

# Inherent Dignity: The Essence of Human Rights (or How to Get from Dignity to Political Power)

Diogenes

57(4) 21–26

Copyright © ICPHS 2012

Reprints and permission:

sagepub.co.uk/journalsPermissions.nav

DOI: 10.1177/0392192111433679

dio.sagepub.com

**Anat Biletzki**

Tel Aviv University

## I. Introduction

I begin with a linguistic oddity. Israel's leading human rights organization,<sup>1</sup> *B'Tselem* – The Israeli Information Center for Human Rights in the Occupied Territories – carries a strange name. Its oddness is manifested in Hebrew as well as in other languages, which have no direct access to its original strangeness. “B'Tselem” literally means “in the image of.” In Hebrew it is one word. In other languages, such as English, it translated into a full expression made up of several words (e.g., “in the image of”). It is first encountered in the Hebrew language in the Bible, Genesis 1:27: “So God created man in his own image, in the image of God created he him; male and female created he them.” The question immediately surfaces: Why call a human rights organization “in the image of”? Wherefrom this oddity? And the answer, born in Jewish and Hebrew contexts, is similarly immediate: Because in both scholarly, Judaic studies sources and in the more colloquial use of the word (*b'tselem*) in ordinary, everyday language, describing a human being as in-the-image-of-God means recognizing his or her dignity. So ordinary is this use of the word “*b'tselem*” that, oft-times, instead of referring to human dignity by the lexical, dictionary term for dignity – “*kavod*” – Hebrew in its natural Israeli environs depicts humans possessing dignity as being *b'tselem*, that is to say, in-the-image-of (God). Furthermore, beyond the irregularity of using such a syntactically unhappy occurrence to describe a trait that normally would require a simple adjective, the strangeness and oddity are, or should have been, exacerbated when such an expression, “in the image of,” is conscripted to serve as a proper name of an organization. But in fact, the peculiarity of “B'Tselem” as a proper name – even if it is only the name of an organization – has given way, in the twenty years of the organization's existence, to a naturalness that now accompanies its use and seems to belie any unfamiliarity. One could, of course, espouse the proper-names-have-no-meaning-only-reference position and look upon “B'Tselem” as just that – a senseless name of an organization, a denotation that carries no connotation. It makes more sense, however, to my mind and for my explicit purpose, to go the route of meaning-as-use and to thereby explain the acquired rootedness of the expression that means human dignity – “in the image of” – precisely as a name being used for a *human rights* organization.

---

**Corresponding author:**

Anat Biletzki, Department of Philosophy, Tel Aviv University, Tel Aviv 69978, Israel

Email: [anatbi@post.tau.ac.il](mailto:anatbi@post.tau.ac.il)

## 2. Dignity

... 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... (Universal Declaration of Human Rights, 1948, Preamble)

All human beings are born free and equal in dignity and rights. (Universal Declaration of Human Rights, 1948, Article 1)

The Universal Declaration of Human Rights, that Bible of our newfound religion,<sup>2</sup> posits a conjunction of dignity and rights, as if, possibly, the two are on the same recognizable conceptual, ethical, and legal plane. I posit that they are not. Although we can formulate the two expressions, “*human dignity*” and “*human rights*,” and thereby reinforce the intuition that places dignity and rights on the same level of discourse (i.e., they both can be modified by “*human*”), it is doubly important that we differentiate between these two qualifying “*human*”s: human dignity is that which we claim to be an inherent property of humans and that claim is put to work in grounding human rights. In other words, the inborn human property of dignity is what justifies human rights. There is a clear and necessary distinction of (conceptual, ethical, and legal) priority, with dignity preceding, so to speak, rights.

How did dignity enter the human rights game? This question should perhaps only be answered after an investigation into the concept of dignity itself is carried out. So we ask: Where does dignity – human dignity – originate? This question can then garner a three-pronged response: the religious answer, the secular though no less ethical answer, and the redundancy answer. The first is amply manifested, without a doubt celebrated, by that group of philosophers who view the human being as God’s creation, a divine creation, and as therefore, naturally, housing a version of sanctity – now under the guise of dignity. So established in religious thought is this rendering of dignity that it is a short step to take to the postulation of religion as the basis upon which human rights themselves stand. Indeed, if human dignity is a sacred given, then human rights, derived from such dignity, must rise to the holy occasion. Michael Perry, a recent advocate of this religiosity, takes the foundational version of the dignity–human rights connection one step further by insisting that not only are human rights religiously based on (God-given) human dignity, but human rights cannot but be religious; that is to say, any other attempt at foundationally justifying human rights, even if it is couched in other, secular constructs, is necessarily religious if it is to function as good reason.

Consequently, according to Perry (1998), such must be the traditional versions of purportedly secular groundings of human rights that persist in validating human rights by a turn to human dignity; they are, unbeknownst to their advocates, necessarily religious. Yet these types of investigations, despite the easy way-out of a direct God-given dignity or the indirect religious route imputed to them by thinkers like Perry, have diligently pursued the question of human dignity as a natural, but not God-given, property of the human being. This secular quest achieves its most significant version in the Kantian standard of man as never merely a means but always an end-in-itself, i.e., man – the human being – as a “*citizen*” in the kingdom of ends. The irreligiosity of this structure is blatant: it recognizes human dignity as an essential part of the moral imperative that defines us as human beings. As such, it pinpoints a secular dignity. As such, however, it also engages the moral duties, not rights, of humanity. Does one need to take a different step in connecting human dignity with rights rather than with duties? Not necessarily, since one could submit that if rights be viewed as a correlative of duties – the rights of one individual are tantamount

to the duties of another – then the Kantian paradigm involving duties is a sufficient buttress for the bond between both of these and dignity. If not – that is to say, if rights need an independent grounding in dignity – then the further step relating human rights to human dignity is probably more recent and can be traced back simply to the paradigm that is now with us, since the Universal Declaration of Human Rights, where, as we have seen, dignity and rights are conjoined – perhaps as a presupposition, perhaps even without sufficient argument – and accepted consensually as such.

Be that as it may, both the religious view of dignity (in the image of God) and its secular namesake (a citizen of the kingdom of ends) put dignity to work in securing human rights. One final response, which I term the “redundancy approach,” (akin to the redundancy theory of truth) would have it that, given the intimate inter-dependency between human rights and human dignity, there is no conceptual (and subsequently no legal or ethical) requirement to hypothesize the ground-level role of dignity – be it a divine mandate or a secular axiom. Like the redundancy theory of truth, which does not preclude our talk of truth as a significant part of our factual (at the least) discourse, the redundancy theory of dignity – what is dignity if it is not at the base of our ethical human interaction? – does not rule out our talk of dignity as a significant part of our moral discourse and, more so, of our human rights discourse. It merely shrugs off the necessity of saying so explicitly. The analytic point remains: we do not encounter human dignity and human rights together as some coincidental happenstance; rather, human rights are anchored in dignity.

### 3. Civil community

So we accept that foundational statement – that human rights derive from human dignity, either religiously or in secular mode – but, even so, we may stumble in the ensuing derivatives of that connection. A categorical complication, perhaps even confusion, seems to follow. It is human individuals who hold dignity and thus human rights are due to individuals.<sup>3</sup> On the other hand, the responsibility for human rights and accountability for their violations attach to one certain type of public authority – political authority held by the state.<sup>4</sup> We are faced, then, immediately with two clear arenas: individuals, who have dignity and who are therefore entitled to human rights, and political authorities (to whom no one would/could ascribe dignity) who are responsible for human rights. The third known level in this well-known edifice are international legal bodies, which are, in a sense, a meta-political authority (at least in theory, if not in fact) and which are conscripted to monitor and enforce individual rights by state authorities while providing judgment and penalty for cases of violations. This three tiered framework – individuals, states, and the international bodies – holds its own intricacies, perhaps even obscurities. Still, we are familiar with their conceptual roles: individuals have dignity, *ergo* they have human rights; the state holds political public authority and must thus respect human rights; the international system watches over human rights in its envisioned meta-authority. So where does civil community come in?

Can this now be the place for (certain, institutionalized) human rights? Differently put, can the human rights community – for that is what it has also become – be legitimately and sensibly considered a part of civil community? Human rights organizations, for reasons too many to detail here, grew out of and blossomed in the amorphous locale of civil community. Let us not forget that, although usually depicted as a loose, informal, voluntary, grassroots pack coalescing to a greater or smaller degree into institutional organizations, the essence of civil community lies in this being a pack of citizens. As *civil* community, such groups invite discussion by being a community of citizens, whose interest for us lies precisely in their being not just any social

community, but a community of individuals whose civil identity – being *citizens* – is the object of attention. And if they are individuals functioning in civil community, functioning, that is to say, as citizens, then a crucial role of the discussion must of necessity revolve around their rights as citizens.<sup>5</sup> Most emphatically, it is human rights organizations, more than any other group in civil community, that are involved in that particular aspect of individual existence, its rights facet. It is no surprise then that these organizations, in their proliferation and heightened activities over the past few decades, while acquiring power and potency themselves – though, I hasten to add, this is not political power – have consequently strengthened civil community in turn.

#### 4. The power of civil community

This perceived strength, influence, “power,” of civil community is what I would like to now question. It is one thing to put civil society mid-way between individuals and their state in a simplistic internal-to-the-state structure – not to be confused with the three levels portrayed above of individual, state, and international law – and view civil community as a natural societal phenomenon, sometimes acting as a buffer to state power, sometimes even as its replacement. It is a second, quite differently perceived configuration that “empowers” civil community, specifically in its human rights garb, enjoining it to go over, so to speak, the state’s authority; to address and mobilize the international stratum, instead of the state, in order to enforce that which is due individuals as dignity-bearing beings. This perspective has been taken to an impressive, perhaps surprising, unconventional level in the work of Balakrishnan Rajagopal (2003), who faults the institution of international law, as it exists today, for recognizing states and the more formal versions of human rights organizations (“NGOization”), and only them, rather than other more grass-root groups and bodies of civil community, in its dealings with human rights. Surprising – since Rajagopal finds moral justification for the opposition against even development and democratization of many civil community groups, claiming that these constructs (democratization and developments) are traditional, state-sponsored agendas of the old, colonial guard. He admonishes us to recognize civil community as the new focus of influence – more central than either state or traditional international law – en route to redefining and formulating international (human rights) law itself.

I would like, however, to take this second perspective – of the empowerment of civil community – in another direction. Hopefully no less concrete than Rajagopal’s anti-formal suggestion, perhaps even complementing it, is the acknowledgment of real political power. But here’s the rub: such power, political power, in spite of all our talk of empowerment of civil community, is still in the hands of traditional political authorities, i.e., states. Certainly, we are witness today to some aspects of change having to do with globalization, or with internationalist media. Certainly, human rights discourse has become the current rage. Still I submit that it is delusional, or at the least illusory, to say that power – true political power vested in the hands of a public authority – is truly in the hands of civil community. David Kennedy (2006), speaking of the humanitarian community, says, “we have seen the empire, and it is us”; I beg to differ – greatly. Rather, I propose, civil community, correctly perceiving itself as separate from political authority, must recognize political authority for what it is and then try to influence it. One wants to cry now: what else is new?

Let us return to human rights and human rights organizations. It has long been a mantra in the human rights community (as opposed to human rights scholarship and academia) that human rights are not political (since human rights are universal, their origin and value are objectivist, and a partisan stance is never to be tolerated). It is time to take off the gloves. Civil community

can, and should, use the apparatus of human rights to influence the powers that be. It can, and should, do this both pragmatically – in order to be more influential, and in principle – because rights, even if they be human rights, *are* political. Civil community can, and should, become political – and this is the twist – precisely by using the supposedly apolitical truncheon of international law; from on high, so to speak, to effect changes in the political authority of the state itself. Civil community can, and should, use human rights, grounded in intrinsic human dignity, to achieve political authority.

## 5. Epilogue

I began with *B'Tselem*, the Israeli human rights organization that engraved the idea of dignity as synonymous with human rights in its very name. I would like to end with *B'Tselem* and with a famous, or rather infamous, quote of Itzhak Rabin, Israel's assassinated prime-minister, usually credited with recognizing the Palestinian other and taking the first step towards peace – in the Oslo accords, now so discredited – between Israel and Palestine. It is not to this commendable acclaim that I allude, but rather to Rabin's more down-to-earth familiarity with political power. Speaking about Arafat's ascension to such power, supposedly on the road to real state power, Rabin mouthed his celebrated blessing to Arafat: he hoped Arafat would be able to rule “without interference from the High Court or *B'Tselem*.” In other words, from one holder of political power to another hopeful of political power, the blessing was, in colloquial translation, “may you be free of the burden of courts of justice and of human rights organizations.” I have expressed here my contrary hope.

## Notes

1. Proper disclosure mandates that I state my personal affiliation with the organization. For twelve years I served on the board of the organization; during 2001–2006 I was chairperson of the board.
2. This status is proclaimed by Michael Ignatieff (1999) drawing on Eli Wiesel's positioning of human rights as a “world-wide secular religion” (Wiesel 1998: 3).
3. There are here, of course, the usual conundrums between cosmopolitanism and communitarianism, or similarly, the questions of individual rights vs. group or minority rights. These also lead to, or are sometimes thought to arise from, the more theoretical issue of universalism vs. (cultural) relativism. I leave those complications aside for the moment, noting that they are not insignificant and are of relevance to our general question of the “placing” of human rights.
4. There are here, of course, the somewhat semantic questions of the differences between civil/political rights and economic/social/cultural rights: if the political authority – the state – is responsible for all human rights included in the Universal Declaration of Human Rights, does that not make all types of human rights, in a sense, civil/political rights? Though this may seem a deep conceptual query, I doubt its seriousness.
5. Other ingredients can revolve around their civil duties (as indeed is mentioned, though only once, in the Universal Declaration of Human Rights); their civil behavior; their civil affiliations, etc.

## References

- Ignatieff, Michael (1999) “Human Rights: the Midlife Crisis,” *The New York Review of Books*, 46/9, May 20.
- Kennedy, David (2006) “Reassessing International Humanitarianism: the Dark Sides,” in Anne Orford (ed.) *International Law and its Others*, pp. 131–155. Cambridge: Cambridge University Press.
- Perry, Michael J (1998) *The Idea of Human Rights*. Oxford: Oxford University Press.

- Rajagopal, Balakrishnan (2003) *International Law from Below*. New York: Cambridge University Press.
- Wiesel, Elie (1998) "A Tribute to Human Rights," in Yael Danieli *et al.* (eds) *The Universal Declaration of Human Rights: Fifty Years and Beyond*, pp. 3–4. Amityville, NY: Baywood Publishing.