet; it’s about to be developed. As a consequence, how is it possible to infer the idea of human dignity from conceptions that have not defended the autonomy of individuals?

When we talk about human dignity, we imply the “dignity of the human being”, that is to say, the autonomous individual holder of rights. This dimension also entails the concept of “equal dignity” that recognizes an absolute equality between individuals. This equal dignity forbids, at first, discriminations based on natural, social and cultural reasons; it is the ultimate value that defines human beings as equal, and it is “required in their real conditions of living”<sup>17</sup>. Equal dignity demands subsequently a moral attitude in human relationships that can be defined by the notion of “respect”.

The grounding of the “dignity of the human being” is traditionally linked with the sense of belonging of all individuals to the same human family. This membership involves two aspects: on one side, it is shaped by ideals of cosmopolitanism that pretend to stimulate a “consciousness of mankind” in each individual. At the end, a common and human identity should prevail on the various and national identities<sup>18</sup>. On the other side, this common identity would come from specific human characteristics shared by all individuals. This construction is inherent to human dignity and allows defining a human identity that would be the grounding of equal dignity<sup>19</sup>. Here appears the second dimension of human dignity that I define as the “dignity of human nature”. This formula pretends to encapsulate different moral and philosophical perspectives that identify the superior specificities of human nature. Those ones would be the sign of their human identity and the grounding of their intrinsic and absolute value. This “dignity of human nature” would precede consequently the “dignity of the human being”; the first one

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<sup>17</sup> DÍAZ E., *Un Itinerario Intelectual. De Filosofía Jurídica y Política*, Biblioteca Nueva, Madrid, 2003, p. 10.

<sup>18</sup> FERNÁNDEZ GARCÍA, E., *Dignidad humana y Ciudadanía Cosmopolita*, Dykinson, “Cuadernos Bartolomé de las Casas”, Madrid, 2001, p. 108.

<sup>19</sup> FERRY, L. & VINCENT, J. D., *¿Qu’est ce que l’homme?*, Ed. Odile Jacob, Paris, 2000, p. 108.

would “foster” the human component of the second one<sup>20</sup>. At the same time, a tension could appear between these two dimensions: the autonomy recognized in the modern individual can go against a strict and moral definition of human nature. Taylor indicates that a moral consensus (religious and secular) acknowledges “some ground in human nature or the human predicament which makes human fit objects of respect”, but it cannot subscribe “with complete conviction to any particular definition” of this human nature<sup>21</sup>. Indeed, human dignity is the legal and ethical foundation of human rights and implies the recognition of an inherent autonomy in the human subject. This autonomy escapes from any holistic and moral considerations. The dignity of the human being represents the base and the horizon of the political and legal orders of the modern western societies. This point would come from a general rupture due to Modernity: it would consist in the fact that ontology is now preceded by axiology<sup>22</sup>. If we want to carry out a research into the historical and philosophical background of human dignity, we will deal with a concept whose bounds will be unclear, between ontology and axiology. This is the difficulty and the challenge of such an investigation. But we can shed light on this “tiny glow”, according to Whitehead, trying to understand how the dignity of the human being stems from his supposed moral autonomy. It is a value dissociated from any ethical idea of human nature or divinity<sup>23</sup>. However, the modern definition of human dignity derives from moral ideals of the “dignity of human nature” that lie within ethical and holist structures. In order that autonomy should be considered as the central value upon which human dignity has been articulated, it has been previously included in the parameters of the “dignity of human nature”. In other words, the notion of autonomy does exist in moral and holist frameworks that have celebrated the excellence of human nature.

To recapitulate, the modern definition of human dignity refers to the dignity of the human being. The latter branches out into two complementary dimensions: the expression and the foundation of human dignity. In the first place, the expression would have a double meaning. It would firstly refer to the recognition of an intrinsic and

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<sup>20</sup> FAERNA, A. M., “De la naturaleza humana a la naturalización del hombre”, FAERNA, A.M. & TORREVEJANO, M., (ed.), *Identidad, Individuo e Historia*, Colección Filosofías, Valencia, 2003, p. 113-139.

<sup>21</sup> TAYLOR, CH., *Sources of the Self: the Making of Modern Identity*, University of Cambridge Press, Cambridge, 1989, p. 10.

<sup>22</sup> VALADIER, P., *L’Anarchie des Valeurs : Le relativisme est-il fatal ?*, Albin Michel, París, 1997, p. 49.

<sup>23</sup> FERRY, L. & VINCENT, J. D., *¿Qu’est ce que l’homme?*, op.cit., p. 66.

absolute value in each person, considered as an autonomous individual. It would secondly refer to the recognition of an equal dignity between those individuals. Human rights represent in our present days the ultimate expression and protection of human dignity. In the second place, the grounding of human dignity would come from the membership of everyone to the human family. This membership would stem from a common and human identity. This second dimension is the “dignity of human nature”. There is no clear separation between this dimension and the first one: the basis of the “dignity of the human being” seems to go back to the models of the “dignity of human nature”. This second dimension has appeared historically before the “dignity of the human being”, with for instance, writings upon the *dignitas hominis* during the Middle Ages and the Renaissance. It has been structured during times when human person was not the central value of the social organization. Once again, Dumont can be useful if we want to solve this apparent paradox. He points out that the “individual as a value” has emerged in holistic societies thanks to different human figures and moral trends that have remove it from this holistic limits. This process of detachment could have been realized with the stimulation of specific faculties to human nature. More precisely, “the emergence of the individual as value, as a creation *ex nihilo*” can be explained by “the philosophical individualism”. Indeed, “the philosophical activity, the sustained exercise of rational inquiry carried out by generations of thinkers, must by itself have fostered individualism, because reason, universal in principle, is in practice at work through the particular person who exercises it”<sup>24</sup>. This quote implies that the notion of human dignity (the “individual as value”), comes from the stimulation of human faculties, and in particular, reason. This one should have been previously identified as a human capacity. Reason should have been described as proper to human nature. The individual is defined as the holder of the characteristics of human nature and reason represents its supreme manifestation. In others words, “individual as value” stems from “human nature as value”; the link between those two aspects has been built by the celebration of human reason. The very notion of “person” comes from the “specifically human individuality”, and its dignity has been shaped by the recognition of an autonomous and rational human nature<sup>25</sup>. Human nature has been enhanced by the exaltation of the characteristics defining all humans. That is why it is impossible to maintain a rigid

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<sup>24</sup> DUMONT, L., *Essays on Individualism...*, op.cit., p. 40.

<sup>25</sup> LADRIÈRE, P., “La notion de personne, héritière d’une longue tradition”, NOVAES, S., (dir.), *Biomédecine et Devenir de la Personne*, Seuil, Paris, 1991, p. 30 & 35.

position towards history. On one hand, we should not modernize societies and ways of thinking, which have emerged in holistic frameworks. On the other, we should not defend a hermetic approach, celebrating the modernity of the human subject (autonomous and holder of rights) in opposition with the past history.

Also, we should not fall into the error of defending a progressive evolution of human dignity. It would imply a simplistic vision of history that does not match with the complexity of this notion. The history of this ideal involves numerous factors and actors; it has been a history of struggles, conflicts and permanent discontinuities. Studying human dignity through philosophy will not necessarily take into account others historical and ideological points of view. Nevertheless, this field represents interesting perspectives. We have seen with Dumont that the “philosophical individualism” represents the base of the “individual as value”. The philosopher has been a classical figure that has been conscious of his individual dignity. He excludes himself from the mundane world, activating the rational and moral capacities of human nature. I think it could be interesting to go deeper into this idea raised by Dumont, considering not only the historical personality of the philosopher but also the philosophical *corpus*. Human dignity is not only a legal and political notion but also (and first) a philosophical concept. The bond that joins both dimensions is precisely its ethical background. Baechler indicates that behind human dignity exists a profound philosophical and ethical reflexion that has lead to recognize a value in the human being, considered as an ideal<sup>26</sup>. This perspective allows us to understand maybe the vagueness of its meaning, and to contrast it with some researches that caricature the concept of human dignity to an exclusive theological basis<sup>27</sup>.

We should underline another point if we want to investigate the historical evolution of human dignity. The pre-modern origins of this concept come from moral conceptions that have defended the excellence of human nature (or what I call the “dignity of human nature”). Those conceptions were structured on various dualisms. Reason was defined as the only element that could reveal a dignity in the individual. At

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<sup>26</sup> BAECHLER, J., “Individualité, personnalité et identité”, CAROSELLA, E. D. (dir.), *L'identité? Soi et non-soi, individu et personne*, PUF, Paris, 2006, p. 89.

<sup>27</sup> DUFFY, R. A. & GAMBATESE, A., (ed.), *Made in God's Image: The Catholic Vision of Human Dignity*, Paulist Press, New Jersey, 1999; KENDALL SOULEN, R. & WOODHEAD, L., *God and Human Dignity*, Wm. B. Eerdmans Publishing Company, Grand Rapids, 2006; MUZZAFAR, C., *Rights, Religion and Reform: Enhancing Human Dignity through Spiritual and Moral Transformation*, Routledge Curzon, Nueva York, 2002.



the same time, only the human soul could hold this faculty. As a consequence, human body was considered as a limit to the exercise of reason; man could find its dignity if only he was able to overcome his mundane passions and if he could activate reason inside his soul. The latter was the proof of the connection between human and deity. It also shows the singularity of human species in relation with animals. In other words, the rational soul was the base of the “dignity of human nature”. It even legitimates the domination of men on the rest of nature. There was a dualism between body and soul, human and animal, and between the spiritual reality and the mundane world. Individuals should have felt their dignity as a transcendental value, because they belonged to a divine community. The other relevant point is that this dualism between body and soul was also the ethical framework to legitimate slavery, that is to say, the very negation of equal dignity. Some individuals were not able to control the urges of their bodies and to reach a moral autonomy. They were not able to “update” the “dignity of human nature”. Therefore, and even for their own good, they had to accept the domination of those who were able to be rationally autonomous. Thus, the models of the “dignity of human nature” were based on moral ideals of human excellence that represented ethical barriers to the notion of equal dignity. For instance, women could not participate in this excellence of human nature; they could not control the urges of their bodies, their emotions dominated their reason, and they were not able to participate in the political sphere. In the pre-modern times, the construction of the “dignity of human nature” implied a process of exclusion of various individuals from the circle of humanity: animals, foreigners, women, children and elders. Some individuals had to be previously dehumanized in order to justify their political and social exclusion. In the classical ages for instance, the idea of “dignity” depended on the identity of the Athenian or the Roman citizen. Only one circle of individuals represented the ideals of human nature, while the other human groups could not reach this excellence<sup>28</sup>. Nevertheless, this idea of human dignity is deeply rooted in the philosophical and historical relations between the subject and truth<sup>29</sup>.

Finally, the notion of human dignity might be one of the pillars of the European identity. It does not mean of course, that this notion has not appeared in other cultures.

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<sup>28</sup> SERRES, M., “Confusion entre appartenance et identité”, in GRUSZOW, S., (dir.), *L'identité : qui suis-je ?*, Ed. Le Pommier, Paris, 2006, p. 170-72.

<sup>29</sup> FOUCAULT, M., *The Hermeneutics of the Subject: Lectures at the Collège de France 1981-1982*. Burchell, G., (trans). Palgrave Macmillan, London, 2005, p. 27-30.

It is just a value that has been shaped and transformed by many European and humanist thinkers throughout the ages. In the introduction of the *Crisis of the European culture*, Hazard talks about the “distinctive beauty” of “our human brothers” who have looked for their ways reaching unknown destinies. Thus: “if the distinctive feature of Europe (...) is to never be content with something, and to start all over again its search for the truth, there is in this effort a distressing beauty. Studying the birth of ideas, or at least, their metamorphosis (...) one is convinced that it is not the material forces but the moral and philosophical ones that guide and dominate human life”<sup>30</sup>. In a same perspective, Sloterdijk imagines the direction of the European destiny, beyond of what he calls the “Empire’s transfer”. He points out that the very name of “Europa” refers to “a part of the world where the reflexion upon the truth and the quality of life is unquestionably singular. Even in modern times, Europeans have still believed that what is fair and worthy in the human being have, in a long term, a right to success. It is not a coincidence if they bring, in their concepts of science, democracy, human rights and art, something of their characteristic idea of the truth. These concepts participate in the European challenge launched to the human species: to create forms of life that consider man as a creature essentially profound and able of greatness. Europeans, as long as they produce some efforts, are in consequence, *rebels against misery* (...). Unlike anyone else, they suffer from the misery that consists in having no project against misery. The European despairs are much more dangerous than the despairs of people from other cultures. One says wisely that Europe was the mother of revolutions; a deeper definition would describe Europe as the home against human misery (...). The right of Europe is her great declaration for the human being”<sup>31</sup>. The idea of human dignity would be an important contribution of Europe to the Western civilization. According to Sloterdijk, the European culture could be defined by its opposition against ideologies that deny any dignity in the human being. Europe would create new spaces and activities in accordance with the expressions of human dignity. This notion would historically propel the European identity; it would be “mythical-engine” of the European consciousness<sup>32</sup>.

This perspective should be developed: on one hand, this “mythical engine” of human dignity has suffered (and it still suffers) many breakdowns. On the other hand, it

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<sup>30</sup> HAZARD, P., *La Crise de la Conscience Européenne (1680-1715)*, Livre de Poche, Paris, 1994, p. 7.

<sup>31</sup> SLOTERDIJK, P., *Falls Europa erwacht*, consulted in French, *Si l'Europe s'éveille*, Mannoni, O, (trans.), Ed. Mille et Une Nuits, Paris, 1994, p. 89-91

<sup>32</sup> SLOTERDIJK, P., *Si l'Europe s'éveille*, op.cit., p. 88.

has been fed with a fuel that does not come exclusively from the European ground. That is why we have to take into account the idea of Patočka who, in 1970, urged to consider seriously all the cultural (and) European traditions:

“The generalization of Europe will lead necessarily to a debate on the cultural traditions that offer to the idea of Europe an empirical and indispensable base. Until now, those traditions have been considered as dead and insignificant, but we will have to take them into account seriously. Indeed, Europe finds nowhere a tabula rasa, but a ground already ploughed, a world already shaped (...)”<sup>33</sup>.

Even if the concept of human dignity might have been discovered by a European and humanist tradition, it is open to other cultures that may have expanded its dimensions, celebrating the autonomy of individuals and their equal dignity.

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<sup>33</sup> PATOČKA, J., “Réflexion sur l’Europe”, in *Liberté et Sacrifice*, op.cit, p. 212.