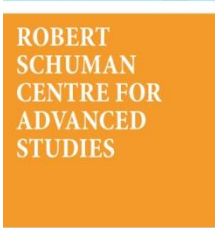




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Applying Dignity, Respect, Honor and Human Rights
to a Pluralistic, Multicultural Universe

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Abstract

“Human dignity” is the foundation of the human rights discourse that evolved around the United Nations’ 1948 Universal Declaration of Human Rights. In recent decades, the concept of human dignity has been vastly over-extended, gradually becoming a vague, nearly meaningless “catch-all” phrase. In the 21st century’s pluralistic and multicultural world, this development has played into two worrisome trends. One is the formulation of any cultural-specific identity-based claim as involving a human dignity-based human right; such over-extension of human dignity and human dignity-based rights breeds growing scepticism regarding the usefulness of the whole human rights discourse. The second trend is the erroneous portrayal of cultural specific honor-based claims as involving dignity-based human rights. Such misleading portrayal blurs the boundaries between the universalistically humanistic dignity-based human rights discourse, and culturally specific, often separatist and conservative honor-based mentalities.

Attempting to address these troubling trends, this paper defines a tightly knit *human dignity*, which marks the *absolute value/ worth of the common denominator of humanness in all human beings*. This human dignity gives rise to universalistic and absolute – yet minimal – fundamental human rights. It is conceptually distinguished from what I refer to as “*respect*”, which assigns *tentative value/ worth to the uniqueness of each and every concrete, specific expression of human existence*. In this conceptualization, respect is the basis of tentative, secondary human rights – including those that address many specific identity claims in a pluralistic, multicultural world. Whereas “human dignity-based rights” derive from and protect the very essence of humanness, “respect-based rights” protect and enhance exclusive personal choices that manifest an individual’s uniqueness, including each person’s self-expression in lieu of his or her multiple affiliations. Such affiliations are often related to race, gender, nationality, religion, ethnicity, sexuality and/ or culture. Respect-based rights thus refer to most issues arising from pluralism and multiculturalism. Both dignity and respect are carefully distinguished from the very different notion of *honor*, which marks *tentative, comparative human value/ worth that is intertwined with esteem and prestige within a specific (typically conservative and separatist) normative cultural context*. Honor-based claims do not necessarily constitute either dignity or respect-based human rights.

Such re-conceptualization yields a clear distinction between the absolute and universal fundamental dignity-based human rights, and the tentative, often cultural-specific respect-based rights. This allows to preserve the distinction between absolute, universal fundamental dignity-based human rights, and secondary, tentative, sometimes clashing respect-based rights. It highlights the difference between these two categories of human rights and any culturally-specific honor-based claims. These distinctions are important if we are to maintain the discourse of human rights and adjust it to a world which is ever more pluralistic and multicultural.

Keywords:

Human dignity; respect; honor; human rights; the Universal Declaration on Human Rights; pluralism; multiculturalism.

Introduction

Since the mid twentieth century, human dignity has been widely recognized as the conceptual basis of human rights, yet the prevailing usage of the term has become too broad to offer clear, specific guidance and instruction in concrete situations. So, for example, does human dignity support "prolife" or "prochoice" stands on abortion or assisted suicide? And how far does it reach: is every personal choice always a matter of human dignity and therefore of fundamental human rights? Does a personal choice regarding tattoo always involve human dignity and thus fundamental human rights? And what about a choice regarding head cover that is of religious or cultural significance? This paper suggests a framework that allows for the systematic application of human dignity discourse to concrete issues, including those that involve pluralism and multiculturalism. The paper's main proposal is to "slice" the ethical terrain commonly referred to as "human dignity" into two distinct layers: a fundamental inner layer maintaining the label "human dignity" and a secondary layer, which I refer to as "respect". This implies a significant narrowing of the scope - or radius - of human dignity, while constituting an ethical territory of an adjacent, derivative, distinct basic value, called respect. It yields a more tightly knit definition of a narrow, intrinsic human dignity, as set against the broader, subsidiary value, respect. This is crucial to salvage human dignity from the "all and nothing" catch-phrase that it is becoming. It is essential to conceptually distinguish the absolute safeguarding of the most fundamental human rights, those that are dignity-based, from the tentative, partial protection of the many less fundamental rights that are respect-based, including many culturally varying ones.

This conceptualization marks a hierarchy according to which *human dignity is the absolute, universal value attached to the core of what we cherish as humanness per se*, whereas *respect lends tentative value and worth to concrete, countless, self-chosen manifestations of humanness*. Human dignity is the full value or worth of the category "human" itself, of the underlying framework of any life form that we consider *human*. Respect is the partial value or worth of each *specific* compilation of characteristics that constitutes a single human life. Both these values are set against what I refer to as "honor": a distinct, hierarchy-oriented, typically localized and conservative value that is often intertwined and confused with some meanings attached to the term dignity. The danger in confusing the terms lies in the fact that very frequently honor pulls in the exact opposite direction from dignity and respect. The conflation of dignity and respect with honor all but paralyzes our ability to conceive of them coherently.

Human dignity and respect each gives rise to what we commonly acknowledge as human rights. Human rights that derive from and safeguard respect differ significantly from those that derive from and safeguard human dignity as it is narrowly defined. The *raison d'être*, logic, psychology and economy of each type of rights is different. Deriving from the absolute value attributed to humanness itself, a human right defined as dignity-based must be acknowledged as absolute. Deriving from the tentative value of specific manifestations of humanness, a respect-based right must be balanced against competing human rights and other norms and policies.

This suggested distinction between two spheres of value and human rights helps coherently chart and address issues of pluralism and multiculturalism while revitalizing human dignity discourse, which is undermined by growing scepticism. From the suggested perspective, specifically claimed human rights such as wearing a religious head-scarf to schools on the one hand and equal access to education on the other hand, must and can be specifically defined in every given situation as either dignity-based or respect-based. Any part of such rights in a given situation that is determined dignity-based must be fully guaranteed without qualification. Any part that is deemed respect-based must be further balanced against other competing claimed rights and policies. Any part that is defined honor-based, must be carefully reviewed and considered in view of all relevant dignity and respect-based rights. The proposed perspective fine tunes our sensitivities to specific human rights in their concrete

contexts, offering a common ground for a feasibly practical discourse that would serve to evaluate such rights' urgency and determine their comparative ranking and extent in any given situation.

Before diving into the argument, I must first set the stage. Human dignity is a subject that invites interdisciplinary inquiry and multidisciplinary dialogue. Any deep consideration of any aspect of dignity combines philosophical, political and legal perspectives with psychological, sociological, anthropological and theological ones. Any such discussion is relevant to discourses that deal with conflict resolution, organization and management; it calls for linguistic and historical analysis and poses moral, ethical, ideological challenges. No single argument concerning human dignity can possibly do justice to all these perspectives or appease all readers who are interested in the topic. I believe that it is against this backdrop that any treatise on human dignity must situate itself, carve its niche and define its exact angle and contribution.

My formal professional, academic training is in jurisprudence, philosophy and literature. In seventeen years of studying human dignity I have come in contact with many additional perspectives and expanded my horizons in various new directions. This has led me to forsake any distinct disciplinary discourse regarding dignity. In this article I attempt to offer a sketch of my overall conceptualization of human dignity, suggesting its relevance to the prevailing contemporary reality of pluralism and multiculturalism. For this purpose, I chose not to delve into any single disciplinary analysis of the terrain; any such particular disciplinary choice would have narrowed the scope of the overall argument and alienated many potential readers. I therefore refrain from reference to the vast body of positive law on human dignity and human rights, as well as from participation in numerous philosophical discussions regarding adjacent concepts such as equality or liberty.

I am interested in the possibility of coherently applying the human dignity and rights discourse to our contemporary pluralistic, multicultural world, i.e., in situating the pluralistic, multicultural world within the framework of human dignity and rights. Hence, the human dignity that I focus on is strictly that embedded in the United Nation's Universal Declaration of Human Rights. It is this particular concept of human dignity that I wish to analyse, develop and reinterpret. I believe that the extensive academic and legal references to dignity in recent years has blurred the unique essence of this tenet, expanding its scope, mystifying it and rendering it almost meaningless. I therefore return to the Universal Declaration itself in search of its unmediated conceptualization of human dignity, rather than engage in dialogue with the manifold contemporary references to it, intriguing as they may be.

The Universal Declaration's Human Dignity

On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, which determines in its first article that "[a]ll human beings are born free and equal in dignity and rights." In its opening statement, the declaration proclaims that "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". This is an axiomatic determination that our innate freedom and human dignity, identically imprinted in us all, afford us equal basic rights: civil, social, cultural and economic.¹

The Universal Declaration was composed and ratified in the aftermath of WWII and its unprecedented brutality. Horrified by humankind's capacity for self-destruction, the United Nations realized and declared that future human survival ("freedom, justice and peace") depended upon a universal acceptance of the axiomatic tenet of equal human dignity. A year later, this same tenet was made the centerpiece of (Western) Germany's new constitution (Basic Law). Since then, additional

¹ Perhaps "similar" or "identical" would have been more accurate, philosophically, than "equal", since the term "equality" carries much philosophical baggage. Nevertheless, it is the term "equal" that the declaration chose to use, inviting us to speak of "equal dignity", whether or not this adheres to specific philosophical interpretations of equality.

constitutions (such as South Africa's) and international treaties (mostly European) adopted human dignity as their underlying principle.

December 10 is rightly commemorated and celebrated around the world as Human Rights Day. I believe that the adoption of the Universal Declaration constituted a historic turn which bears dramatic consequences. On this exclusive occasion, a significant majority of the world's population took an unprecedented ethical stand, establishing human dignity as the core of a universalistic value system that must be acknowledged and upheld worldwide. The nations of the world determined that this value system would yield social and legal norms to be considered binding everywhere around the globe. These norms declare, define and defend human rights. In other words: *the majority of the world's nations decided (through the Universal Declaration) to universally embrace the normative code of conduct based on human dignity and to name it fundamental human rights.*

To uphold and empower the historic revolution introduced by it, to understand the fierce attacks on it and to defend it adequately, the Universal Declaration must be persistently studied, interpreted and realized. The Declaration's notion of human dignity must be continuously revisited and explored, lest in the quick pace of change, it will become obsolete and irrelevant. Let me begin the current contribution to this ongoing endeavor by attempting to unpack the Declaration's dense ethical, theoretical statement regarding human dignity and basic human rights. But first a word of caution.

The human dignity that we have come to acknowledge as the basis of universal, fundamental human rights is a specific interpretation of this familiar concept. Over the course of many centuries, the term dignity has been used and developed by many individuals, institutions and movements, who molded it according to their distinct sets of beliefs and ideological agendas.² Some aspects of dignity's many meanings overlap and coincide; others don't. They do not and cannot possibly all add up to a coherent conglomerate meaningful value. The enmeshing of dignity's many faces and features in public and academic discourse has turned it into an open-ended, vague concept that can be affixed to almost anything; a notion that may help promote and "market" almost any argument. It is therefore often referred to as something we cannot quite define; at best we "know it when we see it" (Schacter 1983). Even legal cultures that develop the notion of human dignity and rely on it regularly seem to be mystified by it. As phrased by a German legal scholar:

[I]t is difficult to seize the judicial meaning of the concept of human dignity. Therefore, some might even characterize human dignity as an 'empty formula amongst others'. Even if one does not agree and tries to define the specific legal essence of the concept of human dignity, a very wide range of applications still remains. (Ecker 2002, 42).

This leads to the excessive use and diminishing significance of human dignity. It has brought about the publication of articles titled "Dignity is a Useless Concept" (Macklin 2003), and "The Stupidity of Dignity" (Pinker 2008). As Michael Rosen points out, they all recap Schopenhauer's brutal criticism of the term and its users:

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 has any meaning. They cunningly counted

² In his introduction to an earlier edited collection of articles on human dignity, Michael Meyer suggests that the source of dignity's multiple meanings is that "in political thought at the time of the Enlightenment revolution two quite distinct concepts of dignity were in use, not only in politics proper but also in philosophical thought. ... On the one hand, some political thinkers used the idea of dignity to refer to a rank within a recognized and established social hierarchy ... In contradiction other thinkers understood the notion of dignity to have much wider application - for example the dignity of man or the dignity of humanity" (Meyer 1991, 4). Each of these twelve writers comments on dignity's competing meanings. Writing Two decades later, in *Imago Dei: Human Dignity in Ecumenical Perspective*, three Christian ethnologists offer three different versions of human dignity in Catholic, Orthodox and Baptist traditions (Thomas Albert Howard 2013). In *Dignity, Rank and Rights*, Jeremy Waldron, Wai Chee Dimock, Don Herzog and Michael Rosen each offer a distinct, philosophical meaning of human dignity (Jeremy Waldron, Meir Dan-Cohen ed. 2012). For an exceptionally nuanced and useful history of human dignity's many meanings and uses see Rosen, 2012.

on the fact that their readers would be glad to see themselves invested with such a *dignity* and would accordingly be quite satisfied with it'. Is Schopenhauer right? Is the talk of 'dignity' mere humbug -- a pompous facade, flattering to our self-esteem but without any genuine substance behind it? (Rosen 2012, 1).

In the introduction to a monumental essay collection on human dignity published in 2014, Christopher McCrudden states that “[t]he concept of human dignity has probably never been so omnipotent in everyday speech, or so deeply embedded in political and legal discourse” (McCrudden 2014, 1). He observes that “[h]uman dignity often seems to be used on both sides of many of the most controversial political debates: on issues such as abortion, assisted suicide, genetic experimentation, freedom of expression, and gay rights...” This, he notes, poses a serious concern: “Does this demonstrate that the concept is hopelessly vague and excessively prone to manipulation?” I claim instead that this unhealthy phenomenon demonstrates that too many features of too many of dignity's meanings are used indistinctly. Consequently, too much academic endeavor is wasted on the futile attempt to map out dignity's many meanings.

If it is to be coherent and useful, the Universal Declaration's human dignity must be explored and developed in clear distinction from all other meanings of the term, culturally rich, historically informed, linguistically delightful and philosophically sophisticated as they may be. As any interpretation of a concept embedded in a legal document, I suggest that the Declaration's dignity be read in accordance with the document's literal meaning and ideological spirit.

In its opening statement addressing "all members of the human family", the Declaration's preamble establishes a powerful *grounding metaphor*: *we are all members of one family*. All human beings belong to a single clan or tribe; we are all blood relations in a socially significant way. In the collective memory of many, this metaphorical framework echoes the powerful myth of our common descent from the primal couple, Adam and Eve. Additionally, to members of almost any civilization around the world, the family metaphor connotes primordial commitment: deep bonding, solidarity and mutual responsibility. It carries with it allusions to ideas of common heritage, collective inherited property, genetic resemblance, mutual dependence and sacred obligations to treat each other fairly and offer protection, support and aid. It is in the context of this emotionally compelling framework that the Declaration refers to human dignity, stating that it intrinsically belongs to all members of the human family.

Human dignity is, therefore, metaphorically something of a "genetic" component that distinguishes our family; it is common, inherited "property"; it unites us from womb to tomb; it is a birth right we all share. It was passed to us all so that we pass it on to future generations. It is a good that defines us all identically. It is neither "mine" nor "yours" but “ours”, much like our family name or our family complexion or facial expression. Since it is our communal hereditary family property, each of us is similarly responsible for it; we may not destroy or harm its manifestation in ourselves or in any other family member.³

The Declaration's human dignity is a "family resemblance", yet clearly not one we can detect in a photograph or discover under a microscope. *It is not an empirical quality but a symbolic and ethical one*. It is a family feature that we do not decipher but rather determine, establish, declare; we do not do

³ In his monograph on human dignity, George Kateb stresses that human dignity implies human superiority to all other species: "the dignity of the human species lies in its uniqueness in a world of species. ... we human beings belong to a species that is what no other species is; it is the highest species on earth - so far" (Kateb 2011, 17). While I agree that human dignity signifies the unique worth of the human being, I see no reason to infer that such unique worth must be superior, in any sense, to the unique worth of other living things. Cats, dogs, horses and birds may each have their own unique dignities; there is nothing in the Declaration, or in the ethical perspective it affords, that requires--or invites--placement of humans and their dignity/worth above other animals and their dignities/worth. Michael Rosen notes that "in 2008 the Ig Nobel prize for Peace was awarded to 'The Swiss Federal Ethics Committee on Non-Human Biotechnology and the citizens of Switzerland for adopting the legal principle that plants have dignity'". Rosen 2012, 4.

so scientifically, but socially, culturally and morally. It is a value, inhabiting the realm of "ought", not the sphere of "is". And if each and every one of us possesses it unconditionally from birth to death, then it is the value of our most fundamental symbolic family trait: humanness itself. Human dignity thus must refer to the value, the worth of humanity *per se*; the moral stature of that element within us which makes us all always already unequivocally human, disregarding any circumstances. Human dignity is thus the value that we, humankind, assign our figurative common denominator as humans; the merit we ascribe to the intrinsic idea of "human nature" is one we attribute to ourselves and acknowledge in each and every one of us.

To illuminate the Universal Declaration's "dignity as ethical family resemblance", let me distinguish it from "dignity as family asset", which I propose that we refer to as "honor".

The Declaration's Human Dignity and the World of Honor

The Declaration sets its human dignity in the metaphorical context of an extended family, a clan, a tribe. This must have brought to some readers' minds the traditional notion of "family honor". Indeed, I have no doubt that the Declaration's notion of human dignity bears some reference to that familiar, widely spread concept.

As anthropologists have shown in decades of research, in most traditional societies around the world, families' most valuable symbolic possession is their honor. Like a banner, it marks a family's value and distinction, endowing it--and its members--with the acknowledged right to feel and demonstrate self-esteem. Slight to a family's honor can be expressed through degrading reference (in speech or deed) to any of the family's members; the offense is collective, as must the response be. It stands to reason that the Declaration's human dignity is modeled on this almost universally traditional prototype.

Furthermore, the English word dignity, deriving from the Latin *dignitas*, originally connoted the same notion that anthropologists usually label honor.⁴ In fact, a major source of confusion in the prevailing discourse on dignity is that many--perhaps most--theorists continuously dwell on this historical baggage that the term dignity still carries, often collapsing the differences between this historical meaning and the contemporary one presented above. As Meir Dan-Cohen put it: "Dignity has come to mean different things to different people. ... Some use dignity as a synonym for or an extension of honor, whereas others consider dignity as equivalent to worth. ... Employing honor and worth as two contrasting poles we can distinguish a range of senses with which *dignity* is used" (Dan-Cohen 2012, 4).⁵ The Declaration's human dignity carries the meaning "worth", or "intrinsic value"; not "honor". Yet, the Declaration's accentuated usage of the family metaphor does seem to invite cultural associations relating to honor, calling dignity-honor into the discourse of human dignity.

I believe that in usurping widely recognizable traits of honor and bestowing them on human dignity, the Declaration intended to endow its centerpiece notion (human dignity-worth) with almost universal (honor) heritage. I believe that this was meant to make the Declaration's human dignity intuitively familiar, accessible and acceptable to large parts of the world's population. Nonetheless, it is crucially significant to notice that the Declaration's human dignity rejects and eradicates some of the most prevalent traits of traditional honor, replacing them with their polar opposites. In other words: while building on universal familiarity with honor, the Declaration nevertheless distinguishes its human dignity from this traditional notion, presenting us with a value system built around human merit and worth. Let me spell out three of the main points on which the declaration's human dignity

⁴ 'Dignity' originated as a concept that denoted high social status and the honors and respectful treatment that are due to someone who occupied that position" Rosen 2012, 11.

⁵ For additional references on this point see footnote 1.

differs from the notion of honor. Before doing so, let us consider the fundamental structure and logic of a world built on honor, as presented by scholars of honor.⁶

Bill Miller, who studied Icelandic honor, offers the following description and analysis of an honor-based world:

Honor is above all the keen sensitivity to the experience of humiliation and shame, a sensitivity manifested by the desire to be envied by others and the propensity to envy the successes of others. To simplify greatly, honor is that disposition which makes one act to shame others who have shamed oneself, to humiliate others who have humiliated oneself. The honorable person is one whose self-esteem and social standing is intimately dependent on the esteem or the envy he or she actually elicits in others. At root honor means 'don't tread on me'. But to show someone you were not to be trod upon often meant that you had to hold yourself out as one who was willing to tread on others. [...] In the culture of honor, the prospect of violence inhered in virtually every social interaction between free men. [...] For shame and envy are quickly reprocessed as anger, and anger often is a prelude to aggression. (Miller 1993, 84).

In an earlier, classical work on honor, K. Campbell suggests the following insight regarding an honor-based world:

Self regard forbids any action which may be interpreted as weakness. Normally this would include any altruistic behavior to an unrelated man. Co-operation, tolerance, love, must give way to autarky, arrogance, hostility. (Campbell, 1966,151).

Another anthropologist, who was among the founders of honor study defined honor in an honor society as

the value of a person in his own eyes, but also in the eyes of his society. It is his estimation of his own worth, his *claim* to pride, but it is also the acknowledgment of that claim, his excellence recognized by society, his *right* to pride. ... The sentiment of honor inspires conduct which is honorable, the conduct receives recognition and established reputation, and reputation is finally sanctified by the bestowal of honors. Honor felt becomes honor claimed and honor claimed becomes honor paid. (Pitt-Rivers 1966 21- 22).

The world of honor is, therefore, one of intense competition, where society constantly evaluates each player's every move, ranking him, accordingly, in comparison with his rivals. A man's honor is his cherished possession, which must constantly be guarded, exhibited and cleared, when humiliated and tarnished. Players constantly challenge each other's honor, and must prevail in honor conflicts that they find themselves in. Let me point out three major components of this world that the Declaration's notion of human dignity does *not* embrace.

Firstly, in an honor society, honor is anything but egalitarian: family members do *not* all enjoy identical honor. Although their family membership constitutes some entitlement to the family's honor, some members "possess" a lot more of it than others. In fact, a major function that honor serves is the determining, embodying and manifesting of each individual's rank in the group's pecking order. In honor societies, honor is inseparable from the hierarchy that it embodies. So, for example, in most patriarchal honor societies, the male "head of the family" manifests and "possesses" much of the family's honor, while all other members must honor him accordingly. More specifically: other family members live "under the shadow" (or umbrella, if you like) of the honor manifested in the "head of the family"; his every move in the world of honor reflects on them. At the same time, their conduct may

⁶ As honor has been used by countless societies, and defined by numerous theorists, my reference to honor is to the predominant characteristics of this value, that cross boundaries of societies, cultures, ages and theorists. My reference to honor relies on a wide range of professional literature, which includes, among others, Miller 1993, Peristiany 1966, Peristiany and Pitt-Rivers 1992, Pitt-Rivers 1977, Afsaruddin 1999, Bohem 1984, Campbell 1970, Ginat 1997, Herzfeld 1980, Johnson and Lipsett-Rivera 1998, Piers and Singer 1971, Stewart 1994, Wyatt-Brown 1983.

honor or shame the patriarch, and through him - the whole clan.⁷ Typically, in such societies the patriarch's first born son enjoys a more honorable status than his siblings. Often the patriarch's first wife is entitled to more honor than other wives or concubines, although a wife's honor may also derive from that of her birth family's (pedigree), or from features she possesses and are highly ranked (fertility, beauty, certain body mass).

In short, family honor is a cherished symbolic possession, but different family members are entitled to different shares of it. The Declaration's human dignity replaces the inherently hierarchical idea of honor with a concept that implies intrinsic identity of merit (which the Declaration calls "equal dignity"). In place of the entrenched social order that honor establishes and sustains within the family, the Declaration proposes a communal symbolic asset that negates such hierarchy and replaces it with total, inherent sameness/equality of value among all family members.

Secondly, in most honor societies, honor incarnates *hard earned* rank and privilege. In many honor societies some parts of a person's honor may be congenital, such as the precedence of the elder brother or that of the first wife. But most elements of honor are achieved through enduring, hard work; through meticulous compliance with and adherence to infinite social norms and expectations. In traditional honor societies, a man's honor is dependent on his every observable gesture, every bit of which is constantly measured and evaluated by the watchful community. The group's collective consciousness is constantly moderating: did he show sufficient courage? Did he exhibit adequate generosity? Did he display satisfactory grandiosity? How much self-assuredness did he demonstrate, on a commonly approved scale? In such societies, a woman--and more importantly her men folk--are continuously honor-rated by observant neighbors based on her every display of modesty, servitude, obedience, fertility, home-making and/or beauty.

The standards and norms according to which honor is bestowed, withheld or lost within a defined group are applied uniformly: *all* men (of a given social circle) are expected to display specific "manly audacity", and *all* women -- typical "feminine humility and deference". Specific contents of honor norms and standards may differ among families, groups or social classes. "Manly audacity" in a certain class may be particularly appreciated in battle, whereas another class may prefer to see it manifested in business, or in scholarship, wit, politics or religious piety. Yet whatever the specific content of a group's honor norm, it is unanimously applied to all group members who are considered players and "competitors" within the specified honor game. The hierarchical ranking conferred through compliance with an honor norm is uniformly applied to them all. In this sense, they all enjoy equal standards and opportunity within the competitive honor game and are thus likely to consider it fair and unbiased.

Nevertheless, some people ("outsiders") are barred from participating in the honor game altogether, and there is nothing they can do to enter the game and gain honor (in Europe, "gypsies" and Jews were the two most obvious groups of people who were widely considered incapable of participating in

⁷ In traditional, patriarchal honor and shame societies, honor is a man's game: men are the players, and women serve mostly as means for them to gain honor or acquire shame. This implies very different socialization of women and men in such societies. Here is a brief summary of the gender divide in honor societies, as formulated in one of the classic anthropological texts: "The honor of a man and of a woman [...] imply quite different modes of conduct. This is so in any society. A woman is dishonored [...] with the tainting of her sexual purity, but a man [is] not. While certain conduct is honorable for both sexes, honor=shame requires conduct in other spheres, which is exclusively a virtue of one sex or the other. It obliges a man to defend his honor and that of his family, a woman to conserve her purity. [...] [R]estraint is the natural basis of sexual purity, just as masculinity is the natural basis of authority and the defense of familial honor. [...] Masculinity means courage whether it is employed for moral or immoral ends. [...] The honor of a man is involved [...] in the sexual purity of his mother, wife and daughters, and sisters, not in his own. [...] [T]he honorable woman: locked in the house with a broken leg". Pitt-Rivers 1966, 42-45.

honor games). At the same time, some players gain so much honor that the regular rules no longer apply to them; their honor places them above the game.⁸

The Declaration's idea of human dignity lacks--and negates--every one of these components entirely: it follows no norms of conduct and is measured against no standards of achievement. In fact, it requires no conduct whatsoever; it is indifferent to people's actions. This human dignity is "earned" universally, by everyone, thanks to a single passive, uncontrollable occurrence in their lives: that of being born to human parents and thus to our family. Brave or cowardly, modest or flamboyant, "manly" or "feminine", conformist or rebel, pleasing or belligerent, "high" or "low"--all human beings alike earn their identical share of human dignity at birth; none of their actions or inactions has any bearing on it.

Thirdly, honor-based ranking is a dynamic, evolving, on-going process. Members of honor groups are always observed and judged, and at any given point in time their performances are measured against those of all other players. Any honor-and-esteem ranking is valid but for an instance, since everyone's next moves will reshuffle all cards. A champion who delivered the best performance and received the highest honors and most esteemed standing will have to defend his hard earned status at every following moment against whoever chooses (and is entitled) to play and compete. The world of honor is, therefore, versatile, not to say volatile. It involves never-ending challenge and competition. This motivates and drives members of honor societies to strive, invest, achieve progress and improve their scores. To be in the race means to always do your very best. This entails that every player is, by definition, always facing every other player's potential challenge and rivalry; one's gain or progress is necessarily others' loss, or at least their set back. Simply put, honor is a zero-sum game.⁹ The stakes are high, as are the inherent uncertainty and the tension.

Unlike honor, the Declaration's human dignity is not embedded in a dynamic process, nor does it constitute a game of any sort. It involves no competition and no rivalry. It is indifferent to human action; nothing a person does or refrains from doing can enhance or endanger his or her human dignity. No normative social conformity can win a person human dignity points, and no failure or eccentricity can negatively impact human dignity ranking or status. In fact, the Declaration's logic of human dignity does not contain "failure", "eccentricity" or "points" to speak of. Similarly, it is not conceptually possible to "accumulate" human dignity, to strip a "competitor" of it, or to gain any "amount" of it at the expense of an "adversary". Competitors and adversaries don't exist in the Declaration's world of human dignity, nor do quantities or accumulation. This human dignity is all about static, permanent certainty and security among siblings who have nothing to compete for, since their innate sharing of the communal merit is permanently identical. The single cautionary tenet is that every member of the human family, as such, is as valuable as any other, and that this principle must always be unconditionally acknowledged, upheld and followed by all.

This brief comparison reveals that while intuitively evoking and recruiting the familiar, traditional notion of (family) honor, the Declaration's human dignity replaces it with a basic value that is *diametrically antithetic* to it. On most important points, this human dignity implies the *exact opposite* of what traditional honor would involve. Indeed, it appears that the most precise way of defining the Declaration's fundamental value, human dignity, is through binary opposition to honor societies' underlying value: traditional honor. Of "human dignity's" many different meanings, the Declaration chose one: "*intrinsic human value/worth/merit*", rejecting all others (and above all, "dignity-honor"). It

⁸ As Pitt-Rivers put it: "the possession of honor guarantees against dishonor, for the simple reason that it places a man (if he has enough of it) in a position in which he cannot be challenged or judged. The king cannot be dishonored. What he *is* guarantees the evaluation of his actions". (Pitt-Rivers 1966, 37).

⁹ Miller goes further, claiming that it is a game of "less-than-zero-sum", the price of honor always increasing. Miller 1993, 116.

is therefore crucial to highlight the conceptual distinction between honor and dignity, defining the human dignity of the Declaration of the human rights discourse in clear distinction from honor.^{10, 11}

The *Human* Component in the Universal Declaration's Dignity

The distinction of the Declaration's human dignity from traditional societies' honor, points to *humanity* as the focal point of the Declaration's foundation of human rights. What *exactly* is the "human" that the Declaration's human dignity marks the value of? The Declaration does not elaborate on this point. Its first article does, however, point us in a clear direction, stating that

"all human beings are born free and equal in their dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Other than equal in dignity, the article states, we, humans, are all "free", endowed with "reason" and "conscience", and capable of treating each other as "brothers". In the Declaration, therefore, being human consists of freedom, rationality and capacity for conscientious morality and familial empathy. According to the Declaration, human existence bears no marks of sinfulness, primordial guilt, inherent wickedness, dutifulness or servitude; nor is it endowed with divine glory, metaphysical superiority, a destiny to rule the world or partake in its redemption. The Declaration's explicit association of humanness with liberty, reason, moral responsibility and emotional compassion points clearly to the cultural legacy that is commonly referred to as the enlightenment. It is this modern, humanist, utilitarian, liberal and secular tradition that the Declaration guides us to in our search of the human condition.

¹⁰ Several decades ago it was common and popular to stress the distinction between honor and dignity. Pierre Bourdieu, who has written on North African honor, stated in no uncertain terms that "the ethos of honor is fundamentally opposed to a universal and formal morality which affirms the equality in dignity of all men and consequently the equality of their rights and duties. Not only do the rules imposed upon men differ from those imposed upon women, and the duties towards men differ from those towards women, but also the dictates of honor, directly applied to the individual case and varying according to the situation, are in no way capable of being made universal. This is so much the case that a single system of values of honor establishes two opposing sets of rules of conduct--on the one hand that which governs relationships between kinsmen and in general all personal relations that conform to the same pattern as those between kinsmen; and on the other hand that which is valid in one's relationships with strangers. This duality of attitudes proceeds logically from the fundamental principle, [...] according to which the modes of conduct of honor apply only to those who are worthy of them." (Bourdieu, 1979, 129). Peter Berger has similarly contrasted dignity with honor: "Both honor and dignity are concepts that bridge self and society. [...] The concept of honor implies that identity is essentially, or at least importantly, linked to institutional roles. The modern concept of dignity, by contrast, implies that identity is essentially independent of institutional roles. [...] In a world of honor, the individual discovers his true identity in his roles, and to turn away from the roles is to turn away from himself – in 'false consciousness', one is tempted to add. In a world of dignity, the individual can only discover his true identity by emancipating himself from his socially imposed roles – the latter are only masks, entangling him in illusion, 'alienation' and 'bad faith'. [...] In a world of honor, identity is firmly linked to the past through the reiterated performance of prototypical acts. In a world of dignity, history is the succession of mystification from which the individual must free himself to attain 'authenticity'." (Berger 1983, 177). Charles Taylor has also similarly commented that "With the move from honor to dignity has come a politics of universalism, emphasizing the equal dignity of all citizens and the content of this politics has been the equalization of rights and entitlements". (Taylor 1994, 37). It seems that with the loss of academic interest in honor, the distinction is no longer made or even remembered.

¹¹ To demonstrate the conceptual problems that arise when honor is not conceptually distinguished from dignity let me refer to a quote brought by David G. Kirchhoffer in his book on Human Dignity in Contemporary Ethics. „[C]onsider the following quote, which records the justification offered by a violent criminal for his repeated physical attacks on fellow prisoners: „Pride. Dignity. Self-esteem. And I'll kill every mother-fucker in the cell block if I have to in order to get it! My life ain't worth nothin' if I take somebody disrespectin' me and callin' me punk asshole faggot and goin' Ha! Ha! At me. Life ain't worth livin' if there ain't nothin' worth dying for. If you ain't got pride, you ain't got nothin'. That's all you got! I've already got my pride” (Kirchhoffer, 2013, 9). In his analysis of dignity, Kirchhoffer addresses this statement, attempting to define (descriptive) dignity so that it can include this formulation of it. I suggest that it is clearly *honor* that the quoted prisoner is referring to, and not the human dignity that the Universal Declaration formulated as the foundation of human rights. Until such reference to dignity is clearly distinguished from the dignity that is at the heart of the human rights discourse, any conceptualization of dignity will be too broad, paradoxical and self-contradictory to be coherent and useful.

The Declaration's cryptic reference to freedom does not clearly indicate whether it is a "negative" or "positive" liberty (as they were differentiated by Berlin 1958) that is established as the essence of humanity, nor whether it is freedom that requires society's "non-interference" or "non-domination" (as elaborated by Pettit 1997). It does, however, clearly indicate that personal choice, self-definition and determination and some degree of self-rule (autonomy) are at the heart of "human existence", "human nature" or "humanness". A human being's freedom to think, dream, imagine and believe must therefore not be restrained, to allow for free choice and self-definition. Restrictions on the individual's free action must enter, as John Stuart Mill explained, merely to prevent one human being's expression of his or her freedom at the expense of the (equal) freedom of other humans (Mill 1869, 9). A human's mind, heart and soul are never to be restrained; they must be left untouched to exercise their unlimited potential in the realms of thought, imagination and emotion.

It is worth noticing that the Declaration's humanness is not singularly linked with reason. Since reason gave rise to modern science and its ruthless applications, it seems that in 1948 it could hardly be trusted to secure the existence and well-being of humanity. It could certainly not be trusted to cherish and uphold the value of humanness in all members of the human family. Traumatic experience has taught humanity that conscientious consideration and empathy for all human beings could not be assumed to derive from reason; they must be determined as equally important components of humanness.

The Declaration's human dignity is, therefore, the value ascribed to universal humanness, which consists of every person's basic mold consisting of freedom, reason, conscience and compassion. Restricting a person's potential to cultivate these core components of humanness is "inhuman"; it renders that person's existence "less than human". Such deprivation of even a single individual's humanness challenges the Declaration's determination that all persons are human and that all human existence is endowed with the value of human dignity. It defies the paradigm that we are a family (of humans) and that our family trait (humanness) has value, merit, worth. Such a challenge contests the paradigm of human family, denying its communal worth.

An offense to human dignity is, therefore, not an affront to the individual person whose freedom, reason, conscience or compassion are at stake: it is an affront to the whole family, humankind, and its self-determined collective worth. Accordingly, it is not the individual person's duty to stand up to such a challenge; the duty falls on his or her entire clan: humankind. When any individual person's freedom - or other human component - is unduly limited in a way that defies human dignity, it is our collective, "family" dignity that is challenged, our communal worth as human beings that is disputed, and we must all rally around it to protect it together. It should not matter to us who happened to be the individual person -- victim -- through whom human dignity was abused, since it is the same dignity/value that we assign each and all of us, human beings.

The Declaration's concept of human dignity and the world view that it implies postulate that denial of human dignity is absolutely and categorically prohibited, since it defies the fundamental paradigm: the worth of our family's essential human quality. The Declaration avows that we, humankind, categorically denounce such defiance of our human value.

The Declaration's categorical prohibition of "human dignity denial" clearly echoes Emmanuel Kant's famous categorical imperative, which commands: "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" (Kant). Kant defined humans as subjects, placing us in binary opposition to objects. Objects are things that may be used as means to the protagonist's ends; subjects have intrinsic value, and may never be treated as mere objects. The moral obligation to recognize human subjects as such, means that one must never treat a human subject merely as a means; a human subject must always be treated as an end in its own right. Kant's categorical imperative defends human dignity by prohibiting the objectification of

humans, i.e., the denial of a human subjecthood.¹² The Declaration's bar on denial of any human being's worth is a reiteration of Kant's categorical imperative.

If humanness, according to the Declaration, consists of freedom, reason and the capacity of moral and empathetic choice, then *what degree* and/or *what kinds* of denial of these basic human features constitute such defiance of the paradigmatic human dignity that we, the human family, consider absolutely unacceptable and intolerable? Surely, a parent's restriction of a child's play with a rifle, although clearly an infringement of freedom, would not be considered an offense to human dignity. But a parent's operative determination that an offspring -- child or adult -- marry, refrain from marriage, conceive a child or refrain from such conception, disregarding the offspring's own will, would surely constitute a prohibited affront to human dignity. How and where do we draw the line between these two cases?

The Declaration's literal phrasing does not and cannot supply a definitive answer, and any interpretation must be tentative, qualified, unsatisfactory and somewhat tautological. I believe that a reasonable interpretation of "the spirit of the law" is that restriction or denial of a person's freedom -- or other basic human features -- becomes an unacceptable offense to human dignity if and when it renders a person's existence "inhuman" by the standard of prevailing sensitivities. Such judgment is, of course, contextual. In most societies, it used to be a father's prerogative to determine whether and whom his offspring could marry; many Shakespearian comedies mockingly echo this social norm. Yet in our contemporary world, we consider the choice whether to marry and whom strictly personal and definitively autonomous. It has become a part of what we view as "human existence" to control one's own choice of partner and commitment to family life. We, therefore, consider forcing such a choice on anyone to be "inhuman". Even in traditional societies in which patriarchal customs still prevail, it is not considered advisable for parents to force children into marriage against their will.

But what about the denial of a person's choice of same sex marriage: would we consider such treatment "inhuman"? Would it constitute a severe offense to human dignity? In 2015, for many of us around the world the intuitive answer is an unequivocal yes. Yet I suspect that a numerical majority of the members of our "human family" would vote otherwise. How, then, do we define a severe offense to human dignity? Must our determination be based on a majority's view regarding the "inhumanity" of the discussed condition? Do we refrain from determining that something is an offense to our human dignity if the universal jury is still out regarding a specific point? Or do we delegate the power to make such decisions to a professional tribunal? And if so, what would such a tribunal base its judgment on?

Human Dignity and Fundamental Human Rights

It is in declaring a universal, categorical connection between innate human value and fundamental human rights that the Declaration can and should be seen as the revolutionary, ground breaking and defining onset of our era. Human dignity is the means by which the Declaration achieves this definitive unity. The Declaration establishes human dignity as the focal point of its value system; simultaneously, it signals that dignity's most important role is a pragmatic one: the grounding and framing of our fundamental human rights. "It is because humans have dignity that they have human rights" (Gewirth 1991, 10).

I suggest that the most coherent interpretation of the Declaration's unqualified linkage of human dignity and fundamental human rights is a simple one: in the universe marked by the Declaration, fundamental human rights are those that derive unconditionally from the mandatory acknowledgment and reverence of human dignity. This means that fundamental human rights are those that every human being must be defined as possessing in a given situation if human dignity is to be secured. In

¹² For a detailed discussion of Kant's specific reference to dignity and human dignity see Rosen 2012, 19-30.

order to ensure every person's existence in full human dignity in every situation anywhere in the world, fundamental human rights must be defined as those that guarantee such existence in human dignity in each and every context.

The logic of the Declaration's synthesis of human dignity and fundamental human rights prescribes that the criteria for determining whether something is a fundamental human right in a given situation must be these: Is the claimed right crucial for the preservation of human dignity in a given context? Would denial of the claimed right in the given circumstances render a human being's existence "inhuman" or "less than human"? Would such denial undercut our commitment to the human value in the situation at hand? More simply put: a fundamental human right is one we must ascribe someone in a given situation if we are to prevent an intolerable offense to our collective human worth/value; to prevent an unacceptable betrayal of our reverence of human worth.

This line of thought does not differentiate "civil" from "cultural and economic" rights, nor does it refer to people's "necessities" or "needs". It weighs any claimed right in any situation against the concrete meaning of human dignity, i.e., of the worth and value of humanness as such under the given circumstances. The answer to the question whether something is a fundamental human right depends on the specific situation in which it is raised, and on the components of securing the human condition of the person in the circumstances of that situation.

Let me illuminate this interpretative suggestion through illustration.

Some Roman emperors amused their populace by hurling prisoners into arenas to be devoured by wild beasts. We would all agree that this treatment of prisoners does not acknowledge human dignity, and is an intolerable offense to the value of humanness. It completely negates not merely the merit of human liberty, reason and consciousness, but also the value of human life. It reduces human beings to mere toys, means for the pleasure of others, renouncing their subjecthood and its value *per se*. Clearly, the fact that only some people -- and not all -- were subjected to beastly devouring in no way diminishes the offense to human dignity.

It is easy to agree that "not being thrown forcefully into an arena swarming with wild beasts" is a fundamental human right: it is absolutely necessary in order to maintain human dignity. Had the Roman prisoners appealed to a tribunal committed to the Declaration's values, the tribunal should have found an intolerable offense to human dignity. It should have determined a fundamental human right and a clear breach of it, granting the prisoners their request.

Yet the exact meaning of both human dignity and fundamental human rights requires qualification, and clear contextualization. Consider a slightly different scenario. Consider a sane, reasonably intelligent adult, who, after deep thought and long consideration chooses to step into the wilderness to be devoured by animals. Does this person have a fundamental human right to do with his life and body as he pleases, or is there, perhaps, a fundamental human right dictating that he may not exercise this choice? Furthermore, consider a sane, reasonably intelligent adult who, based on deep conviction, asks that after her death, her body be left in the wild, to be devoured by animals. Does this person have a fundamental human right to do with her dead body as she pleases, or is there, perhaps, a fundamental human right dictating that she may not exercise her said choice?

Exploration of these questions instantly reveals important nuances that must be addressed. For example: whereas in the second scenario, acknowledgment of the individual's fundamental human right to walk into the wilderness would not require our active (positive) intervention, in the third scenario, acknowledgment of a fundamental human right would. On the other hand, of course, the second scenario involves the exposure of a living person to torturous death; the third scenario involves "merely" the mutilation of a human corpse.

I suggest that in the Declaration's universe of human dignity, these considerations, like many others, are all important in the distinction between scenarios, but the overall determining criteria regarding each scenario are universally the ones presented above: Is it crucial for the preservation of

human dignity in any of the given contexts that the individual's choice be recognized as a fundamental human right? Or, perhaps is it crucial for the preservation of human dignity in any of the given contexts that the prohibition of the person's choice be defined as deriving from a fundamental human right? In the scenarios presented above, would the denial of either the persons' request -- or adherence to it -- render human existence "inhuman" or "less than human"? Would the denial of either the persons' request -- or adherence to it -- undercut our recognition of the human worth and threaten its concrete manifestation in the situation at hand? Simply put: would it be an intolerable offense to our collective human dignity if we granted -- or categorically denied -- the wish of either one of the individuals in the second or third scenarios?

Although I chose a particularly rare and gruesome set of examples, the considerations that they raise are not different, in essence, from those raised by people's hugely varied claims that they have fundamental human rights to end their lives, to sell their body parts, to abort fetuses or sell babies, or to offer themselves as bowling balls or as prostitutes. Despite fascinating differences between such situations, from a perspective considering human dignity and fundamental human rights, each of these many scenarios poses the same difficulty: how do we define "human", where do we draw the line between "human" and "inhuman" (or "less than human"), and how, based on this, do we define fundamental human rights?

If it is "inhuman", i.e., an intolerable offense to human dignity, to restrict a person's free choice (autonomy) regarding her corpse -- then it is a fundamental human right to will one's corpse to be devoured by animals. If, on the other hand, it is "inhuman", i.e., an intolerable offense to human dignity, that a human corpse be devoured by animals, then it is a fundamental human right that no human corpse be so devoured. Similarly, turning to one of the many scenarios not presented here: if it is "inhuman", i.e., an intolerable offense to human dignity, to force a person to continue living when that person suffers intolerable pain -- then it is a fundamental human right to take one's own life when one experiences intolerable pain. If, on the other hand, ending a human life is categorically "inhuman", i.e., an intolerable offense to human dignity, then each human life possesses a fundamental human right to live.

In the human dignity-based universe founded by the Declaration, in each of these situations, as in all others, our primary concern must be the determination *whether* the situation poses risk of "inhumanity", i.e., of an intolerable offense to human dignity. Even regarding the extreme scenarios presented above, our first challenge is to investigate and determine *whether* they pose concerns involving human dignity and fundamental human rights.

Regarding the (easier) third scenario, we may well conclude that it is *not* "inhuman" to restrict certain choices regarding one's corpse, nor that it is "inhuman" for a human corpse to be consumed by animals. Perhaps it is *not* categorically "inhuman" to restrict a person's complete post-mortem control over his or her body. Perhaps it is *not* inherently "inhuman" for animals to feed on dead human flesh (for example, if such flesh is the animals' only possible source of nutrition). If so, then the particular issue in the third scenario does *not* involve human dignity, nor fundamental human rights. It must be assessed in light of a different value and different rights. (In the following sections of this paper I suggest that this other value is what I call "respect", and that the relevant rights are "respect-based human rights". I suggest that respect and respect-based human rights are the appropriate framework for most situations, and that only very few situations actually involve human dignity and fundamental human rights.)

I have so far used particularly troubling examples, to convey that "inhuman" and "intolerable offense to human dignity" are extreme and therefore, hopefully, rare. But this does *not* imply that inhumanity and intolerable offenses to human dignity refer only to cruel and unusual situations involving devouring and mutilation of human bodies. Quite the contrary: I suggest that extreme limitations may threaten human existence and human dignity in many diverse spheres. Education is an important case in point. Let us imagine a regime that prohibits girls and women from acquiring any

kind of education and constrains them to their homes. Would we consider this policy grossly offensive to human dignity? Would we deduce that access to basic education is a fundamental human right? Surely we would agree that the answer to both questions is positive. Denying people the opportunity to foster their thinking, reasoning and deliberating, merely because they are not men, amounts to denial of universal, equal human dignity.

And what if the regime allowed girls to attend primary schools, but not high schools or universities, or certain departments in universities? Surely, depriving a person the opportunity to enrol in a specific university department does not amount to "inhuman" treatment. If a region is not affluent enough to sustain in its university a philosophy department, would we consider the consequence "inhuman" and a breach of fundamental human rights? Surely not. Perhaps we would not consider it "inhuman" even if such a region could not afford to sponsor high education altogether. Nevertheless, group (such as gender) based differentiation that denies some people -- but not others -- the opportunity to study philosophy, constitutes intolerable offense to human dignity and breach of fundamental human rights. If high schools, universities or even certain departments are available to boys and men, then the exclusion of girls and women denies the concept of universal human worth, and, as such, is unacceptable offense to human dignity. The same is true for any such exclusion based on race, ethnicity, sexuality, class, or any other type of grouping. Any policy that recognizes the intrinsic value of some people but not of others -- is deeply offensive to human dignity.

I hope that this set of examples demonstrates that in extreme cases, deprivation of education may constitute offense to human dignity and hence breach of fundamental human rights. The extremity of such situations may differ significantly from that of situations involving torture or mutilation of human bodies. Yet, in each and every context, the criteria to be applied is the same: if conduct or policy significantly and concretely deny the universal value of humanness *per se* -- then someone is rendered "less than human", human dignity is seriously jeopardized, and fundamental human rights are breached.

A fundamental human right may be breached by use of torture, imprisonment, starvation, isolation or rape. It may also be breached by denial of basic self-determination, which includes, among other things, free speech, choice of education, sexuality, cultural affiliation, and participation in social, political or cultural activity. In each case we must weigh the extent of the restriction or deprivation together with other specific relevant circumstances to determine whether the value of humanness as such is indeed severely compromised. If so, we must declare intolerable offense to human dignity and breach of fundamental human rights.

Simply put, fundamental human rights are "human dignity-based human rights". As such, they must all be constantly preserved and secured at all cost. If human dignity, the value of core humanness, must be universally upheld and absolutely revered, then so must human dignity-based rights. This means that they may not be "balanced" against other pressing considerations, such as policies. Fundamental human rights must always prevail. In order for this to be possible, human dignity must be narrowly defined, and human dignity-based rights must be defined so that they do not contradict or negate each other. Consequently, in order to be absolute and always prevailing, fundamental human rights must be minimalistic.

Hence, the human dignity-based right to education cannot include "any amount of any education that any person chooses freely". If this were a fundamental human right, imposing a legal duty on the state, it would be so costly, that it would necessarily come at the expense of people's fundamental rights to health, nutrition and housing. To be absolute, the human dignity-based right to education must, therefore, only include as much freely chosen education as a society can offer equally -- without compromising any other fundamental human rights. This would, of course, differ in different places at different times. The "quantity" of education included in human dignity-based rights must, therefore, be determined in context. At the same time, it is perfectly possible--and reasonable--to determine that human dignity dictates an absolute right that no person's body ever be penetrated without that person's

free consent.¹³ Such a fundamental human right is minimalistic enough even when phrased in absolute terms.

Thus, the Declaration's commitment to "equal dignity", i.e., its acknowledgment of the worth/value of humanness *per se*, gives rise to minimal human dignity-based fundamental human rights that guarantee everyone's existence in dignity in any given situation. The shift from "equal" (dignity) to "minimal" (dignity-based human rights) may bewilder readers trained in analytical philosophy. Yet "equality" here refers to the sameness of people's fundamental worth, value, whereas the minimum standard refers to the measure of fundamental human rights that is required to protect that universal human worth. Human dignity is the ethical common denominator in which the Declaration declares that all people are equal; I suggest that the minimal human rights that derive from its safeguarding are human dignity-based, absolute, fundamental human rights.

Defining Respect in Reference to Dignity and Honor

The discussion of human dignity, its comparison with honor and above all -- the examination of fundamental human rights as dignity-based, rendered the Declaration's concept of human dignity a narrow, minimalistic fundamental value, which prescribes a static, risk-averse, security-driven state of mind. The Declaration's human dignity highlights the common, identical, innate value of all human life. It focuses on the hard core of our common denominator as human beings. This narrow focus excludes and remains indifferent to a vast range of our human expressions. Anything in each of our respective humanities which is specific, unique, individualistic, and diverse is not "covered" by the Declaration's human dignity, strictly defined. The singular, ever changing combination of each of our infinite concrete features is, by definition, distinct from the core of our common denominator as humans, therefore outside the reach of the minimalistic value "human dignity". The exceptional compilation of potential, desires and manifestations that constitutes each of us at any given point in time is anything but collective and uniform; if we value it and accord it worth, it must be an ethical value/worth distinct from human dignity. To linguistically signal the distinction between human dignity and this other value, I suggest designating the term "respect" to refer to the value we attribute to the diverse uniqueness of each of our humanness.¹⁴

Whereas human dignity is a minimalistic, levelling value, respect is quite the contrary: it addresses each of us differently, based on our distinctive qualities. Whereas human dignity refers to the static component of human existence (existence as human), which remains unchanged in us all from birth to death, respect refers to the growing, developing, ever changing aspects that typify each of us. Whereas human dignity is blind to our distinguishing characteristics (race, gender, age, ethnicity, culture and all aspects of character), respect refers to those parts of us that are related to, influenced by and manifested through our distinguishing attributes. Whereas human dignity is universally identical in us all, respect can and must take into account cultural differences, which come to play through and are intertwined with our unique selves.

¹³ We may add a disclaimer that life-saving intervention may be conducted without a person's consent if the said person is unconscious or otherwise unable to express free will.

¹⁴ Other scholars have already used the term "respect" to refer to the value that I suggest calling "respect". Twenty five years ago, Alan Gewirth suggested the term "contingent respect" to refer to the attitude manifested towards people's unique individuality. He distinguished this type of respect from "necessary respect", which must be shown fundamental human: "*Contingent respect* consists in a favorable appraisal of variable features of human beings; like the ascription of empirical dignity, it may be justifiably accorded in some cases and withheld in other. *Necessary respect*, on the other hand, consists in an affirmative, rationally grounded recognition of and regard for a status that all human beings have by virtue of their inherent dignity" (Gewirth 1991, 17). Gewirth notes that his distinction is indebted to Stephen L. Darwall's earlier (1977) distinction between "appraisal respect" and "recognition respect" (*ibid*).

In its accommodation of diversity, versatility and change, respect may remind us of the honor that underlies honor-based societies. It is, therefore, worth pointing out the profound differences between these two values. Whereas honor is bestowed on a person based on his measuring up to uniform social standards of conduct, respect is felt, requested and attributed based on the particular individual's own set of standards. So, for example, in a militaristic, honor-based society, honor may be gained by heroic militaristic service. Respect, on the other hand, may be felt by a person (as "self-respect") and requested by that person from others ("respect me") for qualities and achievements that are *not* widely accepted as social standards. In the said militaristic society -- or any other -- one may feel, demand and/or gain respect by showing empathy and compassion to animals, whether or not this is encouraged by the surrounding society, or by upholding cultural or artistic standards that are not necessarily widely familiar or appreciated.

In this sense, respect is dependent on the individual's own standards, valuing his or her own choice of norms rather than upholding and enforcing common social norms (as is the case with honor). Yet, as Charles Taylor stressed throughout his philosophy of multiculturalism, even for individualists, no person is an island; we each construct ourselves, our values, standards and appreciation in the context of dialogue with our surroundings. Respecting any person according to his or her own standards is inherently also respecting that person's choices of social and cultural affiliations. By definition, it therefore implies multiculturalism of some kind and to some extent. In Taylor's distinction between "the politics of human dignity" and "the politics of difference",¹⁵ the latter may be relabelled as "politics of respect".

Whereas honor measures people against each other, setting them in hierarchy and instilling a zero-sum game among them, respect measures each person in reference to him or herself, creating no hierarchy and instilling no competition between them. Whereas honor may be "seized" from one person by another, no such "taking" is possible regarding respect. If a person builds her self-respect on her dancing and asks that her dancing be respected by others, no one can take that respect away from her and claim it as his own. Another person may out-honor her in a dancing competition, i.e., receive more honor than she in reference to a performance of her dancing. But this is entirely distinct from the respect that she feels, demands or acquires in reference to her dancing. Whereas the honor regarding the dancing is bestowed based on accepted social norms, respect regarding the same dancing is dependent entirely on the dancer's own standards, and the community's willingness to respect her standards and value her dancing accordingly. In this sense, a community's willingness to respect individuals, i.e., social embrace of respect as a value, is inherently diverse and pluralistic.

In honor-based societies, the desired honor necessarily instils competition, fear of humiliation, mutual suspicion and a conformist race to best uphold accepted, prevailing standards. In contrast, a society inspired by respect encourages individual self-determination that is based on attentive self-exploration. It promotes each person's dialogue with what he or she define as their social and cultural contexts. It requires mutual recognition and acceptance of others' individualistic life projects, inviting empathy and mutual support.

The inevitable price that a respect-oriented society must be willing to pay is in the spheres of uniformity, clear hierarchy, simplicity and stability. A respect-based society must educate its members to determine themselves in terms of both negative and positive liberties -- while trusting their neighbors to do the same. It must instil in them self-reliance and self-assurance in their self-determination -- as well as humility regarding their fellow men and women. It must bring them up to cherish and celebrate the possibility of unforeseeable change that is unavoidable if each individual is truly allowed to follow his or her best judgment. A respect-based society must be deeply optimistic and confident in the inherent value of unrestricted, pluralistic manifestations of humanity.

¹⁵ "Where the politics of universal dignity fought for forms of nondiscrimination that were quite 'blind' to the ways in which citizens differ, the politics of difference often redefines nondiscrimination as requiring that we make these distinctions the basis of differential treatment" (Taylor 1994, 39).

A Broad Concept of Respect that Complements the Narrow Definition of Human Dignity

Honor, in various forms, has been the core value of countless societies around the world for millennia. Human dignity and respect, as I laid them out above, are both "modern" fundamental values that emerged and flourished within western civilization in the last three centuries. Dignity and respect are rarely systematically distinguished from each other, and are often confused and fused together. Most modern thinkers, as well as declarative documents, treat them indistinctly.¹⁶ Some stress the universalistic common denominator of humanness, while others concentrate on the individual authenticity and its innumerable manifestations in unique human identities. Yet they tend to view both elements as aspects of a single value. Constitutions, international treaties and legal systems typically manifest this confusion. I believe that the 1948 Universal Declaration focuses on human dignity, but does not fully distinguish it from what I outlined here as respect. Since the Declaration derives human rights from what it refers to as human dignity, the result is inclusion of some respect-based rights among dignity-based fundamental human rights.¹⁷

Human dignity and respect both belong to the humanistic world view that emerged in the renaissance and matured in the era commonly labeled "the Enlightenment". In this, they are siblings. Nevertheless, as I tried to point out, each of them accords value to a distinct aspect of human existence, each following and dictating a different logic, psychology and economy. Rather than being fused into one, human dignity and respect must be thoughtfully integrated as distinct foundations of a coherent world view. To this end, I suggest that they be interpreted as complementing each other. As I have been arguing throughout this paper, I believe that human dignity should be defined as the value of the hard core, common denominator of what we perceive as humanness; the merit of that abstract, conceptual element of humanity which we hold as common to us all and in which we all share identically ("equally") and unconditionally; the virtue of that element which does not bear any personal attributes, and is race, gender, ethnicity and culturally blind. Quite distinctly, respect should be interpreted as the value of the vast majority of each person's unique humanness; the merit of concrete manifestations of singularly authentic individuals *per se*; the virtue of our personal attributes, colored by race, gender, ethnicity, sexual orientation, culture, language and many other affiliations.

Since human dignity refers to the human quality which is identical in all of us, its scope is narrow. Since it values the very essence of humanness, it must be uncompromisingly absolute. Quite distinctly, respect must be very broad, to envelop the endless variety of personal human manifestations. It must be varying and tentative, to allow diverse valuing of distinct human manifestations, as well as curtailment of such manifestations when they clash and obstruct each other. Whereas the value of human life and thought is absolute and must be protected absolutely, the value of a person's singing as manifesting her unique authenticity must be weighed against the value of her neighbor's meditation as

¹⁶ Consider the following passage from David Kirchoffer's deep and thoughtful discussion of dignity: "On the one hand, dignity is a given, a universal reality already possessed by all human persons. On the other, dignity is something that can be both lost and acquired. The dignity we already have is inherent in every human person. Every person has a worth, equal to the worth of every other human person, that rests on his or her *existential potential* to live a reflective, meaningful, morally good life...The dignity we acquire is what we become when we fulfill the potential in our capacities" (Kirchoffer, 2013, 19-20). I suggest that speaking of the inherent, ever-already existing dignity, Kirchoffer refers to what I propose we define as human dignity; speaking of the "potentially acquired" dignity he refers to what I propose we call respect. His reference to both as dignity renders a paradoxical concept, which is both inherent – and also "acquireable"; a concept torn between "on the one hand" and "on the other hand". Similarly, in her important book *Dignity: Its Essential Role in Resolving Conflict*, Donna Hicks refers mostly to the value that I label here "respect". (Hicks 2012).

¹⁷ I believe that the same holds true for the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), both from 1966. But discussion of these covenants is beyond the scope of this paper.

manifesting *her* unique authenticity. The value of each of these authentic human manifestations must be considered tentative, as it may have to be restricted to allow for the other.

Human dignity must, therefore, be unanimously absolute, whereas respect must offer an infinite scale. The logic of human dignity must be that of a protective bottom line that must never be crossed. Respect, on the other hand, must allow us to measure the development and growth of concrete human manifestations, so that we can limit them justly when they get in each other's way. To value the full range of human existence, we must cherish both human dignity and respect, applying their discrete modes of operation to distinct elements of humanness.

Respect-Based Human Rights

Article 4 of the Universal Declaration establishes this fundamental human right: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms". There can be no doubt that the right to freedom from slavery is human dignity-based. But consider the Declaration's Article 26:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

I would argue that, whereas section (1) constitutes human dignity-based fundamental rights, section (2) exemplifies respect-based ones. Prevention of elementary education denies people what we commonly consider human existence (existence as humans). Discrimination in access to education labels some humans as inherently more valuable and deserving of human growth than others, thus defying the global and equal character of human dignity. But ensuring that education is "directed to the full development of the human personality" seems to go beyond the dictates of human dignity; it seems to be motivated by and aimed at what I defined as respect. We would not normally find that a person deprived of education that is "directed to the full development of the human personality" is rendered "less than human". We would not, normally, feel that depriving people of education meant to promote "understanding, tolerance and friendship among all nations, racial or religious groups" is an intolerable offense to the value of our basic humanness. We would, I think, agree that such education is highly desirable to advance an atmosphere that treasures respect and promotes pluralism, multiculturalism and diversity. It is crucial if we wish to build a world that cherishes "the full development of the human personality", i.e., every individual's unique authenticity. In other words, the right to such education is respect-based and oriented, as are most rights that we consider "cultural". They are vital for the individual's full growth and thriving; not for her basic human existence (existence as a human being).

Respect-based rights are important: they guarantee the possibility of pursuit of optimal self-determination. But they are inherently tentative. It is impossible to secure all respect-based rights that everyone might require to fully fulfil themselves. If some of us feel that their self-expression requires the right to nudity in public and others feel that they can only flourish if women in the public sphere are completely covered -- we cannot grant either party the full extent of the respect-based rights it demands without completely depriving respect-based rights from the other group. Compromise is the only sustainable solution; both groups' rights must be somewhat curtailed. If we seek an egalitarian solution, we must develop means by which to equally curtail clashing respect-based rights.

Respect-based rights constitute the vast majority of human rights. They "cover" needs and desires that we associate with pluralism and multiculturalism. Their logic is different from that of human dignity-based rights. Their economy is far more nuanced and complicated. The mechanisms of curtailing them must be carefully developed. But firstly, they must be conceptually differentiated from fundamental, human dignity-based rights. In this paper I tried to illuminate this first step.

Conclusion

Revisiting the unmediated text of the Universal Declaration of Human Rights, this paper suggests "slicing" the canonical text's concept of "human dignity", distinguishing a narrow "human dignity", which marks the value/worth of humanness itself, from "respect", which assigns value/worth to the uniqueness of each and every concrete, specific expression of human existence. Both human dignity and respect are strictly differentiated from "honor", which denotes the human value intertwined with esteem and precedence in a specific hierarchical context.

The paper further suggests that, accordingly, "human dignity-based rights" are only the very minimal extents of rights that are strictly required to uphold every person's existence "as a human being", i.e., "with human dignity (narrowly defined)", in any concrete situation. Such rights, safeguarding and preserving the core value of humanness itself, must be absolute and unconditional, yet very narrow in their scope. Respect-based rights, on the other hand, are those that protect and enhance exclusive personal choices that express every person's uniqueness, including that person's self-expression in lieu of his or her multiple affiliations. Such affiliations may be race, gender, nationality, religion, ethnicity, sexuality or culture related. Respect-based rights are necessarily wide yet tentative. They must defer to human dignity-based rights, and be balanced against other respect-based rights, as well as social policies. They are the type of rights that refer to most issues arising from pluralism and multiculturalism. Honor-based claims, on the other hand, must be reviewed very carefully, as they may constitute neither dignity nor respect-based human rights. In fact, they may contradict such human rights, and thus must be evaluated accordingly. The paper suggests that this fresh conceptualization may contribute to the much needed demystification of the overburdened concept "human dignity", paving the way to a more coherent discussion of human rights in the context of pluralism and multiculturalism.

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