

# Human Dignity

# Basic underlying principles of human rights

- Freedom (liberty)
- Equality
- Dignity
- These principles are complementary (or it may be argued that dignity is a more complex one), but there may be conflicts between them.

# The Philosophical Background of Human Dignity

- Kant – Human Dignity: *„Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means.“* (anti-utilitarian)
- Human Dignity is connected to **the nature of a human being** and is unseparable.
- It has been described by many as **„a right to rights“**, **„article of faith of a civil religion“** etc.

# The Nature of Dignity

- Right?
- Principle?
- Value?
- Perhaps a combination of those – An underlying principle which provides a basis for more specific human rights (See ICCPR which begins its preamble with the acknowledgment that the rights contained in the covenant “*derive from the inherent dignity of the human person.*”)
- Might be considered a „**compressed substance of human rights**“.

# Barak's Concept

- Four aspects of human dignity
- 1) Recognition as human being (equality)
- 2) Freedom of will (self-determination or autonomy)
- 3) Welfare
- 4) Ends, not means (object theory)

# The Aspects of Human Dignity

- A relatively vague concept
- Connection to: Right to life, Prohibition of Torture, Right to privacy, bodily integrity and self-determination, Prohibition of Discrimination, (Social Rights?) et al.

# Subjective or objective? Protecting dignity against the will of an individual?

- Human Dignity vs. Contractual Freedom
- Peep Show Case, Dwarf Tossing, Prostitution, Laser Game,
- What qualifies as „Will“?
- Is there an objective standard of human dignity?

# Prohibition of Torture

- Content – Art. 3 ECHR, 7/2 Czech Charter etc.
- Specifics: Absolute nature?
- Discuss Gafgen v. Germany