

Human Dignity and the Intercultural Conception of Universal Human Rights

Abstract

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In recent years growing attention has been accorded to the idea of an intercultural theory of universal human rights. This is attributable to numerous factors. An intercultural theory does justice to the diversity of traditions and practices worldwide and thus avoids the Western parochialism increasingly associated with traditional accounts of universal human rights. In addition, rooted as it is in the intersociation of the world's persons and peoples, an intercultural theory construes the meaning and reality of human rights in the context of social and historical practice, thereby avoiding the essentialism that is increasingly deemed objectionable in the traditional discourse on human rights. And by linking the validity of human rights to processes by which rights are adopted and affirmed—however fitfully and even tragically—by members of the world community, the intercultural theory avoids the abstract normativity also associated with the traditional discourse on human rights.

One of the possible questions raised by an intercultural theory is whether it can probably accommodate what may be the legitimate concerns of the more traditional approaches. One such concern involves the idea of human dignity. Traditionally the idea of human dignity—in the form of the inherent dignity of human beings—has been associated with essentialist views of human rights. Included here are Stoic views regarding human beings' capacity for rational self-control, religious conceptions of humans as created in God's image, Renaissance understandings of human's capacity for learning and self-transformation, and Kantian concepts of human autonomous agency. In addition, the various human rights documents adopted over the past 70 years have almost uniformly appealed to the idea of the inherent dignity of human beings as a foundational principle for the doctrine of human rights. Yet if we jettison, as the intercultural theory does, the essentialism of the traditional discourse on human rights and therewith a reliance

on metaphysically conceived intrinsic properties, must we also reject the role that the idea of human dignity may play in the discourse of human rights?

Some thinkers, especially those who are ready to construe the discourse on human dignity as vacuous and uninformative, may claim that this is precisely the lesson to be drawn. For them human dignity is indeed, in George Kateb's words, "just a phrase." This is not the view advanced in this paper. In my view, the concept of human dignity continues to have salience for the doctrine of human right even in we reject the traditional account of human rights and the appeal to notion of an essentialist idea of inherent human dignity. In any account of human rights, for instance, a notion of human dignity is helpful in affirming the notion that rights are not simply the product of positive law but affirms suprapositive norms that can be invoked to question state policies and practices. In addition, the principle of human dignity clarifies the way in which a doctrine of human rights represents a response to forms of humiliations and debasement actually experienced by persons and peoples throughout history. The same principle is also now commonly accepted as a norm in bioethical debates, especially those pertaining to the end-of-life decisions. In these and other respects the idea of human dignity continues to holds a place in a doctrine of human rights irrespective of weaknesses associated with traditional notions of human rights.

There is, to be sure, nothing especially novel about the proposition that a notion of human dignity might be fashioned in ways free of the metaphysical excesses of the traditional doctrine of human rights. Theorists have adopted various approaches—pragmatic, political-practical, discourse-theoretic—to reformat the notion of human dignity in non-essentialist ways. In what follows, however, I seek to indicate how an account of human dignity can be fashioned from the perspective of an intercultural account of human rights. In particular, I propose to show that the idea that human rights is indeed connected to a notion of inherent human dignity but in a way that that is not metaphysically presumed but instead forged in the socio-historical interaction of the world's persons and peoples. Central to this undertaking is an appreciation of the role played in an intercultural account by the practice of intersubjective exchange and the norms of reciprocal recognition informing it. In different ways I seek to show not only that an intercultural account, infused by processes of reciprocal recognition, accommodates multiple ways in which the idea of human dignity has been employed in traditional discussions of human rights but also in ways that are not only less metaphysically freighted but also, both theoretically and practically, arguably more compelling. In so proceeding my aim is first and foremost less to champion one particular

notion of human dignity than to shed light on the nature of an intercultural approach to human rights and its fecundity for the general discourse on human dignity. However, one feature of the intercultural approach is that it does foster a salutary openness to the diversity of views regarding the nature of human dignity and to the ongoing debate as to wherein that nature lies. Indeed, I argue that one feature of an account of human dignity in an intercultural account of human rights is precisely such openness to a diversity of view and the debate about them

The paper is divided into six parts. First, I delineate some core elements of an intercultural approach to human rights. Here I note the requirements for contextualization attendant on a binding account of human rights, how on an intersubjective account such contextualization—far from encouraging a relativistic enclavism—occasions a process of context transcendence, and how in turn such transcendence triggers relations of mutual exchange and adaptation leading, fitfully and even tragically, to a concretely validated, if also ever-provisional, consensus of rights-norms and other norms governing the conditions of person/peoples sociation. Second, I argue that, consonant with conventional accounts, the intercultural approach to human rights is committed a view of human dignity as a *value*, in particular to the *intrinsic worth* of individuals, understood however not as an anthropologically inherent property but one forged in relations of intersubjective recognition. Special attention is accorded to how the Kantian notion of human dignity as intrinsic worth and in particular that of *self-worth* lends itself to intersubjective reconstruction. Third, I claim that an intercultural approach entails a *status-based* approach to human dignity, one which again construes the latter not as a metaphysically conceived inherent quality but as a function of membership in a rights community characterized both by a (liberal) defense of individual right claims and a (republican) support of rights-systems generally. Here I situate the intercultural position approach to human dignity with regard to the status-based positions advanced, respectively, by Charles Beitz and Jürgen Habermas. Fourth, consonant again with traditional accounts, I construe human dignity in terms of a doctrine of human rights pertaining to the *common humanity* of humankind, I do so, however, by understanding humanity, not as an essential attribute of human beings generally, but in terms of a *socially and historically realized order* normatively committed to respect for the worth and dignity of all members of the human community, past and future members included. Here I draw on insights of Hegel, for whom humanity is defined both as the achieved agreement of members of the human community and the self-consciousness of a corresponding shared identity. In this section I also compare, again, the intercultural view with

Beitz's political view, which, while also advancing an account of human rights conceived as an ongoing historical project on the part of the human community, does so in a way that lacking the more robust attention to normative considerations proposed here. Fifth, I construe human dignity, as with thinkers like Kant and, today, James Griffin, in terms of the principle of autonomy, but one where autonomy is understood, not essentially or as an abstract moral norm, but instead as principle of collective self-legislation on the part of members of the human community in space and time. Special attention in this section is accorded to the meaning of a collective self-legislation in a globally diversified world order and how self-legislation takes the form of a process in which a collective self itself undergoes regular and ongoing re-constitution. Sixth, and in conclusion, I consider how an intercultural view allows us to speak of human dignity as the "foundation" of human rights while also eschewing the essentialism specific to traditional views of that foundational relationship. Here I argue that the foundational relationship of dignity and human rights is to be understood first and foremost as a matter of social practice rather than analytic deduction; I assert as well that the approach adopted is one that proceeds, not deductively, but "transcendentally"—through consideration of the conditions for the viability and even possibility of an existing system of human rights.