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Human Dignity as an Ethical Basis for a Multicultural Society

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Human dignity is not a new concept, but as will be indicated below it is one of the most crucially important concepts at this moment. It has been universally adopted and expressed under the banner of human rights in the constitutions of modern nations. Human dignity has emerged as a key ethical concept that provides the basis for social living in a multicultural society. This article will explore the history of the concept of human dignity and the relevance of Kant's concept of human dignity for maintaining peace and justice in a multicultural society.

Global Phenomena Renewing the Question of Human Dignity

Recently human dignity has once again become the subject of popular intellectual discourse prompted by two prominent global phenomena: controversy over the need for a 'herd immunity' as a method for dealing with the Covid-19 pandemic and the worldwide Black Lives Matter (BLM) protest prompted by the killing and inhuman treatment of minorities at the hands of police in the United States.

As the discourse about the necessity of herd immunity arises in many countries around the world, scholars in the medical field have responded with caution on its effectiveness. For instance, a group of medical scholars from Spain—one of the countries that have been hit hard by the pandemic—carried out the largest study on herd immunity in Europe and found that the feasibility of herd immunity to tackle the corona virus is doubtful, since the percentage of population able to develop antibodies is very low (only around 5% of 60,000 people studied) and insufficient to provide herd immunity (Pollán et.al 2020). In fact, in order to establish herd immunity, an estimate of 70-90% of population have to be immune to prevent the spread of the virus.

As the BBC News (7/7/2020) reports, similar findings in other countries, such as the US and China, confirm the low chances of herd immunity as a strategy against the pandemic.

Proceeding with herd immunity in the absence of a vaccine would mean allowing people to be infected by Covid-19 and acquiring immunity to it as the body adjusts to it in the process of recovery. Surely, before a sufficient number of people are armed with this immunity, many people will die, instead of recovering. Is this ethically tolerable? In a multicultural society, where there are racial, gender, religious, and social divisions, it is likely that the most vulnerable groups will become victims of herd immunity policy. The basic problem of the herd immunity approach is that it reflects the utilitarian ethics that a relatively small number of people can be sacrificed in order to provide immunity and safety for the majority. The utilitarian ethics contradicts the principle of human dignity which possesses value *an sich* and cannot be instrumentalized for any purposes. Furthermore, the main weakness of utilitarianism is to transgress the principles of justice and rights. Based on the utilitarian view of the greatest happiness of the greatest number, the basic rights of individuals or minority groups can be neglected for the benefit of the majority. Therefore, utilitarianism creates injustice for the weak and poor groups in a society.

As to the Black Lives Matter movement, the racially motivated injustice and discrimination and the brutality of the police seem to be the focus of concern. It is a struggle for justice and dignity. The law enforcement officers and national police, whose responsibility under national and international law is to protect all citizens, in fact act as perpetrators of human rights abuses by killing people, particularly Black Americans at a disproportionate rate. In doing so, they become agents of systemic discriminatory practices. The killing of George Floyd in Minneapolis on 25 May, of which footage is available in mainstream media and online, has prompted anti-racist and non-discrimination protests in the US and many cities around the world. In solidarity, voices from all background are growing to defend the dignity of all human beings, to demand justice, and to fight against all kinds of racial discrimination.

In the US alone, BLM has led to the banning and destruction of symbols associated with past slavery and racial violence, such as statues, monuments, and confederate flags. The US Congress has introduced a 'George Floyd Justice in Policing Act' (H.R.7120, 2020) that prohibits racial profiling at the federal, state, and local levels. Civil society groups, i.e. the National Association for the Advancement of Colored People and the Anti-Defamation League, have called for advertising boycotts against social media corporations, in particular Facebook, for allowing contexts that glorify racial violence and hate speech (Reuters 28/6/2020). BLM has inspired a current wave of demonstrations throughout the world against police brutality, racism, human rights violations, and other forms of intolerance.

Both herd immunity and BLM demonstrate a critical human rights issue

resulting from lack of respect for the intrinsic and inherent value of humanity. Discriminatory and inhumane treatment toward other people goes against the principle of human dignity, which has an *an sich* value and cannot be discounted for any reason whatsoever (Hesse 2020).

Prior to these recent events, at the beginning of the 21st century, intellectual discourse on human dignity arose in relation to the war on global terrorism. The horrible treatment of terrorists imprisoned in Guantanamo Bay (Cuba) and Abu Ghraib (Iraq) was condemned throughout the world. Though terrorists had committed heinous crimes—and their acts must be condemned—, they are human beings whose dignity should not be ignored. Human dignity must be seen as the basic value of our existence regardless of a person's conduct.

In Germany, such a concept of human dignity became the focus of public discussion when in 2006 the German Constitutional Court rejected the Air Defense Law (*Luftsicherheitsgesetz*) in the name of respect for humanity as stipulated under the German Constitution. Having in mind the scenario of the 9/11 terrorist attack on the World Trade Center in New York, the German Parliament had passed the Law, which empowered the German defense forces to shoot down any passenger plane that was carrying terrorist bombs. The rationale behind this was that it is better to kill a small number of passengers in aircraft (including terrorists), than to allow a greater number to become the victims of their deadly attack.

Disagreeing with the Parliament, the Constitutional Court ruled that the killing of passengers on board a civil aircraft—even though carrying terrorists—by a State body would be illegal. The obligation of the State to save the greater number of lives that may be potential victims of a terrorist attack should be considered equal to the obligation to respect the life of those passengers on the civil aircraft. Unilateral action to save the many in the society by taking the lives of the few in the aircraft is a betrayal of the dignity of each passenger.

In this sense, the Court in fact followed what Kant had argued: that the principle of human dignity opposes the decision of a State to misuse an individual or a minority of people for a certain purpose (Habermas 2011:14).

Historical and Legal Context of the Concept of Human dignity

According to Cicero (106-43 BCE), human dignity is related to the status of the human as an intelligent being (Volpi, 298). This intellectual nature gives humanity a special place in creation. Philosophical and theological reflections about human dignity in the Middle Ages arose from the idea that the human being is made in the image of God. The coming of secularism as a response to the dominion of religion paved the way for a shift to a new Age of Enlightenment which was characterized by an anthropocentric view of the human as an autonomous being, grounded in its dignity.

In the 15th century, Pico della Mirandola, while perceiving God as Creator, thought that the human being who is made in God's image is also a creator of a new human universe. The divine character of human being is expressed not only in the reason shared by all, but also in the certainty of being able to formulate moral laws. The existence of human being in the universe is not just a gift, but a responsibility to define its surrounding world according to its free will. In saying this, Pico transformed the theological concept of the image of God into a secular one, without changing its substance. This is an example of a successful dialogue between religious and secular thought on human dignity.

Pico went on to express his belief that human being should be placed at the center of the universe in order to have a view of the world in its entirety and organize life in a suitable way. Human being is both model and architect of its existence, and can transcend itself by approaching the divine, while at the same time stooping to the level of an animal (Paetzold 1985). In this sense, more than simply an ontological reality, human dignity is a dynamic quality for human being to freely develop itself toward the divine.

In the 18th century, the concept of human dignity found its concrete expression in the notion of human rights. It is human dignity that grounds and gives universal validity to the notion of human rights. This means that human rights have an inherent quality in each person regardless of the circumstances. In theory, this entails that human rights have to be envisioned only if they are understood in a formal and abstract way, stripped away from all substances and concrete formulae. This can be seen as a special characteristic of morality and natural law in modern times, which is reflected in the paradigm shift from the values of virtue ethics towards formal deontological norms. As Habermas correctly noted:

If in the classic concept of natural law, the norms of law and morality are substantially oriented to the concept of a good life or the primacy of human ethics, then formal modern law is freed from the catalogue of material life obligations, whether they be tribal or civil ones. Formal law legitimizes the realm of neutral individual freedom, in which an individual egotistically pursues personal gain. Formal law, in principle, is a law of freedom, because it permits all actions which are not explicitly forbidden based upon external behavior. Hobbes has clearly formulated that this indirect permission expresses freedom according to a formal constitution. Moreover, Locke defines the purpose of such a constitution as having domination over private property which also covers the right to life and freedom. (1982:90)

'Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property' (Article 17 of the Universal Declaration of Human Rights, 1948). The concept of human dignity was formally concretized in the declaration regarding the right to ownership, covering ownership of one's body as well as possessions.

'Ownership of one's body' has extraordinary ethical consequences for those in slavery. It is the slaves themselves that own the rights over their bodies, not their masters. Slavery, which in practice means claiming rights to ownership over a person's body, is an abuse of human dignity.

Having said that, this concept of the right to ownership has been understood in a very individualistic manner. The whole intellectual discourse on the scope and sphere of basic human rights has been viewed through the prism of individualism. As a result, it has been difficult to acknowledge the concept of basic human rights as universal values on the global scale. A case in point is the objections to the liberal and individualistic interpretations of basic human rights by those in Asia who valued a group-oriented and community-based approach.

Despite this variance in approaches to the notion of human rights, they are built upon the same foundational principles of human dignity. The inclusion of the notion of human dignity in the preamble to the United Nations Charter (1945) and the Universal Declaration of Human Rights to some extent indicates the recognition of the universality of human dignity and human rights. The UDHR furnishes global ethical principles, which synthesize the understanding of natural law from the 18th century (from which the idea of human rights derived) and the experience of totalitarian regimes in the 20th century (which highlighted the importance of human rights). In these two international instruments, human dignity provides a guiding principle for the implementation of human rights in order to build freedom, justice, and peace in this world. Disregarding these ethical principles will lead humanity to the darkness of a barbarian world, where freedom from fear and suffering, as well as freedom of speech and faith, would be sacrificed.

To ensure that the world does not slide back into barbarism, a firm conviction in the fundamental principle of human dignity and respect for human rights is needed. Otherwise, the crisis of barbarism caused by fascist and nationalist-socialist regimes which occurred throughout Europe and Asia in the mid-20th century may recur in the present time and the future. Learning from that crisis and prompted by the inclusion of human dignity as a key term in the above-mentioned international instruments, a growing number of democratic countries inserted the normative idea of human dignity in their constitutions. Japan (Kenpo 1964, Art. 24), Italy (Costituzione 1947, art. 3, 41) and Germany (Grundgesetz 1949, art. 1) became the first three countries that recognized human dignity in their Constitution soon after the Second World War. At present, around 162 countries out of the 193 UN member countries have included the notion of human dignity in their constitutions either in symbolic-declaratory terms, or as guidelines for the implementation of human rights or a limitation on the application of human rights (Shultziner/Carmi 2014).

It is worth noting that the German Constitution provided the most consequential notion of human dignity. Article 1—'Human dignity shall be

inviolable’—has influenced similar formulations of the inviolability of human dignity in the Constitutions of other countries, such as Poland (Art. 30), Namibia (Art. 8), Serbia (Art. 23), the Dominican Republic (Art. 38), Afghanistan (Art. 24), Bolivia (Art. 22), and Ghana (Art. 15). Despite similarities in its formulation, the way the notion of human dignity is understood and interpreted in practice depends very much on the social, political, and cultural background of each country. This means that the notion of human dignity is not absolute and ‘can be balanced against other rights, values and public interests’ (Shultziner/Carmi).

However, in Germany, as indicated in the case mentioned earlier, there is a strict approach that does not yield room for any interpretation that balances the inviolable human dignity with other considerations. If there is conflict between human dignity and other values, rights, or public interests, the former must be upheld and the latter must be interpreted within the overall prism of human dignity (Kommers 1997). Therefore, for the German Constitutional Court, for example, the concept of human dignity is viewed as a core normative criterion when making a legal decision or juridical interpretation. It is also seen as an essential principle in evaluating constitutional values (Burkard 1999). This view is influenced by the Kantian concept which sees norms and values as pillars upholding all legal, political, and constitutional decisions. Legality alone is insufficient. Moral legitimacy is needed. This should be the ethical foundation of individual, political, or social conduct.

Kant’s Understanding of Human Dignity

At the height of the Age of Enlightenment, Kant was enthroned as the great thinker of human dignity (Höffe 2002). The understanding of human dignity until this time has been heavily influenced by his philosophical thought. He legitimized the superiority of humanity over nature from a moral perspective. Kant went so far as to regard our control over nature as a moral human right, owned by every human being simply by virtue of his/her humanity.

However, Kant does not focus on humanity per se, but on humanity as a moral subject.

Allein der Mensch, als Person betrachtet, d. i. als Subjekt einer moralisch-praktischen Vernunft, ist über allen Preis erhaben; denn als ein solcher ist er als Zweck an sich selbst zu schätzen, d. i. er besitzt eine Würde (einen absoluten Wert). Only the human being considered as a person, that is, as the subject of a practical moral reason, is elevated above all price; for as such he is to be prized as an end in himself, that is, he possesses dignity (an absolute value). (Kant 2001:319)

This unique characteristic of humanity is not primarily seen as a special right, but as an obligation of a moral agent. In other words, the uniqueness of humanity is evident in its capacity to act in a virtuous manner and to feel shame and guilt for every action against its moral obligations. These make human beings and all rational creatures, 'an end in themselves... and not just tools to be used for some purpose. They should be seen in this way, and everything they do for themselves or for others should be focused in this direction' (Kant 1992:76).

Since the personal worth of a human being arises from its dignity as an intrinsic value beyond any negotiable price, it should not be valued in the same manner the marketplace sets up a changeable price for particular material goods and services. Each person possesses an inner value (dignity) that cannot be traded off as a commodity for a relative price. As humanity must be seen as an end in itself, human dignity from which humanity finds its intrinsic values must be treated as an end or purpose of our free will and moral conduct.

Every person needs affirmation of their status by other people, as well as by themselves. Such an affirmation is mutual. But if that affirmation disappears, it does not mean that the person's dignity also disappears. This can be said of an evil criminal. His criminal act may cause him to lose social affirmation in the society. But his basic dignity remains and needs to be treated accordingly with respect. This is why a suicide or capital punishment cannot be justified, as it goes against the principle of human dignity. Similarly, the abuses of humans in various forms, such as discrimination and violence, must be viewed as evils that cannot be tolerated, even if they are carried out in the name of religion, race, culture, or for health reasons. Whatever the circumstance, a human person must be regarded as such because of the inviolable dignity of his/her humanity.

Human dignity has personal and social aspects. Considering these two interconnecting aspects, Kant in *Groundwork of the Metaphysics of Morals* argues that those who hurt themselves, go against a moral obligation towards themselves. Likewise, whoever harms the dignity of a fellow human being does not only ignore his moral obligation but also acts against a legal obligation to the other. Therefore, any form of abuses against humanity are evil, even though the victims of abuses are unable to stand up for their rights, such as a baby, a mentally-ill person, or a slave. The ethical core for promoting human dignity is simply by virtue of belonging to the human race.

Kant also argues that human beings are free creatures who have autonomy for self-governance by way of self-legislation. Having rationality enables them to legislate their moral actions. This quality creates constructive circumstances for self-determination in the process of self-development toward self-actualization of their humanity (1996:74-5). Only by following this process would freedom truly be evident. Thus, freedom is not something that just happens, but rather it is the result of a rational process undertaken by the individual. In this sense, human beings act morally.

Exercising freedom as a moral act will lead human being into perfection, an actualization of one's humanity and dignity.

According to Kant, acting based on biological urges and desires is not consistent with human freedom. Such urges are dictated by certain needs or external conditions. Since human beings are not manually-controlled machines or selfish creatures, they can see beyond the immediate horizon of their biological needs or present given conditions. It is their rationality and freedom that defines their humanity as having an integral dignity which cannot be instrumentalized.

In the context of applied modern ethics and morality, human dignity is no longer simply an ontological or anthropological concept, but more a normative one. It exists not primarily because it is given as a grace from God, or because of the pre-eminent position of human being in the universe. Instead human dignity exists because of the inner quality of rational and autonomous human beings whose conduct is determined by basic normative values. This general understanding of human dignity that is not confined to one particular tradition of thought or belief is very important for upholding respect for human dignity and humanity in a multicultural society.

Human Dignity as Ethical Foundation for Multicultural Society

In a pluralistic and multicultural society, the concept of human dignity cannot rest solely upon the religion and tradition of a particular group of people. This is partly because such a concept tends to be limited by this particularity. Problems arise when the partial understanding and interpretation of human dignity of a particular religion, culture, tradition, racial group, or political denomination are used to justify and legitimize an ethical intervention into a different culture or a multicultural society as a whole. As a result, not only is the dignity of individuals or groups of people disregarded, but in practice their human rights are also violated.

It was the ethical standard that focuses only on the outcome regardless of the process that allowed some people to propose the goal of herd immunity in dealing with Covid-19 despite the absence of vaccines and serious risks to people's life. It was the incorporation of white supremacist standards of conduct—treating other races as second-class citizens—into a national policing system that has enabled the police force to kill and treat inhumanely minority groups in the US and across the globe. It is often the case that unilateral interpretations of wrong and right solely based on certain religious teachings have led to the persecution and prosecution of certain individuals for unjustified and unfounded 'blasphemous' acts or expressions, or the criminalization of sex and gender groups, such as women and LGBTQ groups.

Ethical intervention can only be justified on the basis of the post-traditional or post-metaphysical moral principle that has universal validity. From the perspective of the post-metaphysical principle, an ethical action is

not viewed as a custom from a specific tradition or culture, but as enacting a principle which possesses validity for the entire human race.

Kant's moral principle emphasizes the universality of an understanding of human dignity. This principle is found in the categorical imperative which has two parts, namely the universality of its demand and the banning of its instrumentalization. It prescribes that one should act in such a way that one can desire one's action to be lawful for everyone (Kant 1992:67), and that one should behave in accord with one's basic humanity, and not just viewing this as a means to an end (78). These two principles are universal and have no exceptions. In order for an ethical principle to have a universal and cross-cultural recognition, at least five conditions must be met:

- Rationality: A normative action must result from a rational reflection in order for it to be universally accepted.
- Freedom from contradiction: An action which negates itself if universalized, definitely does not have a sufficient rational base.
- Formality: Norms and values must be formulated universally. Such norms and values cannot be particular.
- Post-traditionality: Moral principles should be acknowledged rationally, and not because of traditional values, effectiveness, or authority.
- Obligatoriness: A universal ethic is an obligation without any exceptions. It is absolute, transcending any particular culture.

The concept of human dignity must be understood within the context of these conditions in order to be universally accepted as a normative basis in dealing with moral conflicts in multicultural society.

Conclusion

Human dignity has been a matter of discussion since Ancient Greek times. This concept has developed over the centuries and continues to be relevant now. In the Middle Ages, human dignity as a concept developed in dialogue with Christian theology, particularly reflecting the idea that humanity is an image of God. When the Church's dominance began to wane, the concept of universal human understanding came to the fore, with Immanuel Kant as its key proponent. He formulated the concept of human dignity as a secular rational term. Seen through his lens, human dignity is a normative concept which is more important than any one culture, religion, ideology, or view of good living. Because of this, the concept of human dignity can become the normative basis for a structure of life which is communal and multicultural.

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