

# **HUMAN DIGNITY**

**Discourses on Universality and Inalienability**

**One World Theology  
(Volume 8)**

# HUMAN DIGNITY

Discourses on Universality and Inalienability



Edited by  
Klaus Krämer and Klaus Vellguth

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**HUMAN DIGNITY**  
**Discourses on Universality and Inalienability**  
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## Preface

The concept of dignity originates in Roman antiquity. Dignity initially described a prominent position in the life of society which was associated with individual achievements or public offices. The concept of dignity lost its elitist connotation in the wake of Stoic philosophy and came to be understood as a common human characteristic. Human dignity now put all human beings on par by virtue of the fact that they were endowed with reason and were not at the mercy of their passions or instincts. In patrology this notion of a universal human dignity blended with the theological construct of man's creation in the image of God. This embodiment of the idea of human dignity in Christian anthropology poses a number of problems, however, since it lacks plausibility in non-Christian cultural contexts. Making the situation more complicated is the fact that the concept of human dignity forms the basis not just for human rights, but also for the understanding of religious freedom.

Like its predecessors, this volume in the *One World Theology* series is intended as a forum for an exchange of views within the universal Church in which theologians and philosophers from various countries have been invited to present their views on the concept and interpretation of human dignity from their own regional perspective. This juxtaposition of contributions from different regional contexts makes it clear that contextual references have an influence on the understanding of human dignity. This is readily apparent in the articles which address human dignity from an anthropological standpoint and approach an understanding of human dignity from within the authors' own cultural contexts. The contributions in the last two chapters of the volume, which deal with the violation of human dignity as a foundational basis for the postulation of human dignity or address the universal nature of human dignity, pave the way for an understanding of human dignity that gives universality an inter-cultural and inter-contextual dimension.

In the first chapter Josef Schuster discusses aspects of human dignity relating to anthropology and the history of ideas. He begins with theological anthropology and the concept of man's creation in the image of God and continues by examining the conception of (human) dignity among the Greek Stoics and in the works of Cicero. He then investigates the Christian understanding of the Church Fathers and in the Middle Ages before exploring the concept of dignity developed by Immanuel Kant, a major milestone in the intellectual history of human dignity. Summing up, he notes that human beings are distinguished from all other living beings by their moral capacity: "They alone can set themselves objectives and coordinate them with others. As beings with a moral capacity, human beings have personhood and are, therefore, an end in themselves. Nevertheless, it is possible for human beings to abuse their freedom and to degenerate to a greater extent than any other living being ever could be. They can attain a level of bestiality exceeding that of any animal. Nonetheless, human beings do not lose their dignity, even if they deform themselves and forfeit their worthiness. Dignity cannot, therefore, be lost. What can be lost, however, is the ability to exercise this dignity. One of the aims of human rights is to prevent this happening."

In his article entitled 'Reaffirming the Theology of Human Dignity in Africa' Aidan G. Msafiri looks at the biggest threats to human dignity and human rights in present-day Tanzania: female genital mutilation, gender-based violence, the deadly consequences of 'Operation Tokozema', violations of the right to life, political violations of persons and citizens' democratic rights, and violations of socio-economic rights. Beginning with the fundamental biblical principle of the image and likeness of God and the African principle of 'Utu' (or 'Ubuntu'), Msafiri elaborates the ethical principle of care and argues in favour of a new culture of cherishing and celebrating God-given dignity. Of central importance for him are gratitude, humility, justice, true love, accountability, hope, faith, peace and forgiveness.

In his article on "Anthropological annotations on Human Dignity from an Asian perspective" Francis-Vincent Anthony looks at human dignity with reference to the ultimate reality and consciousness at the core of human dignity. He draws attention to the fact that "human dignity is bound to the consciousness that man has of his a-dual or non-dual rapport with the divine/transcendence, or of his exclusive rapport with

the immanence/cosmos, or of the unique place he occupies between the divine/transcendence and the cosmos. The responsibilities that follow from such self-understanding indicate how man can progress towards self-realization through self-giving. In other words, human dignity is bound to man's self-understanding and self-realization through self-giving."

In 'Discussion Forum as the Strategy for Survival of a Kaqchikel Community in Guatemala' Andreas Koechert looks at repression, violence, murder and massacres in that country. He describes the alliance between the Acción Católica Rural (ACR), the Cofradías and the Costumbristas which succeeded in transcending religions and cultures. By overcoming their religious differences and collectively agreeing to form a community that reached beyond their specific cultural and social identities they 'revitalised Kaqchikel identity and the knowledge of how to preserve human dignity and human rights in line with Indian values'.

In the second chapter of this volume the authors discuss the extent to which the concept of human dignity is rooted in their own cultural contexts. Taking the history of freedom in Europe as an example, Daniel Legutke shows that instances of the violation of dignity were often of secondary importance if rights to freedom were articulated by social movements engaged in political struggle. He draws attention, firstly, to the freedom movements of the peasants at the time of the Peasants' Wars and the Reformation and, secondly, to developments associated with the French Revolution. As far as European history is concerned, he comes to the conclusion that 'while human dignity is not simply about direct experiences of the denial of freedom, experiences of servitude illustrate how suffering is perceived and is interpreted as injustice. This characteristic of human dignity – that it can be used in defence of claims against authorities and rulers deemed to be acting in an unjust and interfering manner – can be described as a consistent aspect of its persuasive power or as a reinforcement of the articulated political claims.'

In his contribution Joseph Komakoma points to the tradition of Ubuntu, which offers a specifically African view of humanity. Ubuntu means that human beings have a capacity for sympathy and empathy and are therefore in a position to form a community with others. Ubuntu gives people in Africa a sense of responsibility for the weak members

of society and encourages the sharing of personal possessions. Komakoma concedes that, in the African context, it is hard to speak of human dignity in view of abject poverty, endemic diseases, entrenched corruption, millions of internally displaced people and direct refugees and a widening gap between the rich and poor. However, he detects a sign of hope for Africa in the involvement of the Church: 'The Church in Africa does what it can for the defence and promotion of human dignity through pastoral initiatives that have been revitalised by the connection between faith and the African philosophy of Ubuntu. As it is said in certain quarters in Africa, the potential far outweighs the problems that Africa is facing today. So one can only look to the future with Christian hope, that human dignity in Africa is a value that is closely connected with the conception of the human person.'

'The Roots of Human Dignity in a Southeast Asian context' is the title of the article by Sharon A. Bong in which she disproves the allegation that the concept of human dignity as the subject of a post-colonial debate has a 'Western' connotation. She demonstrates that, along with the anthropocentric concept of dignity, which is characteristic of Christian thinking, for example, this concept corresponds less to a notion of dignity in the sense of a legal object and more to an idea of dignity which categorises human life in cosmological terms and is based to a greater extent on a life in dignity.

Victor Codina examines 'The Fundamentals of Human Rights in the Context of Latin America'. Looking first at the three generations of human rights, he goes on to recall the Dominican mission in the Caribbean and the sermon given by the Dominican monk, Antonio de Montesinos, in 1511. In this sermon, which prompted Bartolomé de las Casas and others to join the Dominican order, Montesinos denounced the oppression of the indigenous population by the colonisers. Victor Codina notes that in the history of Latin America at least some of the bishops and missionaries clearly understood 'that it was important to protect the lives and human rights of the indigenous population against all forms of aggression.' He subsequently recalls the meeting of the Latin American bishops in Medellín in 1968, during which they formulated their option for the poor. 'The struggle for human rights took shape, manifesting itself in specific phrases such as 'unjust structures' and the 'structural sin' which oppressed the people.' The bishops' meetings in Puebla (1979) and Santo Domingo

(1992) continued this tradition. Cordina regards the meeting of the bishops in Santo Domingo as the birth of the Third Generation of human rights. In his words, the election of Pope Francis as Bishop of Rome added an element of official authority (*carta de ciudadanía* – a certificate of citizenship) to the specific Latin American approach to human rights.'

The third chapter is devoted to the history of human dignity in the authors' individual context. In the opening paper entitled 'The History of Human Dignity and its Brutal Disregard' Klaus Vellguth starts by examining the genesis of human dignity in Europe in the context of the history of ideas. He goes on to demonstrate how it was possible in 20th century Germany to effect a brutal violation of human dignity under the cover of 'mercy killing', which led to the loss of 70,000 lives in the course of the T4 murder operation. The author suggests that the development of human dignity was the expression 'not only of a (European or contextual) development in the history of ideas, but also – and above all – a response to the suffering that goes hand in hand with the denial of human dignity.' It is apparent, particularly in the history of Germany in the 20th century 'that a refusal to accord inalienable human dignity to the individual opens the floodgates to immeasurable cruelty and endless human suffering (on a universal scale and independently of any specific context).'

Rigobert Minani Bihuzo deals with human dignity and the teachings of the Church in the Democratic Republic of the Congo from an African standpoint. After briefly tracing the historical development of the human rights debate in the Catholic Church he looks at the extent to which the dignity of the human person is rooted in Christian anthropology. He then examines the active commitment of the Catholic Church to respect for human dignity in the Democratic Republic of the Congo. In doing so he treats support for the democratisation of the country as a stand on behalf of human dignity. He is critical of the fact that discussion of human dignity plays only a minor role on the African continent and concludes that the issue of human dignity must always be viewed with an eye on the specific context and in consideration of historical developments.

In 'Human Dignity in the Historical Religious Discourses in Asia' Ali Al-Nasani critically examines the theory that human rights or human dignity is a Western construct. He points out that the concept of a value

inherent in human beings was formulated by Confucius as far back as the 6th century BC and that his most prominent successor, Mencius, took his philosophy forward. The author shows that in Buddhism, too, the idea of human dignity is present in the notion of 'Buddha-nature'. His search for traces in the early Hindu scriptures also yields finds and he points out that human dignity is rooted not just in Asian traditions, but also in present-day developments. Human dignity is now explicitly enshrined as an asset worthy of protection in many constitutions in Asia (for instance in Afghanistan, India, Iran and South Korea). 'Contrary to the popular belief which consistently relates Asian values to a collective as opposed to an individual, reflections on the concept of human dignity which ascribe the same value to all, irrespective of characteristics such as origin, gender or age, have existed in Asia for centuries. They are based on the conviction that each individual is distinguished by a single feature, accorded solely to human beings and deserving of protection, namely dignity.'

In his contribution entitled "From 'Image and Likeness' to 'Human Dignity'" Mauricio Urrea Carrillo maps out the history of human dignity in Europe, the conceptual origins of which can be traced back to the sacred texts of Egyptian and Semitic civilisations. He addresses the hypotheses of Axel Honneth who asserts that there has been a shift in thinking on the concepts of 'dignity' and 'recognition' as a result of political disenchantment, the cutting back of welfare programmes and the fading of prospects for social equality. Moreover, Carrillo claims, the concept of human dignity has changed in that the social value of forms of self-realisation has been degraded. The author continues by exploring the link between ethics and human rights in the works of Raúl Fonet-Betancourt, who sees human rights as the heritage of humankind, as a fundamental part of our culture, of our existence. He establishes a connection between the concept of human dignity and political life and points to areas of society in which the concept of human dignity is of crucial importance.

In the fourth chapter of this volume the authors investigate the question of whether the experience of the violation of human dignity can serve as a foundational basis for the postulation of human dignity.

Peter G. Kirchschräger starts his article on 'Disregard for Human Dignity as a Key Experience' with an overview of positive definitions of the concept of human dignity and then presents the Christian inter-

pretation of human dignity. He subsequently looks at the discussion of the positive definition and Christian understanding of human dignity respectively and expounds the associated difficulties before finally examining the violation of human dignity as a foundational basis for the postulation of human dignity. In conclusion he says: 'Based on the vulnerability principle, the violation of human dignity can provide grounds for establishing human dignity, yet without requiring us to explain the qualities which a person must have in order to deserve respect, i.e. the qualities that make them human. Also, this foundational basis can be linked to experiences of violations which may occur in a variety of religions, cultures, traditions, civilisations and worldviews, because the vulnerability principle offers manifold and complex points of contact. Finally, as this foundation is *ex negativo*, it can be adapted to both religious and secular concepts of human dignity.'

Under the heading 'Human Dignity: A Normative Foundation for Human Rights' Ganoune Diop says that the recognition of human dignity provides the foundation for relations with other people and their respectful treatment. He calls for a 'culture of human dignity' and, with an eye on Africa, sees the creation of social justice as a central requirement on the road to respect for human dignity, since the equitable distribution of prosperity and an appropriate public spending policy are, in his view, crucial for human dignity. He explains how Judaeo-Christian theological anthropology and philological and philosophical thought can help lay the foundations for human dignity and points out that human dignity is seen inter-denominationally as a core value by the Christian denominations. He refers to the recognition accorded to human dignity in other religions, too, and urges a dialogue between world religions and world philosophies in order to strengthen the consensus on questions concerning human dignity. In this he sees a contribution to 'promoting and upholding peace and justice among all people of good will.'

'The very essence of human dignity often seems to shine forth most brightly when it is brutally ignored and snuffed out.' These are the words with which Martha Zechmeister begins her contribution, in which she portrays Oscar Romero as a 'martyr of human dignity'. She demonstrates that human dignity is a consistent theme in his work as Archbishop of El Salvador and recalls his conviction that support



for human dignity implies support for the salvation of the dignity of the victims. Romero denounced attacks on human dignity as idolatry and raised his voice in opposition to all those who trod human dignity underfoot. While he was a profound Christian believer, he consistently pointed to the universality of human dignity. 'For Oscar Romero, the faith-based substantiation of the rights and dignity of man was never in contradiction of their universal, indivisible nature.' In Zechmeister's view, the proclamation by the United Nations of the day of his assassination, 24 March, as the 'International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims' made Oscar Romero the 'universal patron saint of human dignity'.

Peter Jacob is a human rights activist from Pakistan and in his contribution on 'Issues in Defining and Measuring Violation of Postulated Human Dignity' he addresses the question of what constitutes human dignity and what different types of violation of human dignity there are. He begins with specific instances of the violation of human dignity in his native country before looking at the protection afforded to human dignity in the international standards of the United Nations. Finally, he presents conceptual and analytical approaches to the definition and appraisal of violations of human dignity. He concludes his contribution with a number of practical suggestions for international organisations on how they can contribute to respect for human dignity.

The final chapter is devoted to the universality of human dignity. The first article is by Sascha Müller who examines the gap between theory and practice, outlines the problems involved in a theological justification of human dignity and postulates the need for a philosophical, faith-based theory of human dignity. He favours an approach rooted in man's ability to reason which enables the ego to overcome the dichotomy in human perception between objective facts and non-binding opinions.

Richard N. Rziwa sheds light on human dignity in Africa. He begins by exploring the roots of African anthropology and points out that, in Africa, being human implies acknowledging one's humanity and the humanity of others. African communitarianism overcomes the narrow concentration on the generations now alive and includes the deceased as well as later-born generations in the community.

Rwiza mentions specific violations of human dignity in Africa and demonstrates that the strengthening of human dignity there also has a political dimension because Africa must no longer be abused as an environmental rubbish dump for other continents, arms exports to the continent must be stopped and its crippling financial burden reduced, etc.

Muhammad Sammak offers an Islamic perspective on human dignity. He starts by exploring the concept of human dignity and then examines the legal and canonical foundations for it in Islam. He continues by showing the extent to which Islam genuinely promotes the granting of human rights. Referring to numerous suras, Sammak shows that the Koran also contains an anthropology which accords human beings (not as created in the image of God, but as vice-regents) a unique dignity. This human dignity entails a universal right: 'Man is divinely honoured whether he is a believer or a disbeliever in God, and whether he submits to God or renounces Him. Thus, honour is not restricted to one group of people to the exclusion of the other. For human dignity, which is derived from God's will and benevolence, embraces all people regardless of race, colour, language or faith. God is not the Lord of the Jews alone, or the Christians alone or the Muslims alone. He is the Lord of all worlds.' Sammak points out that none of the 54 member states of the Organisation of Islamic Cooperation (OIC), which are also member states of the United Nations, has ever called for an amendment of the Universal Declaration of Human Rights. Nevertheless, he concedes that all countries the world over (not just Muslim and Arab countries) must endeavour to 'arrive at a stage where human rights and dignity will become an end in itself and not a mere means leading to inhuman ends.'

In their paper on 'Memory, Subjectivity and Human Dignity' Antonio Sidekum and Jorge Miranda consider the relationship between, memory, subjectivity and human dignity in Latin America and the Latin American philosophy and theology of liberation. They demonstrate that recollection of the suffering of victims helps to preserve human dignity. In addition, they look into the experience of exteriority shared by broad sections of the population of Latin America. They call for a memory in which the 'clamouring voices of the people are heard, where ethics is felt and becomes vividly present not only because it denounces barbarianism but also because it promotes and legitimises

strategies which produce life and social justice, for without this kind of relationship it is not possible to address the question of human dignity.'

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*Klaus Krämer*

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## Anthropological Remarks on Human Dignity

# Human Dignity in the Light of Anthropology and the History of Ideas

Josef Schuster

Over the past thirty years the concept of human dignity has moved to the forefront of the bioethical debates concerning the ethical and legal assessment of research using embryonic human stem cells, the moral and legal permissibility of pre-implantation diagnostics and the protection of human life at its inception and termination. In the course of these debates, however, no common understanding has emerged of what the term “human dignity” really means or what significance attaches to it in philosophical, theological and legal arguments.<sup>1</sup> Some see human dignity as a necessary ethical and legal principle with which to address such issues, albeit one that is not adequate in every respect. Interpreted thus, it also forms the moral foundation of a state governed by the rule of law, as expressed, for instance, in Article 1 Section 1 of the German Constitution and in the Preamble of the Universal Declaration of Human Rights.<sup>2</sup> Others see human dignity as an indeterminate legal or empirical concept that indicates a greater or lesser degree of dignity, depending on the level of development and the formation of the mental capabilities required to exercise self-determination in a free and responsible manner. Strictly speaking, full human dignity can only be attributed to those who are capable of self-respect,<sup>3</sup> who have a self-reflecting attitude to them-

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<sup>1</sup> Cf. for instance, Horn, Christoph, “Die verletzbare und die unverletzbare Würde des Menschen – eine Klärung”, in: *Information Philosophie*, No. 3 (2011), 30–41; Roothaar, Markus, *Die Menschenwürde als Prinzip des Rechts – eine rechtsphilosophische Rekonstruktion*, Tübingen 2015, 1. Exkurs: Menschenwürde als Erniedrigungsverbot: eine Kritik, *ibid.*, 241–250.

<sup>2</sup> “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world [...], the General Assembly proclaims [...]”

<sup>3</sup> Cf. for example Pollmann, Arnd, “Würde nach Maß”, in: *Deutsche Zeitschrift für Philosophie*, No. 53 (2005), 611–619.

selves<sup>4</sup> and who are able to make autonomous decisions. Embryos, fetuses, infants, dementia patients and people in a vegetative state can, at best, only possess human dignity in some analogous sense. Thirdly, there are those who see the concept of human dignity as dispensable altogether,<sup>5</sup> either because it can be replaced by more precise concepts or because it tends to resemble a mantra without any clear definition. To (re-)establish clarity about the intension (internal content) and extension (range of applicability) of human dignity, it may be helpful to remind ourselves of its anthropological basis and its origin in the history of ideas.

### Anthropological aspects

#### *Theological anthropology: created in the image of God*

Theologically, the concept of human dignity is based on man being created in the image of God.<sup>6</sup> The philosophical idea of human dignity thus has its theological counterpart in man being regarded as “created in God’s likeness”.<sup>7</sup> When the Old Testament (Gen. 1:27ff.) uses this phrase, it means that man is God’s representative within creation. This gives him a responsibility towards God, man’s sphere of control encompassing the non-human domain, particularly animals. The mandate to rule the earth, which goes hand in hand with this representative function, must be understood as one that entails maintenance of the order established by the Creator. Whereas in Hebrew there is a more functional understanding of man as God’s representative in the fulfilment of this mandate, the Greek translation of the Old Testament (the Septuagint, LXX) shifts the emphasis from the functional to the ontological: *εἰκὼν* must clearly be understood as a statement about the very nature of man. This in no way negates the functional perspective, which is rooted primarily in the mandate

<sup>4</sup> Cf. for example Singer, Peter, *Praktische Philosophie*, Stuttgart 1994, especially 177ff.

<sup>5</sup> Cf. for example Macklin, Ruth, “Dignity is a useless concept – it means no more than respect for persons or their autonomy”, in: *British Medical Journal*, No. 327 (2003), 1119f.

<sup>6</sup> Cf. also the following exegetical, historical and systematic articles: “Menschenwürde”, in: *Jahrbuch für Biblische Theologie*, No. 15 (2000); from a systematic perspective: Welker, Michael, “Person, Menschenwürde und Gottebenbildlichkeit”, *ibid.*, 247–262; also: Herms, Eilert (ed.), *Menschenbild und Menschenwürde*, Gütersloh 2001; especially Anselm, Reiner, “Rechtfertigung und Menschenwürde”, *ibid.*, 471–481.

<sup>7</sup> Cf. also Groß, Walter, “Gen 1:26,27; 9:6: Statue oder Ebenbild Gottes? Aufgabe und Würde des Menschen nach dem hebräischen und dem griechischen Wortlaut”, in: *Jahrbuch für biblische Theologie*, No. 15 (2001), 11–38.

to rule the earth, but it places greater emphasis on man’s essential nature.

In the interests of systematic clarification it may prove helpful to consider the following thoughts on this matter by Bruno Schüller, who follows Karl Rahner<sup>8</sup>. In the Christian concept of creation, man possesses nothing that he has not previously received. Any inviolable dignity that man has is, therefore, a gift from his Creator. In the Christian theology of creation it was love that prompted God to create man and to sustain him in his existence. Being created by God means that man must be good in himself because he has an inherent dignity and value. Unlike human love, God’s love is creative in that it calls something into being from nothing. Correlating the terms “love” and “good”, man’s origin as described above means that he is good because he is loved by God. In other words, the dignity of a human individual is based on God’s love of the human being.

These theological links with creation have prompted some to conclude that man’s specific dignity is attributable solely to its transcendental divine origin. If that were the case, it would exist “extra nos in Deo vel in Christo”. Hence those without such faith-based knowledge would apparently regard man as a being without dignity.

Such a stance, however, would hardly be compatible with the biblical belief in creation. After all, human dignity is something man has received from God and thus is genuinely his own. God’s creative power reflects his capacity “to constitute something in his own right and by his own act, which is radically dependent upon him (being totally constituted by him), but which is also invested with a genuine independence, reality and truthfulness of its own (by dint of the fact that it is constituted by the one unique God), and indeed even in respect of the God who constituted it. God alone can create something that has validity before himself. Therein lies the mystery of active creation, which is God’s sole prerogative.”<sup>9</sup>

<sup>8</sup> Cf. Schüller, Bruno, “Sittliche Forderung und Erkenntnis Gottes: Überlegungen zu einer alten Kontroverse”, now in: *ibid.*, *Der menschliche Mensch: Aufsätze zur Metaethik und zur Sprache der Moral*, Düsseldorf 1982, 28–53.

<sup>9</sup> Rahner, Karl, “Chalkedon – Ende oder Anfang?”, in: Grillmeier, Alois/Bacht, Heinrich (eds.), *Chalkedon III*, Würzburg 1954, 3–49, here 15.

If, however, a correct theological understanding of creation allows us to say that man's inherent dignity is the result of his very existence as a human being, then – in principle at least – the possibility cannot be excluded that this dignity is open to human comprehension without any express reference to a belief in the revelation. While a relationship may exist between grounds and substantiation, this does not mean that substantiation cannot be understood a priori because it is independent of the grounds. After all, substantiation is based on synthesis, not analysis.

That said, it would be wrong to insist on theological reasoning as the sole foundation for human dignity, although this often happens.<sup>10</sup> Were theologians to proceed thus, they would be doing themselves a disservice. While it is understandable that efforts should be made to demonstrate the indispensable relevance of faith in these matters, that would involve a claim to exclusive rights as a line of argument which non-Christians would dismiss as a purely religious view. It is, of course, correct that the Christian faith disallows the option of viewing human dignity as something attributed to man *a posteriori*, i.e. by human beings and their institutions. Rather, human dignity must be acknowledged *a priori* and unconditionally, even though it has been granted by God who created man in his own image and likeness. This theological line of argument, based mainly on Genesis 1, is supplemented in the New Testament by the Christological tenet that man is accepted unconditionally in Jesus Christ.<sup>11</sup>

<sup>10</sup> This view is taken, among others, by Anselm, Reiner: "Die Würde des gerechtfertigten Menschen: Zur Hermeneutik des Menschenwürdearguments aus der Perspektive der evangelischen Ethik", in: *Zeitschrift für Evangelische Ethik*, No. 43 (1999), 123–136, here 125: "[...] theological ethics cannot and must not claim to be the sole justification for human dignity, as this would contradict both the use and the claim inherent in the concept of human dignity." See the conclusion derived by Josef Isensee in "Die katholische Kritik an den Menschenrechten – Der liberale Freiheitsentwurf in der Sicht der Päpste des 19. Jahrhunderts", in: Böckenförde, Ernst-Wolfgang/Spaemann, Robert (eds.), *Menschenrechte und Menschenwürde*, Stuttgart 1987, 138–174, here 165. The claim that human dignity has no other foundation but the Christian faith has also been refuted by Roman Catholics. See, for example Schockenhoff, Eberhard, "Achtung der Menschenwürde in der technisch-wissenschaftlichen Zivilisation", in: Rauscher, Anton et al. (eds.), *Handbuch der katholischen Soziallehre*, Berlin 2008, 61–76, here 61.

<sup>11</sup> Anselm, Reiner, "Die Würde des gerechtfertigten Menschen: Zur Hermeneutik des Menschenwürdearguments aus der Perspektive der evangelischen Ethik", in: *Zeitschrift für Evangelische Ethik*, No. 43 (1999), 123–136, here 125ff.

### *Philosophical anthropology: humanity and personhood*<sup>12</sup>

The term "human dignity" has become well established in everyday language and has also been incorporated into constitutions and human rights declarations. Recently, however, a debate has arisen over what exactly is meant by "human beings" to whom dignity must be accorded. Does this also apply to embryos, infants, dementia patients or people with locked-in syndrome? It is now increasingly disputed that human dignity should apply to every member of the human race (i.e. *homo sapiens*). In line with this argument, then, there are people who do not have personhood. At this juncture we will not examine the reverse case whereby – according to Peter Singer, for instance – there are beings which have personhood but no humanity.<sup>13</sup>

The reasoning behind this view seems initially plausible. The mere fact that someone is biologically human does not automatically mean that they adhere to moral standards. To make such an assumption would incur the charge of a naturalistic fallacy,<sup>14</sup> an error which can only be avoided by indicating qualities and skills in a species that are especially worthy of protection. For Reinhard Merkel those qualities include the subjective ability to experience things – an ability which, he says, gives a person a right of protection that must not be violated. By contrast, Robert Spaemann<sup>15</sup> and others take the view that "dignity" is based on biological membership of the human race as the essential criterion. In other words, "human being" and "person" are identical in the fields they cover. To substantiate his point Ricken refers, among other things, to Immanuel Kant's distinction in the *Metaphysics of Morals*, where he looks at man under two aspects: "man within the system of nature" and man "as a person".<sup>16</sup> This duality is matched

<sup>12</sup> Cf. the following, in particular: Ricken, Friedo, "'Mensch' und 'Person'", in: Hilpert, Konrad/Mieth, Dietmar (eds.), *Kriterien biomedizinischer Ethik: Theologische Beiträge zum gesellschaftlichen Diskurs*, Freiburg im Breisgau 2006, 66–86.

<sup>13</sup> Singer, Peter, *Praktische Ethik*, Stuttgart 1994, 147–176.

<sup>14</sup> Instead of numerous references attention is drawn here to the following representative publications: Merkel, Reinhard, "Contra Speziesargument: Zum normativen Status des Embryos und zum Schutz der Ethik gegen ihre biologische Degradierung", in: Damschen, Gregor/Schönecker, Dieter (eds.), *Der moralische Status menschlicher Embryonen*, Berlin/New York 2003, 35–58.

<sup>15</sup> Spaemann, Robert, *Personen: Versuche über den Unterschied zwischen "etwas" und "jemand"*, Stuttgart 1996, here 264; cf. especially Ricken, Friedo, op. cit.

<sup>16</sup> Ricken, Friedo, op. cit., 84 with reference to Kant, MS VI 434, quoted from Akademieausgabe (academic edition).



in the form of two concepts: *homo phaenomenon*, i.e. man as a natural being, and *homo noumenon*, i.e. man as a person who is thus endowed with personhood (humanity) as a normative concept. “Every individual within the species must be regarded under these two aspects: the idea of humanity determines the requirements concerning the treatment of each member of the biological species from the moment of their creation.”<sup>17</sup> The reason for this is man’s capacity for morality, an ability which is unique to *homo sapiens*<sup>18</sup> as a species.

### **Gradations of human dignity?**

This understanding of human dignity does not permit any gradations. There is no more or less, but only an either/or.<sup>19</sup> Asserting the opposite would mean equating dignity with worthiness in the sense of merit. If the right to live – or indeed any human right – is founded on human dignity, there can be no limited or graded protection of a person’s life.<sup>20</sup>

When it is said that man is accorded human dignity by nature, this should not be understood in a naturalistic sense. Rather, it illustrates that dignity is not ascribed to man on an arbitrary basis, but that it is an inherent property of any human being. This makes it something which must be consistently recognised, not granted.

An alternative position equates dignity with empirically observable properties. Those mentioned in the literature include self-awareness, a capacity for self-esteem and self-determination, an awareness of one’s own identity, an ability to suffer and the ability to pursue one’s own interests and desires.<sup>21</sup>

<sup>17</sup> Ibid.

<sup>18</sup> According to Christian doctrine, this ability also characterises angels. However, this matter will not be pursued here.

<sup>19</sup> A re-interpretation of Article 1 Section 1 of the German Constitution was presented by Matthias Herdegen (“Kommentierung zu Art. 1 Abs. 1. GG”, in: Maunz, Theodor/Düring, Günter (eds.), *Grundgesetz: Kommentar*, Lfg. 44, Munich 2005), which argued that dignity can be weighed against other fundamental rights. This view, however, has been vigorously rejected. Cf. for instance, Böckenförde, Ernst-Wolfgang, “Bleibt die Menschenwürde unantastbar”, in: *Blätter für deutsche und internationale Politik*, No. 10 (2004), 1216–1227.

<sup>20</sup> On this point cf. for instance: Schockenhoff, Eberhard, *Abgestufter Lebensschutz?* (Kirche und Gesellschaft, No. 304), Cologne 2003.

<sup>21</sup> An overview of different interpretations of this kind can be found in Sandkühler, Hans-Jörg, *Menschenwürde und Menschenrechte: Über die Verletzbarkeit und den Schutz der Menschen*, Freiburg/Munich 2014, 28–47.

The latter, a person’s de facto desires and interests as such, cannot form the basis of a norm, however. That would be a factualist fallacy. Rather, they themselves require the formation of norms, as there are interests and desires that cannot be morally justified. It follows that individual desires and interests provide no justification for anyone to interfere with the rights of others, even if they have neither the intention nor the capacity to use their rights.

If anything is to correspond to human dignity, it cannot be a descriptive term. It can only be the normative concept of moral capacity. The one and only relevant criterion is that a being be essentially guided by its moral capacity. Human dignity is based on what a human being should be and do.

Moral capacity belongs to the category of concepts pertaining to dispositions. Such concepts are not empirical, but theoretical. They concern things which are not the immediate object of empirical observation. They can, however, provide conditions whereby empirical facts can be explained. Wolfgang Wieland specifies as follows: “A disposition can therefore also be seen as a potential which enables the person who disposes of it to have an impact or to suffer, but which does not lead to any specific realisation. [...] Having such dispositional potential, human moral capacity does not belong to the category of specific properties which are in a state of waiting, as it were. Moreover, it does not determine humankind in any accidental manner. Rather, it is an essential feature specific to humans throughout their existence – even if, for whatever reasons, a person is prevented from appreciating the demands of morality and tailoring his actions to them. Like all specifications that are essential and normative for man, our moral capacity is not subject to gradation.”<sup>22</sup>

What has been said so far does not answer the question of whether human dignity and moral capacity can be ascribed to a human being at the embryonic stage. If neither dignity nor moral capacity are empirical concepts, it is impossible to specify any empirical stages from which onwards a human being can be described as having dignity or moral capacity, except at the inception of human life, i.e. zygote formation. This is not a matter of decision-making, but of acquiring an

<sup>22</sup> Wieland, Wolfgang, “Pro Potentialitätsargument: Moralfähigkeit als Grundlage von Würde und Lebensschutz”, in: Damschen, Gregor/Schönecker, Dieter (eds.), *Der moralische Status menschlicher Embryonen*, Berlin/New York 2002, 149–168, here 163.

understanding. If human dignity is not subject to human control, “the only consequence that remains is to acknowledge its existence within man, based on his essential moral capacity, from the very beginning of his natural individual life, including the embryonic stage, not as a momentary disposition, but as a permanent one”.<sup>23</sup>

If stipulative or conventional definitions decide on human dignity and human rights, there is no point in the entire argument as to whether an embryo has any ontological or moral status, and the debate about human rights is deprived of any real meaning. It follows, therefore, that every member of the human race is entitled to dignity and thus the right to live and enjoy protection of life.

The species argument is essential in this context, because it is members of our species, *homo sapiens*, who dispose of an inherent moral capacity. And of course a human embryo belongs to this species from the very beginning. “When associating moral capacity and human dignity with the species, it is solely their quality as indicators that stop us from erroneously legitimising any normative specification through recourse to a mere fact.”<sup>24</sup> Hence, the charge of a naturalistic fallacy is inappropriate.

### History of ideas<sup>25</sup>

The concept of human dignity in today’s spectrum of different meanings derives primarily from two sources: one religious and the other philosophical. The religious source comes from the priestly account of creation in Genesis 1:26f.: “God said, ‘Let us make man in our own image, in the likeness of ourselves, and let them be masters of the fish of the sea, the birds of heaven, the cattle, all the wild animals and all the creatures that creep along the ground.’ God created man in the image of himself, in the image of God he created him, male and female he created them.” For the theology of the Church Fathers, for the Middle Ages and the modern age, Genesis 1:26f has always been *the* reference point for all theological discourse on man as a creature

<sup>23</sup> Ibid., 164.

<sup>24</sup> Ibid., 165.

<sup>25</sup> Cf. also Pöschl, Viktor, *Der Begriff der Würde im antiken Rom und später*, Heidelberg 1989; Forscher, Maximilian, “Immanente Transzendenz: Die Stoa und Cicero über die Würde des Menschen”, in: Sirovátka, Jakub (ed.), *Endlichkeit und Transzendenz: Perspektiven einer Beziehung*, Hamburg 2012, 23–48; Sandkühler, Hans-Jörg, op. cit., 53–142.

in God’s image and on human dignity. The philosophical source derives from the Stoics and Roman culture, which again distinguishes between two meanings of the word *dignitas*, as we shall see below.

### Stoics and Cicero

In ancient Rome the term *dignitas* was mainly used in the context of politics. It was an expression of rank, status, honour, recognition and social standing. Julius Caesar, for instance, waged a civil war against Rome (49 BC) for the sake of his *dignitas*, i.e. he fought for his honour and reputation.

According to Viktor Pöschl, there is no equivalent in Greek for the Roman (Latin) concept of *dignitas*. The expressions which come closest to the meaning of *dignitas* are *τιμή* and *ἄξιος*. The Vulgate uses the terms *dignitas*, *gloria* and *honor* to translate the Greek words *δόξα* and *τιμή* from the Septuagint.<sup>26</sup> Sandkühler quotes the “*Ausführliches [...] lateinisch-deutsches [...] Handwörterbuch* (Detailed Latin-German Concise Dictionary)<sup>27</sup>: “dignatio, onis, f. (dignor) (I) active: honour and recognition of a person’s value (merit), distinction, respect, mercy shown to someone [...]. (II) passive: high opinion, personal respect attributable to merit – high regard, honour, mercy, favour enjoyed among or accorded by others, rank or position assumed.”

Cicero (106–43 BC) draws on the ancient Roman concept of *dignitas* and continues to use the expression in the same sense. At the same time, however, he also discusses the Stoic background of the word, pointing out that it specifies an essential quality of man who, as a rational being, stands apart from all other beings: reason enables man to make free, responsible decisions and therefore to act morally. In the Stoic perspective, reason is seen as a kind of divine representation within a human being, so that man has a share in infinite divine reason. Maximilian Forscher talks in this context of “immanent transcendence”, whereby any talk of dignity is not tied to a two-worlds doctrine – the world of things perceived through human senses (*mundus sensibilis*) and the world of intelligible realities (*mundus intelligibilis*). Man has the ability “to transcend himself as

<sup>26</sup> See for instance, Prov. 14:28, 20:29, Is. 10:16, 11:10, 14:18 and Ps 8:6.

<sup>27</sup> Georges, Karl Ernst (ed.), Hannover <sup>8</sup>1913 (reprint: Darmstadt 1998), No. 1, col. 2156.

a finite, needy and self-related being, to rely entirely on the rational quality of his thoughts and actions, to put all his endeavours on a rational footing and to affirm himself as a finite, transient part of a single, highly structured, rational whole.”<sup>28</sup>

In his treatise *De Officiis* Cicero highlights the special position of man compared with animals while at the same time describing dignity as an egalitarian principle of all mankind and as something which characterises all humans by virtue of their humanity.<sup>29</sup> “[...] it is essential to any investigation of dutiful action that we constantly bear in mind just how superior man is by his very nature to cattle and other beasts; the latter have no thought except for sensual pleasure and this they are impelled by every instinct to seek; but man’s mind is nurtured by study and meditation; he is always either investigating or doing something and is captivated by the pleasure of seeing and hearing. [...] One’s physical comforts and wants, therefore, should be ordered according to the demands of health and strength, not according to the calls of pleasure. And if we only bear in mind the superiority and dignity [*excellentia et dignitas*] of our nature, we shall realise how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and how honourable it is, on the other hand, to live in thrift, self-denial, simplicity, and sobriety.”<sup>30</sup> Dignity, therefore, is not just a distinctive feature of man compared with animals but also includes the requirement that man should behave accordingly.

On the other hand, it also follows that dignity is not the same for all humans, as there is a certain “unfair equality” caused by the rejection of “any gradations of dignity”.<sup>31</sup> In his writings Cicero seems to oscillate between the two meanings of *dignitas* – on the one hand, worthiness in the sense of merit, honour and prestige, and, on the other, dignity as the hallmark of humans compared with other beings as a result of their capacity to reason and act responsibly. Nevertheless, it is the first meaning which predominates.

<sup>28</sup> Forschner, Maximilian, op. cit., 23.

<sup>29</sup> Cf. also Huber, Wolfgang, “Menschenrechte/Menschenwürde”, in: *Religion in Geschichte und Gegenwart*, No. 22, 577–602, here 578f.

<sup>30</sup> Cicero, *Deo officiis* I, 105f., quoted from [https://archive.org/stream/deofficiiswithen00ciceuoft/deofficiiswithen00ciceuoft\\_djvu.txt](https://archive.org/stream/deofficiiswithen00ciceuoft/deofficiiswithen00ciceuoft_djvu.txt). (02.08.2016).

<sup>31</sup> Cicero, *De Re Publica* I, 43: “[...] cum habeat nullos gradus dignitatis.”

### ***Christianity: Church Fathers and the Middle Ages***

According to Cicero, man owes his special position, among other things, to the creation of his soul/spirit by God.<sup>32</sup> Man’s relationship with his Creator is thus a matter of “sonship”. This view can also be found in the early Christian understanding of man made in the image of God. Man’s “sonship”, “being a child of God”, is seen as an inherent feature of humanity. Every human being is thus characterised by a dignity which is not tied to any political or social position. Pöschl quotes Theophilus of Antioch (died circa 183 AD) as the earliest Christian evidence of this understanding: “But as to what relates to the creation of man, his own creation cannot be explained by man, though it is a succinct account of it which Holy Scripture gives. For when God said, “Let Us make man in Our image, after Our likeness,” He first intimates the dignity of man. For God having made all things by His Word, and having reckoned them all mere bye-works, reckons the creation of man to be the only work worthy of His own hands. Moreover, God is found, as if needing help, to say, “Let Us make man in Our image, after Our likeness.” But to no one else than to His own Word and wisdom did He say, “Let Us make.” And when He had made and blessed him, that he might increase and replenish the earth, He put all things under his dominion, and at his service; and He appointed from the first that he should find nutriment from the fruits of the earth, and from seeds, and herbs, and acorns, having at the same time appointed that the animals be of habits similar to man’s, that they also might eat of an the seeds of the earth.”<sup>33</sup> This remarkable passage may be deemed representative of the synthesis between the theological affirmation that man is made in God’s image and the philosophical tradition which speaks in this context of man’s dignity. It was a view further discussed and developed by theologians during the Middle Ages, an illustration of which can be found *inter alia* in the prologue of the *Prima Secundae* of the *Summa Theologiae* by Thomas Aquinas. Although he makes no explicit use of the term *dignitas*, it is quite clear what is meant by it: “Man is made in God’s

<sup>32</sup> Cicero, *De Legibus* 1:24: “[...] And although human beings have taken the other things of which they are composed from mortal stock, and those things are fragile and frail, the soul has been implanted by a god. From this, in truth, there is what can be recognised as a blood relation, or a family or a lineage, between us and the heavenly beings.”

<sup>33</sup> *Ad Autolycum* 2:18. Quoted from Schaff, Philip, *Fathers of the Second Century*, available at: <http://www.ccel.org/ccel/schaff/anf02.iv.ii.xviii.html> (10.08.2016).



image, and as this implies, so Damascene tells us, that he is intelligent and free to judge and master of himself, so then, now that we have agreed that God is the exemplar cause of things and that they issue from his power through his will, we go on to look at this image, that is to say, at man as the source of actions which are his own and fall under his responsibility and control.”<sup>34</sup>

When examining Thomas Aquinas’ understanding of human dignity, commentators usually focus on Article 2 of Quaestio 64, in the *Secunda Secundae* of his *Summa Theologiae*, in which Thomas looks at the dignity of a “sinner” (i.e. a criminal). “By sinning man departs from the order of reason, and consequently falls away from the dignity of his manhood [*ideo decidit a dignitate humana*] in so far as he is naturally free, and exists for himself, and he somehow falls [*incidit quodammodo*] into the slavish state of the beasts, by being disposed of according as he is useful to others [...]”<sup>35</sup> In this context Thomas then asks whether it is legitimate to kill the “sinner” (i.e. criminal) and concludes that a human being must not be killed because and inasmuch as he has dignity. If, however, a human being persists in his sin, he may be treated like an animal, depending on the relevant benefit or damage to the community, i.e. he may be put into servitude or killed, especially since an inveterate sinner (i.e. criminal) is worse than an animal (with reference to Aristotle).<sup>36</sup>

<sup>34</sup> Translation taken from Heidegger, Martin, *Ontology – The Hermeneutics of Facticity*, e-book, quoted in: <http://jovejim.tripod.com/jovespensees/id7.html> (02.08.2016). Original: “Quia, sicut Damascenus dicit, homo factus ad imaginem Dei dicitur, secundum quod per imaginem significatur intellectualem et arbitrio liberum et per se potestativum; postquam praedictum est de exemplari, scilicet de Deo, et de his quae processerunt ex divina potestate secundum eius voluntatem; restat ut consideremus de eius imagine, idest de homine, secundum quod et ipse est suorum operum principium, quasi liberum arbitrium habens et suorum operum potestatem.”

<sup>35</sup> St. Aquinas, Thomas, *The Summa Theologiae* (Benziger Bros. edition, 1947), translated by Fathers of the English Dominican Province: <http://dhspriority.org/thomas/summa/SS/SS064.html> (02.08.2016).

<sup>36</sup> *Summa Theologiae* II-II 64, 2 ad 3: “Ad tertium dicendum quod homo peccando ab ordine rationis recedit, et ideo decidit a dignitate humana, prout scilicet homo est naturaliter liber et propter seipsum existens, et incidit quodammodo in servitutum bestiarum, ut scilicet de ipso ordinetur secundum quod est utile aliis; secundum illud Psalm., homo, cum in honore esset, non intellexit, comparatus est iumentis insipientibus, et similis factus est illis; et Prov. XI dicitur, qui stultus est serviet sapienti. Et ideo quamvis hominem in sua dignitate manentem occidere sit secundum se malum, tamen hominem peccatorem occidere potest esse bonum, sicut occidere bestiam, peior enim est malus homo bestia, et plus nocet, ut philosophus dicit, in I Polit. et in VII Ethic.” [“By sinning man departs from the order of reason, and consequently falls away from the dignity of his manhood, in so far as he is naturally free, and exists for himself, and he falls into the slavish state of the beasts, by being disposed of according as he is useful

Some scholars have concluded from this passage that it was a foregone conclusion for Thomas Aquinas that a sinner (i.e. criminal) should lose his human dignity.<sup>37</sup> But if we look at Article 6 of Quaestio 64 we can see that Thomas adopts a more differentiated approach. When considering the question of killing a sinner (i.e. criminal), he concludes that where man as such is concerned, it is wrong to kill any human being – “since in every man, though he be sinful, we ought to love the nature which God has made, and which is destroyed by slaying him.”<sup>38</sup>

Nevertheless, the killing of a sinner (i.e. criminal) is permitted, he says, for the common good in cases where the community would otherwise be destroyed by the criminal act. According to this passage, therefore, neither public authorities nor private individuals are exonerated from the duty to love human nature as created by God and indeed to love it in every human being, including sinners (i.e. criminals). After all, every single human being is called to participate in eternal salvation. It is, therefore, wrong to conclude from *Summa Theologiae* II-II 64, 2 to 3, that Thomas believes a sinner (i.e. criminal) forfeits his dignity.

### *A milestone: Immanuel Kant*

It is probably fair to say that no philosopher since the Enlightenment has exerted greater influence on the concept of human dignity than Immanuel Kant. This article does not offer sufficient scope to do adequate justice to his understanding of human dignity or to pay an appropriate tribute.

Kant distinguishes between “price” and “dignity”: “What has a price”, he says, “is such that something else can also be put in its place as its equivalent; by contrast, that which is elevated above all

to others. This is expressed in Ps. 48:21: “Man, when he was in honor, did not understand; he hath been compared to senseless beasts, and made like to them,” and Prov. 11:29: “The fool shall serve the wise.” Hence, although it be evil in itself to kill a man so long as he preserve his dignity, yet it may be good to kill a man who has sinned, even as it is to kill a beast. For a bad man is worse than a beast, and is more harmful, as the Philosopher states (Polit. i, 1 and Ethic. vii, 6).

<sup>37</sup> Cf. for instance, Sandkühler, Hans-Jörg, op. cit., 61f.

<sup>38</sup> *Summa Theologiae* II-II 64, 6 c.: <http://dhspriority.org/thomas/summa/SS/SS064.html> (02.08.2016).

price, and admits of no equivalent, has a dignity.”<sup>39</sup> Kant then goes on to say: “[...] But that which constitutes the condition under which alone something can be an end in itself does not have merely a relative worth, i.e., price, but rather an inner worth, i.e., a dignity.”<sup>40</sup>

In this context “dignity” describes a value to which a human being is unconditionally committed and, since it cannot be weighed against anything else, it cannot be replaced by anything else. Under certain circumstances, other goods or values may have an equivalent: for instance, you might prefer to go to a football match instead of the theatre, or buy a coat instead of a jacket, etc. But a human being cannot say: Fidelity in love may be all well and good, but I prefer variety as an equivalent. In other words, moral conduct does not have an equivalent. However, moral conduct can be costly and, as in the case of martyrdom, may cost a person his life. In such a case he puts a lower price on his own life than faithfulness to his conscience.

### Brief summary

Humans are distinguished from all other living beings by their moral capacity. They alone can set themselves objectives and coordinate them with others. As beings with a moral capacity, human beings have personhood and are, therefore, an end in themselves. Nevertheless, it is possible for human beings to abuse their freedom and to degenerate to a greater extent than any other living being could ever be. They can attain a level of bestiality exceeding that of any animal. Nonetheless, human beings do not lose their dignity, even if they deform themselves and forfeit their worthiness. Dignity cannot, therefore, be lost. What can be lost, however, is the ability to exercise this dignity. One of the aims of human rights is to prevent this happening.

<sup>39</sup> *Groundwork of the Metaphysics of Morals IV 434*: [http://www.inp.uw.edu.pl/mdsie/Political\\_Thought/Kant%20-%20groundwork%20for%20the%20metaphysics%20of%20morals%20with%20essays.pdf](http://www.inp.uw.edu.pl/mdsie/Political_Thought/Kant%20-%20groundwork%20for%20the%20metaphysics%20of%20morals%20with%20essays.pdf) (02.08.2016).

<sup>40</sup> *Ibid.*, 435.

## Reaffirming the Theology of Human Dignity in Africa: Critical challenges and salient hopes in Tanzania

Aidan G. Msafiri

As one of the key tenets in Catholic theology, human dignity is defined as a God-given intrinsic worth, sanctity and value of human person to be treated with love and respect. This is profoundly underscored particularly from the “Imago Dei” theology (Gen. 1:26) From a Thomistic viewpoint, humans unlike other creatures “aspire to an intellectual and eschatological fulfillment: the beatific vision... That is we participate consciously and reflectively in divine reason, in the eternal law, God’s plan for the cosmos...”<sup>41</sup> There is a critical nexus particularly between the qualitative based multidisciplinary principle of human dignity and natural law, human rights, as well as the spiritual, moral (ethical), psychological volitive intellectual socio-economic components of the human person (*Gaudium et Spes* Nr. 15). In brief, the principle of human dignity demands unique respect and care for each and every human person regardless of his/her color, race, age, gender, economic power etc. Human dignity goes beyond any monetary and quantitative criteria. It is value-based.

According to St. Anselm, theology refers to a systematic discourse or study of “God’s self-revelation in Jesus Christ and of the human experience, understanding, knowledge and reception of this revelation, and in particular of how Christian disciples are expected to live their lives.”<sup>42</sup>

<sup>41</sup> Traina, Cristina L., “Seeking Moral Norms in Nature: Natural Law and Ecological Responsibility”, in: Hessel, Dieter T./Ruether Radford, Rosemary (eds.), *Christianity and Ecology: Seeking the Well-Being of Earth and Humans*, Massachusetts 2000, 256.

<sup>42</sup> Egan, Philip A., *Philosophy and Catholic Theology: A Primer*, New York 2009, 38.

What is the essence of human dignity? Which concrete indicators allude to threats against human dignity in Tanzania today? (E.g. Albino Killings? Female Genital Mutilation, Brutality of the Armed Forces (“Operation Tokomeza”) Gender based violence etc.) Which key theological and ethical principles underpin the responsibility to respect and protect the dignity of human persons? What are the short-medium and long-term effects of indifference towards the violation of human dignity and rights in Tanzania today? What should each one do to protect and value life accordingly (individually, communally? ecclesiastically? nationally? regionally? globally?) Could African theologians, scholars and leaders develop a new and transformative theology or spirituality of solidarity and human dignity as a “best practice and model” for Tanzania?

This paper is composed of two major parts. In part one, an attempt is made to identify some of the major threats against human dignity and rights in Tanzania today. Part two depicts key anthropological and theological principles underpinning human dignity from a multidisciplinary approach. This work does not claim to be exhaustive.

It adopts the highly inter- and multidisciplinary “ACTION” method<sup>43</sup> developed by Aidan G Msafiri, the writer of this paper.

### **Albino Killings as an abuse against Human Dignity in Tanzania**

Current statistics indicate that there are about 6, 977 persons with albinism in Tanzania,<sup>44</sup> although approximately 17,000 are undocumented. The last six years has witnessed an ever growing atrocious culture of about albino persecutions and killings based upon witchcraft beliefs. These killings to get their bodily organs or parts are rampant particularly around the Lake Zone in Shinyanga and Mwanza Regions in Tanzania. The driving factors behind those persecutions are mainly witchcraft beliefs, myths, superstitions and illusions and ignorance.<sup>45</sup>

<sup>43</sup> A = Analysis, C = Convince, T = Transform, I = Initiate, O = Observe, N = Network.

<sup>44</sup> Cf. International Federation of Red Cross and Red Crescent Societies, <https://www.ifrc.org/Global/Publications/general/177800-Albinos-Report-EN.pdf> (15.05.2015).

<sup>45</sup> Cf. Legal and Human Rights Centre, *Tanzania Human Rights Report 2013*, 41–46, <http://www.humanrights.or.tz/downloads/tanzania-human-rightsreport-2013.pdf> (01.02.2016); Msafiri, Aidan G., *Globalization of Concern*, Dar es Salaam 2008, 76–80; Legal and Human Rights Centre (LHRC), Bi-Annual Human Rights Situation Analysis, January–June 2013; “Under the Same Sun”, in: *Tunaweza Newsletter*, September–December 2013, 10.

It is true that the biological and physical persecutions have far reaching and destructive multiple consequences. These include denial of their God-given inviolable dignity and right for life, self-esteem, self-realization, self-actualization through development of their spiritual, cognitive, intellectual human and psycho-motor aptitudes and abilities.

### **Female Genital Mutilation (FGM) as a violation against Human Dignity in Tanzania**

Despite recent international and national synergy particularly by World Health Organization (WHO) and Tanzania Media Women’s Association (TAMWA) in fighting against such abhorrent procedures which involve partial or total removal of Female Genitalia (FG) the practice in some regions of Tanzania is shocking. In the region of Manyara 70.8 percent of the women are victims of genital mutilation. Female genital mutilation is widespread as well in the regions Dodoma (63.8 percent), Arusha (58.6 percent), Singuda (51.0 percent), Mara (39 percent), Morogoro (21.0 percent), Kilimanjaro (21.0 percent) and Tanga (19.0 percent).<sup>46</sup>

Admittedly, these brutal and heinous acts interfere with the very God-given faculties and rights for women sexuality. They have far reaching negative psychological, social, cultural and emotional effects to women as persons with dignity.<sup>47</sup>

### **Gender based Violence (GBV) as a violation of Human Dignity in Tanzania**

Recent Statistics show that (GBV) is still rampant in Tanzania and in other parts of Africa as in the rest of the world. This involves multiple ways or forms of brutal socio-cultural, psychological, economic, human, emotional, physical oppression and discrimination against women’s’ rights and dignity. Among others, Gender Based Violence

<sup>46</sup> Cf. Network Against Female Genital Mutilation (NAFGEM) and Tanzania Demographic And Health Survey.

<sup>47</sup> Legal and Human Rights Center, *Tanzania Human Rights Report 2013*, op. cit., 173–178; Legal Human Rights Center (LHRC), Female Genital Mutilation (FGM): “A Human rights Abuse Veiled with Customs and Traditions”: *A Report on the Research into the Practice of FGM in Tanzania, 2002*, 1; Legal and Human Rights Center, Tanzania Human Rights Report 2008, 80, [http://humanrights.or.tz/downloads/tanzania\\_human\\_rights\\_report\\_2008.pdf](http://humanrights.or.tz/downloads/tanzania_human_rights_report_2008.pdf) (01.02.2016); “School girl bear brunt of rape epidemic: Say Report”, in: *The Citizen Newspaper*, 25.07.2013.

is observed in the forms of sexual abuse offences (e.g. rape, FGM, etc) corporal punishment against the spouse, forced marriage, cheap labor, human trafficking, sexual exploitation, denial of education opportunities and sexual harassment at workplaces.

Among others, the following include some of the consequences of sexual harassment to women:

- Prolonged stress and depression, trauma.
- Physical/Biological disability.
- Loss of trust, self-esteem and confidence.
- Reduced productivity, efficiency particularly among women.
- Attempts at suicide.
- Marriage breakdown and increased family conflicts.
- Possibilities of contracting diseases particularly HIV/AIDS and other sexually transmitted infections.
- Decline in trust and reputation of families, communities, institutions, organizations where GBV is practiced.<sup>48</sup>

All these are detrimentally opposed to the dignity of women as human beings. Again and worst still, they not only deny, but hamper more so women's' God-given capabilities to holistically transform their lives and societies as a whole.<sup>49</sup>

### **The deadly Impacts of "Operation Tokomeza" and violation of Human Dignity in Tanzania**

The military exercise "Operation Tokomeza" was launched by the government of Tanzania on the 4th October, 2014 as a means to curb illegal ivory trade in Tanzania. Among others, brutal and forceful ways were applied especially to remove illegal settlers in wildlife and forest conservation areas in Tanzania. Unfortunately, it contributed to abuse and the violation of human dignity and rights to life, shelter, harmony, etc. through deployment of army forces of about 885 officers of the Tanzania Peoples' Defense Force (TPDF). Ultimately, this ended up in a disaster of severe suffering and killings of innocent people.

<sup>48</sup> Cf. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Sexual Harassment and Gender-Based Violence in the Public Service Workplace in Tanzania Mainland: A Case Study in Mtwara Region and Dar es Salaam Region: Final Study Report, [http://www.tgpush.or.tz/fileadmin/documents/News/Report\\_Sexual\\_Harassment\\_in\\_Public\\_Sector\\_Tanzania-June\\_2014.pdf](http://www.tgpush.or.tz/fileadmin/documents/News/Report_Sexual_Harassment_in_Public_Sector_Tanzania-June_2014.pdf) (10.04.2015).

<sup>49</sup> Legal Human Rights Center (LHRC), *Annual Human Rights Situation*, January–June 2013.

In this connection, Karlon N and Crosta A (2010–2011) ably made the following conclusion which clearly reechoes the threats against human dignity as a whole: "[t]he deadly path of conflict ivory starts with the slaughter of innocent animals and ends in the slaughter of innocent people"<sup>50</sup>

### **Other general human abuses against Human Dignity in Tanzania**

Among others, these cover an array of anti-life and anti-human practices and life-views:

Violation of the Right to life appears in the following cases:

- death penalty,
- extra-judicial killings,
- killings due to witchcraft beliefs, particularly of elderly women,
- brutality of state agents,
- mob violence,
- albino killings,
- prevalence of road accidents.

Political violation of persons and citizen's democratic rights particularly evident in the following areas:

- Frequent beatings and killings of journalists, political leaders from opposition parties,
- Obstacles put by the government to hinder certain NGOs which fight for human rights and political activism particularly in the rural areas,
- Difficult registration process against certain political parties or NGOs, CBOs etc.,
- Frequent denial of the freedom of assembly of people who wish to express their civil rights publicly etc.

Violation of Peoples' Socio-Economic Rights are clearly evident in the following areas:

- Unfair remuneration for work,
- Biased societal views for the ownership of property,

<sup>50</sup> Elephant Action League, "Africa's White Gold of Jihad: al-Shabaab and Conflict Ivory", <http://elephantleague.org/project/africas-white-gold-of-jihad-al-shabaab-and-conflict-ivory/> (10.04.2015); cf. "Ivory sales must stop or Africa's elephants could soon be extinct, says Jane Goodall", in: *The Guardian*, 16.12.2012, <https://www.theguardian.com/science/2012/dec/16/jane-goodall-ivory-poaching-elephant> (01.02.2016).

- Unequal employment chances amidst higher women productivity who contribute about 49% of Tanzania's GDP,
- Unequal chances for school enrolment and education opportunities,
- Gender injustices in macro-economic planning and budgeting,
- Gender inequalities in governance and leadership roles.<sup>51</sup>

Conclusively, these challenges indicate the magnitude of concrete threats to human dignity in Tanzania today. They affect and paralyze the God-given intrinsic qualities, aptitudes and capabilities for self-actualization and integral development of the entire human person. They systematically destroy the key major life aspects of human dignity and rights for being, belonging and becoming:

- The Inviolable Dignity of Being as a person with physical, spiritual, volitive and psychological dignity.
- The Inviolable Dignity of Belonging wherein the human person fits into societies of other persons such as the family, at school, work, church, mosque etc.
- The Inviolable Dignity of Becoming that includes things a human person does in his/her life.<sup>52</sup> These define his/her life, character.

Let us now identify the key anthropological, theological and ethical principles which underpin and constitute the one theology of human dignity in Tanzania.<sup>53</sup>

### Towards a new Theological Paradigm of Human Dignity in Tanzania

The Biblical truth encapsulated in Gen 1:26 ("Imago Deo") is the foundation of a theology of human dignity. It underlines the unique dignity endowed in the very being of the human person.<sup>54</sup> Further, according to Immanuel Kant, there are two types of *ratio* (rationality):

<sup>51</sup> Cf. Msafiri, Aidan G., *Globalization of Concern*, Dar-Es-Salaam 2008, 76–80.

<sup>52</sup> Cf. Eijk, Wim J./Hendriks, Lambert J. M./Raymakers, Janthony A. (eds.), *Manual of Catholic Medical Ethics*, Ballarat 2014, 495.

<sup>53</sup> Cf. *Policy Forum Tanzania Governance Review 2013*, "Who will benefit From The Gas Economy, if it happens?" 5–13; Brewin, David, "Tanzania in a Turbulet World", in: *Tanzania Affairs* No. 106, September–December 2013, 15.

<sup>54</sup> Cf. Msafiri, Aidan G., *Towards A Credible Environmental Ethics For Africa: A Tanzanian Perspective*, Nairobi 2007, 137.

the theoretical and the practical.<sup>55</sup> The "image and likeness of God" symbolises the transcendence of the human person, that is, constantly becoming from creation to Christ.

### *The Fundamental African "Utu" ("Ubuntu" or Umunthu") Principle:*

The principle of "Utu" underscores a deep African spirit and life view of humanness, empathy, concern, solidarity and communitarianism. John S. Mbiti's dictum asserts that "I am because we are." It motivates people to respect and protect the dignity of others.

### *The Fundamental Ethical Principle of Care (Stewardship) Guardianship:*

This ethical principle implies and stresses a true non-aggressive attitude to humans as well as the entire created world. Further, it tries to repair past injustices, harm and suffering. It fosters a new culture of authentic care which is essentially formative and transformative.<sup>56</sup> Lastly, it shuns dangers, risks or any destructive acts or attitudes against the very dignity of the human person.

### *The Fundamental "Golden Rule" Principle (Mt. 22:37-39):*

This is *per se* the fundamental tenet imbued in the moral principle and unconditional principle of true love (Agape) to God, and fellow humans in particular. It implies and extends equal dignity to every human person. According to Gunter Virt (the great commandment of love (Golden Rule) is capable of effecting good and healing to a wounded humanity and the globe as a whole.

### *The Fundamental Theological Principle of Personality:*

This principle necessitates equal dignity of each and every human person in its deepest and widest sense. Vatican II's *Gaudium et Spes* (n. 27) strongly affirms that "everyone must consider his neighbor without exception as another self, taking into account first of all his life and the means necessary to living with dignity".<sup>57</sup>

<sup>55</sup> Cf. *ibid.*, 137.

<sup>56</sup> Cf. Hentsch, Ariane/Premawardhana, Shanta, *Sharing Values: A Hermeneutics for Global Ethics*, Genf 2011, 371.

<sup>57</sup> *Gaudium et Spes*, No. 27.



### ***The Fundamental Ethical Principle of Solidarity***

This principle stresses the universal human cooperation among all humans particularly with the weakest, poorest, marginalized and tormented sectors of society. However, solidarity is not to be understood as an exterior emotional gesture of mere empathy or compassion. It is much deeper than that for it demands a fundamental option and determination to commit oneself with the rest of one's fellow humans for the common good and happiness. As Saint Pope John Paul II once put it, solidarity means "we are all responsible for all"<sup>58</sup> Briefly, solidarity calls for a radical paradigm and attitudinal change from exclusivity to inclusivity, from apathy to love, from indifference to concern, justice and care from tribal destructive culture of greed, selfishness, racism and tribalism to a cherished brotherhood and sisterhood. Conclusively, these fundamental biblical, theological and ethical principles form the edifice and new paradigm towards a true African theology of human dignity particularly from a Tanzanian perspective.

### **Concluding Remarks**

Our quest for a credible and timely African (Tanzanian) theology of human dignity has come of age. Among others, the following reaffirmations need special emphasis particularly for affirmative reflection and action.

First, the magnitude, intensity, facts and fears of the inhuman atrocities against human dignity call for deep political, social, economic, cultural, human, professional and religious "metanoia". They occasion a "kairos" which calls for both individual and collective "praxis". (Cf: Micah 6:8 Mk. 1:15 ff)

Second, as humans we need to start a new culture of "Cherishing" and celebrating our God-given dignity and worth especially through virtues and ethos. Some of these are gratitude (1 Thes 5:16-18), humility (Luke 9:46-48) and justice (Isa. 58:6), as well as authentic love, accountability, hope, faith, peace and forgiveness.

Last but not the least, more than ever before, today humanity needs to be aware of the alluring anti-life and anti-dignity cultures

which measure the worth of the human person by what one possesses and not by what one is. Hence, the need for a new paradigm shift from "having" to being". This has a profoundly ethical based character as well as transcendental trajectory.

Let us start this now.

<sup>58</sup> John Paul II., *Sollicitudo Rei Socialis*, Vatican City 1987, para. 26, 38.

# Anthropological Annotations on Human Dignity from an Asian Perspective

Francis-Vincent Anthony

The religio-cultural diversity that characterizes the Asian context points to a multiplicity of anthropological visions. Nevertheless, centuries of intercultural and interreligious contacts – along the Silk and the Spice routes – among Asian countries, and with Middle Eastern, Roman, Greek and African societies, have given rise to some shared anthropological perspectives that offer a basis for the affirmation of human dignity. Exploring some of these is the scope of the present contribution.

‘Dignity’ – deriving from Latin *Dignitas* – can be understood as the value or worth that human beings have in themselves, for the mere fact of being human. However, the content of this value or worth and the reason for affirming it would depend on how man understands himself with reference to the rest of the reality. For this reason, we first clarify the varied ways of situating the human person with reference to the ultimate reality. Secondly, we elucidate the centrality of consciousness that characterizes Asian anthropological visions. In this vein, thirdly, we present the emerging cosmotheandric consciousness that underscores the value of human beings in relation to the divine/transcendent and the cosmos. Finally, we consider human dignity in the perspective of human realization.

## **Human dignity with reference to the ultimate reality**

In a religiously pluralistic world, the understanding of human person and his dignity is largely determined by our experience of the ultimate reality. R. Panikkar,<sup>59</sup> a passionate scholar of Asian

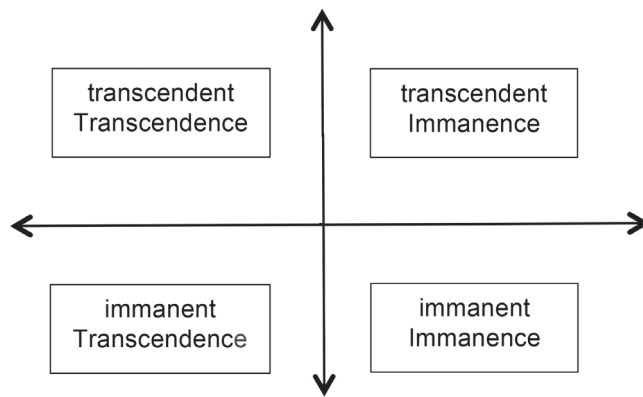
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<sup>59</sup> This section is based on: Panikkar, Raimon, *Mistica, pienezza di Vita*, No. I/1, Milano 2008, 342–345; *Ibid*, *Religione e religioni*, No. II, Milano 2011, 96–107.

religio-cultural traditions, distinguishes four archetypes of ultimate experience (see Figure 1).

In its effort to understand and express the supreme experience, the human spirit tends to underline either Transcendence (T) or Immanence (I). Within the first group (T), there are religious traditions – such as Judaism, Christianity and Islam – which underline the *transcendent Transcendence* (i.e., absolute Transcendence), whereas other religions – as those linked to Hinduism – lay emphasis on the *immanent Transcendence*. In the second group (I), we have religious traditions that underscore the *transcendent Immanence* or the *immanent Immanence* (i.e., absolute Immanence). In Panikkar's view, Buddhism would be an example of a tradition that lays emphasis on the transcendent character of the immanence. Chinese traditions and the modern secular/lay spirit can be understood to underscore the immanent aspect of immanence.

Figure 1: *Four archetypes of ultimate experience based on Transcendence and Immanence*



Generally, *transcendent Transcendence* (i.e., absolute Transcendence) traditions reflect masculine-active traits such as strength, power, and glory. God (*Yahweh*, *Allah*, Christian *Theos*) is said to be so absolute that he creates, sustains and judges the world and man without being mixed up with them. Being totally transcendent, God enjoys supreme liberty over man. The supreme experience then is reserved only to God, and men may participate in it through love or knowledge as postulated by specific traditions. Even when man

falls into the loving embrace of God, the distinctions between the two are not dissolved. However, the belief in incarnation in Christianity and the mystical experience in the Hasidic and Sufi traditions, tend to tone down the transcendent character of absolute transcendence. In these traditions, human dignity derives from the fact of being created in God's "image and likeness" (Gen 1, 26-27) and called to a final mystical communion through God's mercy.

In the case of *immanent Transcendence* traditions, feminine-passive traits are said to be prevalent. *Brahman* in the Hindu tradition is said to be transcendent in being immanent, i.e., in being the basis of existence. Supreme experience consists in being immersed in *Brahman*, not so much becoming *Brahman*, but discovering the *Brahman* that is in oneself, giving up one's *ego*. Human dignity here is bound to the transcendent basis of existence.

In the *transcendent Immanence* traditions, the attitude is neither masculine nor feminine; it is neutral. The immanence here is so radical that only by transcending everything built on it can one reach the ultimate reality. Everything that can be conceived or thought of has to disappear allowing pure nothingness (*sunyata*) to emerge, paradoxically as non-emergence. The supreme experience is at the basis of every experience and can be reached only by extinguishing the desire to transcend the human condition. The supreme experience is not in seeing the divine/transcendence in all things (as in the *transcendent Transcendence* traditions), nor in seeing everything in the divine/transcendence (as in the *immanent Transcendence* traditions) but in refusing to divinize anything that enters our experience. Supreme experience or liberation consists in realizing that there is no such experience. In this case the dignity of human being does not depend on anything immanent or conceivable.

The *immanent Immanence* (i.e., absolute Immanence) traditions are radically earthly. If the other three types recognize that the sphere of immanence in some way needs to be transcended positively or negatively, this fourth type of tradition does not see any way out of the human condition. The traditional Chinese religiosity does not feel the need for another factor in the human situation in order to manoeuvre it. Supreme experience consists in renouncing every extrapolation and facing the reality of the world without transcending it, not even negatively. In other words, man is to be considered exclusively in his



social context and in close link with nature. The modern secular/lay stand that refuses to speculate on any experience outside the earthly sphere can be seen as another example of a tradition that finds in the concrete universe, the given, all that is basic to human life. The dignity of the human person emerges from the high level of ethical responsibility that such a stand implies.

### Consciousness at the core of human dignity

The anthropological visions – described above – provide diverse perspectives on the human person and his dignity; central to these visions is the question of consciousness. Whereas Western philosophical traditions lay emphasis on rationality, the Asian traditions retain consciousness as essential to being human. As J.B. Chethimattam<sup>60</sup> clarifies, in the Vedantic approach to consciousness, three major schools of thought can be distinguished according to their understanding of the coexistence of the Supreme Being with finite beings. *Vedanta* refers literally to the ‘end’ – both as the concluding part and as the final goal – of the *Vedas*, namely, the *Upanishads* (800-300 B.C.). Sankara (788-820) with his philosophy of *Advaita* (a-dualism or non-dualism) and Ramanuja (1017-1118) with that of *Visishthadvaita* (qualified non-dualism) are among the pre-eminent exponents of the nature of consciousness. *Advaita*, with Sankara as one of its main proponents, views reality from the perspective of the Absolute and grapples with the problem of accounting for the multiplicity of beings, whereas *dvaita* (dualism), represented by Madhva (1238-1317), takes an opposite view from the perspective of multiplicity and strives to account for unity. The *Visishthadvaita*, represented by Ramanuja, follows the middle path of reconciling absolute unity with conditioned multiplicity. Given that dualism – characterizing the Western traditions – is not so prevalent in the Indian/Asian context, the *Advaita* and *Visishthadvaita* schools can be considered typical of the Vedantic tradition.

Consciousness may be examined from the standpoint of rationality and that of consciousness itself. With reference to rationality, consciousness signifies self-awareness, namely, the fact of knowing that

one knows. It is the self-awareness that is concomitant with the act of perceiving the object. The subject enters the arc of perception only insofar as it is engaged in the active constitution of the object. Even so, the self that is presupposed as the background against which the objects are perceived and analysed cannot be grasped completely through the processes of rational analysis.

Understanding consciousness from its own standpoint requires a process reverse to that of rationality. While objective knowledge is acquired through affirmation and construction, consciousness is realized by denial and subtraction. If objective analysis implies addition and synthesis, consciousness calls for elimination and detachment. In order to arrive at consciousness all that is constructed by the subject have to be removed. Even the thought of the subject should be eliminated, for thinking of the subject in any conceivable manner is to reduce it to an object. It is for this reason that Nagarjuna and the Madhyamika Buddhists speak of consciousness as *sunyata* or void. In this context ‘void’ does not mean absence of all reality, but that the reality being examined is not of the type that can fit our mental framework. When all that is conceivable is denied of consciousness, what is left behind is void. It is void that makes everything else understandable.

Sankara takes a more positive approach to consciousness. In his view, the subject is opposed to the object as light to darkness. For Sankara and the *Advaita* school, consciousness is pure light shining by itself without any subject-object distinction, whereas for Ramanuja and the *Bhakti* (devotional) tradition, consciousness is a relationship of illumination. In Sankara’s view, only Brahman is the really Real, the world of finite beings compared to the Real is really unreal. The world represents *avidya* (ignorance) of the finite beings and *maya* (magical illusion) of Brahman. Therefore, the basic task in life is to perceive the unreal character of the individual self and realize Brahman as the one true Self. Ramanuja agrees that the finite beings neither add to nor detract from the superabundant reality of Brahman. Nevertheless, he considers the world of finite beings as real and as enduring in relation with the one absolute Brahman, and explains this relation in analogy with that of body-soul. The Lord-souls-world relationship has no beginning nor will it have any end. Accordingly, human realization and dignity implies recognizing one’s dependent relationship to the Lord and finding the goal and happiness of life in Him.

<sup>60</sup> This section is based on: Chethimattam, John B., *Consciousness and Reality: An Indian Approach to Metaphysics*, Tenbury Wells 1971, particularly pages 13–18, 34, 83–86, 90, 94, 143.

According to Ramanuja, reality needs to be understood from a transcendental perspective integrated with the empirical one, laying emphasis on the aspect of encounter implied in human knowledge. The encounter with the object should lead the subject back to the depth of the self in the direction of absolute consciousness. Such a transcendental outlook integrates the contributions of the physical, logical and psychological aspects and in return renders them more accurate by placing them in perspective with the ultimate reality. In this sense, consciousness is a door open to the reality of the Self on the one side and to that of the world on the other. That is, the individual consciousness serves as the bridge between the absolute consciousness and the unconscious world of multiplicity. In this sense, consciousness – whether as ‘void’ or ‘illumination’ – points to an essential quality of human being and human dignity.

#### Human dignity with reference to the cosmotheandric consciousness

Focusing on the constitutive interconnection between God, man and the cosmos, Panikkar speaks of *cosmotheandric* experience as the emerging consciousness.<sup>61</sup> The place that the human being occupies with reference to the divine/transcendence and the cosmos, on account of his consciousness, sheds further light on human dignity and responsibility.

From the perspective of the cosmos, human beings are not a reality totally separate from it. Both the cosmos and the humans share each other’s life, existence, being, history and destiny. Reducing the whole reality to God and soul is the typical spiritualistic or Gnostic temptation. The cosmos is not mere convertible matter and energy; it has life and movement. There is something ‘surplus’ in it as in man. A cosmos without the divine impulse, without that dynamism at its heart, would not be the one that we experience; similarly, a cosmos without man and consciousness would not be the one we know.

Accordingly, the divine reality cannot be the Other in an absolute sense; in such a case the very thought of God may not be possible. At the same time, the divine reality cannot be confused with the human. God is the supreme and unequalled ‘I’ before whom the humans are

<sup>61</sup> For more details with regard to the synthesis presented here, cf.: Panikkar, Raimon, *The cosmotheandric experience: Emerging religious consciousness*, Maryknoll NY 1993, 72–77, 135–152; *Ibid*, *Mistica, pienezza di Vita*, No. 1/1, Milano 2008, 1–91.

a ‘thou’. Our rapport with God is personal and non-dual. In the human beings there is something ‘surplus’, the spiritual or divine dimension that transcends them. At the same time, God is God not only of human beings but also of the universe; like man, the cosmos also evolves to its fullness through the ‘surplus’ or the divine dynamism present in it.

Coming to the human reality, it is evident that man is not just an individual; he is a person, a knot in the network of relationships that binds human beings, the cosmos and the divine/transcendence. In this sense, man does not exist without God and the cosmos, just as the circle does not exist without the centre and the circumference. The visible circle is the matter, the energy, the cosmos; this is so because the circumference, the human beings with consciousness, delineates it; the two are what they are because there is God, the centre. The reality of God, man and the cosmos cannot be confused one with the other, but they cannot be separated either. Panikkar speaks of a *perichoresis* among the three. The three co-exist as closely interrelated realities although having different ontological priority. It appears that at the dawn of the third millennium, humanity is awakening to the *cosmotheandric* stage of consciousness, going beyond the cosmocentric and anthropocentric stages of its history.

Self-consciousness of the human being in a way implies a sense of obligation. As Ramanuja clarifies, this sense of obligation places the human person in a sort of dual dialogue: with the world of beings and with the Supreme Person. The sense of obligation, however, does not imply a blind obedience, but rather an appeal to free response.<sup>62</sup> It reveals the structure of the finite person as a knower who can respond to a command. The appeal to right actions is but a command to shed the false self and return to the authentic one. From the cosmotheandric perspective, the dignity of the human person derives from the unique place he occupies as a conscious being and the responsibility he feels with reference to the Supreme Being and the cosmos.

#### Human dignity in the perspective of human realization

With reference to the divine/transcendence, man recognizes himself to be a contingent being, a not-yet-being, a being in becoming, an imperfect being in his journey towards fullness, perfection, reali-

<sup>62</sup> Cf. Chethimattam, John B., *Consciousness and Reality*, 189.

zation. The full realization or evolution of the human person not only necessitates consciousness but also the freedom to decide and take up responsibilities of life.

The Indic tradition – as summed up by D. Acharuparambil<sup>63</sup> and M. Dhavamony<sup>64</sup> – proposes four gradual and progressive stages (*asrama*) for the attainment of life-goals (*purusartha*). The first stage that refers to the period of youth (*brahmacharya*) is focused on sacred studies, namely, on learning about religious doctrines and personal discipline under the competent guidance of a master (*guru*). In the second stage, specific to adult family life (*garhasthya*), the married person is called to fulfil various religious and social duties, maturing in one's own experience of life with the right use (*dharma*) of material goods (*artha*) and psycho-physical pleasures (*kama*). The third stage refers to old age, a retired and hermetic life (*vanaprasthya*). The experience of active involvement in family and social life (proper of second stage), together with the theoretical understanding acquired (in the first stage), enables the person to recognize the fragile and transitory nature of material goods and pleasures, and dedicate oneself to an ascetic and solitary life in search of eternal goods. This maturation process culminates in the fourth stage of complete renunciation (*sannyasa*), marked by absolute poverty, silence and solitude, universal love (*ahimsa*, nonviolence) and equanimity, prayer and contemplation. Self-realization, however, is not merely the result of progressive and perfect renunciation of egoistic desires, but also of positive maturation through total self-giving for the wellbeing of the cosmotheandric reality.

On the one hand, man lives by sacrificing or using up the natural environment and potentialities of others, and on the other, according to the Indic tradition, man himself is sacrifice and sacrifice is man (*Satapatha Brahmana*, I, 3, 2, 1; *Chandogya Upanisad*, III, 16, 1). When man dies and his body is cremated, consumed by fire, he is said to symbolically accomplish his final sacrifice (*Satapatha Brahmana*, II, 2, 4, 8). Sacrifice of man, i.e., the self-giving of man, is also a participation in the cosmic sacrifice of the Primordial Man (*purusa*), the self-giving of God. In the Indic tradition, creation is understood

as “from God” and “in God”, fruit of the self-sacrifice of the Creator. It means that the entire *cosmotheandric* interrelationship is founded on the reciprocal self-giving between the cosmos, man and God.<sup>65</sup>

In the rituals of many religious traditions, including the biblical tradition, sacrifice displays this meaning of human-divine-cosmic exchange and communion. Human life then is a call to consume divine and cosmic self-giving and at the same time an invitation to human self-giving, namely, to consume oneself consciously and freely as a sacrificial offering to God, others and nature. This in final analysis is the meaning of human life and dignity.

These annotations on human dignity are but an attempt to bring together diverse religio-cultural visions from the perspectives of ultimate experience, consciousness, cosmotheandric interdependence, and self-realization. It has – we hope – shown that human dignity is bound to the consciousness that man has of his a-dual or non-dual rapport with the divine/transcendence, or of his exclusive rapport with the immanence/cosmos, or of the unique place he occupies between the divine/transcendence and the cosmos. The responsibilities that follow from such self-understanding indicate how man can progress towards self-realization through self-giving. In other words, human dignity is bound to man's self-understanding and self-realization through self-giving. We must acknowledge that – due to the linguistic and conceptual diversities implied in the diverse anthropological visions – these annotations do not provide a systematic and linear discourse; nevertheless, we do hope that it offers a basis for further debate and insight.

<sup>63</sup> Cf. Acharuparambil, Daniel, *Spiritualità e mistica indù: Introduzione all'Induismo*, Roma 1982, 81–94, 282–301; *Ibid*, *Induismo: Vita e pensiero*, Roma 1976, 219–240.

<sup>64</sup> Cf. Dhavamony, Maisusai, *L'Induismo*, Assisi 1991, 155–179, 180–198.

<sup>65</sup> Cf. Panikkar, Raimon, *The cosmotheandric experience*, 388–431.

# Discussion forum as the Survival Strategy of a Kaqchikel Community in Guatemala

Andreas Koechert

Repression, brutal violence culminating in murder and massacre, rape and child kidnapping, systematic human rights violations, disregard for human dignity and the destruction of cultural, religious and social identity<sup>66</sup> during a “low-intensity conflict”<sup>67</sup> all resulted in the deep traumatising of the population of Guatemala between 1960 and 1996<sup>68</sup>. The long-suffering Maya population in the rural regions, already marginalised economically, politically and socially, bore the brunt of this lingering hostility. In view of these circumstances the Kaqchikel community of San Juan Sacatepéquez developed a strategy of dialogue that made a decisive contribution to its cultural and social survival.

## The threat to the Maya population

The conflict was triggered by an unequal distribution of power and resources, which persists to this day and is striking even by comparison with other Latin American countries. The principal adversaries were the military and paramilitary groups fighting on behalf of the established and more recent land-owning and capital oligarchies on

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<sup>66</sup> Unless otherwise indicated, the term “religious identity” refers to the Catholicism influenced by the theology of liberation that prevailed in the 1970s and 1980s, and the Maya spirituality of the Kaqchikeles of San Juan Sacatepéquez.

<sup>67</sup> The “low-intensity conflict”, also known in Guatemala as “internal armed confrontation”, refers to the militant dispute between various parties which verged on a conventional war.

<sup>68</sup> Comisión para el Esclarecimiento Histórico (CEH), *Guatemala: Memoria del silencio*, Guatemala 1999; Martínez de Murguía Prudencio, García, *El Genocidio de Guatemala a la luz de la Sociología Militar*, Madrid 2005; Recuperación de la Memoria Histórica (REMHI), *Guatemala: Nunca más*, Guatemala 1998, <http://www.odhag.org.gt/html/Default.htm> (28.02.2015).

one side, and the guerrillas as the self-proclaimed political representatives of the oppressed and exploited majority of the population on the other. The internal armed disputes encroached on all areas of everyday life.

Approximately half of all the massacres committed in the course of the conflict were carried out during the military regime headed by the sectarian preacher, General Efraín Ríos Montt (23 March 1982 – 8 August 1983).<sup>69</sup> The chief victims were the marginalised Maya rural population because, according to the Comisión para el Esclarecimiento Histórico (CEH)<sup>70</sup>, set up by the United Nations, “[...] el Ejército identificó a los mayas como grupo afín a la guerrilla.” The Ladinos or Mestizos, who constitute the majority of the urban populations, were far less exposed to the repression than the Mayas as a result of their cultural and social proximity to those wielding power in the country. According to estimates by the CEH (1999), between 200,000 and 300,000 Guatemalans perished during the internal armed conflict.<sup>71</sup>

The army was also responsible for the destruction of sacred objects, holy spaces and historical and cultural symbols of the Maya societies with their 22 languages and cultural and socio-economic structures.

“Entre 1980 y 1983 fueron asesinados ancianos, principales, k’amal b’e [leaders], alcaldes municipales y auxiliares o autoridades de las municipalidades, guías espirituales indígenas o ajq’ijab’, dirigentes de comités, cofrades, líderes. La persecución, muerte, tortura o desaparición de estos líderes, dejó sin ,guías’ a las comunidades, con el propósito de atemorizarlas, dispersarlas o reducir su capacidad de resistencia, o como fase previa a una masacre o acción masiva.”<sup>72</sup>

This posed a special threat to the spirituality of the Costumbristas, who preserved the Indian traditions, thus keeping them alive. Their belief demanded the veneration of their ancestors at sacred sites,

<sup>69</sup> In 1984, Guatemala had a total population of approx. 6 million inhabitants. In the period from 1962 to 1996 the victims were classified as follows: 83.4 per cent Mayas, 16.5 per cent Ladinos, 0.1 per cent others (CEH, op. cit., chap. 2, 2895).

<sup>70</sup> CEH, op. cit., Conclusión: 29–31.

<sup>71</sup> The military was responsible for the deaths of 93 per cent of the victims; other groups, generally paramilitary, for 4 per cent, and the guerrillas for 3 per cent (CEH, op. cit.).

<sup>72</sup> CEH, op. cit., chap. 3, 4356.

for example. This was the only way the forebears could live in the afterlife and one day return to this world. The desecration or even destruction of these places was tantamount to irremediable sacrilege and a profound besmirching of their spirituality.

Since colonial times, the Costumbristas have been represented institutionally by the Catholic lay organisations of the so-called Cofradías. Their duties include venerating the patron saint of the respective towns, maintaining the churches and performing charitable works. However, their spiritual influence on all cultural, social and, to a certain extent, political affairs and actions of the Costumbristas and their Indian community is of even greater significance. To this day they remain the bearers and keepers of the elements of the Maya identity<sup>73</sup> aligned to the traditions.

### The strategy of the Kaqchikel community of San Juan Sacatepéquez

At the height of the conflict between 1980 and 1983 the Cofrades or confraternities, which also included the Indian priests, lived in a constant state of mortal danger. Deemed to be experts and keepers of spiritual knowledge by the Ríos Montt regime and, as such, essential to the Indian system of norms and values, they were persecuted as subversives and frequently killed. Some were only able to save their lives by converting to the Protestant faith.

In the light of these circumstances, high-ranking members of the five local Cofradías in the region of San Juan Sacatepéquez mas-termined a survival strategy. They decided to maintain permanent documentation of their spiritual concepts for their community. Drawing on the author’s support, they recorded part of their knowledge, which they had hitherto relayed only orally, on tape and deposited copies in various places for safekeeping. The documentation sent a successful message to the military and guerrillas, and resulted in the community no longer being threatened with death. The strategy allowed them to permanently secure elements of their religious, cultural and social identity and, above all, to preserve the dignity and integrity of their Kaqchikel community.<sup>74</sup>

<sup>73</sup> On religious diversity in Indian Latin America in general and Guatemala in particular, cf. Steffens, Elisabeth, *Politische und religiöse Alterität als hermeneutische Herausforderung: Die indianischen Völker Abia Yalas*, Aachen 2014.

<sup>74</sup> Koechert, Andreas/Pfeiler, Barbara, “Maintenance of Kaqchikel ritual speech in the



Another organisation enjoying considerable influence in the Indian communities was the Acción Católica Rural (ACR). Its role within the Catholic Church was to limit or even eliminate the presence of Native American syncretism or Indian popular piety in rural areas via the (re-) evangelisation of the Catholic Mayas, particularly the Costumbristas. They initially called the traditional system of Maya spirituality into question. As the conflict progressed, however, and in line with a local liberation theology, they turned their attention to questions of social justice and the preservation and further development of the social and cultural Indian identity. This approach earned them displeasure from the military, which identified a kinship to the guerrillas and branded the ACR members “comunistas-guerrilleros”, persecuting them in precisely the same way as the Indian spiritual and political authorities.<sup>75</sup>

In the 1980s the ACR was, in numerical terms, by far the largest local religious lay organisation. Although Cofradías, Costumbristas and ACR held differing and sometimes contrary opinions on religious practice, they viewed themselves as the targets of the militant warring factions and shared a fear of being “eliminated” by soldiers. Moreover, despite their contrasting views of the world, they considered themselves *the* preservers of traditions, Maya beliefs and Catholic social justice. They, therefore, felt obliged to actively oppose the possible loss of religious, cultural and social values and, thus, the Kaqchikel identity. Together they became the protagonists who ultimately ensured that the people of San Juan Sacatepéquez escaped the brunt of the brutal repression.

One event, in particular, provided the impetus to drive this act of solidarity forward. On 18 March 1982, soldiers carried out a gruesome massacre in the village community of Estancia de la Virgen in the district of San Martín Jilotepeque, murdering between 300 and 400 Kaqchikels. Women, mothers-to-be, children, men and many families were completely annihilated. “El río se tiñó de rojo con la sangre de los muertos.”<sup>76</sup> Around 1,600 Kaqchikels from this region managed to escape to the small village of Las Trojes, situated in the district of San

confraternities of San Juan Sacatepéquez”, in: *International Journal of the Sociology of Language*, No. 220 (Guatemala 2013), 127–149.

<sup>75</sup> CEH, op. cit.; REMHI, op. cit.

<sup>76</sup> CEH, op. cit., Anexo 1, 77.

Juan Sacatepéquez, which was completely overwhelmed by these incidents.

The author, who witnessed the events first hand, asked himself how the Kaqchikels from San Juan Sacatepéquez succeeded in remaining on the sidelines of the conflict, which, in the wake of the massacre and given the visible presence of the military, police officers, small paramilitary groups and the undercover activities of the guerrillas and their political representatives<sup>77</sup>, threatened to engulf their community.

As in other communities, the Kaqchikels also conducted in-depth discussions on the topics and events concerning them as a group, and the conflict. Due to a de facto ban on public meetings and the constant threat of repression, these discussions did not take place openly, but in the closed circles of the ACR and the Cofradías. This facilitated a rapid, flexible and discreet response to every event. The subject matter and the outcomes of these gatherings were passed on orally, as was usual in Indian communities.

These forums were attended only by those well-known to and familiar with one another; strangers were excluded. Any authorities present, such as Maya priests or catechists, who were normally invested with decision-making powers, held no position of leadership within these forums. The permanent dialogue which took place in the forums was informal and corresponded to the Indians’ traditional method of exchanging ideas. Within the Kaqchikel community this communication created a self-contained, self-sustaining unity. This “operative cohesion”, which “[...] encircles the core of the concept of autopoiesis”<sup>78</sup>, is referred to hereinafter as “system forum”.

It was also important that those assembled only spoke Kaqchikel together, as neither the armed forces nor, usually, the guerrillas understood the Maya language spoken in their area of deployment. Hence the threat of espionage, betrayal and repression against individuals was considerably reduced. This applied particularly during the Ríos Montt dictatorship, when both the ACR’s social values and the Cofradías’ cultural values became more prominent than before. All

<sup>77</sup> These observations are based on an empirical long-term study by Andreas Koechert (1976–1994).

<sup>78</sup> Krause, Detlef, Luhmann-Lexikon, Stuttgart 42005, 30.

this had the effect of strengthening the Kaqchikels' self-confidence and their solidarity as a group.

The following example illustrates how this identity was consolidated. One day "egalitarian" resistance, i.e. a form of defiance without a structured organisation, was mounted against an imminent military presence. This was in response to the army's attempt to subject the district capital of San Juan Sacatepéquez to military control. Of the four strategically significant access roads three were blocked by trees the Sanjuaneros had felled. At the same time, thousands of Kaqchikels from all the community's villages, hamlets and settlements began to gather in the town under the pretext of visiting the daily market. They all carried their machetes and picks, which were not banned since they were classified as farming implements. This concentration of "market visitors" was sufficient to prompt the soldiers to beat a retreat to their barracks via the fourth and only road still open.

Situations like these, experienced by the community of San Juan Sacatepéquez at that time, resulted in the establishment and renewal of the self-contained, egalitarian "system forum". As a result the Kaqchikels became far more aware of their language, culture and society, identifying with it even more strongly. The system itself became more resistant to external influences. As a consequence it was possible to eradicate potential sources of conflict which would otherwise have had a negative impact on the religious, cultural and social identity from an Indian perspective. The limits to the wielding of power by state and non-state institutions of power were visibly demonstrated to all. The instruments of control common to militant conflict had become blunt weapons.

The gatherings rapidly developed into "self-organised" and "egalitarian" forums of discussion and decision making, the driving forces behind which were "remembrance", "expectation" and "projection". Taken together, these forums can be described as a self-contained social system with autopoietic characteristics.<sup>79</sup>

<sup>79</sup> Brücher, Gertrud, *Gewaltspiralen: Zur Theorie der Eskalation*, Wiesbaden 2011; Krause, Detlef, op. cit.; Mingers, John, *Self-Producing Systems: Implications and Applications of Autopoiesis*, New York 1995; Mingers, John, "Criticizing the Phenomenological Critique: Autopoiesis and Critical Realism", in: *Systems Practice*, No. 5, No. 2 (1992), 173–180; Reese-Schäfer, Walter, Niklas Luhmann (introduction), Hamburg 2011.

The reproduction of the "system forum" and its contents was consistently fuelled by external events, experiences, insights and expectations. Past and anticipated conflict events were "updated" during the meetings, for instance. As long as this continuously self-renewing communication took place, the system adapted itself to modified internal and external circumstances and generated a dynamic form of action, the effects of which extended beyond the forums to the Kaqchikel community. When the conflict was finally resolved in 1996, the impact of external, conflict-related influences on the forums dwindled. The "system forum" was scaled down and soon dissolved. What remained were the revitalised Kaqchikel identity and the knowledge of how to preserve human dignity and human rights in line with Indian values using the community's own resources – and they retain an influence to this day.

The meetings' central themes were the general expectation that the asymmetrical armed conflict could and would reach the community, and the ways in which this as yet invisible, but nonetheless possible, external event could be effectively pre-empted. Time and again the suspicion was voiced that the soldiers were convinced the Sanjuaneros would meet violence with violence. This escalation scenario can be described as "[...] the expectation of expectations which works its way into reflexive dimensions of increasing profundity in the form of anticipatory expectation and anticipatory expectation of expectations, which are no longer accessible to any observer."<sup>80</sup>

In fact, however, the forums' participants were considering how the assumed or real escalation of the conflict at the local level could be halted or interrupted. Using strategies including self-control and group solidarity, restraint and silence, they attempted – as many other communities did – to give the military no grounds to exercise violence. Aware, on account of incidents in other Indian communities<sup>81</sup>, that such measures by no means guaranteed the desired de-escalation, the forums' participants began to seek alternative solutions.

They chose a pacifist strategy recalling ideas popularised by Ghandi. Its aim was the religious, cultural and social survival of the Kaqchikel community and the preservation and strengthening of

<sup>80</sup> Brücher, Gertrud, op. cit., 22.

<sup>81</sup> CEH, op. cit.; REMHI, op. cit.

human dignity without major loss of life. In the author's estimate one of the main contributory factors to the success of this strategy was that, at the climax of the forums' influence, the ACR, the *Cofradías* and the *Costumbristas* reached a third of all *Kaqchikeles* in San Juan Sacatepéquez. Around 30,000 adults participated directly and indirectly in pre-emptive solutions to the conflict.

A good example took the form of resistance to the local "authority", including the police and the state administration, which were deemed repressive by the *Kaqchikels*. In one case, the forums' participants, supported by external *Kaqchikels*, took action against a decision by the Ladino mayor to increase fares for extra-urban transport, the majority of which was operated by Ladino nationals. *Kaqchikeles* "strolled" past the mayor's house day and night for several days, and threw little pebbles at his corrugated-iron roof. The psychological success was immediate. The mayor revoked the decree. The *Kaqchikels* should preserve these, and similar experiences in their collective memory, even after the forums' disbandment.

With the "system forum", the ACR, the *Cofradías* and their supporters initiated lasting changes within the religious, cultural and social system of the *Kaqchikels* of San Juan Sacatepéquez, which continue to influence the community after the end of the conflict and have become part of the group's collective memory.

### Concluding remarks

As some research demonstrates, it should be noted with respect to the "low-intensity conflict" that the many actors in the ACR and the *Cofradías* with their *Costumbristas* did not attempt to defuse external conflict influences via participation in state politics or through collaboration with the military or the guerrillas. Instead, they turned their gaze inwards and directed their reaction at their own system by jointly developing, deploying and strengthening their religious, cultural and social values in dialogue, as a tool to survive the conflict.

The external conflict-related influences and the reaction to these during a specific time frame, which the Rios Montt military dictatorship certainly was, altered the history of the *Kaqchikel* community of San Juan Sacatepéquez. It became the basis of a modified cultural and social identity, which, in turn, created a new cultural and social identity

that would make itself felt in the country in later years, both politically and otherwise.

The external effects anticipated by the *Kaqchikels*, many of which were very real, ultimately created the conditions for the ACR members and their followers to come together in forums on an equal footing with the *Cofradías* and the *Costumbristas*. In view of the impending danger they temporarily put their contrary beliefs to one side and, in a demonstration of collective unity, renewed, consolidated and immunised their spiritual, cultural and social identity system. All this has been incorporated in the collective memory of the *Kaqchikels* of San Juan Sacatepéquez.



## **Roots of Human Dignity in the Specific Context**

# An Historical Perspective on Violations of Dignity

Daniel Legutke

## Human dignity – persistent vagueness

The term ‘human dignity’ occurs in the title of a vast number of philosophical, ethical, legal, theological and political publications, but it is impossible to provide an exhaustive definition of it. Human dignity eludes any one-dimensional specifications. So what might be a viable approach to providing a sufficiently clear and precise account on just a few pages of the long and rich tradition of discussion on what human dignity means?

Any such approach can only be meaningful if it is limited to a few aspects taken from the wide range of interpretations of human dignity. In what follows I will present an historical perspective on some of the contexts in which human dignity and discussion of the dignity of the individual have been embedded. I will examine instances of the violation of human dignity that have left their mark on political struggles and legal debates. The historical context thus goes beyond the realm of immediate personal experience. It incorporates what has been translated into joint activities and is collectively remembered. Referring back to some of these memory spaces will highlight situations which provide a hint of what people today associate with human dignity.

Nowadays, human dignity is undoubtedly of special significance for human rights in their entirety. But there is no one history which can claim to lead exclusively from the ‘discovery of human dignity’ to the formulation of human rights. The plurality of individual experiences and the variety of traditions in the history of ideas do not allow the history of human dignity to be reduced to a single major narrative. Rather, concepts and their semantic content are subject to trends which are only comprehensible in specific situations. So I deliberately

point out at the beginning that the few memory spaces to which I will refer are retrieved from the sea of history, so to speak. Not in random fashion, to be sure, but I do not claim to have picked out *the* key milestones in the development of human dignity and human rights. There are certainly other narratives of human dignity that can be told.

### Peasants' War and Reformation – milestone in the history of freedom

The affirmative nature of human rights serves to provide legal protection for claims to freedom and equality, which are basically tantamount to equal treatment and solidarity. Taken together, they give expression to rights which have proved essential for the protection of human beings in the light of the historical experience of their violation. Instances of the violation of dignity were often of secondary importance – so the argument ran – if rights to freedom were articulated by broad-based movements engaged in political struggle.

The conflicts over freedom in Europe – or, to be more precise, in the Central European cultural area of what is referred to as the 'Old Empire' – have left a deep imprint on the history of European countries. An important milestone in the articulation of ideas about freedom, which point to a latent awareness of dignity and the basic human aspiration to freedom, were undoubtedly the Peasants' Wars during the Reformation period. This stage of history made it abundantly clear that political activities in opposition to servitude were triggered by oppression resulting from the highly arbitrary use of power.

In a series of revolts beginning in the late 15th century the peasants protested against an increasing tax burden and the extension of socage duties which made the struggle for survival ever harder. The conflict was exacerbated by the population growth throughout Europe at the outset of the 16th century which drove up the price of agricultural goods. The prospects of higher income were better for those who were able to market agricultural produce further afield than the peasants could – as a rule the lords of the manor. Increasing pressure was exerted on the peasants not just by noble and bourgeois landlords, but also by numerous ecclesiastical institutions, which likewise ranked among the major landowners.

The potential for conflict grew and it initially burst forth in the form of individual revolts ranging from a refusal to perform services and

pay dues via a refusal to pay homage and swear oaths to outright rebellion and military action by the peasants against the authorities.<sup>82</sup>

These revolts assumed a new quality with the onset of the Reformation and the spread of reformatory pamphlets at the beginning of the 16th century. These found their way into the hands of a large number of educated and uneducated people and ensured the rapid dissemination of theological debates. In particular the recourse to 'divine law' and the 'community principle' in Reformation theology provided a new programmatic framework for the peasants' demands.<sup>83</sup> This found exemplary expression in the reception given to Martin Luther's treatise on *The Freedom of a Christian* (1520). Luther's interpretation of freedom was purely theological. In his view, it could only be achieved by reference to God and Christ. 'A Christian is the perfectly dutiful servant of all, subject to all' was the second, complementary idea in Luther's famous treatise.

Luther's concept of freedom had a tremendous impact on the peasants, nevertheless, and reinvigorated their resistance to the increasing crackdown on them by the state. The freedom of the children of God, as posited by Luther, paved the way amongst the peasants and their preachers to a political programme of freedom. In the world in which they lived, attacks on freedom and the arbitrary use of power were all too familiar. The curbs on their freedoms which they regarded as unlawful – ranging from the curtailment of the political right to participate set out in village constitutions to the personal right to freely decide on their own affairs on the basis of contracts – were the main reason for their resistance. These curbs were reinterpreted – or misinterpreted from Luther's point of view – to mean the freedom of the individual and of the political village or town community.

The Reformation treatises were a source of inspiration for the political demands of the peasants. They now no longer questioned merely the extent of the duties and services incumbent upon them but the entire system of serfdom.<sup>84</sup> The *Twelve Articles of the Peasantry*, first published in Memmingen during the Peasants' Wars, spread

<sup>82</sup> Cf. Blickle, Peter, *Deutsche Untertanen: Ein Widerspruch*, Munich 1981; Schilling, Heinz, Martin Luther: *Ein Rebell in einer Zeit des Aufbruchs*, Munich 2012.

<sup>83</sup> Cf. Schilling, Heinz, op. cit., 294f.

<sup>84</sup> Cf. Blickle, Peter, *Von der Leibeigenschaft zu den Menschenrechten: Eine Geschichte der Freiheit in Deutschland*, Munich 2006, 87f.

throughout the Empire from southern Germany and led to the formulation of similar articles everywhere. They emphasised the freedoms to which the peasants, in their own understanding, had an original entitlement.

In the first article the Swabian peasants demanded a new church polity and in the third article asserted their freedom from the manorial system and from bondage, i.e. the abolition of what had emerged in the previous decades as serfdom. The other articles made it clear that there were no plans to abolish all rule and authority. The peasants had no objection to paying taxes to the lords of the manor and providing services for them. However, they denounced what they considered to be the extraordinary, unilateral increases which nullified the contractual relationship they had. As Peter Blickle has demonstrated time and again, serfdom – in its original form – was founded on a contractual relationship to mutual advantage. In exchange for services provided and taxes paid, the peasants were given a farm to run, legal certainty and protection. This contractual relationship had not done away with the basic premise of personal freedom. However, conditions in the early 16th century had forced this concept so far into the background that it no longer had any effect. The articles make it very plain that the peasants felt their dignity was being violated and limitations placed on the freedom they demanded.

The peasants' recourse to the Gospel in the demands they raised introduced a new element into the debate which went beyond the regional revolts of earlier decades. In referring to the Holy Scripture they for the first time asserted a 'divine right', as it were, for their concept of freedom, which thus moved beyond the realm of the particular to claim validity for the whole of Christendom.<sup>85</sup> This defence of dignity, designed to ensure its general applicability, gives the peasants of southern Germany and other regions a place in the history of the establishment of human rights. It is remarkable in that, at the outset, it was only indirectly connected with contemporary intellectual traditions and was attributable, above all, to the experience of the "common man". In other words, no course of study was required to formulate

<sup>85</sup> Cf. Stadtarchiv Memmingen (ed.), *Zwölf Artikel und Bundesordnung der Bauern: Flugschrift "An die versammlung gemayner pawerschafft": Traktate aus dem Bauernkrieg von 1525, Materialien zur Memminger Stadtgeschichte*, Series A, No. 2, Memmingen 2000, Article 3.

rights for the protection of human dignity based on the experience of its violation.

The problem of serfdom, the extent of its impact on the individual and its role in the power structures were addressed time and again in numerous legal disputes in the 17th and 18th centuries. One of the most influential experts who repeatedly turned his attention to this issue was Samuel Pufendorf, the influential 17th century teacher of natural law. In the secularised understanding of natural law, for which he was largely responsible, the question of freedom was approached from a political standpoint and examined with respect to serfdom, which was the key issue for his contemporaries. Pufendorf's thoughts on freedom were geared to practical solutions for the practical problems encountered by the princely state.

### **Memory spaces of freedom – unspectacular but extremely effective**

Another influential factor, apart from the peasant revolts, was the notion of freedom which arose in the early modern period in towns and cities, especially in the Free Imperial Cities that were able to hold their own against the acquisitive expansionism of the nascent territorial state in the Old Empire. A crucial role was played here by elements of a corporate freedom that was contractually secured and exercised in a participatory manner. Regions comprising free towns and cities with relatively broad political participation were not a phenomenon limited solely to the Empire. The freedom of towns was very extensive in the Dutch Republic, for instance. Sovereign governing rights were exercised at town and provincial level, the authority of the central power was restricted and the deputies of the provinces to the States General were bound to the mandate of their clients.

The peasant communities and the regions are far from being interesting cases of purely historical interest. The same is true of political organisation in the towns and cities. In practical political terms it was of the utmost importance to major powers such as France, Britain and Spain that the prospect of relative political freedom and a guarantee of autonomy and self-determination by means of mutually beneficial contractual agreements between equal partners continued to constitute a political alternative in the 17th and 18th centuries. Jean-Jacques Rousseau's social contract was not just an intellectual game either. The Netherlands, the Free Imperial Cities, the sworn

associations of the peasant communities and of the Swiss territories, and the Polish aristocratic republic, which for reasons of space cannot be examined in any greater detail here, represented an alternative model to monarchical/estates-based rule, to the “l’État, c’est moi” of Louis XIV. This model persisted in the European arena and entered European history as a memory space.

To all intents and purposes, however, the old Europe was divided into estates and freedom was barely implemented, if at all. Equality before the law conflicted with the model of the estates-based society whose rule was founded on the fundamental differences between aristocracy, clergy, peasantry and citizenry. The awareness that developed of human dignity, which enables people to exercise freedom and instils in them the very urge to freedom, represented an attack on fundamental norms of European society in the early modern period. The principle on which estates-based society rested was inequality before the law, the inequality of dignity. Its respective gradations, which divided society into certain ranks, were the subject of numerous publications on the functioning of the state which, at this stage, was the conceptual product of the court headed by the monarch. Other entities, such as the Dutch Republic, the Polish aristocratic republic up to the 16th century as well as the entire Old Empire with its complex modes of operation, were perceived to be an anomaly. In the words of Samuel Pufendorf the Empire was therefore a *monstrum simile*. The norm was an estates-based, centralist state, to which the structural entities described above were diametrically opposed and combated wherever possible.

As explained earlier with regard to the ‘freedom movement’ of the Peasants’ Wars in the Late Middle Ages, the human rights declaration of the French Revolution also had its roots in very specific instances of injustice.<sup>86</sup> Sotage duties for aristocratic lords of the manor were considered to be unlawful and offensive and, indeed, life-threatening in their intensity. The matter was raised in the National Assembly by the deputies from the provinces, taken up by a handful of individuals and resulted in the formulation of the declaration of human rights and the abolition of feudalism just a few weeks before the declaration was released. The thrust of the human rights declaration stems not

least from the fact that the nobility decided on the exploitation of the fruits of the peasants’ labour, which put the peasants’ very lives at risk if the harvest was poor or likely to turn out that way. This was felt to be an injustice. The peasants did not question ownership or the structure of society as such but rather the arbitrariness and rigidity of a system which posed an existential threat to their lives. This explains why the equal dignity of all people was emphasised at the beginning and equality before the law derived from it. Ownership and social hierarchy were put in a new context in which, moreover, they were obliged to help safeguard the common good. The section in the human rights declaration on the affirmation of private ownership, in particular, may well be attributable to the influence of the bourgeoisie in the National Assembly, which had hoped to carve out a new role for itself. Nonetheless, their representatives in the National Assembly were also keen to reduce privileges by birthright.

While the aforementioned models of society – first and foremost the Dutch Republic as a free association of towns and provinces and a highly attractive and successful economic and social model – played a relatively modest role in real political terms, they did form the background for the development of modern state thinking, the significance of which can hardly be overestimated. The hierarchical model of society was still predominant in the 18th century and it was badly shaken by the statement in the French declaration of human rights to the effect that ‘all human beings are born free and equal in dignity and rights’. This statement – much more an ideal than a description of reality at the time it was made – succinctly merges ideas on the essence of man and his call to freedom with his inalienable and inherent dignity and experiences in individual parts of Europe.

Irrespective of whether the experiences referred to here were always articulated as violations of human dignity, there were at all times instances of violations which affected people emotionally and were attributable to other people and their actions. These had a humiliating effect, irrespective of whether institutions or individuals were responsible. Unexpressed or ineffectively articulated claims to appropriate and respectful treatment were disregarded. While human dignity is not simply about direct experiences of the denial of freedom, experiences of servitude illustrate how suffering is perceived and is interpreted as injustice. This characteristic of human dignity – that

<sup>86</sup> Cf. Blickle, Peter, op. cit., 16f.

it can be used in defence of claims against authorities and rulers deemed to be acting in an unjust and interfering manner – can be described as a consistent aspect of its persuasive power or as a reinforcement of the articulated political claims.

### Long-term impact of a Christian concept of freedom

The close ties between the Reformation and the Peasants' War cannot be reduced solely to social and economic factors. One element that strengthened the movement for freedom was its connection with a second pillar of freedom – the dignity of all human beings as seen through Christian eyes. While the peasants' experiences were initially peculiar to them, their ongoing impact and the way in which they were articulated during the Reformation and in the centuries that followed are specifically European and inconceivable without the influence of Christianity.

For centuries, freedom understood in Christian terms has repeatedly been reformulated for political ends. The Christian message is seen as an authorisation to exercise freedom. Human beings, created in the image of God, are invested with an inalienable dignity. This conviction sustains and reinforces the human urge to freedom. Political and Christian concepts of freedom are not identical, but in the Christian concept of freedom there is evidently an inherent motive which finds political expression. A look back into history confirms that freedom and human dignity go hand in hand. Ever since the first formulation of human rights claims made upon the state, however, human dignity and human rights have been the two key terms in which dignity and freedom rights are conceived of in tandem, supplemented by solidarity and equality before the law.

Human dignity and freedom are related. Throughout history, the Christian concept of freedom, the message of freedom in Christ, has had an impact on political conceptions of freedom. It gave legitimacy to political ideas that went beyond purely legal arguments and pointed to man's fundamental purpose. The experience of serfdom led to a sense of injustice, interpreted not least through the message of the Gospel.

Like the concept of freedom, the notion of dignity rested on a tradition which ran parallel to a stratified understanding of dignity –

much less prominent, of course, and by no means of great political relevance. This is the dignity of all believers, which is conferred on them by anointment at their baptism. Zedler, the great 18th century general encyclopaedia for the German-speaking areas, recorded the dignity inherent in all the baptised. The dignity of the faithful which is accorded to all the baptised and is inherent in them "[...] has the purpose of severally renewing the divine image."<sup>87</sup> This gives expression to a consciousness not only of being called to freedom, but also of being enabled to overcome sin through faith and God's mercy. The essentially egalitarian understanding of dignity in the Christian view of the world was therefore certainly present in society and was included in the encyclopaedia, albeit merely as a brief note following a lengthy article on the gradations of dignity in society.

### Human dignity and human rights

Naturally, the aforementioned milestones of memory are merely parts of a jigsaw which, if taken together with others, can provide an overall and sufficiently detailed picture of the development of modern-day human rights. An important contribution to the development of human rights was made, for example, by the emigrants who left Britain, often via the Netherlands, for North America in the 17th and 18th centuries. By emigrating they were able to liberate themselves from state paternalism in matters of religion. Puritanical thinking thus provided the breakthrough for religious freedom. For the emigrants the central issue was freedom of the citizen, not the needs of the state. The role of the state was to guarantee the free exercise of religion and its profession. I am convinced that it is also possible to document the specific experience which formed the background for the formulation of American documents such as the Virginia Bill of Rights of 1776.

The 1948 Universal Declaration of Human Rights cannot be fully expounded unless it is read as an expression of the experience of suffering and injustice. That is not so great an historical leap as it might seem, since the UN Declaration of Human Rights can certainly be read as a summary of the experiences of the violation

<sup>87</sup> Zedler, Johann Heinrich, *Grosses vollständiges Universal-Lexikon Aller Wissenschaften und Künste*, No. 59, Leipzig 1749, col. 861.



of dignity articulated up to that point. Numerous confirmations of this are to be found in the minutes of the meetings of the Human Rights Commission held in 1947 and 1948.<sup>88</sup> The historical perspective I have referred to at various points incorporates the experience of the complete exclusion of people from human society in the period of National Socialism. The significance that is attached to the concept of human dignity was attributable not just to dignity and freedom, but also to humanity as opposed to exclusion from human society. The experiences of the Nazi period constituted an intensification, as it were, of previous violations of dignity.

The concept of human dignity was regularly brought into the discussion by René Cassin, a French Catholic intellectual. However, it was by no means appropriated in an exclusively Christian or 'European' way. The representative of the Lebanon and the Indian ambassador, for instance, also referred repeatedly to the concept of human dignity to describe the nature of human beings as individuals and in relation to their social nature. Most of the members of the Human Rights Commission were convinced that both aspects needed to be given adequate consideration in the catalogue of human rights if human dignity was to be afforded comprehensive protection.

### Closing remarks

The aspects I have referred to do not constitute any new genealogy of human rights. I was merely concerned to show that 'dignity as a way of life'<sup>89</sup> is by no means a Western European invention of the modern age. History offers numerous examples of experiences of dignity and of the attacks to which this frail personal disposition is exposed. And history lives on in modern society, sometimes hidden and sometimes serving as a model for human activity. The category of human dignity as a means of describing experiences of its violation stood at the cradle of the modern Universal Declaration of Human Rights. It is only right that the Christian religion and its conception of man should be accorded an outstanding place in the history of the formulation of human rights. At the same time, however, the Christian conception of

<sup>88</sup> Cf. UN Doc E/CN.4/SR.7 etc.

<sup>89</sup> The title of the Introduction in Peter Bieri's *Eine Art zu leben: Über die Vielfalt menschlicher Würde*, Munich 2013, 11–19.

man provides a framework for the interpretation of experiences which continue to be seen, albeit by no means exclusively in this light, as experiences of violation.<sup>90</sup>

<sup>90</sup> Cf. Wendel, Saskia, *Rationale Begründung und christliches Verständnis*, in: Deutsche Kommission Justitia et Pax (ed.), *Menschenwürde: Impulse zum Geltungsanspruch der Menschenrechte*, Bonn 2013 (Schriftenreihe Gerechtigkeit und Frieden, No. 127), 63–70.

# The Roots of Human Dignity in the Specific Geographical and Cultural Context:

## An African Perspective

Joseph Komakoma

It is apt that the United Nations (UN), the body that generally represents the aspirations of the world community, in general terms, recognises, in its Universal Declaration of Human Rights (UDHR), that all human beings are born free and equal in dignity, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>91</sup> The United Nations places the roots of human dignity within the human rights ambit. The argument being that human dignity is well served when fundamental human rights are respected and taken as being inviolable, inalienable, and universal, meaning that they do not originate from the goodwill or largess of the State or any other person. These are rights we are born with by merely being born human beings.

As an African one can hardly quarrel with this general approach to human dignity. It is, however, imperative to note that this does not negate the cultural nuances that underlie the conceptualisation of human dignity. Though this is not my line of argument, I make reference to that fact that this philosophical reality was not lost on the framers of the UDHR.

The Commission on Human Rights which was mandated to draft the declaration was alive to the danger of coming up with a document that could be viewed as based on the western concept of human dignity. They felt the final document should stretch from the wisdom of St. Thomas Aquinas to Confucius! The variety of political, cultural and religious backgrounds of the Commissioners created the platform for

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<sup>91</sup> Cf. *The Universal Declaration of Human Rights*, Art. 1–2, <http://www.un.org/en/documents/udhr/> (15.05.2015).



such an outcome. Upon the adoption of the UDHR, in 1948, by the UN General Assembly, one of the drafters, Hernán Santa Cruz of Chile, is said to have been very proud of the document their Commission had produced such that for him this was a sign that “*the supreme value of the human person*” had now been reached.<sup>92</sup>

In secular terms, Santa Cruz was right to feel that the supreme value of the human person had been reached by the mere adoption of the UDHR.

However, beyond what the United Nations recognises, we Christians believe that each person is unique, special and dignified. We base our faith on the affirmation we get from Sacred Scripture that “God created man in his own image, in the image of God he created them; male and female he created them” (*Gen 1:27*). By this affirmation, each person ceases to be just something but someone capable of self-knowledge, self-giving, and able to enter into communion with others.<sup>93</sup>

Pope Benedict always insisted on never losing sight of the centrality of the human person who, by virtue of being made in the image and likeness of God, is the firm foundation, not relative or subjective, of human dignity. His message to mark the World Day of Peace in 2007, is a case in point.<sup>94</sup>

To violate these rights means we are going against God’s own design for the wellbeing of the person. Hence, the everlasting fight to promote, defend and protect them. It is this which makes it imperative for Christians to see to it that the right to life, shelter, education, food, and various freedoms are safeguarded at all times. We even go to the political arena to defend and promote these rights.

### The African concept of humanity as one of the roots of human dignity

In Southern Africa, where I come from, we have the beautiful concept of humanity based on *Ubuntu* popularised as a philosophy

<sup>92</sup> The universal Declaration of Human Rights: History of the document, <http://www.un.org/en/documents/udhr/history.shtml> (15.05.2105).

<sup>93</sup> Cf. Genesis 1:26–27.

<sup>94</sup> Cf. Pope Benedict XVI., *The Human Person – the Heart of Peace*: Message of His Holiness Pope Benedict XVI for the Celebration of the WORLD DAY OF PEACE, 1. January 2007, Vatican City 2006.

by such eminent persons as Desmond Tutu and Nelson Mandela.<sup>95</sup> When stripped of its political and intellectual semantics, *Ubuntu*, is a philosophical cum cultural concept of humanness that runs across Africa. In my own language, *Ci-Bemba*, from Northern Zambia, *Umuntu* means a human person, while *Ubuntu* is a specific designation of “humanness”.

Having this humanness equips one to not only have communion with other human beings, but also have communion with nature. According to Tutu, this is what distinguishes us from animals. It makes us human. It gives us compassion and the ability to forgive. It gives us a sense of duty for the weak in society as well as sharing our wealth.

This conception of humanity lays the foundations for the respect of the other which is the root of human dignity. In his blog, Reverend William E. Flippin, Jr., has this to say on the link between the African sense of humanity and human dignity,

“ubuntu can be seen and felt in the spirit of willing participation, unquestioning cooperation, warmth, openness, and personal dignity... when we act upon deeply feeling a sense of being connected to others by our common humanity, when we truly regard self and other as one, when we cherish human dignity, all of our relationships and the level of our behaviors and actions are raised to a higher plane. When we understand and practice Ubuntu we will realize that each has vital role to play”.<sup>96</sup>

Lacking this humanness meant that one lacked a basic ingredient of being human. In other words, one is considered to be without dignity if they did not have this humanness even where one might be very wealthy or having a position of immense power in society.

While the world speak about the “integrity of creation” as a special way of reminding ourselves how closely we are related to the nature around us, in Africa the bond with nature is both natural and sacred since it is based on regarding humanity as dependent on nature – the

<sup>95</sup> Cf. comments on Ubuntu, in the excellent biography of Desmond Tutu by John Allen: Allen, John, *Rabble-Rouser for Peace: The Authorised Biography of Desmond Tutu*, London 2006, 346–347, here: 396.

<sup>96</sup> Flippin Jr., William E., “Ubuntu: Applying African Philosophy in Building Community”, [www.huffingtonpost.com/reveremd-william-e-flippin-jr/ubuntu-applying-african-p\\_b\\_1243904.html](http://www.huffingtonpost.com/reveremd-william-e-flippin-jr/ubuntu-applying-african-p_b_1243904.html) (15.05.2105).

eco-systems – for the sustenance of life. The forest is the source of life sustaining food, medicines, and energy.

### **The family as the school of life for “Ubuntu”**

The place and importance of the family in Africa cannot be over-emphasised. It is in the family that the education and understanding of the real meaning of *Ubuntu* is located. This is because culture and tradition is anchored on a profound respect for life. Life that comes through having children, life that continues through the spirits of the dead when one departs from this world.

The family is the place where the celebration of life is found, through a strong sense of communality, taking care of the sick and elderly and reaching out to the extended family. The strong sense of solidarity makes such instances as illness and funerals public events. It is unthinkable to celebrate a feast without the participation of the community. Sometimes we even joke about it by saying if you buy a toy in Africa, just know that you have bought it for the whole village or neighborhood.

The Second Special Assembly for Africa of the Synod of Bishops dealt with this matter in depth, leading to the adoption of the family as the most apt model for the Church in Africa in as much as this image “emphasizes care for others, solidarity, warmth in human relationships, acceptance, dialogue and trust.”<sup>97</sup> Thus we speak of the Church as the Family of God in Africa.

In traditional African Societies, one of the harshest punishments was to banish someone from the village, from the family and community.

### **Human dignity in the context of the modern means of communication**

Whereas the family unit, through parental guidance, played a key role in ensuring that children receive solid moral grounding. Today, like everywhere in the world, parents have to contend with the information overload emanating from the use of cell phones and the

<sup>97</sup> Pope Benedict XVI., Post-Synodal Apostolic Exhortation *Africae Munus* about the church in Africa according to the service of the appeasement, the justice and the peace, 19. November 2011, No. 63, [http://w2vatican.va/content/benedict-xvi/de/apost\\_exhortations/documents/hf\\_ben-xvi\\_exh\\_20111119\\_africae-munus.html](http://w2vatican.va/content/benedict-xvi/de/apost_exhortations/documents/hf_ben-xvi_exh_20111119_africae-munus.html) (16.06.2016).

internet. Social media has come as if it were also an agent of socialisation. Many young people would rather believe and mimic what they have seen on the Net than listen to the advice of their parents, church leaders and teachers.

The family unit, the prized symbol of Ubuntu-ness in Africa is under siege. Preoccupation with Facebook, WhatsApp, Twitter, Instagram, and the like, leave very little room for the community spirit. Individualisation is taking root. Young people are picking up values that are un-African. The ease with which one can access risqué sites on the internet is another worry vis-à-vis the moral upbringing of young people.

What is not fully realised is that the same social media can be a force of the common good. Egypt, with its high literacy levels, showed the world the good side of the how social media can be powerful tool for social mobilisation.

### **The political dimension of human dignity in Africa**

The quest for human dignity in Africa has political dimension since the State plays a key role in the social progress of the people.

Fifty years after the wave of independence swept across Africa, the continent is still struggling to exercise sustainable democracy, entrenching the rule of law and ensuring the security of her peoples, let alone providing basic social services. In addition, numerous social problems keep popping up everywhere, such as human trafficking, child labour, exploitation of women, and violent conflict. Many of these issues are seen as push factors forcing many Africans to flee the continent in search of greener pastures elsewhere. International forces, such as extractive industries, are relentless in their extractive activities and externalizing the profits, and in the process, denying governments the necessary resources that they can invest in social services.

It is therefore hard to speak of human dignity in a context of widespread abject poverty, endemic diseases, entrenched corruption, widening gap between the rich and poor, millions of internally displaced people and direct refugees, and persistent political-ethnic-religious conflict.

Moreover, it is difficult to envisage human dignity being well served in the numerous refugee camps dotted across Africa. It is

also not edifying for many Africa people that they should continue to wallow in abject poverty with no hope for the future.

However, the situation is not one of total doom and gloom, given the rise of a few African countries that are showing strong signs of economic growth and political stability. Yet, even in those countries the fundamentals remain fragile for a host of reasons.

Zambia is a perfect case in point. Zambia has enjoyed sustained economic growth averaging 6% per year in the last decade. But the economic benefits, from this strong growth, seem to be concentrated in a few hands and a few posh areas of major cities. In those areas you gape at what is going on. Plush houses, gleaming shopping malls and restaurants go up all the time, not to mention the latest models of cars congesting the roads. The case is the opposite in poorer and rural areas. In those areas people still struggle with the absence of basic services like safe and clean drinking water, primary healthcare and basic education and proper infrastructure like roads.

Answers to this array of problems lie in political engagement of some sort. It is only when African governments begin to show political maturity that many of these problems can be addressed. There is a need to invest in good governance, probity, accountability and transparency, the promotion of democracy, education for all, the rule of law and the fight against corruption.

Respect for human dignity will remain a pipe dream if these minimum political conditions are not met. It is in this sense that we say the quest for human dignity in Africa has a political dimension.

This obliges all actors who endeavour to mitigate on behalf of the peoples of Africa, like the Church, to approach the issue from a political perspective.

### **The church and the quest for human dignity in africa**

The Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), the continental body that the Bishops of Africa instituted 45 years in order to strengthen organic pastoral solidarity, has taken the lead in addressing the challenges that impede human progress in Africa.

Last year, they launched a Pastoral Letter that addressed this issue.<sup>98</sup> The Bishops argued that the Church in Africa has a prophetic mission that they cannot afford to ignore. They observed that the Church in Africa has played this role continuously since the onset of independent African countries some 50 years past.<sup>99</sup> The Bishops noted that many school children are not able to go to school due to lack of school places. In addition, African economies have remained weak; armed groups terrorise millions of people while job markets remain tight.

In this kind of scenario the Church engages the political world to ensure that human dignity is not diminished.

The Church in Africa, is not different from the Universal Church in its concern for the plight of the human person. The Social Doctrine of the Church (STC), applies perfectly to the social situation of Africa as it does in other parts of the world. The famous opening words of the *Gaudium et Spes*, are always refreshing to recall: “The joy and hope, the grief and anguish of the men (and women) of our time, especially of those who are poor or afflicted in any way, are the joy and hope, the grief and anguish of the followers of Christ as well.”<sup>100</sup>

Without belabouring the point, it is clear that the Church cannot disengage from the world. The Church sees itself as being part of the world and shares in the day to day life of the world through the lives of individual Christians. It is also to note equally that while the Church cannot disengage from the world, it does not come with its own versions of political, economic, cultural or development models.

The Church only plays her rightful role of being the “conscience of society”. In other words, the Church applies biblically motivated moral principles to the various spheres of life (political, economic, social cultural...) with the sole interest of ensuring that the human person

<sup>98</sup> Cf. SECAM (ed.), Pastoral Letter, *Governance, Common Good and Democratic Transitions in Africa*, Accra 2013.

<sup>99</sup> The Zambian Bishops, for instance, have shown this same consistency in the Pastoral they have been issuing since 1953. Cf. Komakoma, Joe, *The Social Teaching of the Catholic Bishops and other Christian Church Leaders in Zambia: Major Pastoral Letter and Statements 1953–2001*, Ndola 2003.

<sup>100</sup> *Gaudium et Spes*, No. 1.

and the protection of the dignity of human life are at the centre of all social endeavours.

The Church's involvement in the social sphere, endeavouring to promote social justice, protecting human life and dignity, and preaching solidarity and participation of all, comes from the Church's self-understanding as a steward for God's creation, always striving to ensure that God's creation is not desecrated by human action.

God bequeathed to humanity a wonderful creation. Unfortunately we humans have sullied God's creation due to our greed, our craving for power, our pride, our carelessness, and our self-centredness. The Church strives to restore the order laid down by God. The order that can be reclaimed if we human learn anew to live by Biblical values, values of justice, peace, fairness, love, solidarity, respect for human dignity, protection of the environment, positive tolerance, the common good and subsidiarity. These are values and principles that make it possible for us to live together as a society. These are values that lie behind the respect of human dignity.

### **The quest for human dignity as rooted in the pastoral engagement of the church in africa**

The two Synods on Africa in 1994 and 2009 lead to the promulgation of two Post Synodal Apostolic Exhortations that have become a blue print for the pastoral engagement of the Church in Africa, namely, *Ecclesia in Africa* and *Africae Munus*.

*Ecclesia in Africa* afforded the Church in Africa a chance to reconnect with its cultural roots with the designation of the image of the Church as Family. This has eased the path towards deeper evangelisation since there is a model of the Church that almost every African can easily identify with.

There is also the stress on on-going formation for all pastoral agents and the laity, especially in the field of justice and peace. Pope John Paul II wished to see a more socially engaged church by insisting that "Each person, according to his state of life, should be specially trained to know his rights and duties, the meaning and service of the common good, honest management of public goods and the proper manner of participating in political life, in order to be able to act in a credible manner in the face of social injustices." This is in addition to

the call for each layer of the Church, in Africa, to establish the Justice and Peace Commission.<sup>101</sup> Catholics in public life were singled out to play their rightful part to bear witness to goodness, truth, justice and love of God in their daily life.<sup>102</sup>

*Africae Munus* has reinforced the main themes of *Ecclesia in Africa*. Beyond establishing structures for Justice and Peace, the call now touches on the need to incorporate the Social Doctrine of the Church in all catechetical materials and to ensure that the Social Doctrine of the Church is taught in all Catholic institutions of learning.<sup>103</sup>

The two Synods inspired SECAM to consider the two post-synodal apostolic exhortations *Ecclesia in Africa* and *Africae munus* as essential guidelines for the commitment of the Church-Family of God in Africa.<sup>104</sup>

In particular in matters involving Catholic Universities and African Christian elites, they pledged to redouble efforts for formation pertaining to human, spiritual, and doctrinal formation of the laity, women and men, so that these may take their responsibilities at family, social, economic, and political levels, in accordance with the Social Teachings of the Church, as well as accompanying the youth to facilitate their integration into society;<sup>105</sup>

They reiterated their commitment to establish "Justice and Peace" commissions in all dioceses where they do not yet exist and to strengthen them where they exist, by ensuring the training of their leaders.<sup>106</sup>

### **Conclusion**

One sees a renewed dynamism by the Church in Africa to do what they can to the defence and promotion of human dignity through

<sup>101</sup> *Ecclesia in Africa*, No.107.

<sup>102</sup> Cf. *ibid.*

<sup>103</sup> Cf. Pope Benedict XVI., Post-Synodal Apostolic Exhortation *Africae Munus about the church in Africa according to the service of the appeasement, the justice and the peace*, No. 134–138.

<sup>104</sup> Cf. SECAM (ed.), *The Symposium of Episcopal Conferences in Africa and Madagascar (SECAM), 16th Plenary Assembly, Final Message, Kinshasa 2013*, No.13.

<sup>105</sup> Cf. *ibid.*, No. 16 and 18.

<sup>106</sup> *Ibid.*, No. 21.

pastoral initiatives that have been revitalised by the connection between faith and the African philosophy of Ubuntu.

As it is said in certain quarters in Africa, the potential far outweigh the problems that Africa is facing today. So one can only look to the future with Christian hope, that human dignity in Africa, is a value that is closely connected with the conception of the human person.

## The Roots of Human Dignity in a Southeast Asian Context

Sharon A. Bong

Let us begin by unravelling the terms in question. The metaphor of 'roots' is instructive. It points firstly, to that which is foundational; secondly, that which is plural (rather than singular); and thirdly, that which is distinctive (to the soil of a specific geographical and cultural context, in this case, Southeast Asia). In considering the metaphorical soils of this region, it offers myriad conditions, some conducive, others arguably less fertile for 'human dignity' to take root. These varying conditions, literally, the ground and grounding of roots comprise multi-ethnicities, multi-cultures and multi-religions that abound that include but are not limited to: Islam (e.g. Muslim-majority yet secular states like Indonesia which houses the most populous Muslims in the world and Malaysia as well as Brunei Darussalam which is now an Islamic State with Sharia law recently imposed); Buddhist-dominant states with strong influences of Confucianism (e.g. Cambodia, Laos, Myanmar, Singapore, Thailand and Vietnam); Catholic-dominated Philippines and Timor-Leste; and the spiritualities of indigenous peoples who are even more disenfranchised than ethnic and religious minorities in SEA.<sup>107</sup>

In extending the metaphors of roots and soils, we move onto 'human dignity' which is likened to a seed. The term is predominantly singular rather than plural; hence, 'human dignity' rather than 'human dignities'. The singularity of human dignity denotes (in a prescriptive sense) a universal attribute – dignity is accorded to all human persons (and not other sentient entities), at all times, at all places; a shared attribute that is (or ought to be) equally accessible by all human

<sup>107</sup> Cf. International Work Group for Indigenous Affairs (IWGIA)/Asian Forum for Human Rights and Development (FORUM-ASIA) (eds.), *Asia Indigenous Peoples' Pact (AIPP)*, Chiang Mai 2010, [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0511\\_ASEAN\\_BRIEFING\\_PAPER\\_eb.pdf](http://www.iwgia.org/iwgia_files_publications_files/0511_ASEAN_BRIEFING_PAPER_eb.pdf) (20.01.2015).



persons regardless of differences that matter (e.g. sex, gender, sexuality, age, class, nationality, ethnicity, religious affiliation, if any, etc.); and an inherent quality of being human (a human person is endowed with intrinsic value). These are the triadic tenets of not only of human dignity but also human rights – inextricably linked, for better or worse, as “conjoined twins” – which are, respectively: universal, inviolable and inalienable.<sup>108</sup> Yet, these very tenets continue to be contested. Based on the lived realities of human persons, of the harm that humans are capable of inflicting on the other (at its most abject) – human dignity is not universal, inviolable and inalienable. Herein lies the problem of incompatibility of the singularity (in the sense of uniqueness or distinctiveness) of seed with the plurality of roots and soils. It is a problem and one that has been addressed albeit not adequately resolved by those concerned with seeds taking root in different soils. A concomitant consideration would be: where these seeds take root, what might the fruits or produce of such hybrid cross-fertilization be?

### The pluralism of human dignities

Recognizing, accepting and according legitimacy to the pluralism of human dignities is the point of contention and deliberation offered in this chapter. I borrow and modify the use of “pluralism” from a notable sexuality studies scholar of Asia, Michael G. Peletz<sup>109</sup> who argues that it is only when one accords legitimacy to “gender diversity” and “sexual diversity” which encompasses non-heteronormative genders and sexualities (the move away from the singulars of ‘gender’ and ‘sexuality’ is not accidental) that these become “gender pluralism” and “sexual pluralism”. In other words, “pluralism” connotes not only that which is plural (i.e. many and diverse) but also that which is affirmed (i.e. not merely tolerated) and at its best, codified (in secular and sacred texts) and institutionalized (e.g. state apparatuses such as the legal system, UN instruments that carry the weight of general consensus through ratification of treaties, etc.).

<sup>108</sup> Cf. Schröder, Doris, “Human rights and human dignity: An appeal to separate the conjoined twins”, in: *Ethic Theory Moral Practice*, No. 15 (2012), 323–335.

<sup>109</sup> Cf. Peletz, Michael G., *Gender, Sexuality and Body Politics in Modern Asia*, Ann Arbor 2007.

The pluralism of human dignities is embedded in many soils in the form of multi-cultural and multi-religious (and spiritual) contexts of Southeast Asia. Where the root of human dignity – as the foundational basis of human rights – takes as its starting point the cardinal tenets of universality, inviolability and inalienability, the pluralism of human dignities does not. While it is inevitable to identify the historicity of certain ideologies as distinctively ‘Western’ or ‘Eastern’ (or ‘Asian’), in accounting for the pluralism of human dignities as arising from the regional distinctiveness of Southeast Asia, it is prudent to avoid the pitfall of reifying the dualism of ‘Western’/‘Eastern (Asian)’. In so doing, one eschews colonizing tendencies of assigning fixed attributes to terms and concomitantly, valuing ideologies in absolutist terms where in practice, these are fluid and irreducibly complex. It is such fluidity that characterizes the pluralism of human dignities.

What flows from this is a key attribute of human dignities which is relationality. The ‘Asian values’ rhetoric, propagated by the then Prime Ministers of Malaysia and Singapore in the 1980s, accorded primacy to “societal interests over the narrow, individual self-interest, order and harmony over personal freedom”<sup>110</sup> and has residual currency today. In reflecting “a strongly communitarian collectivism”, it also “values respect for authority and strong leadership, strong attachment to family, conventional authority patterns and loyalty within the family, ‘traditional’ (sic) gender relations, strong filial piety, discipline, hard work and thrift” (ibid.). The primacy of the common good, beginning with the fundamental unit of the society – the family (albeit the “natural family” variant which is heterosexually and procreatively oriented)<sup>111</sup> – was the means to the end of the progress of postcolonial nations (Malaysia and Singapore were former colonies of the British Empire). The ‘Asian values’ discourse which is secular, when embedded within Islamic and neo-Confucianist discourses in Malaysia and Singapore, respectively, positions an individual within the axes of the family (filial piety), faith community (religious piety) and nation (patriotism) where his/her value lies in realising the converging and multi-layered aspiration of

<sup>110</sup> Stevens, Maila, “Family values and Islamic revival: Gender, rights and state moral projects in Malaysia”, in: *Women’s Studies International Forum*, No. 29 (2006) 4, 354–367.

<sup>111</sup> Cf. ibid., 361.



“reproductive citizenship”.<sup>112</sup> Becoming a good Muslim and citizen, for example, is one who embodies proper masculinity or femininity in marrying and reproducing for the sake of the family, community and nation.

In Islamic legal texts that “emphasize communitarianism... the supremacy of the Ummah or Islamic community”, is upheld over and above individualism, that is tempered by “Western civil law and humanistic ethical thinking”.<sup>113</sup> The ‘Western’ premise is a Kantian one where the human person is a rational and self-regulating being in discerning what is morally right from wrong and “is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a dignity (an absolute inner worth) by which he exacts respect for himself from all other beings in the world”<sup>114</sup>. In a similar vein, in departure from aligning human dignity with an “atomistic individual” (i.e. disconnected from the whole and valued as an end unto himself – the masculine pronoun is not accidental), the Confucian approach to human dignity “is anchored on the feeling of human relatedness. It recognizes the fact that everyone is born into specific relationships through which one’s value can be manifested, and urges people to take up this way to actualize and broaden their humanity”<sup>115</sup>. The human person is not invested with intrinsic dignity but rather the capacity to realize a life of dignity. In this sense, the becoming of a person potentially actualizes one’s own dignity. And as one is related to others, the way to realize this aspiration is to promote others by way of treating them with due respect. Given the “sliding scales of dignity” in a way of life informed by Confucian ethics, the notion of due respect varies (hence, slides) according to another’s authority derived from the function of one’s social position (as “honors bestowed by human”) and capacity for accruing dignity, with “human heartedness, appropriateness, conscientiousness,

<sup>112</sup> Blackwood, Evelyn, “Transnational sexualities in one place: Indonesian readings”, in: Blackwood, Evelyn/Wieringa, Saskia E. (eds.), *Women’s Sexualities and Masculinities in a Globalising Asia*, New York/Basingstoke 2007, 185.

<sup>113</sup> Cf. Martin, J. Paul, “The three monotheistic world religions and international human rights”, in: *Journal of Social Issues*, No. 61 (2005) 4, 836.

<sup>114</sup> Kant cited in Schroeder, Doris, op. cit., 329.

<sup>115</sup> Ni, Peimin, “Seek and you will find it; Let go and you will lose it: Exploring a Confucian approach to human dignity”, in: *Dao*, No. 13 (2014), 187.

trustworthiness, unflagging delight in what is good... [as] honors bestowed by heaven”.<sup>116</sup>

Beyond human relatedness is the connectedness between humans and other life forms within the cosmos. While there is no specific or approximate concept of ‘human dignity’ in Buddhism, human life within a Buddhist cosmology, is appreciated “as an integral part of this perpetual flux of life forms”.<sup>117</sup> As the meaning of life is the cessation of the endless cycle of rebirth, the relationship of humans “with the rest of sentient nature is thus one of constant recycling, until radical release (*moksha*) is achieved in nirvana”.<sup>118</sup> The interconnectedness of all sentient beings of which the human person is but one component, presents a departure from the anthropomorphic centrality of monotheistic religions, such as Islam and Christianity where dignity is accorded to the human person who is created in the image of God (*imago dei*). As other sentient beings are neither created in the likeness of the Creator nor gifted with the capacity for reason and moral judgement, they are not accorded dignity that is due to humans.

The cosmic dimension is similarly present in Hinduism, where *dharma* – “a mode of life or a code of conduct... intended to bring about the gradual development of man” – is “the way in which the cosmos or the balance in the cosmos is maintained”.<sup>119</sup> Nanda goes on to explain that as God is both “omnipresent and immanent in all that exists in the universe... this universal spirit or soul (*Brahman*) manifests itself in all human beings and indeed pervades all creation”.<sup>120</sup> Human identification with the Divine is thus to recognize the Divine in everything: creation and all in it become sacralised and it is the duty of the human person to accord it due respect.

The spiritualities of indigenous peoples might be termed as “biocosmic in that they find whatever is of ultimate significance to them as immanent within the natural rhythms of the cosmos and the

<sup>116</sup> Ibid., 191.

<sup>117</sup> May, John D’Arcy, “Human dignity, human rights, and religious pluralism: Buddhist and Christian perspectives”, in: *Buddhist-Christian Studies*, No. 26 (2006) 1, 54.

<sup>118</sup> Ibid.

<sup>119</sup> Nanda, Ved P., “Hinduism and my legal career”, in: *Texas Tech Law Review*, No. 27 (1996) 3, 1231.

<sup>120</sup> Ibid., 1232.

physical processes by which life is propagated and sustained”.<sup>121</sup> As peoples who strive to co-exist with the “natural rhythms of the cosmos”, the violation of displacing them from their lands is tantamount to severing a lifeline as land is not merely a commodity or property but a source of livelihood, identity and belonging.<sup>122</sup>

The human person within these ideologies is not ontologically superior (i.e. is not born into dignity and neither is it an entitlement that is accorded to all and equally accorded by virtue of being human). This in turn, departs from the tenets of inalienability and universality. And the human person is inextricably bound to other sentient entities within the cosmos – worldly and other-worldly spaces – and aspires (though not always and in every instance succeeding) to cultivate a life of dignity through recognising this mutuality and reciprocity in becoming human and duly respecting other lives. In this sense, *doing dignity* is the lifelong process of becoming human, of recognising the transcendent made immanent in all creation and knowing the place and purpose of the human in it in relation to other beings and behaving accordingly. This departs from the third tenet of inviolability where such “aspirational dignity” is thus differentiated from “inviolable dignity” which renders dignity as “an inviolable property” bequeath by either divine will (e.g. Catholicism) or (Kantian) secular reason.<sup>123</sup>

What flows from relationality is the second key attribute of human dignities which is dialogical in opening up spaces for negotiated meanings between what is often positioned as competing discourses in actualizing ‘human dignity’ or a life of dignity. The caveat being that there are sliding scales of openness to dialoguing. In the earlier example above, the ‘Asian values’ discourse was, at its genesis and continues to be, where it has political mileage still to offer, pit against the discourse of human rights as the latter is perceived to be a ‘Western’ construct. That it is also perceived to be a Christian construct – as is well evidenced by Catholic social thought that endorses the rights of humans albeit selective ones<sup>124</sup> – and given the colonial legacy of Christianity in Asia, exacerbates the wariness, indeed, hostility of

<sup>121</sup> May, John D’Arcy, op. cit., 55.

<sup>122</sup> Cf. International Work Group for Indigenous Affairs (IWGIA)/Asian Forum for Human Rights and Development (FORUM-ASIA), a. a. O.

<sup>123</sup> Cf. Schroeder, Doris, op. cit., 332.

<sup>124</sup> Cf. Irudayam, Charles (ed.), *Human Dignity in Catholic Social Thought*, Bangalore 2014.

some postcolonial Asian nations towards proponents of human rights. So dialogue is somewhat foreclosed when the discourse of religions and rights are locked in a corollary binary of ‘Asian’/‘Western’ with the latter branded as “westoxification”<sup>125</sup>; having the potentially to corrupt what is essentially ‘Asian’ and morally good. Hence the positioning of the ‘Asian values’ discourse as “a postcolonial project” was essentialising (i.e. assigning as ‘Asian’ the fixed attributes of deferring to authority, discipline and diligence) but strategically essentialising where the qualifier ‘Asian’ was intended to mobilize filial and religious piety and national loyalty in a bid to reclaim an identity once lost when colonized in the past and in danger of being lost in the present throes of globalization. Dignity of the collective, privileged over the dignity of the individual (a contested concept to begin with as elucidated), in this instance translates into the stability of the family, integrity of the faith community and sovereignty of the nation.

The turn to the discourse of rights in this part of the chapter is inevitable given that general consensus deems that the foundational premise of rights is human dignity where both coalesce as universal, inalienable and inviolable. An example of a UN treatise, a secular text, that codifies the abstract and twin principles of human dignity and human rights, and women’s human rights by extension, is the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women. This singular women’s treaty, in making visible women’s human rights, marks a significant milestone given the androcentric-emphasis of secular and sacred texts on human dignity and rights, and notable is the fact that all Southeast Asian nation-states have ratified it albeit with reservations. From the approach of the ‘Asian values’ discourse that forecloses engagement with the rights discourse, one turns to a considered encounter between rights and religions as articulated in the 1990 Cairo Declaration on Human Rights in Islam’ that was drafted and endorsed at the Nineteenth Islamic Conference of Foreign Ministers.<sup>126</sup> Article 6(a) of the Cairo Declaration asserts a woman’s fundamental ‘human dignity’ that is aligned to her access of human rights (that are inalienable to her being) by stating that,

<sup>125</sup> Stivens, Maila, op. cit., 356.

<sup>126</sup> See ‘The Cairo Declaration on Human Rights in Islam’, Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Arab Republic of Egypt, from 9–14 Muharram 1411H (31. July to 5. August 1990), available at: <http://www.oic-oci.org/english/article/human.htm> (20.01.2015).

“Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage”.<sup>127</sup>

Where there is fissure between rights as enshrined in secular and religious texts (the Qur’an in this instance), the Cairo Declaration which aims “to guide a humanity confused by competing trends and ideologies” states that, “All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah (Article 24)”. A resonant disclaimer that pre-empts confusion in the face of “competing” ideologies lies in Article 2(f) of the Convention that states that all States Parties (those who have ratified the Convention), are obligated, “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”.<sup>128</sup>

## The Fundamentals of Human Rights in the Context of Latin America

Víctor Codina

When the United Nations issued its Universal Declaration of Human Rights in 1948, a major foundation was created for our lives today. Pope John XXIII accepted and praised this declaration in his encyclical *Pacem in Terris* (1963), although he did add some comments. The rights he sees as specifically human are, in particular, the right to personal dignity, moral and cultural rights, rights in economic matters and civil rights.<sup>129</sup> Taken together, they have given rise to a range of responsibilities.

Another major foundation is a division into three generations in the formulation of human rights. This was undertaken by Karel Vasak in 1979, each generation having its own specific emphasis. First-generation human rights are associated with civic and political freedom. In the second generation the emphasis is on economic, social and cultural rights, combined with the idea of equality. The third generation highlights the concept of solidarity and is associated with the right to peace, the right to sustain one’s quality of life and environmental responsibility. The question we would like to pursue in more detail is: How have human rights developed in the context of Latin America and the Caribbean, and on what basis? We will try to answer this question from a historical perspective, focusing on two elements: human rights during the first evangelisation of Latin America and human rights in the Latin American Church and the Caribbean after the Second Vatican Council, especially after the Conference of Latin American Bishops in Medellín (1968).

<sup>129</sup> Cf. Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity and Liberty, 11. April 1963, [http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem.html](http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html) (26.08.2016).

<sup>127</sup> Ibid.

<sup>128</sup> Cf. CEDAW, *Convention of the Elimination of all forms of discrimination against women*, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1> (20.01.2015).

### Human rights during the first evangelisation of Latin America

The first evangelisation of Latin America was conducted by the Spanish and Portuguese Roman Catholic Churches and must be viewed critically, as it was associated with the so-called Conquista, combining the cross and the sword<sup>130</sup>. The history of the Conquista and the first evangelisation was written almost exclusively by the official chroniclers of the countries that initiated it. They were the ones who praised the various major successes. Fernandez de Oviedo even saw the Conquista as the third biggest event after the creation of the world and the incarnation of God. It was justified by Pope Alexander VI when he entrusted “Catholic kings” with the conquest of the Latin American continent. The Conquista was officially seen as a work of evangelisation, although in reality it was quite different. It was in fact a form of European colonial expansion, involving the pursuit of economic and political interests, in which the conquerors sought riches and gold. Unofficial accounts, on the other hand, describe the Conquista as the rape (*violación*) of the continent’s indigenous cultures, as it involved appropriating what others ‘possessed’ (e.g. their land and wealth), what they ‘knew’ (their cultures, religions) and what they ‘were’ (in terms of personal identity and collective lifestyle).

However, to avoid speaking in purely abstract and general terms, I will adopt a more narrative approach that comes close to the style of Latin American theology. So I will present a sermon by Antonio de Montesinos that is seen as a paradigm of the human rights issue during the Conquista and the first evangelisation.

#### *The cry of Montesinos*

In December 1510 a small group of Dominican missionaries reached the Caribbean island of Hispanola, encompassing the territories of what are now the Dominican Republic and Haiti. This missionary community, headed by Pedro de Córdoba, came from the Monastery of San Estebán in Salamanca, one of the pre-eminent centres of the Dominican Order at the time. The missionaries were mendicants, i.e. monks who had opted for a life of poverty and who were seeking to proclaim the Word of God in the midst of real life, i.e. the

<sup>130</sup> Cf. Codina, Victor, *Vorwärts zu Jesus zurück*, Salzburg 1990. *Die Option für die Armen in der Christenheit der Kolonialzeit*, 197–216.

Conquista. The Dominicans then met the population of the so-called West Indies who suffered the exploitation and brutal behaviour of the conquistadors. Having analysed the reality of inhuman oppression, the monks set out to interpret events in the light of the Gospel. Logically enough, knowing that violence and oppression contradicted the Gospel message, they sided with the oppressed. The friars decided to take a public stance against the practices of the colonial masters – who included Diego de Colón, the son of Christopher Columbus – and to show that their behaviour was incompatible with the Gospel. All the members of the Dominican community collaborated on a sermon which was then delivered by the most eloquent speaker among them, Antonio de Montesinos. The date which they chose for the sermon was the fourth Sunday in Advent, i.e. the Sunday when the Gospel reading started with the words of John the Baptist: “I am a voice of one that cries in the desert” (John 1:23).

Their prophetic text was delivered on 21 December 1511 and has been preserved thanks to Bartolomé de Las Casas, who was the priest and *encomendero*<sup>131</sup> on the island of Hispanola at the time.

“Listen to this voice, he said, [which proclaims to you that] all of you are in mortal sin and in sin you live and die every day, for the cruelty and tyranny by which you abuse these innocent people. Tell me, by what right or by what interpretation of justice do you keep these Indians in such a cruel and horrible servitude? By what authority have you waged such detestable wars against people who were once living so quietly and peacefully in their own land, where you have consumed infinite numbers of them with death and ruin? Why do you keep them so oppressed and exhausted, without giving them enough to eat or curing them of the sicknesses they incur from the excessive labour you give them, and they die, or rather you kill them, in order to extract and acquire gold every day? Is this the way you care for them in your capacity as people entrusted to instruct them in Christian doctrine, so that they may know their God and Creator, be

<sup>131</sup> The *encomienda* was a colonial institution whereby conquerors were “entrusted” (*encomendar*) with *Indios* as a reward for their services. As beneficiaries, the *encomenderos* could claim the tributes to which the Crown was entitled in the form of either labour or natural produce. In return, they were required to guarantee the provision of maintenance, protection and Christianisation for the *Indios* who had been “entrusted” to them.

baptised, hear Mass and honour Sundays and holy days? Are they not human beings? Don't they have rational souls? Is it not your duty to love them as yourselves? Do you not understand this? Do you not feel it? What made you fall into such a deep, leaden slumber? Are you confident that, in the state in which you are, you can save yourselves any better than the Moors or Turks who have no faith in Jesus Christ and who do not want to have it."<sup>132</sup>

The effect of the sermon was considerable. One chronicler reports that many were devastated by it, as if struck by lightning, while others were exasperated. Yet no one seemed prepared to repent from the depth of their hearts. Diego de Colón and the nobility felt humiliated and decided to reprimand the preacher on the grounds that he was spreading a new – and, as they saw it, scandalous – doctrine which contradicted the law, a law which had given them the authority to conquer. They demanded public redress.

However, the sermon also had an effect on Bartolomé de Las Casas, since he felt it was directed at him in his role as *encomendero*. Just a few years later he was to reflect upon the words in the book of Jesus Sirach (Sirach 4:1-6, 34:18-22), the passage which says that God does not accept bloodstained offerings. After hearing Montesinos' sermon and reading this Old Testament passage, Las Casas radically changed his lifestyle, entered the Dominican Order and eventually, as the Bishop of Chiapas, became one of the greatest defenders of the rights of the native inhabitants.

But to return to Montesinos. On the Sunday after his Advent sermon Montesinos entered the pulpit again and, rather than revoking his words as expected, he announced consequences for the Spaniards and their nobility. From that moment onwards, he said, he would refuse them the sacrament of penance and would not grant them absolution. Moreover, despite all the objections from the conquistadors, he and his community would continue to preach the Gospel.

News of these events soon reached the Spanish Court, and the head of the Dominicans, Pedro de Córdoba, was ordered to appear

before King Fernando. He was to justify himself before the ruler who also bore the title of Catholic King of Castile. The Dominican Provincial Superior, Alonso de Loaysa, who agreed with the King of Spain, expressed his displeasure over the sermon and reprimanded Pedro de Córdoba for his words and for the resulting damage inflicted on the order. According to Loaysa, it was the devil himself who had deceived the Dominicans through those words, and he therefore decreed that no one should preach in such a vein again. If they did, such an act would be regarded as a grave sin and they would face excommunication.

The prophetic sermon was of course conflict-laden, not just for the Spanish Crown, but also for the entire Church. Any prophetic indictment has its price. Jesus of Nazareth was no exception when he proclaimed his messianic programme in the synagogue of Nazareth and said he had come to bring good news to the poor. He, too, was driven out of the synagogue (Luke 4:16-30).

Gustavo Gutiérrez showed that neither Diego Colón nor Loaysa were mistaken in their judgement. They realised that Montesinos' cry was about more than the treatment of the indigenous population and that his prophetic sermon had gone much further and deeper. It concerned the Conquista as a whole, questioning the entire unfair system of Spanish colonialism.

#### ***The common thread in Montesinos' sermon***

This may well be the point that attracted official attention to Montesinos, as he argued from a human rights perspective and asked the colonial masters: What right and what justification do you have to do all this? What gives you the authority? Why are you oppressing the indigenous population? Are these not human beings? Don't they have rational souls? His words clearly reflected the teachings of the Dominicans in Salamanca. The Dominican monks around Pedro de Córdoba had all studied in Salamanca, where major Thomistic thinkers such as Soto and Vitoria were active. Their thinking influenced the anthropological vision which formed the basis of Montesinos' sermon. Before giving any reasoning or arguments relating to Gospel values, the scholars from Salamanca first focused on the things that are "humane", demanding truthfulness in dealing with real life and respect for human beings, while appealing to a minimum of compassion for

<sup>132</sup> De Las Casas, Bartolomé, Werkauswahl, No. 2, in: Delgado, Mariano (ed.), *Historische und ethnographische Schriften*, Paderborn et al. 1995, 226 (*Historia de las Indias*, No. III, Ch. 4).



the sufferings of others. They saw the quest for God above all as an endeavour to come to grips with reality.

This, in turn, made it necessary for the Dominican monks to gain in-depth knowledge of the world of the native population on Hispanola. For them, coming to grips with reality meant looking at history from below and from behind – from the perspective of those who had suffered under the consequences of the Conquista. This is what we now call the option for the poor. The Dominicans were more concerned about the sufferings of the native population than the interests and requirements of the conquistadors.

Montesinos saw the suffering of the indigenous population and understood their suffering as a *memoria passionis*<sup>133</sup>. The colonial masters had forcefully appropriated what the natives ‘possessed’ (*tener*), what they ‘knew’ (*saber*) and what they ‘were’ (*ser*). In the context of an unjustified invasion this concerned not only the possession of the land and its resources, but also the identity of its people. Antonieta Potente speaks of “a rape and negation of their visions of the universe, their worldly wisdom, their secrets and their initiatives.”<sup>134</sup> It is impossible to remain indifferent or neutral towards suffering. One cannot look at suffering from a distance as, for example, the Priest and the Levite did in the Parable of the Good Samaritan (Luke 10:25-35). It is in the suffering of the *indigenas* that we discover and discern the face of the suffering Lord (Matthew 25:31-45).

This was the position which led to a prophetic indictment and a critical look at the ideology of the Conquista which, while justifying itself by the spreading of the Gospel, had transformed itself into a violent takeover, aimed at appropriating gold and other resources. “And so you kill,” said Montesinos.

In addition to the anthropological basis, the Christian principle whereby we have a duty to love our neighbours as ourselves also applies – a Gospel maxim which must have been familiar to the conquistadors from their own Christian background.

<sup>133</sup> Cf. Metz, Johann Baptist, *Memoria Passionis – ein provozierendes Gedächtnis in pluralistischer Gesellschaft*, Freiburg 2006.

<sup>134</sup> Potente, Antonieta, “Eco de un sermón: Entre arquetipo y realidad: Otro diálogo es posible”, in: *Yachay*, No. 28 (2011), 47–58, here: 50.

The consequence of all this can be seen very clearly in the logic of Montesinos’ sermon. The conquistadors were living in deadly sin and were unable to receive their salvation for as long as they continued their abusive behaviour and their practice of *encomienda*. The Dominicans therefore referred to the example of the Moors (*Moros*) and Turks who, in line with the theological understanding of the time, could not expect eternal salvation. According to contemporary belief, salvation was beyond their reach. This is why the Dominicans on Hispanola insisted that, as long as there was no genuine and profound repentance on the part of the conquistadors, there could be no absolution for them through confession. This rather harsh view undoubtedly prompted the audience to object, as they were not used to being directly attacked with such conviction. The prophetic indictment was indeed conflict-laden.

#### ***Bishops as defenders of the human rights of the indigenas***

Montesinos’ cry for freedom may have been the first to be heard in Latin America, but it was by no means the last. The rights of the *indigenas* were subsequently defended by a series of bishops and missionaries. This was recalled at the Puebla Conference (1979) which contains the well-known words: “Fearless fighters of justice who preached peace, such as Antonio de Montesinos, Bartolomé de las Casas, Juan de Zumarraga, Vasco de Quiroga, Juan del Valle, Julian Garces, José de Anchieta, Manuel Nobrega and many others who defended the Indios against the conquistadors and the *encomenderos*, sometimes unto death, as in the case of Bishop Antonio Valdiviezo, showed by their deeds that the Church fosters the dignity and freedom of the Latin American people.”<sup>135</sup>

In their pastoral ministry the bishops and missionaries did not limit themselves to prophetic preaching on human rights and the rights of the indigenous population. They also sought to show alternatives and to combine evangelisation with justice, which is reflected in the well-known *reducciones*<sup>136</sup>. The Puebla document, for example,

<sup>135</sup> “Die Kirche Lateinamerikas, Dokumente der II. und III. Generalversammlung des Lateinamerikanischen Episkopates in Medellín und Puebla”, in: *Stimmen der Weltkirche* 8, published by the Secretariat of the German Bishops’ Conference, Bonn/Puebla, No. 8.

<sup>136</sup> This refers, among others, to the settlements of the Jesuits in Paraguay, Argentina and Bolivia. The basic idea of such a settlement, a *reducción*, was originally conceived by Franciscan missionaries in Mexico.



contains the following reminder: “The Church’s evangelistic ministry in Latin America results from the unanimous missionary endeavour of all the people of God. There is countless evidence of love, care, education and, as should be emphasised in particular, the unique synthesis of evangelisation and service to humanity, as provided by the missions of the Franciscans, Augustinians, Dominicans, Jesuits, Brothers of Mercy and others. [...] This pastoral power is combined with a comprehensive theological reflection and intellectual dynamic which has filled the universities and schools but which has also shown itself in the writing of lexicons, grammars and catechisms in various indigenous languages and in the most interesting historical accounts of the origins of our peoples.”<sup>137</sup>

The issue as such is highly complex and has attracted numerous in-depth publications in recent years, so we will refer here to the relevant special studies. In summary, however, we can conclude that during the first evangelisation, a number of bishops and missionaries somehow understood – despite the limitations of their time – that it was important to protect the lives and human rights of the indigenous population against all forms of aggression. What motivated them was their sense of humanity and their faith, since they knew that faith without justice is futile.

### Human rights in the Latin American Church after the Second Vatican Council

#### *From Medellín to Aparecida*

Montesinos asked some important questions: ‘Are these not human beings?’, ‘Don’t they have rational souls’, ‘Are you not obliged to love them as you love yourself?’, ‘How can you have fallen into such a deep, leaden slumber?’ They are questions that help us gain a better understanding of the situation in the Latin American Church after the Second Vatican Council. It was a time when the Church consciously discovered the lives of the people.

The situation had been similar for the bishops and missionaries of the first evangelisation. Inspired by the Council of Trent, they had

<sup>137</sup> “Die Kirche Lateinamerikas, Dokumente der II. und III. Generalversammlung des Lateinamerikanischen Episkopates in Medellín und Puebla”, in: *Stimmen der Weltkirche* 8, op. cit., *Puebla* No. 9.

gone to America and then changed their views upon being confronted with the harshness of life suffered by the *indigenas*. Likewise, the Latin American bishops were initially very quiet, reserved and puzzled by the new European theologies during the Second Vatican Council (forming a ‘silent majority’). After the Council was over and they had returned to their dioceses, however, they awoke from their leaden slumber, heard the cry of the Latin American people<sup>138</sup> and began a complete turnaround.

While the original achievement of the Council was that the Church subsequently entered into dialogue with the modern world<sup>139</sup>, the specific feature of the Latin American Church after the Council was that it perceived the cry of the poor as a sign of the times, as expressed in the pastoral constitution *Gaudium et Spes* (see GS 4, 11 and 44). The issue of defending human rights became increasingly important and was expressly mentioned at the various meetings of the Latin American Bishops’ Conferences.

Twenty years after the Universal Declaration of Human Rights the bishops who had gathered in Medellín (1968) no longer merely applied the results of the Council in their own dioceses but interpreted the Council in a context of injustice. Whereas the Second Vatican Council engaged with so-called modern society, i.e. the progress-focused, rich, developed and secularist environment of the ‘First World’, impacted by the so-called First Enlightenment, Medellín led to dialogue with the so-called Second Enlightenment and thus with the victims of unjust structures and with the poor. The guiding biblical paradigm was seen in the Exodus, i.e. release for the captives. The struggle for human rights took shape<sup>140</sup>, manifesting itself in specific phrases such as ‘unjust structures’ and the ‘structural sin’ which oppressed the people.<sup>141</sup>

<sup>138</sup> “Die Kirche Lateinamerikas, Dokumente der II. und III. Generalversammlung des Lateinamerikanischen Episkopates in Medellín und Puebla”, in: *Stimmen Weltkirche* 8, op. cit., Medellín, *Die Armut der Kirche*, No. 14, section 2: “A silent cry arises from millions of people who are pleading with their shepherds for a liberation which is not granted them by any side.”

<sup>139</sup> Cf. Hünemann, Peter, *El Vaticano II como software de la Iglesia actual*, Santiago 2014.

<sup>140</sup> Cf. Die Kirche Lateinamerikas, Dokumente der II. und III. Generalversammlung des Lateinamerikanischen Episkopates in Medellín und Puebla, op.cit., *Das Problem der Gewalt*, No. 16.

<sup>141</sup> *Ibid.*, *Puebla*, No. 281.

As on previous occasions, delegates at the Puebla Conference (1979) felt deeply moved by the heartrending cry of the poor<sup>142</sup> and formulated a pre-eminent option for the poor<sup>143</sup> and thus an option for their rights as individuals and their social rights. This option was pursued not merely for anthropological and moral reasons (for instance, because the poor are good or because their suffering concerns all of us and we should show solidarity with them), but quite explicitly also on theological grounds: after all, God himself protects and loves the poor. They are the primary recipients of Jesus' mission.<sup>144</sup> What is more, the Puebla document contains a profound paragraph about the face of Jesus as reflected in faces marked by poverty. The suffering face of Christ the Lord can be discerned in the faces of street children, disoriented youngsters, the *indigenas*, the oppressed Afro-Americans, the poorly paid workers, the unemployed and the marginalised in today's megacities as well as in the elderly.<sup>145</sup>

The Santo Domingo Conference (1992), for all its tensions and shortcomings, devoted an entire section to human rights, specifying the most serious problems in this context – terrorism, oppression, drug trafficking, murder, extreme poverty and unfair economic structures – as well as the most vulnerable social groups such as women, children, the *campesinos* and the *indigenas*.<sup>146</sup> But the Santo Domingo document also opened up other dimensions that went beyond the so-called Second Enlightenment and a purely social, economic or political analysis. It did so by including a perspective – a Third Enlightenment – which incorporated anthropological, cultural, sexual, religious and environmental analyses.

The document was based on human rights of the so-called third generation, i.e. the rights of Planet Earth, the rights of women and the rights of indigenous and modern cultures. Another event that

<sup>142</sup> Ibid., Nos. 87–89.

<sup>143</sup> Ibid., Nos. 1134–1165.

<sup>144</sup> Ibid., No. 1142: 'For this reason alone the poor have a right to special care, regardless of their moral or personal situation. This image, which was created in the likeness of God (see Genesis 1:26–28), so that they can be His children, has been obscured and mocked. God therefore gives them protection and love (see Matthew 5:45). This is also why Jesus's primary mission is 'to preach good news to the poor' (see Luke 4:18–21) and why their evangelisation is a special sign and proof of Jesus's mission (see Luke 7:21–23).'

<sup>145</sup> Cf. *ibid.*, Nos. 31–39.

<sup>146</sup> Cf. *ibid.*, Nos. 1134–1165.

devoted an entire section to fostering the dignity of those with new suffering faces was the Aparecida Conference (2007), which focused on children and people living in the streets, on migrants, on the sick, on drug addicts and those in prison. A more precise definition of human rights was required. Again, we can see here elements of the Third Enlightenment on human rights with the inclusion of culture, education, popular religiosity, women, Planet Earth, the environment and the Amazon.

The creation of such sensitivity to human rights was motivated not just by anthropological and sociological considerations; it came from the Gospel. In fact, the strongest theological wording was probably given by Pope Benedict XVI in his opening speech in Aparecida when he described the option for the poor as an implicit option which is anchored in faith in Christ, i.e. faith in a God who became poor so that he could enrich us through his poverty.<sup>147</sup> Furthermore, Aparecida provides us with powerful and courageous words that are rooted in the teachings of Christ and which have a beneficial impact on human rights activities: "Everything that has to do with Christ has to do with the poor, and everything that has to do with the poor is a call for Jesus Christ."<sup>148</sup>

### *A Latin American way to defend human rights and to fill them with life*

The defence of human rights at the Conference of Bishops of Latin America and the Caribbean was by no means an isolated occurrence, detached from the lives of real people. The bishops had heard the cry of the people, and this was precisely why their teachings were accepted by them. And so the Latin American Church and the people embarked on a common path.

Numerous bishops emerged as defenders of the people and of human rights: Helder Camara, Pablo Larrain, Mendez Arceo, Proano, Samuel Ruiz, Paulo Arns, Aloisio Lorscheider, Aloisio Fragoso, Mendes de Almeida, Jorge Manrique, Oscar Romero, Enrique Angelleli, Eduardo Pironio, Juan Gerardi, Jose-Manuel Barreto,

<sup>147</sup> Final document of the 5th Conference of Bishops of Latin America and the Caribbean, 13–31. May 2007, published by the Secretariat of the German Bishops' Conference, *Stimmen der Weltkirche*, No. 41, Bonn 2007. Opening speech of Pope Benedict XVI, 320–342, here: 327.

<sup>148</sup> *Ibid.*, No. 393.

Pedro Casaldaliga, Erwin Kräutler, Julio Terrazas, to name but a few. They are now Church Fathers (*Santos Padres*) of the church of the poor.

Furthermore, many monks and nuns felt motivated by the Caribbean and Latin American Confederation of Religious Women and Men (Confederación Caribeña y Latinoamericana de Religiosas y Religiosos) to live among the people and to share the everyday lives of miners, *campesinos*, *indigenas* and those in disadvantaged urban conglomerations. In this way the Bible has been returned to the people, and basic communities have been created which stand for a new ecclesiology – a new way to be church, based on a communal experience.

Likewise, it is lay men and women from among the people of God who are now exercising their roles within the Church and society and who are committed to active involvement in both spheres.

This context of socio-ecclesial reality has led to a liberation theology which is based on the lives and history of the poor and therefore reflects them.<sup>149</sup> There are, of course, different tendencies and schools within this broad family of liberation theology. One line of thought puts the emphasis on socio-political involvement, while another is more at home in the socio-ecclesial sphere, and a third operates in the world of the *indigenas* (*teología india*). Then there are those who look at women's issues and problems of gender equality and yet others who focus on the environment. And of course, there are also some who concentrate on popular religiosity (*religiosidad popular*).

Even the protagonists of the Church have come a long way in the meantime. Whereas initially it was the clergy – often from abroad – who took an interest in liberation theology, it is now ordinary men and women: lay people from Latin America and young people who reflect upon theology on the basis of their own cultures, while also being open to modern and post-modern cultures. In the same way that, during the first evangelisation, there was conflict not only with civil society (whose authorities were officially Christian), but also with Church institutions, our present age, too, has its conflicts, arising,

<sup>149</sup> Cf. Codina, Victor, "Theologie und Glaube in Lateinamerika", in: *Münchener Theologische Zeitschrift*, No. 42 (1991), 121–140.

for instance, from instructions issued by the Magisterium, warnings sent out by Rome, impositions of silence and official condemnation of teachings given by certain theologians. From time to time bishops are even 'suspected' of lacking in orthodoxy. The supreme expression of conflict must be seen in martyrdom. We are aware of names such as Romero, Angelleli, Ellacuria and Espinal. However, there are hundreds and thousands of others whose names are unknown: pastoral workers, *campesinos*, trade unionists, miners, women, children and *indigenas* – people who have been massacred and whose human rights have been abused. Like Jesus, they died for the Kingdom of God because they refused to accept corruption in religion or any false peace within the state (*imperio*).

## Epilogue

Within the Universal Church the election of Francis as Bishop of Rome has added an element of official authority (*carta de ciudadanía* – a certificate of citizenship) to the specific Latin American approach to human rights. The declarations of a pope from Argentina on a poor church and a church for the poor are indictments of a system that kills. The Pope's criticism, his comments on 'spiritual worldliness' in parts of the Church, his option for popular religiosity, his love of the poor, his simple lifestyle, his insistence on mercy and his revolution based on the tender love of God<sup>150</sup> – these are all elements which document the road taken by the Latin American Church in defending human rights and in filling such rights with life, both in the Church and in today's world. It is the joy of the Gospel. And so Montesinos' sermon is as valid and topical today as it was at the time: "Are these not human beings?"

<sup>150</sup> Cf. Pope Francis, Apostolic Exhortation *Evangelii Gaudium* Of the Holy Father Francis on the Proclamation of the Gospel in Today's World, [http://w2.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html) (26.08.2016); cf. also: Kasper, Walter, *Papst Franziskus: Revolution der Zärtlichkeit und der Liebe: Theologische Wurzeln und pastorale Perspektiven*, Stuttgart 2015.

## History of Human Dignity in the Specific Context

# The History of Human Dignity and its Brutal Disregard

## Comments on Human Dignity in the History of Ideas and the Experience of Disregard for Human Dignity in Germany

Klaus Vellguth

There are essentially two different approaches that can be taken in examining the history of human dignity in the European or German context. Firstly, it is possible to briefly trace the “genesis of human dignity in Europe” in the context of the history of ideas. Secondly, reference can be made to historical experiences (of suffering) in the European context – experiences which have led Europeans to develop the concept of a universal and inalienable human dignity with the aim of preventing the recurrence of such experiences in the future. This concept encompasses the codification of human dignity in the form of human rights enshrined in various constitutions and internationally binding documents. The purpose of this article is to combine both approaches. The first section deals with the way in which the concept of human dignity has developed within the history of ideas in Europe. The second section investigates the consequences this had on 20th century German (and European) history, when the existence of a universal and inalienable human dignity was denied in Germany. Exactly 75 years ago it was precisely this denial which resulted initially in the death of over 70,000 people (under a Nazi murder operation called T4).<sup>151</sup>

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<sup>151</sup> The brutal disregard for human dignity on the part of the Nazi terror regime led to T4, the first “industrially planned and implemented murder operation”, which involved the killing of 70,000 people with disabilities, mental illnesses and other abnormalities. Later, the experience gained from this operation fed into a further mass killing programme, planned with the same meticulous care and carried out with the same efficient division of labour: the murder of 6 million Jews, now known as the Shoah.

### The notion of human dignity in the European context

The concept of a uniquely human dignity has its roots in the cultures of antiquity. The first tentative beginnings can be found in the sacred texts of Egyptian and Semitic cultures. The idea was later taken up in Hellenistic and Roman antiquity, when the concept of a uniquely human dignity was linked to man's ability to reason (e.g. in the works of Plato, Cicero, Seneca and Epictetus). In the Roman political and social order, *dignitas* was deemed the ideal attribute of a person holding political office, of whom special achievements and virtues were expected. This was a throwback to an idea which had formed in the Hellenistic Stoa where a person was considered dignified if he had mastered his passions.

Starting from its early roots in antiquity, the concept of human dignity in European history can be traced through the Middle Ages right up to the present day. The notion that man was created in the image of God is first found in the Early Church. Later, during the Renaissance and in humanism, the emphasis shifted towards the idea that man has free will and can therefore make his own decisions on how he might acquire a unique dignity. The concept that man is endowed with a unique dignity can be found as far back as the Renaissance writings of Pico della Mirandola, who asserted that man can fashion his own life *ad libitum*. This form of reasoning was later continued by Kant, Hegel, Fichte and others. Immanuel Kant, Germany's protagonist of the Enlightenment, was one of the main figures in the history of philosophy. He came to the conclusion that man's gift of reason enables him, in principle, to undertake independent moral judgements (and actions) on his own responsibility and that he can do so without being dependent on any external instance. This notion of an underlying free will is also reflected in Kant's concept of moral autonomy, and it is precisely this understanding of autonomy that has influenced the notion of dignity in European history over the centuries.<sup>152</sup>

In Europe the concept of human dignity is traditionally rooted in the idea of a natural law and in Christian anthropology.<sup>153</sup> At the same

<sup>152</sup> Cf. Bogner, Daniel, *Christlich glauben, menschlich leben: Menschenrechte als Herausforderung für das Christentum* (missio Studienreihe Menschenrechte 42), Aachen 2011, 8.

<sup>153</sup> Cf. Marx, Reinhard, "Barmherzigkeit und Gerechtigkeit: Grundprinzipien des christlichen Glaubens", in: *Anzeiger für die Seelsorge*, No. 125 (2016) 1, 5–9, here 6.

time, the idea of a natural law is closely associated with anthropological axioms. Thus, natural law always includes an interpretation of man's natural human condition.<sup>154</sup> Nature is not simply the things we encounter around us. Bruno Schüller describes the *lex naturae* as "the embodiment of those moral commands which, in their validity and content, have their origins in man's human condition"<sup>155</sup>. Under natural law everything that can be interpreted as an indispensable part of human existence is deemed natural.

In his inaugural encyclical, *Redemptor Hominis*, Pope John Paul II says, for instance, that man thinks "from the point of view of natural law, that is to say from the 'purely human' position, on the basis of the premises given by man's own experience, his reason and his sense of human dignity"<sup>156</sup>. In Christian anthropology the focus is very much on man in the image of God, as this underlines man's uniqueness and his specific dignity. The roots of Christian anthropology lie in the biblical account of creation: "So God created man in the image of himself, in the image of God he created him, male and female he created them" (Genesis 1:27).<sup>157</sup> Using Christian anthropology as his starting point – i.e. man in the image of God – Robert Spaemann concludes that the concept of human dignity can only find justification in a philosophy of the absolute.<sup>158</sup>

Historically, a variety of teachings on natural law have arisen from the notion of a natural law substantiating an ethical standard which predates any de facto legal order and refers, in doing so, to

<sup>154</sup> Cf. Goertz Stephan, "Naturrecht und Menschenrecht", in: *Herder Korrespondenz*, No. 68 (2014) 10, 509–514, here 510.

<sup>155</sup> Schüller, Bruno, "Wieweit kann die Moralthologie das Naturrecht entbehren?", in: *Lebendiges Zeugnis*, No. 1–2 (1965), 41–65, here 42.

<sup>156</sup> John Paul II, *Redemptor Hominis*, 17: [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jpii\\_enc\\_04031979\\_redemptor-hominis.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jpii_enc_04031979_redemptor-hominis.html) (03.03.2016).

<sup>157</sup> Cf. Westermann, Claus, "Das Alte Testament und die Menschenrechte", in: Baur, Jörg (ed.), *Zum Thema Menschenrechte: Theologische Versuche und Entwürfe*, Stuttgart 1977, 5–18. The anthropological concept of man being created in the image of God, on which his dignity and especially human equality rests, is taken up in the New Testament. This notion of human equality, which is independent of ethnicity, social status and gender (Galatians 3:28), is emphasised in the basic principle of loving one's neighbour (Mark 12:28-34, Romans 13:8-10 and Galatians 5:14) as well as in the pastoral letters, which were formulated to encourage openness within the Christian churches. As a result, Christian ethics imply a universalism which also covers the universalism of an inalienable human dignity.

<sup>158</sup> Spaemann, Robert, "Über den Begriff der Menschenwürde", in: *ibid.*, Grenzen: *Zur ethischen Dimension des Handelns*, Stuttgart 2002, 107f., here 122.



human existence. This is because the understanding of what forms part of the immutable essence of humanity – and what does not – has gradually undergone a transformation. There is an abstract natural law in the singular, and there are various historical natural laws in the plural. The Catholic understanding of natural law has developed towards one that centres around man's essentially human nature, which transcends culture but expresses itself in specific natural purposes.

The concept of human dignity which finally asserted itself in Europe by the modern age at the latest rests on four distinct properties. Firstly, all individuals have human dignity regardless of their gender, skin colour, affiliation at birth, nationality, state of health, etc. This dignity therefore relates to characteristics that are inherent in human existence.<sup>159</sup> On the other hand, there are also qualities by which humans choose to distinguish themselves from one another, such as social position, origin, membership of an estate, capability, current disposition, gender and stages of development – characteristics which are defined as secondary elements.<sup>160</sup> It follows that “human dignity” implies the same dignity for everyone and is not about any personal qualities, which thus excludes any form of particularism.<sup>161</sup> Furthermore, all humans have this dignity as an individual trait which does not become theirs through any other quality or affiliation.<sup>162</sup> Unlike duties performed in accordance with ethical traditions in earlier periods, modern natural law does not focus primarily on rights and duties or on the social order and

<sup>159</sup> The description of human dignity as “inherent” implies that it is not “innate”, as some have claimed. According to the German Embryo Protection Act, human life begins with the fusion of ovum and sperm (and is protected from that moment onwards) and so human dignity also covers pre-natal life. Cf. Roos, Lothar, *Der neue Streit um den Menschen* (Kirche und Gesellschaft 305), Cologne 2003, 6.

<sup>160</sup> Cf. Böhr, Christoph, *Der Maßstab der Menschenwürde: Christlicher Glaube, ethischer Anspruch und politisches Handeln* (Kirche und Gesellschaft 301), Cologne 2003, 10.

<sup>161</sup> Cf. Schuster, Josef, “Die umstrittene Universalität der Menschenrechte”, in: *Stimmen der Zeit*, No. 139 (2014) 12, 795–805, here 803.

<sup>162</sup> In addition to this absolute or inherent understanding of human dignity there is the attributive concept of human dignity, which rests on the mutual, inter-personal acknowledgement of specific dignity. Hence human dignity is not seen as inherent in a person, but it is based on mutual attribution and recognition. This approach is taken, for instance, by Jürgen Habermas, who sees the foundation of human dignity as being located “solely in reciprocally recognised interpersonal relations and in mutual egalitarian treatment” (Habermas, Jürgen, *Die Zukunft der menschlichen Natur: Auf dem Weg zu einer liberalen Eugenik?*, Frankfurt am Main 2001, 67).

manner in which a person leads his life. Rather, it looks at the entire issue more from an individual perspective. The individual is regarded from a pre-social viewpoint and defined as a person endowed with “natural rights”. He is not primarily defined by the rights he enjoys and the duties he has towards the community, but is regarded as having certain entitlements with respect to society.<sup>163</sup> Moreover, human dignity is considered to be an innate, pre-state property which the state can only recognise but cannot grant. Finally, this inalienable human dignity forms the foundation of human rights which, because of their origin and character, impose certain duties on the state. As Hans Maier puts it, they demand “that the state respect a sphere of personal freedom which precedes it and which is pre-specified. The state must not be permitted to do whatever it pleases, and it must not interfere with substantial spheres of individual freedom or, if it does so, then only under conditions that have been strictly defined by law. In other words, a citizen can assert a claim of forbearance in respect of the state on the grounds of the ‘older’ natural law of personal freedom and self-reliance.”<sup>164</sup>

Historically, the political revolutions of the 18th century were the great moments of natural law in history – and thus also of the concept of an inalienable human dignity. However, research into the history of philosophy has revealed that this period is not regarded as the age in which some kind of natural law was recognised. The major achievement of modern-day natural law is its discovery of man as a being endowed with freedom. The determination of human dignity by dint of man's capacity for freedom can draw on the body of thought that was present in late antiquity and the Middle Ages.<sup>165</sup> However, it is only in the modern age that the innately equal freedom enjoyed by all individuals has been transformed into a political demand and gradually been given positive status in law. Man's capacity for self-determination is recognised as a foundation for human dignity, and this special moral status has been translated into human rights demands. Moreover, with natural law becoming positive law in the form of human rights there has also

<sup>163</sup> Cf. Maier, Hans, *Menschenrechte: Eine Einführung in ihr Verständnis*, Kevelaer 2015, 18.

<sup>164</sup> *Ibid.*, 11.

<sup>165</sup> Cf. Kobusch, Theo, *Die Entdeckung der Person: Metaphysik der Freiheit und modernes Menschenbild*, Darmstadt 21997; *ibid.*, *Christliche Philosophie: Die Entdeckung der Subjektivität*, Darmstadt 2006.

been a change in the relationship between natural law and human rights. The stimulus triggered by the original idea of a natural law has been transferred to human rights. In fact, it is now human rights that are accepted as a yardstick for any critique of political and social conditions.

General recognition of a universal, individual, pre-state and inalienable human dignity found expression in state constitutions and declarations that expressly referred to human dignity and consequently derived and codified human rights. The fiery moral appeal that was originally formulated, particularly in the French Declaration, was now translated into the sober language of state legislation. Human rights became basic (or fundamental, civil, constitutional) rights.<sup>166</sup> Ultimately, it was in the period between the American Revolution and the disaster of World War I that human and civil rights found their way into the constitutions of the 19th and 20th centuries. In the wake of this codification human rights were elevated from the status of moral postulates to the level of redeemable safeguards which were firmly anchored in numerous constitutions as fundamental rights. Thus the legal concept of personhood, whereby a person *per se* has a *status moralis*, was first codified in modern civil law in the early 19th century. Take, for instance, the 1811 Austrian Code of Law: “Every human being has innate, rationally comprehensible rights and must therefore be regarded as a person.” Yet this understanding of human rights has repeatedly been disputed. As early as the 19th century, the idea of human rights was harshly criticised as an expression of bourgeois selfishness and individualism. Karl Marx, for instance, wrote: “None of the so-called human rights, therefore, goes beyond the egotistical man, the man who, in bourgeois society, is separated from the community and withdrawn into himself, his private interest and his private will. Man is not conceived here as a member of his species; rather, the life of the species, that is, society, is conceived as a framework imposed upon individuals, a limitation of their original independence.”<sup>167</sup>

<sup>166</sup> Cf. Oestreich, Gerhard, “Die Entwicklung der Menschenrechte und Grundfreiheiten: Eine historische Einführung”, in: Bettermann/Neumann/Nipperdey (eds.), *Die Grundrechte I/1*, Berlin 1966, 1–123.

<sup>167</sup> Marx, Karl, *A World without Jews* (1843), Philosophical Library, New York 1959 – <http://www.resist.com/Onlinebooks/Marx-WorldWithoutJews.pdf> (03.08.2016), 27f.

Despite these and numerous other queries from a variety of ideological backgrounds, the recognition of human dignity and human rights has been an ongoing process which continues up to the present day. The interdependence between human rights and human dignity, which blend to form something universal, inalienable and inviolable, can be found in numerous extensively codified documents.

### Experience of the disregard for human dignity in the European context

Human dignity features in the very first article of the Basic Law, or Constitution, of the Federal Republic of Germany. Its inclusion was primarily a response to the suffering caused in Germany by the murder operations of the Nazi terror regime, which had their origins in a quasi-religious racial fanaticism. We will return to this subject in the next section. The method applied there entails not so much approaching things from a history of ideas standpoint, but rather treating the recognition of human dignity as a response to specific experiences of suffering. Consequently, the discussion of human dignity is removed from context-related developments in the history of ideas and embedded instead in universal, cross-contextual human experiences (of suffering). This, in turn, results in a call for recognition of a universal and inalienable human dignity in order to avert such suffering in the future.

The Constitution of the Federal Republic of Germany came into force on 23 May 1949, shortly after it had been adopted by Germany’s Parliamentary Council. Known as the Basic Law, the Constitution specifies the essential decisions on values and systems to be taken by the state. After the introductory preamble, the Constitution initially deals with the basic rights of every individual. Article 1 thus contains the paradigmatic formula: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”<sup>168</sup> In the next paragraph, proceeding from this first reference to human dignity, the Constitution draws attention to “inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world”. The question of human dignity, in particular, had been the subject of emotional debates. During the negotiations held by

<sup>168</sup> Article 1 of the German Constitution: [https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic\\_law-data.pdf](https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf) (03.08.2016).

the consultative provincial assembly of Württemberg-Hohenzollern, Carlo Schmid, for instance, voiced criticism of the attitude which considered basic rights to be concessions granted by the state. He argued in favour of basic rights being construed as pre-state, natural and human rights: “One of the gravest errors among the many which the 19th century planted in our consciousness [...] is that everything a person possesses has been given to him by the state. [...] We must reverse that error by returning to the fundamental, long-established view that man predates the state; that dignity, freedom and whatever may arise from them in detail are attributes which adhere to man by virtue of his humanity; and that a human being does not require the state to bestow those attributes upon him. [...] Man does not exist for the sake of the state, rather the state exists in order to serve man and not to rule over man for its own sake.”<sup>169</sup> After discussing the legal position on this issue, the members of the Parliamentary Council resolved on 21 September 1948 to treat the basic rights formulated in Articles 1 to 19 as pre-constitutional rights and incorporated them as such into the German Constitution.<sup>170</sup>

Ultimately, however, the German Constitution proclaimed in 1949 professed its commitment to an inalienable human dignity that had been enshrined the year previously in the Preamble to the Universal Declaration of Human Rights of 10 December 1948<sup>171</sup>: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind [...], the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations [...].”<sup>172</sup> In this passage, human rights are related to the foundation on which they rest and from

<sup>169</sup> Negotiations of the consultative provincial assembly for Württemberg-Hohenzollern, second session on 2 December 1946, 7.

<sup>170</sup> Cf. Wetz, Franz Josef, *Illusion Menschenwürde: Aufstieg und Fall eines Grundwertes*, Stuttgart 2005.

<sup>171</sup> When the United Nations adopted the Universal Declaration of Human Rights in 1948, the countries that abstained included the Soviet Union, the Communist countries, Saudi Arabia and South Africa. Their criticism was that there was a lack of balance in the UN Declaration between the interests of the community and the interests of the individual.

<sup>172</sup> Preamble of the Declaration of Human Rights, 10. December 1948, <http://www.un.org/en/universal-declaration-human-rights/> (03.08.2016).

which they derive their authority.<sup>173</sup> The statement that “All human beings are born free and equal in dignity and rights” is not primarily a reference to an empirical biological fact, “but to human existence as the purview of human rights, that is, to a normative understanding of man”<sup>174</sup>. Human dignity, therefore, is the very foundation on which human rights rest. To put it in a nutshell: “Without human dignity there would be no human rights.”<sup>175</sup>

In liberal constitutional states, human dignity has become the focal point for all other areas of legislation, such as constitutional and criminal law. The fact that the German Constitution makes specific mention of inalienable human dignity in its very first article is a result of the devastating and painful experiences Germany underwent in the period before 1945, when government and society did not recognise or respect human dignity and people with undesirable characteristics became the helpless victims of murders perpetrated by the state and by society. Whereas the systematic murdering of Jews in the Holocaust has left an indelible mark on the national and international memory, public awareness of the operation in which 70,273 people with disabilities, mental illnesses or socially undesirable qualities were murdered is much less prevalent. Known as *Aktion T4*, this operation was the first to negate the human dignity of large sections of the population and represented the first instance of Nazi mass murder. It went hand in hand with a “moral dam burst”, a point in time when individual human dignity was subordinated to ideological principles with devastating consequences.

Since this denial of human dignity and the resulting moral collapse took place exactly 75 years ago this year, it is only right and proper that it should be dealt with at this point, as we are examining the history of human dignity in our own (German and European) context, in which the violation of human dignity has been a recurrent theme. Incidentally, the overview which follows also reveals the potential for discrimination inherent in a positive definition of human dignity, if human dignity rests on specific characteristics and abilities that are inherent in mankind.<sup>176</sup>

<sup>173</sup> Cf. Bogner, Daniel, op. cit., 6.

<sup>174</sup> Schuster, Josef, op. cit., 796.

<sup>175</sup> Bogner, Daniel, op. cit., 6.

<sup>176</sup> Cf. Hilpert, Konrad, entry on “Menschenwürde” (human dignity), in: *Lexikon für Theologie und Kirche*, No. 7, Freiburg 1998, 134.

### The *Aktion T4* murder operation

*Aktion T4* was triggered by a precedent that came to be known as the Knauer Case.<sup>177</sup> The parents of a child suffering from severe mental and physical disability asked Hitler to grant it a “merciful death”, i.e. euthanasia. Hitler agreed and authorised the head of the Führer’s Chancellery, Philipp Buhler (1899-1945), and an assistant doctor, Karl Brandt<sup>178</sup>, to give their consent to killings in similar cases.<sup>179</sup> This opened the gates for a so-called “children’s euthanasia” programme which had claimed at least 5,000 victims by the end of the war. On 18 August 1939 the Reich Ministry of the Interior issued a decree making it mandatory to report newly born babies with deformities<sup>180</sup> (children with birth defects, a cleft head or spine, paralysis, “imbecility”, “mongolism”, microcephalus or hydro-

<sup>177</sup> Cf. also the critical notes in Schmuhl, Hans-Walter, “Die ‘Genesis’ der Euthanasie: Interpretationsansätze”, in: Rotzoll, Maike/Hohendorf, Gerrit/Fuchs, Petra, *Die nationalsozialistische ‘Euthanasie’-Aktion T4 und ihre Opfer: Von den historischen Bedingungen bis zu den Konsequenzen für die Ethik in der Gegenwart*, Paderborn/Munich/Vienna/Zurich 2010, 66–73, here 72.

<sup>178</sup> Later, at the Nuremberg Trials, Karl Brandt gave the following testimony: “I myself know of a petition that was presented to the Führer via his adjutancy in 1939. The father of a deformed child had turned to the Führer, asking that the life of this child – or being – should be terminated. Hitler then instructed me to attend to the matter and go to Leipzig straightaway – as that was where they lived – so that I could ascertain the facts on the spot. The child had been born blind, appeared imbecilic and also had one leg and one part of an arm missing. [...] He [Hitler] instructed me to talk to the doctors who were looking after this child in order to establish whether the details given by the father were correct. If they were, I was to tell the doctors in his name that they could perform euthanasia. It was important that this should be communicated to the parents in such a way that they would not feel burdened by this euthanasia at some later date. In other words, the parents were not to be given the impression that they themselves had caused the child’s death. I was further instructed to say that if, through their actions, the doctors concerned should end up facing legal proceedings, the court case would be squashed on Hitler’s instructions. Furthermore, Martin Bormann was instructed to notify Gürtner, Germany’s Minister of Justice at the time, about this case in Leipzig. [...] The doctors took the view that there was no real justification for sustaining the life of such a child. They pointed out that it was quite natural in a maternity unit for the doctors themselves to perform euthanasia in such a case without any further discussion of the matter, although no precise reference was given.” (Quoted from: Schmidt, Ulf, “Kriegsausbruch und ‘Euthanasie’: Neue Forschungsergebnisse zum ‘Knauer Kind’ im Jahre 1939”, in: Frewer, A./Eickhoff, C. (eds.), *‘Euthanasie’ und die aktuelle Sterbehilfe-Debatte: Die historischen Hintergründe medizinischer Ethik*, Frankfurt am Main/New York 2000, 113–129.)

<sup>179</sup> Kaul, Friedrich Karl, *Nazimordaktion T4: Ein Bericht über die erste industriemäßig durchgeführte Mordaktion des Naziregimes*, Berlin 1973, 24f.

<sup>180</sup> Cf. Hohendorf, Gerrit, “Ideengeschichte und Realgeschichte”, in: Fuchs, Petra/Rotzoll, Maike/Müller, Ulrich/Richter, Paul/Hohendorf, Gerrit, “Das Vergessen der Vernichtung ist Teil der Vernichtung selbst”: Lebensgeschichten von Opfern der nationalsozialistischen “Euthanasie”, Göttingen 2007, 36–52, here 40.

cephalus). The instruction was that “in such cases all the means of medical science should be applied to treat children with a view to protecting them from lapsing into permanent infirmity”<sup>181</sup>. The reports, recorded by midwives and doctors, were passed on to the Reich Committee for the Scientific Registration of Serious Hereditary and Genetic Illnesses. The number of newly born children registered in this manner amounted to around 100,000, of whom approximately 20,000 were diagnosed as “positive”. Some 30 “special children’s wards” were set up in existing psychiatric institutions, university clinics and children’s hospitals throughout Germany with a view to killing the children by food deprivation or lethal injections as part of the child euthanasia programme.<sup>182</sup> In the first half of 1940 Paul Nitsche, the head of the Leipzig-Dösen Clinic, devised a special programme known as the Luminal Scheme in connection with experiments being carried out on human beings.<sup>183</sup>

The killing of mentally and physically disabled children triggered an accelerating spiral of death which was fuelled by the Nazis’ racist ideology and eventually paved the way for the genocide of the Shoah or Holocaust.<sup>184</sup> Initially, however, this “children’s euthanasia” developed into the strategically planned killing of sick and socially marginalised individuals as part of the *Aktion T4* murder operation. In July 1939, Hitler met the head of the Reich Chancellery, Hans Heinrich Lammers (1879-1962), the Reich Minister of Public Health, Leonardo Conti (1900-1945), and the Head of the Nazi Party Chancellery, Martin Bormann (1900-1945), to discuss whether the practice of “child euthanasia” might be extended to cover the inmates of psychiatric institutions as part of a campaign to exterminate “worthless life”. Hitler instructed Leonardo Conti to broaden the scheme to include adults.

<sup>181</sup> SächStA, Staatsarchiv Leipzig, HP Dösen No. 195, not paginated.

<sup>182</sup> Cf. Dahl, Matthias, “Die Tötung behinderter Kinder in der Anstalt Am Spiegelgrund 1940 bis 1945”, in: Gabriel, Eberhard/Neugebauer, Wolfgang, *NS-Euthanasie in Wien, Vienna/Cologne/Weimar 2000*, 75–92, here 77.

<sup>183</sup> The compound used in the child euthanasia programme for the targeted killing of sick and disabled children was called Luminal – an anaesthetic drug produced by the Bayer pharmaceutical group, with phenobarbital as the active ingredient. The Luminal Scheme, as it came to be called, involved injecting an overdose of phenobarbital three times a day for a number of days, a measure which was supplemented by systematic undernourishment. As a result, the patient met an inconspicuous death through pneumonia in a short period of time.

<sup>184</sup> Cf. Rieder, Sepp, “NS-Euthanasie in Wien”, in: Gabriel, Eberhard/Neugebauer, Wolfgang, *NS-Euthanasie in Wien, Vienna/Cologne/Weimar 2000*, 13–15, here 14.



However, Buhler claimed this area of responsibility for his own office and so he convened a meeting on 10 August 1939 which was attended by Brandt, Brack, Hefemann, Conti, Linden and a number of selected doctors. In October 1939 Hitler wrote a secret informal letter to Buhler and Brandt authorising them to carry out the euthanasia scheme. In this letter, written in October 1939 and backdated to the beginning of the war on 1 September 1939,<sup>185</sup> Hitler decreed: “Reichsleiter Buhler and Dr. Brandt are hereby charged with the responsibility of extending the authority of specifically named and appointed doctors and of empowering them to perform mercy killings on those who, as far as is humanly possible to tell, are terminally ill – this following a thorough and critical appraisal of their pathological condition.” The fact that such a letter from Hitler was genuinely acknowledged as an authoritative instruction can only be explained in the context of Hitler’s claim to undisputed leadership – a principle which formed an integral part of Nazi ideology and was a crucial component of the Nazi state.<sup>186</sup>

In actual fact, Hitler had already planned “euthanasia” measures before that date. During the Nuremberg Medical Tribunal, Karl Brandt (1904–1984), later one of those chiefly responsible for the systematic killing of patients, stated in evidence that Hitler had mentioned such plans to the Reich’s Chief Medical Officer, Gerhard Wagner, as early as 1935. He had argued then that such a measure<sup>187</sup> was necessary to counteract any negative selection process which might ensue in the event of war, i.e. the death and mutilation of the healthy and the simultaneous survival of the sick.<sup>188</sup> He is also said to have pointed out at the time that he wished to return to the “euthanasia issue” in the event of war, as he believed that “such a problem could be resolved more smoothly and easily in wartime and that under the general conditions of war any open resistance that could be expected from the churches would not play such a major role as might otherwise be the

<sup>185</sup> By backdating the letter Hitler aimed to establish a connection between the war and the murder operation so that it was perceived as a necessary part of the war effort.

<sup>186</sup> Cf. Ganssmüller, Christian, *Die Erbgesundheitspolitik des Dritten Reiches: Planung, Durchführung und Durchsetzung*, Cologne/Vienna 1987, 25.

<sup>187</sup> U.S. Military Tribunal, Official Transcript of the Proceedings in Case 1, United States, Karl Brandt et al., 2482.

<sup>188</sup> Cf. Neugebauer, Wolfgang, “NS-Terrorssystem”, in: Tálos, Emmerich/Hanis, Ernst/Neugebauer, Wolfgang (eds.), *NS-Herrschaft in Österreich 1938–1945*, Vienna 1988, 163–184, here 174.

case.”<sup>189</sup> The “external war” would thus be matched by an “internal war”.<sup>190</sup> In 1940 Hermann Paul Nitsche asked Brack to submit to him Hitler’s original “euthanasia” decree before beginning work on the Luminal Scheme.<sup>191</sup>

The euthanasia programme was officially placed in the hands of Hauptamt II (Main Office II) of the Führer’s Chancellery. From April 1940 onwards it was implemented by a special unit housed in the villa at 4 Tiergartenstrasse in Berlin (hence the name “Aktion T4”).<sup>192</sup> Hauptamt II was headed by Viktor Brack. Questioned at the Nuremberg Trials about the purpose of the programme, he said Hitler had wanted to “eradicate all those kept in madhouses and similar institutions who were no longer of any benefit to the Reich. They were regarded as useless eaters, and Hitler believed that by eliminating them it would be possible to release additional doctors, carers, nurses and other staff as well as hospital beds and other equipment for use by the German armed forces”.<sup>193</sup>

To carry out this systematic killing programme “T4 Headquarters” worked together with several independent institutions. The *Reichsarbeitsgemeinschaft Heil- und Pflegeanstalten* (RAG, Reich Department for Psychiatric Hospitals) handled the registration of victims, the *Gemeinnützige Krankentransport GmbH* (abbreviated

<sup>189</sup> Quoted from Mitscherlich, Alexander/Mielke, Fred (eds.), *Medizin ohne Menschlichkeit: Dokumente des Nürnberger Ärzteprozesses*, Frankfurt 1960, 184.

<sup>190</sup> Cf. Hohendorf, Gerrit, “Ideengeschichte und Realgeschichte”, in: Fuchs, Petra/Rotzoll, Maik/Müller, Ulrich/Richter, Paul/Hohendorf, Gerrit, “Das Vergessen der Vernichtung ist Teil der Vernichtung selbst”: Lebensgeschichten von Opfern der nationalsozialistischen “Euthanasie”, Göttingen 2007, 36–52, here 40. In fact, shortly after the beginning of war, special troops of the SS, known as *Sonderkommando*, executed German and Polish inmates of institutions in mass shootings, particularly in the German provinces of Pomerania and East Prussia and in occupied Poland.

<sup>191</sup> Cf. Fiebrandt, Maria/Markwardt, Hagen, “Die Angeklagten im Dresdner ‘Euthanasie’-Prozess”, in: Kuratorium Gedenkstätte Sonnenstein (ed.), *Durchgangsstation Sonnenstein: Die ehemalige Landesanstalt als Militärobjekt, Auffanglager und Ausbildungsstätte in den Jahren 1939–1954*, 95–129, here 104. Paul Nitsche later referred to the loyalty oath which all civil servants had been obliged to swear from August 1934 onwards and which he took on 12. September 1934: “I swear that I shall be loyal and obedient to the Führer of the German Reich and People, Adolf Hitler, observe the law and conscientiously fulfil my official duties, so help me God.”

<sup>192</sup> It is difficult to reconstruct *Aktion T4* from original T4 Headquarters documents, as it must be assumed that most of them were destroyed towards the end of the war.

<sup>193</sup> Affidavit by Brack on 12. October 1946, quoted from: Bastian, Ärzte, 94. Cf. U.S. Military Tribunal Case 1 Transcript, 7132–7138 (testimony Viktor Brack).

Gekrat, Non-Profit Ambulance Service Ltd) was responsible for transporting them to intermediate accommodation and killing centres, and the *Zentralverrechnungsstelle Heil- und Pflegeanstalten* (ZVSt, Central Clearing House for Psychiatric Institutions) handled the cost accounting with the institutional authorities.<sup>194</sup>

On 9 October 1939 Division IV of the Reich Ministry of the Interior, headed by Leonardo Conti, instructed all psychiatric institutions to complete specially prepared registration forms, listing patients diagnosed with schizophrenia, exogenous epilepsy, encephalitis, imbecility, paralysis, Huntington's disease, senile dementia or any other terminal neurological illness and to specify each person's symptoms and ability to work.<sup>195</sup> The institutions were also required to name patients who had been with them for more than five years and were considered "criminally insane" or who were unable to work in any productive capacity.<sup>196</sup> Registration forms were sent to the various institutions via the interior ministries of the states. The forms were later used as the basis for the Nazi murder operation. Once they had been returned to the Reich Ministry of the Interior (where Secretary of State Leonardo Conti had instructed his assistant, Herbert Linden, to take charge of *Aktion T4*), T4 Headquarters passed them on to the Reich Department for Psychiatric Hospitals, which forwarded them to one of 40 experts. Each expert then had to specify on the forms whether the patients on the list should be killed as part of *Aktion T4*.<sup>197</sup> The experts took very little time over their momentous decisions. Since many of them processed about a hundred forms a day,<sup>198</sup>

<sup>194</sup> In addition, a Gemeinnützige Stiftung für Anstaltspflege (Non-Profit Foundation for Institutional Care) was set up as the official employer of all T4 staff.

<sup>195</sup> The *Aktion T4* registration policy was directly linked to an earlier policy which had arisen in connection with the "Law on the Prevention of Offspring with Hereditary Diseases". Cf. Friedlander, Henry, "Motive, Formen und Konsequenzen der NS-Euthanasie", in: Gabriel, Eberhard/Neugebauer, Wolfgang, op. cit., 48.

<sup>196</sup> Cf. Rauh, Philipp, "Medizinische Selektionskriterien versus ökonomisch-utilitaristische Verwaltungsinteressen: Ergebnisse der Meldebogenauswertung", in: Rotzoll, Maike/Hohendorf, Gerrit/Fuchs, Petra, *Die nationalsozialistische 'Euthanasie'-Aktion T4 und ihre Opfer: Von den historischen Bedingungen bis zu den Konsequenzen für die Ethik in der Gegenwart*, Paderborn 2010, 297–309, here 299.

<sup>197</sup> The forms had black-bordered boxes in which the experts entered either a red plus (for death) or a blue minus (for survival), though in cases of doubt it was also possible to insert a question mark.

<sup>198</sup> Cf. Roick, Christiane, *Heilen, Verwahren, Vernichten: Die Geschichte der sächsischen Landesanstalt Leipzig-Dösen im Dritten Reich*, unpublished doctoral thesis, Leipzig 1997, 10.

they must have decided on the life and death of a patient within the space of just a few minutes. The forms were eventually subjected to a final assessment by one of the two senior experts. Initially the senior experts for *Aktion T4* were Werner Heyde, a psychiatrist from Würzburg, and Herbert Linden. Heyde was replaced by Hermann Paul Nitsche in December 1941.<sup>199</sup> During the Dresden Euthanasia Trial, Nitsche said on hindsight that the essential criterion for killing a person was the incurable nature of their condition. In his view, the only issue under consideration in an analysis of the forms was whether a given patient was incurable and so severely mentally disabled and debilitated that it seemed sensible to put an end to his suffering.

As the psychiatric institutions were not told the reason for the registration of the patients, it can be assumed that some of their directors really believed at first that its purpose was to identify patients fit enough to work. As a result of this misunderstanding some directors may well have exaggerated their patients' conditions to prevent them being removed from the institution, whereas in actual fact they plunged them further into the mire of *Aktion T4*.<sup>200</sup>

Using the duly marked forms, the ambulance service company, Gekrat, then drew up a transferral list which was sent via the Reich Ministry of the Interior to the relevant psychiatric institutions and to Gekrat's regional transport units.

From October 1939, while the relevant victims were being registered, a range of psychiatric institutions were identified that were to be transformed into killing centres. In all, six such euthanasia killing centres were set up<sup>201</sup>: Grafeneck in Gomadingen (Baden-Württemberg)<sup>202</sup>, Brandenburg in Brandenburg an der Havel (Brandenburg State)<sup>203</sup>, Hartheim in Alkoven near Linz (Upper Austria)<sup>204</sup>, Sonnenstein in Pirna (Saxony)<sup>205</sup>, Bernburg in Bernburg an der Saale

<sup>199</sup> Barch (formerly BDC), Akte Heyde, Landesgericht Dresden (Dresden Regional Court), Judgement on Hermann Paul Nitsche, 1 Ks 58/47, 7. July 1947, 3.

<sup>200</sup> Cf. Roick, Christiane, op. cit., 107.

<sup>201</sup> Additional killing centres were established in the Polish territories that had been annexed by Germany. In organisational terms, however, they were not assigned to T4 Headquarters.

<sup>202</sup> Grafeneck was used as a killing centre from January to December 1940.

<sup>203</sup> Brandenburg was used as a killing centre from February to December 1940.

<sup>204</sup> Hartheim was used as a killing centre from May 1940 to December 1944.

<sup>205</sup> Sonnenstein was used as a killing centre from June 1940 to September 1942.



(Saxony-Anhalt)<sup>206</sup> and Hadamar in Hadamar (Hesse). In January 1940 the first “experimental” mass killing using carbon monoxide was carried out in Brandenburg, Quite soon all the relevant institutions had gas chambers and cremation furnaces installed on their premises. Organised mass killings started in Grafeneck at the end of January, in Brandenburg in February, in Hartheim in May, in Pirna-Sonnenstein in June and in Hadamar and Bernburg in 1941.

The transport of the victims by the ambulance service company always involved the use of intermediate locations: psychiatric institutions where the victims were accommodated for a few weeks, primarily in order to conceal their ultimate fate.<sup>207</sup> By the time the victims were deported they were usually in a weakened physical condition. This was because expenditure on care had been reduced so drastically that it was no longer possible to guarantee even a remotely adequate food supply for residents of psychiatric institutions. As a rule, victims were accommodated at two to four intermediate locations before eventually being taken to a killing centre. There they were placed in a hermetically sealed killing chamber, into which was carbon monoxide was released. The corpses of the dead patients were subsequently cremated. Each killing centre was assigned to a registrar’s office where death certificates were issued with falsified causes of death. However, it was standard practice for a registrar’s office to issue and dispatch certificates for victims from a different, more remote killing centre rather than the one that was in their own area. This was to stop relatives from visiting and to conceal the real fate of the victims.

What is so striking about the organisation of *Aktion T4* is its “industrial scale”, described by Hannah Arendt as the “mechanisation of extermination”. The entire programme was characterised by an extensive division of labour. Thus, members of staff were only responsible for a certain area, which gave them the feeling that they were merely a minor “cog in the machine”. Moreover, this division of labour meant that those involved could systematically dissociate themselves from the killings.

Given the harrowing circumstances of the killings, the manner

<sup>206</sup> Bernburg was used as a killing centre from November 1940 to July 1943.

<sup>207</sup> Another reason why intermediate locations were used as temporary residences was to ensure smooth logistical operations whenever the killing centres were “overloaded”.

of their communication by the Nazi propaganda machine appears all the more cynical. The gassing of the patients was filmed as part of a scientific documentary designed to present “euthanasia” as a humane act. The following cynically euphemistic description was used in the commentary accompanying this particular film sequence: “Death comes as a relief to the patient, who passes away without noticing its arrival, free of any pain or struggle. The unfortunate person’s face, distorted and tortured by an incurable mental illness and an inhumane existence, is smoothed by the peace of a gentle death which finally brings relief and deliverance.”<sup>208</sup>

The practice of killing disabled patients was publicly denounced, especially by representatives of the churches<sup>209</sup>, including August von Galen (Bishop of Münster)<sup>210</sup>, Johannes Baptista Sproll (Bishop of Rottenburg) and Friedrich von Bodelschwingh<sup>211</sup>, the founder of the Bodelschwingh Institutions.<sup>212</sup> On 24 August 1941 Hitler sub-

<sup>208</sup> Quoted from: Roth, Karl Heinz, “Ich klage an”, in: Aly, Götz (ed.), *Die Aktion T4 1939–1945*, Berlin 1989, 92.

<sup>209</sup> After the Cardinal of Munich, Faulhaber, lodged a complaint with Gürtner, the Minister of Justice, about *Aktion Gnadentod* (the Mercy Killing Programme) on 6. November 1940, Pope Pius XII announced on 1 December that the killing of mentally or physically disabled people was contrary to divine and natural law. In the same year the German Bishops published a joint pastoral letter on 6. July stating that it was unacceptable to kill innocent people except in war or self-defence.

<sup>210</sup> On 26. July 1941 the Cardinal of Münster, Clemens August Graf von Galen, complained to the Westphalian Provincial Administration about the transfer of patients from Westphalian psychiatric institutions. Two days later he took the case to the Münster Regional Court and the Münster Police Headquarters. Then, on 3. August, von Galen preached a sermon in which he provided information about the transport of patients and their subsequent murder.

<sup>211</sup> The example set by Bodelschwingh, in particular, shows how successful intervention could ultimately be. When Bodelschwingh, the head of a major psychiatric institution (Bethel), told Chief Medical Officer Conti on 5 July that he knew about the background to the registration of patients, he was referred to assistant secretary Herbert Linden in the Nazi Ministry of the Interior. Bodelschwingh told Linden on 17. July that Bethel would not complete the relevant forms. As a result, Bethel received a visit on 26. July from a T4 delegation from Berlin which included Viktor Brack and Herbert Linden. The delegation insisted that the doctors should cooperate with T4 Headquarters, announcing that a medical commission would arrive in January 1941 to fill in the forms. However, it was not until August 1941 that the commission turned up to complete the questionnaires. By then *Aktion T4* had already been discontinued (August 1941) and so the patients could not be transferred from Bethel. Cf. Strohm, Theodor, “Die Haltung der Kirchen zu den NS-‘Euthanasie’-Verbrechen”, in: Rotzoll, Maïke/Hohendorf, Gerit/Fuchs, Petra, *Die nationalsozialistische ‘Euthanasie’-Aktion T4 und ihre Opfer: Von den historischen Bedingungen bis zu den Konsequenzen für die Ethik in der Gegenwart*, Paderborn/Munich/Vienna/Zurich 2010, 125–133, here 128.

<sup>212</sup> It is worthy of note that “euthanasia” was publicly denounced by the two Catholic Bishops in whose regions the population had spoken out vehemently against the killing of patients. (The same must be said of Theophil Wurm, Bishop of the Württemberg Protestant Church, in

sequently decreed that the euthanasia programme he had ordered should be discontinued. By that time 70,273 people had been killed as a consequence of *Aktion T4*.<sup>213</sup> This put an end to the meticulously planned and implemented murder of defenceless patients pursued under *Aktion T4*. Yet T4 Headquarters continued to register psychiatric patients up to 1945 and even tried to expand its remit to include workhouses, care homes and nursing homes, since it anticipated a potential resumption of the murder operation at a later stage.

### Conclusion

The fact that Article 1 of the German Constitution refers to a human dignity that is universal and inalienable is an expression not only of a (European or contextual) development in the history of ideas, but also – and above all – a response to the suffering that goes hand in hand with the denial of human dignity. It shows that a refusal to accord inalienable human dignity to the individual opens the floodgates to immeasurable cruelty and endless human suffering (on a universal scale and independently of any specific context). A matter that presents some difficulty is the positive justification of human dignity, initially found in antiquity and subsequently in European history, which is based on a person's qualities or capabilities (e.g. cognitive skills, the ability to make free decisions, etc.). A problem arises when this justification is applied to all those who lack the relevant qualities or capabilities or only possess them to a limited degree<sup>214</sup>, e.g. people with disabilities, coma patients, dementia sufferers, etc. The horrendous history of the T4 euthanasia programme shows that linking human dignity to a quality, capacity<sup>215</sup> or ability implies that the lack

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whose region the Grafeneck death camp was located.) Cf. Stöckle, Thomas, "Die Reaktion der Angehörigen und der Bevölkerung auf die 'Aktion T4'", in: Rotzoll, Maike/Hohendorf, Gerit/Fuchs, Petra, *Die nationalsozialistische 'Euthanasie'-Aktion T4 und ihre Opfer: Von den historischen Bedingungen bis zu den Konsequenzen für die Ethik in der Gegenwart*, Paderborn/Munich/Vienna/Zurich 2010, 118–124, here 119f.

<sup>213</sup> By the time the official *Aktion T4* was discontinued, the toll at the various killing centres was as follows: Grafeneck 9,839, Brandenburg 9,772, Bernburg 8,601, Hartheim 18,269, Sonnenstein 13,720 and Hadamar 10,072. Cf. Hartheimer Statistik in: Klee, Ernst, *Dokumente zur "Euthanasie"*, Frankfurt 1985, 232.

<sup>214</sup> In view of this problem there is also talk of human beings being potentially or in principle capable of assuming legal obligations. Cf. Bielefeld, Heiner, *Menschenwürde: Der Grund der Menschenrechte*, ed. by Deutsches Institut für Menschenrechte, no place, undated, 15.

<sup>215</sup> Niklas Luhmann regards human dignity as a dimension which the individual – in the midst of role expectations in a differentiated society – must himself embody by building

of such capacity or ability in a person means he or she is no longer accorded human dignity to the same extent as to someone who does have the required quality or ability. While positive definitions of human dignity offer a substantial conception of what this entails, they also harbour dangerous potential for discrimination. The 20th century experience of suffering has shown that recognition of a universal and inalienable human dignity is far more likely to prevent injustice and human suffering. The Catholic Church has, therefore, expressed its endorsement of recognition and respect for human dignity, as expressed in the encyclical *Pacem in Terris* (1963), the declaration *Dignitatis Humanae* (1965) and the encyclical *Redemptor Hominis* (1979).<sup>216</sup>

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a personality with a consistent profile and exhibiting this to those around him. Luhmann considers this to be an achievement of the individual in modern society. Cf. Luhmann, Niklas, *Grundrechte als Institution*, Berlin 1965, 53f.

<sup>216</sup> Cf. Schuster, Josef, op. cit., 802f.

# Human Dignity and Church Teachings in the Democratic Republic of the Congo

Rigobert Minani Bihuzo

The term “human dignity” is on everyone’s lips these days, enjoying a ubiquitous presence in political, moral, ethical and religious debates. The human rights into which this term has metamorphosed in our times also constitute a meaningful concept, standing as they do for the human family engaged in the difficult task of asserting its dignity.

It was long considered – and seldom doubted – that the supreme law was founded in the dignity of the individual and expressed in our human rights.<sup>217</sup> We encounter the term “human dignity” in all kinds of contexts. Indeed, it is used in an almost inflationary manner, with ambiguities either suppressed or underscored.

Essentially, all one has to do is to observe how the right to life is, in some quarters, atrophying or is dressed up as legislation that permits abortion, genetic manipulation and euthanasia. In other areas, the right to freedom of expression is considered a dogma that brooks no limitations, even at the risk of interfering in private life and undermining the foundations of democracy. In yet other places, religious freedom is limited to the private sphere, and the right of the family is subverted by those who question the concept of a family founded upon marriage.

It follows that those who make reference to human dignity must decide which part of the discourse they wish to advocate. We wish to describe the commitment by the Church in the Democratic Republic of the Congo in this field. “In the light of the gradual disappearance of the most important points of reference on which both the doctrine

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<sup>217</sup> Cf. Calvez, Jean-Yves/Perrin, Jacques, *Eglise et société économique: L’enseignement social des papes, de Léon XIII à Pie XII (1878–1958)*, Paris 1959, 85.

and the practical implementation of human rights in the modern world can be based, [the establishment of a Christian anchor] is of particular importance.”<sup>218</sup>

### The right of the individual within the Church: charting a historical development

It took some time for the Church to turn its attention to the defence of human rights. In the 19th century the idea met with disapproval, as it was feared that people might interpret it too liberally, along the lines of an absence of any rules and regulations, forcing or enabling them to act at their own discretion.<sup>219</sup> Moreover, at that time human rights were linked to a philosophical anthropology which often clashed with the spiritual values preached by the Church.

In point of fact, philosophers were the first to vehemently champion the 1789 Declaration of Rights of Man and of the Citizen. These were the same individuals who had initiated the Declaration of Independence of the United States of America in 1776 and the American Constitution in 1787. The French School of 1789 gave no consideration at all to the concept of collective and social freedom. In its eyes “the individual in all its uniqueness was an exalted being and, to increase its standing even further, they had no scruples about denying its relationship with God or at least concealing or obscuring the same.”<sup>220</sup> The Church roundly condemned this view: “Does not this treacherous law violate the law of the supreme Creator, to whom we owe our existence and everything we own?”<sup>221</sup>

Pope Benedict XV was even more emphatic: “There is an element of gratification in viewing the origins of power as emanating from the people and not from God, in claiming that the natural equality of all people equates to equality in terms of rights, that man may determine what is permissible at his own discretion, with the exception of that which is prohibited by law; that nothing possesses any legal force unless it results from a decision by the masses; and, eclipsing all

<sup>218</sup> Filibeck, Giorgio, “Les droits humains dans l’enseignement de Jean-Paul II. Fondements et principes”, in: Calvez, Jean-Yves/Perrin, Jacques, op. cit., 17.

<sup>219</sup> Cf. Calvez, Jean-Yves, *Les silences de la doctrine sociale catholique*, Paris 1999, 86.

<sup>220</sup> Solesmes, Abbaye Saint-Pierre de, *Les droits de l’homme (Collection Ce que dit le Pape, No. 6)*, Paris 1990, 11.

<sup>221</sup> Ibid.

else, that, in terms of religion, one refers to freedom of thought and publishes whatever one wishes, with the justification that this does no harm to anyone.”<sup>222</sup> The statements by the Church concerning human rights at that time must be considered in the light of their specific historical context.

This bleak moment in history has been largely expurgated by over a century of development of an independent social doctrine and by the Church’s advocacy of human rights.

John XXIII was the first pope to expressly pledge the support of the Church for human rights declarations and, in particular, the United Nations Universal Declaration of Human Rights of 10 December 1948.

“When society is formed on a basis of rights and duties, men have an immediate grasp of spiritual and intellectual values, and have no difficulty in understanding what is meant by truth, justice, charity and freedom. They become, moreover, conscious of being members of such a society. And that is not all. Inspired by such principles, they attain to a better knowledge of the true God – a personal God transcending human nature.”<sup>223</sup>

Since this statement, which was adopted by the Second Vatican Council, the rights of the individual have been viewed by the Church as God-given and as an obligation to God himself. “No man may with impunity violate that human dignity which God himself treats with great reverence.”<sup>224</sup>

However, human dignity must not be reduced to the individualistic interpretation of a liberalist ideology. All things human contain a social dimension and there can be no life with dignity if the social dimension is separated from dignity. This reveals the best of African anthropology – the question of the meaning of human life, which finds an answer in the mystery of the *communion* and in solidarity.<sup>225</sup>

<sup>222</sup> Benedict XV, *Anno iam exeunte centesimo*, 7. March 1917, No. 487.

<sup>223</sup> John XXIII, *Pacem in terris* Encyclical on Establishing Universal Peace in Truth, Justice, Charity and Liberty, 11. April 1963, No. 45, [http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem.html](http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html) (15.05.2015).

<sup>224</sup> John Paul II, *Centesimus annus* Encyclical Letter on the Hundredth Anniversary of *Rerum Novarum*, 1. May 1991, No. 9, [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_01051991\\_centesimus-annus.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html) (23.02.2015).

<sup>225</sup> Cf. *ibid.*, para. 96.

It follows that human dignity is unconditional. However, the elaboration of human rights as we know them today is part of a historical process which requires ongoing development and adjustment to current problems and which, the further it advances, affords the guarantee of a response commensurate with human needs and desires. We know, for example, that the experiences of the Second World War and the concentration camps were crucial to the development of views on human dignity. Against this background, the teachings of the Church serve as a kind of compass indicating the direction to be taken.

“It is not for the Church to analyse scientifically the consequences that these changes may have on human society. But the Church considers it her task always to call attention to the dignity and rights of those who work, to condemn situations in which that dignity and those rights are violated, and to help to guide the above-mentioned changes so as to ensure authentic progress by man and society.”<sup>226</sup>

### The dignity of the human person from a Christian perspective

The key principles of Christian anthropology provide answers to the following questions: “What is the individual in the eyes of the Church? What is his status? What is the nature of the society which sustains the individual’s present and makes him manifest, capable of comprehending himself in his context?”<sup>227</sup> The teachings of the Catholic Church on human dignity are an attempt to provide answers to these questions. This is fully appreciated by the Church of the Democratic Republic of the Congo, which in the light of the particular circumstances it faces draws frequently on the concept of dignity.

“Respect for the human person entails respect for the rights that flow from his dignity as a creature. These rights are prior to society and must be recognised by it. They are the basis of the moral legitimacy of every authority: by flouting them, or refusing to recognise them in its positive legislation, a society undermines its own moral legitimacy. If it does not respect them, authority can rely only on force or violence to obtain obedience from its subjects. It is the Church’s role to remind

<sup>226</sup> John Paul II, *Laborem exercens* on Human Work on the Ninetieth Anniversary of the *Rerum Novarum*, 14. September 1981, No. 1. [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_14091981\\_laborem-exercens.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html) (03.08.0216).

<sup>227</sup> Calvez, Jean-Yves/Perrin, Jacques, op. cit., 144.

men of good will of these rights and to distinguish them from unwarranted or false claims.”<sup>228</sup>

In reaction to the increasingly violent encroachments by the state on the Church, the Episcopal Conference of the Democratic Republic of the Congo published the declaration entitled “Our Faith in Jesus Christ”<sup>229</sup> in 1975. Six years later, it issued an equally emphatic declaration entitled “Our Faith in the Individual, the Image of God”<sup>230</sup>, using this to denounce the country’s poor leadership, which had resulted in a decline in the school, health and legal systems and deteriorating living conditions. “Following God’s example, man must be placed above the other creatures in this world. Despite our own inadequacies, we invite all Christ’s followers and all those of good will to once more place the individual at the forefront of all social enterprises.”<sup>231</sup>

In the view of the Church, the individual is at the very heart of social, economic and political life. The individual constitutes the object, foundation and purpose, whose needs all human endeavours must strive to satisfy. The individual referred to by the Church is the creation, the image of God, whose true value is revealed and appears in Jesus, the God-Man.

“It follows that ecclesial social doctrine starts with the dignity of the human individual, the dignity of a being made in God’s image and who was crowned the ‘Son of God’, because God accepted human nature in his incarnation. Man is the image of the single, triune God and is thus also a person, brother of the human being Jesus Christ, and – with him and through him – an heir to eternal life. This is the true dignity of man.”<sup>232</sup>

In the encyclical *Pacem in terris*, the entire first section of which constitutes an apologia for human rights, John XXIII proclaims: “Any well-regulated and productive association of men in society demands the acceptance of one fundamental principle: that each individual

<sup>228</sup> *Catechism of the Catholic Church*, section 1930.

<sup>229</sup> Cf. De Saint Moulin, Léon, *Eglise et société: Le discours socio-politique de l’Eglise catholique du Congo* (1956–1998), No. 1, Textes de la Conférence Episcopale, Kinshasa 1998, 219–225.

<sup>230</sup> *Ibid.*, 278–288.

<sup>231</sup> CENCO, *Notre foi en l’homme, image de Dieu* (23. June 1981), No. 11. Cited in: De Saint Moulin, Léon, op. cit., 282.

<sup>232</sup> Calvez, Jean-Yves/Perrin, Jacques, op. cit., 145.



man is truly a person. [...] As such he has rights and duties, which [...] are universal and inviolable, and therefore altogether inalienable. [...] Men have been ransomed by the blood of Jesus Christ. Grace has made them sons and friends of God, and heirs to eternal glory.”<sup>233</sup>

The encyclical also defines the absolute nature of human dignity, which is rooted in God himself, and emphasises the parity of the dignity of all people in the eyes of the Church. As a result, man cannot be subjected to earthly things like power, production, money and machines.

In accordance with ecclesial doctrine, each individual, even the poorest and weakest, is the image of God. All individuals essentially enjoy the same rights, and each and every social framework must be aligned with their needs.

Consequently, the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM) declared the promotion of the individual one of the Church’s key tasks: “An integral part of the Church’s mission consists in [...] showing solidarity with fellow human beings and in extending support to the endeavours of those who fight for complete liberation and progress in all areas [...] Conscious of the infinite value of the individual, the Church must direct its efforts towards the conversion of the mind and heart as well as to an improvement of living conditions. The Church must strive diligently for more humane ways of living and working, advocating increased humanity in relationships and liberating these from the consequences of sin, i.e. inequitable structures, oppression and all forms of alienation.”<sup>234</sup>

The bishops even go one step further by declaring that the struggle for independence took place in the name of the dignity of the individual: “By rejecting all forms of colonial rule and vehemently opposing poverty, hunger, illness and illiteracy, the peoples of the so-called Third World stake a claim to their human dignity and, in so doing, call the global conscience into question. One of the most significant political and moral questions of our time results from the aforementioned aspiration and claim.”<sup>235</sup>

<sup>233</sup> *Pacem in terris*, op. cit., Nos. 9 and 10.

<sup>234</sup> Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), *Eglise et promotion humaine en Afrique*, 5. May 1985, para. 4.

<sup>235</sup> *Ibid.*, para. 46.

Two historical moments can be identified in respect of the efforts made by the Church of the Democratic Republic of the Congo to promote the dignity of the individual. Prior to independence, the Church initially directed its endeavours at what are now termed the rights of the second generation: the right to education, medical care and development. As democracy slowly dawned, however, its attention, and the focus of its actions, shifted towards the defence of political rights.

### **The Catholic Church in the Democratic Republic of the Congo and the question of human dignity**

In colonial times, the Church was part of the colonial system and avoided commenting on political issues. After independence its perceived identification with the colonisers proved very costly, resulting in acts of vengeance on several missionaries.<sup>236</sup> One prominent victim was Sister Anuarita Nengapeta, virgin and martyr, who was beatified by Pope John Paul II during his first visit to Kinshasa in 1985.

Probably the most significant contribution made by the Congolese Church to the promotion of human dignity took place in the sphere of education. “At the end of the colonial era, primary school education in the Congo was guaranteed virtually nationwide [...]. Catholic schools accounted for 76.9 per cent of all primary schools and 73.3 per cent of all secondary schools, while the figures for Protestant schools were 19.0 and 6.2 per cent respectively.”<sup>237</sup>

Besides education, the Church also played an active role in the healthcare sector. Medical work formed the basis of a successful fusion between the Church and the colony from 1924 onwards. The colony and the missionary institutions jointly financed the hospitals and paid the doctors’ salaries. Even today, the Church is still responsible for the management of 187 hospitals and 1,368 health centres within

<sup>236</sup> The most dramatic case in point was undoubtedly the murder of 21 priests of the Spiritan Congregation in Kongolo. However, the majority of victims lost their lives during the Mulele Rebellion in 1964. Over 200 missionaries were executed in reaction to the arrival of Belgian Para-Commandos in Stanleyville. The retaliatory measures were not only directed at the Catholic priests as the colonisers’ presumed accomplices, but also at the Protestant missionaries.

<sup>237</sup> Bureau de l’enseignement Catholique, *The State of Education in the Congo*, Kinshasa 1960, 23, 25; cf. also: Département de l’Enseignement Primaire et Secondaire, *Statistical Yearbook 1987–1988*, Education Sector, Kinshasa 1990, 98, 149.



the country's 515 local health authorities, employing just over 3,000 members of staff (doctors, nurses) and other medical personnel. As a result, Church infrastructure in the healthcare sector supplies 45 per cent of the country's healthcare provision.

The long and short of it is that the Church in the Democratic Republic of the Congo embraced the teaching of Pope Paul VI, who preached that development was synonymous with peace.

"It was generally accepted policy that economic development must go hand in hand with medical, social and moral work, all of which was characterised by a 'Christian spirit'."<sup>238</sup> "Between 1970 and 1980, the Church ran over 20,000 projects and micro enterprises in areas including the promotion of women, agriculture, livestock breeding, healthcare and literacy."<sup>239</sup>

### Promoting democracy means standing up for human dignity

The political commitment displayed by the Church in the Democratic Republic of the Congo is well-known and of vital importance. This is due in large measure to the circumstances it has had to confront. From 1971 onwards, the dictatorial Mobutu regime attempted to eradicate the legacy of the country's colonial past. Its first target was the Catholic Church.

The Catholic university was nationalised and all other university theological faculties were abolished. Crucifixes which had hung in classrooms were replaced with images of Mobutu. Religious education in schools was forbidden and replaced by the ideology of "Mobutism". Instead of daily morning prayers, pupils at all educational establishments were obliged to sing and dance in honour of Mobutu, the "redeemer". Only afterwards could lessons begin.<sup>240</sup>

<sup>238</sup> Baur, John, *2000 ans de christianisme et Afrique*, Kinshasa 2000, 360.

<sup>239</sup> Dr. Miteyo, report issued by Caritas Développement, 2010.

<sup>240</sup> "In all religions and at all times there have been prophets. So why not today? God has sent a great prophet: our renowned leader, Mobutu Sese Seko [...] This prophet is our liberator, our Messiah [...] How can we not respect and honour him, who has founded the new Church of Zaire? Our Church is the revolutionary movement of the people. Our leader is Mobutu. We venerate him as the Pope is venerated. Our law is authenticity [...] Our gospel is Mobutism, the Manifesto of N'sele [...] The crucifix has no place in public institutions. It must be replaced by the image of our Messiah. And party militants will want to place at its side his glorious mother, Mama Yemo, who gave birth to such a son.[...] After all, the Holy Virgin was also honoured as the mother of the prophet Jesus." Statement by the state commissioner for

Nothing was left to chance. Christian publications were discontinued and His Eminence Joseph Malula, then Archbishop of Kinshasa, was driven from his residence and forced into exile in Rome. In 1974, Christmas day as a holiday was scrapped and, in 1975, all the Church-owned hospitals and schools were nationalised.

This policy of persecution played a decisive role in the Church's subsequent decision to promote democracy and human rights.

### The Church and the political transition

As the political transition got under way, the statements issued by the Episcopal Conference of Zaire adopted a new, more radical tone.

The Church justified its actions by stating its wish to make a contribution to the public debate surrounding the *modus operandi* of national institutions and the general situation prevailing in the country at the time. It raised its voice in order to demonstrate to political decision-makers the less desirable consequences of the existing government leadership, and to trigger a national outcry essential to the country's reinvigoration and a resurgence of its innate strength. The affirmation of democracy was on the agenda.

This democracy, the bishops stressed, was not only an absolute necessity, but also called for an atmosphere and environment marked by truth, peace, justice, safety, tolerance, repentance and reconciliation.

From then on, the Bishops wrote in their pastoral letters that it was "just and reasonable to dissociate oneself from heads of state bent on the destruction of their own people." They warned the President that he bore immense "personal responsibility". It was therefore conceivable that the people might no longer wait patiently for the hour of their liberation." And: "We entreat the entire population to organise and prepare itself, to persevere despite the suffering, to continue to show solidarity and unity, [...] to remain critical and vigilant."<sup>241</sup>

In the wake of an acrimonious address, given in the light of the intransigence of the dictatorship and its refusal to permit any type

political affairs and the political commissioner to the regional representatives of the national education system in N'sele on 4. December 1974.

<sup>241</sup> Episcopal Conference of Zaire, *Tenez bon dans la foi*, § 17.

of change, and after the government had shattered the hopes of the bishops that a sign of goodwill on the part of the Mobutu regime might, after all, be forthcoming, the Episcopal Conference<sup>242</sup> bluntly expressed its view not only that the people of Zaire were subject to poor rule, but that those responsible for running the country were acting to their detriment. Conspicuous by their absence when required to perform good deeds, the country's leaders were omnipresent when it came to acting against, and at the expense of, the people. The bishops said verbatim: "You have no right to drive the people further into the abyss [...]. Neither the riches you have amassed nor any external assistance can guarantee your future and that of your children. Your best guarantor is the people."<sup>243</sup>

In order to open up the political system the Church stepped up the pressure and called on the population to do likewise, demanding new elections so that new politicians could take power. "The only expedient course of action (for the people) lies in taking responsibility and electing new representatives." However, the eagerly-awaited democracy failed to materialise. On the contrary, the country was plunged into a harrowing war.

### The position of the Church on war and conflict

In 1996, a war broke out in the eastern part of the Democratic Republic of the Congo. The Church, which had resolutely backed democracy, focusing chiefly on the demand for new elections, was both unsettled and disillusioned by the long-drawn out failure of a peaceful transition of power. On 28 June 1997, it expressed its regret at the violent change of government.<sup>244</sup> However, a short while later, from 2 August 1998 onwards, the Church regained its inner strength. It dissociated itself from global hypocrisy and condemned the continuing conflict as a war of aggression. "Other nations have attacked our country. We do not wish to have political representatives who serve foreign interests forced upon us. Neither do we wish political

<sup>242</sup> Cf. Episcopal Conference of Zaire, *Pour une Nation mieux préparée à ses responsabilités*, 21. August 1994; *ibid.*, *Des dirigeants nouveaux pour le salut du peuple*, 21. February 1995.

<sup>243</sup> Episcopal Conference of Zaire, *Des dirigeants nouveaux pour le salut du peuple*, 21. February 1995, § 23.

<sup>244</sup> Cf. De Saint Moulin, Léon, *Comment réagir en chrétien face aux problèmes de société? Une session sur le discours sociopolitique de l'Eglise catholique en RDC*, Gombe 2008, 91.

representatives to force themselves upon us by the use of armed violence to satisfy their own selfish interests."<sup>245</sup>

From this time onwards, new hope was born and the Church regained the power of the word. The message "Be not afraid"<sup>246</sup> denounced the exploitation of natural resources in the Congo. The Church called for negotiation, non-violence and inter-Congolese dialogue. In the face of the political players' unscrupulousness, it called on all Christians to engage in political activities without waiting for permission from the Bishops.

"The ever-increasing obstacles placed in the way of peace in the Democratic Republic of the Congo have reached the limits of what is reasonably acceptable. We warn the warmongers and the political class that the people will not tolerate their indecisiveness much longer. Should the crisis continue, the Catholic Church will resort to appropriate means to accelerate the restoration of peace in the Democratic Republic of the Congo."<sup>247</sup>

### Preparation for elections as a pastoral priority

It was clear to the bishops that the renaissance of the Democratic Republic of the Congo depended on successful elections. "After 45 years of hesitation, 15 years of which have been spent on a ridiculously long period of transition, the Congolese people hopes that the forthcoming elections will lead to the creation of a functioning constitutional state by the end of the current year 2006 [...] all Congolese are now focusing their attention on the elections [...]".<sup>248</sup> This plea for elections was a recurrent theme throughout the period of transition. The Church's pastoral priority now lay in comprehensive preparation for the elections and the safeguarding of rights. The change of course simply had to succeed.

"We wish to support the nation by preparing the people in our dioceses for the elections by means of responsible, committed political education with the help of a pastoral programme developed

<sup>245</sup> CENCO, *Conduis nos pas, seigneur, sur le chemin de la paix*, paras. 3, 6, 9.

<sup>246</sup> CENCO, *Sois sans crainte*, 19. November 1999.

<sup>247</sup> CENCO, "J'ai vu la misère de mon peuple" (Ex 3:7), *Trop, c'est trop*, 15. February 2003.

<sup>248</sup> CENCO, "Levons-nous et bâtissons" (Ne 2:18), *Pour un Congo nouveau*, 3. March 2006.

specifically for this purpose [...] The safeguarding of rights is an important signal for the democratic will of the people.”<sup>249</sup>

### Concluding remarks

The wealth, scope and quality of the relief organisations (schools, universities, health centres, hospitals, development offices etc.) run by the Congolese Church, the plethora of statements by the Congolese episcopate, the scathing tone adopted towards the various political regimes and the in-depth analyses of the situation testify to the seriousness of the Church’s commitment and its role in the rebuilding of the Democratic Republic of the Congo and the promotion of human dignity.

The African Synod confirmed this approach and identified the key problems violating the dignity of the human person in Africa: “Many of our peoples suffer from poverty and hardship, from war and conflict, crises and chaos.” Those responsible for this tragedy were also named: “Situations like these are seldom elicited by natural catastrophes [...]; they are largely attributable to the decisions and actions of people [...], to the tragic complicity and criminal conspiracy of political leaders and foreign interests.”<sup>250</sup>

The Synod also offered practical initiatives for the Church in Africa: “An active presence by the Church in decision-making bodies is required [...], where the issues facing us are discussed: globalisation, worldwide political action, conflict resolution [...] We must set up our own monitoring centres [...] The causes of the conflicts in African societies must be tackled courageously and relentlessly [...], and made the object of pastoral action plans at continental level [...], and the presence of the Church in African organisations (the African Union) must be strengthened.”<sup>251</sup>

While the issue of human dignity is frequently discussed in the North in the context of abortion, genetic manipulation, euthanasia and sexual orientation (to name but a few examples), such aspects are clearly not a priority in the discourse of the episcopate of the Democratic Republic of the Congo and the rest of Africa.

<sup>249</sup> CENCO “Frère que devons nous faire?” (Ac 2:37), *L’heure de responsabilité a sonné*, 3, July 2004.

<sup>250</sup> African Synod, final message, para. 5.

<sup>251</sup> General report by the Synod.

In the light of this teaching, we may conclude that the question of human dignity can only be discussed in its respective contexts, taking account of the history of development and the culture in which the concept is embedded. Recognition of this fact will further dialogue, from which everyone benefits, and the efforts of all people to promote human dignity.

# Human Dignity in the Historical Religious Discourses of Asia

Ali Al-Nasani

The Chinese diplomat Peng-Chun Chang, who had been engaged for many years in an examination of the mutual relations between Islamic states and Chinese cultures, was heavily involved in the drafting of the Universal Declaration of Human Rights. This can be viewed as an indication that the concept of human dignity – described in both the preamble and various articles of the Universal Declaration of Human Rights as innate to all human beings – is, or was, by no means as alien in Asia as is frequently portrayed. On the contrary, and upon closer inspection, it transpires that reflections on the theme of human dignity in Asia evolved very early on and that a frequently fruitful cultural and religious exchange between Asia, the Middle East and Europe resulted in reciprocal influences.

The various rationales for human dignity in the historical context of Asia can only be partially explored in this essay. These reflections will, therefore, be confined to merely highlighting several discourses on the subject of human dignity which are native to Asia – both now and in the past. Their purpose is not to depict the affronts to human dignity and the blatant human rights violations associated with political and social contexts which doubtless also occur in Asia. On the contrary, the essay seeks to illuminate the discourses surrounding the nature of humankind and the dignity of the human being which originated early on in the continent's history. As these discourses invariably arose in religious contexts, it follows that the present essay presents several of Asia's religious concepts and delineates their relationships with the phenomenon of human dignity.<sup>252</sup>

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<sup>252</sup> Cf. Buddhist Missionary Society, *Buddhist Principles for Human Dignity*, Kuala Lumpur 1996; Gandhi, Mohandas K., *Nonviolent Resistance*, New York 1961; Iyer, Raghavan, *The Moral and Political Thought of Mahatma Gandhi*, London 1983; Kim, Hyung-kon, *The Idea of Human Dignity in Korea: An Ethico-Religious Approach and Application*, Seoul 2007;

### Confucius and Mencius

The view of humanity developed by Confucius as far back as the sixth century before Christ presupposes that humans, both male and female, are invested with inherent value from birth, which permits them to live in a manner ensuring both moral respectability and material modesty. This innate value results in the obligation to treat one's fellow humans with respect. People are advised to protect this value, which is on a par with the concept of human dignity, and to behave accordingly. However, they should also ensure that they explicitly honour and respect it in others. Thirdly, they should also advocate the preservation of this dignity when third parties are involved. This goes hand in hand with the exhortation to treat others as one wishes to be treated oneself.

Confucius saw no need for a priestly caste or a privileged noble class in order to make contact with the heavens. It was sufficient to perform the religious rites and to endeavour to become knowledgeable and educated in order to satisfy the essence of humanity. As a result, the state had no special role in people's lives. On the contrary, the state was obliged to resolve any emerging conflicts in a spirit of harmony and non-violence. As Confucius relates the meaning of human action to this world as opposed to the afterlife, the Confucian social philosophy is endowed with a humanist perspective which sees the highest value in human beings.

Mencius (born 370 BC), seen as Confucius' most significant successor who took his philosophy forward, also assumes that human beings are graced with an honourable inner core. According to him, this inner essence results in the equality of all people. Mencius emphasises that corporeality is common to humans and animals alike. However, it is humans' ability to act morally which sets them apart from animals and lends them a particular dignity. Because human beings are distinct from animals as a result, reasoned Mencius, people should not be treated in the same way as beasts. This would violate their innate dignity.

Munro, Donald, *The Concept of Man in Early China*, Stanford 1969; Pradip, Thomas, *Communication and Human Dignity: Asian Christian Perspectives*, Delhi 1995; Sen, Kshitiin Mohan, *Hinduism*, London 1991; Zhang, Qianfan, "The Idea of Human Dignity in the Classical Chinese Philosophy", in: *Journal of Chinese Philosophy*, No. 3 (2000).

Like Confucius, Mencius viewed education as a crucial element which differentiated people from animals and revealed man's inherent value. He believed that it should be used to train the resulting human virtues.

### Buddhism in Japan: atomic weapons as an attack on human dignity

According to the Buddhist conception of humanity, it is man's self-consciousness in thought, the ability to achieve enlightenment and his pursuit of the same (Buddha referred to "Awakening") which distinguishes people from animals. This is precisely why, in the context of Buddhism, humans are endowed with a special form of dignity.

The Buddhist conception of humanity regards human beings as fundamentally good. This idea is expressed in the term "Buddha-nature": in essence, each individual resembles the Buddha. The patent evils of this world and the suffering which people invariably experience are attributable to the fact that their true nature is deflected or obscured by greed, hatred, envy and delusion. While animals must rely on their instinct in order to survive, man's superiority lies in his ability to think, which he can use to gain enlightenment and liberate himself from all of life's negative aspects.

The Tendai Buddhists of Japan view poverty as the principle threat to human dignity, which is why this community attaches particular importance to the construction of hospitals and schools and the provision of energy. As the individual does not live for himself alone, but co-exists with his ancestors and descendants and is, concomitantly, connected to the universe, a high value is attributed to the other people in his community.

The Buddhist faith of Tendai Hongaku Shiso, also native to Japan, even extends to seeing the Buddha in everything extant, be it animals, plants, soil or stones. North-East Japan is home to temples where trees and grass are revered as the likeness of the Buddha. However, this quasi divine omnipresence should not be viewed as a relegation of human beings; instead, nature and humans share a similar level of dignity. This results in a special obligation towards both people and nature.

As Japan is the only country to date to have experienced the devastating consequences of atomic bombs, it is unsurprising that



the view of atomic weapons constituting an attack on human dignity is shared by a wide range of religious beliefs in Japan, which demand their abolition on religious grounds, among others.

The monotheistic creed of Tenrikyo, which emanated from 19th century Shintoism, views life as being “borrowed” from God. Its teachings posit an autonomy of decision by virtue of one’s own judgement and a duty of care for what has been lent by God, which is also reflected in family members. Human dignity results from the fact that individuals constitute a gift from God and must be treated with respect; anything else would be considered a disservice to God.

### Hinduism: human dignity despite a caste system?

The concepts of human dignity in Hinduism, a religion principally associated with the caste system and polytheism, probably represent the greatest challenge to Western thinking on this subject. The precise historic roots of Hinduism are veiled in obscurity, firstly because the religion lacks a founding figure and secondly because, as a result of the assumption that there is no prescribed way to reach God and salvation, a vast number of religious concepts has emerged, the sole common feature of which is the integration of individual paths and perspectives within the Hindu canon. This even extends to some religious persuasions regarding Buddhist, Christian, Islamic and Jain concepts as Hindu. Some Hindu thinkers go so far as to assume that the coming of Christ and Mohammed was heralded in pre-Christian Hindu scriptures. In addition, some agnostic and atheist traditions and beliefs have also been absorbed into Hinduism. The principal reasoning behind this pluralism is the assumption that religion is less decisive to human nature than the mechanisms underlying human behaviour (*dharmā*).

The integration of other religious perspectives has, indubitably, always been an element of Hinduism, and history bears testimony to a prolonged and fruitful exchange between India’s various religions, which has resulted in the incorporation of Christian, Sufi and agnostic elements within Hinduism. It was not uncommon for renowned Hindu teachers to be born into multi-religious families. They preached tolerance as the Inquisition held sway in Europe. Unfortunately, this juxtaposition has been forced to recede into the background in the light of the less tolerant interpretations of religions which dominate today.

When it comes to the controversial caste system, it must be stated that this form of classification, which prescribes, on the one hand, a social structure and must, on the other, inevitably be regarded as discriminatory as a result of its rigid exegesis, has always polarised, engendering discussion and counter-reactions. In the early writings, no, or at best, little importance was attached to the caste system. The pre-Christian *Bhavishya Purana* stated: “As all caste members are children of God, they belong to a single caste. All people have the same origin in God, and children of a common origin cannot belong to different castes.” One of the Hindu revelation texts, the Sanskrit epic *Mahabharata*, which was written between 400 BC and 400 AD, says: “We all feel anger and fear, sadness and anxiety, hunger and strain. So how could we belong to different castes?”

A number of other Hindu documents indicate that castes do not constitute a hereditary system, but relate, instead, to individual behaviour. On this basis, caste transitioning as a result of marriage, changes of location or career shifts is certainly possible and attested to throughout the history of Hinduism. The term *anuloma* describes a wedding in which the bride belongs to a lower caste than the husband, whereas, at a *patriloma* wedding, it is the bride whose caste is the higher one. Depending on religious orientation, both spouses are subsequently members of the higher or lower caste after their nuptials. Additionally, many highly-venerated characters in Hindu literature belong to different and, in some cases, very low castes. This applies, for example, to Vidura, the old sage of the *Mahabharata*, to Vasishtha, son of a prostitute, and to Vyasa, whose mother was a fisherwoman.

The diverse number of religious currents prevailing within Hinduism inevitably raises the question of polytheism. The plurality of deities, some of which are venerated only locally (some sources list up to 3,000 different gods), and the multiplicity of different religious views, rites and traditions understandably creates the impression that Hinduism is a polytheistic religion. Some Hindus share this perspective, seeking to distance themselves from Christianity and Islam. However, a number of Hindu religious scholars never tire of emphasising that this is a misconception attributable to the fact that, along with the concepts of religious devotion (*bhakti*) and action (*karma*), that of religious knowledge (*jnana*) has receded into the background.

On the contrary, the many deities are ultimately mere reincarnations of the one God, Brahman, who is referred to by different names and served in various guises.

While this account of Hinduism is necessarily condensed, it nevertheless permits some reflections on the theme of human dignity. It has become clear that, in the eyes of the Hindus, formal creed or divine service is not at the core of their religious conviction. Although both these elements have a place in daily life, the emphasis is on individual behaviour as regards one's fellow human beings, who, being created in the likeness of the one God, Brahman, deserve dignity and respect. The soul is viewed as the indestructible core which exists through and in Brahman. It follows that all life emanates from God (but not vice versa). This, in turn, results in the call to honour God in one's fellow human beings. In one of the central texts of Hinduism, the *Bhagavad Gita*, Brahman describes the behaviour of the righteous man, in the form of Krishna, as free of hatred towards all life, friendly, empathetic, devoid of self-serving thought, patient and with the ability to bear both joy and suffering. The fact that individual paths to God and thus individual ways of living are possible results in respect for human diversity.

Ultimately, the aim is not to serve a remote concept of God, but to help one's fellow man. The great poet, writer and philosopher Rabindranath Thakur (Tagore) also views the duty of man as linked inextricably with service to others as opposed to an otherworldly God. "Whom dost thou worship in this lonely dark corner of a temple with doors all shut? Open thine eyes and see thy God is not before thee! He is there where the tiller is tilling the hard ground and where the pathmaker is breaking stones."

### Gandhi's concept of human dignity

Reflections on concepts of human dignity in Asia would be incomplete without a consideration of Gandhi's teachings. Although Gandhi himself was raised in a strictly Hindu family, he devoted himself to Vaishnavism and pre-Hindu Jainism early on. He simultaneously described the Hindu text, the *Bhagavad Gita*, as one of the most influential sources of his thinking. He used it to develop his concept of *satyagraha* (non-violent resistance), which also drew on the teachings of Tolstoy and Thoreau. Central to this theory is the truth

in which human dignity manifests itself. For Gandhi, truth has a divine character, although he is aware of the dichotomy between absolute and relative truth. However, truth is not a purely private concept, but must also be anchored in politics and economics if adequate account is to be taken of human dignity. An economy based on truthfulness and integrity advocates social justice and promotes even the most vulnerable members of society. Truth is firmly entrenched in daily life and legal discourse when it results in demands for education, health care, food and accommodation. According to Gandhi, this equates to human dignity, which is, on the other hand, under threat from a purely consumerist focus and an urge to accumulate profit. The ideal economic system is geared to the welfare of all (*sarodaya*). In his vision of an ideal politics (*ramrjya*), Gandhi eschews a caste system, discrimination of all kinds and religious prejudice. Hence, the pursuit of truth and justice, which are so crucial for the establishment of a humane life, is not an eschatological aim, but a concrete obligation for both the individual and society as a whole. According to Gandhi, an individual, purely private salvation is not possible, because one's own human dignity can only be achieved if the dignity of others is honoured and respected.

### Concluding remarks

Contrary to the popular belief which consistently relates Asian values to a collective as opposed to an individual, reflections on the concept of human dignity which ascribe the same value to all, irrespective of characteristics such as origin, gender or age, have existed in Asia for centuries. They are based on the conviction that each individual is distinguished by a single feature, accorded solely to human beings and deserving of protection, namely dignity. The various Asian discourses on the nature of man and his relationship with God and his fellow human beings seek to accentuate the dignity of each individual in an effective social manner by emphasising the innate core of each person, which bears no relation to his corporeality and from which the equality of all people is derived. Religious discourses on the theme of human dignity naturally always refer to an image of God or a Creator, from which the conception of humanity is extrapolated. In this sense, these discourses constitute manifestations of respect for the dignity of the human being as a subject endowed with the right to self-determination. This dignity becomes invulnerable and inalienable in the best sense of these terms.

In the 1990s, a discussion flared up concerning the question of whether human rights and human dignity were “Western” concepts and whether Asia had other values. This must be seen in the light of the fact that human rights are all too frequently exploited by the West, used as a pawn and insisted on, or not, depending on political expediency. Today, human dignity is explicitly enshrined as an asset worthy of protection in the constitutions of Afghanistan, India, Iran and South Korea, to name but a few examples. At times, however, the legal reality is very different. The West would be well advised to acknowledge the historical discourses of Asia as it labours towards a concept of human dignity, in terms of both human rights and in the sense of a cultural and religious dialogue, focusing more closely on the similarities than on the differences in these discourses.

## From ‘Image and Likeness’ to ‘Human Dignity’: The social relevance of a religious doctrine to secular life in Mexico

Mauricio Urrea Carrillo

The ancient origins of what we now call “human dignity” are expressed in that revelation to the Jewish people of God’s intention to fashion mankind “in our own image, in the likeness of ourselves” (Gen 1:26). Many cultures and thinkers have recognised the profound validity and richness of this doctrine; and yet, being religious in origin, it has to date lacked the clear philosophical formulation and definition that would set out what the concept signifies in its totality and, following from this, how it can guide us in everyday life.<sup>253</sup>

Some historical observation is required here. In modern Europe the substance of this formula of “divine image and likeness” has been “secularised”<sup>254</sup>, severing it from its religious roots and removing its transcendental projection, and thereby placing it on a par with “equality”, “civil rights” and “dignity”. This secular “translation” of religious content appears to have pursued a method which might be

<sup>253</sup> The ideas set out in this paper originated in joint research led by Mauricio Urrea and conducted in the form of a Philosophical Academy by students at the Archdiocesan Seminary in Hermosillo: Luis Ángel Domínguez, Federico Hagelsieb, José Carlos Martínez, Marcos Rivera, Gabriel Ruiz and Jesús Isbaal Varela.

<sup>254</sup> Cf. Habermas, Jürgen, “Pre-political Foundations of the Democratic Constitutional State?”, in: Habermas, Jürgen/Ratzinger, Joseph, *Entre razón y religión: Dialéctica de la secularización*, Mexico, 2008, 27–28: “As we know, the copenetration of Christianity and Greek metaphysics was reflected not only in a spiritual expression of religious dogma and in a Hellenisation of Christianity which was not always to its advantage: this interaction also encouraged philosophy to appropriate genuinely Christian content ... It is true that it transformed its originally religious meaning, but it did not deplete that content by devaluing or devouring it. One example of an appropriation which salvages the original content is the translation of the idea that man is made in God’s image and likeness into the concept that all humans are equal and enjoy absolute dignity. This translation projects the substance of the biblical concepts beyond the boundaries of the religious community, opening it up to people of other faiths and to non-believers.”

termed “external approximation/appropriation”, enabling it to perform a practical function within secular societies.

To study the notion of human dignity in philosophy, we must first acknowledge these religious origins so clearly rooted in Judaeo-Christian tradition. This tradition generated a specific theology with its own sources and methodology. Philosophy is able to tap into its content – and has indeed done so – because it can access the doctrinal core of the tradition by virtue of this “external approximation/appropriation”. However, before embarking on such a procedure we need to be clear that, while we are applying the methodology to the same material object (the Revelation), the formal object has shifted, and the distinction between the scientific disciplines is thus maintained.

In terms of veritative content, therefore, the great religions lend themselves to the “external approximation/appropriation” of their core statements about the world and humankind. In this sense, the truths of a religion such as Christianity might be seen as existing *alongside*, for example, their divine provenance, their significance to salvation, their consistency with a Christian lifestyle or the majesty of the Church. In this methodology, to say “alongside” is not to undervalue or disregard the relationship between, on the one hand, the veritative content of a religion and, on the other, the Word of God, the Church and salvation; rather, it highlights its character as “truth”, that is, as wisdom relevant to the way we lead our lives. From this perspective, basic Christian doctrines such as the idea that God is the source of creation, revelation, salvation and sanctification can be parenthesised without denying their truth.<sup>255</sup>

<sup>255</sup> For illustrations of this new “external” methodological approximation to the veritative core of religions, see the works by Derrida, Jacques/Vattimo, Gianni (eds.), *La religión: Diálogos en Capri*, Buenos Aires 1997; Taylor, Charles, *Las variedades de la religión hoy*, Barcelona, 2003; Scannone, Juan Carlos, *Religión y nuevo pensamiento: Hacia una filosofía de la religión para nuestro tiempo desde América Latina*, Barcelona, 2005; Habermas, Jürgen, *Entre naturalismo y religión*, Barcelona, 2006; Fomet-Betancourt, Raúl, *Religión e interculturalidad en América Latina*, Aachen, 2006; Rorty, Richard/Vattimo, Gianni, *El futuro de la religión: Solidaridad, caridad, ironía*, Barcelona, 2006; Taylor, Charles, *A Secular Age*, Massachusetts, 2007; Habermas, Jürgen/Ratzinger, Joseph, *The Dialectics of Secularization: On Reason and Religion*, Ignatius Press, San Francisco 2007; Habermas, Jürgen, *An Awareness of What is Missing: Faith and Reason in a Post-secular Age*, Cambridge, 2010; Mendieta, Eduardo/Vanantwerpen, Jonathan (eds.), *El poder de la religión en la esfera pública*, Madrid, 2011; Girard, René/Vattimo, Gianni, *¿Verdad o fe débil? Diálogo sobre cristianismo y relativismo*, Barcelona, 2011; Diaz, Carlos, *Cristianismo y personalismo*, Buenos Aires, 2012; Simon Critchley, *The Faith of the Faithless: Experiments in Political Theology*, London/New York,

In following this path, the present paper primarily sets out to examine the Judeo-Christian doctrine which states that humans are made in the “image and likeness” of God and to derive from this a philosophical definition of the present-day concept of “human dignity”, thereby projecting it onto social practice.

### Jewish origins and subsequent historical evolution in the Western world

The earliest reference to the dignity of human beings, male and female, stems from biblical tradition, originating specifically with the formula founded on “divine image and likeness”.<sup>256</sup> The verses of Psalm 8, with their reputation for laying the foundations of personal dignity, resonate in particular around the Hebrew words *kabod* and *jadar*. These words reflect a dual aspect: on the one hand *kabod* – דָּבָר, commonly translated as “glory”, and on the other *jadar* – יָדָר, translated as “honour”. Thus the exceptional dignity of human beings and their closeness to God result from being crowned by divine magnificence and glory, participating in God’s power over creation and exercising it in His name.<sup>257</sup>

Consequently, we can conclude that the expression “human dignity” indicates the singular value and grandeur of humanity which, in the biblical conception, has its foundation in God and its finality in the Creator Himself. By virtue of this identity, any human being, regardless of age, sex, social standing or ideological views, is the bearer of intrinsic, inviolable values and the subject of inalienable rights.<sup>258</sup>

If we look back at the history of the Western world, we can clearly observe how this relatively ancient concept has evolved through our societies. Its origins can be traced back to the sacred texts of Egyptian and Semitic civilisations; later it emerges with broader foundations in the context of the classical Greco-Roman world, where it mingles with Early Christian traditions which speak of divine ancestry and the new

2012; Calhoun, Craig, Eduardo Mendieta/Vanantwerpen, Jonathan (eds.), *Habermas and Religion*, Cambridge, 2013.

<sup>256</sup> Müller, Gerhard Ludwig, *Dogmática: Teoría y práctica de la teología*, Barcelona 1998, 110.

<sup>257</sup> Cf. *ibid.*

<sup>258</sup> Cf. Salvati, Marco, “Dignidad del hombre”, in: Mancuso, Vito (ed.), *Diccionario teológico enciclopédico*, Navarra 1995, 262.



liberty attained by the Children of God. In connection with these ideas, but following other lines of thought, human dignity was anchored in the products of reason (Plato, Cicero, Seneca, Epictetus, Pascal, Kant, Hegel, Fichte).<sup>259</sup>

From these plural origins, the concept of human dignity and its various synonyms traversed Western history from the Middle Ages up to our contemporary era. The Renaissance already highlighted the fact that humans acquired dignity from their unique ability to shape their own lives *ad libitum*, as outlined by Pico della Mirandola; this idea is the immediate source of the *autonomy* which is Kant's basis for human dignity. This understanding, in various ways, was to nourish different approaches to the concept in the centuries to follow. To a greater or lesser extent, the constituent elements making up the syntagm "human dignity" draw on this Western tradition with regard to the status of individuals in society.

### Towards a philosophical definition of "human dignity"

As one might expect, given the complexity of the idea, the definition of "human dignity" acquires a certain degree of difficulty from its many constituent parts, and these must be set within a harmonious relationship; at the same time, as with any good definition, the form should be sufficiently brief and concise, ensuring that the central elements are incorporated within a hierarchy which reflects the order behind the content.

By "human dignity", then, we mean that specific condition of the human essence in its physico-spiritual totality which constitutes the absolute foundation for the intrinsic, inviolable value of which every individual is part. Building on this definition, we can go on to say that this essential human condition attributes to every individual a specific identity which distinguishes him or her within the multiplicity of beings. We should furthermore add that this identity is the source of inalienable rights which must be respected as universal values, the first among these being *mutual recognition* and *human advancement*.

The former means that every individual incurs respect for the dignity of his or her being, but at the same time has a duty to respect

<sup>259</sup> Cf. Brieskorn, Norbert, "Würde", in: Brugger, Walter/Schöndorf, Harald (eds.), *Philosophisches Wörterbuch*, Freiburg/Munich 2010, 587.

this same dignity in all others; as for the latter, the human dignity realised in each individual continually calls for acts of advancement which range from satisfying essential needs such as food and shelter to the more spiritual requirements of culture and religion. This need for recognition and advancement, so evident in present-day culture, is the focus of the following section.

### Current social relevance of the concept of "human dignity" in the Mexican context

To explain how the doctrine of human dignity relates to the social fabric, we shall now consider the ideas of two contemporary authors: Axel Honneth and Raúl Fonet-Betancourt. The reason for this choice is that their contributions directly address issues of major interest in current secular life. The first author (Honneth) presents human dignity in the contemporary form of a demand for mutual recognition with a view to creating a normative framework for "convivencia", the way in which members of society live alongside one another; the second author (Fonet-Betancourt), relates human dignity directly to the foundations it provides for human rights and their universal validity.

*Axel Honneth* puts forward two hypotheses to explain the shift which has occurred in thinking about the concepts of *dignity* and *recognition*.<sup>260</sup> On the one hand, this can be seen as a result of political disenchantment, the cutting back of welfare programmes and the fading of prospects for social equality. On the other, it could be due not to political disenchantment but to its very opposite, an increase in moral sensitivity thanks to a whole series of new social movements, and the political value of the experience of social or cultural discrimination. Honneth therefore outlines three basic forms of recognition: love, law and solidarity. And these three are juxtaposed against three basic forms of contempt: physical humiliation, the deprivation of rights and social exclusion – the degradation of the social value of forms of self-realisation. Consequently, these three models of recognition establish the formal conditions which must be met by relations of interaction in order to provide a framework for humans to guarantee their *dignity* or *integrity*, for *love*, *law* and *solidarity* generate, respectively, *self-confidence*, *self-respect* and *self-esteem*. Taken together,

<sup>260</sup> Cf. Honneth, Axel, *Reconocimiento y menosprecio: Sobre la fundamentación normativa de una teoría social*, Buenos Aires 2010, 9f.



the spheres of recognition generated in this way produce the network of normative premises on which a modern, liberal society must be founded if it is to produce free, committed citizens.<sup>261</sup>

With the aid of this doctrine, new light is cast on the political and social scenario in Mexico in terms of the prospects for aspiring to a civilised form of social “convivencia”, i.e. one opposed to those practices commonly found in new types of social barbarism. If Axel Honneth, in the footsteps of Hegel, postulates love, along with the self-confidence it generates, as the first stage along the road towards a civilised framework of social norms, we can clearly see that a number of the conditions pertaining in our country are at odds with this initial requirement. We need only think, for example, of various forms of organised crime, of different kinds of moral and religious intolerance, of corruption in politics and of all those political and media campaigns which encourage a hedonistic, consumerist, individualistic mentality.

If the requirement to love every individual constitutes the first and fundamental level of this model, much more would have to be added about the failure to establish the other two levels, i.e. self-respect and self-esteem. Indeed, the aspiration to be a subject of one’s own rights and to enjoy a right to self-realisation within a certain way of living are still not very widespread in Mexican society. Evidently, what is lacking on both fronts is a recognition of the equal dignity shared by every person within the social concert. The reasons for the social absence of such recognition, which forms the ideal basis for living together in the community, can doubtless be sought in ignorance and in a lack of the institutions which genuinely require them.

As a final observation on the input from this first author, we might add the etymological significance of the word “recognition” in Spanish. In its initial meaning, “recognition” alludes to the act of returning to something already known, as when we “recognise a place”, in other words, when we re-cognise in more detail something we already knew. In a second meaning, the term entered the Spanish language to signify granting or accepting a claim or demand, as when we say that “the accused recognised his guilt”. Both meanings have value, and the first is a prerequisite for the second, given that knowledge of

<sup>261</sup> Cf. *ibid.*, 22.

the equal dignity of every human being enables us to live in society according to a moral attitude which determines relations between individuals.

For his part, *Raúl Fonet-Betancourt* reflects on the relationship between ethics and human rights. In this context, when people experience a situation of oppression they “universalise the feeling that they are part of the human race and proceed to denounce injustice and to claim the right to be recognised and respected as (human) subjects of (human) rights”,<sup>262</sup> Similarly, an individual experiencing a situation of suffering and injustice will activate *historical memory* and make us participants in that history, urging us to assume responsibility and continue writing the story of liberation. At the same time, human rights are “above all an integral part of an open tradition surrounding the memory of human liberation which might be described as ‘transcending’ cultures, countering a tendency towards *damnatio memoriae* that nourishes those processes vested in a hegemonic stabilisation of culture”.<sup>263</sup> As Fonet himself argues, human rights cannot be privatised, but like world heritage are a fundamental part of our culture, of our existence. In this sense, “inherent in the idea of human rights is an *ethos* characterised by its very capacity to ‘transcend’ determined cultural spaces and to stimulate an ethical critique of cultures, both within them and between them”.<sup>264</sup> In this way, through open intercultural discussion, it is complemented by the fundamental objective: “the defence of human beings, their life and their dignity”.<sup>265</sup>

In the light of the ideas put forward by Raúl Fonet-Betancourt, let us focus – as far as we can – on the conditions of life in our country. The first idea to highlight here is the indignation that is aroused among individuals and peoples by a failure to recognise their dignity; naturally, alongside the definition already invoked, underlying the failure of recognition there lies a failure to acknowledge the truth which teaches that every person has “intrinsic and inviolable worth”,

<sup>262</sup> Fonet-Betancourt, R., “Los derechos humanos, ¿fuente ética de crítica cultural y de diálogo entre las culturas?”, in: *ibidem*, *Transformación intercultural de la filosofía*, Bilbao 2001, 286f.

<sup>263</sup> *Ibid.*, 288.

<sup>264</sup> *Ibid.*

<sup>265</sup> *Ibid.*, 294.

something which every human being latently or implicitly knows to be true. Indignation arises because a situation, a person or a social group seeks to deny this truth in pursuit of private gain. For this reason, let us dwell here, again, on the etymological roots of the word “indignation” [Latin *indignus* = unworthy]. Initially, it refers to a negation of that truth which states that every individual has dignity, for example by considering that someone is “undeserving of the quality and merit attributed to a person”; and by extension it refers to the vehement reaction which this negation provokes in the person concerned, as in the phrase “I was indignant”.

Another aspect to highlight in this input from R. Fonet-Betancourt is that human rights can be used as a yardstick for cultural critique, as we can use them to test our culture and detect any cultural traditions which operate as anti-values, “denigrating and tarnishing” the universal dignity of persons. In this context, the author speaks of a militant attitude which must be adopted by everyone who participates in social interaction: “the commitment to universalise the humanity of man”<sup>266</sup>, or in other words to fight for the universal human essence which must be recognised in everyone.

Finally, we should mention the role of *damnatio memoriae* caused by systemic domination and its huge cultural apparatus, which condemns people to double oblivion: they forget not only their own dignity, but also the historical acts which curtailed their own dignity and that of their fellow citizens. Clearly, many cultural, political and religious manifestations target the universal dignity of individuals through products, attitudes or doctrines which diminish the essential stature of individuals. We are well advised to propagate a counter-culture in order to take seriously the task of “universalising” what is human in every person.

## Conclusions

Perhaps the most important projection of the concept of human dignity into the practical sphere is associated with political life. Social “convivencia”, the distribution of work, the education system, the health institutions, the dispensing of justice and religious peace are some of the areas in which there is a need to establish recognition

with a view to radically transforming the nature of relations between individuals and social groups. Achieving a society in which the members mutually recognise each other’s dignity is a national project that begins with the enlightenment of citizens: individuals cannot be expected to recognise one another if they do not *know* about the mutual dignity they bear; social institutions such as the family, the classroom and the civic community play a crucial role.

Of course, the advancement and stewardship of a culture which is not simply democratic but truly humanist will depend on governments and media consortia. The former should, through their school systems, educate individuals to build a culture in which human dignity is fully valued; at the same time, they should implement a legal apparatus and judicial system that will monitor and penalise any abuse committed against personal dignity within the social community (bullying, workplace harassment, sexual harassment, racism, discrimination, etc.). As for the large-scale media, drawing on their tremendous reach and influence they need to open up creative spaces, both in programming and in advertising, where an alternative culture can spread beneficially as a counterweight to the reifying, denigrating culture of the present day.

<sup>266</sup> Ibid., 291.

**Violation of Human Dignity as a  
Foundational Basis for the  
Postulation of Human Dignity**

# Disregard for Human Dignity as a Key Experience

Peter G. Kirchschräger

Human dignity has been characterised in various ways in the current philosophical debate: as “abracadabra”, something that is “liturgically propagated and accompanies all legislation, thus symbolically reinforcing the sacred form of that legislation through the magic of human dignity”<sup>267</sup>, and as a “conversation stopper which settles the question once and for all and tolerates no further discussion”<sup>268</sup>. These characterisations show that human dignity is in danger of becoming an empty formula, devoid of any meaning, so that we need to clarify what we actually mean by it. Furthermore, the descriptions also indicate that we require a basis on which we can substantiate human dignity.

This article starts with an overview of positive definitions of the term “human dignity”. The second step is an introduction to the Christian understanding of human dignity. Thirdly, based on a discussion of those positive definitions and the Christian understanding of the term, we will look at violations of human dignity as a foundational basis for postulating and then establishing this concept.

## Positive definitions of human dignity

Human dignity<sup>269</sup> is often understood as something that gives humans their humanity, based on the idea that this is what distin-

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<sup>267</sup> Cayla, Olivier, “Dignité humaine: Le plus flou de tous les concepts”, in: *Le Monde*, 31.01.2003, 14.

<sup>268</sup> Birnbacher, Dieter, “Mehrdeutigkeiten im Begriff der Menschenwürde”, in: *Aufklärung und Kritik* 2, Special edition 1 (1995), 4–13, here: 4.

<sup>269</sup> For the discussion on human dignity as a concept cf. Spaemann, Robert, “Der Begriff der Menschenwürde”, in: Böckenförde, Ernst-Wolfgang/Spaemann, Robert (eds.), *Menschenrechte und Menschenwürde*, Stuttgart 1987, 295–316; Bayertz, Kurt, “Die Idee der Menschenwürde: Probleme und Paradoxien”, in: *Archiv für Rechts- und Sozialphilosophie*, No. 81 (1995), 465–481; Höffe, Ottfried, “Wessen Menschenwürde?”, in: Geyer, Christian (ed.), *Biopolitik*, Frankfurt on the Main 2001, 65–72.

guishes us from other beings. It often presupposes an *absolute or inherent concept of dignity* whereby, unlike other species, each individual is accorded an absolute value based on human dignity<sup>270</sup>, “simply because they are persons”<sup>271</sup>. Human dignity is a permanent feature of a human being and therefore something which cannot be acquired, lost or regained.<sup>272</sup> *Absolute or inherent human dignity* follows a line of argument that is based on natural law<sup>273</sup>, explaining it with reference to the “nature” of a human being. The central point of a natural law argument is that there are fundamental, pre-state, timeless, objective and predetermined values that form part of a natural order (in the case of Christianity, for example, God’s creative order<sup>274</sup>) and which can be derived from it.

Comments on absolute or inherent human dignity make reference to specific properties or characteristics that are typical of humans. This makes it possible to counter accusations of speciesism: if other, non-human creatures also had those properties or characteristics, they would be endowed with the same dignity. This is the position, for instance, of Immanuel Kant, on whose ideas much of the human dignity debate is based in one form or another. Kant interprets human dignity as the outcome of man’s moral capacity and autonomy, i.e. the human capacity for moral self-legislation.<sup>275</sup> The crucial difference from approaches based on natural law is that the foundation is no longer human nature, but a formal mode of moral capacity and autonomy. Moreover, the decisive criterion for people’s dignity is not their quality of being human but their rationality.

<sup>270</sup> Cf. Spaemann, Robert, op. cit., 297.

<sup>271</sup> Vlastos, Gregory, “Justice and Equality”, in: Brandt, Richard (ed.), *Social Justice*, Englewood Cliffs/New Jersey 1962, 31–72, here: 43.

<sup>272</sup> Cf. Balzer, Philipp/Rippe, Klaus Peter/Schaber, Peter, *Menschenwürde versus Würde der Kreatur*, Freiburg im Breisgau 1998, 20.

<sup>273</sup> This tradition is based on the theory of substance whereby human dignity is understood as an objective, pre-positive value, firmly embedded in human existence as something given by God or nature.

<sup>274</sup> Cf. also Augustine’s teachings on *lex aeterna* and *lex naturae* (e.g. Augustine, c. Faustus XXII 27).

<sup>275</sup> Cf. Kant, Immanuel, “Grundlegung zur Metaphysik der Sitten”, in: Weischedel, Wilhelm (ed.), *Werkausgabe*, No. 7, Frankfurt on the Main 1977, 79; cf. also *ibid.*, *Metaphysik der Sitten: Rechtslehre oder Tugendlehre?*, Frankfurt on the Main 1977, 434–435; cf. also Stetson, Brad, *Human Dignity and Contemporary Liberalism*, Westport 1998.

The absolute or inherent understanding of human dignity is distinct from a concept of human dignity as something that is ascribed to humans. Ascription means basing dignity on mutual recognition. It is seen not as something inherent in humans, but as intersubjective. This approach is taken by Jürgen Habermas who sees the foundation of human dignity as located “solely in reciprocally recognised interpersonal relations and in the egalitarian treatment of one another”<sup>276</sup>. Here the notion of all humans being equal is not based on anything given, but on the assumption of equal treatment.<sup>277</sup> What can be criticised about this recognition theory is that the idea of ascription itself says nothing about the reasons for ascribing dignity. As a result, one cannot preclude the risk of arbitrariness.

But the absolute or inherent concept of human dignity also differs from a contingent understanding of dignity. Here, dignity depends on the autonomously rendered performance of a human being, i.e. the function which a person has in society or fulfils in the service of society. It is this performance that creates dignity.

Understood in this way, human dignity is seen as closely associated with the concepts of “respect” and “self-respect”. Julian Nida-Rümelin, for instance, describes the capacity for self-respect as a condition for human dignity.<sup>278</sup> If beings are capable of respecting themselves, then they have human dignity. Joel Feinberg sees the reason for human dignity in the ability of humans to claim their rights.<sup>279</sup> However, there are three problems with approaches of this kind. Firstly, if external factors cause a person to lose their capacity for self-respect or their ability to claim their rights, they can indirectly be held partly responsible for the violation of their human dignity. For example, torture victims would be partly responsible for losing their capacity for self-respect and thus also for the violation of their human dignity. If self-respect or the ability to claim one’s rights were made a condition for human dignity, this would also have the

<sup>276</sup> Habermas, Jürgen, *Die Zukunft der menschlichen Natur: Auf dem Weg zu einer liberalen Eugenik?*, Frankfurt on the Main 2001, 67.

<sup>277</sup> Cf. Wolbert, Werner, *Der Mensch als Mittel und Zweck: Die Idee der Menschenwürde in normativer Ethik und Metaethik* (Münsterische Beiträge zur Theologie, No. 53), Münster 1987, 110–124.

<sup>278</sup> Cf. Nida-Rümelin, Julian, *Ethische Essays*, Frankfurt on the Main 2002, 405–410.

<sup>279</sup> Cf. Feinberg, Joel, “The Nature and Value of Rights”, in: *idem*, *Rights, Justice, and the Bounds of Liberty – Essays in Social Philosophy*, Princeton 1980, 143–155.



problematical consequence that infants, embryos, foetuses, people with disabilities, coma patients, etc. would be partly or completely excluded.

Another problem with both approaches is that there are cases in which human beings are violated in their dignity through humiliation, yet this specific capacity is not actually taken away from them (three manifestations: their capacity for self-respect, their ability to create a coherent self-image for themselves and their ability to claim their rights).<sup>280</sup>

### The Christian understanding of human dignity and its theological foundation

In the Christian tradition, respect for the dignity of all humans is based on the Judaeo-Christian belief that man is made in God's image, as expressed in Genesis 1:26-27. Judaeo-Christian doctrine on the divine likeness of man is based on two nouns: (1) the Hebrew word *sālām* – a sculpture, reflection and sometimes also an idol and an appearance or something that is smaller or less significant than the original; (2) *demot* – an abstract verbal noun meaning appearance, similarity, equivalent. As a general point it is important to note that “the passage is not so much about a description of man's divine likeness, but about the purpose of this likeness. It is less about the gift and more about the assignment.”<sup>281</sup> The Hebrew word *sālām* (translated as image or likeness) was also used for a statue which, at the time, was set up to represent the king on the main square of a city where it ensured that his presence was perceived even when he was

<sup>280</sup> There are similarities here with Horn, Christoph, “Die verletzbare und die unverletzbare Würde des Menschen – eine Klärung”, in: *Information Philosophie*, No. 3 (2011), 30–41, here: 38.

<sup>281</sup> Rad, Gerhard von, *Das erste Buch Mose: Genesis* (Das Alte Testament deutsch, No. 2/4), Göttingen 1967, 46; cf. Middleton, J. Richard, *The Liberating Image – the Imago Dei in Genesis I*, Grand Rapids 2005; Schuele, Andreas, “Made in the ‘Image of God’: The Concepts of Divine Images in Gen 1-3”, in: *Zeitschrift für die alttestamentliche Wissenschaft*, No. 117 (2005), 1–20; *ibid.*, “Menschsein im Spiegel der biblischen Urgeschichte (Genesis 1-11)”, in: Janowski, Bernd/Liess, Kathrin (eds.), *Der Mensch im Alten Israel (Herders Biblische Studien 59)*, Freiburg im Breisgau 2009, 591–611; Neumann-Gorsolke, Ute, *Herrschen in den Grenzen der Schöpfung: Ein Beitrag zur alttestamentlichen Anthropologie am Beispiel von Psalm 8, Genesis I und verwandten Texten (Wissenschaftliche Monographien zum Alten und Neuen Testament 101)* Neukirchen-Vluyn 2004; Niskanen, Paul, “The Poetics of Adam: The Creation of Adam in the Image of Elohim”, in: *Journal of Biblical Literature*, No. 128 (2009), 417–436.

absent.<sup>282</sup> We can therefore read Genesis 1:26-27 as being practical and relational:<sup>283</sup> Acting on God's behalf and in God's place, man has a responsibility towards other humans and creation.<sup>284</sup> Humans have been entrusted with the task and thus the responsibility of looking after and caring for creation and for their fellow-humans.<sup>285</sup> This means their role is to deputise for God in this world.

If this is our understanding of man's divine likeness, then God's creation is endowed with a further special quality<sup>286</sup>, in addition to its provenance: a clear focus on God. This focus forms the basis for a relationship with God and should be particularly strong between humans and God. The special relationship between humans and God is also the foundation of relationships among humans and with the rest of creation. This emphasis on the human community and on relationships is especially highlighted in the older creation account, which comes second in the Bible (Genesis 2:4b-24)<sup>287</sup>, an account which is presented without value judgements. It is about our relatedness to one another and our participation in God's creation from the very beginning.<sup>288</sup>

Gen. 1:26-27 should of course be read in conjunction with Gen. 5:3 where the same term is used to express the similarity between father and son (Adam and Seth). When we look at the semantic relationship between Gen. 1:26-27 and Gen. 5:3, the significance of man's divine likeness is therefore specially emphasised by the concept of the closest possible kinship, i.e. between a father and his son. Not only does man undertake a task on God's behalf, but his similarity to God is like that between a child and its parents.

<sup>282</sup> Cf. Loretz, Oswald, “Der Mensch als Ebenbild Gottes”, in: Schefczyk, Leo (ed.), *Der Mensch als Bild Gottes*, Darmstadt 1969, 114–130, here: 118.

<sup>283</sup> Cf. Barr, James, “The Image of God in the Book of Genesis: A Study of Terminology”, in: *Bulletin of the John Rylands Library*, No. 51 (1968), 11–26.

<sup>284</sup> Cf. Middleton, J. Richard, *op. cit.*

<sup>285</sup> Cf. Gross, Walter, “Die Gottesebenbildlichkeit des Menschen im Kontext der Priesterschrift”, in: *Theologische Quartalschrift*, No. 161 (1981), 244–264.

<sup>286</sup> Cf. Rad, Gerhard von, *op. cit.*, 47.

<sup>287</sup> Cf. Kirchschräger, Walter, “Über die ungeteilte Würde des Menschen: Biblische Herleitungen”, in: Dangl, Oskar/Schrei, Thomas (eds.), *Bildungsrecht für alle? (Schriften der Kirchlichen Pädagogischen Hochschule, No. 4)*, Vienna/Krems 2011, 63–82.

<sup>288</sup> Cf. *ibid.*

Man's divine likeness is emphasised further when the fundamental Christian principle of loving one's neighbour (Mk. 12:28-34, Rom. 13:8-10 and Gal. 5:14) corresponds with the universality of human dignity, i.e. "ethically and legally, the recognition of fundamental equality between all humans", and the exclusion of the "adoption of a particularistic standpoint [...], which forms the basis of all forms of discrimination in whatever way".<sup>289</sup> Every person is seen as human, as a "neighbour" – a brother or sister of Jesus Christ. Whenever anyone is in distress, they are identified with Jesus (see also Mt. 25:40-45). The central focus is on human beings as God's creatures; nothing else matters. The dignity of each and every person does not depend on ethnicity, social position or gender, an idea that is firmly anchored in the words of Paul in Gal. 3:28, even though this passage primarily refers to baptised Christians: "There can be neither Jew nor Greek, there can be neither slave nor freeman, there can be neither male nor female – for you are all one in Christ Jesus."

When looking at this biblical tradition of universality, it is important to respect its specifically Christian character and not to deny it. Otherwise we risk negating the explosive force of this biblical message, particularly in the context of the time. With reference to the note (above) on Gal. 3:28, we must not therefore overlook the distinction that is made between general humanity, on the one hand, and Christians by virtue of the resurrection, on the other. Where respect for human dignity is concerned, this might, of course, be seen as problematic.<sup>290</sup> All humans – not just Christians – have a divine likeness and therefore the same dignity.<sup>291</sup>

In the current debate on human dignity the Christian emphasis on this quality as God-given makes it possible to see human dignity as independent of the way people lead their lives or even as existing in spite of it. If human dignity is regarded as God-given, it can be

<sup>289</sup> Cf. also Dieter Witschen, who comments that Christian ethics must always express the universality of human rights. Witschen, *Dieter, Christliche Ethik der Menschenrechte: Systematische Studien, Studien der Moraltheologie*, No. 28, Münster 2002, 23–31, here: 9–11.

<sup>290</sup> Cf. Wolbert, Werner, *Menschenwürde, Menschenrechte und Theologie, Salzburger Theologische Zeitschrift*, No. 7 (2003), 161–179.

<sup>291</sup> Cf. also Loretan, Adrian, *Religionen im Kontext der Menschenrechte* (Religionsrechtliche Studien, No. 1), Zurich 2010, 59; Gabriel, Ingeborg, *Woher kommen die Menschenrechte? Spurensuche in Bibel, Theologie, Tradition und moderner politischer Kultur: Freunde der Theologischen Kurse, Manuskripte* 6, 2009, 2–20, here: 7.

defended against interpretations<sup>292</sup> describing it as something to be realised or seeing human beings as devoid of that dignity because they have committed particularly severe human rights violations.<sup>293</sup>

From a Christian perspective, it is vital to give human dignity its due weight, to call upon everyone to respect human dignity and to provide encouragement for humans to fulfil their God-given role and their responsibility for mankind and for creation.

### Violations of human dignity as a foundation for postulating the existence of such dignity

When we look at an open, abstract understanding of human dignity and religious or ideological concepts of the same, it transpires that, as far as their general applicability is concerned, the underlying models of philosophical reasoning are not really all that different from one another. Some base their understanding of human dignity on man's natural capacity for reasoning (e.g. Immanuel Kant, who bases it on man's autonomy and moral capacity), while religious reasoning is based, for instance, on man's divine likeness. Yet, from a philosophical perspective, both are challenged by the same fundamental issue: the principle of general applicability. After all, both might limit the group of people addressed and go against the universality of human dignity. The risk in both reasoning models is that of building too much on metaphysical assumptions which might prevent any general applicability.<sup>294</sup>

Furthermore, any absolute concept of dignity and the associated arguments based on natural law can give rise to an accusation of circularity: man has human dignity because man is man. This limitation might also include an element of speciesism, whereby human beings are seen as bearers of human dignity solely on account of their membership of the human species.

<sup>292</sup> Cf. Wolbert, Werner, op. cit., 161–179, here: 167.

<sup>293</sup> Tendencies in this direction can be seen, for instance, in the fight against terrorism. Kirchschräger, Peter G. et al. (eds.), *Menschenrechte und Terrorismus* (International Human Rights Forum [IHRF], Lucerne), No. 1, Bern 2004.

<sup>294</sup> Cf. Sandkühler, Hans Jörg, Art. "Menschenwürde", in: *ibid* (ed.), *Enzyklopädie Philosophie*, Hamburg 2010, col. 1533–1558, here: col. 1555.

Although, as we saw above, Immanuel Kant is not guilty of speciesism, there is still the problem of his reference to man's moral capacity and autonomy, as this might justify discrimination against people who are limited in those areas, who cannot use those qualities actively or who do not have them in the first place (e.g. people with disabilities, coma patients, embryos, etc.). As it is important to preclude any potential discrimination, we must be highly sensitive to any elements that might be discriminatory in a theoretical discussion of human dignity.

However, when dealing with borderline issues, this argument can be countered with the help of "supportive arguments". Moral capacity and autonomy can, for instance, also be found as predispositions in people who are limited in the use of those qualities or who cannot use them actively at all. Their presence can therefore be assumed in such humans, thus countering any accusation of being discriminatory. Yet this does not answer the question of why human dignity should be based entirely on one particular quality or capacity among so many human qualities and capacities. After all, if this quality or capacity is accorded so much significance, yet it is limited within a person, or they cannot activate it or they do not have it at all, then such a restriction automatically has a discriminatory impact on people, because they differ in such a major area. This risk cannot be eliminated by means of supportive arguments. We can see this potential risk of discrimination, for instance, in Martha C. Nussbaum who goes so far as to deny that some people with disabilities are human. She maintains "that certain severely damaged infants are not human either, even if they are born from two human parents; and that the same applies to those with global and total sensory incapacity and/or no consciousness or thought and those with no ability at all to recognize or relate to others. (This of course tells us nothing about what we owe them morally; it just separates that question from moral questions about humans)."<sup>295</sup> So although positive definitions of human dignity make the concept more tangible, they do have some inherent potential for discrimination (as described above).

<sup>295</sup> Nussbaum, Martha C., "Human Capabilities, Female Human Beings", in: idem./Glover, Jonathan (eds.), *Women, Culture and Development: A Study of Human Capabilities*, Oxford 1995, 82.

Negative definitions of human dignity which are based on its violation<sup>296</sup> share one advantage with positive definitions, as both contribute a concise and materially specified understanding of human dignity to the debate. At the same time, however, a negative understanding of human dignity does not have the same potential for discrimination, as it says nothing about the qualities or capabilities that a person must have to be a bearer of human dignity. Instead, the approach is based on violations of human dignity that are suffered by people either potentially or genuinely and which must be stopped, prevented and avoided. Roberto Adorno says: "Human dignity may become more visible in weakness than in power, in vulnerability than in self-sufficiency."<sup>297</sup>

The vulnerability principle opens up access to human dignity and forms the foundation for the underlying reasoning. It includes, *firstly*, a person's self-perception of their own vulnerability.<sup>298</sup> For example, even if people are healthy, they are aware that they might face health issues in the future. And even though they may be leading a very happy life at the moment, they know that they might be killed by others. A person thus undergoes a process of unsettlement, as they are made aware of their vulnerability and ultimately their own transience.<sup>299</sup>

*Secondly*, one major part of the vulnerability principle is the "first-person perspective"<sup>300</sup>. When human beings become aware of their own vulnerability, this is a matter of self-perception<sup>301</sup>, so it is irrelevant

<sup>296</sup> Cf. Margalit, Avishai, *The Decent Society*, Cambridge 1996.

<sup>297</sup> Adorno, Roberto, "Four Paradoxes of Human Dignity", in: Joerden, Jan C. et al. (eds.), *Menschenwürde und moderne Medizintechnik*, Baden-Baden 2011, 131–139, here: 136.

<sup>298</sup> For a more detailed treatment of the vulnerability principle cf. Kirchscläger, Peter G., "Wie können Menschenrechte begründet werden? Ein für religiöse und säkulare Menschenrechtskonzeptionen anschlussfähiger Ansatz" (*ReligionsRecht im Dialog*, No. 15), Münster 2013, 231–267.

<sup>299</sup> Cf. Hoffmaster, Barry, "What Does Vulnerability Mean?" in: *The Hastings Centre Report*, No. 36/2 (2006), 38–45, here: 42.

<sup>300</sup> Cf. Runggaldier, Edmund, "Deutung menschlicher Grunderfahrungen im Hinblick auf unser Selbst", in: Rager, Günter/Quitterer, Josef/Runggaldier, Edmund (eds.), *Unser Selbst – Identität im Wandel neuronaler Prozesse*, Paderborn 2003, 143–221.

<sup>301</sup> These ideas can also be widened to cover a discussion of the vulnerability of others. Referring to Émmanuel Lévinas, Per Nortvedt says: "Ethics is the awakening of consciousness in the concrete experience of vulnerability. Ethics is the traumatic awakening of a consciousness no longer for itself, but before the other. The only way to know the otherness of the other, this always incomprehensible otherness, is by taking responsibility

whether their perception is empirically correct or not. What matters is that, being aware of their vulnerability, they wish to do something to protect themselves against it or to find a reasonable way of dealing with it.

This is an awareness formation process in which a “first-person perspective” opens up to people as individuals; they themselves are the subject of their own self-perception, which gives them access to their own vulnerability. This anthropological starting point of vulnerability is experienced by each individual as an ego subject (i.e. in the first person singular). Moreover, when people interpret their anthropological starting point, i.e. vulnerability, they do so as ego subjects. All their actions, decisions, suffering and life are based on the individual as the ego subject.<sup>302</sup>

*Thirdly*, human beings understand from their “first-person perspective” that this perspective, too, and their “relationship with themselves” are dominated by vulnerability.

*Fourthly*, the process of becoming aware of one’s vulnerability and the “first-person perspective” are responsible for people finding their place in a relationship with themselves and with others. And as they find their place, they become aware that they are not the only ones who are vulnerable, but that they share this vulnerability with all human beings.

*Fifthly*, the latter provides a key for us to understand that, as humans become aware of their own and everybody else’s vulnerability, the common features include not just vulnerability, but also a personally specific “first-person perspective” of their own vulnerability and of the vulnerability of others as well as a personally specific “rela-

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for the other person” (Nortvedt, Per, “Subjectivity and Vulnerability – Reflections on the Foundation of Ethical Sensibility”, in: *Nursing Philosophy*, No. 4 (2003), 222–230, here: 227). I would place the starting point for perceiving other people’s vulnerability in the self-perception of one’s own vulnerability.

<sup>302</sup> “This is because, by acting and suffering, people experience themselves as living beings who do not just live like all the other beings, but who lead their own lives. By relating to themselves and acting not out of pure necessity or sheer chance, but by being guided by reasons and freely chosen purposes, people have a way of life which connects them to all other humans in a common kinship. This way of life is also what makes them vulnerable, as the self-image that goes with it is dependent upon fundamental conditions for its implementation.” (Honnfelder, Ludger, “Theologische und metaphysische Menschenrechtsbegründungen”, in: Pollmann, Arnd/Lohmann, Georg (eds.), *Menschenrechte – ein interdisziplinäres Handbuch*, Stuttgart 2012, 171–178, here: 171f.)

tionship with themselves”. All human beings are the subjects of their own lives. This opens up to individuals a perception of everyone’s equality concerning their vulnerability, the “first-person perspective” and the “relationship with themselves”. People thus understand that the “relationship with themselves”, which is associated with the “first-person perspective”, actually makes it possible for them to live their lives as human beings.

*Sixthly*, based on the preceding five points, we can see that vulnerability as such has no moral quality, but that the vulnerability principle is normatively charged with certain moral claims, i.e. a “first-person perspective” and a “relationship with oneself”. The vulnerability principle applies to all humans and distinguishes them from all other beings. It opens the door to human dignity, which people then ascribe to one another on the basis of that principle. What gives people their human dignity, therefore, is not their vulnerability but the fact that they must deal with that vulnerability and its relevance. They do so because they become aware of their “first-person perspective” and their own and everyone else’s “relationship with themselves” – elements which they understand as a condition for living their lives as human beings. Moreover, they also understand their “first-person perspective” and “relationship with themselves” as the wider vulnerability of all humankind.

Based on the vulnerability principle, the violation of human dignity can provide grounds for establishing human dignity, yet without requiring us to explain the qualities which a person must have in order to deserve respect, i.e. the qualities that make them human. Also, this foundational basis can be linked to experiences of violations which may occur in a variety of religions, cultures, traditions, civilisations and worldviews, because the vulnerability principle offers manifold and complex points of contact. Finally, as this foundation is *ex negativo*, it can be adapted to both religious and secular concepts of human dignity.

# Human Dignity: A Normative Foundation for Human Rights

Ganoune Diop

In this reflection, my objective is to make a case that human dignity, though not an empirical property, is the principle that provides the foundations for human rights, religious liberty, and more broadly the foundations for the worth and value of every person that would justify the mobilization of countless people of good will to secure freedom, justice, and peace for all. My basic postulate is that dignity, even though regarded in some postmodern contexts with suspicion as another tool for power and control,<sup>303</sup> remains the best foundation for relating to people, treating them with respect and honor. The human person is irreducible to being an object. Dignity is in our view the bedrock for what it means to be human and humane. It has been convincingly demonstrated that the issue of human dignity is not to be confined to a religious arena.<sup>304</sup> Significant contributions have shown

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<sup>303</sup> Hopgood, Stephen, *The Endtimes of Human Rights*, Ithaca/London 2013, 13, postulates “The increasing use by advocates of the language of ‘dignity’ to anchor human rights can be understood as an attempt to hold ground in the face of eroding authority [...]” He later in his book intimates that “the protection of human dignity can lead us in various directions, many of which are paternal and conservative.” (159) In his context Schopenhauer advanced a radical view of dignity when he wrote: “That expression dignity of man, once uttered by Kant, afterward became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals, or at any rate, of one that had any meaning. They cunningly counted on the fact that their readers would be glad to see themselves invested with such a dignity and accordingly be quite satisfied with it.” For another author, dignity is a pompous façade, flattering to our self-esteem but without any genuine substance behind it. Furthermore, it is said to be redundant at best – any content it has comes from another value, autonomy. (Cf. Rosen, Michael, *Dignity: Its History and Meaning*, Cambridge 2012, 178.) The right to challenge the legitimacy of either human rights or human dignity is more certainly an inherent right legitimized by the concept and reality of human rights itself.

<sup>304</sup> Alting von Geusau, Christiaan, *Human Dignity and the Law in Post-War Europe: Roots and Reality of an Ambiguous Concept*, Oisterwijk 2013, 6–7, traces two main philosophical roots. He writes: “The two main schools of thought having shaped the development of dignity in its legal framework in post-War Europe are the Christian tradition with its revival of natural



that human dignity “can be understood nonreligiously and applied universally, because it is a feature of human personhood.”<sup>305</sup> One can understand and describe human dignity in strictly secular terms as a purely secular concept; however, it would be a loss not to explore the various “harmonics” it displays in religious thought.

Religions have been historically part of the problem, e.g. wars of religions; however, they also contain at their core, values that are essential to make human experience of life worth living for. In a multipolar world of ideas the trajectories considered in this reflection focus on perspectives from Judeo-Christian traditions. In this configuration, despite numerous valuable contributions, conceptual clarification is needed as to the foundation of human dignity itself. Even though we explore a religious perspective, our overarching aim is to foster conversation and cooperation between religions and secular ideologies that could lead to a development of a culture not only of human rights but more fundamentally a culture of human dignity.

### **Human Dignity as Foundation for Human Rights and Freedom of Religion or Belief**

The foundation of human rights is human dignity. But according to Judeo-Christian traditions, the foundation of human dignity is the statement according to which humans are created in the image of God, according to His likeness.

People of all philosophies or religious persuasions affirm human dignity based on various premises. Christians believe that there is more that needs to be brought to the public square.

Before addressing the issue of human dignity, it may be worthwhile to highlight the values that seem to motivate people and nations to work together to make our world a better place. A fitting place to take the pulse of what matters most to people around the world is the forum of the pillars of the United Nations. The three pillars are the following:

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law thinking on the one hand, and enlightenment rationalism inspired by Kantian thought and its further development in post-War Europe on the other hand.”

<sup>305</sup> Kohen, Ari, “An Overlapping Consensus on Human Rights and Human Dignity”, in: Goodale, Mark (ed.), *Human Rights at the Crossroads*, Oxford 2013, 61.

1. Peace and security,
2. Justice and development, and
3. Human rights in terms of individual liberty, personal equality, and human dignity.

The concept of individual liberty can be further expanded to include freedom from want, freedom from fear, and freedom to live in dignity.

Violations of any of these pillars disrupt the dignity of human beings and erode the chances for social peaceful co-existence and cohesion. They deprive humans of the opportunity to live decently with dignity. Violations of human rights have one common denominator: the ignorance, negligence, or refusal to accept and affirm the dignity of every person.

In the context of the United Nations, the Millennium Development Goals, as tools, can also function as a thermometer for what matters to people in today’s world. Their implementation certainly functions as an antidote against the ills and woes that plague the human family.

Key to what matters to people and nations as reflected in the UN millennium development goals are protection of every person’s life, affirmation of human dignity, health, education, and equality including gender equality, development, and environmental sustainability. The Post 2015 agenda corroborates international assessment of what people and nations need.

The global community has taken enormous and significant steps in having crafted significant instruments to promote a global culture of rights. There is no lack of international conventions, agreements, covenants, and treaties (bilateral treaties, multi-bilateral treaties, and multilateral treaties) that show the importance of human rights in general and freedom of religion or belief in particular. However, the question still remains to be addressed anew: What is the foundation for human rights?

Beneath the justification for the need for peace and security, the need for justice and development, the acknowledgment, advocacy, promotion, and protection of human rights, there is a dimension of freedom of conscience and belief that is worth underlining: a concept that is given a significant perspective in the Judeo-Christian Scriptures

and traditions—human dignity. Human dignity is the foundation for freedom, for solidarity among all the people of the human race, and for caring responsibility for the environment entrusted to us with a view of preserving its resources for all to share.

### Human Dignity as a Foundation for Human Rights

People from various religious and philosophical backgrounds and persuasions share the belief that the foundation for human rights resides in the dignity of every human person. Human dignity is positioned as the normative foundation for life in society. It is assumed and evoked as justification to the founding document on human rights.

The idea of dignity is to the fore in human rights documents. The *Preamble* of the *United Nations Declaration of Human Rights* begins by saying that ‘the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’.<sup>306</sup>

Dignity and a life of dignity seem to lie at the heart of the United Nations. Its importance appears in the UN Secretary General recent call to action to transform the world beyond 2015. Specifically, this is a call to finish the endeavor begun by the Millennium Development Goals. The synthesis report is entitled “‘The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet’”.<sup>307</sup> Significantly, the first of the six essential elements for delivering on the SDG’s is Dignity. The others are Prosperity; Justice; Partnership; Planet and People. These elements are designed to offer conceptual guidance for the negotiations ahead.<sup>308</sup>

The concept of human dignity has drawn considerable attention from cross-disciplinary studies. However, even though the human family has benefited from the competence of many people in various domains of expertise: scientists, ethicists, legislators, lawyers, economists, physicians, philosophers, theologians, and others, the fact is that from bioethics to court decisions, opinions vary as to the foundations for human dignity.

<sup>306</sup> Trigg, Roger, *Equality, Freedom, and Religion*, Oxford 2012, 28.

<sup>307</sup> Cf. <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2014/12/04/un-secretary-general-s-call-to-action-to-transform-world-beyond-2015/> (06.07.2016).

<sup>308</sup> *Ibid.*

For many, the issue is not only to live but also to die in dignity. So-called pro-life advocates hotly debate what that means. Moreover, is human dignity innate or is it a virtue granted dependent of merits? The issue of human dignity informs opinions about stem cell research. Should stem cell research be limited to therapeutic goals or reproductive purposes? Article 11 of the UNESCO conference in the “Universal Declaration on the Human Genome and Human Rights” in 1997 states that, “Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted.”<sup>309</sup>

A jurisprudential approach has influenced several debates on human dignity. But even here clarity of thinking is needed.

It has been an important aspect of decisions in many cases, and numerous constitutional rights or interests have been aligned with human dignity in the last fifty-eight years. Nevertheless, no organizing jurisprudence is yet discernable. An increasingly significant constitutional precept, in fact, has grown with little guidance or refinement. It is a broadly based principle, somewhat less restrained than other doctrines. Indeed, it is ultimately intertwined with much of our juristic thinking about civil and political rights and freedoms and is, therefore, more eclectic at its base, more amorphous in nature and content, but more ubiquitous in import and use than any other constitutional principle.<sup>310</sup>

In politics, even democracy is essentially inseparable from the concept of human dignity.

Social justice, an incontrovertible component of what matters most to our global consciousness, “is more than an equitable distribution of wealth and a matter of public policy and spending. It is an issue of human dignity and human rights.”<sup>311</sup>

<sup>309</sup> Kapolyo, Joe M., *The Human Condition: Christian Perspectives through African Eyes*, Carlisle/Cumbria 2013, 6–7, contends that the UNESCO conference declaration is “by and large the position of most of the scientific community, and all the countries of the world agree with this Declaration, which prohibits the realization of a scientific possibility that is ethically unacceptable”.

<sup>310</sup> Paust, Jordan J., *Human Dignity as a Constitutional Right: A Jurisprudential Based Inquiry in Criteria and Content*. (The Social Science Research Network Electronic Paper Collection. University of Houston Public Law and Legal Theory Series 2012-A-2), 150.

<sup>311</sup> Nikken, Petro, “Social Justice in the Inter-American System of Human Rights: An Approach,” in: Lintel, Ida/Buyse, Antoine/McGonigle Leyh, Bianne (eds.), *Defending Human Rights: Tools for Social Justice: Volume in honor of Freid van Hoof at the occasion of his*

The root cause of suffering, the dehumanization and exploitation of the vulnerable and defenseless, the greed that systematically and systemically causes deprivation of basic subsistence to the poor, the use and abuses of women and children, the de-sacralization of human bodies reduced to objects of pleasure and disposables, all have the same root, that of despising the truth of the infinite value and worth of every human person: in essence, the dignity of every person.

The divisions, hostilities, tribal conflicts, and rivalries for the control of resources at local, regional, and global levels, the search for power to dominate others and use them for one's own interest, and the wars that inflict incalculable pain and suffering to millions of people on planet earth are all expressions of this one evil: refusal to recognize and respect the dignity of every person. When humans give in to violence and are addicted to power, there is no end to indignity.

There is, therefore, the need to develop a culture not only of human rights but more deeply a culture of upholding, promoting, and protecting human dignity.

In the African context it has been perceptively noticed "all being said, Africa works to promote new socio-cultural structures. We think that the real issue is about individual dignity which is necessary to reflect upon and be respected."<sup>312</sup> However, every people group faces this single challenge that determines the course of every relationship. A critical question of utmost importance is the following: How can the concept of human dignity and its implications for justice and peace be integrated into the very fabric of how people think, act, and relate to one another? Success in this area could reverse several dysfunctions within society.

The gains will be considerable: the respect of common space will lead all people of good will to participate in creating a welcoming

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*valedictory lecture and the 30<sup>th</sup> anniversary of the Netherlands Institute of Human Rights*, Cambridge 2012, specifies that "social justice can be related to a society organized fairly, which implies that its members can live and interact in a manner consistent with the dignity of the human person. Social justice requires that everyone has not only virtual but actual access to individual and social goods which are contained in human rights, in particular life, liberty, security, justice, participation in public affairs, work and a decent standard of living, which includes minimum levels of education, health and so on."

<sup>312</sup> Ndinga, Gabriel, *De la dignité individuelle en Afrique* (Dignité humaine en Afrique: Hommage à Henri De Decker), Yaoundé 1996, 81.

environment for the sake of the common good. Development for the sake of others, and eradication of corruption and its root, greed, will become a reality for a battered world where the poor paradoxically reside in the midst of enormous wealth and natural resources. The riches of African soil and the widespread poverty on this continent are a sad illustration of this paradox.

To improve the living conditions of millions of people around the globe, an impressive number of organizations and agencies work to inform persons and groups about their rights. These contributions of people from various fields of study bring awareness to the human family about their rights and at the same time their duties or responsibilities. An informed focus on dignity can greatly enrich the motivation for good.

A multidisciplinary approach and collaboration are warranted to address concretely the various challenges connected to the issue of human rights and the rights of minorities and all people groups. Key in this process is revisiting the foundation for human rights, specifically, human dignity.

Human dignity is a constitutional principle.<sup>313</sup> It enjoys a foundational status for several national constitutions. It is also considered an international legal precept. The translation and implementation of such a legal principle into rights that all people are aware of and benefit from, is a challenge to leaders and people of many nations. This is where the need to take into account other perspectives and domains of the human experience can be helpful to enrich the debate, consolidate the conviction of the foundational status of human dignity and provide a path forward in the betterment of human relations. This endeavor cannot be underestimated.

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<sup>313</sup> Several European constitutions insist on the foundational status of human dignity. The first article of the Basic Law for the Federal Republic of Germany (Grundgesetz) states that human dignity is inviolable. Likewise, the first article of the Constitution of Portugal for example states "Portugal shall be a sovereign Republic, based on the dignity of the human person and the will of the people and committed to building a free, just and solidary society." Later in Article 13, expanding on the principle of equality, it speaks of social dignity. The constitution of the United States of America does not contain the expression "human dignity"; however cognate concepts are referred to. See Vicki C. Jackson, *Constitutional Dialogue and Human Dignity. States and Transnational Constitutional Discourse* (Georgetown Law Faculty Publications and Other Works, 2004, Paper 106).

### Contributions of a Judeo-Christian Theological Anthropology

In this reflection, we make a case that the international community would gain to make this world a better place for human beings of all cultures, in promoting a culture of human rights focusing especially on its foundation, human dignity. Factoring input from the realm of theology is a valuable asset. Theology, from the perspective of theological anthropology, has particularly vital contributions to make about the importance, scope and relevance of human dignity as foundational to how we relate to or treats others.

In its own way, and on its own terms, consonant with their specific inner-logic, each world religion addresses the issue of human dignity. This topic actually provides a platform where authentic interfaith dialogue can take place.<sup>314</sup>

### Philological and philosophical considerations

Aside from the conversation about the legitimacy of challenging values that appear to many as self evident, talking about human dignity is a complex and difficult topic. As a word, “dignity” is characterized by polysemy. It is used in various domains of life: moral, ethical, theological, anthropological, and political to name but a few. It is considered the ground for inherent, inviolable and inalienable rights. It is also used to challenge any demeaning way human beings are treated. The persecution and oppression of vulnerable peoples violate their inherent dignity.

In spite of the fact that “human dignity” is rarely defined, some even advance that there can be no exact agreed upon definition, it is

<sup>314</sup> A comparative study of world religions and philosophies is beyond the scope of this article. Suffice it to note that, as Behrouz Yadollahpour concludes, no single understanding of human dignity gains unanimity in Islamic circles. “Detailed study of the exegeses and commentaries of the Holy Qur’an indicates that no single theory regarding human dignity is dominant among them. Although they quote from the same holy text, their key question on the human nature is entirely different from one another. Some hold that this endowed human dignity is essential to human beings of all ethnicity, skin color and the else and that human dignity is the distinguishing feature of humankind in acquiring virtue. Others, on the contrary, don’t regard dignity as essential to human kind but believe that as much as the one’s virtue and faithfulness increase, his requirements for dignity increase too.” 2011 International Conference on Sociality and Economics Development IPEDR, No. 10 IACSIT Press, Singapore 2011; Cf. Peacock, Philip Vinod, “The Image of God for Today: Some Insights on the Imago Dei,” in: Sheerattan-Bisnauth, Patricia/Peacock, Philip Vinod (eds.), *Crested in God’s Image: From Hegemony to Partnership*, Geneva 2010, 22.

evoked as justification for the right to decent treatment, the right to be respected or even honored.

The complexity of our topic is connected among other things to the fact that “dignity is not a property among other empirical data [...] Dignity is rather the transcendental ground for the fact that human beings have rights and duties.”<sup>315</sup> Therefore a specific delineation of its meaning and scope may present a challenge.

Nevertheless, even though considered a slippery term and in spite of its fluidity, the concept of human dignity seems to enjoy a convenient near consensus and a rallying point that mobilizes people of various interests and agendas, to the extent that most conventions, treaties, and covenants in the international arena evoke human dignity as the ground and justification for their own existence.

In a recent insightful article, Professor Heiner Bielefeldt, current UN special rapporteur on freedom of religion or belief, states,

Human dignity constitutes the very precondition for any normative interaction among human beings within and among societies. At the same time, the concept of human dignity has a long history and it strongly resonates within most religious and cultural traditions, including the Bible, the Qur’an. The works of Confucius, or Stoic philosophy, to mention a few examples.

He concludes,

This denotes the possibility that human dignity could become the center of an overlapping normative consensus shared by people from different religious or non-religious backgrounds, who otherwise may continue respectfully to disagree on many questions of ultimate concern.<sup>316</sup>

In his political and moral philosophy, Immanuel Kant found human dignity to be foundational.<sup>317</sup> For him, the human person, an intrinsically free being, has absolute inner worth. It is actually the inner

<sup>315</sup> Spaemann, Robert, *Love and the Dignity of Human Life: On Nature and Natural Law*, Grand Rapids 2012, 27.

<sup>316</sup> Cf. Bielefeldt, Heiner, “Misperceptions of Freedom of Religion or Belief”, in: *Human Rights Quarterly* (2013) 35, 33–68, here 68; Cf. also Kohen, Ari, op. cit., 61–71.

<sup>317</sup> Cf. Kant, Immanuel, *The Metaphysics of Morals, Part II – Metaphysical first principles of the doctrine of virtue*, translated and edited by Gregor, Mary, Cambridge 132009.

freedom, which characterizes human beings, that constitutes at the same time the innate dignity. It is in this discussion that is placed Kant's "most often quoted categorical imperative, his paradigm on the absolute inner value of human dignity, which is 'act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.'"<sup>318</sup>

Recently, Konrad Raiser has pointed out the correlation between human rights and human dignity in that

the term human rights...denotes both entitlements to basic freedoms and the legitimate expectation that needs will be satisfied. Thus understood, human dignity must be regarded as being at the centre of a human-rights discourse that emanates from the needs for decent life and not only from the requirements of the rule of law.<sup>319</sup>

The wide acceptance of its foundational status, in legal, political, ethical, social, and several other spheres, positions human dignity as a heuristic field of study that can help address and perhaps heal divisions, fractions, discriminations, and other ills that plague the public square.<sup>320</sup>

At an existential level, a critical perspective that has implications on the very meaning of life and determines every person's worth is the foundation for human dignity. Exegetes and theologians in the Christian tradition have in various ways attempted to clarify and explain the justification for human dignity in ways that have a unique impact upon the worth of every person and upon the ways people relate to one another.

The perspective upon which our reflection focuses on is the Judeo-Christian writings, specifically the Bible, where various writers address or intimate the justification for human dignity. It is postulated "from very ancient times theological thinking within the Judeo-Christian heritage has considered the *Imago Dei* or the Image of God to be the corner stone of thinking on who humans are and on their relationship to God, to other humans, and to the world around them."

<sup>318</sup> Altling von Geusau, Christiaan, op. cit., 99.

<sup>319</sup> Raiser, Konrad, *Religion, Power, Politics*, Geneva 2013, 131.

<sup>320</sup> Spaemann, Robert, op. cit., 27.

Well-known thinkers, from Augustine, Thomas Aquinas, and Calvin to Karl Barth, among others have contributed to showing the centrality of this question of human dignity, especially as it is connected to the issue of the so-called *Imago Dei*.

Mainstream Christian traditions have all affirmed the centrality of human dignity as a foundation for how to relate to, treat, and honor the worth and value of all human persons. There is more to human beings than political beings, or mere biological entities.

The consensus of thinkers from all streams of world Christianity on this issue is remarkable. One can argue that the concept of human dignity based on the fact that all humans are created in the image of God constitutes the gift of the Christianity to the world and the best platform where tangible unity exists among those who base their anthropology on the mystery and revelation of who God is and who those created in His image are.

The Second Vatican Council document, *Dignitatis Humanae*, unequivocally stressed the foundational nature of human dignity. The rich Orthodox traditions on human dignity provide critical reflections on the pitfalls of a one-dimensional humanist approach to human rights deprived of a Christian perspective.<sup>321</sup>

Orthodox writers have greatly contributed to the history of ideas as they relate to human dignity; particularly in the context of *apophatic anthropology*. It is stated that the "decisive element in our human personhood is that we are created in the image and likeness of God."<sup>322</sup>

Moreover,

"Human dignity is not some vague kind of civic pride but arises from the certainty that each human being is indeed a sacred person, the creation of a personal God. Human dignity has nothing to do with egotistical arrogance but is associated with an awareness of human greatness and its limitations. Dignity is marked by discretion, consideration, and respect for others."<sup>323</sup>

<sup>321</sup> Cf. also the Roman Catholic document *Gaudium et spes*.

<sup>322</sup> Cf. Archbishop Anastasios (Yannoulatos), *Facing the World: Orthodox Christian Essays on Global Concerns*, Crestwood 2003; Metropolitan Kallistos Ware, *Orthodox Theology in the Twenty-First Century*, Geneva 2012, 32.

<sup>323</sup> Archbishop Anastasios (Yannoulatos), op. cit., 60.



The WCC Faith and Order study document, *Christian Perspectives on Theological Anthropology*, can most certainly be considered a significant publication on the issue.<sup>324</sup>

### Justification for a Theocentric Anthropology

Addressing the future of the very concept of human rights in a multipolar world, a world of various religious and secular ideologies, John L. Allen Jr., the Vatican correspondent for the *National Catholic Reporter*, argues for the need of a “Catholic natural law theory and theological anthropology.”<sup>325</sup> The focus of this endeavor, he suggests, should be on an analysis of the spiritual dignity of the human person rather than political ideas derived from the Enlightenment.

His suggestion is welcome, especially in light of the broadening conversation about the universality of human rights as mainly framed through the lenses of secular rationality. The rich Asian traditions on the issue and Islamic perspectives on human rights also make it useful to revisit the specific contributions of the Judeo-Christian traditions in addition to the input of secular ideologies.<sup>326</sup>

Most religions, philosophies, and worldviews affirm human dignity. However, the justification for this dignity is variously construed. This is mainly due to the fact that their perspectives start from different premises. A conversation with world religions and world philosophies on the urgent consensus to uphold human dignity is one of the needed platforms to promote and uphold peace and justice among all people of good will.

The Judeo-Christian contribution to human dignity has the potential to help people live and relate to one another in ways that make life on planet earth a peaceful and joyful experience for all. This dignity is based on the fact that humans are created in the image of God according to His likeness. But since the Bible states that Jesus Christ is the image of the invisible God (Col. 1:15; 2 Cor. 4:4),

<sup>324</sup> *Christian Perspectives on Theological Anthropology: A Faith and Order Study Document*, Geneva 2005, 48.

<sup>325</sup> Allen Jr., John L., *The Future Church: How Ten Trends Are Revolutionizing the Catholic Church*, New York 2009, 445.

<sup>326</sup> Evans, Tony, *Human Rights in the Global Political Economy: Critical Processes*, London 2011, 60–87.

Christians take the issue of human dignity further. They factor in that their attitude to others has a correlation to their relationship with God. In other words, respect for people’s dignity reflects our respect for God. This is also true with the reality of love. The Apostle John stated it unequivocally: “Those who say, ‘I love God’ and hate their brothers or sisters, are liars; for those who do not love a brother or sister who they have seen, cannot love God whom they have not seen” (1 John 4:20)

Christians participate in the worth of Christ. According to Revelation 5:4, in the whole universe, He alone is worthy. In the context of this text framed in symbolic language, no one is found in heaven, on earth or under the earth, worthy to open the book of meaning and destiny of humankind but Jesus Christ. The perspective therefore, from which Christians view the whole of reality is the grace and privilege to participate in the dignity of God as revealed in Jesus Christ. His worthiness becomes the foundation for human dignity.

Obviously, this perspective is unique to the Christian faith. Even though in the Hindu traditions, the dignity of the soul (Atman) is connected to divinity (Brahman).<sup>327</sup> The context and issues related to Hindu inner-logic reflect different worldviews, theology, anthropology and soteriology as they relate to the meaning of human existence. The Christian discourse on dignity is based on a foundation of creation in God’s image and the trajectory of salvation history. The very idea of a God who comes to save the human race highlights the dignity and worth of people who are the object of such as commitment from God. The Apostle Peter puts the stake very high when he tried to convince Christians of their inestimable value. He made a case that they were not ransomed with perishable things like silver or gold but by a much greater sacrifice, the very life of Christ.<sup>328</sup>

### “In the Image of God” as Foundation for Human Dignity: Judeo-Christian Perspectives and Contributions

Each world religion or religious tradition reveals at its foundation an affirmation or concern for human dignity. The affirmation

<sup>327</sup> It is beyond the scope of this article to expand on dignity in other traditions. Suffice it to point to the importance of such a study for interfaith dialogue and cooperation.

<sup>328</sup> 1 Pet. 1:17–21.

of human dignity takes on a deliberate tone in the Judeo-Christian tradition. It is woven in the very fabric of the creation story. It provides a rationale for the respect for every person. The foundation for assessing the value, worth or dignity of a human being is inseparably connected to the revelation of God and His purpose in creating human beings.

#### Foundational Thesis:

The foundation for human dignity is that every person is created in God's image according to His likeness (Gen 1:26-27). God is the primary reference for understanding who humans are and how all persons ought to be treated.

According to a Judeo-Christian perspective, what makes humans unique in this created order is the endowment to relate to God in unique ways: to love God, to worship God in all freedom, and to fellowship with Him.

The premise upon which this reflection is based is that human beings are first positioned in a filial relationship to God. Humans are created for God. They are invited to fellowship in love with the Creator. The importance of this relationship is built on the love of God for every person God created in His image.

The essential dignity granted by virtue of being created in the image of God comes with the freedom to choose. This freedom obviously implies the freedom of thought and expression. The core of meaningful relationships, especially in the case of covenants, consists in the ability to choose and to change one's opinion. The very concept of "agreement" presupposes this. This logical implication applies when it comes to the issue of religious or non-religious affiliation. It is every person's right to believe or not to believe. Without this prerogative, coercion would characterize the relations between human beings. The roots of totalitarianism and the trampling of human dignity lie in the abuse, which deprives a human being or a group of people, whether minority or majority, of the fundamental right to believe or not to believe, to choose or to change.

We will now proceed to highlight a theocentric approach to human dignity, to underline that human beings are sacred beings and that our vocation is to participate in God's life, dignity, and character. To share and to promote life undergirds the best of humanitarian endeavors.

These endeavors should never be patronizing, or condescending as if people who need help are inferior. The dignity of all persons in need is an antidote of the humiliation or lack of genuine respect that can creep in the rapport between those who help and those who are helped. The rich concept of righteousness (*Tzedekah*) in Jewish thought can be of great help here.<sup>329</sup> Creation in God's image according to His likeness seems to place the respect and honor of every person on a secure ground. The nature and attributes of God as revealed in the Judeo-Christian Scriptures as they relate to people is what gives every person infinite value. At the same time, they reveal what it means to be human and humane.

#### Creation in the "Image of God"

Throughout the history of Judeo-Christian thought various explanations of Genesis 1:27 have been given.<sup>330</sup> These explanations have a bearing upon human identity, worth and significance. They address issues related to theological anthropology, bioethics, and several other fields of study.

Scholarly conversations have produced various understandings of the expression "image of God."<sup>331</sup>

- Substantive or ontological theories understand the "image of God" as consisting of qualities possessed by the human person whether in reference to human rationality, volition, spirituality, or freedom.
- Relational endowments refer to abilities that qualify humans to relate to God and to others.

<sup>329</sup> Cf. Diop, Ganoune, "Righteousness, a Common Core Value Among World Religions: A Pathway for Dialogue and Witness", in: *The Three Sons of Abraham: Interfaith Encounters Between Judaism, Christianity and Islam*, New York 2014, 93–114.

<sup>330</sup> Greathouse, William M., *Wholeness in Christ: Toward a Biblical Theology of Holiness*, Kansas City, 1998, 37. He remarks that "Going back to Irenaeus, Roman Catholic theology has traditionally made a distinction between the image (tselem) and the likeness (demut) of god in which we humans were created. In this view, image defines that which distinguishes humankind from the animal creation (rationality, freedom of will, immortality, and so on), while likeness defines the state of holiness in which 'Adam stood before he defected. This interpretation fails to take into consideration the fact that Genesis 1:26 is an instance of Hebrew parallelism; both terms have to do with parallel representations or models and are simply two ways of saying the same thing."

<sup>331</sup> McMartin, Jason, "The Theandric Union as Imago Dei and Capax Dei", in: Crisp, Oliver D./Sanders, Fred (eds.), *Christology Ancient & Modern: Explorations in Constructive Dogmatics*, Grand Rapids 2013, 137.

- Functional views emphasize human activities such as representative regency.<sup>332</sup> These latter views focus on task to perform rather than rights or intrinsic values.<sup>333</sup>

The following multifaceted underlying question is subsumed at the background of the issue: Does the expression “created in His image” refer to human abilities, intellectual possibilities, ethical or moral responsibilities, spiritual capacities, relational attributes? Is it an expression of a mandate to rule as God’s representatives, His image bearers?

A careful contextual study (both the immediate and the larger biblical context) reveals that there are dimensions that contribute to making sense of the verse according to which humans are created in God’s image. In the immediate context, the creation of Adam and Eve is distinguished from the creation of animals. Animals are created according to their kind, but humans are created in the image of God. Moreover, humans are entrusted with the stewardship of the earth. Also, in light of Genesis 5, creation in God’s image is connected to the idea of filiation. The primary perspective is not so much ability or responsibility but relational status or position in relation to God.

Furthermore, in the context of Genesis 9, the ban on murder is based on the very idea that humans are created in the image of God, according to His likeness (Gen 9:6). This brings the dimension of sacredness as constitutive of human identity.

Psalms 8 associates the concept of glory, honor and dominion to the creation of humans.

Critical to any legitimate interpretation is the fact that God is the model or foundation of how we understand who human beings are. In other words, theology is from a Judeo-Christian perspective key to thinking about biblical anthropology.

Knowing who God is is essential to knowing who humans are. Correlated to this knowledge, is an underlying assumption that

<sup>332</sup> Cf. Jonsson, Gunnlaugur A., *The Image of God: Genesis 1:26-28 in a Century of Old Testament Research*, Lund 1988, 219–23.

<sup>333</sup> This view connects the two commands of Genesis 1:26 and 28, taking the second as a purpose clause. In other words, “let them have dominion” is a purpose clause directly and contextually related to the first command “let us make man in our image after our likeness.” (Ibid., 29.)

humans are made capable of embodying or reproducing God’s communicable attributes (Gen 9:6; Rom 8:29; Col 3:10; James 3:9). There are attributes that are God’s unique prerogatives such as His omniscience, His omnipotence, and His omnipresence. However, attributes in reference to His character are to be reproduced in those created in His image.

One must obviously avoid the pitfall of reducing the image of God to an attribute or to a combination of attributes where the Bible is not as specific. A holistic approach to the biblical record in its entirety does more justice to such a fluid concept as this one.

From a grammatical point of view, the preposition in the phrase “let us make man in our image” can be understood as “let us make man as our image.” Humans are to be considered as images of God. In this perspective, humans function as living symbols of God: His representatives. This perspective is contextually consonant with the command Adam and Eve are given to reign over the creation on earth.

The best in humans reflect God’s attributes. This may be reflected in the concept of the fruit of the Spirit of God, which are love, joy peace, patience, kindness, generosity, faithfulness, gentleness and self-control (Galatians 5:22).

A key goal of what is designated as plan of salvation is the restoration of the moral image of God. Paul states it as follows: “Be renewed in the spirit of your minds and clothe yourselves with the new self, created according to the likeness of God in true righteousness and holiness” Eph. 4:23) This statement does not subsume that humans have completely lost the status of being in the image of God, for that would mean that what constitutes human dignity resides outside of humans.<sup>334</sup> The following two trajectories of thought are not contradictory. On the one hand, who humans ought to be is granted through regeneration, which is a gift from God of a new being created in the image of God the fullness of which is sought through sanctification. On the other hand, who all humans are in our present condition of being human testifies to a dignity by virtue of special creation. Every human being is created in the image of God.

<sup>334</sup> Cf. the discussion in Piper, John, “The Image of God: An Approach from Biblical and Systematic Theology”, in: *Studia Biblica et Theologica*, No. 1 (March 1971).

## God as Model of Being

### *God as Mystery Correlates with Human Nature as Mystery*

The God in whose image and in whose likeness humans are created cannot be confined or defined. As God is inexhaustible mystery, that is, one of whom it is impossible to know everything about, so are humans. The Apostle Paul would venture to say that human life is hidden in Christ (Colossians 3:3), and that when Christ appears then part of the mystery will be lifted. He said in another context that we know only in part but then we will know as we are known (1 Corinthians 13). The implication of the revelation of human beings as mystery is that human beings cannot be confined to any category. The mystery of every human person ought to be factored in in any of our dealings with one another. Mystery is constitutive to human dignity.

### *The Revelation of God as Inner-fellowship.*

From a Christian perspective, the Living God is a relational God within God's being. The mystery of God is that God is an inner-relational being. There is plurality within the one being of God. God is not an isolated solitary monad.

Humans are the pinnacles of God's creation. We were created to communicate with God in unique ways. The destiny of each person created in God's image is precisely fellowship with the triune God of love. The very goal of the whole history of salvation is the reversal of the separation from God and restoration of fellowship. The cessation of sickness, the disappearance of evil, the defeat and cancellation of death, the absence of conflict, the advent of peace and justice, and heaven itself are secondary to the presence of God and fellowship with him.

Humans are created to fellowship with God and with one another. God as model of relationality calls for humans to live in community, every person connected to the other with bonds grounded in God. There is one human race and one human family where all are related.

### *The Incarnation and Identification as Root for Solidarity*

God did not confine himself in a way that rendered Him inaccessible. In other words, He did not sequester Himself in unap-

proachable light. God came and became one of us in order to show us how to be human. In this perspective, according to Christian belief, the supreme model of being human is one who is called the Son of God, Jesus Christ. Another way of expressing the words of the book of Hebrews 1:3, the radiance of God's glory and exact representation of His nature.

## God identifies with every person

God identifies with human beings. He is involved in our destiny. God identifies with humans to such degree that our attitude toward the poor is correlated to our attitude toward God.

- "Whoever oppresses a poor man insults his Maker, but he who is generous to the needy honors him" (Prov. 14:31).
- "Whoever mocks the poor insults his maker" (Prov. 17:5).

Moreover, in the first covenant, God told Israel,

- "Whoever touches you touches the apple of my eye" (Zech. 2:8).

Likewise, Jesus identifies with humanity in such a way He could say

"Whenever you did this to the least of my brothers you did it to me." And again, He identifies with the hungry, the thirsty, the stranger, the naked, the sick, and the prisoner (Matt 25:35-36).

God identifies with humans; therefore, humans are called to identify with each other. Solidarity among humans is necessary. The creation of humans in the image of God prepares the way for the climax of the covenant, which is not only that humans imitate God by embracing God's communicable attributes, or that humans participate in the life of God, but also more essentially that God identifies with humanity.

God experienced the plight and predicament of humans and creation in order to liberate the world from evil and death. This is the ground for affirming human dignity, every person's dignity; because in the Judeo-Christian tradition God is the model for humans: our very being, our values, our doing and behavior have their source in Him. The whole edifice of the Christian faith is built on the premise that God assumed humanity to model what it means to be human.

God thus catapults human dignity to unprecedented heights. When we deal with humans we indirectly deal with God. The New Covenant even stipulates that if we do not love humans we see we cannot love God. Whatever is done to the least of Christ's followers is done to Him, in other words. Whatever is done to any human being is done to God.

The complete picture of God's relations to humanity is that, on the one hand, humans represent God as vice-regents, but on the other hand, God represents humans. The mediatorial or priestly office of Christ finds a remarkable expression here.

Through Christ Jesus, incarnation, death, resurrection, ascension, session as High priest, and kingship, God creates a new humanity, one family of people sharing the life, fruit, and gifts of the Holy Spirit: a new humanity where ontological hierarchy is abolished. All people become brothers and sisters. Every person is now endowed with infinite worth and value, in other words, dignity.

### **Jesus Christ as Image of the Invisible God**

One of the goals of the incarnation was to model what it means to be human from God's perspective. This did not limit itself to being an idea. Rather, Christians claim that to image God, God embraced humanity in a complete way by becoming human and thus provided the model of being human. Jesus unites divinity and humanity in an unprecedented and unsurpassable manner.

Only one man is the true image of God. Jesus is the true image of God. "In their case the god of this world has blinded the minds of the unbelievers, to keep them from seeing the light of the gospel of the glory of Christ, who is the image of God" (2 Cor. 4:4).

Created in God's image means created in the image of Christ, because Christ is the image of the invisible God. He is the icon, the visible face of God. The mystery of every person is inseparable from the mystery of Christ. In the New Covenant Christ frequently designates himself as the Son of man, the representative of humanity. What it means to be human is embodied in Him. Therefore His interest in the poor, the needy, the disenfranchised, the outcasts, the sick, and the marginalized, becomes the model for the world to emulate.

From a Christian perspective, Jesus Christ is the model of a new humanity, a new way of being human, grounded in love for every neighbor, every person created in the image of God. Freedom, justice, and peace are connected to his person.

### **The Love of God for the World: A Model for Relating to Others**

The root cause of God's involvement in human affairs is birthed by the love of God, the love that is constitutive to God's being. The climax of the Judeo-Christian Scriptures is the stunning declaration that God is love (1 John 4:8). He first loves human beings, declares the Apostle John. Consequently, humans are in fact created to reciprocate God's love. The importance of love appears already in the "Shema Israel" in Deuteronomy 6. Jesus Christ also reiterated it in His summary of the law and the prophets (Matt 22:37-40).

Human beings are created to manifest this love towards fellow human beings. The story of the Bible is mainly about the God who is love telling people that He so loves the world that He gave the person of His Son so that whosoever believes in Him may not perish but have everlasting life. The new commandment that Jesus reminded his followers of is to love one another. The affirmation of other people's dignity finds a compelling justification in the call to love one's neighbor.

God, in the first testament, told His covenant partner Israel: "I have loved you with an everlasting love" (Jer. 31:3). Furthermore, God's commitment to love is not intimidated by His people's response: "For the mountains may be removed and the hills may shake but my loving-kindness will not be removed from you, and my covenant of peace will not be shaken, says the Lord who has compassion on you" (Isa 54:10). A mother may forget her nursing child but God constantly remembers the object of his love (Isa 49:15).

But love cannot exist without freedom. Biblical narratives insist on this point. Love cannot be forced. No one can be forced to love. Love has to spring from a personal decision; otherwise, it cannot exist. This is the reason why freedom is essential to any meaningful relationship. Without the freedom to choose, love is not possible. Any form of manipulation or aggression violates the dignity of humans. Coercion kills love and prevents its reality. It erodes human dignity.



### The Generosity of God as Model for Being a Blessing to Others

God blesses; ultimately God is the supreme blessing, the supreme value. God's first acts according to the biblical narrative are associated with the concept of blessing. God blesses His creation. The climax of God's creation of human beings in His own image is the act of blessing them. It is the destiny of every human being to be blessed and to be a blessing. God's will to bless humans was reiterated with Abraham (Genesis 12). God purposed to bless all the families of the earth. Paul understood the gospel God preached to Abraham to be precisely the blessing of all nations.

"The Scripture, foreseeing that God would justify the Gentiles by faith, declared the gospel beforehand to Abraham, saying, 'All the Gentiles shall be blessed in you.' For this reason, those who believe are blessed with Abraham who believed (Galatians 3:8).

Jesus came to fulfill this pristine purpose of God. "It is you who are the sons of the prophets and of the covenant which God made with your fathers, saying to Abraham, 'and in your seed all the families of the earth shall be blessed.' For you first, God raised up His Servant and sent Him to bless you by turning every one of you from your wicked ways" (Acts 3:25-26). Humans are created to be blessed and called to be blessings to one another.

The Apostle Peter concludes his exhortations as follows:

"Finally, all of you have unity of mind, sympathy, brotherly love, a tender heart, and a humble mind. Do not repay evil for evil or reviling for reviling, but on the contrary, bless, for to this you were called, that you may obtain a blessing" (1 Peter 3:8, ESV).

Called to be a blessing—that is the calling of all followers of Jesus Christ. Humans, created in the image and likeness of God, are all called to be blessings to one another. Human dignity calls for the blessing of every person.

### God's Holiness as Testimony to the Sacredness of Every Person

God is holy. He is different. He cannot be confined in a box. He is always more than can be conceptualized. He is the "Other." Humans are called to be holy; that is every person's vocation. The priestly language used in Genesis hints at a concept that is developed in both

testaments. Human beings are sacred. Israel was called a holy nation (Exodus 19). The new covenant is based on the fact that the followers of Jesus are called a holy nation (1 Peter 2:9). Moreover, the Apostle Paul affirmed that people are temples of the Holy Spirit, indwelt by God.

This dimension of being created in God's image could be, in our view, the best incentive to respect of every person and affirm his or her dignity.

Human dignity is not some vague kind of civic pride but arises from the certainty that each human being is indeed a sacred person, the creation of a personal God. Human dignity has nothing to do with egotistical arrogance but is associated with an awareness of human greatness and its limitations. Dignity is marked by discretion, consideration, and respect for others.<sup>335</sup>

The idea of God's holiness includes a key component, which is that God should not be manipulated or used. The same applies to humans who are created in God's image. Humans are not to be used, abused, or defiled. They are sacred.

### God's Justice, Righteousness and Peace to Be Mirrored

God is a God of justice and righteousness, claim the Judeo-Christian Scriptures. Justice and righteousness are so central that without them, argues the prophet Amos, there can be no future for God's people (Amos 5:18-24), and no future for the world either. The prophet Micah had outlined what God expected from all humans: "He has told you O human, what is good; and what the Lord require of you.

But to do justice, to love kindness, and to walk humbly with your God? (Micah 6:8).

The acknowledgment and care for human dignity have to be translated into acts of justice towards all human beings. This is more than retributive justice as specified earlier. It is distributive justice that expresses itself in the name of our common humanity. Every person has the vocation to be dedicated to the wellbeing of others. The ground for this mandate is precisely human dignity.

<sup>335</sup> Archbishop Anastasios (Yannoulatos), op. cit., 60.

***God of peace***

The rich concept of shalom as complete physical, mental, emotional, spiritual well-being and healthy relations with God and with others is a main covenant outcome. Through the prophet Jeremiah, God makes a case that He “knows the plan He has for humans, plans of peace and a future” (Jer 29:11). Not only the Messiah called the prince of peace (Isaiah 9:6), but also key among the blessings of the New Covenant is being a peacemaker. Jesus in the so-called Sermon on the Mount said: Blessed are the peacemakers for they shall be called children of God (Matt. 5:9). This means they reflect the character of their creator. Being created in the image of God, equivalent to being children of God goes with peacemaking, conflict resolutions, and working for the building of peaceful relations.

***God of truth and faithfulness***

One of God’s revealed attributes is expressed by the word “Amen.” It expresses both ideas of truth and faithfulness. As such the notion of caprice and instability are distanced from the character of God. God present himself as dependable and reliable. The same attribute of Amen is also a title of Jesus Christ in the book of Revelation. In the third chapter, Jesus introduces himself as “the Amen, the faithful and true witness” (Rev. 3:14). The word “Amen” is one of the Hebrew terms not translated into Greek in the New Testament writings. Its polysemy and rich connotations include the idea of certainty, stability, firmness, and trustworthy. These are God’s attributes. The implication of this is that humans are also called to reflect God’s attributes and be dependable, truthful, and faithful. These are also expressions of human dignity.

***The Unity of the Human Race***

According to Judeo-Christian Scriptures, human beings, men and women, are the climax of God’s creation. Theirs is a very special creation, in which humans are created in the image of God, according to His likeness. Humans are in a special relationship to God. The most obvious contextual meaning of such an expression is that humans are in filial relationship to God.

The immediate implication is that humans are to reflect God’s character if they are true to this filial relationship. The other incon-

trovertible truth is that the whole human race has been created to be a family. If therefore, the biblical perspective is taken seriously, then all humans are connected in God in whose image we are created. In other words: everyone is connected to everyone. There is one human family, one human race. The dignity of every person finds its roots in this interconnectedness among humans and identity in God. The Christian discourse enriches such a concept in the fact that the new creation and the new humanity is referred to as being “in Christ.” In the breathtaking avalanche of praise the Apostle Paul shared in Ephesians 3:3-14, he located Christians adopted identity as children of God, blessings, redemption, sealing of the Holy Spirit, and inheritance, “in Christ.” This is also where the root of every person’s dignity is found. The new humanity “in Christ” is one of the Christian contributions to the hope of the world, hope for freedom, peace, unity and harmony through the upholding of every person’s dignity.

**Conclusion**

The foundational status of human dignity is undeniable. Human dignity is, in fact, the foundation of all other values in society, whether freedom, justice or peace. It is also the foundation for the concept and reality of human rights. It is essential to understand human dignity as central to the ordering of society. From this perspective, along the lines of the Kantian principle of the categorical imperative cited above, it is asserted that “human dignity is not a mere value that may be compared, let alone ranked, with other values. It is a foundational ‘stand-alone’ principle necessary to even be able to speak about the values of a society.” It is axiomatic and a precondition for any normative interaction among human beings within and among societies. In modern and postmodern pluralistic societies, it may be useful to articulate the content of human dignity in “strictly secular terms.” This obviously does not exclude the need to bring in the contributions of religious thought. The aim of this reflection was to highlight the contributions of the Judeo-Christian traditions, not only to point out human dignity as the foundation for human rights but also to suggest that according to a biblical worldview the concept of creation in God’s image and according to His likeness is construed as the very foundation for human dignity itself. This means also that the infinite value of every person is anchored in God, the model of being who identifies with everyone. All humans have the vocation to reflect God’s

attributes, participating in the life of God with the mandate to share and promote this life in a caring and responsible manner. To develop a culture not only of human rights but also of human dignity may greatly contribute to the building of a better world.

## Oscar Romero – Martyr of Human Dignity

Martha Zechmeister

“Everything that torments another person is hell. Everything that disregards and destroys human dignity is inspired by Satan and is the negation of love.”<sup>336</sup>

The very essence of human dignity often seems to shine forth most brightly when it is brutally ignored and snuffed out. It is precisely those who are robbed of all dignity, the victims, who embody it – in stark contrast to the barbarity of the perpetrators, whose actions destroy their own human countenance.

From a Salvadoran perspective, the concept of human dignity is inseparably linked to Oscar Romero, a prominent figure in the recent history of El Salvador. In his moment in history – the years immediately preceding the Salvadoran civil war (1980-1992) – Oscar Romero had the prophetic charisma and resourcefulness that enabled him to articulate the suffering of the people in El Salvador, thus giving them a powerful voice. In this war the majority of the population, who lived in poverty, experienced brutal repression in their just struggle for a more humane existence; they were subjected to barbaric violence and driven from their homes and villages. Plunged into a living nightmare of torture, flight and displacement, both within and outside the country, the people suffered painful separations from their loved ones through death and abduction. These people understood, immediately and unequivocally, that Oscar Romero was speaking about them, of what they suffered personally day by day. When he referred to them as “the crucified people”, their Bishop not only spoke pious words, but restored their dignity and gave them the ultimate hope that they are the crucified Christ in history. They are his martyred body, like the body of the poor man of Nazareth, in whom God was forever made flesh in this world marred by sin.

<sup>336</sup> Romero, Oscar, 10. July 1977, in: *ibid.*, Homilias, No. 1, San Salvador 2005, 183.

### Justification of human dignity on the grounds of faith

The language used by Oscar Romero confirms beyond doubt that his context was not the discourse of a secular society, one that was rooted in legal philosophy. On the contrary, he lived and thought within the realm of the Christian faith. As an educated humanist, he was naturally familiar with the discussion surrounding the “enlightened world”, with the justification for and the universality of human rights and human dignity. Yet, from an existential perspective, this was alien to him.

The term “human dignity” is a recurring leitmotif of the over one thousand sermons Romero preached between 1977 and 1980 in his role as Archbishop of El Salvador.<sup>337</sup> Its origins were abundantly clear to him: all people are suffused with dignity as they are made in God’s image. Amidst growing social tensions and burgeoning violence he set out his beliefs in his Christmas address of 1977: “Jesus Christ, the Word made flesh, is the perfect reflection of the divine being, man as God intended him to be. He is the man whom every person must reflect in themselves if they wish to be worthy of their dignity as children of God.”<sup>338</sup> In Romero’s eyes, theological reflections of this nature were by no means abstract statements about people in general, but brought the Good News to those whose dignity was trodden underfoot in the here and now. He said to his listeners: “In the midst of our poverty and misery, our oppression and imprisonment we must never forget that we are sealed by God, that we are the image of God.”<sup>339</sup>

### Human dignity without the salvation of the dignity of the victims is a contradiction in terms

For Oscar Romero it was clear that if human dignity, based as it is in the image of God, is not claimed, first and foremost, for those from whom it is taken and to whom it is denied, then it can never be proclaimed “universal”, applicable to all. In his view, it was the Church’s sacred duty to defend and protect all those robbed of their dignity or whose dignity appeared irrelevant in the eyes of others:

<sup>337</sup> Published in six volumes in the critical edition of UCA Editores 2005–2009.

<sup>338</sup> Romero, Oscar, 25. December 1977, in: *ibid.*, Homilias, No. 2, San Salvador 2005, 147.

<sup>339</sup> *Ibid.*

“Now you can understand, my sisters and brothers, why the Church is so zealous in defending human rights, human dignity and human freedom; why the Church cries out like a mother who experiences the abuse of her child when she sees the image of God abused, an image that she must restore to its original beauty.”<sup>340</sup>

This fundamental idea, which he repeated frequently in his sermons, captures the essence of Romero’s approach, which he applied in each and every one of his homilies, risking his life as a consequence. He publicised the appalling attacks by the military police on the civilian population, including meticulously researched details such as the date, location and names of the victims and perpetrators, with the result that some of his sermons read like a report by Amnesty International. Delivered at the cathedral in San Salvador, these homilies were broadcast across the country by the diocesan radio station, which was the frequent target of terrorist attacks as a result.

On Ascension Day in 1977, Romero denounced the atrocities carried out by the “Guardia Civil” in the village of Aguilares, where two months previously his friend, the Jesuit Rutilio Grande, had been murdered. In this context he proclaimed the risen and exalted Christ as the manifestation of human dignity in all its fullness. His words contained no hint of Christian triumphalism. The core of his statement lay, instead, in the fact that it is the crucified Christ, the victim of brutal, iniquitous violence, who is justified by God and appointed in all his abundant integrity and dignity. Hence the exalted Christ embodies, on the one hand, the hope and dignity of the victims and, on the other, divine judgement on all those who trample the dignity of others under foot. It is the mission of the Church to make this Christ manifest, even if it is persecuted itself as a result.

“Therefore, my sisters and brothers, for the sake of all those who are tortured and mistreated, the Church cannot remain silent. The Church is the voice of the exalted Christ, who reveals the dignity of the human person in his heavenly glory. Christ tells us that he loves humankind and how strongly he condemns the abominable violations of human dignity that still occur in this world.”<sup>341</sup>

<sup>340</sup> *Ibid.*

<sup>341</sup> Romero, Oscar, Ascension Sunday 1977, in: *ibid.*, Homilias, No. 1, San Salvador 2005, 97.

Just a few weeks prior to his assassination, at a ceremony in the University of Louvain held to award him an honorary doctorate, Oscar Romero concluded his speech with a brilliant rephrasing of the well-known words of Irenaeus of Lyon, turning “Gloria Dei, vivens homo – the glory of God is the human person fully alive”<sup>342</sup> into “Gloria Dei, vivens pauper – the glory of God is the poor fully alive”.<sup>343</sup> They are the ones who glorify “the Lord, lover of life” (Wisdom 11:26), simultaneously saving the dignity of the people who put their very existence on the line to give life to those who are threatened continually with death – be it swift annihilation through barbaric violence or a long drawn-out demise as a result of a scandalous global economic (dis) order.

### The attack on human dignity as “idolatry”

As a Christian and Bishop who lived and thought within the realm of the Christian faith – and who did so in a ruptured society, albeit a religious one through and through – Oscar Romero did not call primarily for the “teaching of Christian values” to non-believers, let alone for the dissemination of “Western society’s humanitarian values” to other cultural areas. The question that worried him was not whether people believed in God, but rather *which* “god” they worshipped. Entirely in keeping with the tradition of Latin American theology since the Second General Assembly of the Bishops of Latin America held in Medellín in 1968, Oscar Romero believed that the fundamental dichotomy was not that between “faith” and “atheism”, but in the gulf between the “God of life” and the “idols of death”.

In his speech in Louvain he condensed this into an impressive “short formula of faith”: “We believe in a living God who gives life to men and women and wants them truly to live. These radical truths of the faith become really true and truly radical when the Church enters into the heart of the life and death of people. Here the faith of the Church, and the faith of every individual, is confronted with the most

<sup>342</sup> Irenaeus of Lyon, *Adversus Haereses* IV, 20, 7.

<sup>343</sup> Speech by Oscar A. Romero on 2. February 1980 on the occasion of the conferment of his honorary doctorate from the University of Louvain. The Jesuit and theologian, Jon Sobrino, was heavily involved in the writing of this address. Published in: *Cartas Pastorales y Discursos de Monseñor Oscar A. Romero*, Centro Monseñor Romero UCA, No. 18, San Salvador 2007, 179–192.

fundamental of choices: to be in favour of life or death. It is abundantly clear that neutrality is not an option. Either we serve the lives of Salvadorans or we are accomplices in their deaths. The very essence of the faith finds expression in a historical context: either we believe in a God of life or we serve the idols of death.”<sup>344</sup>

For Romero, faith in the living God, Jesus Christ, was inseparably bound up with an unconditional affirmation of life and human dignity. Conversely, this meant that anyone who violated the life and dignity of a fellow human being did not believe in God, but instead served “idols” – regardless of the “orthodox” nature of his or her “formal profession of faith”. In this context Romero deplored the many “baptised idolaters”.<sup>345</sup>

Although such phrases may appear archaic, Romero’s definition of idols was by no means “numinous”, but is identified clearly and unambiguously: “Those who lust for more and desire to subjugate others to their wealth are covetous, avaricious and envious. This is moral underdevelopment on a greater scale because idolatry destroys the human individual and offends God.”<sup>346</sup> Those who serve idols do not hesitate to sacrifice the lives of others to them; hence these individuals part ways with God and simultaneously destroy their own likeness to Him.

Oscar Romero’s language was like that of the Biblical prophets; clear, precise, “alive and active: it cuts more incisively than any two-edged sword” (Hebr 4:12). Many people found it scandalous that a bishop should speak in these terms. “Many wish for a sermon steeped in spirituality [...] one which would not dare to describe as idolaters those who bow down before the gods of money and power.”<sup>347</sup> For Romero an “idol” consisted in a privileged minority monopolising and rendering absolute a reality that was intended to serve the common good. He viewed “wealth, private ownership and political power” as the prime instances of absolutism by the fascistic right-wing of El Salvador, which ruled at that time. Once they had been turned into gods, there was not the slightest inhibition about a defence of these

<sup>344</sup> *Ibid.*, 189.

<sup>345</sup> Cf. Romero, Oscar, 2. July 1978, in: *ibid.*, *Homilias*, No. 3, San Salvador 2006, 72.

<sup>346</sup> Romero, Oscar, 4, November 1979, in: *ibid.*, *Homilias*, No. 4, San Salvador 2008, 496.

<sup>347</sup> Romero, Oscar, 18. February 1979, in: *ibid.*, *Homilias*, No. 1, San Salvador 2007, 207.



“values” by every means available, even at the cost of human lives. For a common feature of all idols is that the dignity and lives of the weak and defenceless are sacrificed at their altar.

“As a result, the servants of the far-right – the phantom organisations [paramilitary killer commandos] as well as the real organisations [the army and the military police] – threaten people with death, riddle them with bullets and intimidate and abduct them. All of this is done in the name of a false god. This is atrocious idolatry of the gods that claim human lives – servants of the god Moloch. The armed organisations of the far-left are servants of the same god. They, too, commit crimes of idolatry, perform sinful deeds and make absolute that which is not. Both sides sin in their polarisation against the commandments of the law of God. God must be obeyed.”<sup>348</sup> Romero spoke these words on 12 August 1979 in condemning the persecution and murder of priests and trade union leaders. It was clear to him that those who failed to respect the dignity and lives of all people and, in particular, of the small and weak, were effectively denying God and hence, “practical atheists”. Romero also referred time and again to the idols of false religion, the perversion of the Biblical faith, which prostitutes itself, glossing over and legitimising all the other idols, giving them a religious veneer.

“All those who create idols of the things of this world and adore these idols have turned their backs on God. We should kneel before God and turn our backs on the things of this world that are not of God. We should, however, make use of the things of this world – money, power and wealth – provided they serve the common good and the benefit of others. In all of this we must look to God, whom we are called upon to serve. Idolatry is so evil because it makes us turn away from God, even though we might still call ourselves Christians.”<sup>349</sup>

In 1979, on the Feast of the Transfiguration of Christ, a national holiday in El Salvador, which bears the name of the divine Redeemer, Oscar Romero made a renewed appeal for human beings and their dignity to be placed at the heart of state and politics: “Another contribution the Church can make in this time of national crisis is its

<sup>348</sup> Romero, Oscar, 12. August 1979, in: *ibid.*, *Homilias*, No. 5, San Salvador 2008, 210.

<sup>349</sup> Romero, Oscar, 26. June 1977, in: *ibid.*, *Homilias*, No. 1, San Salvador 2005, 164.

teaching on humanity. If the dignity of the human person is trampled upon it is because the state and other people in our present situation have erected idols and forgotten that these idols have no importance when compared to the human person. The Church demands respect for the dignity of the human person, even the poorest of persons, even the person who is tortured and in prison and killed.”<sup>350</sup>

### Martyr of human dignity

The explosive force of such words is only apparent from the context in which they were uttered. At this time El Salvador was on the brink of civil war. By bringing the terrifying reality of torture, abduction and murder, strenuously denied by the state authorities, to public attention in his sermon Romero put his own life directly at risk. His name had long been on the “death list” and when he spoke in the cathedral on the country’s national holiday, he was sure of the undivided attention of both the national and international media.

As in the three years of Jesus’ public ministry, so during the three years of Oscar Romero’s tenure as the Archbishop of San Salvador the situation came to an inevitable climax. No attempts at intimidation would persuade him to stray from his chosen course: “a pastoral approach that involves a gospel defence of human dignity and the rights of the human person.”<sup>351</sup>

It was an attitude which received wide support from the priests, lay workers (women and men) and believers within the archdiocese. Even when he perceived the inexorable likelihood of his murder, which drew ever nearer, Oscar Romero refused to back down. A month before his death, during his final spiritual exercises, he wrote in his diary: “I find it hard to accept a violent death, which is highly likely in the present circumstances.”<sup>352</sup>

The final catalyst for the quasi inevitable consequence of Romero’s stance was the famous conclusion of his final Sunday

<sup>350</sup> Romero, Oscar, *The Transfiguration of Jesus*, in: *ibid.*, *Homilias*, No. 1, San Salvador 2005, 191.

<sup>351</sup> Romero, Oscar, Second Sunday of Advent 1979, in: *ibid.*, *Homilias*, No. 6, San Salvador 2009, 50.

<sup>352</sup> “El último retiro espiritual de Monseñor Romero”, in: *Revista Latino-americana de Teología*, No. 13 (1988) 6.

sermon on the day before his assassination. Using the full weight of his episcopal authority, he directly addressed the “army’s enlisted men”, the soldiers in the barracks and those manning the military police posts, many of which had become torture centres:

“Brothers: you are of part of our own people. You kill your own campesino brothers and sisters. Before an order to kill that a man may give, God’s law must prevail: Thou shalt not kill! No soldier is obliged to obey an order against the law of God. No one has to fulfil an immoral law. It is time to take back your consciences and to obey your consciences rather than the orders of sin.”<sup>353</sup>

The ruling powers could only interpret this as a dangerous incitement to subversion. According to their logic, it was high time to eliminate Oscar Romero if they did not wish to risk losing control of the situation. To paraphrase Dietrich Bonhoeffer: Oscar Romero, who was never content to merely “bandage the wounds of victims beneath the wheels of injustice”, attempted, via his words, and fully aware of the danger, “to drive a spoke into the wheel itself”<sup>354</sup>. Romero viewed the law of God, which stands above every human law and which all are bound to obey, as being linked indivisibly with human dignity. His sermon ended as follows: “The Church, defender of the rights of God, of the law of God, of human dignity, of the person, cannot remain silent before such abominations. In the name of God, and in the name of this suffering people, whose laments rise to heaven each day more tumultuous, I beg you, I beseech you, I order you in the name of God: Stop the repression!”<sup>355</sup>

Even in his final sermon on 24 March 1980, during the mass in which the shots rang out just seconds later, he spoke once more of human dignity.<sup>356</sup>

### Oscar Romero – “universal patron saint” of human dignity

For Oscar Romero, the faith-based substantiation of the rights and dignity of man was never in contradiction of their universal, indivisible nature. It was not the duty of the Church to first protect the believers,

<sup>353</sup> Romero, Oscar, 23. March 1980, in: *ibid.*, *Homilias*, No. 6, San Salvador 2009, 453.

<sup>354</sup> *Ibid.*

<sup>355</sup> *Ibid.*, 453.

<sup>356</sup> Cf. *ibid.*, 456.

i.e. “its own”, from external attacks. On the contrary, he believed that any attack on the integrity and the life of an individual, whatever his or her ideology or religion, struck the Church to the heart. “This is a time of the cross because for the Church the many abuses of human life, liberty and dignity are heartfelt sufferings. The Church, entrusted with the earth’s glory, believes that in each person is the Creator’s image and therefore anyone who tramples that image offends God. As a holy defender of God’s rights and of his images, the Church must cry out. The Church takes as spittle in her face, as lashes on her back, as the cross in her passion all that human beings suffer, even though they be unbelievers. They suffer as God’s images. There is no dichotomy between men and women and God’s image. Whoever tortures a human being, whoever abuses a human being, whoever outrages a human being, abuses God’s image and the Church takes as her own that cross, that martyrdom.”<sup>357</sup>

On 21 December 2010, five years before Oscar Romero was beatified by the Catholic Church, the United Nations General Assembly proclaimed the day of his assassination, 24 March, the “International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims”. The UN resolution states: “We recognise the values of Monsignor Romero and his dedication to the service of humanity, in the context of armed conflicts, as a humanist dedicated to defending human rights, protecting lives and promoting human dignity, his constant calls to dialogue and his opposition to all forms of violence to avoid armed confrontation, which consequently led to his death on 24 March 1980.”<sup>358</sup>

Oscar Romero was thus appointed the universal patron saint of human dignity, as it were, and, above all, the patron of the dignity of victims. Although the atrocities committed against them cannot be undone, by refusing to gloss over them and instead addressing their suffering in an authentic manner, it is nonetheless possible to restore their dignity. Without remembrance and acknowledgement survivors can experience neither humanity nor dignity.

<sup>357</sup> Romero, Oscar, Mass for the end of the year 1977, in: *ibid.*, *Homilias*, No. 2, San Salvador 2005, 165.

<sup>358</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/524/30/PDF/N1052430.pdf?OpenElement> (05.03.2016).

### Negation and justification of human dignity today

On Wednesday 17 February 2016, Pope Francis began his homily in Ciudad Juárez, on the border between Mexico and the USA, with the words of Irenaeus of Lyon also cited by Romero: “the glory of God is the human person fully alive”. Like Romero before him, he referred explicitly to the scandal of the assaults on the dignity and lives of individuals, bringing these to public attention. He condemned the drama, fatal to many, which is unfolding on the southern border of the United States and on that of the European Union.

“Enslaved, imprisoned and extorted; so many of these brothers and sisters of ours are the consequence of a trade in human trafficking, the trafficking of persons. The human tragedy that is forced migration is a global phenomenon today. [...] They are the brothers and sisters of those expelled by poverty and violence, by drug trafficking and criminal organisations. Being faced with so many legal vacuums, they get caught up in a web that ensnares and always destroys the poorest.”<sup>359</sup>

Neither Oscar Romero nor Pope Francis expressly addresses the philosophical-theological question of the universal justifiability of human dignity. Yet both derive hope from the biblical promise that all people are called to “the same glorious freedom as the children of God” (Rom 8:21). From this they draw the strength and intellectual clarity required to denounce everything that contradicts this promise. They therefore know that Christians only sustain their hope in this promise if they never cease to show their solidarity – valiantly, tangibly and tenaciously – with those whose dignity threatens to be sacrificed, time and again, on the altar of third-party interests. Without a true commitment to the dignity of the excluded and the endangered, any discussion of the universal, indivisible dignity of human beings can be dismissed as a lie.

## Issues in Defining and Measuring Violation of Postulated Human Dignity

Peter Jacob

By examining examples of how respect for human dignity comes naturally and altruistically to human beings, this article endeavors to explain the conceptual formation and issues related to human dignity. I will discuss fine points of the ongoing intellectual discourse about whether or not the application of the concept has universal understanding along with a natural appeal.

I will touch upon the efforts on measuring the violation of human dignity or indignity and will rely on the human rights framework in light of the International human rights law in my article.

The questions asked in this article precisely are:

- a) What constitutes human dignity; what are different manifestations of violations of human dignity?
- b) How does human dignity find its way in the international norms of United Nations? (A brief account).
- c) What are the conceptual and analytical approaches being used to define and assess the violations of human dignity?

The questions require a descriptive treatment though I make some assertions, prescriptively but occasionally, that rest on my experience as human rights professional and practitioner.

I conclude with a couple of suggestions for the International organizations to support (concretely though broadly) the efforts towards defining and strengthening human dignity.

Let me begin with a few extraordinary examples of violations of human dignity and individual response to them.

<sup>359</sup> Pope Francis, Apostolic Journey of his Holiness Pop Francis to Mexico (12–18. February 2016). Homily, [http://w2.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco\\_20160217\\_omelia-messico-ciudad-jaurez.html](http://w2.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco_20160217_omelia-messico-ciudad-jaurez.html) (05.03.2016).

### Human dignity: The violations

Aitzaz Hassan, (16) a student of grade nine, was standing in front of his school in Ibrahimzai village in North Western region of Pakistan on 6 January 2014 when he sensed that the lives of his schoolmates and teachers were at grave risk. He saw a suspicious looking stranger near the school entrance; he saw something hanging out from his gear what looked like a detonator.

Hassan took hold of the suspect suicide bomber. Within moments, his apprehension proved to be right. A bomb went off killing both Hassan and the suicide bomber. Hassan had laid down his life for his school where about 2000 students studied.<sup>360</sup>

His father Mujahid Ali worked in United Arab Emirates. On his arrival for the funeral in Pakistan, Ali said he had not come back home to mourn his son's death, but to celebrate his life. "My son made his mother cry, but saved hundreds of mothers from crying for their children."

Hassan's bravery was recognized at the state level; he was also chosen Person of the Year for 2014 by the *Herald Magazine*. The other persons nominated were Nobel laureate Malala Yousafzai, Mr. Rashid Rehman (a lawyer who was assassinated by extremists for giving legal assistance to a person accused of committing blasphemy against Prophet Muhammad) and Mr. Mama Qadeer, father of a victim and campaigner who marched on foot the breadth and length of Pakistan protesting the so-called *involuntary disappearances* or *missing persons* supposedly taken into custody by the security agencies over the past years of insurgency in Balochistan province.<sup>361</sup>

The question is: what is it that makes all these individuals care so much for the life of others that they are prepared to sacrifice their own? Is it heroism, compassion or something else?

Hassan belonged to the Shi'ite minority which has been target of organized violence by the extremist groups for a long time now.<sup>362</sup>

<sup>360</sup> Cf. *The Express Tribune*, <http://tribune.com.pk/story/656766/saving-lives-a-teenagers-sacrifice-for-hundreds-of-mothers/> (15.05.2015).

<sup>361</sup> Cf. Dawn, <http://www.dawn.com/news/1154337> (15.05.2015).

<sup>362</sup> Several thousand Shi'ites have been killed over the years since the early 90s when sectarian outfits became active. Human Rights Watch recorded 850 killings of Shi'ite Muslims

From his day to day experience in Pakistan, Hassan knew about some of the causes and effects of a suicide attack.

We can also assume that a lad of 16 years age can discern, appreciate the value of life, and possibly think of making a sacrifice to make others safe, comfortable and happy.

However, not only was he behaving exactly the opposite of the bomber who came prepared to kill himself to kill others, but Hassan's impulsive humanistic response was about saving lives. The spontaneity of reaction must have been induced by either *cultural ethos* or his *intuitive learning*. He was not a cop or a soldier, with trained work in line of duty, but just a student.

Considering also that many people including development workers, peace keepers and activists, doctors and paramedics are required to work in life threatening situations in order to preserve life at large, shows that there is something innate in human beings that values and respects life so much that they can make the ultimate sacrifice.

Rashid Rehman, the lawyer who deliberately risked his life to save a University teacher from an unjust allegation of committing blasphemy was protecting victim's right to life and liberty as well his rights to free conscience, belief, fair trial and right to expression. This set of rights is an extension of the core value of human dignity that we shall talk about further on.

Let me give an account from another part of the world. Kimberly Smith is a CEO of a Christian mission agency running an orphanage on the border of North and South Sudan since the height of the Darfur crisis in 2004. She and her husband, who travel back and forth from the United States, have succeeded in protecting more than 1,500 Sudanese women and children from human trafficking and miserable conditions. The success came at a steep personal cost though.

In an interview with HuffPost Television in July 2014, Smith told that during her time in South Sudan, she was the victim of multiple attacks.<sup>363</sup> An incident took place when she was out looking for a

in terrorist attacks between 2012 and 2013 alone. <http://www.hrw.org/node/126077/section/5> (15.05.2015).

<sup>363</sup> Breke, Kira, "Philanthropist Kimberly Smith Shares The Harrowing Tale Of Being Raped

child they had been caring for. “I came down along the river and ran along the side of Islamic Darfuri refugees, and they attacked me not knowing who I was or what I was doing, beat me severely and raped me.”

“One of the men that raped me was not a man, he was a boy, not any different from the orphans that we have in our orphanage. I remember looking at his face and I wondered, ‘How many of your sisters, aunts or your mother (has been) raped through this invasion that your people have suffered.’”

Despite the incident, Smith has continued her efforts to help orphans overcome similar traumas and setbacks. What has kept her going is that she understands the effects of “collective psychic trauma.” She said “I still get afraid sometimes, but there is something that I think, in all of us, wants to honor the dignity of humanity in each and every person.”<sup>364</sup>

These thoughts and feelings expressed by a person who is a healer of collective trauma and also a victim whose modesty and dignity was violated, explains explicitly how tragedies shape human behavior and sometimes brutalize their minds; but these examples also show complex responses, some sudden or time-consuming, individual or collective, and at times, extremely opposite to intended results.

Sadako Sasaki, the girl who survived the atomic bomb attack in Hiroshima, taught the world the message of hope while fighting leukemia. Malala Yousafzai became a symbol as a person who could dream of restoring the dignity of human person(s) in her response to violence.

In short, while we see human beings engaged in undignified acts and behavior, we also witness people trying to offer a rational and empathetic response to the violation of human dignity in their routine work, trying to break the cycle of indignity that exists in many forms in the world.

By Darfuri Refugees”, in: Huffington Post, [http://www.huffingtonpost.com/2014/07/22/kimberly-smith-raped-in-darfur\\_n\\_5607041.html](http://www.huffingtonpost.com/2014/07/22/kimberly-smith-raped-in-darfur_n_5607041.html) (15.05.2015).

<sup>364</sup> Ibid.

### Human dignity: the conceptual framework and normative development

The philosophies and world literature, encyclicals and theologies, constitutions<sup>365</sup> and laws accentuated human dignity more emphatically during the World War II; however, the Universal Declaration of Human Rights (UDHR) represents the most widely accepted consensus ever reached. Its’ preamble said human dignity is an “inherent” quality and value whereas Article 1 stated “All human beings are born free and equal in dignity and rights.”

The consensus on this idea and formulation however did not come readily or spontaneously. It was merely a symbolic expression of looming confusion when the South African delegate in the drafting committee (third) objected to include the term human dignity in UDHR saying that there was no universal standard for human dignity.<sup>366</sup>

Those in favor of keeping human dignity prevailed because the proponents argued that they “merely seek to affirm that the human beings deserve to be treated with respect and it needs to accord equality in this respect.”<sup>367</sup>

The Judeo-Christian tradition which defines the creation of man in the “image of God” stood as the torch bearer of human dignity for a long time, a fact which *Dignitatis Humanae* reiterated.<sup>368</sup> Nevertheless several religious traditions have made rich contributions to strengthen the idea of inherent value and moral worth of human beings.

In different languages, traditions and laws, dignity is commonly referred to synonymous with respect, honour, freedom and happiness. Autonomy of choice is important ingredient of human dignity that refers to physical, intellectual, economic – social, political and other areas of autonomy available to individuals and groups of people.

<sup>365</sup> At least 162 countries mention human dignity in their constitutions; the number rose from five between 1900 and 1944 to 162 between 1945 and 2014. Cf. Shulztiner, Doron/Carmi. Guy E., “Human Dignity in National Constitutions: Functions, Promises and Dangers”, in: *The American Journal of Comparative Law*, No. 62 (2014), 461–490, here: 464f.

<sup>366</sup> Glyndon, Mary Ann, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York 2001, 143f.

<sup>367</sup> UN Charter’s 2<sup>nd</sup> paragraph also went in favor of keeping human dignity in UDHR, which said; “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”

<sup>368</sup> Cf. *Dignitatis Humanae* 7.



Lukman Harees, in his book in 2012 extends the boundaries of discussion on human dignity to more practical areas such as, environment, demilitarization, more just economic and political global system and relations between the states.<sup>369</sup>

Amartya Sen expands the concept of *autonomy to human capabilities* which are the entitlements necessary to fulfill the promise of human dignity and rights. He emphasizes the economic, social and cultural rights to enhance the human capabilities.<sup>370</sup>

Human dignity is explained as the “moral worth” of the human person in contemporary political, legal, religious and academic discourses. This formulation bears the mark of a Kantian view of a “categorical imperative”.<sup>371</sup> According to Kant, the “categorical moral imperative” in human relationship forms the basis of (perfect) duties towards human beings. This is why human rights are accepted as “inalienable, inviolable, indivisible and non-transferable.”<sup>372</sup>

The concept of human dignity serves three purposes in the international human rights law; a) it forms the foundation or justification for human rights, b) the ontological claim that all human beings equally have equal status, moral worth; and c) that human beings are entitled to have this status respected by others and have a duty to respect it in all others.<sup>373</sup>

Scholars like McCrudden challenged the universal application of human dignity by saying that national laws and jurisprudence do not manifest same or similar standards while dealing with issues such as abortion, euthanasia, the distribution of economic and social benefits, hate speech, and pornography. The court decisions throughout the world are highly variable, and at times mutually incompatible in the uses of the language and concepts of human dignity.<sup>374</sup>

<sup>369</sup> Cf. Harees, Lukman, *The Mirage of Dignity on the Highway of Human Progress- the Bystanders' Perspective*, Bloomington 2012.

<sup>370</sup> Cf. Nussbaum, Martha C., “Capabilities as Fundamental entitlements: Sen and Social Justice”, in: *Feminist Economics*, No. 9 (2003) 2–3, 33–59.

<sup>371</sup> Cf. Kant, Immanuel, *Grounding for the Metaphysics of Morals*, translated by James W. Ellington, Indianapolis 1993, 36.

<sup>372</sup> Preamble, UDHR.

<sup>373</sup> Cf. McCrudden, Christopher, “Human Dignity and Judicial Interpretation of Human Rights”, in: *EJIL*, No. 19 (2008), 719.

<sup>374</sup> *Ibid.*, 655.

Donnelly pointed out fractures in assumption about the universality of human rights.<sup>375</sup> Howard and Donnelly reiterated this stand on interpretations and application of human rights standards in different societies on according to their political systems. They claim

“Traditional societies are communal, status-based, governed according to principles and practices held to be fixed by tradition... In traditional society, one’s worth, rights, and responsibilities arise from and remain tied to differential membership in a particular society, with unequal, status-based privileges and duties resting on age, sex, caste, or other ascriptive hierarchies. The idea that one is entitled to equal concern and respect and a wide range of inalienable personal rights simply because one is a human being is utterly foreign to traditional societies... some people may be defined as outsiders, as nonbelievers are defined in strict Islamic societies, or ethnic strangers in traditional Africa”.<sup>376</sup>

Donnelly is consistent in his views and shows that there is only a functional universality that was cultivated through UN human rights treaties but it is neither, substantive and conceptual, nor historical and anthropological universality of human rights, usually taken for granted.<sup>377</sup>

Paolo Carozza reminded though that, “a minimum consensus cannot be the decisive determinant of the content of the status and basic principle of human dignity, if dignity is in reality what we claim it to be.”<sup>378</sup> He also argued that *universality* of human dignity or human rights in general could not be expected to be *uniform*.<sup>379</sup> As far as the core principles are given due consideration in the judicial interpretation, it may as well serve the purpose of justice by taking particularistic approach.

<sup>375</sup> Cf. Donnelly, Jack, *Universal Human Rights in Theory and Practice*, New York 2002, Introduction.

<sup>376</sup> Howard, Rhoda E./Donnelly, Jack, “Human Dignity, Human Rights, and Political Regimes”, in: *The American Political Science Review*, No. 80 (1986) 3, 801–817.

<sup>377</sup> Cf. Donnelly, Jack, “The Relative Universality of Human Rights”, in: *Human Rights Quarterly*, No. 29 (2007) 2, 281–306.

<sup>378</sup> Carozza, Paolo G., “Human Dignity and Judicial Interpretation of Human Rights: A Reply”, in: *EJIL*, No. 19 (2008), 938.

<sup>379</sup> *Ibid.*

Amartya Sen is of opinion that the core principle of human dignity has an “intrinsic value” for human rights, whereas some others have “instrumental value” in realizing them.<sup>380</sup> For instance, freedom of expression and right to self governance has an intrinsic value attached to this while the right for political participation would be instrumental.<sup>381</sup>

He gives other examples, where the universal intrinsic value of rights is not even dependent on its application; “When Mahatma Gandhi argued for the universal value of non-violence, he was not arguing that people everywhere already acted according to this value, but rather that they had good reason to see it as valuable. Similarly, when Rabindranath Tagore argued for “the freedom of the mind” as a universal value, he was not saying that this claim is accepted by all, but that all do have reason enough to accept it – a reason that he did much to explore, present, and propagate.”<sup>382</sup>

In sum, the intellectual debate continues, particularly among the academics and jurists that makes learning from different national and cultural and religious contexts, easier. Basically, there are reservations and we see *dignity of difference*<sup>383</sup> in application of the broad principle of postulated human dignity rather than any disagreement on the value or the moral worth of human person.

However, we know in the examples we have discussed that human behavior and wisdom sometimes outdo the normative development in international laws and the institutional mechanisms.

### Measuring violation of human dignity

The academic pursuits are facilitated by measuring exercise all over the world. Not only is the Human Development mea-

<sup>380</sup> As Immanuel Kant argued a moral imperative is inherently good and necessary, irrespective of the objectives and result.

<sup>381</sup> Some jurists and human rights experts would use the lens of substantive or absolute rights and procedural rights (instrumental value).

<sup>382</sup> Sen, Amartya, “Democracy as a Universal Value”, in: *Journal of Democracy*, No. 10 (1999) 3, 3–17. [http://www.unicef.org/socialpolicy/files/Democracy\\_as\\_a\\_Universal\\_Value.pdf](http://www.unicef.org/socialpolicy/files/Democracy_as_a_Universal_Value.pdf) (15.05.2015).

<sup>383</sup> The term is used here to indicate that disagreement and respect for it can contribute to human dignity; the term is borrowed from Rabi Sacks, Jonathan, *The Dignity of Difference: How to Avoid the Clash of Civilizations*, London 2003.

sured,<sup>384</sup> the United Nations Program for Development prepares annual assessments on Inequality (development), Gender, Multi-dimensional Poverty. We also have a global assessment of Religious Freedom (restriction on religion).<sup>385</sup> There is now a concept of Gross National and Per Capita Happiness, so an annual index of the level of happiness is worked out.<sup>386</sup> Different stakeholders can take advantage of these statistics.

When it comes to assessing human dignity, the armed conflicts and wars, abject poverty, bonded labor and hunger, no doubt, are large scale destroyers. These human rights violations whether stressful, traumatic and depriving or severe and direct, nevertheless affect individual lives, or hinder the enjoyment of human freedoms.

Therefore, advocating enforcement of human rights involves painstaking recording of evidence and meticulous reporting. The Office of the UN High Commissioner for Human Right published an excellent guide to make assessments with Human Rights indicators in 2012 to facilitate human rights advocacy.<sup>387</sup>

Broadly speaking the severity of violations to human dignity may be measured by the level of risk or damage to life, liberty and pursuit of happiness.<sup>388</sup>

Human rights experts have also worked out a division of gross and systematic human rights violations to differentiate them in gravity and directness from the violations which are subtle, hidden and inter-linked or sustained by socio-political and economic systems.

This classification uses more of legal-diagnostic approach assigned to find the remedies and cure, though socio-psychological, developmental, spiritual and political dimensions would be also important to understand human dignity in its entirety.

<sup>384</sup> Human Development Index of the UN Development Program prepares makes global assessment of country wise, annually since 1990. Cf. <http://hdr.undp.org/en/data> (15.05.2015).

<sup>385</sup> PEW Forum, works on Global assessment of religious freedom using the Government Imposed Restriction Index and Social Hostility Index since 2008.

<sup>386</sup> Cf. Gross National Happiness, <http://www.grossnationalhappiness.com/> (17.02.2015).

<sup>387</sup> Cf. United Nations, Human Rights, Office of the High Commissioner, *Human Rights Indicators: A Guide to Measurement and Implementation, 2012*, [http://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf) (15.05.2015).

<sup>388</sup> This hierarchy of rights was proposed by Thomas Jefferson in the Unites States Declaration of Independence.

Researchers have made important strides in developing tools and approaches for assessing the violations of human dignity using humiliation as a pivotal determinant. Hence, if the right to be respected or to be treated with dignity is entitlement, indignity is the consequence or infringement. Methodologies in the research focus on different forms and manifestations of insult, injustice, vulnerability and powerlessness.<sup>389</sup>

Lindner advocated studying humiliations when he said, “Human rights prescribe equal respect for every human being... any violation of this principle is felt as deep humiliation... people can be expected to be ‘good’ as long as their needs to be recognized, included and respected are fulfilled, however, they may be expected to act in ‘evil’ ways, as soon as they feel humiliated and their dignity violated. Therefore, the citizens of the global village have to study the dynamics of humiliation more thoroughly than ever before.”<sup>390</sup>

Human Dignity and Humiliation Studies<sup>391</sup> (HDHS), an interdisciplinary global network that Lindner founded, has started working on a measuring a tool, using Proxy source (official data, laws and government, INGOs and Intergovernmental, UN bodies reports) about human rights situation.<sup>392</sup> This study assessed human dignity using the following scale:

Human dignity = Human Expression – Human oppression

The assumption in this scale is that humans have a spirit to prevail despite hardship, oppression, deprivation and tragedy.<sup>393</sup> Therefore the Human Dignity Index has to be a composite of two subscales, one measuring human rights deficit (oppression) and the other measuring human spirit (expression).

<sup>389</sup> Cf. <http://www.emotionalcompetency.com/hdi/images/Fueling%20the%20H-Bomb.pdf> (15.05.2015).

<sup>390</sup> Doctoral Dissertation submitted to the University of Oslo, Department of Psychology, 31st October 2000, Evelin Gerda Lindner. Evelin is now founder president of Human Dignity and Humiliation Studies, a network of academic and practitioners, working on several projects related to analyzing human dignity and its violations (humiliation).

<sup>391</sup> <http://www.humiliationstudies.org/> (15.05.2015).

<sup>392</sup> Cf. *Human Dignity and Humiliation Studies*, <http://humiliationstudies.org/index.php> (13.02.2015).

<sup>393</sup> The stories in the beginning of my article suggested this strongly.

The efforts are underway to reach the best calculating methodology. However, the problem with this scale is that the measurement of humiliation is dependent on a manifested human reaction to indignity. In case there is no unmeasurable response to indignity then the measuring exercise is susceptible to failure or inaccuracy.

We are once again dealing with the question which the South African delegate raised before UDHR was passed. Is a universal standardization of human dignity possible?

Shultziner also argues that “human dignity anchors different worldviews, it cannot represent any particular set of values or meaning that *naturally* stem out of it. There is no fixed and universal content that spouts out of human dignity and, hence, its content and meanings are determined separately in each legal document in accordance with the political agreement achieved at that time.”

Shultziner brings in the angel of individual and collective *intuitive perception* that triggers the feeling of humiliation. He states “when such a humiliating or degrading conduct occurs, it is intuitively perceived by the humiliated person and those who share his feelings.”<sup>394</sup>

### Conclusion and suggestions for faith based organizations:

The discussion in this article shows that human dignity is claimed and reclaimed in life and death situations, in academic debates, court rooms and in decision-making bodies. The fact that discussion on the acceptance of human dignity or its standardization remains inconclusive, largely due to the evolutionary nature of human society and unequal development. The achievements, however, especially after the World War II were not small.

Most integral strides have been made at the International bodies (UN and Non-governmental organizations). The interesting aspect of this struggle is that though a core value of human dignity is widely accepted, a variety of interpretations, of the international norms suitable to different contexts, are possible.

The hard part is that human dignity continues to be violated in a number of ways, and sometimes on a large scale, therefore the res-

<sup>394</sup> Shultziner, Doron, “Human Dignity – Functions and Meanings”, in: *Global Jurist Topics*, No. 3 (2003) 3, Article 3.

toration of respect and honor of the human person need a intensified and multipronged response. Legal entitlements have great value, though the realization of this goal at wide scale has to have wider social acceptance.

The stakeholders, especially the faith based organizations can carry this struggle forward by engaging and contributing their point of view in the international bodies where norms generation takes place. They should also closely monitor and participate in the activities aimed at assessing the violations of human dignity and use their data in prioritizing their engagement in social action.

## Universality of Human Dignity

# Inviolable Human Dignity as a Global Challenge

Sascha Müller

## The problem: the gap between theory and practice

The purpose of this article is to strengthen the philosophical foundation for the inviolability of human dignity and to do so in a way that will enable it to withstand the global challenges of a dialogue based on idealistically motivated rationality. Obviously, the underlying concept of rationality is itself an object of debate and can only develop its impact under freely given consent. To whom, then, is this theory of human dignity aim directed: academics, believers, doubters, atheists or all philanthropists and misanthropists? It is important to understand from the very beginning that the question of inviolability is ultimately decided by practice. After all, there are enough theories on the absolute dignity of man. When people are concerned about specific strategies in their lives, they quickly forget any arguments based on rationality. Otherwise we would have to conclude that the leading political and religious authorities have been ignorant of this dignity ever since Bible times. Practice has always had the last word: the Crusades, the Reconquista, the Thirty Years War and colonialism all took place despite people's theoretical knowledge about *dignitas hominis* and despite their theology.

Western tradition is full of theistic cultures that encouraged discrimination. A significant example is the role of the Roman Catholic Church in Belgium during the colonisation of Congo. The massive scale of human rights violations and violations of human dignity could not be prevented any more than it could in Protestantism. The name Henry Morton Stanley (1841-1904) is a byword for a cruel programme to expand Christian culture. Human dignity is *acceptable*, but *only* within the great coordinates of power strategies. What was the anthropological theory of Pope Pius X (1903-1914)? The two world



wars took place anyway. Moreover, the immediate present does not really teach us anything different: The *god of carnage* – more about him at the end of this article – strikes everywhere. It clearly makes no difference whatsoever that thousands of pages of Holy Scripture, Kant and Fichte have been read. The world's trouble spots are still simmering, e.g. in Gaza, Syria and, as a result of religious terrorism, in the Middle East and Africa. To make things worse, everyday life is overshadowed by an ongoing fear of sickness and death: we see scenes of Ebola sufferers and relief workers being hunted down and killed as if all theory counted for nothing.

So the real problem in implementing the inviolability of human dignity is a practical one. There seems to be no universal standard for mastering the human condition at a practical level. The theory as such is relatively simple, despite the fact that it is based on an idealistic concept of rationality. Johann Gottlieb Fichte (1762-1814) commented in 1801: “Nothing is of the same absolute value and significance as life; all other reasoning, creative writing and knowledge only has value in as much as it somehow relates to living beings, is based on them and is intended to return to the same.”<sup>395</sup> But what is this “life”? The simplicity of the reply may come as a surprise: “Life is love, and so life and bliss are really and truly one and the same.”<sup>396</sup> *Make love, not war* – this is how, in a nutshell, we can summarise the entire theory in terms of practical action.

### The problem of basing human dignity on a theological foundation

The option for a theological foundation itself requires substantiation. Everyday Roman Catholic practice provides sufficient illustrative material, both politically and ecumenically.

“We approve of Buddhist champion marksmen in Catholic rifle clubs in Bavaria.” That might well be a unanimous vote taken, with episcopal backing, by a rifle club committee based on the argument:

<sup>395</sup> Fichte, Johann Gottlieb, “Sonnenklarer Bericht an das größere Publikum über das eigentliche Wesen der neuesten Philosophie: Ein Versuch, die Leser zum Verstehen zu zwingen [1801]”, in: idem, *Gesamtausgabe*, No. I,7, Lauth, Reinhard/Gliwitsky, Hans (eds.), Stuttgart/Bad Cannstatt 1988, 194.

<sup>396</sup> Fichte, Johann Gottlieb, “Die Anweisung zum seligen Leben, oder auch die Religionslehre [1806]”, in: idem, *Gesamtausgabe*, No. I,7, Lauth, Reinhard/Gliwitsky, Hans (eds.), Stuttgart/Bad Cannstatt 1995, 49.

“If someone aims better and shoots further than the rest, he must be blessed with God's grace and so will win” – a statement that could be interpreted as theological sanctioning by the clergy. It follows that it should also be possible for Hindu professors to be appointed to university chairs in Bavaria if such an applicant were to excel over others by expressing the most original ideas and the best philosophical thoughts in the relevant discipline – for instance on the subject of peace. This, too, would be a triumph of God's grace. But on the issue of the ordination of women in the Catholic Church – be it as deacon, priest, bishop or pope – and the claim to possession of God's redemptive grace that goes with it, a bishop might well have problems giving his episcopal blessing and shrink from overly upsetting tradition and the magisterium.

If, when talking about the dignity of freedom in this world and beyond, we were to affirm the unbaptised (and thus the vast majority of the world's population) as human beings who were created equal and are equally redeemed before God, we would probably be causing the worst possible predicament for clergy and their theology, as it would run counter to the traditional concept of mission which, after all, is focused on baptism.

When we look at church history, it remains questionable whether human dignity can really be given any strictly theological affirmation as the fundamental, unqualified acceptance of a freedom focused on eternal happiness.

Ever since the Peace of Augsburg on 25 September 1555 (which officially ended the struggle between Roman Catholics and Protestants in the Holy Roman Empire), if not earlier, the role of official Christian theology as the guarantor of universal human dignity and universally applicable human rights has undergone permanent questioning. No religious revelations were required to grasp that the foundations of a viable society could not be found in religious wars. Yet the existence of God was never in dispute. This is confirmed by the hitherto unresolved issue of different denominations and of ecumenism between them. Where ecumenism is concerned, practice has overtaken theological theory, exactly reversing the situation in respect of human dignity.

Kurt Flansch recently wrote an article entitled “Why I am not a Christian”, in which he gives a convincing and coherent account of

the hermeneutical quandary of Christian theology as a theory. His criticism is by no means directed at the various existing forms of Christianity, which have a positive and humane impact on society. Rather, he criticises ecclesiastical, clergy-focused theologies which have largely lost their credibility as universal worldviews in the wake of the Enlightenment and modernity. Overall, Protestantism has found it much easier to handle this issue: “In this new homelessness Christians have developed new intellectual strategies in arguing their faith: emotions, experience, gestalt perception, decision making, a leap of faith, a faith adventure, and grace. All of these, except the theory of grace, are by-products of post-Kantian philosophy. While sounding devout and Bible-based, they actually go back to Jacobi, Schleiermacher, Kierkegaard, Dilthey, Max Scheler, Heidegger and Wittgenstein, and sometimes also Bloch and gestalt psychology.”<sup>397</sup> Above all, the doctrine of grace, described by Flasch as a theological proprium, has given rise to the greatest number of disputes, not just between denominations but also among Roman Catholic camps. This was particularly in evidence in the dispute between Jesuits and Dominicans over the issue of grace in the 16th and 17th centuries. Right up to the present day clerical theology has failed to provide universally valid answers. Does God give grace for the administration of sacraments to all Christian believers? Or, to put it quite explicitly and not just implicitly: Does God give grace to the unbaptised for completely valid, happily redeemed and redemptive activities in this world?

### **The need for a philosophical, faith-based theory of human dignity**

Needless to say, the explicit reference to the inviolability of human dignity and its expression in a codified and thus politicised form (for instance, in the German Constitution) is of much more recent origins than human beings themselves. It is the fruit of the Enlightenment, based on reason, and it is also younger than the theological interest in ἄνθρωπος. Traditional Christian doctrine does not primarily look at human dignity but solely at how human beings, who are distorted by original sin, can (re)gain God’s grace and abide in it so that, after a probationary life before God, they can be on the winning side at the Last Judgement.

<sup>397</sup> Flasch, Kurt, *Warum ich kein Christ bin – Bericht und Argumentation*, Munich 2013, 82.

The core business of clerical Christian theology – there is really no way round it – includes sinners and unbelievers whose salvation is the purpose of mission, according to clerical theology. They are, of course, also accorded dignity, but only to the extent that this dignity serves to lead them to faith. Genesis 3:1-24, however, makes it impossible to ascribe to them any unconditional human dignity which, in principle, might bear within itself the Kingdom of Heaven. As far as clerical theology is concerned, the so-called Fall of Man has condemned all humans to undergo life-long preparations. *Make love, not war* is not enough here. Without the grace of the new Adam (see Romans 5:12-21), as imparted through clerical theology, human dignity is bound to be deficient, and any full autonomy that might expressly transcend the essence of this world is beyond reach.

The consequences are obvious. It is true that our world has been enlightened by academic disciplines that focus on meaning (e.g. philosophy, psychology, educational studies, sociology, etc.) and that we still grapple with fundamental ethical issues (such as prejudice, selfishness, envy and violence) and with the basic, existential question about the purpose of life. Yet any mention of original sin and its need to be remedied by specific rites comes under suspicion of being peddled as a subtly devised psychological ploy, designed to legitimise relationships of dependence. But quite apart from this, knowledge of a person’s need for eternal happiness – also known as God – can likewise be obtained through philosophy, particularly in view of the finite nature of this world.

A look at church history reveals that the issue of an autonomous human dignity is by no means restricted to clerical theology, even though the public debate about it and the input of professional theologians and clergy in the media might suggest the contrary. Nevertheless, in the course of our latter-day self-enlightenment on the question of freedom (“What can I hope for?”), it has also been elevated to a pet subject in clerical theology with its own impact on our modern discourse about the global welfare of mankind.

In the 21st century AD our world, currently populated by 7.2 billion people, is drawing increasingly closer and comes across as a “global village” (Marshall McLuhan). It is a world in which the *ego* – as defined by Fichte and rendered mystical through love – seems to be more indispensable than ever before.

Another example of this meaning of the *ego* is natural law, which will remain valid in its traditional form for as long as people believe in it. Both the concept of nature and the concept of law depend on their interpretation, also known as philosophical belief. Nature – if it is understood as an ensemble of physically contextualised biochemical reactions and states – does not specify any moral demands. Instead of “making demands”, it simply “is” and, indeed, is a “struggle for life”. Using this nature as a basis for some kind of ethical human-focused thrust can only be described as erroneous. The English moral philosopher G. E. Moore (1873-1958), following in the footsteps of David Hume (1711-1776), coined the term “naturalistic fallacy”. It would be wrong, he said, to derive any moral precepts from nature.

But if this is so, how are humans supposed to derive any dignity and morality at all? The widely favoured reply to this question is: from their ability to reason, which has its roots in their *ego*.<sup>398</sup> The *ego* recognises and then overcomes the way in which the “trunk” of human understanding branches out into (supposedly) objective facts (ἐπιστήμη), on the one hand, and non-binding opinions (δόξα), on the other. It recognises the theoretical and practical understanding that adds up to human dignity as something which cannot be weighed like gold (ἐπιστήμη) or furnished with any aesthetic judgement in the way we might judge dark chocolate as being particularly pleasant to our taste buds (δόξα). In this philosophical faith theory of human dignity we can see the coincidence between the process and the object of reasoning, as the *ego* becomes established through the act of recognition.

If the modern-day proclamation of traditional Christian doctrine has lost its global persuasiveness due to the reasons outlined above, this ought to provide the Roman Catholic Church with an opportunity to use its credibility as a globally active purpose-focused community and to retain its autonomy in respect of any

<sup>398</sup> To come back to Fichte's almost mystical-sounding rhetoric, “It is the ego which calls into being an immense scale, ranging from the lichen to the seraph. It gives rise to the entire system of the spirit world, and man has the legitimate expectation that the law which he gives to himself and to the world should be applicable to them. He legitimately expects general recognition of the same.” (Fichte, Johann Gottlieb, “Ueber die Würde des Menschen, Beym Schlusse seiner philosophischen Vorlesungen gesprochen [1794]”, in: idem, *Gesamtausgabe*, No. 1,7, Lauth, Reinhard/Gliwitsky, Hans (eds.), Stuttgart/Bad Cannstatt 1965, 87.)

inner-worldly political strategies. Doctrinal theory plays virtually no role here, especially as the majority of Christians are likely to have opted for a lifestyle and hardly for a doctrinal edifice. What is at stake is humane practice in politics and society. The large number of theories establishing the existence of human dignity may help to ensure that, wherever possible, such practice is both spiritual and convincing. Los Angeles, San Francisco and Sacramento are not just random place names, but political declarations – at least they used to be. The Roman Catholic Church is essentially a practical institution with eternal character – ideally guided by the idea of God's Kingdom. The development of traditional Church doctrine with a certain logic inherent in its terminology along with the various disciplines that have emerged in its wake are little more than an academic sideshow. Who, for instance, in the Sudanese city of Omdurman takes any interest in the study of Christian doctrine, fundamental theology, exegesis, etc.?

Yet this worldwide, globally active, purpose-focused community is facing major challenges. One of them would be to specify a global development target that can only be achieved by *the Church itself*.

After all, meaningful options for action in today's world have long become much wide-ranging than the dogmatic core among clerical theologians would care to admit. One of these options – which can be justified perfectly well in philosophical terms – would be to let the *possibility* of human immortality become so real that human beings can enter God's eternal life simply through their own *ego* and completely *autonomously*.

Writing in connection with a conference on the “Renaissance of the Religious”, Peter Sloterdijk recently mentioned that the Church lost its monopoly on charity in the course of the Enlightenment.<sup>399</sup> This sheds a sufficient amount of light on the point raised earlier that the Church's “global development target” can only be “achieved by the Church itself”.

<sup>399</sup> Around 1530, the Spanish humanist Juan Luis Vives wrote “the first treatise on social policy in Europe, entitled *De Subventionem Pauperum*. In this publication he showed that looking after the poor should be of concern to society as a whole, not just the charitable arm of the Church. If you like, you can describe this as the birth of the welfare state [...]” (Sloterdijk, Peter/Macho, Thomas, *Gespräche über Gott, Geist und Geld*, Freiburg im Breisgau 2014, 26f.)

What is far more serious, however, is that any “talk about God, spirit and money” brings to mind the Christian roots of modern politics in its ambivalence: “The word *Übermensch* (superhuman) or *hyper-anthropos* dates back to antiquity and can be found in biographies of Alexander. Its first use in modern Europe occurred in the late 13th century in the canonisation bull issued by Boniface VIII for the King of France, St. Louis (Louis IX). In this document Louis is described as a *super-homo*, a term modified by the adverb *quodam* (as it were). The purpose of using this term was to describe someone whose life and office seem to have qualified him as clearly being among the community of saints. In other words, ironically, Nietzsche’s term *Übermensch* actually forms part of the old-style endgame of Christianity.”<sup>400</sup>

So what should the practice of this “community of saints” be in a global world? A possible answer might well be thwarted by the saints themselves. At this point it is time to bring in the *god of carnage*. *Le dieu du carnage* is the title of a play written by the Paris-born author Yasmina Reza. First performed in Zürich, it highlights (yet again) the clash between political/financial interests, the breakthrough of human nature in a society based on Christian values and regulations, and a tragic event which acts as the real trigger of the entire conflict: injured children (probably hurt while playing). The *god of carnage* is none other than man thinking in terms of hierarchies and oppositions he himself has established. This god lashes out at all levels of inviolability, while also adding a great deal of black humour.

## Human Dignity in an African Context

Richard N. Rwiza

Human dignity indicates what is proper to humanity. It implies the respect of the person’s status, which is the dignity that is inherent in each and every human person. In an African context, the appeal for human dignity is mainly understood in the communitarian context. In this line of thinking, the visible community embraces not only one’s ancestors, but also those not yet born and even God. In this context, one’s ethical character is evaluated by means of relation in African society as the experience of life. Hence, pan vatalism characterizes the African traditional world-view, which is mainly anthropocentric. Being human implies acknowledging one’s humanity and the humanity of others. This is the issue of human relations. The structure of this paper is three fold: the first part is about the foundation of African anthropology; the second section focuses on human dignity in modern Africa; and the third part is on the strategies for promotion of human dignity.

### Foundations of African Anthropology

Human dignity is the inherent worth of a person from which no one can detract. In the African context, the appeal for human dignity is mainly made in the context of the communitarian set up. It is beyond doubt that the concept of community is the foundation for African ethics. However, there is something distinctive in what constitutes the community. As Bujo notes, “the visible community, which is equally important for Africans embraces not only one’s deceased ancestors but also those not yet born and even God.”<sup>401</sup> It follows that ethical character is not only determined by the individual, but is evaluated basically by means of a relational network; the focus of African ethics

<sup>401</sup> Bujo, Benezet, *Foundations of an African Ethic: Beyond the Universal Claims of Western Morality*, New York 2001, 2.

<sup>400</sup> Sloterdijk, Peter/Macho, Thomas, op. cit., 109.



is life itself, pointing to the centrality of community. Hence, the ethical conduct is equally anthropocentric, cosmic and theocentric.

There is a critique commonly posed that in African communitarianism the autonomy of the individual is not taken seriously. One wonders the extent to which one's human dignity is respected. According to Bujo, "This principle of solidarity does not in the least mean that the individual loses his identity in and because of the group ... For example individuality in Africa is emphasized by the fact that each one has his own name, which is different from that of his parents."<sup>402</sup> Names of human beings and things always contain both a meaning and the implied story. As Nkemnkia points out in African vitology, "For example the name *Ndemmboh*, that is 'God the Creator,' refers to the eternity of God and implies that the person bearing this name (a finite being) participates in the infinity of the infinite. The names of persons and places characterize the form and value they represent."<sup>403</sup>

The central principle of African vitality is, "the experience of life: life actually lived, through which we attain to the principles and ultimate foundations in the human existence."<sup>404</sup>

The African sense of personality can be properly conceived by situating it in its cultural context. We are searching for the African understanding of the fundamental components of the human ego. According to Nyamiti some of the aspects in the African world view are elements of dynamism and vitalism. Reality is conceived and evaluated especially from its dynamic aspect and closely related to life. African ethics is founded on the belief that every act and custom, which strikes at the vital force or at the growth, is bad. What is morally and juridically good and just is that which holds and promotes the vital energy received. "Hence, pan vitalism or cosmo-biology characterizes the African traditional world-view."<sup>405</sup>

<sup>402</sup> Ibid., 6.

<sup>403</sup> Nkafu Nkemnkia, Martin, *African Vitality: A Step Forward in African Thinking*, Nairobi 1999, 34.

<sup>404</sup> Ibid., 31.

<sup>405</sup> Nyamiti, Charles, "The Incarnation viewed from the African understanding of person," in: CHIEA, *African Christian Studies*, No. 6 (1990) 1, 1–27, here 5.

The second element in the African conception of personality is the category or sphere of solidarity, totality and participation.<sup>406</sup> There is a "corporative day of thinking that is a strong sense of community life which is expressed by participation in the life of the community into which the person is introduced by various rites. This is the basis of the communitarian spirit expressed through the family and veneration of the ancestors. According to Nyamiti, "... If the deceased Africans and the saints are true Christian ancestors they are so only in virtue of their participation in Christ's unique Ancestorship."<sup>407</sup> This implies that ancestral relationship of the saints and of the African so-called living dead is a supernatural imitation and prolongation in the human person of the Saviour's Brother Ancestorship towards us.

The third element that characterizes the African worldview is the sacred. The world of the African traditionalist is closely linked to the world after death and a person abides in close contact with his/her ancestors and other spirits. In Nyamiti's view, "This deep respect and appreciation what is sacred explains why the African is deeply religious. For him true personality is bound up with the sacred, hence, with religiosity. Hence the purely secular man is for the genuine African, without full and authentic personality."<sup>408</sup> Nyamiti further substantiates the persistence of African Religion. In pointing out the dimension of the sacred, he offers another proof supporting the declaration made by the African scholar of religion, Mbiti, that "Africans are notoriously religious."<sup>409</sup>

The fourth element that characterizes the African worldview is anthropocentrism. The significance of human beings in the cosmos is magnified. The moral value is evaluated in terms of the benefits gained by human beings. Moreover, community and religious values are centered on the human person whose well-being, security and protection in this and the next world are meant to procure. As Nyamiti puts it, "Human dignity is highly respected, and man has a privileged

<sup>406</sup> Cf. *ibid.*, 6.

<sup>407</sup> Nyamiti Charles, *Christ as our Ancestor: Christology from an African Perspective*, Gweru 1984, 7. The research deals with two parts, the first is about Christ's Ancestorship to human beings and the second on His same ancestorship to us through the saints.

<sup>408</sup> Nyamiti Charles, "The incarnation viewed from the African understanding of Person", in: *African Christian Studies*, *op. cit.*, 9.

<sup>409</sup> Mbiti, John S., *African Religions and Philosophy*, London 1969, 1. Mbiti notes that Africans were reputed to be 'notoriously religious'. He notes that they deserve this qualification. They have been described as 'deeply religious' abiding in a religious universe.



place in the universe, he interprets the cosmos in terms of human organization.”<sup>410</sup>

It has been argued that the world is a global village. African societies are not static in the words of Chinua Achebe, “things fall apart”. There are also African traditional elements that have fallen apart. In a sense, we face the risk of dealing with antiquities in a world so forcefully described by Chinua Achebe in his book, *Things Fall Apart*.<sup>411</sup> Cultures are not immutable elements of social life but they are transformed as a result of urbanization, secularism and globalization. The phenomenon of change is not the whole reality. Nyamiti has rightly observed that: “In modern African societies – especially in urban circles and among the elite – these elements are undergoing considerable changes and at times, even disappearing. But it remains true that they still characterize the general African traditional mentality.”<sup>412</sup>

There is a tendency to refuse to acknowledge the worth of traditional African spiritual practices and religious culture. Despite such refusal, the spirituality of African cultures remains vibrant and visible in modern Africa.<sup>413</sup> The African traditional concept of life still influences and shapes the behaviour of men and women in the African world of the so called modernity and globalization. African spirituality shapes the way human dignity is conceived in Africa. It has its own autonomy and inherent dignity independent of content with Christian and other types of spirituality. Culture is a human phenomenon. It is a dimension of what it means to be human, and therefore a human right. In this context, acculturation must not become cultural aggression or cultural domination.<sup>414</sup> According to Magesa, “While cultural transformation is desirable and often necessary, any attempt to eradicate any culture, with the most wicked expression of this being genocide, is both reckless and foolish.”<sup>415</sup>

<sup>410</sup> Nyamiti, Charles, “The Incarnation viewed from an African understanding of Person”, in: *African Christian Studies*, op. cit., 7.

<sup>411</sup> Cf. Achebe, Chinua, *Things Fall Apart*, London 1978. This novel narrates the story of Africans tragically under pressure from a changing world.

<sup>412</sup> Nyamiti, Charles, “The Incarnation viewed from an African understanding of Person”, in: *African Christian Studies*, op. cit., 7.

<sup>413</sup> Cf. Magesa, Laurenti, *What is not Sacred? African Spirituality*, New York 2013.

<sup>414</sup> Cf. Shorter, Ayward, *African Culture: An Overview, Social-Cultural Anthropology*, Nairobi 2001, 24.

<sup>415</sup> Magesa, Laurenti, op. cit., 11.

Being human implies acknowledging one’s humanity and the humanity of others. This is what promotes human relations. Magesa observes, “Two broad categories of moral virtues therefore constitute *obuntu*. They are both relational in nature, having to do with interpersonal as well as intrapersonal relationship. In interpersonal, what is expected is respect and care for others, manifested as ‘tolerance’ patience, generosity, hospitality and readiness to cooperate.”<sup>416</sup> Within the individual, *obuntu* implies “integrity, a solidarity or wholeness of character and spirit that is present in one’s judgements, one’s decisions and one’s feelings.”<sup>417</sup>

Humanity is experiencing a spiritual void. This challenge needs to be faced realistically. It is spiritual poverty. Africa has a distinctive contribution to offer. The African contribution to initiatives for global transformation is its deep spiritual or religious consciousness. It is a unique dimension in the promotion of human dignity. However it is not without challenge, which Magesa asserts: “Might humanity, if it dug deep enough into its heart, discover this treasure that would put an end to its poverty of relationships? More to the point, might Africans, if they dug deep enough find in their culture treasure that would put to an end their spiritual poverty?”<sup>418</sup>

There is something distinctive in African ethics. The sense of community is central. As Bujo notes: “Since the community is of the utmost importance in African morality, the matter of establishing norms, or standards of conduct, can only unfold within the context of the community.”<sup>419</sup> Within this mentality, the traditional African rationality would be “*cognatus sum, ergo sumus*. Because I am related to the others, not only I, but also we, together, exist. Therefore, interpersonal relations constitute the basis for ethics, both for the individual and the three dimensional community.”<sup>420</sup>

Human dignity is the inherent value of all human beings. However, rampant discrimination against women in Africa has

<sup>416</sup> *Ibid.*, 12–13.

<sup>417</sup> *Ibid.*, 13. Cf. also Ramose, Magobe B., “The Ethics of Ubuntu”, in: Coetzee, P.H./Roux, A. P. J. (eds.), *The African Philosoph Reader*, Cape Town 2002.

<sup>418</sup> Magesa, Laurenti, op. cit., 18.

<sup>419</sup> Bujo, Benezet, “Distinctiveness of Africa Ethics”, in: Stintoch, Diane B. (ed.), *African Theology on the Way: Current Conversations*, London 2010, 81.

<sup>420</sup> *Ibid.*, 81.

rendered them voiceless and invisible. The foundation of the implied dignity is the fact of both men and women being created in the image and likeness of God. "In creating the human race male and female God gives man and woman an equal personal dignity endowed them with the inalienable rights and responsibilities proper to the human person."<sup>421</sup> Therefore, there is a pressing need to awaken the awareness of people on cultural elements that have always discriminated against women. We need to rediscover the worth, dignity and the claims for women's rights. It has been observed that: "In ten African countries, according to UNICEF, women and children together make up 77% of the population. Yet in only 16% of the household in these countries do the women have a legal right to own property."<sup>422</sup>

The African conception of life contains rich cultural values. However, some of the means used to express these values are contrary to the dignity and respect for womanhood. In addition, there are controversial elements maintained such as female genital mutilation (FGM) and early marriage. "For the girls, the preservation of virginity is the main reason that makes the Wandeis to continue practicing FGM. Traditionally, the practice was meant to inflict as much pain as possible to the girls to deter them from promiscuous behaviour."<sup>423</sup> Other elements that are opposed to the dignity of womanhood are widowhood rites, handling of widows in African traditional circumstances. Another questionable value is the place of girls in the family. These are some of the cultural practices that categorize women as second class citizens. The aforementioned African cultural traditions that infringe on the dignity of women need to be critically considered by the Church and society.

### Human Dignity in Modern Africa

Human beings are respected when their humanity is acknowledged; in this way humanity is dignified. Nasimiyu-Wasike

<sup>421</sup> Mukamwezi, Anna M. K., "African Women and Morality", in: Mukamwezi, Anna M. K./Nasimiyu-Wasike, Anne (eds.), *Moral and Ethical Issues in African Christianity*, Nairobi 1992, 137.

<sup>422</sup> Ibid., 144.

<sup>423</sup> Department of Research, *Female Genital Mutilation and Early Marriage in Wenje Division: Meanings, Outcomes, Challenges and Scope for Changew*, Nairobi 2013.

makes reference to "the missing voices of women."<sup>424</sup> The point of reference is to those who are not acknowledged, not recognized. "The unnamed and unremembered individuals are referred to as missing voices. Every cultural setting has its missing voices, depending on the social structures that govern the life of the people."<sup>425</sup> In terms of equality, there is a dimension that is questionable in the patrilineal system; that kinship concept referring to relations on the father's side. It is a model of social organization in which a male acts as head of the household assuming power over female and children.

The questionable dimension is that:

The status of women in patriarchal societies is therefore one of subordination, without legal standing in their own right. This has often meant that the subjugation of women includes patrilineal systems wherein the generation lineage of children is traced from the father; male children are favoured over female ones.<sup>426</sup>

The act of hearing the missing voice opens a space to acknowledge not only the burdens women experience but also their strengths. We should be able to understand not only their seclusion and subordination but also their productive roles. "Women have been the most marginalized in all patriarchal societies, and their voices have been silenced, ignored and taken for granted."<sup>427</sup> The voices are missing which their place is located in the background. This happens especially when they are considered and used for procreation, for domestic and community chores but not on board, except at a forum exclusively intended for women.

There is an intimate link between human rights and human dignity. As Beattie notes, "One of the most urgent challenge facing us today is to recognize that human rights must include the rights of women. As long as some human beings are treated as second-class citizens simply because they were born different from others, we can never realize the vision of hope enshrined in the UDHR."<sup>428</sup>

<sup>424</sup> Nasimiyu-Wasike, Anne, "The Missing Voices of Women", in: Keenan, James F. (ed.), *Catholic Theological Ethics: Past, Present, and Future*, New York 2011, 107–115.

<sup>425</sup> Ibid., 107.

<sup>426</sup> Cf. *ibid.*

<sup>427</sup> Ibid., 113.

<sup>428</sup> Beattie, Tina, "The Kingdom Come", in: Deane-Drummond, Cella (ed.), *Rising to Life*, London 2011, 26–32, here 37.

The most convenient sphere for promoting human dignity is the basic unity of society: the family. Moreover, the family has the initial role and responsibility of offering family life education, including the dimension of moral formation. There are also other collaborations in providing moral formation but their role is subsidiary.<sup>429</sup>

There is a challenge of restoring the dignity of the African woman. One of the most disturbing manifestations of a growing perversion of the true meaning and value of human sexuality is the commercialization of sexuality. “This is a situation where people, mostly women, are sexually exploited in return for financial remuneration. It is called prostitution.”<sup>430</sup>

It is practiced by means of enticement or women from their homeland with false promises of higher standard or living. Prostitution is a modern type of the slave trade. “In many traditional African societies prostitution was looked upon as a monumental disgrace for the person engaging in it and her family. In some cases it was even an abomination.”<sup>431</sup>

Another challenge to human dignity is the discredited practice of slave trade that is now known as human trafficking. It is a type of migration that is regarded as a kind of modern slavery because it involves force coercion and criminality.<sup>432</sup> Making specific reference to restoring the dignity of the Nigerian women, the Catholic Bishops Conference of Nigeria remarked on women trafficking as “a system whereby women and girls are sold and bought for the purpose of providing sexual gratification to fee-paying clients. The process follows a recognizable pattern.”<sup>433</sup> As a way out, there is a need to be sympathetic towards the victims of women trafficking and consider them more as victims than criminals. Ostracizing and handling them as outcasts do not bear fruitful results. Charity begins at home. ‘We cannot dwell on trafficking in Nigeria women who are taken abroad and

<sup>429</sup> Hoomkwap, Kathryn H., *Women in Church and Society in Africa*, Nigeria 1994.

<sup>430</sup> The Catholic Bishops’ Conference of Nigeria, A Pastoral Letter, February 2002, “Restoring the Dignity of the Nigerian Women”, in: W.C.BCN, No. 77, Gaudium et Spes Institute, Abuja, Nigeria, 443–460, here 443.

<sup>431</sup> Ibid., 444.

<sup>432</sup> Cf. Kaulemu, David (ed.), *Faith Perspectives on Migration and Human Trafficking*, Harare 2012, 2.

<sup>433</sup> The Catholic Bishops’ Conference in Nigeria, A Pastoral Letter, op. cit., 444.

pretend that the problem does not exist at home. Right here in Nigeria women trafficking is going on. That too needs to be addressed.”<sup>434</sup>

On the continental level, Africa has been referred to by Onaiyekan as the “wounded continent.”<sup>435</sup> This negative picture is rooted in the reality that despite vast natural resources and a considerable amount of human resources, the continent as a whole is still struggling to survive in searching for the root causes of the problem of Africa. It has been observed that: “The tragedy of Africa today is that very often our rulers usurp the prerogatives of the traditional African rulers while ignoring the checks and balances that kept the system on an even keel.”<sup>436</sup>

The appalling African condition is clearly portrayed when the dignity of the human person is violated by hunger, starvation, unemployment, disease, ignorance, unjust and sinful political and economic structures, armed conflicts, civil wars and environmental degradation.<sup>437</sup> This sad condition is aggravated by, “the woeful economic situation which has led to the mass movement of some of the best minds, and some of the most talented of our sons and daughters from Africa, in search of greener pastures in Europe or America, a movement which is commonly referred to as ‘brain drain’”<sup>438</sup> The situation appeals for the need to promote human dignity.

### Promotion of Human Dignity in Africa

The promotion of human dignity deals with the recognition and respect for the inner worth of a person from which no one can detract. Human dignity is the very basis for claims for human rights and duties. Respect for human dignity in modern Africa implies stopping the assault on human dignity, for example, by educating people on the origin, ends and transcendence of human life. Physical life does constitute in a sense the fundamental value of life, because upon

<sup>434</sup> Ibid., 448.

<sup>435</sup> Onaiyekan, John O., A Position Paper presented at the Pontifical Council for Justice and Peace, Rome, 2. July 1998, 3089.

<sup>436</sup> Ibid., 3090.

<sup>437</sup> Ajomo, Joseph Sunday, “Promoting Human Dignity in Africa”, in: Ogunu, Aseni (ed.), *The African Enchiridion: Documents and texts of the Catholic Church in the African World*, No. IV (1994–2003), Bologna 2008, 2039f.

<sup>438</sup> Ibid., 2639.

this physical life all the other values of the person are founded and developed.<sup>439</sup> The central point here is the value of human life in terms of its origin and procreation.

Respect for human dignity also entails stopping to treat Africa as 'a dumping ground to toxic and ideological waste.'<sup>440</sup> The environmental crisis in Africa is a notable dilemma of our age. The continent is steadily being destroyed by cumulative human acts. To a greater extent, environmental crisis is a result of one-sided human decisions or omissions; hence human beings are responsible for it. A specific case is that of the rampant destruction of forests, which is an ecological crisis. "Forestlands are being recklessly destroyed, depriving the earth of a means of balancing the output of carbon dioxide: to put it at its very simplest."<sup>441</sup>

Concern for human dignity demands halting the exportation of arms or weapons for mass destruction to Africa. The continent is faced with the challenge of consolidating peace particularly in war-ravaged regions. According to Donders, "War is a situation where all morality is suspended... War is anti-creative."<sup>442</sup> War is an indication of the culture of death. It destroys life, hence a violation of human dignity.

Promotion of human dignity in the African contexts appeals for realistic strategies towards canceling or radically reducing the huge debt burden. The external debt is a notable factor in the continued marginalization of Africa. The dimension includes prior debt, to Africa. Waliggo observes, "If justice is to be done, then in the discussion on the current debt Africa owes to rich nations, past debts owed by them to Africa should also be considered."<sup>443</sup> One wonders whether we should starve African children for the sake of paying debts. Making a reference to the principle of the impossibility of state insolvency,

<sup>439</sup> Congregation for the Doctrine of Faith, *On Respect for Human Life in its Origin and on the Dignity of Procreation*, Nairobi, 1987.

<sup>440</sup> Ajomo, Joseph Sunday, op. cit., 2639.

<sup>441</sup> Keenan, Marjorie, *Care for Creation: Human Activity and the Environment*, Vatican City 2000, 19.

<sup>442</sup> Donders, Joseph S., *War and Rumours of War: An Action Report on War and Peace in Africa*, Eldorfer 1986, 1.

<sup>443</sup> Waliggo, John Mary, "The External Debt in the Continued Marginalization of Africa", in: Kanyandago, Peter (ed.), *Marginalized Africa: An International Perspective*, Nairobi 2002, 52–61, here 54.

J. M. Waliggo poses a question: "If individuals and companies can be declared insolvent or bankrupt and their debts are cancelled, why cannot nations in similar situations be treated likewise?"<sup>444</sup>

Promotion of human dignity in Africa has to take into account the continent's promise, needs and image. It is indeed an act of faith to maintain that Africa is a land of promise. The Church in Africa has a prophetic role of sustaining the hope of such promise and pointing out the option for fulfilling the promise. Taking into account the global perception, it seems the image of Africa in the world is a major obstacle to the emergence of the continent. As Onaiyekan asserts: This image of Africa will change if, first and foremost, the realities of our continent are changed. If wars are brought under control, if good governance prevail making room for defeat of disease, poverty and famine, if we are able to see ourselves with better positive attitude; and if we are given change to tell our own stories; and if others will give us a sympathetic hearing then, the image will change for the better.<sup>445</sup>

### The Vision of Human Dignity

The principle of human dignity indicates what is proper to humanity. What is implied is the respect of the person's status. The human being is of the highest value. This applies to all and every human person and is inherent in each human person. Lebech outlines four stages in the development of the idea of human dignity.<sup>446</sup>

#### *The Cosmic-centric Model*

The cosmic-centric framework explains human dignity in terms of nature. Cicero Marcus Tullius (106-43 BC) the Roman orator, writer and statesman—represents this model. Human beings are considered to have fundamental value based on dominion over their passion, over the brute beasts. It is the superior mind of human beings, which makes them to stay superior to the beasts. Hence, human beings merit respect. The moral dominion makes them acquire virtue and provide capacity to participate in social life. Moral dominion ought to

<sup>444</sup> Ibid., 56.

<sup>445</sup> Cf. Onaiyekan, John, "Americans in Dialogue about Africa's Promise, Needs and Image", Notre Dame, Indiana, 21–24. September 2003, in: Chancery of the Catholic Archdiocese of Abuja, Nigeria, 3470–3475.

<sup>446</sup> Cf. Lebech, Mette, "What is Human Dignity?", Maynooth 2004, 59–69.

be according with nature. Thus, according to Marcus, “no man can be good without correct notions as to the nature of the whole and his own constitution.”<sup>447</sup> In this context, a person ought to seek to understand the natural order, accept what is inevitable and act with concern and integrity towards others. The implied moral dominion is conceived to be characteristic of human beings; hence it is referred to as criterion for human dignity. Consequently, human dignity is inherent in each and every human being.

### ***The Christocentric Model***

In the Christocentric framework, human beings are thought to have fundamental value because they are made in the image and likeness of God. They reflect the Creator-God in whom and from whom all things have their being and value. St. Thomas Aquinas (1225-1274) represents the Middle Ages’ Christocentric framework. It considers human dignity in relation to Jesus Christ. “It is this likeness which enables human beings to acquire virtue and to live in community and which therefore in turn finds society and its laws.”<sup>448</sup> It is because humanity is understood to exist in the image of God that this reflective likeness is employed as a criterion for human dignity. This model is in line with the biblical conception of the human person based on revelation (Gen. 1:26-27). Human dignity is conceived as grounded on one’s relationship with the Creator and is not earned or merited. It is inherent. The basis of human dignity is human freedom. Human dignity is fulfilled and guided in the context of the community.

### ***The Logo-centric Model***

According to the Logo-centric model, human beings have dignity because of reason. The logo-centric framework has its roots in the Age of Enlightenment, specifically in the philosophy of Immanuel Kant (1724-1804). Enlightenment is basically an appeal for freedom to which people have as an inalienable right from birth: the freedom to think and share their thought.<sup>449</sup> In a Kantian perspective, human dignity is conceived as a tribute of reason. Human beings are capable of understanding the implications of the universalizability of

<sup>447</sup> Haines, Charles R. (ed.), *Marons Aurelius*, London 1961, reprinted 1994.

<sup>448</sup> Lebech, Mette, op. cit.

<sup>449</sup> Cf. Rwiza, Richard, *Ethics of Human Rights: The African Contribution*, Nairobi 2010, 37.

any maxims of their actions. Through reason, status is certified. The possessor must also be human, belonging to the humankind. Thus, “[H]umanity itself is considered a dignity because of its rationality and this is the reason why rationality can be considered as a criterion for human dignity.”<sup>450</sup>

### ***The Polis-centric Model***

The polis-centric model depends on the vision of the state. It refers to the vision of a just state, a utopian vision of a world where all human beings would be happy. The polis-centric framework was born of the rejection of the one and unique point of view. It is also poly-centric and poly-morphic. Human dignity is what the society ought to recognize as its foundation. Personal identity is conceived to consist basically in social relations. Mary Wollstonecraft represents the polis-centric framework of post-modernity.<sup>451</sup> It explains human dignity in relation to social acceptability. This model is primarily a vindication of human rights. It is rooted in the dignity of character and virtue.

### **Conclusion**

Promotion of human dignity implies the recognition and respect for the inner worth of a person. The principle of humanity points to what is proper of every human being. It is inherent in each and every human person. In a cosmic-centric model of human dignity; the moral sphere ought to be in line with nature. In this context, a person ought to seek to understand the natural order. In a Christocentric model, human beings are thought to have fundamental value, because of being created in the image of God. On the other hand, the logocentric context, posits that human beings have dignity because of vision. In the logocentric perspective, human dignity is considered as a tribute of reason. Finally, the polis-centric model is state-oriented. Human dignity is what the society ought to recognize as its foundation.

<sup>450</sup> Lebech, Mette, op. cit.

<sup>451</sup> Cf. *ibid.*



# Human Dignity – An Islamic Perspective

Muhammad Sammak

I have divided my paper into two parts: in the first part I will deal with the concept of human dignity, throwing some light on its (Islamic) legal or canonic bases while in the second part I'll focus on an Islamic attitude towards challenges confronting human dignity in general .

## **First: An Islamic Concept of Human Dignity**

Religious literature tells us that at the beginning, man enjoyed a life in Paradise characterized by eternal bliss. After having fallen into temptation, committing sin and the showing penitence, man has led a life in this world based on principles that can be derived from the Holy Quran, as follows:

Man is not held guilty for an offence he has not done and, consequently, he is not born guilty but endowed with an innate character i.e. designed to search for God and belief in Him [...] and in His forgiveness and mercy.

“Every soul draws the meed of its acts on none but itself: no bearer of burdens can bear the burden of another” (Sura 6, Verse 164).

Man is God's vicegerent on this Earth and God's vicegerency is a task that reflects the loftiest divine honor bestowed on man: “Behold, thy Lord said to the angels: I will create a vicegerent on earth. They said: Wilt thou place therein one who will make mischief therein and shed blood? – whilst we do celebrate thy praises and glorify thy holy (name)? He said I know what ye know not”. (Sura 2, Verse 30).

Because man is God's vicegerent, He subjugated to his (use) all things in the heavens and on earth, (Sura 31, Verse 20). “It is God who hath created the heavens and the earth and sendeth down rain from the skies, and with it bringeth out fruits wherewith to feed

you, it is He who hath made the ships subject to you, that they may sail through the sea by his Command; and the rivers (also) hath He made subject to you. And He hath made subject to you the sun and the moon. Both diligently pursuing their courses; and the Night and the Day hath He (also) made subject to you. And He giveth you of all that ye ask for. But if ye count the favors of God, never will ye be able to number them. Verify, man is given up to injustice and ingratitude". (Sura 14, Verse 34).

This means that God has created the laws of nature to be subjected to man in order to enable him carry out the task of its development: "It is He who hath produced you from the earth and settled you therein" (Sura 11, Verse 61). For one of the constituents of God's vicegerency is the development and construction of the universe so that it may serve man, and not the corruption and destruction thereof.

God's vicegerency is a trust and faithfulness in people (government), or in nature (environment). Trust is a heavy responsibility. "We did indeed offer the trust to the heavens and the Earth and the Mountains; but they refused to undertake it, being afraid thereof: but man undertook it; – he was indeed unjust and foolish" (Sura 33, Verse 72).

God has created man in such a manner that he is able to elucidate and assimilate all types of knowledge in this world "And He taught Adam the nature of all things" (Sura 2, Verse 31). God has, therefore, urged man to think deeply about how he was created, about his own self and about the universe around him, so that he may realize that the ceiling of knowledge is high, that its horizons are so wide that, regardless of the learning equations which he may discover, there is still more for him to think hard about in order to discover. "Of knowledge it is only a little that is communicated to you (o, men!)" (Sura 17, Verse 85). "But over all with knowledge is one, the All-knowing" (Sura 12, Verse 26).

God has created man "in the best moulds" (Sura 96, Verse 4) "and has made him in the best form" (Sura 64, Verse 3), starting from the living cell with its contents of genes and functions up to the thinking mind and whatever it can reach in terms of knowledge and creative and deductive. That is, all human beings are honored by

God, regardless of their color, ethnicity or religion [...] or even non religion.

The honor conferred by God on man in Islam is an honor for man's human entity and his role as God's vicegerent. God has conferred on man special favors over a great part of his Creation (Sura 17, Verse 70). God has given man preference even over angels whose sole work is simply worshipping God and whom He created from light while He created man from clay. This preference has been demonstrated when God commanded angels to bow down to Adam who is a human being. The constituents of this honorific presence have emerged through the knowledge which God has willed to be lodged in the minds of men and not in the minds of angels. "And He taught Adam the names of all things that is the keys to all knowledge; then He placed them before the angels and said: Glory to thee: of knowledges we have none, save what thou hast taught us: in truth it is thou who art perfect in knowledge and wisdom. He said: O Adam! Tell them their natures. When he had told them, God said "Did I not tell you that I know the secrets of heaven and earth and I know what ye reveal and what ye conceal?" (Sura 2, Versed 31-33).

God has also placed in man some of the keys of knowledge which are, in themselves, divine attributes without which man cannot perform his duty as God's vicegerent. Such keys/attributes include man's role as a supervisor, controller and guardian of his own self in the manner explained by Abu Hamid al-Ghazzali (d.1111 A.D.) in his book "Ihya' Ulumiddin" – "The revival of religious studies". Man should also be a judge and arbiter of his-her -own deeds and intentions in accordance with Prophet Muhammad's Hadith (saying): "Deeds should be judged according to (the doers') intentions"; and subsequent to what Almighty God says "For verily He Knoweth what is secret and what is yet more hidden". (Sura 20, Verse 7).

Many are the occasions on which divine addresses are directed in the Koran to people who understand; people who have knowledge, and people who reflect. "Do they not reflect in their own minds? Not but for just ends and for a term appointed, did God create the heavens and the earth and all between them" (Sura 30, Verse 8).<sup>452</sup>

<sup>452</sup> Further references: "Now let man but think from what he is created" (Sura 86, Verse 6) / "Say: Behold all that is in the heavens and on earth; but neither Sings nor Warners profit those who believe not" (Sura 10, Verse 101) / "Do they not travel through the land, so that

When “God subjects to man’s use all things in the heavens and on earth” (Sura 3, Verse 20), it means that man is more important than nature i.e. man is greater than the sun (for example) which he has gone so far in the glorification thereof as to worship it. Man is also of greater importance than the moon, fire, wind and other transitory phenomena. When God makes man directly to him, when He brings man to account for reward or for punishment and restricts man’s accountability to Himself only; when God places on man the responsibility for his options and deeds in this world and makes him a judge for himself and for his own intentions, He thereby raises his status, honors him and chooses him above so many of His creatures.

Such qualities divest man of blind dependency and elevate him to the rank of absolute obedience to God through reason, learning and thought. “Are those equal, those who know and those who do not know?” (Sura 39, Verse 9). “Those truly fear God among His believers, who have knowledge” (Sura 35, Verse 28).

To go further in bestowing honor on man’s entity, faith in God according to Islam is not hereditary through another, for example: nor is it formal through performance of certain rituals, but it comes about through an individual will. “Let him who will, believe, and let him who will, reject” (Sura 18, Verse 29).

Nor does belief come forcibly. “Let there be no compulsion in religion: Truth Stands out clear from Error” (Sura 2, Verse 256). This Quranic verse means that belief does not or cannot come by compulsion.

Human identity is crystallized in the ego through the formulation of the first pillar of Islam i.e. “I testify that there is no god but Allah and that Muhammad is the Apostle of Allah ” which means that I, man – woman – state that I believe and testify that there is no god but Allah and that Muhammad is the Apostle of Allah. Belief here is neither an inheritance nor a favor or a compulsory duty. Belief is guidance granted by God. “God doth guide who He will to His light” (Sura 24,

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their hearts (and minds) may thus learn wisdom” (Sura 22, Verse 46) / “Do they see nothing in the government of the heavens and the earth and all that God hath created?” (Sura 7, Verse 185) / “Do they not look at the Camels how they are made? And at the Sky, how it is raised high? And at the Mountains, how they are fixed firm? And at the earth, how it is spread out?” (Sura 88, Verses 16-20) / “And none will grasp the Message except men of understanding” (Sura 3, Verse 7).

verse 35). It is a guidance that illuminates and makes open human mind to knowing and believing in God“.

To emphasize the honorific human freedom bestowed on man, many Quranic verses occur, reminding the Prophet of the limits of his mission as an Apostle of God, as a messenger not as an accountant.

“Therefore do thou give admonition, for thou art one to admonish. Thou art not are to manage men’s affairs. But if man turn away and reject God,- God will punish him with a mighty Punishment. For to Us will be their return; then it will be for Us to call them to account” (Sura 88, Verse 20-26).

“Say: Obey God, and obey the Apostle: but if ye turn away, he is only responsible for the duty placed on him and ye for that placed on you. If ye obey him, ye shall be on right guidance. The Apostle’s duty is only to preach the clear (Message)” (Sura 24, Verse 54).<sup>453</sup>

Islam has gone so far in respecting man’s freedom and respecting his acting on his own behalf before God by way of underlining his human dignity, that it (Islam) has abolished any mediation between God and man-woman . Thus there is no authority over the individual’s faith except his own authority in this world and God’s authority in the hereafter whether in terms of reward or with regard to punishment. “Say: The Truth is from your Lord. Let him who will, believe and let him who will, reject (it)” (Sura 18, Verse 29).

In his book *Al-Islam Aqida wa Sharia* (Islam:a faith and a Canon law) Sheikh Mahmud Shaltut, the former Rector of Azhar, talks about the one who apostatizes from Islam in the light of the following Holy Quranic verse:

“And if any turn back from their faith and die in unbelief, their works will bear no fruit in this life and in the Hereafter; they will be companions of fire and will abide therein”. (Sura 2, Verse 217). Sheikh

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<sup>453</sup> Further references: “If it had been thy Lord’s will, they would have all believed, – all who are on earth!! will thou then compel mankind against their will, to believe !” (Sura 10, Verse 99) / He who obeys the Apostle, obeys God: but if any turn away We have not sent thee to watch over their (evil deeds)” (Sura 4, verse 80) / “If any will see, it will be for (the good of) his own soul; if any will be blind, it will be to his own (harm): I am not (here) to watch over your doings” (Sura 6, Verse 104) / “Verily we have revealed the Book to thee in Truth for (instructing) mankind. He then that receives guidance benefits his own soul: but he that strays injures his own soul. Nor art thou set over them to dispose of their affairs” (Sura 39, Verse 41).

Shaltut observes that this Holy Verse does not include except two punishments: one in this world “their work will bear no fruit” and one in the hereafter “they will be the companions of fire”. i. e. punished by God, and by God alone.

Islam has approved that punishment in general, and death punishment in particular, belongs to God during both the foundational phases of Islam in its beginnings despite the fundamental differences between these two stages: first during the Meccan phase which was characterized by stronger pagans and weaker Muslims who were but a small helpless minority, and secondly during the Medinese stage when Muslims became predominant and established the earliest nucleus of their state. Abiding by the principle of leaving punishment to God alone, Muslims in both periods also stuck to the maxim of arguing with the other side(s) in the best way, without allowing the transformation from weakness to strength to have any impact on their clinging to the basic constants.

It may be useful to note also that the Quranic verse says: “And if any turn back from their faith and die” and did not say: “and will be killed”. In this context death is the movement of the soul to its Creator in a natural way whereas killing is death through aggression or punishment.

Here we must elucidate the difference between apostasy from religion on the one hand and deserting Muslims in order to join the ranks of their enemies, on the other hand. Judgment of apostasy (*riddah*) is a divine one in this world (their works will bear no fruits) and in the hereafter (they will be the companions of fire and will abide therein). But to leave Muslims and join their enemies is a worldly treason which has a worldly punishment defined by laws while verdicts relevant thereto are issued by competent juridical bodies.

It is common knowledge that Islamic legislation is fundamentally based on the Holy Quran; the Holy Sunnah and the rational discretionary judgement that agrees in spirit with the transmitted tradition through consensus (*Ijma'*), analogy (*qiyas*), presumption of continuity (*istishab*) and this last one is the most needed in the 21 century. *Sharia* has also laid emphasis on many things that safeguard human dignity, most significant of which is equality and protection of the right to life. “Take no life, which God hath made sacred except by way

of justice and law” (Sura 6, Verse 151), and protection of humanity at large. “If anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land- it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind” (Sura 5, Verse 35). One thousand years before Jean Jacques Rousseau declared that “Men are born free” Caliph Ruler Umar ibn al-Khattab stated in his message to his viceroy of Egypt Amr Ibn al-Ass “When have you enslaved people although they were born free?”

Jurisprudentially independent or discretionary judgement (*ijtihad*) is, per se; a prominent parameter of respecting human dignity in terms of exercising freedom of thought, opinion and search for reality. Prophet Muhammad – peace be on him – called for discretionary judgement (*ijtihad*) by saying: “Practice *ijtihad*, for everyone is made suitable to perform what he has been created for”. This is a general rule open for all societies at all times. Thus Imam Malik rejected Caliph Harun al-Rashid’s decision to impose his own *madhab* (denomination) on people. Imam Malik explained his rejection by his keenness on placing no restrictions on freedom of *ijtihad* or independent judgement. The story of Caliph Umar ibn al-Khattab about dower or bridal money is well known when he, the proverbially just caliph, revoked a wrong independent judgement of his and loudly exclaimed: “A woman is right and Umar is wrong!”

Respecting human freedom in Islam has been so great as to legitimize differences of opinion in interpreting and explaining the verses of the Holy Quran itself. Difference here, however, does not lie in the Holy text, but it is a human difference on how the holy text is understood. It is a difference among exegetists and mujtahids about the emanations of more than one meaning in various minds with regard to a particular textual statement. It is a difference of opinions and not with the text. Hence came the various religious schools and denominations (*madhabs*) that constitute a healthy phenomenon in a society which respects human mind, dignity and right in deducing judgements within the context of well-founded scientific and religious frameworks.

Islam has not imposed itself through violence nor has it forced its way into hearts and minds by means of miracles. Prophet Muhammad – peace be on him – did not perform preternatural feats like curing

sick people, bringing dead people back to life with God's permission, transforming the stick into a snake that creeps also with God's permission, speaking to animals or other deeds that lie beyond human beings' capacities. The only miracle presented by Muhammad was the Holy Quran in that it is a divine text which embodies, within the limited number of its words and letters, limitless meanings that can be deduced to fit in with the nature of human development and evolution at all times and everywhere and anywhere.

Islam has respectfully addressed human mind and has relied on reason and argument to stultify polytheism, and liberate man of idolatry out of veneration to man and by way of convincing him to worship Allah the only one God. Islam has not aggressively resorted to the sword except only for self defense and for the defense of faith.

Having said all that, we may pause for while before an important point, namely, that the honor bestowed by God on man-woman- as stated in the Holy Quran is to be understood in an absolute sense. Man is divinely honored whether he is a believer or a disbeliever in God, and whether he submits to God or renounces Him. Thus, honor is not restricted to one group of people to the exclusion of the other. For human dignity, which is derived from God's will and benevolence, embraces all people regardless of race, color, language or faith. God is not the Lord of the Jews alone, or the Christians alone or the Muslims alone. He is the Lord of all worlds.

### **Secondly: Challenges Facing Human Dignity**

There are two topics whose presentation may be regarded as a novelty in sociopolitical thought: one is human rights, the other is pluralism (ethnic or religious) and minority rights.

Numerous conferences and symposiums have been held about these two topics during the recent few years, particularly after the decline of communism, the end of the Cold War, the fragmentation of former Soviet Union and the outbreak of civil war in former Yugoslavia, and now the current upheavels in the Middle East.

With specific reference to Muslims, both these issues address Islam from a negative and even accusatory angle under the pretext that it refuses pluralism and disregards human rights. Such an attitude has led to reactions embodied in two basic ways:

On the one hand some people have hastened to sentimentally defend Islam without exerting any serious intellectual effort and even in a manner devoid of any logic argument or discussion of any topic susceptible of confusion or misunderstanding.

On the other hand, this thesis has been linked with what is believed to be a fully integrated and comprehensive campaign against Islam as the new enemy which must be targeted after the collapse of communism. In both cases, Islam has been put on the defensive, a position which is basically a weak one.

At all events, human rights and minority rights pose fundamental challenges that face the normalization of relations between Islam and the West in particular, and between different religions and cultures in general during the post-Cold War period.

### **Human rights**

On December 10, 1948 the UN General Assembly (numbering only 58 member states at that time) issued the International Declaration of Human Rights. In addition to several countries (the Communist Bloc) that expressed reservations concerning the Declaration, Egypt confined its reservations to the two following articles:

- Article 16 which provides that men and women, upon reaching marriageable age, are entitled to get married and raise a family without any ethnic, nationality or religious restrictions. Egypt regarded this article to be in conflict with Islamic Sharia which permits a Muslim man to marry a woman who belongs to a monotheistic religion (one of the People of the Book i.e. Christian or Jewish) while it forbids the marriage of a Muslim woman to a man who is one of the People of the Book. This stand is based on the fact that Islam recognizes Christianity and Judaism, as messages from God, while neither of them recognizes Islam as a heavenly message or Muhammad as a prophet.
- Article 18 which provides that everyone is free to change his –her– religion or belief. Egypt regarded also this to be against Muslim Sharia which considers any Muslim who changes his religion to be an apostate. Apart from these two points, Egypt approved all other articles.



The number of (U.N.) member states has risen to 186. No country which has joined UN since 1948 has ever asked for amendment of, or made any reservations about this document including Organization of the Islamic Cooperation (OIC) member states which number 54.

The same thing happened with regard to the International Declaration of Children's Rights. When the UN in 1989 declared the international convention about the children's rights, 171 countries including 43 member states of OIC approved it while 29 including five from OIC refrained.

Although three Muslim countries took part in the drafting committee which laid down the text of the document, 12 Muslim countries have expressed reservations about a number of its articles particularly Article 14 which provides for the child's freedom of thought, conscience and religion; Article 16 which forbids any molestation of the child's private, family or home life or private correspondence; Article 17 which provides that the child shall have access to information and material from various national and international sources; that the media should pay special attention to the linguistic needs of children who belong to minority groups or natives; and Article 20 which calls for child's adoption and states in paragraph C that "the adopted child is entitled to benefit from guarantees and standards equivalent to those in effect with regard to national adoption".

In Article 29 which commits signatory countries to approve "development of the respect of the child's next of kin, his cultural entity, language and values, the national values of the country in which the child lives, the country where he was originally raised and the civilizations different from his own".

On Article 30 which says that in countries which have ethnic religious or linguistic or native people, children belonging to those minorities or people must not be deprived of the right to enjoy, together with the other members of the group, his culture, his public proclamation of his faith, practice of his rituals and use of his own language.

There are Muslim countries such as Iran, Pakistan, Mauritania and Djibouti, who expressed their reservations in general terms, saying that they do not subscribe to any article which conflicts with Islamic sharia. Such reservations have left impressions in the interna-

tional community which can be exploited for depicting Islamic Sharia as one that disregards, or is not interested in, children's rights, which is not true.

For this reason, the Sixth Muslim Summit which was held in Dakar, Senegal, in September 1990 called for organizing "an intellectual symposium for preparing a document about children's rights in Islam". The Muslim Countries 21st Foreign Ministers Conference held in Karachi in April, 1993 also recommended that this symposium be held in cooperation with UNICEF (United Nations International Children's Emergency Fund).

On June 28, 1994 the specialized symposium was held at the premises of the Islamic Cooperation Organization, Jeddah, Participants included representatives from 11 Muslim countries comprising Saudi Arabia, Iran, Pakistan, Bangladesh, Sudan, Egypt, Sultanate of Oman, Kuwait, Senegal, Tunisia and Gambia in addition to 15 experts in Sharia and childhood affairs who were chosen in coordination between Organization of the Islamic Conference and UNICEF. Other specialized agencies also participated in the symposium such as ISESCO (Islamic Educational, Scientific and Cultural Organization), International Islamic Relief Organization of the Muslim World league, Mecca, and the Arab Gulf Fund for Supporting UN Development Organization as observers.

The symposium laid down a general statement which was submitted to the Muslim countries' Foreign Ministers for approval. It was later approved. It was not meant to disavow or to ignore the international agreement but to introduce the Islamic viewpoint concerning children's rights and underline the religious values which constitute bases and starting points for protection and defense of these rights. The formulation of the statement prepared by the symposium voiced this objective; for the preamble of the declaration emphasized that social values and principles emanate from divine revelation and that it was these values and principles which shaped the Muslim *Ummah* (nation) and formed the patterns of its social behavior. The declaration also pointed out that failure to abide by these values in addition to inexorable historical, economic and political pressures, has led to this decline, to collapse of family cohesion and to deterioration of the cultural, health and social level. It has asserted, moreover, that the basic remedy lies in individuals',

societies' and governments' resort to heavenly values and not to values imposed from outside sources.

Making this preamble its starting point, the Muslim declaration emphasized that children's rights in Islam are pre-natal. They begin with restricting the sexual relation between man and woman to legal marriage (which non-Muslim communities lack). Islam also forbids adultery, sexual perversity and concubinage. Islam furthermore, urges that the spouse be chosen from those who have a good character and a sound faith and calls for freedom from hereditary diseases to safeguard the child even before birth.

During pregnancy Islam endows the fetus with absolute right to live by forbidding abortion. The right to own and inherit is given to the child even when he is still an embryo. Islam also urges us to take care of the pregnant mother through relieving her of some of the tasks she is normally charged with according to Sharia, an indication that instructs society to exempt her from some of her civil and practical duties.

Islam regards the newborn baby to be a divine gift entitled to absolute right to live. He is also entitled to claim descent from a particular father; for which reason Islam has banned formal adoption but has been careful to secure proper guardianship of care for the orphan.

Islam, moreover, has stressed the child's right to enjoy proper nursing and upbringing because this would provide him with appropriate material and psychological care and comfort. The child has also the right to be suckled from his own mother's breasts and to be properly tended and protected within his own family; and therefore, high moral standards have been set by Islam for the parent's duty towards children particularly in terms of care and protection and concerning children's duties towards parents, especially obedience.

In Islam the rights of ownership, education and even play and recreation have been guaranteed to children.

Children with special needs and living under abnormal conditions such as orphans, physically and mentally handicapped, refugees, illegitimates, homeless, beggars, workers and stateless children have been provided with legislation's that safeguard their rights in society. The document has also asked Muslim states to abide by these religious legislation's in their own national laws and regulations.

Having highlighted the deeply humane dimension of Islamic Sharia, the declaration has also urged Muslim countries to support the Children's Right's Agreement and the international declaration for child's survival, protection and development.

### Minority Rights

On December 14, 1993 the UN General Assembly sanctioned the "International Declaration of Minority Rights". Such declaration would transfer the minority causes from its framework which is confined to the national borders legislation's and regulations of the concerned country to place it under international legitimacy. Thus the protection of ethnic identity in terms of culture, language or religion of any minority in any country is no longer a purely internal affair of that particular country but a matter of international concern. Hence, as much as Muslim minorities in non-Muslim countries benefit from this new international legislation, non-Muslim minorities living in Muslim countries and non-Arab minorities living in Arab countries must also benefit from the same legislation.

Basically an Arab or a Muslim country cannot claim and in the meantime reject the same thing. It cannot claim the right of Muslim minorities in non-Muslim countries to freely practice their own religious rites while banning non-Muslim minorities from free practice of their own religions in Muslim countries. In this context, it is noteworthy that if restricting the religious freedom of Muslims in non-Muslim countries is based on not recognizing Islam as a divine religion sent down from God, restricting the People of the Book's (Christians and Jews) rights in this field runs fundamentally counter to Islamic Shari'a. Therefore, the right of the people of the Book to enjoy religious freedom within a Muslim society did not need an international declaration for minority rights in order to be legitimate; for it is legitimate in accordance with Islamic Sharia and not by virtue of International legitimacy. On the other side, the Muslim's right to enjoy religious freedom in a non-Muslim society will be consecrated and consolidated in this international declaration of minority rights.

Thus to depict Arab countries as taking a passive attitude towards this declaration is really an exaggeration; because Arab countries have suffered in the past and are still severely suffering from sinister exploitation of minority causes such issues are being utilized to bring

about more and more dismemberment and fragmentation of the Arab world. Under such circumstances, they have good reasons to have misgivings that this international convention is likely to be used more as a cover to justify calculated and possibly carefully programmed intervention in Arab internal affairs than being used for protecting the legitimate rights of such minorities.

In fact since Europe has adopted at the mid 19<sup>th</sup> century the policy of protecting Christians in the Arab World to serve as a European foothold, defending the minority rights has intermingled with European colonial policies. Thus the reserved, and even negative attitude that may be displayed by one or more Arab and Muslim countries towards the declaration of minority rights is due to this linkage and not to the legitimate rights which are emphasized by Islamic Sharia itself.

Islamic Sharia reflects the high value accorded to man basically with regard to both liberties and rights, at individual and social levels, and in a delicate balance between religious, moral and interactive behavioral controls of these liberties and rights. Such controls include avoidance of excess in exercising rights, and avoidance of encroachment on the rights and liberties of others.

Islam divides human rights into three categories: rights of God (religious observances or *ibadat*), human rights and thirdly a combination of both.

This was manifested in the Cairo Declaration of Human Rights in Islam (August 4, 1990) which was unanimously adopted by all Muslim countries.

The International Declaration of Human Rights (1945) has transferred concern with human rights from the national to the international level, and if the relation between man and his state-before the declaration-was a purely internal affair of that state, precluding any intervention by an outside power (society or state), the Declaration has thereby laid a new foundation for world peace on mandatory respect of human rights in national societies and has thus authorized the international community to interfere under the guise of defending international peace and stability.

The International Declaration of Minority Rights, (1993) approved by UN General Assembly, constitutes a new step and even a breakthrough towards integrated intervention in the internal affairs of a

country that violates the right of any of its national minorities or individual citizens. This means that both declarations constitute together the new basis on human relations are based on.

But any double standards in practicing these principles in various parts of the world, and particularly in the Middle East, would depict human progress on the path of respecting human rights as a mere political tool, or even an instrument of political repression and subjugation.

Starting from this point, some of the accusations against Islam as a religion and against Arab countries of violating human and minority rights might emanate from:

- Misunderstanding Islam
- Misinterpreting Islam

In sum, human societies as a whole, and not only Muslim and Arab societies, have a long way to go in terms of joint and collective work so that they may arrive at a stage where human rights and dignity will become an end in itself and not a mere means leading to inhuman ends.

# Memory, Subjectivity and Human Dignity

Antonio Sidekum and Jorge Miranda de Almeida

Memory in all its various incarnations, as memories of place (events), making good damage done (justice, ethics), or the consequential effects of evil or barbaric acts (innocent suffering or victimization), is the way in which witness is borne here and now to the blood, pain and enduring scars which so dramatically and cruelly mark the lives of untold generations in Central and Latin America. Reflecting on Metz's concept of memory, Reyes Mata underlines the importance of challenging and problematizing the themes of memory, subjectivity and human dignity, while stressing how memory will emerge as the most indispensable category of a philosophy which sees itself as a theoretical formulation of a reason which, like freedom, seeks to come fully to life.

Intentional memory was strategically shunted off by official ideology into the backwaters of history and the past by a so-called academic elite, which is conservative and perpetuates European hegemony, and by an economic elite who control the means of production and were the players mainly responsible for turning our holocausts into mere historical events, silencing the pain and the extermination of populations and age-old cultures on our continent. We must bring back to life the memory of the innocent. This truth and this action occur within an ethic of otherness and liberation. The victims can be Indians, blacks, Maroons, river peoples, those of mixed race ancestry and the rightful owners of these lands who were exterminated with a lack of response or even active complicity by the Church, the judiciary, the law and social mores. We, therefore, agree with Bartolomé Ruiz when he states that "the ethical dimension makes remembering the victims a necessary prerequisite for justice".<sup>454</sup>

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<sup>454</sup> Ruiz, Bartolomé (ed.), *Justica e Memória: Para uma crítica ética da violencia*, Rio Grande do Sul 2009, 8.

In this sense, as Pollak maintains, memory is made of “the events lived through in an individual’s personal experience and those events lived by the group or body to which the person feels s/he belongs.”<sup>455</sup> Thus, as distinct from history, where the concern is to study and curate the dead facts lying in the past, memory is concerned to contextualize the mores, the rituals, the symbols and the lived experiences which are kept ever present, and in the present moment, for as long as there is struggle and resistance in a revolutionary, liberating praxis which is capable of building human dignity. In this age of fluid values, as Bauman maintains, we urgently need to establish a new paradigm so that we can all widen our understanding of human dignity as regards actions, witness accounts and lived experiences, which are the concrete expression of the human person.

It is vital to grasp that building human dignity requires taking integrity and witness as points of rupture with theories and approaches concerning human dignity. This is the constantly recurring theme in the work of Scannone, Dussel, Leopoldo Zea, Comblin, Gutierrez, Ellacuría, Samour, Arturo Roig, Freire, Boff, Kusch, Ardiles, Assmann, Fornet-Betancourt and Cullen and their partners in dialogue, Levinas, Franz Rosensweig, Martin Buber, Ferdinand Ebner and Gabriel Marcel, to mention the most outstanding figures engaged with these themes. History is based on subjectivity holding in memory the indispensable, unique here-and-now engagement with lived existence and with a people who have been rejected. As Ardilles argues, it is crucial that “our questioning of the past can only be carried out from the concrete existential situation of our fundamental present-day reality – as a path opening up a future which gives us our real existence”.<sup>456</sup> In this way, the existential attitude required is that each subjectivity<sup>457</sup> should take total responsibility for the other, mirroring and prioritizing responsibility as the basic foundation of freedom. A subjectivity built on a relational interiority which, by excess, by overflowing beyond itself, is capable

<sup>455</sup> Pollak, Michel, *Memória e identidade social*, in: *Revista Estudos Históricos*, No. 5, Rio de Janeiro 1992, 200–215.

<sup>456</sup> Ardiles, Oswaldo, “Ethos, cultura y liberación”, in: *ibid et al., Cultura Popular y Filosofía de la Liberación: Una perspectiva latino-americana*, Buenos Aires 1975, 12.

<sup>457</sup> For the overcoming of a Cartesian conception of subjectivity which is egocentric and self referential cf. Levinas, *On Another Way of Being or Beyond Essence; Between Ourselves: Essays on Others; Totality and the Infinite*; also Kierkegaard and his extraordinary study on the construction of subjectivity in *Final Postscript to Philosophical Crumbs*.

of giving of itself through self-abnegation, without thereby losing the self. On the contrary, the more that individual singularity is capable of being radicalized to the point of disinterested sacrifice to promote the dignity of one’s neighbour, the more one generates life and the more one is inclined towards commitment and engagement.”<sup>458</sup>

This chapter aims to reflect and question how the paths taken by the triad of memory, subjectivity and human dignity cross over, diverge and are embodied in a context which is as contradictory as our continent, where the colonisers used fire and the sword to enforce the dialectic of master and slave, determinedly crucifying almost all attempts at resistance and struggle in support of the dignity of human existence. The outcome of this catastrophe has been the decimation of entire peoples, cultures and the environment. One of the “masters” most effective strategies was to render invisible, hide or erase protest movements, resistance and revolution. This is why memory is the site par excellence where we must engage with the question of human dignity and the subjectivity of each individual, where the courage to transgress must occupy the space held by subordination, fear and suppression.

This is the context of our discussions on the relationship between memory, subjectivity and human dignity in publications on Latin American philosophy and theology, based on our understanding that, even as we take into account the legacy of European philosophy and theology, our way of thinking places the pages of tradition in a context of the blood and sweat shed by our people and our land. The philosophy of liberation engages in a dialectic and a dialogue with European thought, but does not just accept uncritically the concept of hunger or the concept of being. It endeavours to establish an embodied way of thinking in order to contribute to hunger not being simply a sociological or ideological concept but an approach which, engaging with ethics, justifies neither hunger nor ethics. This is because hunger is the concrete negation of the dominant philosophical and ethical theories tied to power, as Levinas denounced with such insight in *Totality and the Infinite* (2000), where he stressed that, just as there

<sup>458</sup> Cf. Kierkegaard, Soren, *Works of Love*, Petropolis, Rio de Janeiro 2004; Levinas, Emmanuel, *Totality and the Infinite*, Lisbon 2000; Dussel, Enrique, *Paths of Latin American Liberation*, São Paulo 1984; Almeida, Jorge Miranda, *Ethics and Education in Kierkegaard and Paulo Freire*, Victoria da Conquista 2013; Sidekum, Antonio, *Fundamental Rights and Human Dignity*, São Leopoldo 2011; Dussel, Enrique, *Ethics of Liberation*, Petropolis 2000.



is a philosophy of tyranny, injustice and power, the same applies to ethics, insofar as the latter is considered to be the practical aspect of philosophy.

The philosophy of liberation as distinct from that merely based on the European model, which lives through celebrating the ethereal systems of Hegel, Schelling and Spinoza in a plastic and abstract fashion, has its foundations in the field of ethics. Ethics understood as fundamental philosophy, that is. An ethics which starts from witnessing as both the locus and the experience of ethics as it manifests. An ethics which is not reduced to a canon or a take on the study of morality, but rather an ethics which is rooted in every action, in every decision, in every situation. Therefore, the philosophy of liberation engages primarily with the experience of ethical responsibility. The starting point of this activity has a long pre-history. Over many years, we have concerned ourselves – even when still a small group of students and teachers in Latin America – with a new dimension for the praxis of philosophy.

It makes no sense to engage with Cartesian subjectivity, for example, in a land such as ours, where existence is incomplete, inconclusive and ambiguous as it manifests itself in entities and colours as distinctive and authentic as blacks, yellows, pardos, whites and mestizos. Attempting to conduct a European philosophy on our continent is simply to reproduce the culture and forms of domination which were implemented with the help of Kantian or Hegelian philosophy. One should always take due note that, for Hegel, we Latin Americans could never manage to philosophize, since we were considered an inferior “race”... Perhaps the process of eugenics is much more present in European-derived philosophy than Latin American philosophers, and especially Brazilians who study and do doctorates on European thinkers, would be prepared to concede.

The actual reality of existence is camouflaged and hidden away in supposed and ideologically driven theories of philosophy and theology. We should note at this point that “words are the ideological phenomenon par excellence”<sup>459</sup> and that the ruling class endeavours to neutralize and naturalize differences, distortions and contradictions in order to render the culture uniform, homogenous and natural. For

<sup>459</sup> Bakhtin, Mikhail, *Marxismo e Filosofia da Linguagem*, São Paulo 1988, 36.

centuries, the silence blanketing the massacre of groups which did not fit into the plans for eugenics constituted the “radical evil”, to use an expression dear to Hannah Arendt. Intellectuals, clerics, politicians and educators, we all bear a legacy and a debt owed to the victims and to the innocent. As we cannot repay this debt by restoring their stolen and extinguished lives, we have the ethical imperative to make present the memory of each one of our sons and daughters to remind us that the greatest evil is indifference and that only through sustained effort and engagement with processes and organisations committed to life will the memory of the innocent really register with us in the present of our lives.

### **Philosophy of liberation and the concept of memory as a locus of justice and of the ethics of liberation**

In *Memory and Social Identity* Pollak uses various expressions to reference memory: there is an official memory, an underground memory and a forbidden or clandestine memory. The dialectic of memory on the Latin American continent goes beyond the approaches of even the most thought-provoking theoreticians of memory, as revealed in the work of Paul Ricoeur *Memory, History, Forgetting*; Maurice Halbwachs *On Collective Memory*; Pierre Nora *Realms of Memory*; Henri Bergson *Matter and Memory*. They do not face the memory of the victims, so they do not put into context the negation of Latin America in the way their work is set up, i.e. in their own original frame of reference. Da Silva states that for Dussel the negation of Latin Americans constitutes “the most horrendous sacrilege: death brought to Indians, Africans as the violent appropriation of a self-centred totality, obliterating all sense of a world of ‘the other’, Amerindia”.<sup>460</sup>

The coloniser and the hospitable oppressor had the same perspective in relation to class rule: the silencing of those who were struggling to bring into the open the contradictions of lives lived and lives killed off, of life negated. It was the masters who wrote history and who negated memory. This fits with the contention of Pollak when he highlights how

<sup>460</sup> Bolda Da Silva, Márcio, *A Filosofia da libertação a partir do contexto histórico-social da América Latina*, Rom 1998, 146.

“The frontier between what can and cannot be said, the confessable and the unconfessable separates [...] a collective memory, subsisting underground in the dominated civil society or in specific groups, from an organised collective memory which sums up the image a majority society or the State wishes to pass off or impose.”<sup>461</sup>

The peoples of the Latin American continent could not express their way of being, thinking, acting and living and so they were transformed into underground or barbarian creatures. In *New Starting Point for Latin American Philosophy*, Scannone categorically states that the USA and Europe constituted the paradigm of civilisation, as they represented the universal “substance or essence, fixed and immutable. Latin America is only an accident [...] it is unformed, chaotic material (barbarism).”<sup>462</sup>

What might be the task of Latin American philosophers? To legitimize the European way of thinking and to reproduce its theories and theses as expressing a “pure” way of thinking, as if human beings in all their constant peregrinations and incompleteness were not made of excrement in their entrails? The task might consist in entering into dialogue with European thought and contextualizing it within our lands with the contribution of embodied thinking, with a way of thinking imbued with blood, sweat, fear, shame and spunk. Because, in accord with Walter Benjamin’s metaphor of the angel of history, memory is a unique way of looking which is capable of discovering and unmasking the dominant ideology and the only way of looking which calls us to historical and situational responsibility, as Levinas proposed. Embodied thinking is the name given to ethical memory and it constitutes the space within which ethical justice can be rendered to those who were swallowed up by official accounts of history and who can no longer come back to reclaim their rights and their dignity. To build human dignity is to render justice to the innocent. All the rest is ideology and a communicative discourse which does not lead to action and does not transform the present where there is still killing and a scything down of innocent lives. Latin America has not yet given birth to itself. There are signs of resistance, there

<sup>461</sup> Pollak, Michel, op. cit., 8.

<sup>462</sup> Scannone, Juan Carlos, “Ein neuer Ansatz der Philosophie Lateinamerikas”, in: *Philosophisches Jahrbuch*, No. 89 (1982).

are symptoms of pregnancy, there are signs that something new is emerging. But the pressure of imperialism and the connivance and embourgeoisement of academics and intellectuals, the overwhelming majority of whom are committed to the social ease promised to those who pledge to support the status quo, all impede the construction and explosive blossoming of the full life that is another name for human dignity.

In his study of the work of the philosopher and teacher, Paulo Freire, one of the few Brazilians associated with the philosophy of liberation, Almeida (2013) states that ethics should be the concrete translation of education, and education the space where ethics is made real through building character and breaking with a conception of education tied to power and the aim of fitting into the social order. In Latin America education is – with very rare exceptions – the locus par excellence for the reproduction and domination of colonialism. On this we agree with Da Silva:

“The theme of liberation becomes a correlate of the socio-analytic theme of dependence. Liberation and dependence are linked as correlative themes. It jars if one tries to think of liberation without a critical analysis of Latin America’s historical context of dependence – as it does to speak of dependence without including the mediation, the historical project and the concrete possibility of liberation. Analysing the situation of dependence enables us to gain a more scientific knowledge of its mechanisms and to seek ways and means of liberating ourselves from this [...] the fundamental context for the theme of liberation is the historical situation of dependence and domination endured by the Latin American continent.”<sup>463</sup>

In this context, the construction of human dignity is brought about through a process of liberating teaching. The underlying objective of giving people a proper education, an ethical education, as Paulo Freire maintains in several of his works, especially in *Pedagogy of the Oppressed*; *Cultural Action as the Praxis of Freedom*; *Education and Change*; *Politics and Education* and *Cultural Action Aimed at Freedom*, is to establish a commitment and an ethical engagement with the process and the whole project of the liberation of the oppressed. To

<sup>463</sup> Bolda Da Silva, Márcio, op. cit., 51.

educate is not primarily to teach and transmit content, it is to build an ethics, to build dignity and social justice.

Taking up this theme, Paulo Freire remarked pertinently that “there is no life without death, just as there is no death without life, but there is also a ‘living death’.<sup>464</sup> And this ‘living death’ is precisely life prohibited from being life”. This is a challenge to which Latin American thinkers and philosophers need to respond in their own minds and in their work. What kind of philosophical theory or system justifies itself by legitimizing official power’s silencing of the innocent? What conception of philosophy perpetuates and legitimizes the existence of concentration camps out on the peripheries, in the pile-dwellings, slums and deprived communities in every corner of Our America?

The philosophy of liberation and liberation theology situate themselves within the most critical current of thinking in Latin America, as they emphasise, above all, the liberating praxis of the oppressed. In response to this we venture to affirm that education is facing a challenge unprecedented in all of human existence. István Mészáros, in his work *Education Beyond Capital*, questions how it is possible to justify the glaring social inequalities outlined in data from the UN’s Human Development Report and highlighted by Mingi Li,<sup>465</sup> where he states:

“The richest 1% in the world owns as much wealth as the poorest 57%. In 1960 the earnings of the richest 20% were 30 times greater than those of the poorest 20%. In 1999 that figure had increased to 74 times – and it is reckoned that in 2015 this figure went up to 100 times. In 1999-2000 2.8 billion people were malnourished, 2.4 billion had no access to any proper form of sanitation and one in six children of primary school age was not attending school. It is estimated that 50% of the non-agricultural (sic) workforce is unemployed or under-employed.”

These figures suffice to demonstrate the crisis humanity is undergoing. Even if not billions but just a single person were thus affected, we should be obliged to speak out against such poverty of education and the crisis afflicting humanity. So, bearing in mind Kant’s thesis that human beings are the only creatures that need to

<sup>464</sup> Freire, Paulo, *Pädagogik der Toleranz*, 2005, 197.

<sup>465</sup> Mészáros, István, *A educação para além do capital*, São Paulo 2005, 74.

be educated, this crisis of education is a crisis for humanity itself – and there is a vital link between education and humanization. We only exist because we are in the process of becoming. To be in the process of becoming is the precondition in humans for existing, as Freire says in *Pedagogy of the Oppressed*. In this way the crisis of meaning, the existential void and indifference in the face of fundamental challenges of human existence – which Hannah Arendt in her writings quite rightly called the banality of evil – is the self-same crisis to be found within the dichotomy of educational theories and practices tied to the bureaucratic, dominating structure of the neoliberal state and the urgent need for an education which is committed, engaged and ethical.

Ethics gives us an authentic strategy to deal structurally with this challenge. In *Pedagogy of Autonomy*, the philosopher and educator, Paulo Freire explores the relationship between education and ethics, stating that “It is not possible to think of human beings even at a distance from ethical considerations, let alone outside them. To stand at a distance – or, worse still, outside of – ethics is, among us men and women, a form of violation”.<sup>466</sup> He further pinpoints the relationship between ethics and education as a basic precondition for striving to be more, to become human through a praxis which is “based on justice and ethics in opposition to the exploitation of men and women and promoting their vocation to become more.”<sup>467</sup> Within this perspective it is both possible and rewarding to analyse the relationship between Kierkegaard and Paulo Freire in constructing an educational philosophy founded on an ethics of otherness, which can enable education to perform its task of forming an individual’s character and ethical personality, thus paving the way for relationships that are more authentic, more just and more human.

### **Justice as fundamental philosophy and the ethics of otherness as a philosophy of emancipation**

In Chapter VI entitled “Towards justice for the victims” of the book *Memories of Auschwitz – Its Continuing Presence and Politics*, Reyes Mata analyses the etymology of the word ‘justice’ and demonstrates

<sup>466</sup> Freire, Paulo, *Pädagogik der Autonomie*, Münster 2008, 33.

<sup>467</sup> Ibid., 23.

that this term can be understood as a virtue or as a synonym for 'perpetrator'.<sup>468</sup> Justice on our continent has generally manifested itself as injustice. In other words, to exercise justice is to legitimize genocide, land-grabs, slave labour, the exploitation of workers and the corruption of officialdom in the three spheres of power. What does 'to exercise justice' mean precisely? Justice for whom? Who is worthy or deserving of having justice done to them? From the perspective of an ethics of otherness, exercising justice starts with keeping alive the memory of the victims, of the innocent. If it is not possible to restore lives that have been stolen and silenced, it is a pre-eminent ethical imperative to guarantee that no more lives are sucked dry and wiped out by the power of the oppressors with the connivance of bourgeois consciences that are deaf, blind and marked by a narcissistic self-centred outlook.

To exercise justice is to put our own lives on the line to ensure that terrorism does not flourish among us, because terrorism is not far away. The concentration camps are not locked away in history books. Versions of fascism, Nazism and dictatorship are alive and flourishing because they are based on, and legitimized by, a disregard for human life, a total negation of an ethics of otherness which recognizes that a normality which excludes and kills whoever and whatever is different, kills with the machine guns of disregard, indifference, omission and the legitimization of the cloak of invisibility cast over pain, hunger and the deaths of blacks, Indians, swathes of the population in social need and the minor offender. True terrorism is alive and present in churches, temples, sacred sites, houses of prayer when nothing is being done to reduce the statistics of violence and to promote structural peace. This really chimes in with a contention addressed to his contemporaries by Edelman Marek, who writes in the postscript to his memoirs that "indifference and crime are synonymous".

A philosophy of emancipation based on an embodied or incarnate way of thinking comes into contradiction and conflict with the philosophy of history and calls into question the way of thinking which denies the otherness of the Other which is so inherent in the oppressors' totalitarian system. Memory again comes into focus

<sup>468</sup> Mate, Reyes, *Memórias de Auschwitz: Atualidade e política*, São Leopoldo 2005, 261.

because, following Horkheimer, whose work is fundamental for Latin American philosophy: "Memory bears a heavy responsibility, because without it there is no justice in this world, because we lose any notion of current existing injustices". Amid the innumerable philosophical and theological debates which occupy so much space in present-day Latin America, the themes that stand out are those linking memory, subjectivity and human dignity. These themes are mostly debated where people have again taken up the philosophy of liberation and liberation theology, which are rooted in the problematic nature of the historical memory of the victims who suffered and are still suffering from injustice. This renewal of a theoretical movement criticising the historical, political and economic process is leading to the establishment of new foundations and prophetic visions of human dignity. The philosophy of liberation gives more ethical emphasis to the memory and subjective experience of real human beings in Latin American history. Many countries in Latin America suffered under bloody civilian-military dictatorships for several decades, during which human rights were violated and many in those eras of history suffered from the utter destruction of their human dignity. In his book *Fundamental Rights: Human Dignity* Antonio Sidekum pertinently draws together the links between memory, subjectivity and ethics:

"Thus, from their wounded subjectivity arises a deep ethical questioning. This occurs in a facial epiphany in which 'a permanent opening of the boundaries of its form, as it expresses itself, captures in a caricature that very opening up which bursts the boundaries of form. The human face, on the boundary between sanctity and caricature, offers itself therefore in a sense to the powers that be'. Those human faces reveal the suffering of the victims of political totalitarianism, religious fundamentalism and the genuinely murderous effects of the unjust economic system due to its benefits being simply a one-way street".<sup>469</sup>

Great efforts are being made currently by the Truth and Reconciliation Commissions to uncover the violent crimes committed during the years of civilian-military dictatorship. The violence covered torture, persecution, deaths and disappearances. All these

<sup>469</sup> Sidekum, Antonio, *Direitos fundamentais: A dignidade humana*, Nova Petrópolis 2011, 28.

horrors committed in the name of modernizing the economy are being replaced by the process of globalization and by new ways of taming and training the minds of young people. This latter process takes place in the churches, which merely preach a prosperity gospel, as well as in processes of forgetting and alienation. One sad example is the way many buildings where torture was practised are being turned into shopping centres or gigantic parks for entertainment, leisure or alienating shows. Young people do not have full access to the historical facts concerning the way human dignity has been suppressed in Latin America. Even when military dictatorships have undeniably given way to democratization, they still continue working away unseen in their urge to extinguish any trace of the memory of those deeds. That form of dictatorship possesses an incredible power to manipulate the facts and does so under the cover of economic globalization and by imposing one exclusive way of thinking.

This is why we need an urgent effort to bring out into our here-and-now the memory of recent victims of various forms of institutionalized violence, which were so clearly denounced in episcopal reports by CELAM in Medellin and Puebla. These reports are historical documents in which voices are raised in an ethical and prophetic language. These voices clamour for justice and truth, drawing on the concept of the expressive face of the suffering poor of Latin America, which the document of Puebla identifies as the face of Jesus Christ showing up in the lives of the many suffering in our midst. As well as this process of surreptitious continuity of the totalitarian economic model, there is under way a justification of the totalitarian mind-set, a fact clearly demonstrated by the rise of conservative politicians who often represent the way of thinking and acting of the extreme right wing. In this political class there is a persistent denial both of human dignity and of the historical truth of the suffering imposed on people by repression and oppression. In our present-day society we suffer subtle forms of social exclusion.

With such a way of thinking engaged with and committed to those who are excluded, with their many faces and concrete situations, we can prove that Hegel was indeed wrong to assert that Latin Americans would never be capable of conducting philosophy because they are an “inferior race”. Our embodied form of thinking rescues the roots of

philosophy from being submerged in self-obsession and from caring only about itself so it can care about the Other. This is not a neutral, domineering way of thinking. It is a way of thinking capable of creating a climate of hope and belief in a utopia where justice reigns. Our embodied way of thinking does not teach people, because to teach is to indoctrinate and manipulate. Rather it stimulates those wishing to learn, while teachers accompany them along the route and are committed to a feeling for the earth and to a belief that another world is possible: a prophetic awakening, as seen in the prophet Joel (Joel 3:1-5), to a world of freedom and truth in which the young will have visions and the old will have dreams.

It is in this context that we can understand justice as “fundamental philosophy” – fundamental indicating that the starting point is not metaphysical, ontological or logical. It is not all about thinking of being as being or of being and its adequacy to truth, but it is fundamental because it starts from justice and responsibility as constituent parts of the sense and reason of our existence. Levinas declares that the true name of justice is ethics. Hunger contradicts theories and conceptions of the beautiful, the good and the just, as expounded and defended by rationalists and exponents of the Enlightenment. Hunger is nakedness and shame arising from failures in ethics and a lack of ethics. This is why ethics emerges in Kierkegaard (2013) and in Levinas (2000) as the primacy of fundamental philosophy. What is novel in the philosophy of liberation is the option for politico-ethical praxis in the service of the poor, in the service of the oppressed, giving an audience to the excluded and the exploited, both individually and collectively. Taking this option, philosophy steps down from its pedestal of pure concepts, indefinite and indeterminate being – and emerges with a face with which to bear human witness.

The poor, the oppressed, whether as individuals or as social or ethnic groups or as an entire people, are located on an ‘outside’, in relation to which Marx, Levinas and the philosophy of liberation endeavour to describe and develop a philosophical praxis with a critical approach, presenting philosophical criteria to guide our understanding of our historical reality and to enable us to take on board the fundamental role of this ‘outside’ and how it is reflected in a philosophy founded in liberation.



Professor Enrique Dussel undertakes a broad discussion of this critical theory in his book *Ethics of Liberation*.<sup>470</sup> Since 1989 there have been meetings of the forum for North-South Dialogue chaired by Prof. Raúl Fonet-Betancourt and attended by thinkers from Europe, Latin America, Africa and Asia, whose guiding principle is the philosophy of liberation. In the philosophy of liberation, ethical experience serves to “give a hearing to the voice of the other”. This experience of obeying the call to give a hearing to the challenge of the other is what constitutes ethical responsibility. In liberation philosophy the experience of politics is understood as the ethics of emancipatory praxis. It arises from an awareness of the deep reality of the “outside” realm in which the other exists. This emancipatory praxis takes up the call of the other as the anguished cry of an ethical challenge, appealing for liberation and justice. They seek thereby to go beyond Cartesian subjectivity and the self-centredness of eurocentrism and to affirm the Latin American subjectivity which arises out of the absolute otherness of the other.

The fundamental concern of liberation philosophy today is an ethical responsibility for the other. It is personal encounter. It is service, diaconia for the other in the ethical “face-to-face”. Asking about ethics is always radical because it reaches into the depths of identity. In liberation philosophy, ethics moulds the core of critical reflection. The framework of the philosophy of liberation encompasses the whole of a human being’s existence. Insofar as philosophical enquiry is genuinely a radical questioning of political, economic and social reality, it is rendered legitimate, as in all such approaches, if it endeavours to have practical impact. The position taken by Raúl Fonet-Betancourt is that the praxis of liberation philosophy is political.

He says: “For liberation philosophy, politics should be the ‘primary philosophy’ in two senses. On the one hand, politics should contribute to constructing the primary philosophy insofar as it represents the starting point for liberation and expresses itself as a radical critique of the existing order. On the other hand, politics should be that primary philosophy, because, as the practical affirmation of the otherness and “outside” position of the periphery, it puts into words the original

<sup>470</sup> Dussel, Enrique, *Ethics of Liberation in the Age of Globalisation and Inclusion*, Petropolis 2000, 331–383.

dimension of meaning of philosophy: the historical reality of the oppressed peoples.”<sup>471</sup>

The philosophy of liberation seeks a “deconstruction” of action, i.e. it wishes to turn the philosophical logos of domination on its head. This means philosophizing from the perspective of the oppressed, from the periphery. The oppressed can thus have a voice in their own language. As “subversive action” against the dominant reality, it is a “deconstruction” of the history of philosophy in Latin America, always a philosophy of liberation.

The other, who is “other” because his true identity is not recognised, comes to occupy an “outsider” space through being excluded by the totality. He is thus banished to the “outside”. The experience of “living as an outsider” means “I was not met with justice”. Dussel states that the category of “outsider” makes it possible now to do a re-think. He characterises the category of “the outside” (exteriority) as the most important one in the new philosophy, i.e. that of liberation. The concept refers at the same time to the space and to the liberation philosophy principle of “the periphery and the oppressed”.

Liberation philosophy does not content itself with a negative description of the otherness of the other, however. It speaks rather of the concrete situation of the other. The concrete circumstances of the other allow emancipatory philosophy to carry out a realistic description and a critical analysis of the historical situation. The other is the person oppressed by the political, legal and economic system – and this person has a name in Latin America. This person is the Indian, who is the marginalized, the poor and excluded, the one who cries out for justice. Hence, the language used by our philosophy of liberation sounds strange to the ears of the official philosophy, as it is the language of a reality which is “strange” to them and which, within the framework of ontology and totality, could never possibly exist. It is this language which is the basis of the other and enables him to speak from within his historical reality. Philosophy has concrete examples of “otherness” with which it engages. Recognition of the other does not correspond to “otherness” in the sense of an “I” recognizing itself. We think of “otherness” as the absolute other. The categories used

<sup>471</sup> Fonet-Betancourt, Raúl, *On the History and Development of the Latin American Philosophy of Liberation*, in: *Concordia*, No. 6 (1984), 78–98, here 95.

are important for the subjects of liberation, the oppressed, those deprived of justice, for all those who do not count in society. The other is revealed in hospitality: "Hospitality is the compliment to the idea of the infinite".

In emancipatory praxis a special relationship develops among the oppressed. The other remains hidden in his strange world, his shame and his otherness. Dussel<sup>472</sup>, drawing on Levinas<sup>473</sup>, highlights the ambiguity of misery and freedom. The powerlessness of the other refers to ontology, within which the other does not exist, and the power of the other refers to ethics as goodness. This is expressed in the formulation: the face speaks. The face is word-cum-principle: "Actus purus". Language arises in the face-to-face encounter. Through language is born the relationship between one person and another. Language opens up the dimension of responsibility for the other and makes it possible for a human being to experience justice and truth. Language requires the existence of the other – it is an interpersonal relationship. Interpersonal language breaks with the violence of the totality and, rowing against the tide, makes possible an experience of justice and truth. Language is not a precondition for consciousness, but it is radical and has its origins in absolute otherness. The truth which reveals the other has its reality in justice and, thanks to the other as its teacher, will remain as a commandment demanding justice, memory and truth.

The experience of emancipatory praxis manifests itself as a relationship and an encounter with the other. Liberation philosophy has its roots in a way of thinking emerging from the history of suffering and can thereby serve as an ultimate foundation. Understanding the otherness of the other will thereby give a new direction to the development of thought itself. This philosophy ushers in new horizons in the light of justice. It highlights the dignity of human beings, stakes a claim for fundamental human rights and maps out ethical ways in which we could move to make life sublime, taking us, above all, beyond the fetishistic dominance of capitalism and moving beyond genocide and all forms of oppression. The Latin American philosophy of liberation will thus set out its *raison d'être* in positive terms.

<sup>472</sup> Dussel, Enrique, *Philosophy of Liberation*, São Paulo 1982.

<sup>473</sup> Levinas, Emmanuel, *Totalité et Infini, essai sur l'extériorité*, La Haye 1974.

Emancipatory praxis starts with the oppressed. The poor, the oppressed and the excluded have a deep historical awareness. When we speak of emancipatory praxis, we are not dealing simply with a desire but rather with a reality which breaks through as utopia and innovation. Reality is the present moment offered to us by the oppressed for our emancipatory praxis. Liberation is a community reaction focussed on solidarity and it affects all areas of social life. Thus, we see emerging both many new social relationships of solidarity in defence of, and co-responsibility for, the people and also new forms of authority. This new, alternative free space arises through social experiences as innovations which sprout like the seeds of a new society. We, therefore, need an historical solidarity. This solidarity engages with a struggle by the community against the totality, i.e. against the various forms of oppression such as imperialism, war, civilian-military and economic dictatorship, alienation etc. It is a revolutionary programme of great significance for the whole of humanity.

### Final considerations

Injustice cannot prevail. Memory cannot be turned into past history and placed in museums, encyclopaedias and libraries. Subjectivity cannot be subjectified and homogenized in totalitarian systems dressed up as democracy. Ideology cannot prevail in the face of truth. We are facing the urgent task of revitalizing the process of emancipating Latin American philosophy and theology. It is not possible to carry on reproducing the elitist discourse of Brazilian and Latin American pseudo-intellectuals, clothed in an inferiority complex, who assert that pure thought, the legitimate mode of thought, has to be in Greek or in German, as was declared by one of the most famous and most conservative contemporary philosophers, Martin Heidegger.

Memory must be the field of battle and resistance where clamouring voices of the people are heard, where ethics is felt and becomes vividly present not only because it denounces barbarianism but also because it promotes and legitimizes strategies which produce life and social justice, for without this kind of relationship it is not possible to address the question of human dignity. If there is an ethics of the oppressor, in the service of tyranny and of economic, social, educational and cultural totalitarianism, it is essential that

teachers, students, the self-taught, community activists and leaders of groups seeking emancipation should embrace an ethics of freedom as the basis for their lives and work. Ethics takes on the role of fundamental philosophy when it succeeds in making justice manifest as justice, rather than as damage, repair or punishment. Justice must promote human dignity within ethics, otherwise it will simply serve to continue justifying tyrannies disguised as democracies and gagging and silencing those opposing this structure of power and death.

## Appendix

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