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# Vernacularising human dignity in human rights education: a Cambodian case study

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## ABSTRACT

In this article we interrogate the potential value of ‘human dignity’ as a tool for vernacularisation in the context of human rights education (HRE), drawing on legal higher education in Cambodia as a case study. To do so, we first outline the role of human dignity in human rights education, flagging that while the concept has been identified as a principle, goal, and tool of HRE, there has been little reflection on its diverse and contested meanings across and within different contexts. Drawing on a range of scholarship that interrogates human dignity, vernacularisation and HRE, as well as original data collected in Cambodia between 2020 and 2022, we explore the opportunities and challenges associated with using human dignity as a tool for HRE in Cambodia. We conclude by offering some reflections on the process of drafting a ‘human dignity curriculum’ for use in Cambodia’s legal higher education.

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Human dignity; human rights education; vernacularisation; Cambodia; human rights

## 1. Introduction

On a humid, sunny day in Phnom Penh, Cambodia, a group of law students gather in a seminar room to learn about international human rights law. They reflect on the violations of fundamental rights that occurred in their country during the Khmer Rouge regime less than fifty years ago. Several thousand miles away, in London, United Kingdom, a group of secondary school students discuss the human rights implications of families being unable to afford essential utilities.<sup>1</sup> In Tamil Nadu, India, pupils discuss caste discrimination in their human rights class, while in Namibia, students are learning about human rights through the concept of ‘ubuntu’.<sup>2</sup> These snapshots reveal that human rights education (HRE) – education ‘for’, ‘about’, and ‘through’ universal and internationally guaranteed human rights – is delivered across diverse educational contexts.<sup>3</sup> Originally proposed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the 1970s, HRE was firmly incorporated into

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the United Nations (UN) human rights agenda following the World Conference on Human Rights in 1993 and the World Programme for Human Rights Education in the 2000s. It is now delivered in disparate settings across the globe, both inside and outside 'formal' education systems.<sup>4</sup>

The above snapshots also demonstrate some ways that educators attempt to explain human rights through locally relevant issues or frameworks. This process of adapting and translating human rights 'into ideas and practices that resonate with the values and ways of doing things in local contexts' has been described by Sally Engle Merry and others as 'vernacularisation'.<sup>5</sup> The process can be particularly important in contexts where 'human rights' and associated UN jargon and institutions are perceived as politically sensitive, irrelevant and/or an imposition of western or 'other' values.<sup>6</sup> In such instances, a locally grounded and culturally relevant entry point can play a crucial role in aiding engagement with rights frameworks.<sup>7</sup> As Merry and Levitt note, 'enthusiasm for human rights discourse depends on its historical and cultural resonance in particular locales'.<sup>8</sup>

In this article we explore the opportunities and challenges of using the concept of 'human dignity'<sup>9</sup> as a 'vernacularising' tool in HRE, drawing from a case study of legal higher education in Cambodia. Human dignity is central to international human rights discourse,<sup>10</sup> appearing in the Universal Declaration of Human Rights (UDHR) and every new international human rights convention since the mid-60s.<sup>11</sup> Although its history is often told with a focus on Judeo-Christian and Euro-centric philosophies,<sup>12</sup> emerging literature links the concept to philosophies, religions and cultures around the world.<sup>13</sup> Yet this concept has rarely received significant attention in either the vernacularisation or the HRE literature.<sup>14</sup> This article contributes to addressing this gap.

The article proceeds as follows: in section two we locate the role played by human dignity in the global HRE discourse and curricula to date, demonstrating that while human dignity is a goal, tool, and underpinning principle of HRE, there is limited reflection on how it is understood across linguistic, cultural, social, and religious contexts. In section three we introduce our project and outline our methods, situating the research in existing vernacularisation and HRE literature and introducing Cambodia as a case study. In section four we explore the opportunities human dignity offers as a tool for teaching HRE in a locally relevant way. We highlight how human dignity resonated with our participants, who framed the concept through reference to locally relevant concepts, human rights violations in Cambodia's past, and contemporary challenges in their lives. We also highlight the challenges associated with using human dignity as a vernacularisation tool, including those associated with translating an 'essentially contested' concept,<sup>15</sup> and the possibility that understandings of human dignity may conflict with rather than further human rights. Remaining cognisant of these challenges, we posit that human dignity's contested nature may offer opportunities for both advancing human rights awareness and teaching critical thinking skills in HRE. In section five we conclude by sharing some insights into our ongoing work designing a human dignity curriculum.

## **2. Human dignity in human rights education**

The practice of HRE is widespread across a range of cultures and contexts, encompassing a multitude of activities and sites of interaction.<sup>16</sup> Defined in a 2012 UN Declaration as

‘all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms’,<sup>17</sup> HRE can be directed at children, adolescents, or adults, as part of formal education in schools and universities or non-formal education in workplaces and communities.<sup>18</sup> HRE is also the subject of a rich and growing body of academic literature, focusing on pedagogy, student experiences and impacts, and – pertinently – critiques of ‘universal’ approaches to human rights.<sup>19</sup>

Our review reveals that human dignity’s role within HRE has at least three main aspects.<sup>20</sup> First, human dignity is sometimes referenced as an underpinning *principle* of HRE; a concept that forms part of the foundation upon which HRE is built. For example, Article 5 of the 2012 UN HRE Declaration states that HRE ‘should be based on the principles of equality ... human dignity, inclusion and non-discrimination’.<sup>21</sup> In scholarship, Reardon describes ‘human dignity’ as the ‘central, generative principle’ of HRE,<sup>22</sup> while Osler & Leung identify HRE as being about ‘translating this shared principle of universal human dignity into action’.<sup>23</sup>

Second, the recognition and protection of human dignity can operate as a *goal or intended outcome* of HRE, described as ‘one of several means proffered by the international community to protect human dignity’.<sup>24</sup> For example, Tibbits stresses the need to ‘fully develop the human personality and sense of dignity’ through HRE,<sup>25</sup> while Sandhu claims that ‘it is imperative’ that HRE encourages ‘individuals to make their daily decisions on principles that value human decency and human dignity’.<sup>26</sup> In practice, the Council of Europe’s definition of HRE mentions education activities that focus on ‘promoting equality in human dignity’.<sup>27</sup> The goal of *restoring* human dignity following conflict, mass violence or discrimination is also observable in HRE discourse and practice,<sup>28</sup> intersecting with related literature on ‘peace education’, i.e. education that seeks to pursue ‘social reconciliation, conflict resolution, protection of human rights and the development of peace-making skills’.<sup>29</sup>

Third, human dignity is sometimes used a *tool* of HRE. Human dignity may be the focus of an HRE activity, or it may be used within a lesson on another topic as a means of assisting understanding. For example, the UN’s ABC: Teaching Human Rights Guide contains guidance on the use of dignity in lessons. One suggestion is for teachers to ask students to think about ‘a time when they felt hurt because someone did not respect them’.<sup>30</sup> Students are then asked questions such as ‘what is dignity? Is your dignity hurt when others do not respect you?’<sup>31</sup> These curricula have a global scope and have been used across various contexts. Domestic examples can also be found, for example, in China,<sup>32</sup> Thailand<sup>33</sup> and South Africa.<sup>34</sup> Outside formal education, research conducted with civil society in Scotland suggested that human dignity could act as a ‘bridge’ for communicating human rights concepts to diverse audiences,<sup>35</sup> demonstrating the broader possibilities of human dignity as a tool of HRE.

While human dignity can be located as a goal, tool, and underpinning principle of HRE, the literature demonstrates only limited reflection on human dignity’s diverse and debated meanings. Yet, as explored further below, people can understand and use the term in vastly different ways. Furthermore, while human dignity can be used as a tool for HRE, our review of literature and practice suggests its use in this regard remains relatively limited, with examples often restricted to primary and secondary

education. This suggests that the question of whether and how human dignity can be used as tool in HRE is underexplored.

A related theme in the HRE literature has been the call for further research on HRE and vernacularisation. This follows acknowledgement of the complexities of translating global human rights concepts into local settings,<sup>36</sup> and the problematising of assumptions around human rights' 'universalism'.<sup>37</sup> To date, literature on human rights 'vernacularisation' has often focused on the work of activists, human rights advocates, lawyers and non-governmental organisations as 'intermediaries'<sup>38</sup> who 'refashion global rights agendas for local contexts and reframe local grievances in terms of global human rights principles and activities'.<sup>39</sup> While comparative sociologists have charted the growth of HRE,<sup>40</sup> its role in localising human rights, and the challenges around this process, have often been overlooked in this vernacularisation literature.<sup>41</sup>

Yet, HRE is a potentially important site of vernacularisation. Indeed, some of the studies highlighted above *do* evidence engagement with the local context. Teachers, curriculum developers, and textbook writers can all act as 'intermediaries' between global concepts and local contexts.<sup>42</sup> In turn, vernacularisation may be instrumental for both learning human rights and engendering 'action to defend, promote and guarantee human rights'.<sup>43</sup> For example, a review of three human rights university seminars in Germany demonstrated a positive shift in attitudes about human rights among the student participants.<sup>44</sup> HRE may even play a role in encouraging students to think about vernacularisation for themselves, shaping future advocacy and human rights practice.<sup>45</sup> At the same time, a failure to make human rights locally meaningful can result in both teachers and students viewing human rights as ambiguous, irrelevant, or even ridiculous.<sup>46</sup> This is particularly the case in conflict-ridden or post-conflict contexts, where students may legitimately question the application of human rights to their own lives.<sup>47</sup>

Some more recent HRE scholarship has used a vernacularisation framework to analyse the ways that educators and students use locally grounded concepts and case studies to engage with human rights.<sup>48</sup> Our research contributes to this emerging body of work, reflecting on the opportunities and challenges of vernacularising human dignity as a tool within HRE in Cambodia. Before outlining the research findings, the section below introduces the research context, our project and the Cambodian case study in greater detail.

### **3. Localising 'human dignity' in Cambodia**

#### **3.1. Aims, methods and a note on translation**

This research formed part of larger project with two linked aims. First, to contribute to the literature around human dignity's diverse and contested meanings by exploring how the concept was understood by research participants in Cambodia. We were interested in human dignity's literal and conceptual translation, and the extent to which it resonated, overlapped, or conflicted with 'local' religious, cultural, social and/or legal concepts. Second, the project aimed to explore whether and how human dignity might play a role in effectively teaching international human rights norms. The project involved collaboration between human rights scholars from Cambodia, socio-legal scholars from the UK and Australia with long-standing research agendas in Cambodia, and scholars from

the UK with specific expertise on human rights, human dignity and anthropological empirical research.<sup>49</sup>

Data collection included 32 semi-structured interviews with educators, law students, lawyers, judges, interpreters, civil society actors, human rights advocates, religious practitioners, and artists in Cambodia.<sup>50</sup> Interviews were conducted in Khmer by a Cambodian Co-Investigator, to encourage participants to think about human dignity in their own language. Interviews were then transcribed and translated by a Cambodian translator who was familiar with the project and supervised by a Cambodian Co-Investigator.

It is worth making some observations about linguistic translation here. According to the Chuon Nath Dictionary, dignity (ថ្លៃថ្លែង [thlaithnaur]) as an adjective means being worthy of commendation or relation. As a noun, it means a person, animal, or thing who or which is worthy of commendation or relation. However, no official or consistent translation of ‘human dignity’ currently exists in Khmer, although there are a few phrases that have been used inconsistently across human rights treaties.<sup>51</sup> These include: សេចក្តីថ្លៃថ្លែងជាមនុស្ស *sechaktei thlaithnaur chea mnous* (dignity as human); សេចក្តីថ្លៃថ្លែងរបស់មនុស្ស *sechaktei thlaithnaur robsa mnous* (dignity of human); សេចក្តីថ្លៃថ្លែងរបស់បុគ្គលមនុស្ស *sechaktei thlaithnaur robos bokkol mnous* (dignity of human person); and សេចក្តីថ្លៃថ្លែងក្នុងនាមជាមនុស្ស *sechaktei thlaithnaur knongnam chea mnous* (dignity in the name of the human). The phrase ‘សេចក្តីថ្លៃថ្លែងជាមនុស្ស *sechaktei thlaithnaur chea mnous*’ (dignity as human) was selected for use in our research. This decision followed an initial literature review which mapped where particular translations were used in Cambodian law, policy, civil society documentation, and media, in-depth discussion amongst the project team (led by the Cambodian members of the team), and consultation with an English-Khmer translator.

While linguistic translation can provide valuable information about how human dignity is understood in a particular context,<sup>52</sup> a focus on translation as a solely technical process can overlook the process of meaning-making that accompanies a phrase’s translation from one language to another. In Cambodia, we found that the specific words used in the interviews to translate the complete English phrase ‘human dignity’ revealed little about our participants’ understanding of the term. Indeed, literature suggests that ‘translations of “human dignity” in the modern era may vary considerably from the meaning conveyed in the translated language’.<sup>53</sup> Focusing on the use of certain *words* rather than the different meanings people ascribe to the *concept* they are describing ‘may mean that we may simply talk past each other’.<sup>54</sup> This was verified by a participant who works as a translator:

If we translate some of those words, it is clear and everyone knows, for example, the word សិទ្ធិមនុស្ស as ‘human rights’ or សេចក្តីថ្លៃថ្លែង as ‘dignity’, but if we use ‘human dignity’, different translators can translate differently such as សេចក្តីថ្លៃថ្លែងរបស់មនុស្ស (dignity of human), សេចក្តីថ្លៃថ្លែងក្នុងនាមជាមនុស្ស (dignity in the name of human), សេចក្តីថ្លៃថ្លែងជាមនុស្ស (dignity as human), whatever ... When we use a term to refer to something, people will understand differently in their head. (KII-09, translator)

Interview questions were therefore designed to probe the ways in which the concept was understood, by interrogating how it resonated with participants’ lives, work, studies, and understandings of their religion, culture, and society.

In addition to interviews, an open-question survey was conducted with Cambodian students, using a vignette methodology to explore their pre-existing understandings of human dignity.<sup>55</sup> These involved presenting short scenarios to the students, which were based on current happenings in their local news. One concerned an attempted burglary, the subsequent shooting of the men involved by police officers, the display of the murdered men's bodies, and the subsequent commentary on Facebook. Another concerned the draft Cambodian 'Public Order Bill', which includes restrictions on how men and women should dress and behave in public. The final one involved a woman police officer, who received criticism and disciplinary action following her decision to breast feed in public. One of the authors then discussed these vignettes with students in a classroom environment, and invited their reflections on whether, how and where human dignity emerged.

Later in the project, our research team facilitated three focus groups with educators and students to explore the current and potential role of human dignity in Cambodian higher education.<sup>56</sup> The survey, interviews and focus groups were transcribed, translated and thematically coded with NVivo software, using a mix of the template method and the inductive identification of new codes as analysis progressed.<sup>57</sup> The value of a qualitative approach on this topic is that it offers research participants space to discuss their perceptions and experiences of engaging with human dignity, and the meanings they ascribe to those experiences and perceptions.<sup>58</sup> However, as this is a small-scale qualitative study skewed towards people with access to education, we make no claim that it represents the full panoply of views on human dignity in Cambodia.

Following coding, we commenced drafting a human dignity curriculum designed to be incorporated, in whole or in part, into undergraduate or postgraduate law courses taught in Cambodia. This drafting was accompanied by a pilot teaching session with law school undergraduates, and a feedback session with a select group of educators and research participants. These activities allowed us to dig deeper into the opportunities and challenges associated with teaching human dignity in legal higher education. We return to the curriculum – still under development – in section five.

### **3.2. Human rights and human dignity in Cambodia**

International human rights frameworks were introduced to the Cambodian population during the United Nations Transitional Authority (UNTAC) period (1992–1993). This followed a period of extended conflict in Cambodia, encompassing the Khmer Rouge era (1975–1979), during which an estimated 1.7 million individuals lost their lives, and a period of violent instability in the years following the Khmer Rouge's defeat.<sup>59</sup> UNTAC assistance continued until the elections in 1993, after which international assistance continued to push for human rights compliance throughout the 1990s.<sup>60</sup> During this period, UNTAC's Human Rights Component and Information/Education Division ran a nationwide media campaign to explain the rights enshrined in the UDHR.<sup>61</sup> Cambodia's 1993 Constitution is one of the few in Southeast Asia to formally recognise the human rights of its citizens<sup>62</sup> and Cambodia has since ratified many international human rights instruments which refer to the protection of 'human dignity'.<sup>63</sup> In collaboration with the UN, Cambodia has also convicted three individuals for 'serious attacks on human dignity' amongst other crimes perpetrated during the



Khmer Rouge regime, at the Extraordinary Chambers in the Courts of Cambodia (ECCC).<sup>64</sup>

At the same time, Cambodia's political leaders have resisted notions of 'universal human rights', stressing 'Asian values'<sup>65</sup> and the prioritisation of 'communal rights, social order and stability, and economic rights'.<sup>66</sup> Civil society organisations have consistently critiqued Cambodia's human rights compliance and have advocated for stronger human rights protections in the country, but this pursuit has become increasingly challenging.<sup>67</sup> In the decade since the controversial 2013 National Assembly elections,<sup>68</sup> journalists, human rights defenders, and political commentators have faced increasing restrictions on their activities and freedom of expression.<sup>69</sup> For our research participants, life in Cambodia is characterised by 'the fear of expressing one's views on social or political issues' (KII-13, works in the arts sector), and risking being framed as 'dissidents' for advocating for human rights (KII-19, works in human rights). As expressed by one participant:

Some jobs can affect politics, such as human rights, politics, deforestation, or corruption which affect many people, especially in the government sector. Those who work in that area, whether they like it or not, will face more obstacles ... (KII-30, artist)

As the space to discuss and advocate for human rights shrinks,<sup>70</sup> teaching-related topics in Cambodia's universities becomes increasingly fraught. On the one hand, a degree of 'depoliticisation' might be required to create a safe space to discuss human rights.<sup>71</sup> On the other hand, teachers face the challenge of rendering human rights frameworks comprehensible and relevant to their students. This is compounded by the challenges of navigating a context where the most grievous human rights violations are in living memory, and yet where rights may be framed or viewed as a western imposition.<sup>72</sup> How educators navigate these challenges is important for the future of human rights in Cambodia. As Cargas notes, 'what goes on in university courses on human rights is far more than a mere instrumentalist approach, or simply teaching students the laws and norms'.<sup>73</sup> Rather, many 'human rights educators hope to teach for change and transformation'.<sup>74</sup>

The collective teaching and research experiences of the project team<sup>75</sup> suggest that little attention is given to human dignity in Cambodia's legal higher education. This finding was supported by our data, with research participants highlighting this gap in their responses. For example, one noted that 'the concept is not widely taught and elaborated' in the Cambodian context (KII-04, lawyer), and another expressed concern that it was not better understood:

If the education system, teaching, teachers and curriculum designers do not understand dignity, it means they don't teach people to understand and recognize dignity and respect and protect dignity from a young age, making the fundamental foundation weak. Later, if they put more on top of that weak foundation, then it's very risky, prone to collapse at all times. (KII-09, translator)

As observed by McCrudden, human dignity appears to offer one of the few principles that has escaped appearing 'increasingly toxic to one political grouping or another'.<sup>76</sup> The concept therefore offers a potential 'bridging concept',<sup>77</sup> creating 'neutral grounds'<sup>78</sup> on which to discuss key questions such as: 'First, are there not some things

so terrible in practice that no one will publicly approve of them? Second, are there not some things so good in practice that no one will want to seem opposed to them?<sup>79</sup> Importantly, for some of our participants, human dignity was perceived as less politically sensitive than other human rights concepts. For example:

I think when we use the word in Khmer, the phrase sounds very gentle, unlike the word human rights which is controversial ... human dignity can be a better choice of word in the discussion in the sensitive political context of Cambodia. When we use the word 'human rights', people slightly turn away, but people do not react much to human dignity. The word is thus very neutral, not neutral, but more positive in the context of Cambodia than the word 'human rights'. It is very interesting to explore that. (KII-10, works in peacebuilding)

It is against this backdrop that we sought to explore whether and how human dignity might act as a vernacularising tool of HRE in the Cambodian context.

#### 4. Vernacularising human dignity in human rights education

In this section, we explore how human dignity was understood by our research participants and what these findings suggest with regards to human dignity as a tool of HRE vernacularisation. We highlight (1) human dignity's resonance with culturally relevant concepts and values, (2) the value of an 'inductive approach' which engages with human dignity's diverse uses, and (3) the use of 'negative' understandings of human dignity which draw on past and present violations. In addition, we address the risks of arriving at rights-restrictive understandings of human dignity within the vernacularisation process, and how this might be addressed through critical engagement with human dignity's complexities.

##### 4.1. Resonance with culturally relevant concepts and values

For many of our participants, human dignity resonated with a range of culturally relevant concepts and values. This challenges dominant narratives of human dignity which have often been told with emphasis on Judeo-Christian traditions and the work of global north scholars such as German philosopher Immanuel Kant,<sup>80</sup> but aligns with more recent research which links human dignity to philosophies, religions, and cultures around the world.<sup>81</sup>

For example, Brierley and El-Farahaty have compared Arabic constitutions and their English translations to explore the way in which terms that resonate with human dignity are translated. Focusing on the Arabic word, '*Karāma*', their results indicate 'a successful cross-linguistic negotiation of meaning' which, they argue, may be explained by similarities in 'theological concepts' of dignity and *Karāma*.<sup>82</sup> In the context of philosophies from the African continent, Murithi has charted the conceptual resonance between 'ubuntu' and human dignity, observing how *ubuntu* emphasises 'respect for all members of the community, and embraces the view that we all belong to one human family'.<sup>83</sup> Further, Molefe, Metz and Ikeunobe have each considered human dignity's resonance with African philosophical ideas of vitality (spiritual energy distributed by god), community and communalism (a relational approach to dignity), and personhood (moral achievement).<sup>84</sup> Elsewhere, Braarvig has traced the concept in Hindu and

Buddhist religious traditions, noting that the inherent dignity of living things can be found in Hindu traditions, while notions of dignity as an ‘egalitarian moral notion’ can be found in certain Buddhist approaches.<sup>85</sup> Meanwhile, in New Zealand, Pirini and High have argued that greater attention should be paid to the points of connection between human dignity and tikanga Māori (Māori customary law and traditions) that ‘underpin the inherent importance and sanctity of the person’.<sup>86</sup>

Similarly, our research suggests that the concept of human dignity resonates with both Khmer cultural values and customs and Buddhist religious principles. For example, for several of our participants, there was a sense that ‘human dignity’ pre-dated UNTAC and the introduction of international human rights frameworks to Cambodia:

The word ‘dignity’ (ថ្កុលថ្កុន [thlaithnaur]) has existed for thousands of years already. We can say that when human existed, there was already dignity attached to them. (KII-12, lawyer)

I think it is our Khmer concept from the beginning ... We can see that there are such ideas in western concepts that sometimes can confuse us into thinking that it is the views of foreigners that influence us, but in fact I think that human dignity is there from the beginning. (KII-20, educator)

For me, human dignity belongs to Khmer for thousands of years already. We take a look at Sala Chor Tean (resting hall) or our ancient house with a big water jar in front of the house. Why? It is for night travellers who are thirsty to drink or for bathing, for washing their feet, for drinking, and for sleeping at Sala Chor Tean, not in the middle of the forest like animals. This is something that has been practicing for thousands of years, not that of Europe ... It is not right to say that it is foreign concept. It is ours. (KII-08, educator)

The last quote reflects a theme highlighted by Ledgerwood and Un in their analysis of human rights training in Cambodia in the 1990s and 2000s. They note that participants in those trainings ‘link[ed] human rights to the concepts of human dignity and mutual respect. These concepts of respect and concern for one another are often expressly tied to traditional Cambodian ideas of social justice and living in harmony with others’.<sup>87</sup> While our participants did not necessarily identify ‘social justice and living in harmony’ as explicitly Cambodian ideas, they drew similar connections between relational forms of human dignity and values of mutual respect and care.<sup>88</sup> For example:

I would say that human dignity is mutual respect and provision of the rights of each other and to live equally and fairly in the society. (KII-06, educator)

The dignity of an individual is that he/she is considerate of the interests of the people around them, not just themselves ... Human behaviour, be considerate of others, thinking of the common interest is to make a person have a certain level of dignity, what’s behind it is to think of others. (KII-23, civil servant)

Ledgerwood and Un also observed links between human rights and the moral precepts of Buddhism.<sup>89</sup> They note that this reflects Buddhism’s role as the primary philosophical justification for human rights in Cambodia.<sup>90</sup> This echoes Braavig and others’ observations regarding the connections between human rights and Buddhist philosophies.<sup>91</sup> Similar religious resonances were observed by our participants, for example:

As a monk, I used to talk often about human dignity in which we must have to live in a society. For example, in order for us to live a dignified life as human beings, I speak from

Buddhist view ... we must have education, a righteous work, and we must fulfil our roles well ... All of these make us having dignity as human beings ... (KII-05, monk)

The basic characteristics of both the Buddha and the people including me is that our basic dignity is equal ... Buddha teaches people to understand that each person is valuable as a human being. (KII-12, lawyer)

Our Buddhism is good to teach people to understand the dignity of people, to respect each other. In general, they are related. (KII-16, works in children's rights)

Human dignity's resonance with familiar religious and cultural concepts in Cambodia may indeed enhance its capacity, in this cultural context, to be used as a 'vernacularising' tool through which to teach and engage with foundational human rights concepts in a more localised and contextual way. As such, it potentially offers both a 'conduit for the introduction of foreign ideas', and a way for 'indigenous ideas to be articulated in a different way'.<sup>92</sup> By drawing from their own culture, Cambodian educators may be able to promote student engagement and a feeling of local ownership over human rights.<sup>93</sup> Such an approach may provide a counter to the types of decontextualised or western state-dominated human rights discourses that lead to feelings of detachment, cynicism, or disbelief,<sup>94</sup> demonstrating instead how foundational rights concepts can be located within local contexts.<sup>95</sup>

#### **4.2. Human dignity's diversity and the value of 'inductive' approaches**

Our second theme – which speaks to the value of 'inductive' approaches to human dignity – builds on the finding that human dignity can be understood in a variety of ways. Indeed, any claims to a 'universal' understanding of what the concept means or requires have been resisted in the literature.<sup>96</sup> Rather, human dignity can be considered an 'essentially contested concept', meaning it 'inevitably involve[s] endless disputes about [its] proper uses on the part of [its] users'<sup>97</sup> and is open to 'periodic revision' according to the context.<sup>98</sup> Diverse views exist on, for example, whether it is 'intrinsic'<sup>99</sup> or 'attributed' to humans,<sup>100</sup> and whether it is a religious concept,<sup>101</sup> or located in 'moral law' or 'universalistic moral notions'.<sup>102</sup> These diversities are further compounded by the range of perspectives on what human dignity requires in practice,<sup>103</sup> which range from national liberation<sup>104</sup> and Indigenous self-determination,<sup>105</sup> to the provision of socio-economic rights,<sup>106</sup> to the protection of honour and reputation,<sup>107</sup> to limits on freedom of speech and other rights.<sup>108</sup>

Our participants also pointed to such complexity, sometimes expressing their own difficulty in defining the concept. For example:

I think it's a bit difficult when I hear human dignity because I have always thought that to have human dignity, it is not a single factor ... There are so many factors, it's hard to explain. (KII-26, artist)

Others flagged the potential for human dignity to have different meanings depending on the person and context, reflecting findings in the literature that human dignity often functions 'as a mirror onto which each person projects his or her values'.<sup>109</sup> For example:

For me, when it comes to the term human dignity, it is difficult to define ... For those who prioritize materialism, it's about having lots of property ... Some prioritize spiritual aspect meaning they didn't need much, but just enough for a living and educated mind to do good

for others. Therefore, human dignity is ambiguous depending on how it's defined. ... I think that the value of human dignity in our society is different depending on situation, living conditions, and where they live. (KII-05, monk)

I think it depends and is confusing because people experience human dignity in different ways, depending on their personal life, experience and the type of their society that they are born into or they are living in and regard to the system of the government of the society, what they can offer you and what they don't offer you. (KII-21, development worker)

We found that participants applied human dignity to an extensive range of topics and issues in their lives. In addition to the cultural concepts noted above, we coded human dignity as being discussed in the context of arts and cultural life, COVID-19 responses, human rights advocacy, development, education, human rights, institutional management, law, politics, research ethics, religion, the dignity of the dead, and transitional justice. It was also explicitly connected to the right to life, basic needs, cultural rights, equality, fair trials, freedom from torture, freedom of expression, freedom of association, the right to privacy and women's rights. As expressed by one participant:

I realized that in fact the concept is related to social traditions, laws, ethics, and everything else. (KII-06, educator)

At first glance, the difficulty in defining human dignity and the broad scope of the concept suggests a challenge for educators. One participant explicitly spoke about the challenges they faced when trying to teach human dignity in a class:

Dignity itself is very broad, and each of us doesn't know what dignity means. Let me give you an example of the value of speech of individuals. How do we measure it? For example, if his/her speech is not right, then it hurts others. Does it affect human dignity? Is it information or a violation of the mental integrity? I find it a bit difficult to explain to students. (KII-11, educator)

Certainly, human dignity has been subject to the criticism that its contested nature inhibits its usefulness in practice.<sup>110</sup> However, we argue that its diverse and contested meanings represent their own opportunities, including for HRE.<sup>111</sup> The diversity of meanings and contexts may offer opportunities to interrogate human dignity at a deeper level, encouraging a vernacularised understanding of the concept by reflecting on how its diverse meanings might resonate or challenge local cultural concepts, values or traditions. As opined by one participant:

We need dialogue, conversation, discussion, understanding of people in the society about the concept, so that we can go one step further in defining its definition for ourselves in our society. (KII-17, lawyer)

Following Stoecker, we suggest that an 'inductive strategy' that approaches human dignity from multiple angles can deepen our understanding of the concept through the process of interrogating whether unifying elements exist.<sup>112</sup> More profoundly, discussing human dignity's plurality of meanings and uses invites reflection on 'questions that have exercised minds for centuries' such as what it means to be human, and the rights and obligations that arise from our common humanity.<sup>113</sup> As McCrudden argues, human dignity's value as a 'bridging concept' and important conceptual tool arises not from its absence of meaning, but from its depth of meanings.<sup>114</sup> Thus,

rather than ignoring the messiness and promoting uniform understandings (which, given its contested meaning, is bound to fail anyway), we argue in favour of embracing the plurality of meanings that coalesce around the concept. In this way, the concept's diversity can be considered not as a barrier to education, but an important tool.

### 4.3. 'Negative' approaches to human dignity

Our third theme relates to understanding, approaching, or articulating human dignity by reference to acts or experiences identified as human dignity violations. This way of relating to human dignity is reflected in both the HRE and broader human dignity literature. In relation to the former, studies of HRE among some students in the USA and South Africa have demonstrated that these students engage with human rights through the prism of their own experiences, or through experiences related to their context. For the students in the USA, human rights were framed through domestic police brutality and racial discrimination,<sup>115</sup> while the South African students connected human rights to ongoing protests over access to education.<sup>116</sup>

In the human dignity literature, the use of violations to describe human dignity reflects what Kaufmann et al. call a 'negative approach' to human dignity, whereby the concept is conceived and explored through reference to concrete examples of acts or practices that can be characterised as a violation.<sup>117</sup> This approach proceeds from two beliefs. The first is that while human dignity is notoriously hard to define, 'it has been generally assumed that a violation of human dignity can be recognized even if the abstract term cannot be defined'.<sup>118</sup> Indeed, human dignity's increased prominence in twentieth century human rights frameworks can be attributed to the reactions to the atrocities of the Second World War.<sup>119</sup> The second belief is that we can learn more about human dignity when we look at its violations.<sup>120</sup> As Stoecker explains,

if we want to understand human dignity, we should ... start from situations which we are inclined to describe as violations of human dignity and then ask what it is that makes it so appealing to use this concept instead of referring to, for example, infringing autonomy or violating human rights.<sup>121</sup>

Kaufmann et al.'s edited collection on 'negative approaches' identifies humiliation, degradation or dehumanisation as 'general forms' of dignity violations,<sup>122</sup> while their authors focus on acts regularly cited as dignity violations, such as torture,<sup>123</sup> rape,<sup>124</sup> labour violations,<sup>125</sup> poverty,<sup>126</sup> and social exclusion.<sup>127</sup>

As one might expect, our participants made frequent references to the violence perpetrated during the Khmer Rouge regime. Torture was often mentioned, reflecting the severity of its impacts as well as its status as the 'paradigmatic affront to human dignity'.<sup>128</sup> For example:

During the Khmer Rouge regime ... At that time ... there was no human dignity at all because human tortured human and there was a mass atrocity which was a brutal crime against humanity. (KII-31, works in LGBTQ+ rights)

When the Khmer Rouge leaders ... confessed and told that those who were brought to S-21 [a notorious detention centre] were no longer considered as human ... I think that's what human dignity means. (KII-03, works in cultural resource centre)

I understand the word because it is related to the mass killing during the Khmer Rouge regime, persecution, forced labour, and the life of our Cambodians at that time which was very difficult. (KII-21, development worker)

Our framing of Khmer Rouge atrocities as an HRE learning ‘opportunity’ is – of course – not intended to trivialise these devastating harms. Rather, we want to highlight that there are pathways here to (sensitively) teach students about human rights in a way that feels relevant to one’s own history, while simultaneously creating space to discuss, reflect upon, and understand that history.<sup>129</sup> This might be particularly important in a context where many of today’s Cambodian university students were not alive during the events themselves, where education about the past is still relatively underdeveloped, and where survivors have spoken out about their desire for the younger generation to know more about the atrocities that took place.<sup>130</sup> Some participants expressed concerns about this educational gap, for example:

For example, talking about our country, like the history of the Khmer Rouge, for me, our society is a closed society, a silent society... The next generation was born to believe only in history that they want them to believe. It makes them have no interest in dignity, both in that regime and in the present. (KII-29, works in victims’ rights and education)

A valuable teaching tool in this regard is the jurisprudence of the ECCC, the tribunal established to prosecute the senior leaders and those most responsible for the crimes perpetrated during the Khmer Rouge regime. The Court’s jurisprudence explicitly engages with violations of human dignity, including the forced eviction of people from their homes, forced labour, forced marriage and sexual violence.<sup>131</sup> As such, it offers a case study that teaches students about international legal frameworks through their application to their domestic context.<sup>132</sup> One research participant – a lawyer – described trying to explain human dignity to their clients using the case law of the ECCC:

Going back to the legal concept of human dignity, it is always difficult, but you can also find ways to explain them ... when the Khmer Rouge forced them to work or forced them to sleep with their partners. All of that is not only a crime of forced marriage, but also an attack on his/her dignity ... when there is rape or forcing a person to marry without the elders with someone we never knew and forcing them to have sex was a violation of his/her value, not a respect, but an attack of dignity. We can give such examples to explain to them that they can understand. (KII-17, lawyer)

Other participants thought that reflection on historical violations could encourage a renewed commitment to protecting human dignity:

If we talk about dignity, history is very important. It plays a role in changing the mindset in a certain war ... history helps to tell people what is good and what is bad and how it affects human dignity. (KII-29, works in victims’ rights and education)

One notable aspect of our research was the variety of violations identified by participants, which extended beyond the atrocities committed within the Khmer Rouge regime. In addition to discussing Cambodia’s past, participants also flagged violations that characterise modern life in Cambodia, including acts regularly cited as dignity violations such as labour violations, poverty, and social exclusion:

In an informal economy ... when they are forced to do any kind of work, no safe working condition, no respect of labour law, no decent working condition, it affects [human dignity]. (KII-09, translator)

we ride a motorbike or car and see people sleeping in the garden on the porch of other houses ... The human dignity we are talking about, do they get it? It is inadequate, so it is connected. (KII-02, educator)

Such as human trafficking or being a homosexual, whom society despises ... because they are different in this society. This is an example of the loss of recognition of their human dignity. (KII-19, works in women's rights)

Additional perceived violations of human dignity encompassed discrimination on the basis of gender, ethnicity, religion, sexuality, socio-economic status and profession; inter-personal physical, sexual and psychological violence; violations of privacy and reputation; corruption; the failure to adequately document or address the past; limited or denied access to justice; lack of social services; state restrictions on rights of expression and association; wealth disparity; harms against property, not being respected or valued; and the failure to act in a way that respects one's own human dignity. The inclusion of this broader range of acts reflects changing social, economic, and political circumstances in Cambodia, as well as the multiple ways that human dignity can be understood. As explained by one participant:

Now my understanding of the word human dignity is changing, not only in relation to the genocidal regime as in the Khmer Rouge regime, but even in the modern era ... I understand the meaning of human dignity is attached to the access of the people to the basic need, and that can be like food, water, living condition, the right to housing ... It is different from before when we understand it as the serious human rights violations during the Pol Pot regime. (KII-21, development worker)

The resonances between human dignity and everyday challenges in Cambodia suggest further pathways to vernacularisation, echoing the literature's findings that students relate to human rights through the challenges in their own lives. As noted above, an 'inductive approach' invites engagement with this range of understandings. By interrogating diverse views on what human dignity means and entails, students may be able to identify points of connection, while developing a culturally informed and critical approach towards this foundational human rights concept.

#### **4.4. Risks of restrictive interpretations of human dignity**

Thus far, we have focused on the opportunities human dignity presents as a tool for encouraging student engagement with human rights. Yet, challenges can also arise when seeking to use 'local' concepts or phrases in this way. One challenge, as McCrudden observes, is that it can sometimes be difficult to find an accurate comparator to human dignity.<sup>133</sup> For example, Pirini and High note that the Māori concept of 'mana', while increasingly invoked in New Zealand law alongside human dignity, is actually 'commonly translated as status, prestige, authority, or leadership'<sup>134</sup> and has a 'spiritual component ... that is not necessarily present in all conceptions of dignity'.<sup>135</sup> From an HRE perspective, dissonance – or only partial resonance – between human dignity and a locally comprehensible comparator becomes problematic if the process of



vernacularisation restricts rather than furthers human rights.<sup>136</sup> Levitt and Merry warn that, notwithstanding the benefits, '[f]raming human rights claims in local terms and adapting them to existing ideas of justice may mean abandoning explicit references to human rights language altogether and, indeed, can mean highjacking these concepts for quite different purposes'.<sup>137</sup>

Framings of human dignity can certainly serve less emancipatory agendas,<sup>138</sup> with social, cultural, and religious norms all playing a role.<sup>139</sup> At times, human dignity may be conflated with understandings of 'dignity' that are closer to 'honour', 'status', or 'virtue'. For example, Cabrera has highlighted conceptions of dignity in Hinduism that are associated with 'upper-caste status' rather than equality.<sup>140</sup> Elsewhere, Moyn has linked the use of dignity in the Irish Constitution with the development of conservative Christian Democracy, a framing premised on the constraint, rather than furthering of autonomy.<sup>141</sup> In their review of national constitutions, Schulzinger and Carmi have tracked numerous examples of human dignity being used to restrict fundamental rights across a range of states.<sup>142</sup>

These tendencies are also evident in Cambodian law and policy, where the language of 'dignity' has been invoked by the state to limit freedom of speech.<sup>143</sup> For example, Article 41 of the Cambodian Constitution prohibits using freedom of expression 'to impinge on the dignity of others, to affect the good moral and customs of society, public order and national security' while Article 502 of the Cambodian Criminal Code defines and prohibits 'insults' which 'undermine the dignity of a person'.<sup>144</sup> This connection was also noted by our participants:

We have the right to speak out, but we must know the limits of our rights which is to some degree of not violating the rights of others, such as gossips or insults which means that we express our rights beyond the moral boundaries as well as the legal boundaries of each country. (KII-22, UN worker)

Restrictive interpretations of human dignity and connotations of human dignity with other understandings of 'dignity' became particularly pronounced in the context of gender, with women's rights framed as unpatriotic or in violation of local customs and traditions.<sup>145</sup> In Cambodia, attributed understandings of dignity premised on the idea that dignity can be gained or lost depending on one's actions, sometimes appear as a means of reinforcing traditional gender norms and gendered inequalities.<sup>146</sup> Participants frequently linked women's dignity to expectations around their behaviour and role in society. For example:

There are still restrictions on women to be good mothers, good wives and good housewives rather than on men to perform the same works ... I believe that human dignity between men and women is different; it is not the same. (KII-13, works in an art organisation)

When we talk about sexual relationships, women cannot have many partners, while men can have many partners even when they are married, and society still accepts that it's okay; men are like that; men cannot eat the same food. It is the difference in the value of human dignity. (KII-06, educator)

Our participants' reflections on gender and human dignity revealed that for many women in Cambodia, the recognition of their human dignity felt dependent on their ability to conform to cultural, traditional, and religious expectations of what it means

to be a Khmer woman. As such, it was sometimes felt to be at odds with more egalitarian understandings of women's intrinsic worth,<sup>147</sup> and to be more reflective of a 'traditional' framing of 'dignity' than a human rights notion of human dignity. This aligns with findings elsewhere in the human dignity literature that indicate that 'those whose understanding of human dignity predates the linkage with human rights' may be more 'likely to see human dignity through the lens of earlier conceptions of dignity, such as honour'.<sup>148</sup> It also reflects more general observations made by participants about the distinctions that arose in their minds depending on whether they were thinking about 'Khmer' or international human rights framings of human dignity. For example:

I think more in Khmer because I linked it with tradition. If we talked in English, I may not link to traditions but human rights and law. (KII-06, educator)

Participants were not necessarily voicing their support for this framing of dignity, but rather describing current societal framings as they understood them. Similarly, a student focus group which discussed proposed legal restrictions on women's clothing choices prompted interesting debates about how tradition, 'national dignity', human dignity and gender equality might interact, conflate with one another and/or conflict:

For me, the law cannot protect national dignity and tradition because that factor is a violation of women rights on their choice and freedom over their body. We know that although it relates to past Khmer tradition which prohibit women from wear revealing clothes. (Student Focus Group)

Such findings suggest that human rights educators should exercise caution with regard to the potential for foundational human rights concepts to be understood in illiberal or discriminatory ways. However, we would argue that deeper engagement with the complex and entangled relationship between culture, tradition and human rights concepts can provoke productive debates – and thus learning opportunities – around what human dignity means, and what it means to implement human rights in local contexts. This potential has been noted in other contexts. For example, Bajaj has explored how in India the caste system has been used to provoke classroom debates around discrimination, respect, and dignity.<sup>149</sup> As she observed, discussions around 'the way things are commonly done' gave students a chance to envision alternatives.<sup>150</sup> This reinforces our view that directly engaging with human dignity's diverse and contested meanings should be embraced rather than resisted.

#### **4.5. Pathways to vernacularisation**

In Cambodia, opportunities for localised learning arise from evidence that human dignity resonates with a range of social, cultural, and religious concepts and lived experiences, and offers a lens through which to frame past and present violations of human rights. Inductive and negative approaches to teaching human dignity stand out as important pathways towards nuanced conversations about what human rights entail and require.

However, challenges arise from the risk of restrictive interpretations of human dignity, particularly insofar as they relate to gendered standards of behaviour or restrictions on freedom of expression. This will require sensitive handling, to ensure that practices of discrimination are not unintentionally reinforced in the

classroom. Furthermore, in Cambodia, as in other contexts, the meanings given to human dignity are multiple, diverse, and sometimes contradictory. Our data reveals a degree of uncertainty as to human dignity's exact meaning and what it requires in practice. Both these findings mirror the literature. While they offer a challenge for educators, we believe they also offer opportunities to develop critical thinking skills and for students to be given space to reflect on their own understandings and perceptions of human dignity.

Our hope is that these reflections can inform future HRE practice, by highlighting the ways in which teaching a contextually relevant understanding of human dignity can facilitate a sense of local ownership over human rights discourse. Additional engagement with and use of human dignity as a vernacularising tool of HRE – both within and beyond Cambodia – will undoubtedly shed further light on the challenges and opportunities of such an approach.

## 5. Next steps and concluding thoughts

As noted above, we are now in the process of developing a human dignity curriculum to be incorporated in whole or in part into Cambodian law programmes. This has received support from our research participants:

that concept is really very much in need of explanation. If we don't understand, we cannot teach others and make them even more confused. When I saw the project, I think that is good ... In my impression of this project, I think that is really great and should explore something and put it clearly in the explanation. When I teach, I am excited. (KII-09, translator)

you're doing research on the word human dignity. If you can publish a book and state the general terms, the principles for an individual to have dignity, on what we have to do, what condition we should follow, legal conditions or traditional legal conditions, it would be easy for me to teach. (KII-11, educator)

Despite the request for a more prescriptive approach, our curriculum does not offer any authoritative statement on how human dignity should be defined or understood. Rather, we are developing a learning tool that aligns with our theoretical approach and the overarching themes covered in this article, meaning we embrace inductive and negative approaches. Thus, the curriculum incorporates case studies drawn from Cambodian media, Cambodian domestic policies, the jurisprudence of the ECCC, and a selection of other human dignity-related jurisprudence. Each of the case studies feature either an explicit reference to a human dignity violation or an act that could be interpreted in such a way. Thematically, these case studies include examples of explicit or implied violations which range from atrocity to more 'everyday' violations (torture, war crimes, sexual violence, corporal punishment, lack of social benefits, denial of appropriate funeral rites, and social shaming around breastfeeding). The curriculum requires students to engage with these scenarios and engage in dialogue on the meaning of human dignity.

The case study approach received positive feedback from participants. Some requested more case studies drawn from everyday life, and more opportunities for students to reflect on what they have seen and experienced in their local communities and we are

now working on incorporating this feedback. The choice to avoid offering a definitive explanation of human dignity also received praise:

Normally in Cambodia, we want to learn something simple. This curriculum encourages students to be big thinkers, to think about big principles and big theories. (Feedback session)

Recognising that ‘one aspect of vernacularisation concerns the teaching methods that educators and students are familiar with and willing to engage in’, the curriculum is built around activities commonly used in Cambodian law classrooms, such as small group discussions and debates.<sup>151</sup> This emphasis on discussion and student participation also received positive feedback:

The curriculum emphasises being open-minded, we need to be mindful, we need to be respectful of other views from different contexts. (Feedback session)

Vernacularising universal human rights concepts is an ongoing, iterative process that takes place across diverse domestic contexts.<sup>152</sup> HRE is only one such site of vernacularisation, and human dignity is but one potential tool that can assist in this regard. Yet, in a context such as Cambodia, it may be one that’s potential remains relatively untapped. As the pilot curriculum is trialled in the Cambodian legal education context, we hope to gain more insights into how we can develop vernacularised understandings of human dignity that are rooted in lived experience and culturally resonant concepts, and how we can in turn use human dignity to act as an entry point to important human rights debates.

## Notes

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