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# Human Dignity and Human Rights

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## Introduction

“Dignity” is defined as “the state of being worthy of honor or respect” (Oxford Encyclopedic English Dictionary). When this concept is associated with the adjective *human*, it is used to denote that all human beings possess equal and inherent worth and therefore ought to be accorded the highest respect and care, regardless of age, sex, socioeconomic status, health condition, ethnic origin, political ideas, or religion.

*Inherent human dignity* should be distinguished from *moral dignity*, which is a synonym of “honor.” While the former plays a central role in the legal instruments relating to bioethics, the latter has less relevance in this field. On the one hand, the inherent dignity, as it is inseparable from the human condition, is the same for all, cannot be gained or lost, and does not allow for any degree (Spiegelberg, 1970). Even the worst criminal cannot be stripped of his or her inherent dignity and has therefore the right not to be subjected to inhuman or degrading treatments or punishments.

On the other hand, moral dignity does not relate to the *existence* itself of persons but to their *behavior*; it is the result of a virtuous life, that is, of a life lived in accordance with moral principles. This is why moral dignity is not possessed by all individuals to the same degree (e.g., an honest citizen has more dignity than a pickpocket). While this is a kind of dignity that people may occasionally exhibit, lack, or lose, the dignity in which all humans are said to be equal is a characteristic that belongs permanently and inherently to every human as such (Gewirth, 1982, p. 27).

The concept of intrinsic human dignity operates in modern times as the bedrock of the international human rights system that emerged in the aftermath of the Second World War. It plays also a key role in the international policy documents relating to bioethics that have been adopted since the end of the 1990s. Human dignity can be characterized as the “shaping principle” of international bioethics

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(Lenoir & Mathieu, 2004) or as the “overarching principle” of the global norms governing biomedical issues (Andorno, 2009). Far from representing a shift merely in style, the higher profile accorded to human dignity in bioethics is seen as a true shift in substance that deserves to be carefully considered (Beylveled & Brownsword, 2002, p. 29).

This chapter aims, first, to briefly present how the notion of human dignity has been conceptualized over centuries of philosophical thought; second, to stress the foundational role it currently plays in international human rights law; third, to emphasize its even more crucial role in the international policy documents relating to bioethics; fourth, to present the reasons for the recourse to human rights in the formulation of global bioethical standards; and finally, to briefly address the challenge to the universality of human dignity and human rights posed by cultural diversity.

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## Human Dignity in the History of Philosophical Thought

The notion of human dignity has been the subject of many centuries of philosophical inquiry. Most of the explanations emphasize the rational capacities and the free will that characterize human beings and make of them something absolutely unique among living beings. Ancient Greek philosophers, in particular Plato and Aristotle, came to the conclusion that the core of every human individual is not just pure matter, but a *spiritual principle*, which they called *soul* (*anima*, *psyché*). They argued that, since human beings are capable of spiritual activities (understanding, self-understanding, loving, self-determining by judging and choosing, expressing themselves through arts, etc.), they are essentially *spiritual beings* (Aristotle, *On the Soul*, III). Precisely thanks to their spiritual component, human beings were regarded as radically unique among living beings and were thought to share in the divine nature (Plato, *Laws*, V; *Timaeus*, 90). The modern idea of human dignity was nevertheless not yet clearly present in ancient Greek philosophy, which justified slavery, a rigid hierarchical social order and a sharp distinction between Greeks and other peoples. However, its thoughtful reflections on the spiritual dimension of human beings provided an invaluable basis for the later developments of Stoic and Christian philosophy and theology, which adopted a *universal* perspective.

Stoicism insisted particularly on rationality as the constitutive element of human dignity, because the human person is the only living being who is able to live according to nature through its reason, which means living a virtuous life. Virtue is possible because human reason shares in the divine reason that governs all things and in this way is able to know the natural law. Roman Stoic philosophers seem to have been the first to use the term dignity (*dignitas*) to indicate the intrinsic and universal worthiness of human beings. Cicero explicitly employs it to refer to the excellence and dignity (*excellentia et dignitas*) that all human beings possess by the simple fact of sharing in the common rational nature (*On duties*, I, 105).

Similarly, Christian thinkers stressed the special dignity of all human beings on the grounds of their spiritual soul, which is the seat of intellect and free will.

Certainly, in this tradition, the intrinsic worth of all human individuals is ultimately a consequence of their being an “image of God” (Gen. 1, 26) and of the belief in the redemption by Jesus Christ of every single human being. But these theological explanations of human worthiness presuppose that the ultimate internal principle of every human being is *spiritual* and not merely corporeal. This philosophical assumption is explicit in the thinking of theologians, according to whom the likeness to God is to be found mainly at the level of the soul, not of the body, because God is a purely spiritual being (Thomas Aquinas, *Summa Theologica*, I, 93). However, the Christian tradition, following Aristotle, holds that every individual has an integrated bodily and spiritual nature. This implies that, although the soul is the core of every human being, it is connaturally related to the body, with which it makes up the substantial unity of the person.

During the Renaissance humanism, the emphasis on human dignity became more persistent, more exclusive, and ultimately more systematic than it had ever been during the preceding centuries. Italian Renaissance philosophers such as Marsilio Ficino and Giovanni Pico della Mirandola, based on both ancient Greek philosophy and on biblical sources, insisted on the intrinsic moral worth of human beings on grounds of the spirituality and immortality of the soul, on its central position in the cosmos, and on man’s freedom and creativity capacities. Pico della Mirandola’s *Oration on the Dignity of Man* (1486) describes the moment of the creation of the human being, following both the biblical and Platonic accounts. He claims that when the creation of the universe had been completed, God decided to add a being capable of meditating on the reasons of the world, loving its beauty, and admiring its greatness. Thus, he undertook the creation of the human being. But, since all gifts had already been distributed among the other creatures, he decided that the being for which nothing had been left as its peculiar property might in turn have a share of all the gifts that had first been assigned singly to the other living beings. Hence, according to Pico della Mirandola, human persons have no clearly determined essence or nature. They are neither celestial nor earthly, neither mortal nor immortal. On the contrary, they are free to choose good or evil, to develop or not the capacities they are endowed with. They may live like a plant, an animal, a celestial being, or may even be united with God himself. For this reason, the human person can be metaphorically described as a “chameleon.” Human dignity consists in the freedom of choice that characterizes the human being in comparison to other living beings because the different possibilities open to the human person include the highest one.

At the end of the eighteenth century, Immanuel Kant developed one of the most influential accounts of human dignity in the history of philosophy. For the German philosopher, the intrinsic human worthiness is grounded on the capacity for practical rationality, especially the capacity for autonomous self-legislation under the categorical imperative: “Autonomy is then the ground of the dignity of human nature and of every rational nature” (*Groundwork of the Metaphysics of Morals*, 1996, p. 85). The Kantian approach puts the emphasis on the freedom to conceive and follow the moral law, which is a specific capacity of human beings. Kant holds that it is only from this *moral* perspective, and not on *ontological* terms, that human

dignity can be justified. Having maintained that there is nothing in the world that “could be considered good without limitation except a good will” (p. 49), he points out that the value of the good will cannot be grounded empirically, that is, it cannot depend upon its having good effects or being oriented to attain certain purposes. The value of the good will, to be really unconditional, must be contained *within it*. This is only possible insofar as the moral action is oriented by a purely formal imperative, which can only consist in acting for the sake of *duty alone* (i.e., from respect of the moral law). This imperative must have a categorical nature, which means that it should represent certain actions as rationally required in themselves for everybody and without reference to any further end or goal. Therefore, the categorical imperative must be purely formal. Kant concludes that there is only one categorical imperative and it is this: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law” (p. 73). In his view, the only way to make sense of the human will as a ground of a universal moral law is to conceive human beings as *ends in themselves*. This idea is expressed in the second formulation of the categorical imperative: “So act that you use humanity, whether in your own person or in the person of any other, always at the *same time as an end*, never merely as a means” (p. 80). Kant presents “dignity” as exactly the opposite of “price”: while “price” is the kind of value for which there can be an equivalent, “dignity” makes a person irreplaceable. Therefore, the notion of human dignity expresses a requirement of *non-instrumentalization* of persons.

Although the concept of human dignity has been especially developed in the Western world, it is important to note that it is not strange to other cultural traditions. For instance, according to Chinese scholars, it has a correlate in the teachings of Confucianism (Zhang, 2000). The great Confucian philosopher Xunzi (third century BC) said that “Water and fire have essences (Qi), but not life; herbs and trees have life, but no knowledge; birds and beasts have knowledge, but no sense of justice (Yi). Man has an essence, life, knowledge and, in addition, a sense of justice; thus he is the noblest on earth” (*Kingly Government*, Ch. IX, cited in Zhang, 2000, p. 309). Xunzi believed that, although people are not innately good, they are all born with the *capacity to become* good (a “kingly person”), and this is what makes of each individual something special. Another great Confucian philosopher, Mencius (fourth century BC), developed a theory of human nature, claiming that the uniqueness of human beings lies not in their bodies, which they share with animals, but in their moral faculties assembled in their heart-mind (*Xin*). In this way, Confucianism has given substantive content to the notion of dignity in classic Chinese philosophy by establishing the moral ideals of humanity (*Ren*) and righteousness (*Yi*), as exemplified in the moral character of the Confucian gentleman (*junzi*), the prototype of the virtuous man (Zhang, 2000).

Also the Islamic tradition emphasizes the very special place of human beings on earth. According to the Qur’an, the sacred text of Islam, God gave to the human being the best shape and form (95:4), breathed into him his spirit (15:29; 38:72), gave him intellect and freedom (16:78; 23:78), bestowed dignity on the progeny of Adam (17:70), placed him even above his angels (2:31), and made him his *Khalifah* (representative) on earth (2:30; 33:72). Because of this, it is commonly interpreted

that the sacred text of Islam assigns dignity to all human beings, regardless of color, sex, race, or religion. Dignity arises from the mere fact of sharing in the human condition and is not restricted to those who believe in Islam (Hashim Kamali, 2002; Sachedina, 2009).

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## Human Dignity in International Human Rights Law

Immediately after the horrors of the Second World War, the international community felt it necessary to strongly emphasize the notion of human dignity in order to prevent “barbarous acts which have outraged the conscience of mankind” from ever happening again (Preamble of the Universal Declaration of Human Rights of 1948, thereafter UDHR). Three years before the UDHR, the United Nations Charter, which is the foundational treaty of this major intergovernmental body, had already reaffirmed the member states’ “faith (. . .) in the dignity and worth of the human person” (Preamble). The UDHR served as the cornerstone of the new international human rights system, which was grounded on the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family” (Preamble). From the very beginning, the declaration puts forward that “all human beings are born free and equal in dignity and rights” (Article 1).

According to international law, the relationship between human dignity and human rights is the one between a foundational principle of equal respect for every human being and the concrete norms that are needed to flesh out that principle in social life. Human dignity is the foundation of human rights; rights *derive* from human dignity. Human dignity is not a kind of super-right, or a collective term to refer to rights, but rather the ultimate source of all rights. The notion of human dignity attempts to respond to the question, “why do human beings have rights?” And the answer is that they are entitled to rights precisely because they possess intrinsic worth.

At present, the entire international human rights system is based on the assumption that people do really have inherent dignity. In modern political thought, the state’s *raison d’être* is precisely to promote and secure respect for dignity and rights. The validity of human dignity and human rights is thought of as not conditional upon their explicit recognition by states. Rather, both the international community and individual states are *obliged* to recognize that people do have basic rights (i.e., that they have equally valid claims to basic goods) because these latter derive from the dignity which is inherent in every human being. Hence, it can be said that, ultimately, the notion of human dignity points to a requirement of *justice* toward every individual. In the words of Rawls, this requirement presupposes that “each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override” (Rawls, 1971, p. 3).

Certainly, the practical efficacy of promoting human rights is significantly aided by their legal recognition by states. But the ultimate validity of basic rights is characteristically thought of as not *conditional* upon such recognition (Nickel, 1987). In other words, legal systems do not present the notion of human dignity

as a merely theoretical hypothesis or as a legal fiction but as the *indispensable basis for the fair functioning of human society*.

It is noteworthy that human dignity is not explicitly defined by international law. Rather, its meaning is “left to intuitive understanding, conditioned in large measure by cultural factors” (Schachter, 1983, p. 849). This is not surprising given the foundational nature of this notion, as well as the extreme difficulty of finding a precise definition of such a basic concept that satisfies everyone, especially in a transcultural context. This is also explained by the fact that lawmakers are reluctant to provide rigid definitions, which may lead to unsolvable difficulties in the implementation of legal norms. In this regard, they prefer to follow the old Roman dictum: *omnis definitio in iure periculosa est* (“every definition in law is perilous”).

Despite this lack of definition, international law offers a helpful guidance for a better understanding of the notion of dignity when it provides, first, that dignity is “*inherent*. . . to all members of the human family” (UDHR, Preamble); second, that all human beings are “free and *equal* in dignity and rights” (UDHR, Article 1); and third, that “these rights *derive* from the inherent dignity of the human person” (1966 International Covenants on Civil and Political Rights, and on Economic, Social, and Cultural Rights, Preambles):

- (a) The term “inherent” means “involved in the constitution, or essential character of something,” “intrinsic,” “permanent or characteristic attribute of something.” The idea expressed in this term, when it is accompanied by the adjective “human,” is that dignity is *inseparable from the human condition*. Thus, dignity is not an accidental quality of some human beings or a value derived from some particular personal circumstances such as the fact of being young or old, man or woman, and healthy or sick but rather something that all human beings possess *by the mere fact of being human*.
- (b) The second important consequence of the meaning that “human dignity” has in international law is that basic rights are *equal* for all: if human dignity is the same for all and the ground of human rights, then all human beings possess equal basic rights. This is the reason why discrimination, that is, the unjust distinction in the treatment of different categories of people is directly contrary to human dignity.
- (c) The third statement of international law stressing that rights *derive* from human dignity has also an important practical consequence: if basic rights are not given by authority, but are preexisting values which are inherent in every human being, then they cannot be legitimately taken away by government (Schachter, 1983, p. 853).

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## Human Dignity in International Norms Relating to Bioethics

Having been firmly established since 1948 as the bedrock of international human rights law, the notion of human dignity began gradually also to play an important role in the field of bioethics. Interestingly, the emphasis on human dignity in

modern bioethics is closely related to the same dramatic events that led to the development of international human rights law. The drafting work of the UDHR was indeed largely inspired by the discovery of the horror of concentration camps, including the revelation that prisoners were used for brutal medical experiments (Baker, 2001). The Second World War was “the crucible in which both human rights and bioethics were forged, and they have been related by blood ever since” (Annas, 2005, p. 160).

The increasing recourse to human dignity in bioethics can be schematically divided into three stages. The first stage, which took place immediately after the end of the Second World War, was focused on issues relating to medical research on human subjects, in particular, the requirement of free and informed consent of participants. This trend crystallized in 1947 in the famous Nuremberg Code formulated by the trial that condemned the Nazi physicians. Although the principles included in the Nuremberg Code do not explicitly refer to human dignity, it is clear that they are immediately inspired on this notion. The *nonnegotiable* nature of the code principles puts in evidence that the idea of an unconditional human worthiness was in the mind of the judges that formulated them. In this respect, it has been stressed that “never before in the history of human experimentation, and never since, has any code or any regulation of research declared in such relentless and uncompromising fashion that the psychological integrity of research subjects must be protected *absolutely*” (Katz, 1992, p. 227). According to Principle 1, “voluntary consent of the human subject is absolutely essential,” and “the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice (. . .); and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision.” The code also requires that research “should be so conducted as to avoid all unnecessary physical and mental suffering and injury” (Principle 4), that it should not be conducted “where there is an a priori reason to believe that death or disabling injury will occur” (Principle 5), and that “the degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment” (Principle 6). Consistent with the focus on medical research during this first period, the only provision of the International Covenant on Civil and Political Rights of 1966 which directly relates to bioethics states that “no one shall be subjected without his free consent to medical or scientific experimentation” (Article 7). Twenty years after the Nuremberg Code, this article is still like an echo of that historical trial decision.

The second stage in the recourse to human dignity in the field of biomedicine started in the end of the 1970s. It went beyond the domain of medical research and began to cover very different medical practices and techniques that operate at the edges of life, both at the very beginning (assisted reproductive technologies, preimplantation genetic diagnosis, embryo research, etc.) and at the very end (futile treatments, assisted suicide, euthanasia). Human dignity began also to be invoked to criticize some practices that are regarded as new forms of commodification of the human body, like organ selling and surrogate motherhood. In this varied context, it is not surprising if the term “dignity” was sometimes used to support different and

even opposed views (such as in the debate on assisted suicide). This broader and multifaceted function of human dignity is visible in the intergovernmental instruments adopted since the end of the 1990s. Two of the most important ones from a global perspective are the Universal Declaration on the Human Genome and Human Rights and the Universal Declaration of Human Rights and Bioethics, which were adopted by representatives of virtually all countries at the UNESCO General Conference in 1997 and 2005, respectively. The latter one is probably the best example of the key and multifaceted role that human dignity plays in bioethics. The promotion of respect for human dignity is the main purpose of the declaration (Article 2.c); the first principle governing the whole field of biomedicine (Article 3); the main argument every form of against discrimination, including, for instance, genetic discrimination (Article 11); the framework within which cultural diversity is to be respected (Article 12); and the highest interpretive principle of all the provisions of the declaration (Article 28).

The Council of Europe's Convention on Human Rights and Biomedicine of 1997 is another good example of the central and overarching role that human dignity is beginning to play in the biomedical field. According to its Explanatory Report, "the concept of human dignity . . . constitutes the essential value to be upheld. It is at the basis of most of the values emphasized in the Convention" (Paragraph 9). The Preamble refers three times to dignity: the first, when it recognizes "the importance of ensuring the dignity of the human being"; the second, when it recalls that "the misuse of biology and medicine may lead to acts endangering human dignity"; and the third, when it underlines the need to take the necessary measures "to safeguard human dignity and the fundamental rights and freedoms of the individual with regard to the application of biology and medicine." The purpose itself of the convention is defined by appealing to the notion of human dignity (Article 1). Although this is a regional, not a global instrument, its potential impact on a global scale should not be overlooked as it is the only intergovernmental legally binding instrument that comprehensively addresses the linkage between human rights and biomedicine.

Certainly, even with the formal recognition of human dignity as a fundamental principle, there is not always unanimity between countries, and within countries, about the concrete implications of this notion, especially regarding those medical practices that operate at the edges of life. Nevertheless, this does not necessarily mean that a universal conception of dignity does not exist but suggest only that a universal understanding of dignity does not exist *at the margins* (McCrudden, 2008, p. 711).

The third stage in the increasing recourse to human dignity in bioethics started at the end of the 1990s and marked a significant shift in comparison to the previous ones. The notion of human dignity began also to be invoked to articulate concerns about biotechnological developments that may impact on humanity as a whole. What is at stake in this new context is not only the dignity of existing *individuals* but also the value attached to the existence and integrity of the human species as such. It is important to note that a purely human rights approach is powerless to face these new challenges because rights are only enjoyed by *existing* individuals, not by humankind as a whole or by future generations. This is why the new instruments

relating to bioethics directly appeal to the notion of human dignity, and not to human rights, when they condemn practices such as human reproductive cloning or human genetic engineering. Three examples illustrate this trend: the Universal Declaration on the Human Genome and Human Rights of 1997, which emphasizes the need to preserve the human genome as a “heritage of humanity” (Article 1) and expressly labels human reproductive cloning and germline interventions as “contrary to human dignity” (Articles 11 and 24, respectively); the UN Declaration on Human Cloning of 2005, which calls on member states “to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life” (Paragraph d); the Council of Europe’s Convention on Human Rights and Biomedicine of 1997, which prohibits germline interventions on the ground that “they may endanger not only the individual but the species itself” (Explanatory Report to the Convention, Paragraph 89); and the 1998 Additional Protocol to the same convention, which bans human reproductive cloning on the grounds that it is “contrary to human dignity” (Preamble).

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## The Recourse to Human Rights in Global Bioethics

The emerging global instruments relating to bioethics combine the recourse to human dignity as an overarching principle with the integration of the new commonly adopted standards into a human rights framework. Moreover, these instruments present themselves as an extension of international human rights law into the specific field of biomedicine. Several reasons explain this strategy.

One reason is that, since biomedical activities are directly related to the most basic human rights such as the right to life and to physical integrity, it is logical to have recourse to the umbrella of human rights norms to ensure their protection. In spite of all its evident weaknesses, the existing human rights system, with its extensive body of international standards and wide range of mechanisms and international courts, is an invaluable tool for promoting respect for the most fundamental human goods *also* in the biomedical field.

A second advantage for appealing to a human rights framework in this field is that it facilitates the formulation of universal standards, because international human rights law is based on the principle that basic rights transcend cultural diversity and political borders. Human rights are conceived as entitlements that people have simply by virtue of their humanity and not by any particular condition or circumstance. In other words, human rights are held to be universal in the sense that “all people have and should enjoy them, and to be independent in the sense that they exist and are available as standards of justification and criticism whether or not they are recognized and implemented by the legal system or officials of a country” (Nickel, 1987, p. 561). In such a sensitive field as bioethics, where diverse socio-cultural, philosophical, and religious traditions come into play, the universalistic nature of human rights is of crucial importance.

A third reason for the recourse to human rights in bioethics is that the notion of human dignity, which is the cornerstone of global bioethical norms, is unable alone

to provide concrete responses to most challenges raised by biomedical advances. Human dignity is not a magic word that, when uttered, will immediately solve all the complex dilemmas posed by medical technology. This is why the abstract principle of human dignity normally operates through other much more concrete notions (informed consent, bodily integrity, nondiscrimination, privacy, confidentiality, etc.), which are usually formulated using the terminology of “rights.”

A more pragmatic reason for casting the bioethical standards into human rights terms is that there are few, if any, mechanisms available other than human rights to function as a global normative foundation in biomedicine (Thomasma, 2001). Moreover, the human rights framework provides “a more useful approach for analyzing and responding to modern public health challenges than any framework thus far available within the biomedical tradition” (Mann, 1996, p. 924). The human rights strategy allows “a well-tested and long-established common language, rhetoric and institutional practice to be applied in order to achieve consensus both on the nature of the problem and, ideally, on the form of possible solutions to it” (Ashcroft, 2010, p. 644).

This increasing use of a human rights framework to deal with bioethical issues does not mean that “human rights will subsume bioethics” (Faunce, 2005) or render bioethical discussions at the academic and professional level useless. Insofar as bioethics is a part of the ethics, it cannot and will never be entirely encapsulated in legal form. Though ethics and law interact in various ways and may significantly overlap with one another, they will always remain as two different normative systems. Legal instruments only attempt to establish a minimal ethics, inasmuch as it is necessary to ensure respect for the most basic human goods. In doing so, the law leaves a broad range of issues open for discussion and to the prudential judgment of the various stakeholders involved in medical practice and research controversies.

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## **Human Dignity, Human Rights, and Cultural Diversity**

A common objection to the very idea of human dignity and human rights applying universally is that they embody a Western liberal-individualistic perspective and are therefore alien to other cultures. Attempting to impose respect for human rights standards on non-Western countries would be tantamount to cultural imperialism. This objection can be overcome by considering that, although the current notion of human dignity was systematically developed in the West, it has close correlates in non-Western cultures, as it was mentioned above.

Understandably, each culture articulates the idea of intrinsic human worth using its own conceptual tools, but the crucial point is that this notion is present, in some way or another, in all of them. Concerning the much more modern notion of “human rights,” it is a fact that it has its immediate origins in the insights of the European Enlightenment philosophers and in the political revolutions of the end of the eighteenth century, notably, the American and French Revolutions. Nevertheless, this historical circumstance is not a good enough reason to discard the idea that

people have inherent dignity and, as a consequence, equal rights. The relevant question is whether or not this idea deserves to be promoted, no matter where it was conceptually developed for the first time. Merely pointing to moral diversity and the presumed integrity of individual cultures does not, by itself, provide a philosophical justification for cultural relativism nor a sufficient critique of universalism.

It may happen that certain practices that could be seen as cultural traditions of a particular society enter in conflict with human rights principles: lapidation, female genital mutilation, child labor, the “honor killing” of women who are regarded as having brought dishonor upon the family, discrimination against people of lower castes, etc., are the most known examples. These practices, even if accepted by large part of a particular community, are regarded by the international community as incompatible with basic human rights and therefore do not deserve to be given due regard on the ground that they reflect the cultural specificities of a society. In such cases of clear conflict between the supposed cultural values of a society and human rights principles, these latter should prevail. In this regard, the 2005 Universal Declaration on Bioethics and Human Rights, while recognizing that cultural diversity should be given “due regard,” makes it clear that such respect is subjected to the condition that it is not “contrary to human dignity, human rights and fundamental freedoms” (Article 12).

In addition, it is a historical fact that international human rights law was developed by representatives of the most diverse countries and cultures. Thus, it is hard to claim that it intends to impose one *cultural* standard. Rather, it can be said that it seeks to promote a minimum legal standard of protection for all human beings, regardless of their specific cultural background. Certainly, in many Western nations, there has been an excessive emphasis on rights and freedoms for the *individual*, sometimes to the detriment of duties and of family and community values, which are of paramount importance to most non-Western (mainly Asian and African) societies. However, it would be equally fair to say that international law has made substantial efforts over the last decades to be more attuned to the communal and collective basis of many non-Western countries. This was done, in particular, through the development of the “second generation of rights” that are included in the abovementioned International Covenant on Economic, Social, and Cultural Rights of 1966, which emphasizes the notion that the individual has not only “rights” but also “duties to other individuals and to the community to which he belongs” (Preamble). The protection of the family, which is recognized as “the natural and fundamental group unit of society” (Article 10), the special protection awarded to children and young persons, the promotion of just and favorable working conditions, and the improvement of education and of public health, have a special place in this document. This tendency toward a broader understanding of human rights has been even further developed in the last few decades through the so-called rights of solidarity, which include the right to development, to peace, to self-determination, and to a healthy environment.

Hence, although human rights remain philosophically grounded within an individualist moral doctrine, it must be acknowledged that serious attempts have been made by the international community to adequately apply them to more

communally oriented societies. This more socially oriented tendency can also be found in the intergovernmental instruments dealing with bioethics. For instance, the 2005 Universal Declaration on Bioethics and Human Rights insists on the importance of developing “new approaches to social responsibility to ensure that progress in science and technology contributes to justice, equity and to the interest of humanity” (Preamble); of taking into account “the special needs of developing countries, indigenous communities and vulnerable populations” (idem); of promoting “solidarity and cooperation” (Article 13); and of fostering the sharing of benefits resulting from scientific research within each society and between societies (Article 15).

In sum, human dignity and human rights, which are by definition universal, are not necessarily in conflict with respect for cultural diversity. This is also valid in the field of bioethics. The circumstance that bioethical issues are closely linked to the deepest sociocultural and religious values of every society is not an obstacle to the formulation of universal norms but, quite to the contrary, can be regarded as a valuable asset in the efforts to develop global bioethical principles. Precisely because bioethics is close to the most cherished aspirations of people, and people are essentially the same everywhere, the development of some minimal common standards in this area is feasible. Human dignity plays in this regard a unifying role by reminding that all human beings are entitled to basic goods and have therefore equal basic rights. From this perspective, human dignity plays the role of a precious bridge between cultures.

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## Conclusion

Since 1948, the notion of human dignity operates as a central organizing principle of the international human rights system. It also plays a crucial role in the emerging global norms relating to bioethics, which present themselves as an extension of international human rights law into the field of biomedicine. The recourse to dignity in this specific area reflects a real concern about the need to promote respect for the intrinsic worth of human beings and the urgency to preserve the identity and integrity of the human species against potentially harmful biotechnological developments.

However, human dignity alone cannot solve most of the dilemmas posed by biomedical advances. This explains why international norms addressing bioethical issues combine, on the one hand, the appeal to human dignity as an overarching principle with, on the other hand, the recourse to human rights, which provide an effective and practical way forward for dealing with bioethical issues at a global level.

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