

Chapter 2

The Double Foundation of Human Rights in Human Nature

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[...] 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. (UDHR, Preamble)

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (UDHR, Art. 1)

In many international documents¹ as well as philosophical theories (see Griffin 2008; Ashford 2013; Nussbaum 2006, 2008), human dignity is considered to be a source of human rights. In this paper I want to have a closer look at the connections between human rights, human dignity and human nature. I will hold that there are two aspects of human dignity that can be considered as two aspects of human nature. One aspect concerns the normative, moral status of persons that is connected with their ability to act morally. The other aspect concerns the empirical status of persons

¹In the Preamble of International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200A (XXI)) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27 it says: “Considering that, in accordance with the principle proclaimed in the Charter of the United Nations, 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, recognizing that these rights derive from the inherent dignity of the human person” and in the International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations in 1966, it says also “Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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, recognizing that these rights derive from the inherent dignity of the human person”.

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that is connected with their neediness and vulnerability. It is this second aspect that leads us to a determination of the substances of human rights. There are some goods that are indispensable for a decent life. These goods should be protected by human rights.² But the second aspect is connected to the first: The recognition of all other human beings as equal moral persons (of their equal moral status, of their dignity) is the foundation of the recognition of their human rights.

In the following, I will develop the idea that human rights are founded in two aspects of human dignity by using the example of extreme poverty as a violation of human dignity and as a violation of human rights. I will hold that there are indecent standards of living that do not constitute violations of dignity and there are violations of dignity that do not constitute violations of human rights. In the first part of the paper, I will ask what it means to lead a life in dignity. I will hold that this question can be properly understood as a question about decency, about a decent standard of living that is adequate with regard to our nature as physical human beings. In the second part, I will show that the qualification of the standard of living of certain persons as a violation of dignity requires not only an inadequate standard of living but also the non-consideration of the moral status of the persons in question. This goes back to the foundation of dignity in our moral nature. In the third part, I will spell out under which conditions severe poverty can be considered to violate human dignity. In the fourth part, I will hold that, although human dignity can be considered to be a foundation for human rights, not all violations of human dignity violate human rights.

2.1 A Decent Life as a Life According to Human Nature

[E]xtreme poverty is a violation of human dignity and might, in some situations, constitute a threat to the right to life. (UN General Assembly Resolution 134, 18 December 1992)

This formulation might puzzle us: Here the UN General Assembly does not qualify extreme poverty as a human rights violation. It qualifies it instead as a violation of human dignity and – under some conditions – as a threat to, not a violation of, the right to life. There is a tension between the evaluation of human dignity and the right to life. One might get the impression that the addressed violation of dignity is weaker than the threat of a human rights violation of the right to life. This might puzzle us further since, in prominent cases that might come to mind when violations of human dignity are concerned, we might think of severe forms of torture, rape and

²I will not focus on what exactly these goods are in this paper. Of course, it is disputable as to what counts as a necessary or indispensable good. For my purpose here, it might suffice to determine these goods in the most general and formal way: that they are necessary for a decent life. For a position that proposes goods that are necessary for an autonomous life cf. Gewirth (1980). For a position that draws basic rights back to basic goods, the substances of these rights, cf. Shue (1996, for a critical comment see Mieth 2008).

degradation. In these cases, a violation of human dignity seems to be even more serious than a violation of the right to life. Although the German judicial system provides a defence to people who kill in self-defence or kill those who constitute a threat to innocent persons; however, torturing in place of killing in these scenarios violates human dignity and is therefore illegal. For Germany, a violation of human dignity seems even more severe than a violation of the right to life.

But for the context of extreme poverty this does not seem to be true: On the one hand, extreme poverty is often seen as incompatible with human dignity or even as a violation of human dignity, but this does not seem to imply that there is a right to some goods that are necessary for subsistence. Society accepts that actively harming someone is forbidden, but whether aiding in poverty relief is compulsory or not is controversial. Not to help people who suffer from extreme poverty is often considered a mere violation of a weak and imperfect positive duty that is normatively weaker than a violation of negative duties not to harm others. In the case of poverty, a violation of dignity seems to be less serious than a violation of or a threat to the right to life.

I think that if extreme poverty is addressed as a violation of human dignity, we should differentiate between two aspects of human dignity that go back to the two aspects of human nature mentioned above. The first aspect refers to the unconditional normative status of persons. The second aspect refers to the empirically conditioned possibility to lead a decent life. I will hold that both aspects must be concerned in order to qualify a state of affairs as a violation of human dignity. In the last part of the paper I will show that not all forms of violations of human dignity are considered human rights violations.

Thesis 1: Human dignity has two aspects. The first is the equal moral status of persons. The second is the necessary conditions for a decent life.

In this section I will have a closer look at the second aspect and what it means to lead a decent life. I think that this aspect is addressed by the UN General Assembly as well as in the often quoted report from former World Bank President Robert McNamara:

Poverty at the absolute level – which is what literally hundreds of millions of men, women, and most particularly children are suffering from in these countries – is life at the very margin of physical existence. The absolute poor are severely deprived human beings struggling to survive in a set of squalid and degraded circumstances almost beyond the power of our sophisticated imaginations and privileged circumstances to conceive. (World Bank 1976 annual meetings of the Boards of Governors: summary proceedings, Washington D.C, 14)

This statement focuses on the fact that poverty means a “life at the very margin of physical existence”. This idea is also addressed by the UN Assembly when they qualify poverty as a threat to the right to life. They posit that there is “a set of squalid and degraded circumstances” that extreme poverty is combined with. The questions for us are: (1) What does it mean to lead a decent life? (2) Under which circumstances can poverty be described as a violation of dignity?

Avishai Margalit considers dignity as another word for self-respect. The connection between dignity and self-respect is also central for Peter Schaber's position. We can differentiate between three dimensions of self-respect.

First, there is self-determination in the sense of the possibility to select between acceptable alternatives (Schaber 2010, 52).

Secondly, there is self-evaluation as Rawls points out: "it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out." (Rawls 1971, 440) Furthermore, "self-respect implies a capability, so far as it is within one's power, to fulfill one's intentions." (Ibid.)

Both dimensions include the wish to be acknowledged by others and the necessity to be positively evaluated by others. According to Rawls, self-respect is the most important basic good for a good life.³ Beyond these respects, which refer to a good human life, self-respect has a moral dimension. Kantians would speak of moral autonomy here. For a Kantian, self-respect means to acknowledge oneself and others as beings that are able to act morally: that are able to put themselves under moral laws. In this respect, Kantians consider autonomy as the ground of dignity.

For what I will describe here as a violation of human dignity, Margalit uses the term humiliation. The important observation in our context is that there are two senses in which the term humiliation, and hence violation of dignity, can be used. The first that I will adopt here goes back to the differentiation between misfortune and injustice (Cf. Shklar 1990, 51ff.). We can only speak of an injustice, a violation of someone's moral or legal rights or claims, if other human beings are involved who have violated their duties, or if unjust institutions are in place which systematically deny someone equal respect, equal rights and life-prospects. The same applies to violations of dignity. The term humiliation that Margalit refers to is ambiguous since "not only behavior is liable to humiliate people. Conditions of life are also capable of providing sound reasons for feeling humiliated. Conditions are humiliating, however, only if they are the result of actions or omissions by human beings. Conditions ascribed to nature cannot be considered humiliating on my view" (Margalit 1999, 9). So Margalit uses the term humiliation synonymous with what I refer to as a violation of human dignity. The latter seems to be more precise since Margalit affirms that there is also a common "secondary, metaphorical sense in which people see the very conditions of human existence, such as old age, handicaps, or ugliness, as reasons for feeling humiliated [...]. [T]he secondary sense involves humiliation as a result of natural life conditions" (Ibid., 10). In this second sense, humiliation does not constitute a violation of human dignity.

³And self-respect is, to some degree, dependent on the basic structure of a society for Rawls. Only if the basic structure is legitimized with regard to the equal moral status of the individuals whose life-prospects are shaped by the basic structure, will self-respect be fully developable for most members of society.

By contrast, Margalit characterizes humiliation in the first sense “as rejection from humanity” (ibid., 135). He distinguishes between “three concepts of humiliation – treating humans as nonhuman, rejection, and acts intended to lead to lack of control or to highlight one’s lack of control” (ibid., 146). He emphasizes, these are three “different senses rather than different meanings. [...] Humiliation in all its senses is especially closely linked to the negative justification for respecting humans, which involves the prohibition of humiliation as a type of cruelty that can be directed only at human beings. Taking away a creature’s control by tying or locking it up is clearly also a manifestation of cruelty to animals, but what is unique to loss of control as a way of humiliating humans is not merely the cruelty of physical confinement but the symbolic element, which expresses the victim’s subordination” (Ibid., 147).

Thesis 2: Loss of control can be humiliating, but it is not necessarily a violation of dignity. This is only the case if it,

- *is due to the acts of others (torture, exploitation, slavery, unnatural dependency)*
- *is leading to the loss of acknowledgement by others (e.g. caused by dependency)*
- *is constituting a violation of moral autonomy (non-respect of the equal moral status of other persons).*

So, humiliation as a violation of dignity has two aspects: the physical one that can manifest itself as a loss of control over one’s body or one’s life-conditions. This loss must be combined with the loss of being acknowledged by others in order to constitute a humiliation or a violation of dignity. For Margalit, this is understood as the denial of the “ability of freedom”, that constitutes the deciding feature of being human (ibid.). In the interpretation proposed here, this means not to be respected as a moral being (a being with the ability to act morally). It means a violation of the moral status of the person.

Thesis 3: A decisive aspect of a violation of dignity consists in the non-consideration of the equal moral status of persons.

So again: at what point is poverty humiliating? We remember the well-known description that Robert McNamara has given of severe poverty as “a life at the very margin of physical existence. [...] By any objective standard, absolute poverty is an anachronistic tragedy in our century. A tragedy because it is a condition of life beneath the level of human decency and anachronistic because there are now at hand the economic and technological means to end it.” (World Bank 1976 annual meetings of the Boards of Governors: summary proceedings, Washington D.C., 37)

Using the above-mentioned definition alone, severe poverty may be classified as neither humiliation nor a violation of dignity. If the severe poverty in question were somehow “natural”, not dependent on other human being’s actions or omissions, it would not constitute a violation of human dignity.

Thesis 4: The description of severe poverty as a condition beyond decency is not sufficient to qualify it as a violation of dignity.

2.2 What Does It Mean to Not Respect the Moral Status of Persons?

Many philosophers hold that the decisive feature of the non-consideration of the equal moral status of other persons consists in their instrumentalization.

Rape violates the bodily, mental, and emotional life of a woman, affecting all her opportunities for development and functioning. Rape, we might say, does not remove or even damage dignity, but it violates it, being a type of treatment that inhibits the characteristic functioning of the dignified human being. It is inappropriate to use a human being as a mere tool in that way, because a human being should not be used as a mere tool: respect for human dignity prevents that. (Nussbaum 2008, 359)

Others hold that, in the case of torture, the person who is tortured is treated as a mere means in order to get information. But is this what makes torture or rape such a moral evil? That a person is treated as a mere means would also be true if there were no physical harm done (e.g., falsely promising to release the person if they give up the information, administering a truth serum).

False promises are instrumentalizations, but they are not necessarily humiliating. They constitute violations of the other person as a moral being whose ends deserve respect within the consideration of what ends we can legitimately follow, insofar as they violate the first aspect of dignity. But they do not necessarily involve the violation of the second aspect – the ability to lead a decent life.

Thesis 5: The prohibition of instrumentalization is too broad to determine relevant violations of human dignity.

On the other hand, the prohibition of instrumentalization seems too narrow to determine relevant cases of human-dignity-violations. Extreme poverty is not necessarily a form of or a result of instrumentalization. Here, the second aspect of dignity is affected. But the first aspect, the violation of respect for the equal moral status of other persons, is not solely violable by instrumentalization.

Nevertheless, slavery and exploitation that often accompany severe poverty do constitute extreme forms of instrumentalization. Elizabeth Ashford (2013) and James Griffin (2008) have recently pointed out that people who are suffering from severe poverty are extremely vulnerable to such forms of instrumentalization. We should differentiate here between 1. instrumentalization as a cause of poverty and 2. vulnerability to instrumentalization as a result of poverty. Thomas Pogge (2008) argues that we, the citizens of the wealthy and influential states, contribute to and profit from world poverty by maintaining an unjust economic order that does not prohibit exploitation e.g. by child labour. But the moral problem of extreme poverty is not solely explainable through reference to instrumentalization or the danger of or vulnerability to instrumentalization. If firm X offers child labour in Bangladesh, then, per Ashford's account, the poor are forced to waive their human rights if there is no other opportunity to survive. They are forced to not insist on having their human rights, rights that should protect them against such treatment. Still, it is not necessarily a solution to simply forbid firm X from offering child labour in

Bangladesh. Forbidding child labour would be a good step toward protecting human rights because it may ensure that the children are not exploited. From a moral point of view, if the poor are not instrumentalized by firm X any more, this would also be an advantage. But in the end, the poor would still suffer from severe poverty.

So if extreme poverty does not go back to instrumentalization or makes the poor vulnerable to the threat of instrumentalization, is there still a violation of dignity? Severe poverty in the very early days of mankind seems to not go back to instrumentalization. As such, it is questionable as to whether it is possible to describe this cases as a violation of human dignity. The same holds true for severe poverty under circumstances that are not influenceable by other human beings. Peter Schaber uses the example of a man who is shipwrecked. He is alone on a deserted island where he can find nothing to eat. His options are extremely restricted. He has no choice; he will, sooner or later, die of starvation or illness. Still, since there are no other human beings around, there is no violation of human dignity in this situation. And, according to Margalit's definition, there is also no humiliation.

Severe poverty, as such, does not constitute a violation of human dignity. Severe poverty means a life beyond human decency in the sense that people are lacking essential goods that would be necessary to lead a decent life. But so far we can only speak of a violation here if other human beings brought these circumstances about or instrumentalize the poor who are vulnerable to instrumentalization because they do not have much choice. What about cases in which other human beings are involved, not by instrumentalizing the poor, but by not helping them? Not helping someone does not seem to infringe upon the prohibition of instrumentalization. Is it possible that it constitutes a violation of human dignity nevertheless?

Astonishingly, we find steps in that direction by Kant. The Categorical Imperative does not solely entail a prohibition of instrumentalization. A look at the decisive passage from the Groundwork confirms this.

So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never as a means. (Kant 1785, 4: 429)

We can distinguish two infringements against this imperative.

1. To use a person as a mere means (this excludes treating her as an end)
2. To not use a person as a mere means, but also not to treat her as an end

If the moral status of persons plays a decisive role in the qualification of an act or an omission as a violation of human dignity, and if it is possible to disregard the moral status of a person not solely by using her as a mere means but also by not treating her as an end, then there exist violations of human dignity that cannot be explained as infringements against the prohibition of instrumentalization.⁴

⁴What I leave aside here is the possibility of self-instrumentalization and self-degradation which would occur as violating duties towards oneself in Kantian philosophy. For Kant and Schaber the assumption of duties towards oneself is crucial. In Kant, the possibility to disregard oneself comes from the idea that the humanity in us belongs to our "real" moral nature of the *homo noumenon*. By contrast, my point is to claim that there should be equal respect for the physical conditions

Thesis 6: The prohibition of instrumentalization is too narrow to cover all relevant violations of human dignity.

The crucial requirement we can find in the formula of humanity of the categorical imperative is to treat others as ends, since this includes not using them as a means as well as a prohibition of not treating them as ends. What does it mean to treat another person as an end in and of herself? To treat others as ends means that we have to restrict our purposes if they are incompatible, in a morally relevant way, with those of other persons. From this, we can derive negative and positive duties. Dignity refers to the moral status of other persons. From this, it follows that we must respect others because of their ability to act morally and that we must not subordinate their purposes to ours without reflecting their moral weight. But these are the purposes of our empirical selves; in Kantian language, of the *homo phenomenon*.

Now we have the means to describe failure to help as a violation of dignity. Whosoever does not help someone who is in dire need, although help was easily possible, does indeed not instrumentalize this person, but neither does he treat her as an end in herself. To treat her as an end would mean to respect that her purpose to survive – which is an objective need – has severe moral significance. From this respect towards the other person and her purposes would follow that I must act accordingly. If my purpose is to get home as fast as I can and the other person's purpose is to survive, her purpose restricts mine: I have to help her even if I have to give my purpose up, would restrict my purpose not to go through any trouble in a morally relevant way. But this approach is in danger of being still too broad to qualify as relevant violations of dignity.

First, there can be many purposes of other moral persons which I can promote but do not have to promote. The problem with the Kantian approach is that Kant has no theory of goods that helps us to differentiate between purposes, the realization of which we must not prohibit, purposes we must promote, and purposes with regard to which this is not the case. Kant conceptualizes a very general duty of virtue whose content is to promote others' happiness in the Doctrine of Virtue. But this is not plausible since it, too, is unqualified. Kant does not differentiate between necessary empirical conditions of a decent life and further purposes that others may promote as part of a duty of virtue but which need not be promoted as part of a duty of justice. That is because Kant tends to emphasize the first aspect of dignity at the cost of the second. Instead, I propose that here the empirical aspect of dignity must come into play. I hold that the material conditions for a decent life (i.e. a life in dignity), which means a life of self-respect and self-determination, are precisely what others must respect, protect or promote. These conditions are also the substances of human rights.

necessary to lead a decent life and, insofar for the *homo phaenomenon* and his vulnerability and neediness, that is equally important for our human nature. On my account, the first aspect of dignity, the equal moral status of persons, must not be stressed at the cost of the second.

Thesis 7: The requirement to treat others as ends is also too broad. It must instead refer to justified moral demands that refer to our double human nature and the conditions of a decent life. The content of the justified moral demands results from what we consider the conditions for a decent life.

2.3 Does Poverty Constitute a Violation of Human Dignity?

Let us remember the two aspects of human nature that constitute the two aspects of dignity and must be violated in order to qualify an act or omission as a violation of human dignity. The empirical aspect refers to the conditions of a life in dignity. This refers to a life in self-determination in which people can select between acceptable options (Schaber 2012). This does not only refer to the options, but also to the conditions of the selection that Nussbaum has in mind. The protection of and the providence for these conditions are the purposes of human rights. These conditions can be considered the substances of human rights. Human-rights-corresponding duties refer to the protection of and the providing of these goods. Here, human dignity is violable. It is violable on the one hand by violations of human rights, i.e. the right to freedom that is violated by exploitation. This is the point that is emphasized by Griffin and Ashford: extreme poverty makes people vulnerable to infringements of their rights that they put up with in order to survive. Here, extreme poverty can constitute a reason for self-instrumentalization. But it would be cynical to qualify this as a violation of duties towards oneself under these circumstances. Rather, these circumstances go back to a life of extreme poverty where others were able to provide for the goods in question and do not do so. The normative aspect of dignity is affected in both cases, too. The human ability to act morally constitutes the normative aspect of dignity that is non-volatile but, nevertheless, violable. It is violable by not respecting someone as an equal moral subject.

How do these two aspects refer to each other if we want to qualify an act or omission as a violation of human dignity? First, it is necessary that the equal moral status of another person is not respected. Second, by this disrespectful act or omission that lacks respect, the material conditions for a life in dignity must be affected by actively depriving someone of an objective good or by not providing for this good although one could easily do so. Both conditions together are sufficient to qualify an act or omission as a violation of human dignity.

Thesis 8: Upon closer inspection, even in the case of torture, the violation of human dignity consists of the destruction of the possibility of self-determination. This is what the violation of human dignity by torture has in common with the violation of human dignity by severe poverty. The tortured person is actively deprived of self-determination. People in severe poverty who are lacking the objective goods needed for a life in self-determination are, by destruction of these goods or by not providing these goods, deprived of self-determination by others.

Under these conditions, severe poverty can be classified as a violation of human dignity. But what about relative poverty that also can, like severe poverty, go back to the non-respecting of others as equal moral persons? Adam Smith distinguishes between necessary goods and luxuries. What qualifies a good as a necessary good depends on the standard of a society. Necessary goods are not only necessary for physical, but also for social, survival. For example, he describes a necessary good in nineteenth century England as owning shoes and a linen shirt without which one would be “ashamed to appear in public”.⁵ So he considers necessities to be “not only those things which nature, but those things which the established rules of decency have rendered necessary to the lowest rank of people” (ibid.). We often refer to this “rules of decency” that are not met when we refer to poverty. That people cannot afford what is considered a decent standard of living is true not only for severe poverty but also for relative poverty (cf. Neuhäuser 2010).

And it is relative poverty that Rawls and Margalit, whose theories I have referred to above, have in focus. For both of them, a life in self-respect depends on the acknowledgement of one’s own life-plan by others. Rawls’ solution to the problem of relative poverty is that differences concerning income and wealth are only legitimate if they have the best possible effect on the least advantaged people within a society. And this is founded in his idea that institutions are only legitimate if they are shown to express the equal moral value of persons whose life-prospects they shape (cf. Rawls 1971, § 40 and Mieth 2009). Also in Margalit’s view, even more demanding, a society can solely refer to itself as decent if it grants to its citizens extensive social rights that go far beyond the minimum of existence.

We have two alternatives here: Either we restrict violations of human dignity to the violation and destruction of the equal moral status of a person or non-providence for necessary goods as condition for a life in decency. As a result, severe poverty

⁵“By necessities I understand not only the commodities which are indispensably necessary for the support of life, but whatever the custom of the country renders it indecent for creditable people, even of the lowest order, to be without. A linen shirt, for example, is, strictly speaking, not a necessary of life. The Greeks and Romans lived, I suppose, very comfortably though they had no linen. But in the present times, through the greater part of Europe, a creditable day-labourer would be ashamed to appear in public without a linen shirt, the want of which would be supposed to denote that disgraceful degree of poverty which, it is presumed, nobody can well fall into without extreme bad conduct. Custom, in the same manner, has rendered leather shoes a necessary of life in England. The poorest creditable person of either sex would be ashamed to appear in public without them. In Scotland, custom has rendered them a necessary of life to the lowest order of men; but not to the same order of women, who may, without any discredit, walk about barefooted. In France they are necessities neither to men nor to women, the lowest rank of both sexes appearing there publicly, without any discredit, sometimes in wooden shoes, and sometimes barefooted. Under necessities, therefore, I comprehend not only those things which nature, but those things which the established rules of decency have rendered necessary to the lowest rank of people. All other things I call luxuries, without meaning by this appellation to throw the smallest degree of reproach upon the temperate use of them. Beer and ale, for example, in Great Britain, and wine, even in the wine countries, I call luxuries. A man of any rank may, without any reproach, abstain totally from tasting such liquors. Nature does not render them necessary for the support of life, and custom nowhere renders it indecent to live without them” (Smith 1776, Book 5, chapter 2, part 2, article 4).

as a violation of human dignity would have the same extension as the violation of social and economic rights. (That is a common position represented e.g. by Griffin 2008, Schaber 2010/2012, Gewirth 1980) Or we stretch the conception in order to encompass relative poverty.

Another problematic point is the fact that we do ascribe an indecent life to poor people. When this ascription leads to a self-description of a life beyond dignity in the first place, the ascription can lead to a violation of the self-respect of poor people. Furthermore, in this case, the ascription is self-fulfilling. On the other hand, with regard to a self-elected and self-determined life in poverty as with a mendicant or an ascetic, the ascription is wrong. Here again, it becomes evident that the empirical aspect is not sufficient to detect a violation of human dignity.

Thesis 9: Poverty is a violation of human dignity if poverty is so severe that the material conditions of self-determination are not given and if, thereby, the moral status of the poor is violated by others. This can be the case with exploitation as well as by not aiding the poor by providing necessary goods.

2.4 Human Rights and Human Dignity

So far we qualified violations of human dignity as violations of the equal moral status of other persons (normative aspect) plus reference to a basic good that is necessary in order to lead a decent life (empirical aspect). When it comes to human rights, both aspects are equally important. The first aspect is important because human rights are rights that express the equal moral status of persons since human beings do hold them simply because they are human, independent of social status, race, gender, etc. The second aspect concerns the substance – the content – of human rights. It is exactly because human beings are vulnerable physical beings that they need human rights in order to be protected against what Henry Shue (1996) called “standard threats” to a decent life; they need their liberty and subsistence secured against standard threats. But only other human beings can threaten and violate, as well as protect, the substances of human rights in a morally and legally relevant way. If we consider human rights only as legal rights, there may be violations of human dignity in the above described sense that do not qualify as violations of human rights. This is especially problematic with regard to extreme poverty. The underlying sources of legal human rights are moral human rights. Their normative foundation lies in human dignity, referring to the equal moral status of persons as well as referring to a decent human life. As I have shown above, both aspects must be considered in order to qualify an act as a violation of human dignity. With regard to qualify an act as a violation of moral human rights, we might see the matter analogously. Either violations of dignity in a narrow sense are the same as violations of moral human rights, or there are violations of human dignity that do not constitute violations of moral human rights. This would still be incompatible with treating others according to their equal moral status, but not with regard to

basic goods that are necessary to lead a decent life. The answer to these questions – which acts or omissions do count as violations of dignity in a full or narrow sense and to what extent are they violations of moral human rights – will depend on the empirical analysis of what the necessary conditions of a decent life are exactly.

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Human Rights and Human Nature

Albers, M.; Hoffmann, Th.; Reinhardt, J. (Eds.)

2014, VI, 274 p., Hardcover

ISBN: 978-94-017-8671-3