

Human dignity:
A right or a responsibility?

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Declaration

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

ABSTRACT

While most people acknowledge the dignity of fellow humans, atrocities that deny the dignity of people are rampant in our world. The ongoing ignorance and aberrations of the dignity of human beings in the world might mean that there is still not clarity on what respect for the dignity of others really mean, how it should be practiced and whether human dignity is an entitlement or a responsibility.

Human dignity was not always bestowed to every individual. In ancient times dignity was reserved for the strongest individual in and later was extended to certain classes, groups and nations like the monarchy and clergy, the Egyptians and Romans. The Renaissance brought a new consciousness of the worth of man. But despite this awareness, and the advent of a human rights culture as is found in the writings of modern philosophers like John Locke, Jean-Jacques Rousseau and Immanuel Kant, who all support the notion of human dignity, liberty and human rights, gross human rights violations still took place during the twentieth century. Stalin used the Russian people to create a successful socialistic state; Hitler exterminated all those who obstructed his ideal of creating a pure Aryan race, while Verwoerd legalized racial discrimination in South Africa and Namibia. As a result of the atrocities in Europe, especially during World War II, The United Nations was established with the aim to oversee and address human rights violations in the world. Human rights and respect for human dignity are included in the Bill of rights of the Constitutions of America, South Africa and Namibia.

Health care providers acknowledge the rights of patients by respect for the autonomy of patients. Patients are autonomous persons and health care providers enable patients to take autonomous action. Autonomous action means that a patient will act with understanding, intention and without coercion. Paternalism is only justified when it serves to protect the patient or protect the rights of others. Health care providers practice autonomy by facilitating informed consent, by providing truthful information, by upholding confidentiality, to protect privacy of patients and to treat patients with respect.

There is little uncertainty that people can claim the right to human dignity because persons have intrinsic worth as unique beings that are irreplaceable and exist as an end in themselves. Holy Scripture confirms that humans are created in the image of God. International human rights instruments and national constitutions provide people with the statutory right to human dignity and enable people to legally claim this right. But human dignity is also a responsibility because claiming a right has a reciprocal obligation on others not to violate the claimed right, but also requires from persons to value their own lives. Over reliance on science and rational thinking may negate human dignity because scientists do not always consider the needs of persons. The examples of world leaders like Gandhi, King and Mandela have also shown that one can earn human dignity through respectful conduct towards others. Protagoras of Abdera was aware of human worthiness as right and responsibility as long back as the fifth century BC, and this awareness still exists today.

OPSOMMING

Ten spyte daarvan dat meeste mense die menswaardigheid van ander erken, misken gruweldade in die wereld steeds die waardigheid van baie mense. Die miskenning van menswaardigheid mag beteken dat daar steeds onduidelikheid is oor wat respek vir die menswaardigheid van ander werklik beteken, hoe dit gepraktiseer moet word en of menswaardigheid 'n reg of 'n verantwoordelikheid is.

Menswaardigheid was nie altyd aan alle persone verleen nie. In die antieke beskawing was menswaardigheid grootliks gereserveer vir die sterker persone, en later vir sekere klasse, groepe en nasies, soos die monargie en geestelikes, die Egiptenare en Romeine. Die Renaissance het 'n nuwe bewuswording van menswaardigheid gebring. Maar ten spyte van hierdie bewuswording en die koms van die menseregtekultuur is die werk van moderne filosowe soos John Locke, Jean-Jacques Rousseau en Immanuel Kant, wat almal die gedagte van menswaardigheid, vryheid en menseregte ondersteun, het gruwelike menseregte skendings steeds plaasgevind gedurende die twintigste eeu. Stalin het die Russiese volk gebruik om 'n suksesvolle sosialistiese staat te skep, Hitler het probeer om almal wat sy ideaal bedreig het om 'n egte nie-Joodse Kaukasiese nasie te skep, te vermoor, terwyl Verwoerd rassediskriminasie gewettig het in Suid-Afrika en Namibië. As gevolg van die gruweldade in Europa, veral gedurende die Tweede Wereldoorlog, het die Verenigde Nasies tot stand gekom om die menseregteskendings in die wereld te monitor en aan te spreek. Die Konstitusies van Amerika, Suid-Afrika en Namibië, erken menseregte en die respek vir menswaardigheid.

Ook in gesondheidsorg word die regte van die pasiënt beskerm deur die beginsel van respek vir die outonomie van pasiënte. Pasiënte is outonome persone en gesondheidsorg werkers maak dit moontlik vir pasiënte om outonome handeling uit te voer. Outonome handeling beteken dat die pasiënt sal handel met intensie en sonder dwang en dat die handeling ten volle verstaan word. Paternalisme is alleen geregverdig wanneer dit die regte van die pasiënt of ander persone beskerm. Gesondheidsorg werkers fasiliteer outonomie

van pasiënte deur ingeligte toestemming te verkry, pasiënte nie te mislei nie, vertroulikheid te handhaaf, privaatheid van die pasiënt te verseker en deur pasiënte te respekteer.

Daar is min onsekerheid dat persone op die reg tot menswaardigheid kan aanspraak maak want mense het inherente waarde as mense wat nie vervang kan word nie en wat in hulself 'n bestaansdoel het. Die Skrif bevestig dat die mens na die beeld van God geskape is. Internasionale menseregte instrumente en nasionale konstitusies maak voorsiening vir die wettige reg tot menswaardigheid en maak dit vir mense moontlik om wettiglik op hierdie reg aanspraak te maak. Mense het egter nie net 'n reg tot menswaardigheid nie maar ook 'n verantwoordelijkheid. Aanspraak op 'n reg tot menswaardigheid impliseer 'n wedersydse verantwoordelijkheid dat ander die reg nie mag skend nie, maar vereis ook die verantwoordelijkheid dat persone waarde aan hul eie lewens sal heg. Oorwaarding van die wetenskap en rasionaliteit mag ook menswaardigheid ontken, omdat menslike behoeftes nie altyd in ag geneem word deur wetenskaplikes nie. Voorbeelde van wêreldleiers soos Gandhi, King en Mandela bewys dat menswaardigheid ook verwerp kan word deur ander respektvol te behandel. Protagoras of Abdera was reeds in die vyfde eeu voor Christus bewus van menswaardigheid as reg en verantwoordelijkheid, en hierdie bewussyn is steeds geldig vandag.

ACKNOWLEDGEMENT

SOLI DEO GLORIA

DEDICATION

This work is dedicated to my five loving children and two beautiful grandchildren, who surrounded me with understanding and support during the times of my studies

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CHAPTER 1

THE PROBLEM: IS HUMAN DIGNITY A RIGHT OR A RESPONSIBILITY?

Most human beings will be inclined to oppose the assumption that individual liberty, as it is known today, cannot be justified. To prove the validity of assumptions we rely not only on logical argumentation but also on scientific factual information. But what proof is there of the validity of individual liberty? According to Davenport (1973:230) humans find the proof to the validity of individual liberty in the concept of human dignity. Respect for human dignity and individual liberty require actions with certain content. Moral human actions according to Immanuel Kant (Beauchamp and Childress, 1994), should pass the test of the *categorical imperative* which requires firstly that our reasons for actions should be such that it can be applied universally and secondly that human beings can never be exclusively treated as a means to an end, but are ends in themselves. Kant's second formulation supports the belief that persons cannot be used as objects to reach historical, political or social goals. Actions that do not consider the dignity of humans lack moral content and do not pass the test of Kant's second formulation of the categorical imperative. Moral actions should therefore consider the degree of benefit to those that are subjected to the actions.

While many countries in the world defend principles of individual freedom and human dignity and oppose all forms of disregard for human dignity, either by legislation and policy making, many other countries still struggle to recognise and defend individual freedom and dignity and to rid themselves of totalitarian regimes and dictatorships.

Conflicts, both internally and externally, over a number of continents and in many countries, are causing immense human suffering. In 1999, The United Nations High Commission of Refugees (UNHCR) estimated the number of civilian refugees worldwide at 12 million and the total number of displaced persons at 25 million. (Adinolfi 2001:2) The bitterness of conflicts and the forthcoming suffering hit those hardest who are the most vulnerable – women, children, the aged and the disabled.

During armed struggle it is the women who are left behind to fend for their families. During and after conflicts most households are headed by women. In Islamic countries the status of women

Taliban regime, and their access to health care was limited. Afghan women ventured outside their homes only when a male relative accompanied them. This was difficult because so many men have been killed or were in the battle zones. Some women were allowed to work in the health sector in Afghanistan but were strictly segregated from their male colleagues and had to abide by strict rules. (Russell 1997:6) In a country where the status of women is already severely limited by religious belief, their situation deteriorated even more and severe forms of human rights abuses like beatings and executions were commonplace. (UN 1997: 48)

Mary Robinson, the United Nations High Commissioner of Human Rights, reports (2000:8,9) that during her visits to Cambodia in 1998, the former Republic of Yugoslavia and neighbouring countries, Russia and the Ukraine in 2000, there were first hand accounts of women and children who suffered brutalities while being trafficked into prostitution. While the United Nations adopted the Convention on the Rights of the Child in 1990 and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1979, women and especially young girls are denied their human dignity while being forced into this new form of slavery.

Children all over the world are innocent victims of human rights abuses. Carol Bellamy, Executive Director of the United Nations Children Fund (UNICEF) reports that rampaging soldiers raped more than 20,000 young girls and women during the war in the former Yugoslavia. Elsewhere they are kept as sex slaves and 'wives' of the military and rebels. The vulnerability of girls increases in refugee camps and places of displacement, not only because they have to walk long distances to get water or to sanitary facilities, but because they are exposed to the risks of HIV/AIDS. During the genocide in Rwanda virtually every adolescent girl was raped and the situation was not very different in both Bosnia and Herzegovina. Conscription of children under the age of 18 years is commonplace and girls are not exempted from this conscription. (Bellamy 1997:7,8)

The National Society of Human Rights (NSHR) in Namibia reports that various Southern African Development Community (SADC) countries have recruited children as young as 10 years into their armed forces and in the North Eastern regions of Namibia 16 year old children are drafted into the armed forces. Apart from recruiting child soldiers, it is also reported that parties to both

the Angolan and Congolese conflicts have committed various human rights abuses, including massive summary executions, enforced disappearances, torture, and indiscriminate planting of landmines. (NSHR 1999:6,7)

In the hope of some alleviation of suffering people flee their home countries not only because they fear the armed struggle but out of fear of abuse by those who are involved in the struggle. In Colombia it is reported that both government and guerrilla soldiers deliberately target civilians who do not want to become involved in the struggle. These civilians are accused of collaborating with the opposition, the soldiers beat the men while the women are severely abused and raped. Consequently more than 3.3 million Colombians are now living outside their homeland while another 1.5 million are internally displaced. (Guirao 2000:12)

In Sierra Leone a displaced family who fled the civil war in 1997, was once again forced to take a disturbing decision at the end of 2000. The war in Sierra Leone spilled over into neighbouring Guinea and they had to move on yet again. Moving deeper into Guinea they found themselves opposed by army units and they had to turn back. The family then decided to split up. The grandmother and children tried to advance, relying on some humane actions by Guinean army units, while the mother and father of the children turned back. In March 2001 the mother and father and their newborn, were resettled in Northern Sierra Leone but have not heard anything from the other members of the family. This family's story is not unique. More than a third of Sierra Leone's population are displaced and most social indicators are depressing. It is disturbing that the life expectancy of an average person in Sierra Leone is only 32 years. (ECHO 2000:13)

While the suffering of physical hardships and actions of physical abuse in conflict situations negate the dignity of people directly, the consequences of displacement and the forthcoming emotional and mental trauma often deny people their dignity in a more covert way. While the first are observable and sometimes blatant and often addressed by humanitarian agencies the others are not always recognised or addressed, and sufferers are often left to cope with their psychological trauma by themselves. The consequences of conflict are not limited to constant hunger, poverty, abuse, etc. but cut deeper. Persistent worry about the availability of the next meal and the constant fear of being shot, raped or physically and mentally abused change the normal behaviour of people. In post-war Tajikistan, a mother did not take her child for medical

assistance because she believed one has to lie low and not ask others for favours. The mother explained “ this kind of behaviour [to ask for help] can lead to trouble, especially if you are from a family headed by women only” (Bosscher 2000:9)

In a world where so many countries are committed to Human Rights treaties, which aim to recognise the inherent human dignity of persons and recognise that peace, justice and freedom and the inalienable rights of humans are the only guarantee to protect this dignity, we still live in a situation where civil, political, cultural and social rights abuses are rampant. How does one explain this blatant ignorance of the dignity of fellow human beings? It seems that there is no clear understanding of what the respect of human dignity really means, at least not in practical terms.

The word dignity is derived from the Latin word *dignus*, which means worthy. (Pocket Oxford :240) Human dignity therefore refers to human worthiness. A claim to one’s dignity may mean that one firstly demands that others should refrain from disrespecting you. Secondly, that you ought to be treated with respect, and thirdly that one must be both able and willing to respect one self. Demands that others should not disrespect you oblige others to acknowledge your dignity as a human being. To expect others to treat you with respect means that they must refrain from actions that can harm your dignity. Willingness and the ability to respect oneself requires consciousness of one’s own worth as a human being, the mental capacity to rationalize your worthiness as well as the will to see yourself as a worthy human being, irrespective of the actions of others towards you. Does disrespectful treatment from others entail that one does not possess dignity anymore? What is one’s position regarding dignity if one does not possess the mental capacity to respect oneself? Do abusive situations diminish one’s claim to dignity? It is understandable that persons may have difficulties to claim their own worthiness in intimidating and fearful situations, but should dignity only be respected if we are able to claim it or when one is able to rationalize it?

Respect for human dignity finds tangible expression in claims to human rights. Proof of these claims can be found in the many measures that are taken by the international community to codify human rights. The Universal Declaration of Human Rights, international conventions on the rights of vulnerable groups, like women and children, as well as the inclusion of human

dignity in national constitutions, are all examples of the universal acknowledgement that the dignity of men should be respected and protected. It therefore seems that respect for human dignity is viewed universally as being important and that human dignity can be claimed as a human right and that this right is recognized universally.

Despite the above examples of measures taken universally to ensure respect and protection of human dignity, the situation in the world currently is fraught with human rights abuses. It seems that universal claims to human rights, the manifold international declarations on human rights and the inclusion of the protection of human rights and respect for and the protection of human dignity in national constitutions are no guarantee that one's rights will be respected or that one will be treated in a dignified manner.

In the preamble of the United Nations Universal Declaration of Human Rights, the very first sentence declares that the international community recognizes that 'the *inherent dignity* of and the equal and *inalienable rights* of all the members of the human family is the foundation of freedom, justice and peace in the world,' (UN 1948 – my emphasis) Yet, there exists ample proof that human rights are denied and not respected in many countries all over the world.

The Namibian Constitution, article 8, prescribes that the dignity of all persons shall be inviolable, that respect for human dignity shall be guaranteed during judicial proceedings and during enforcement of penalties, and that no person shall be subjected to cruel, degrading or inhuman treatment or punishment. Yet, the National Society of Human Rights (NSHR) in Namibia reports that the conditions in State prisons in Namibia are deplorable and alleges that human rights abuses like assault, denial of medical treatment, starvation, overcrowding and sodomy are commonplace. (NSHR 1994: 4) The Society also reports that from December 1999 to July 2000, 17 people were abducted, 13 were tortured and 60 were killed in the North Eastern areas of Namibia. (NSHR 2000:4-9)

Colonialism in Africa, and the policy of segregation in South Africa and Namibia specifically, denied persons their dignity for many years. How does one explain the discrepancy between the manifold universal claims and declarations on human rights and the many examples of human rights abuses all over the world? It seems that although claims to human dignity are established

universally, there is still some misunderstanding on what these claims mean theoretically and in practice. As most of the inhumane conditions in the world are man-made and all of the atrocities that are committed against humans are the work of fellow humans, the question of responsibility seems to crop up. How do we balance strong political, religious and cultural beliefs and the duty towards others to respect and recognise their dignity? What is the extent of our responsibility towards our fellow humans? Certainly, conflicts cannot be ruled out totally, it will be foolish to expect to live in a utopia where everyone agrees on everything. The crucial question is how humans accommodate their differences. The core aspect in the respect of others dignity lies in one's belief about the worthiness of others. Our philosophy of life and our view about people are determinants of our choices and actions towards other people. The paradox inherent in this is that our actions and choices might also be a determinant of other people's actions towards us. While human dignity might be claimed as an inherent right, it might also be as much a responsibility. Can one expect to be treated humanely, if one does not treat others humanely? Still, many of those who are subjected to human rights abuses all over the world, are victims of others' disrespect of human dignity – they are subjected to inhumane treatment not for what they have done per se, but because of many other factors, of which the core factor is the disregard by the perpetrator/s for the humanity of a fellow human being. It seems that something more is needed to fulfil the expectation of respect for human dignity, and that there is no guarantee for the respect for human dignity unless humans understand their obligation to acknowledge the worthiness of the existence of others. What then is to be done and how does one acknowledge the dignity of others? Can one earn one's dignity? And if the answer to this question is affirmative, what does one have to do to earn your dignity? What does it take to earn the respect of others and to be respected by others?

This essay examines the question whether human dignity is an entitlement or a responsibility, or both. The concept of human dignity has evolved from the belief that dignity was reserved for those who occupied certain positions in society to the doctrine of liberal individualism. Liberal individualism acknowledges the basic human rights, freedoms and the protection of the interest of the individual. Individual liberty ensures equality and provides the means to ensure autonomy and acknowledgement of human rights.

Acknowledgement of the rights of others, however, did not, and is still not, exempting

individuals and/or groups from gross human rights violations. During the twentieth century the Soviet people were used by Stalin to construct a social system that denied them their freedom and that culminated in the Cold War. World War II brought immense human suffering. Hitler's Nazi Germany and the forthcoming genocide of the Jews demonstrate the aberrations of human dignity in our times, while in South Africa and Namibia segregation and apartheid policies divided humans for many years and denied people their dignity and liberty on grounds of their race for more than half of the century.

But the idea of human rights did not come to pass only after the aberrations of dignity during the twentieth century. Philosophers like Locke, Rousseau and Kant already explored ideas on individual liberty, equality, human rights and requirements of moral conduct of persons more than three hundred years ago. At the end of the eighteenth century the American people endeavoured to create a more humane civil society by inclusion of human rights in their Bill of Rights. The aberrational behaviour of despots and dictators in the first half of the twentieth century moved developed countries to establish the United Nations to maintain peace and promote human well being and human rights in the world. The established human rights culture paved the way for many occupied countries to struggle for independence from the colonial powers and developed Constitutions that protected individual liberty, equality and dignity of persons. In biomedical ethics the rights of patients are respected by ensuring their autonomy, keeping confidential patient information and respecting patient privacy.

Respect for human dignity cannot only be claimed by hypothetical formulations of expected conduct, but should be visible in actions directed at others. Mahatma Gandhi, Martin Luther King Jr. and Nelson Mandela did not only believe in the worthiness of humans but earned respect from others because they practiced the belief that all humans are equal and worthy of respect. It is shown that human dignity is not only an entitlement but requires a belief of self worth that creates an awareness of the worthiness of others and is realized in conduct that cherishes the dignity of others.

CHAPTER 2

CONCEPTIONS OF HUMAN DIGNITY IN THE TRADITION

Human dignity as we claim it today is a notion that has shifted through the tradition. In antiquity dignity was reserved for the stronger individuals who ruled societies that they conquered, or for those who ruled societies on behalf of the conqueror. In the early civilizations around the Mediterranean, the Greeks and Romans bestowed privilege on the citizens of the different city-states. But it was only the men who were reckoned as citizens, while slaves, women and foreigners were not accorded citizen privileges and recognition. The structure of societies throughout the dark ages and later medieval times did not provide for equal recognition of rights and different social classes and groups e.g. landowners and the clergy, had control over other social groups, slaves and peasants. It was only with the Renaissance in the early fifteenth century, that a new consciousness of the worth of the individual could be recognized in the art, literature and architecture of the Renaissance.

2.1 Dignity confined to the strongest individuals

Beliefs on human dignity and moral values were not specifically mentioned in ancient writings. But ideas about the worthiness of humans can be discerned from all types of documents of ancient times, namely commercial documents, law codes, wisdom sayings, stories and myths. (Singer, 1993:29) In ancient Mesopotamia, in the late fourth millennium BC, the rules of society were oppressive and inflexible. Those who had the economic means and the physical strength to overpower others, conquered territories and enslaved the inhabitants of these territories. Those conquered became the personal property of the conqueror and had to swear allegiance to their master, who had control over them. Human dignity was reserved for the rulers in society, namely the monarchs, vassals and feudal lords. These rulers often declared their rule by claims of divine decisions by the gods. While myths and the power of the gods played an important part in the understanding of their world, it was difficult for the ancient people to deny the power and importance of those who were divinely chosen to rule and they were respected and accorded special privilege and dignity in these societies.

The law code of Hammurabi of Babylon (1728-1646 BCE), aimed to bring justice to his subjects by the elimination of the wicked and evil and to prevent the 'strong' from oppressing the 'weak'. But justice was primarily understood in an economic sense, and not dignity, and clear distinctions were made between the social standing and the rights of individuals. In family law for instance, the father had primacy and could sell his wife and children as slaves for a period of time when he encountered financial difficulties (Singer, 1993: 32). This arrangement was seen as perfectly normal and shows that the worthiness of a wife and children depended on the decisions of the father and their worth were calculated in monetary terms.

Slaves did not possess any rights and could be traded at the whim of the master. While the death under surgery of a man of standing could result in the execution of the surgeon, the death of a slave under surgery was compensated by the replacement with another slave or the payment of damages to the owner of the slave. The worthiness of slaves was equal to their economic value to the owner, and dignity was reserved to owners, rulers and the stronger individuals in society. In ancient Egypt women were respected and accorded freedom because of the matriarchal line of inheritance and because they were the source of children (Singer, 1993: 34). This indicates that the respect for women's dignity was attached to the value they had in ensuring the retaining of family property and possessions and to bear children that ensured the family line. Their worthiness was nevertheless important and others respected them. Ancient Egyptians derived their beliefs about right and wrong from the Egyptian gods. The Egyptian Pharaoh enforced these norms and values and had immense power over the people (Singer, 1993: 33). As ruler and monarch the pharaoh's worthiness exceeded those of all other Egyptians and his power granted him special dignity and respect.

2.2 Dignity extended to groups, communities, classes and nations

In ancient Mesopotamia the monarchy and the temple priesthood collaborated closely to control the land and the people. The temple priesthood had tremendous power because the temple was the centre for the administration of justice.

Ancient Hebrew societies accepted social and political inequalities. According to ancient Hebrew wisdom teachings classes of men and women were recognized. The good male citizen

was the humble, honest and law-abiding male while those who did not possess these character traits were 'stupid'. The good wife worked diligently, while the evil one only wanted adventure that leads to folly and disaster (Singer 1993: 37). The good Hebrew certainly did not bestow the same dignity on the evil ones. Hebrew communities also consisted of citizens, slaves, resident aliens and sojourners. These groups were not equal, and the Hebrews saw themselves as superior to outsiders and intermarriage with foreigners was strictly forbidden. The Hebrew social system was male dominated and this patriarchal system often denied women their dignity because they had to abide by the wishes and decisions of their male counterparts.

Ancient Egyptians viewed themselves as a nation superior to others and foreigners were not viewed as human beings. Those living in the outlands, away from the Nile, were sometimes grouped together with animals (Singer 1993:35).

Finally around the fifth century BC, Greek culture emerged as the centre of a brilliant new civilization. The Greek city-state (polis) was the basic unit of Greek civilization and many of these city-states could be found around the Mediterranean. The establishment of these self-governing city-states marked the shift from monarchical rule to the earliest form of democracy. The important principle of autonomy in biomedical ethics is derived from the Greek words 'autos' and 'nomos' that refer to self-governance that were found in the Greek city states during the ancient Greek civilization. These democracies however did not acknowledge the dignity of everyone, because it was ruled by an oligarchy, which consisted of males. The power of the oligarchy was however limited, because of the part that the commoners played in the economy and defence. Citizenship and suffrage were gained by the ability to equip oneself with arms (Lee, 1987: xiii). Naturally, this privilege was reserved for adult males. Slaves, females and the poorer members of the community did not have many rights because citizenship conferred important legal privileges within the Roman Empire. (Mishra 2000) In the Roman Empire, voting rights, which is a true indication of acknowledgement of dignity, were bestowed on those endowed with property and social prestige. The limitation of citizenship to male inhabitants of the Roman Empire however does not deny the important progress in these societies if it is compared to previous societies, but respect and dignity were still not granted to all individuals on an equal basis. The fact that the Roman and Greek societies valued certain individuals more than others, does not deny the fact that persons like Protagoras and Socrates (490-400 BC) had enlightened

ideas about the worthiness of humans and their writings provided a significant contribution to the conceptions of human worth used during the Renaissance and in modernity.

During medieval times vassals, feudal lords, the aristocracy and the clergy were all important members of society and were involved in the government of the people. Emperors, kings, the aristocracy and the Church were the landowners in Europe. Ownership of land and slaves provided certain men and women with power over their subordinates, and the liberty of the members of the lower classes of society was limited. Trading caused expansion of the Roman Empire and it was scattered all around the Mediterranean. The Romans developed a common law that aimed to bring justice to all and justified their common law by the belief that all men have an instinctive knowledge of right and wrong. They believed in the common humanity of all men and that those who are educated enough would recognise the natural justice that the Roman common law provides. Those who are not educated enough to realise this, were not civilized men. The uneducated person's worthiness was not seen as equal to those who were educated and because women played a subdued role in these societies, their worthiness were not equal to those of men. The citizens of the Roman Empire saw themselves as more advanced because they were more educated and civilized than other existing nations, and therefore thought themselves to be more dignified than the 'barbarian' nations of their known world. The Romans invented the word *Romania* that denoted the Roman tradition as opposed to the repugnant barbarian way of life (Davis, 1970:79, 82).

The church played a prominent role in governance during the dark ages (c. 300-800) and church structures also bestowed special privilege to certain churches and their bishops. The bishop of Constantinople had primacy of honour over the bishop of Rome in the year 381 (Davis, 1970:71). The concept of individual equality and the worthiness of each person were not practised and certain persons who occupied positions of authority were respected and had unchecked power over the 'ordinary' people. The church often declared persons heretics. They were condemned to the stake. In Europe at the end of the ninth century landowners allowed slaves to have more of a family life, but their value was still attached to their contribution to the wealth of the landowner. While it is not uncommon even in modern times that persons of authority have more power and are respected members in society the difference here lies in the inability the ordinary person had to defend or claim the right to dignity and innocence at the hand of the rulers and powerful decision makers in society.

With the advent of the Renaissance, and the rediscovery of the important role man played in shaping his own destiny and the new realization of human worth as expressed in art, literature and architecture in Europe, the idea of the dignity of man regained new impetus.

2.3 The dignity of every human person

It was not until the early fifteenth century that a mindshift of man became evident, in none less than the architectural designs of Brunellesco in Florence, Italy. But Brunellesco's designs would not have captured the imagination of the people of Florence or those who studied his designs many centuries later, if it did not tell something of what the Florentines believed made sense in their lives at the time. Brunellesco's designs replaced the gloominess of the Gothic style architecture with structures of light, sunny arcades, which displayed openness. The complex designs of medieval architects made way for simpler and geometrical designs in which the forms used exemplified the human body. Proportion and perspective in architecture and art in Florence played an important part in man's expression and belief about his place in the world and his control over his own destiny (Clark 1969)

The rebirth of man's consciousness of the value of his own humanity can be sought in the renewed interest by public officials in Florence to study ancient literature. Leonardo Bruni, a prominent public official of Florence, equated the civic virtues of fifteenth century Republic of Florence with those of Greece and Rome. Bruni and others drew their knowledge from antique literature and their consciousness of the individual came from the words of Protagoras of Abdera (490-420 BC) namely 'man is the measure of all things'. The composition of Florentine society in the fifteenth century made it possible for scholars to be teachers and moral leaders (Clark 1969) and this enhanced the realisation among Florentines that the individual was far more important than all earthly commodities.

The Florentines realized that their intelligence and freedom could be expressed in art. They loved beauty. They could now make their humanity visible and open to criticism for there was no place for mediocrity. Their portraits no longer displayed their status, but their dignity, proudness, intelligence, curiosity, alertness and wilfulness.

Alberti, who was the manifestation of the most perfect early Renaissance man, expresses the deep belief in the dignity and worthiness of the human being in his autobiography when he described how he conquered every human weakness because ‘man can do all things if he will’ (Clark 1969). The belief in the worthiness of all men became a reality, which found expression in many actions of the Renaissance human being. Proof of this importance that the Florentines now placed on the dignity of the individual is also found in the literature. Castiglione, in his ‘The Courtier’ depicted the real gentlemen as a person who has real human values and never allows others to feel inferior. (Clark 1969) His contemporaries asked Federigo Montefeltro, The Duke of Urbino, in Northern Italy, what was necessary to rule a kingdom. Montefeltro’s answer displayed the essence of the consciousness of the dignity of the individual. His answer was “to be human”

The weakness though, of Renaissance Florence society was that the renewed ideas about the worth of the individual touched relatively few people because it was confined to the courts. This probably may have strained the evolution of the concept of human dignity but the Florentines left a heritage of art and literature that still provides the message of human dignity.

The advent of the modern era and the development in societal structures paved the way for new ideas about human dignity. In the seventeenth century John Locke expressed ideas about human dignity in his writings on man’s place and rights in civil society. Locke’s ideas about the liberty of man display his belief that humans have worth. Locke recognizes the worth of humans in the relationship between man and man and man and civil government. While the lawmaker (government) may enforce the law through punishment, the object of punishment is the protection of other individuals in society. Protection of individuals that constitute civil society acknowledges that action guides (laws) in society serve the purpose to secure the safety and prosperity of all individuals in society. The safety of the person is founded in the worth of the individual as a human being. Locke believed that humans are interdependent but that each person should judge his own conscience. Persons can expect that others keep their promises and be truthful. Individuals therefore have supreme and absolute authority over their own judgment (Locke, 1952:20). One should not overlook the importance of this claim that Locke has made. Persons make their own judgments that guide decisions. Judgment is only possible because man is a rational being and capable of forming opinion. Other living creatures do not judge and take decisions but live by instinct. Therefore the worth of humans cannot be equal to other living

creatures in our world. Eighteenth century philosopher, Immanuel Kant, expands Locke's conception of autonomy, rationality and the relatedness of these concepts to human dignity. According to James Rachels (1999: 133,134) Kant provided two important arguments to support the conception that persons have intrinsic worth and that human beings are above monetary value. Firstly, humans use things to reach certain goals and to satisfy certain desires. These things have value because it serves a purpose i.e. human goals and desires. Humans cannot be assigned the same value because humans are the purpose in themselves. Humans therefore have intrinsic worth because they are not the means to an end, but are the end in themselves. Secondly, the worth of human beings is related to the human being's contribution to morality. Humans are rational beings capable of making rational decisions. Rational arguments form the basis of moral decisions and actions. Morality is inseparable from the human being who provides the content of morality. Therefore humans cannot be assigned the same value as other things in the world and should be assigned an absolute value and can thus never be treated as a means to an end, because they are the ends in themselves. Human dignity is based on the difference in value between humans and things. While things may be used to serve a purpose, humans cannot be used in the same way, because humans are not guided by instinct but by moral law, which emanates from reason.

In the twentieth century the ideas of Martin Luther King Jr. about human dignity were influenced by his upbringing and the impression by his parents and grandfather that all humans are somebody. King was also influenced by his readings of Kant on the moral nature of persons and Gandhian notions of non-violence as a necessary condition to sustain life and respect others (Baker-Fletcher, 1993:80). King's early conceptions of dignity are closely related to the civil struggle of Afro-Americans. While King did see dignity as something inherent and essential to one's humanity, he believed a person's social dignity can be shaped by the political power of the day, but one's inherent personal dignity cannot be touched by this powers. King experienced the despair of people in a political system that did not grant all civil liberties and his belief that human dignity is influenced by political power is therefore understandable. The influence of the negation of freedom by others did have an influence on person's notion of their own worth. King however believed that the perception of others does not diminish one's inherent dignity, but only one's social dignity. Human dignity becomes tangible in the measures by society to acknowledge the rights of persons to their dignity. Concrete measures to ensure human dignity can be found in

laws and court decisions that protect and acknowledge the dignity of persons, while abstract notions of dignity is recognizable in the presuppositions, values, ethical arguments and language that people use about the worthiness of others. King believed that the function of human dignity is to ennoble a nation and that dignity gives meaning to a civilized world (Baker-Fletcher, 1993:57). King's later conceptions of human dignity include among other views his idea about 'somebodyness', which is a synthesis of all his ideas about human dignity. Dignity is related to a sense of being somebody despite the idea of others that one is nobody. Identifying with others who share the same struggle in attaining dignity attains the sense of being somebody. A deeper self-awareness and a sense of self-respect create 'somebodyness'. Somebodyness requires courage to protest against forces that deny human dignity and hope that non violent and dignified protest will result in gaining respect from others and acknowledgment of one's dignity as a human being (Baker-Fletcher, 1993:163,164).

The idea of individual worth was however not accepted without challenges from those who thought otherwise or those whose comfort may have been threatened by acknowledging the worthiness of others. The history of mankind proves that changes never come without much hardship and many setbacks. The rediscovery of human dignity during the Renaissance and ideas about dignity in the modern era did not immediately establish a new society where everyone's dignity was respected, but it did establish an inclination towards individual human worth, which was taken further by modern writers like John Locke, Jean-Jacques Rousseau and Immanuel Kant.

Proof of the hardships and setbacks that challenges the beliefs about unconditional human dignity is found in the gross violations against humans during the twentieth century by Joseph Stalin in Russia, Adolf Hitler in Germany and leaders of the apartheid regime in South Africa.

CHAPTER 3

DIGNITY DENIED: THE ABERRATIONS OF THE TWENTIETH CENTURY

Early in the twentieth century some leaders in Europe did not consider the dignity of human beings seriously and committed the most horrendous of crimes against fellow humans. After World War I individualism took on a new face in Europe, the face of the authoritarian who denied dignity to those who served no purpose in attainment of the goals envisioned by the dictator. In 1928 Stalin introduced the programmes of collectivisation and industrialization, which brought immense suffering to many citizens in Russia. In Nazi Germany Hitler took measures to create more 'living space' for Germans and to create a pure Aryan race. According to Dubow (1994) segregationist legislation was already in its embryonic form, at least, early in the twentieth century in Southern Africa, which paved the way for the creation of a society divided on racial grounds in South Africa and Namibia.

3.1 The hold of ideology: Stalin and social engineering

In the early twentieth century the leaders in Russia envisaged Russia as a country with no class difference. The idea of a state where the owners of production would not exploit the workers class was the idea of Karl Marx and eventually lead to the Russian Revolution of 1917, led by Lenin. According to Davenport (1973: 226) the Marxist ideology focussed on materialism which attempted to explain the world in material terms and leads to an evaluation of the purpose of man only from an objective, social and economical orientation, which inevitably cannot take account of individual liberty because it attempts to discover reality by looking at things and experiences from the outside. Joseph Stalin's attempts to create a new society are witness to this orientation. Stalin wanted to create a Russia that could sustain itself economically and engineered social structures to serve this purpose. He did not consider the human factor but focus on objectives that could show the Western World that Russia could function as a successful social state. Stalin's disregard of the human factor was possible as a result of the immense power he had in the Communist Party (Lynch, 1990: 11) and the belief among the Bolsheviks that that squabbling within the party should not be tolerated and Stalin's perception that the Communist Party should function like an army. Respect was not even bestowed on Party members, because any opposition

of Stalin's plan for economic revival of Russia under socialism was met with fierce measures of violence. (Pereira, N. 1992: 3)

Stalin's New Economic Policy (NEP) was introduced in 1921 by the new leadership to alleviate the hardships the Russian people suffered since 1918. The NEP did however not solve the problems of the Russian people because the Left Communists believed that too much economic power was given to the peasant farmers. Stalin realized that Russia could not maintain the status quo and that it had to modernise by industrialisation. To generate money for industrialization Stalin had only one other choice, namely to use the Russian people to produce a food surplus, which could be sold to raise the capital needed for industrial investment, thereby transforming Russia's agrarian society into an industrial one. Stalin's aim was to transform Russian society by the economic policies of collectivisation and industrialisation, which brought immense human suffering to the peasant farmers and grossly violated their dignity.

➤ **Collectivisation**

Stalin's methods to change Russian society bear witness to his disregard for the dignity of fellow human beings. Through the process of collectivisation the individual peasant ownership of land was transformed by setting up collective and state owned farms in order to eliminate capitalist elements from society and to create capital to modernised Russia. On the collective farms fifty to hundred peasant farmers pooled their resources and managed the land as co-operatives. On the state-owned farms peasants would be employed by the State and they would receive a wage. Through this enormous restructuring of agriculture Stalin and the Soviet State's economic strategy and objective became very clear. The Government would control the nation's economy and the control would be comprehensive and all embracing. (Lynch, 1990:28) The creation of collective and state owned farms could only be realised by the replacement of thousands of peasant families. Stalin's government forced the peasant farmers to leave their land and to relocate to collective farms under State control. One can just image the immense hardships the people suffered with these relocations. They were deprived of the livelihood they knew, they did not have any choice or say in their own destiny and were deprived of the essential element that differentiates humans from other animal species, namely rational decision making. While Stalin purported the replacement process to be voluntary, the peasants showed their reluctance by

burning their crops, refusing to work the land and by slaughtering their livestock. That at least gave them some measure of dignity because they could act in opposition of the measures that disregarded their autonomy and worthiness.

Stalin disregarded the objections of the peasantry; instead he justified his transformations scheme by creating a scapegoat in the form of a class of peasants, the 'Kulaks', who according to Stalin grew rich under the NEP by their exploitation of the poorer peasantry workers. The Kulaks, according to Stalin, exploited the poorer peasant farmers as labourers and kept the food prizes high while using the measures approved by the NEP. Stalin started the process of 'dekulakization' whereby the land of the Kulaks peasants were confiscated by anti-Kulak squads, they were forcibly gathered at gunpoint and transported in cattle-wagons to the wastelands of Siberia to work in work camps or industrial projects (Wood, 1990: 32). This process denied the dignity of the peasant farmers in more than one way. The Kulaks were categorized as a group of people who supposedly infringed the rights of others. While some Kulaks might have done this, it cannot be justified to transfer these possible violations to a group of people and labelled them all as violators. The measures by which the assumed exploiters were handled, speak of gross disregard of human dignity and disrespect of the rights of fellow humans. Stalin also removed the Kulaks because they obstructed his plans, which in the first instance misused humans to obtain economic and political objectives. This approach is untypical of respect of human dignity and respect to the rights of others.

Stalin furthermore justified collectivism by claiming that the peasantry were not a revolutionary force anymore, that they should serve the purpose of industrialisation and that they should become subservient to the demands of industrialisation. Peasant farmers who could not be relocated on collective or state owned farms would be recruited into the industrial labour force. These enforced measures deprived the Russian peasantry of their autonomy and dignity. Human beings now became an economic commodity, a means to an end, objects that would serve the whims of a totalitarian dictator who did not take the dignity of fellow humans being seriously. Irrespective of the opposition by the peasantry and other political leaders, Stalin proceeded with these harsh measures to affect the collectivisation drive. Immense suffering followed for the Russian people. Millions died because of massacres, enforced deportations and famine, which destroyed whole populations. Many others were uprooted by enforced migration to join the

newly established industrial work forces. The peasantry became disorientated and alienated, their livelihood was taken away, traditional life was destructed, and they did not have any rights and became mere possessions of the Soviet State. The peasantry's opposition against collectivism was met with even harsher methods of retaliation by State machinery. Many were imprisoned, deported or executed. By the end of 1932, an estimated ten to twelve million Russians died as a result of the inhumane measures introduced by Stalin in the provinces of Russia. (Lynch, 1990:35)

But collectivisation was only one form of engineering of society that bears witness to Stalin's disregard of the dignity of fellow citizens. Socialism meant that Russia would have to modernise and become an industrialized country. Stalin set up five-year plans that set targets for the economic growth of the Soviet Union through another form of social transformation namely, industrialisation.

➤ **Industrialisation**

While many Russians from the countryside flocked to the cities to escape the collectivisation process, others were compelled to become involved in the production of mainly iron, steel and oil, as this was seen as the genuine measures of industrial growth. The five-year plans set targets for the production of goods, but did not really provide the strategies for achieving the targets. In essence the industrialisation project was pure propaganda and was kept alive by political rhetoric expressed by the Communist Government. Stalin wanted the Soviet people to believe that they were involved in a great industrial enterprise that could change Soviet society for the better. This transformation required certain sacrifices from the Soviet people for it was the only way that Russia could become great without foreign invasion and influence. The Communist Government wanted the ordinary people in Russia to believe that they were contributing to something great and were creating a new and better society. Poor housing, the lack of the bare minimum social needs, poor living conditions and harsh working conditions were to serve a collective purpose and therefore one should not be too concerned about own individual needs. This deception by the Communist Government speaks of an egoistic attitude and exemplifies ignorance to the needs and well being of others. Industrial workers who complained about working conditions were seen as industrial 'wreckers' and public show trials, which instituted harsh and inhumane

measures, made it futile to protest against the policies of the Soviet Government. (Lynch, 1990:38) Bourgeoisie experts who held managerial positions in industry became the targets of security police who spied on them to keep track of their outputs. Not meeting production quotas meant a public show trial as an 'enemy of the State'. Consequently, deceitful and fraudulent methods to pretend that targets were met became the only way to prevent deportation to concentration camps or even death.

While the State purported that everything is well, Russian society made immense sacrifices to uphold the ideology of the Communist government in Russia. An atmosphere of uncertainty and intimidation was created by feelings of fear and distrust, mutual accusations, play-offs and cover-ups. Paradoxically, the envisaged proletarian state did not provide a decent living standard for the wage earners; in fact the living standards of the workers were given the lowest priority in planning. (Lynch, 1990: 42) Consumer goods were not produced and demands or complaints of the workers were seen as selfish or as 'national betrayal'. Trade Unions were not allowed to address the needs of the workers, because the interest of the workers and the State were held to be equal. Press freedom did not exist, only information that favoured the economic plans of the State, was allowed. Citizens who failed to conform to the prescriptions of the State, lost their wages, were imprisoned or deported to force labour camps. While the State created the image that Russia was under siege of the capitalist West, the Russian people were under siege of their own Government. The examples of how the people became just a tool in the creation of an unachievable classless society, and the immense suffering they endured under Stalin's 'leadership', seems endless. While the conditions in Soviet Russia were deplorable for the people, Communist party membership ensured better schooling for children, exclusive access to certain goods and services and progress up the social scale, thereby creating a new society of hierarchy and privilege, not so much based on money, but based on privilege, possession and influence. (Laver, 1993:40)

The consequences of Stalin's restructuring of Russian society also had a tremendous influence on the thought processes of ordinary people. Society was denied any measure of pluralism. The State dictated art forms which defended and promoted socialism, and which denied Western cosmopolitanism. Liberty of thought, speech, movement, religion, culture, education etc. were suppressed and met with extreme punitive measures in the newly created society. Stalin and his

supporters were obsessed by a monomania, which did not consider the dignity of others. Initially the only worthy cause was the creation of a socialist state, but this cause soon changed to the preservation of positions of power of party members, the elimination of those party members who did not serve the cause well, and the abuse of people to cover up a grossly miscalculated ideology.

Joseph Stalin ruled the Soviet Union as an unchallenged dictator for 25 years. According to Milovan Djilas (Wood, 1990:1) Stalin was the 'greatest criminal in history'. He was a powerful and malevolent ruler, who promised a more humane society but created a totalitarian state that denied people justice, liberty and dignity. The achievements of the Soviet Union under Stalin's despotic reign had a terrible and incalculable price: the denial of the dignity of the Soviet people.

The Russian populace were however not the only people in Europe who suffered from the severe aberrant behaviour from a totalitarian ruler during the first half of the twentieth century. In neighbouring Germany Adolf Hitler had his own monomania of creating a pure Aryan race, by exterminating not only the German, but also the European Jewish people.

3.2 Hitler, the Nazi Party and genocide

Contrary to the theory by renowned historians that the young Adolf Hitler struggled the odds of poverty and hunger, Mitcham (1996) writes that Hitler lived a comfortable life on his father's pension that was equal to the salary of a court lawyer with one year's experience. Therefore it seems that Hitler's strong views against capitalism and the affluent German Jews, cannot be justified in view of a poor and deprived childhood.

Hitler's rise to power in 1933 as Chancellor of Nazi Germany was the result of a number of factors, amongst which, the reaction to the Treaty of Versailles after World War I, which the Germans felt imposed unfair conditions on Germany, their lack of faith in democracy that stemmed from the corrupt Weimar regime and the Great Economic Depression that hit Europe. But the many theories of why the German National Socialist Party came to power and what they had to do to solve Germany's problems, do not diminish the ruthless and horrendous methods by which the Nazi Party, under the leadership of Hitler, enacted their policies which denied so many

humans their dignity. With reference to the respect of individual dignity, Hitler made many comments that bears witness to a philosophy opposing respect and acknowledgement for the dignity of human beings, despite his claim that he believed “everyone is entirely equal” (Stein 1968: 58) It seems that Adolf Hitler never took the idea of human dignity seriously enough to respect the dignity of individuals or to avoid gross violations of human rights.

In “Mein Kampf”, which was written by Hitler while imprisoned after the abortive attempt to overthrow the Bavarian Government at the Beer Hall in 1923, 10 years before he became Chancellor of Nazi Germany, Hitler’s statements already predicted the aberrations of human dignity, which were to come during the 1930’s and 1940’s in Nazi Germany. According to Stein (1968: 50, 57) Hitler claimed:

“the people at all times see the proof of their own right in ruthless attack on a foe” and

“the masses feel inwardly more satisfied by a doctrine, tolerating no other beside itself, than by the granting of liberalistic freedom with which, as a rule, they can do little” , furthermore,

“terror at the place of employment, in the factory, in the meeting hall, and on the occasion of mass demonstration will always be successful, unless opposed by equal terror”

While the appeal of the National Socialist Party of Germany lay in their claims to eliminate class and status differences, the beliefs and statements of its leader proclaimed the opposite. While Hitler claimed that he struggled for the German people, he excluded the German Jews. Claims that all persons are equal were defied by his goals and methods to create more ‘living space’ for Germans to the East (Russia) and to built a great (German dominated) colonial Empire in Europe.

The ordinary citizen of Germany of the 1920’s and 1930’s could probably not foresee how Adolf Hitler would play out his vision to create ‘living space’ for the German nation in Europe or how he would attempt to create ‘a pure Aryan’ race. Hitler believed that “you have what you fight for” and did not see any harm in pushing out the Southern Ukraine people to make it an exclusively Germany colony. (Mitcham 1996) Hitler thought, and voiced his belief, that Germans were a superior nation and did not acknowledge the dignity of other nations in Europe.

He believed that the Slavs were a mass of born slaves who felt the need for a master and that liberty for them meant to wash on feast days. Russia should be germanised and the Nazi regime would mould the best of them (Russians) to the shape that suit the Nazis, the rest will be “isolated in their own pigsties” (Mitcham 1996)

It is however, Hitler’s “Final Solution” to rid Europe of the Jews as well as the purges on groups of people who Hitler thought might threaten the accomplishment of his visions as well as the manifold forced medical interventions on innocent humans, that bears evidence of the Nazi regime’s ignorance of the dignity of man which ended in the genocide of millions of individuals in Europe in the first half of the twentieth century.

Peukert in Crew (1994: 278) argues that the “Final Solution” can never be explained monocausally, but that one has to find a central thread which might shed light on how advanced technological methods could be used to annihilate categories of victims in Europe. Peukert finds this thread in a unique fatal racist dynamism in the human and social sciences that operated in a paradigm, which qualitatively differentiated between “value” and “non-value”. The “Final Solution” therefore eradicated those who were selected and classified as having no value to the racial national community. This racist paradigm culminated in acts that denied individuals their dignity by executing those who were “unworthy of life”. (Crew, 1994: 278)

Nazi racism did not only deny individuals their dignity by the mass production of murder, but also by compulsory sterilization of those who were identified “genetically unhealthy”, compulsory detention for those who were “uneducable” and the incarceration or elimination of categories of humans, the “failures”, “parasites”, “good-for-nothings”, “trouble-makers” and those with “criminal-tendencies”, who did not fit the Nazi’s definition of a racially pure nation. (Crew, 1994: 275)

Most of the actions by the Nazi machinery, under the instruction of its leader, Hitler, are contrary to the propagandist information delivered to the German populace. Hitler retorted that Bolshevism practices a lie when it claims to bring liberty to men, when in reality it enslaves them, not considering his own ideas of enslaving the Russian people. He also commented that Christianity’s keynote is intolerance, while he himself only showed intolerance towards the

Jewish and non-Aryan races. Hitler furthermore in public speeches proclaimed that German Jews are able to emigrate from Europe, while in fact the extermination of the Jews and the 'final solution' were then going on for many months.

What makes the deaths of the four to six million people in Europe, under Hitler's Nazism, even more devastating is not only the fact that it satisfied the diabolic hatred of one person, but that those who had to die, did so on account of who they were - people who, according to their exterminators, had no value or worthiness.

But it was not only the European people who suffered severe hardships under regimes who denied individuals their dignity. With the advent of the twentieth century, theorists in colonial South Africa already had a conceptual plan for the creation of a society where people could develop separately, and while only a small minority of people in South Africa were Europeans, they retained the political power at the costs of the majority of the indigenous nations, for most of the twentieth century.

3.3 Racism and apartheid in South Africa

On the southern tip of Africa, colonial settlers uprooted the indigenous hunter-gatherer population since the mid fifteenth century by encroaching on their land, looting of their livestock, and reducing the indigenous people to servitude as tenant labourers. Colonial settlers exposed the indigenous population to diseases to which they had no natural immunity or traditional remedy and many succumbed from these disease conditions. Extended periods of conflict ensued between the native inhabitants and the colonial settlers whereby traditional chieftaincies and kingdoms were disrupted and overthrown. Colonialism in South Africa laid a firm foundation for a segregated South Africa where the dignity of people was denied on the basis of their race for nearly a century.

According to Dubow (1989) a segregationist policy was already in place in 1903 with the South African Native Affairs Commission's Report, which outlined the theory of territorial separation by demarcated reserves for Africans, which was legitimised by the 1913 Land Act. English intellectuals advocated segregationist ideas and saw segregation as a just and pragmatic way to

protect differing cultures and to facilitate the development of Africans and Europeans separately. Furthermore the British did not see social differentiation as unnatural given their colonial experience and might have been influenced by their belief that nature controls a species by selection of the fittest to ensure survival of the species, and that the quality of a race is preserved by control of inherited characteristics. Separation thus attempted to prevent degeneration of both the black and white races, in the context of industrial development in South Africa, and differentiation was presented as the only viable and common sense ideology whereby different cultures could develop along different lines, protecting their inherent genetic and cultural uniqueness. The policies in the colony of the Cape of the nineteenth century attempted to accommodate both the preservation of cultural identity and assimilation of cultures, and it was hoped that benevolent segregation could be achieved. This, however, did not happen because legislation under Hertzog's administration became increasingly repressive and malevolent. The Natives Act of 1923 required local authorities to establish separate locations for Blacks and to control the influx of Blacks to town from the reserves. The Housing Act of 1920 already established a Government housing scheme for the poor, but it also prescribed the building of houses in separate areas for separate races. Indian 'bazaars' were constructed at the outskirts of towns and Indians could only live in defined areas (Christopher, 1994:38) It became increasingly difficult for the local authorities to administer the urban areas due to increased migration of natives from rural areas. The Slums Act of 1934 made it possible for local administrators to demolish dilapidated inner-city areas. Inhabitants of these areas were evicted from their homes and forcefully removed to peri-urban locations. According to Robinson (1996: 55), many black families were also removed from their homes as "plague-removals". An inflated fear of plague in the Korsten area in Port Elizabeth placed its population under medical terror. Any report of illness was subjected to harsh medical measures whereby 'sufferers' and contacts were isolated in plague camps (lazaretto's), disinfected with cyanide, their homes and goods gassed and destructed, and then relocated in slum clearance schemes. A sad resemblance of the disregard of the human dignity of others is visible between the collectivisation process in Russia, the Jewish clearance by Nazi Germany and the slum clearance by the Union of South Africa's administrators in the early decades of the twentieth century. Human beings became the means to achieve a goal, without considerations of the consequences and hardships that these actions inflicted. These cruel decisions bear no witness to the consideration of human dignity and the respect for fellow human beings.

Hertzog's repressive laws and the increasing resistance of black leaders to segregationist measures, convinced liberal thinkers that the segregationist theory is not viable. Former liberal segregationists renounced their advocacy of segregation policies, but unfortunately the foundation for apartheid and racism were already firmly laid in South Africa and its protectorates.

When the National Party came into power in 1948, new segregationist laws were enacted. During the 1950's the main body of South Africa's apartheid legislation was enacted. Most of these laws made it increasingly difficult for non-white South-Africans to live a life of freedom whereby each individual's dignity is respected and one's person and possessions are recognized as being equally worthy of protection.

The Population Registration Act of 1950 required all South Africans to register their race with the government, this provided the government with a classification tool which enabled them to monitor the enactment of further repressive and segregation measures, aimed at the black population in South Africa and SWA/Namibia. The Group Areas Act of 1950 provided the black population with minor portions of the land in South Africa land, mostly in rural areas, on which they had to attempt to survive. Many black families were uprooted, not only because of the relegation to the reserves, but because food shortages and labour policies forced black men to seek employment in the mines and industry in the cities, leaving the women and children in the reserves to fend for themselves. The pass laws of 1952 further encroached on the liberty of black people. Without their pass books, blacks could not travel or even appear in the streets of towns or cities. Being caught without a passbook meant immediate imprisonment and release only after a fine was paid. The Separate Amenities Act of 1953 prohibited non-whites to use public facilities reserved only for whites. Separate entrances to public offices and separate public facilities, like elevators and toilets, became the order of the day. Blacks were now constantly confronted with visible evidence of how the administrators of the Union of South Africa enacted an ideology that classified them as second-class citizens and inferior to whites.

Resistance by blacks against the unjust laws were met with violent methods of subjection. Black political movements organized demonstrations against the apartheid laws, but these gatherings usually ended in bloodshed and imprisonment of the protesters. Opposition groups organized themselves to resist the government's apartheid laws, but the government retaliated with the

banning of all black opposition groups. Many black leaders were forced to leave the country while those who stayed to continue the struggle against apartheid, faced constant violent harassment, imprisonment and abuse by agencies of government.

The apartheid state in South Africa and Namibia witnessed uncountable incidences of aberrations of human dignity. The methods used to subject non-whites to inferior positions of existence go beyond imagination. Countless people were shot during protests, murdered while in detention and tortured to provide information about compatriots of the struggle against apartheid. Like Stalin and Hitler, the leaders of the National Party in South Africa subjected the country to a massive social surgery, which brought great misery to the majority of non-whites in South Africa and Namibia. Through judicial measures the government stealthily robbed inhabitants of their liberty and dignity, and subjected many others in South Africa to the indignity of being the social outcasts of the world. (Davenport, 1995). Grand apartheid legislation provided the means to deny non-whites their dignity by institution of manifold petty apartheid measures. Whites often referred to all black males as “John”, negating blacks their individuality. Non-whites could not move freely and needed permits to enter certain townships, to reside in towns or to move within the boundaries of South Africa and Namibia. Curfews were instituted for non-whites to leave towns at certain times. Imprisonment awaited those non-whites who defied these measures and jail meant continuation of the abuse and disrespectful treatment. Non-whites were provided with inferior food, space and facilities during incarceration and often were stripped naked and left standing in the cold for hours (Mandela, 1994:233). Non-whites were not allowed to use the same public facilities as whites. Whites Only toilets, railway compartments, waiting rooms, office entrances and transport were commonplace. Non-whites could not dine at white owned restaurants or share the same cutlery, nor did they dare to sit in the front of a car driven by a white person. Whites expected from blacks to avail themselves for any chore they wish to be performed. Black employees could not move freely without passes and travel documents and a letter from an employer were needed to leave the magisterial district. Frequent harassment in the forms of beatings, torture and verbal abuse took place because of incorrect or incomplete information on travel documents and passes (Mandela, 1994: 67).

The aberrations of human dignity and the disrespect for human rights in the twentieth century did not take place in a time when leaders did not have knowledge about the rights of others. Conceptions of human dignity, which culminated in claims of human rights, are well established

in our world today. Modern philosophers like John Locke, Jean Jacques Rousseau and Immanuel Kant made claims about the rights of humans from the mid seventeenth century onwards, while the United Nations and many governments in the modern world accepted the fundamental rights, freedoms and dignity of individuals.

CHAPTER 4

HUMAN DIGNITY AND HUMAN RIGHTS

4.1 The emergence of the idea of human rights: Locke, Rousseau and Kant

Locke, Rousseau and Kant firmly believe that human beings are born free and that rational man is a decisive player in the creation and sustenance of morality. John Locke argues that moral actions are the products of human conscience while Kant believes it is legislated by the rational will of man. Jean-Jacques Rousseau believes that deprivation of the liberty of will is to remove the moral content of actions. The ideas of Locke, Rousseau and Kant contribute to contemporary deliberations on human dignity and moral conduct in the relationship between humans. Their beliefs that humans are worthy in themselves, paved the way for a human rights culture in the modern world.

➤ **John Locke (1632-1704)**

John Locke came from a respectable English family and was a scholar of Christ Church College, Oxford. He had an inquisitive mind, always wanted more than what his tutors could provide him with and had a wide interest in both science and philosophy. His writings reveal a personal belief in the liberty and equality of all men and bears witness to the advent of the culture of human rights in the modern world.

John Locke's *A letter concerning toleration* and *Essay concerning civil government*, which were published in the late seventeenth century voice his beliefs on the civil rights of human beings. He believed that life, liberty and health, as well as worldly possessions, such as money and land, are important civil interests. Every particular man therefore has the right to the security and safety of his person and his goods, and impartial laws should secure these rights of humans.

Locke's ideas on slavery demonstrated his firm belief in the liberty of man. It is unthinkable, according to Locke, to claim power over the life of another person, while one does not even have the power over one's own life. Liberty means that one is not subjected to the arbitrary will of

another and rules in society should be common to all persons to ensure the liberty of people. Man cannot be the property of another, because nobody has the right to the property of your person. Man only has the right to his own person. (Locke, 1952: 29) All men are equal in respect of their liberty and natural freedom despite the fact that society may impose on men inequalities in respect of birth, merit, age or excellence. Locke specifies that the equality of man refers to the equal right of man to his liberty.

Locke believed that although the law can force humans to act in moral ways, moral actions are also dependent on man's conscience. Locke often referred to the law of Nature in his writings. The law of Nature proclaims that all men are equal and independent and no one ought to harm another's life, liberty or possessions because the law of Nature wills peace, preservation of mankind as well as mutual security (Locke, 1952:28)

According to Locke the only reason why one man may lawfully do harm to another, is when the transgressor of the law of Nature is punished. Those who violate the rights of others should be penalized for such violations. Any form of force is only appropriate when executed by the lawmaker, as protector of the public good, or when a person retaliates against unjust violence. (Locke, 1952: 27) The right to freedom also provides one with the right to defend this freedom, therefore it is acceptable to wage a war and kill the enslaver to ensure your freedom. The law should not be seen as measures to restraint or abolish actions but as measures to preserve and enlarge the liberty of man. (Locke, 1952: 37)

To live in peace and to prosper, men should accept their equality, liberty and independence with the full recognition that all this requires agreement and consent between men. Locke thus believed that peaceful co-existence in a community needs cooperation and understanding of the rights and freedoms of others.

➤ **Jean-Jacques Rousseau (1712 – 1778)**

Rousseau, the son of a Swiss watchmaker, was a romantic, music-loving wanderer, who tried many occupations before he won literary fame with his writings on politics in 1749. The French Government did not always appreciate his views on politics and religion and Rousseau fled to

Prussia out of fear of arrest. After some years in England he returned to France and in the last six years of his life lived in a cottage in Paris where he suddenly died in 1778.

Significant is Rousseau's view on the origin of inequalities between members of the human race, because his arguments highlight the influence of relationships between humans. The origin of inequalities lies in the nature of man's relationships with other members of the human race, interdependence and reason. Savage man survived without the help of others but as the need arose to have contact with others, man had the opportunity to perceive different objects and to compare it. The comparison between different objects and man's ability to reason enabled man to prefer one object to another and this caused the attachment of value to the object. It then happened that the strongest, prettiest, most innovative members of society were valued more and received the most consideration in society. This inevitably caused the inequality between men. This inequality, according to Rousseau, formed the foundation of immoral conduct because those members who were less valued members of society sought revenge while those who were valued obtained power over others (Rousseau, 1952: 351). Man's worthiness is therefore, according to Rousseau, directly linked to man's perception and valuation of other people, which directs the conduct of persons towards each other.

Also significant for this discussion is Rousseau's view on how the pure state of natural man no longer could survive the demands of the new society in which man found himself. While initially man was the only judge of the injuries done to or by him, the institution of fixed rules of law, which, according to Rousseau, paradoxically destroyed man's natural liberty and equality, addressed the inequalities of society. The rule of law therefore should not deprive man of his liberty, because "... the worst that can happen is for one to find himself at the mercy of another, and it would have been inconsistent with common-sense to begin by bestowing on a chief [ruler] the only thing man wants to preserve [his liberty].... the fundamental maxim of political right, [is] that people have set up chiefs [rulers] to protect their liberty, and not to enslave them" (Rousseau, 1952: 356). In the civil right of man, the law, as the general and not particular will of the people, should therefore establish, and not negate, the equality between men. The general will of the people in the form of a social contract assures the existence of the human race. The social contact is a form of association whereby man unites with all others for the protection of each individual's person and goods. In this union each individual stays true to his own liberty

where no-one's interest places a burden on another. Individual liberty is so fundamentally human that ... "While he gives himself to all the others, he gives himself to nobody. He acquires the same right over others, as they yield over him, he gains equivalent for everything he loses, and also gains an increase of force for the preservation of what he has. The conditions of the association are the same for all". (Rousseau, 1952: 391) Rousseau describes individual liberty and equality of men as a right, common to all and necessary to ensure peaceful co-existence in society. The only protection against tyranny and abuse by the State is the assurance of liberty and equality among men. The general will [State] should force the individual to be free, when the individual's will is contrary to the general will. Freedom of the individual is fundamental in the relationship between men.

Rousseau's view on individual liberty and equality as a basic right of man is supported by his writings on slavery. Man can only have legal authority over others by agreement, but to agree to renounce individual liberty is incompatible with human nature and surrenders the right of humanity. To remove all liberty from man's will is to remove all morality from man's acts. (Rousseau, 1952: 391) Most interesting is Rousseau's argument that the agreement of absolute authority versus unlimited obedience, as found in the slave/master relationship, is a contradictory and empty convention because the master does not have any obligation in the absence of an offer or exchange from the slave. The slave's right becomes the right of the master, which nullifies the right of the slave. The words "slave" and "right" contradict each other and are mutually exclusive (Rousseau, 1952:390)

Civil society may have caused man to lose his natural liberty but man gained civil liberty. Man may also have lost his unlimited right to everything man tried to get, but has gained civil ownership of what he possesses. Most important though, man has gained moral liberty because civil freedom and moral liberty enables man to be obedient to what he has created for himself. Acknowledgement that individual liberty and equality are the rights of all makes man master of himself, because negating freedom dissolves the creation of what ensures peaceful association and mutual benefit.

➤ **Immanuel Kant (1724 – 1804)**

Kant was born in East Prussia, the fourth of eleven children. As eldest surviving son he obtained an education and at sixteen enrolled in the University of Königsberg as a theological student, but soon developed an attraction for mathematics and physics. He later changed his interest to logic, metaphysics and moral philosophy and his academic career at his alma mater was only successful after many years of commitment and hard work. He ended his academic career in 1797 after forty-two years and died due to ill health in 1804.

During his lifetime Kant penned down his invaluable ideas on a variety of topics relevant to human existence. Noteworthy is his ethical treatises which provide arguments on the foundation of moral conduct. Kant relates moral conduct of a person to protection of the liberty of others. One should act in such a manner that your actions are able to co-exist with the freedom of every other person according to a universal law. (Kant, 1952: 398) Our wilful external actions should therefore protect the liberty of all other people. A person is obliged to act in the interest of others and respect humanity in oneself and in others. Respect demands that one is aware that some actions may be wrong and others may be right. Kant also believed that humans are rational beings who can make choices to ensure benefit for others. Benefit for others can be determined by reason because the human species is capable of reason. (Bacon, M. 1997:12)

Kant's concept of the categorical imperative relates to his arguments about the rationality of humans. While an imperative may be hypothetical and subject to human desire, the categorical imperative is not dependent on human desire but a command to act in a certain way, no matter what. Kant's formulation of the categorical imperative demands that the principle on which a person bases decisions should be a universal law. People cannot decide to act in ways that have self-destructive intentions, for example to make a promise while one knows it is impossible to keep that promise. According to Kant, promises will not be valued universally if humans make promises knowing it cannot be kept (Olen, J. and Barry, V. 1999:32).

A further demand of the categorical imperative is especially noteworthy in the problem I am discussing in this essay. Kant states that human beings should never be treated as a means to an end, but are ends in themselves. The value of man is such that man exists not for other purposes, but exists as an end in himself. This is also the reason why people deserve respect as persons.

Moral action does not derive from external law, but originates in the will of rational beings. The principle of autonomy of the will means that the rational human acts in accordance with his will. His will creates by nature a universal principle that constitutes morality. Morality is not derived from a duty to obey a prescriptive law, but from a duty to act in accordance with an internal principle that promotes the happiness of others and oneself. The reason for moral action is not advantage or consequence, but can be found in human dignity. Things can be replaced and has a price while humans constitute the condition under which they alone are ends in themselves. Humans therefore have no relative worth, but an intrinsic worth i.e. dignity (Olen, J. and Barry, V. 1999: 34). Kant argues that human autonomy forms the basis of human dignity of both human nature and every rational nature because man's rational nature approves the moral principles to which man himself is the subject. Man's rational will therefore frees him from other laws (e.g. instincts) not legislated by himself. The human will (autonomy) therefore legislates the unconditional and incomparable worth of human nature (Olen, J. and Barry, V. 1999: 35). Kant contributed two very important moral laws that we as humans should consider in moral actions. The first is that sound moral conduct should never degrade human dignity and what one does should be as good for others as it is good for oneself. Irrespective of the criticism of Kant's moral theories, this conception is still valid today if we think about how we still need our own needs to be addressed in relationships, and when we consider how our actions might influence other people.

4.2 Respect for human dignity (autonomy) in biomedical ethics

Immanuel Kant referred to autonomy as one criterion to acknowledge the difference between things and persons. Human dignity relates closely to a human's ability of rational thinking and rationality enables humans to take their own decisions. Freedom to govern the self and to make decisions according to one's own desires and goals distinguishes humans from other animals and assigns humans with a value that differs from the value of things. To pursue one's own goals and to be able to make free choices about this goals, forms the basis of human existence. This makes life meaningful. Circumstances where humans are prohibited to pursue what is meaningful to them, or to prevent persons to make a choice meaningful to themselves, deny humans their humanity, because then humans become a mere object and not a subject with views, desires and goals (Berlin, 2002:25).

In biomedical ethics the protection of the individual liberty of patients forms the foundation of not only decisions about practical health care but addressing the conflicts that so often arise while caring for patients and in moral decision making. The right of patients to protection of their dignity and autonomy is found in all codes of medical and nursing ethics and it finds expression in rules of conduct that expect care givers to provide truthful information, to obtain informed consent for therapeutic interventions and medical research, the protection of privacy, upholding confidentiality and to treat patients with respect as well as courtesy. According to Beauchamp and Childress (1994:121,123) protection of the autonomy of patients should ensure that patients are able to make autonomous choices. Autonomy in biomedical ethics therefore refers not primarily to the autonomous person, but rather to autonomous action. Autonomous action requires that a person acts with intention, understanding and without controlling influences. This approach ensures that we focus on the actual functioning of autonomy and not on the ability to be autonomous, because patients may in certain circumstances not have the capacity to be autonomous (e.g. a mentally ill patient), but can still at times make an autonomous decision. Or a patient may be perfectly capable as an autonomous person, but in certain circumstances not make an autonomous choice, e.g. a competent patient who signs a consent form without understanding what has been signed.

Conduct towards others confirms or denies the respect for autonomy. Medical personnel should enable patients to act in autonomous ways but also need to ensure that autonomous actions are not prejudicial to others. In his testimony before a Governmental Committee in the United States of America, Dr. C. Christopher Hook raised the issue of autonomous choice by parents in embryonic stem cell research and argued that consent to harm the individual human embryo, violates the fundamental prohibition against harm and should not be allowed (Hook, 2001). Likewise, Locke, Rousseau and Kant required people to refrain from harming other persons as a prerequisite of respect for individual liberty. Kant argued that respect for autonomy relates to the unconditional worth that humans have and that people are ends in themselves. In biomedical ethics people are respected as individuals and have the freedom of autonomous choice. In practice patients are informed of all therapeutic interventions and informed consent is a prerequisite for any intervention. Furthermore a patient's information is kept confidential and privacy is respected. Intervention without the informed consent of patients will be seen as force against that patient and may constitute assault of the patient. There are however valid restrictions to the autonomy of individuals. Limited autonomy is justified when autonomous

choice violates the rights of others or when autonomy is subjected to another moral principle that in a situation overrides autonomy. A patient who for instance has a contagious disease that threatens the health of others, may be isolated, irrespective of his autonomous will. Likewise it may be justified for medical personnel to withhold information that enables the patient to make an autonomous choice, if withholding such information is more beneficial to the patient at that specific moment. Benevolent deception of patients may therefore be justified in certain instances when other moral principles justifiably limit an individual's autonomy and aim to prevent harm to the individual concern. This intentional overriding of individuals' autonomy with the aim to prevent harm to the individual is known as paternalism (Beauchamp and Childress, 1994: 274). Paternalistic actions may therefore be justified when a health care professional interferes with the preference of the patient, but is only justified if the action intends to avoid harm or increase benefit to the patient, or others.

These arguments on the limitation about autonomy of individuals should not negate the affirmative demand that health care professionals should enable patients to be autonomous decision makers by assisting them to grasp vital facts and ensure that all possible distractive influences are absent. Decisions by patients that are manipulated or coerced or were made without grasping the diagnosis, nature and extent of the intervention, all the risks, benefits, alternatives and the prognosis are not autonomous decisions. Respect for autonomy therefore obligates health care professionals to facilitate informed decision-making and this duty derives from the relationship of trust between health care professionals and patients. In circumstances of non-autonomous persons, respect for autonomy is protected by allowing surrogate decision makers to make decisions on behalf of a person.

Standards used today when a patient who had been autonomous before and are not able or capable to make a decision when necessary, include the substituted judgment, pure autonomy and best interest standards. In biomedical ethics preference is given to the pure autonomy standard as found in advance directives by patients. Advance directives express relevant decisions or preferences by patients in advance and this expression of choice is respected when they are known and relevant to the intended action. Substituted judgement enables a surrogate decision maker to make the decision the incompetent person would have made and the decision maker uses the reasonable person criterion. This standard takes into account what the incompetent

decision maker would have wanted or needed and considers the value system of the incompetent person. Substituted judgment can only be used where there is sufficient reason to believe that the decision taken will be what the incompetent person would have taken, when competent and therefore should not be used for persons who were never competent.

The best interest standard considers the known preferences of the non-autonomous person and determines the benefit and interest of the different options against the risks and costs of the different options (Beauchamp and Childress, 1999:179). It is important to note that in surrogate decision-making the requirement should be the known will or preference of the person who is incapable of making the decision. This requirement ensures that non-autonomous persons still enjoy the right of autonomous choice even if they are incapable of making that choice under certain circumstances, and is founded in respect for human dignity and the acknowledgement that the rights of patients should be respected.

To respect the autonomy of patients requires from caregivers also to ensure confidentiality of patient information. Keeping patient information confidential is a fundamental ethical concept entrenched in all codes of professional conduct to which all health care providers should adhere. The conditions under which patient information may be divulged are prescribed in rules and conditions of professional practice. Health care providers may only divulge information of patients with the explicit consent of the patient, but may have to breach confidentiality when required by law. Other circumstances that may necessitate sharing of patient information is when divulging of information is in the best interest of the patient or when it is necessary to protect the welfare of others. A breach of confidentiality should be considered carefully because it damages the trust between patient and professional with resulting hesitance from patients to provide truthful information to care givers, which results in the inability to provide needed care and treatment. Moreover, confidentiality protects a patient's right to autonomy and privacy. The right to privacy is protected by non-disclosure of confidential information of patients. Disclosure of confidential information by health care professionals deny patients control over private matters and violates the autonomy of patients. Protection of a patient's privacy is not only grounded in non-disclosure of confidential information but also in ensuring non-disposal of a patient's body. While it may seem that preventing exposure of a patient's body does not relate to respect for autonomy, preventing exposure does protect the dignity of a patient as well as their interest and therefore it is related to respect for autonomy.

Respecting the rights of patients is a fundamental principle in the delivering of health care. Patient rights are protected by the adherence to moral principles of respect for autonomy, privacy, confidentiality, veracity and fidelity. Ethical conduct relies on the consideration of these and other moral principles and the balancing of principles when conflict between principles arises.

The rights of people are however not only rooted in morality or the application of moral principles, but are also protected by law. Statutory provisions in international as well as national law protect the rights of people and human rights arguments are the basis of many controversial issues in our world today.

4.3 Human rights and the American Constitution

While many writers and philosophers argued that human rights form part of natural law and are derived from the inherent norms and values common to all men, human rights as codified by law, attained a new sort of validity. This validity is, according to Andrew Reck (1994) “of a statute emanating from the sovereign people” and as “a recourse for individuals”. Reck’s arguments support the notions that human rights as found in the American and other constitutions is the expression of the general will of the people and that the rights of people are now accessible to all in the form of judicial procedures that ensure fairness to all. Protection of human rights in the modern world could not be attained by tacit agreement between men. Evolution and the complex relationships of modern times, as well as the aberrational conduct of fellow humans, necessitated the codification of human rights.

The preamble to the American Constitution nevertheless attempts to reach beyond its statutory significance, to the natural relations between humans spanning generations. It states that the American people wishes to form “a more perfect union” and “insure domestic tranquillity”, which clearly denotes types of relationships between people. Equality and fairness as normative principles are stated by phrases like “establish Justice”, “provide for the common defense” and “promote the general Welfare”. Individual freedom is addressed by the phrase “and secure the Blessing of Liberty to ourselves and our Posterity”. The American and other Constitutions therefore does not only provide for judicial recourse when rights are violated, but support a

normative dimension of claims and obligations between members of the human race in an effort to accord to all equality before the law.

While the initial Constitution of the American people was ordained with their Independence in 1787, the American Bill of Rights only followed four years afterwards on December 15, 1791. The American Bill of Rights constitutes Amendments I to X to the Constitution. The American Bill of Rights of 1791 ensures the American people freedom of religion, speech, peaceful assembly, to petition the Government for redress of grievances, to keep and bear arms, of security of the person and private homes, from cruel and unusual punishment as well as the right to life, liberty, speedy and public trial, and impartial jury of the State. These provisions were certainly a head start for the USA, but it did not ensure freedom for all the inhabitants of America, because the Afro-Americans and other indigenous groups were not seen as American citizens. Only seventy four years after the initial Bill of Rights in America, in 1865, the thirteenth amendment abolished slavery in America, while the fourteenth amendment three years later, in 1868, declared born and naturalized Americans as citizens of America. The fourteenth amendment also ensured all citizens the right to life, liberty, property and equal protection of the law. In 1870 the fifteenth amendment ensured the right to vote irrespective of person race, color or previous conditions of servitude, while the denial of voting rights on the basis of sex, was only abolished fifty years later in 1920. Human rights are strongly entrenched in the American Constitution, and the interpretation of human rights laws in America may even sometimes seem ridiculous to outsiders, but it provides the American people with the essential means to secure and challenge individual freedom. The United States of America played an important role in the establishment of the United Nations and it was the American president Franklin D. Roosevelt who first used the term “United Nations” in 1942 in the “Declaration by United Nations” in a pledge to twenty six countries to continue fighting against the forces of Germany, Italy and Japan. Fortunately for the world the subsequent organization’s purposes and principles endeavour to create peace and prosperity for all members of the human race.

4.4 The United Nations

The United Nations (UN) was formally established in 1945 with the main purpose to maintain international peace and security, to develop friendly relations among nations based on respect for

the principle of equal rights and self-determination of peoples and to solve a variety of international problems. The United Nations also strives to promote and encourage human rights and fundamental freedoms for all members of the human race. The United Nations was however not the first organization to establish cooperation between governments of the world because The International Telegraph Union and the Universal Postal Union were already established as early as 1874. This is proof that formal agreements between nations are necessary to establish rights and duties that benefit all.

The United Nations was preceded by the League of Nations established in 1919 after World War I. The League of Nations could however not prevent World War II and ceased its activities. In 1945 fifty governments adopted and signed the United Nations Charter in San Francisco and in 1946 took over from the League of Nations. On 24 October 1945 the five permanent members of the Security Council of the UN: China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, with other member states ratified the Charter and officially established the United Nations. With ratification of the Charter the signatories to the United Nations declared their realization of the immense sorrows and sufferings that emanated from World Wars II and I and declared their determination to save succeeding generations from these scourges of war.

To serve its main purposes and principles The Charter proclaims that Member States affirm their faith in fundamental human rights, in the dignity and worth of humans and the equal rights of both men and women in the world. Member States will practice tolerance and live together in peace, will unite strengths to maintain international peace and security and to use international mechanism to promote economic and social advancement of all peoples.

To enact its purposes and principles the United Nations has many inter agency bodies and organs. The principle human rights bodies are the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child.

A High Commissioner who reports directly to the Secretary-General of the United Nations heads the Office of the United Nations High Commission for Human Rights (OHCHR). The OHCHR takes the lead in the protection and advancement of international and national human rights. It promotes cooperation between governments regarding human rights and oversees coordination of universal human rights standards. It also assists countries to develop and establish new human rights norms and supports national human rights agencies to monitor human rights and educate, inform and advise agencies on human rights issues. The OHCHR also addresses cases of grave human rights violations and undertakes preventive human rights actions and provides technical assistance in these matters. The OHCHR monitors the human rights situations in specific countries through special United Nations observers. Human rights experts also investigate human rights issues like racism, torture, summary executions, violence against women and children etc. Humanitarian relief agencies address the issues with assistance from the United Nations. It cannot be denied that the United Nations plays a pivotal role in the establishment, monitoring and maintenance of international human rights and through the International Court of Justice also institutes procedures to penalize those who are found guilty of violation of the rights of others.

4.5 Human rights in the Namibian and South African Constitutions

With its independence on March 21, 1990, political experts and international observers praised Namibia's Constitution as a model for the States in Africa. Namibia's history and the severe violations of human rights under the former colonial powers and the South African apartheid regime necessitated the interim Government to develop a Constitution that ensured the dignity, human rights and freedoms of the Namibian people. South Africa followed suit in 1994 with an evenly liberal Constitution that ensures the liberty and equality of people and prevents the gross violations of human rights and disregard of human dignity to which the majority of South African were subjected under the apartheid laws.

Chapter three of The Constitution of the Republic of Namibia (1990:7) describes the Fundamental Rights and Freedoms of the Namibian people and provides for the protection of all these rights and freedoms by not only the ordinary inhabitants of Namibia, but also the Executive, Legislature and Judiciary and other organs of Government and its agencies. Namibia's Bill of

Rights provides natural and legal persons not only with certain rights, but also protects people from certain actions by others and obliges administrative official and decision makers to be just and fair to all.

The rights of persons under the Namibian Constitution include the right to life, liberty, dignity, fair trial, marriage, political activity, culture and education. Persons will also have the right to freedoms such as speech and expression, thought, conscience and belief, religion, associations, to move freely and reside anywhere, to leave and return to Namibia, to practice any profession or occupation, to assemble peaceably without arms, and to withhold one's labour. One would also have the right to seek redress in a court of law in the event of unfair administrative acts and decisions, because administrative bodies and officials have a duty to be just and reasonable in their administrative decisions and actions. People are also protected from slavery and forms of forced labour, arbitrary arrest and detention, forced marriage, discrimination and apartheid. Affirmative action is allowed to rectify discriminatory practices of the past. The family, privacy, children and property are protected in the Namibian Bill of Rights. Fundamentally the Constitution protects the rights of the Namibian people and enables persons to claim these rights, and also impose a duty on others to respect these rights. It also attempts to address the past inequalities to which so many Namibians were exposed. The rights provided for in the Namibian Constitution are however not unlimited rights and some rights are limited when it threatens national security and Namibia's democracy, the health and morals of the Namibian people, law and order and the rights and freedoms of others. Individual rights are therefore restricted, because it should serve the common good and acknowledge the rights of others.

South Africa's Bill of Rights was adopted in 1994 with the new South African Constitution. Considering the gross violations of human rights and human dignity, not only during the apartheid era, but also throughout the colonial era in South Africa, the South African Bill of Rights now provides for liberal human rights. The right to life, dignity, privacy, equality, freedom and security of the person, freedom of religion, expression, culture, association, movement and residence, freedom of trade, occupation and profession are important human rights, which are protected by this legislation. Important are the provisions that secure for persons the right to health care, food, water, social security, housing, property and an environment that is not harmful to health or well being. Citizens of South Africa also have

political rights, including the right to have free and fair elections, to vote in elections and to stand for public office. Administrative actions should be fair and reasonable and the rights of persons whose liberty are limited because of arrest, detention or when accused, should be respected. Everyone has the right to a public and fair trial. Whenever any process of law limits people's rights, the limitation should honour the principles of a democratic society founded on human dignity, equality and freedom. South Africa's legislators ensured through the Bill of Rights that the human rights of people are protected and respected by law. This formal means does however not automatically ensure the protection of human rights or dignity in practice.

CHAPTER 5

DIGNITY IN PRACTICE: THE EXAMPLE OF ROLE MODELS

While the law may enable people to claim respect and protection of their rights and therewith protection of their dignity, it is the example of leaders that were subjected to gross human rights violations that should have stripped them from their dignity, but did not, that supports the thesis that human dignity can be earned. Such examples are the lives and actions of Mahatma Gandhi, Martin Luther King Jr. and Nelson Mandela, who through their actions in their private and public lives demonstrated that humiliation and violence directed at oneself need not provoke the same measures of violence in response, but can be overcome by a constant display of self respect and dignity by demonstrating that one's dignity is not dependent on the way others treat you, but that dignity can be maintained despite the way one is treated. Dignity comes to fruition not only on the basis of what law formally requires, but also and in particular by the way one acts, and, thus acting.

5.1 Mahatma Gandhi (1869 – 1948)

After the death of Mohandas Karamchand Gandhi in 1948, the Indian authorities received no less than 3,441 messages of sympathy from people all over the world (Fisher 1982:19). The world remembered Gandhi as “a moral man”, ‘a spokesman for the conscience of all mankind”, “a cogent example of ... morally superior conduct....” (Fisher 1982: 20,21). Albert Deutsch of a New York newspaper wrote that the reactions on Gandhi's death showed that the world “still respect sainthood, even though we cannot fully understand it” (Fisher 1982:21). While Gandhi was, and still is honoured for his efforts to free the Indian people from colonial occupation and to relieve the plight of Indians in South Africa, it is his commitment never to waiver from acting on what he believed was morally right, and his respect for his opponents, that earned him the respect of world leaders and ordinary people alike. Gandhi was not only committed to the causes he felt strongly about, he always stayed committed to himself and to what he believed. What makes Gandhi's commitment extraordinary and very different from other world leaders who showed just as much commitment for their cause, was the compassion for others, including his opponents. It is reported that he visited and provided financial aid to a government informer in South Africa

when the informer became ill, well knowing the actions of the man caused him harm (Fisher 1982: 131) Ever thoughtful and respectful of the other person, Gandhi through his actions created the opportunity to others to exalt themselves.

John Kavanaugh (1999) lists Gandhi as one of the moralists of the millennium and identifies Gandhi as a practical moralist because he practised his beliefs. Gandhi believed that arguments do not serve a fruitful purpose, but that one should shame the opponent into admitting that what they believe, are not what they say they believe. This is not done by being argumentative or aggressive, but by non-violent measures such as passive resistance, showing of love and respect, and seeking the truth by a dialectical process in seeking unity and co-creation of the truth. This is only possible if one respects one's opponent and provides one's opponent with information of the non-violent intentions and actions that will allow response and dialogue (Walz and Ritchie 2000). Fisher (1982: 107) writes that Gandhi was very mindful of General Smuts's predicament with race-prejudiced whites during their deliberations on voluntary registration of Indians in the Transvaal in 1907. But Gandhi believed that all citizens should be treated equal by and compulsory registration of Indians would mean force. Gandhi could not bow to force, because "force reduces the dignity and stature of individuals" (Fisher 1982: 107). Gandhi stayed true to his belief and did not participate in compulsory registration, and chose to be imprisoned which he did not see as any reduction of his dignity.

Walz and Ritchie (2000) identify a set of Gandhian principles that demonstrates a worldview that compares with Kant's universal law principle. Gandhi believed that cooperation is better than competition, interdependence more important than robust individualism, that compassion for others should be sought over self-interest, social justice is more important than individual achievements, that service to others, truthfulness, love for all and harmonious relationships are important and he believed in justice to all. Therefore Gandhi believed that all life is equal and should be respected and that no part is greater than the whole. Kant required moral actions to pass the test of universality; Gandhi supported this notion by his view that one's actions to others are actions against yourself. While much can be said about Gandhi's beliefs about many things, what is especially important is how he acted on his beliefs and with his conduct earned the respect of many people worldwide. Gandhi preached respect and love for others, humility, honesty, service, simplicity, courage and many other moral virtues, and exemplified this

throughout his life by acts that might be looked on as idealistic, ascetic and by some even self-destructive. Gandhi never wanted to be a martyr but could not back off when suffering was needed to convince others of a worthy cause and instead used his sufferings to grow spiritually and personally. He volunteered to clean the toilets while he was imprisoned in 1908 after he led the resistance against compulsory registration of Indians in the former Transvaal (Fisher 1982: 114). Gandhi believed that to accept an idea in principle and not practice it is an act of dishonesty. He would therefore never overeat or accumulate excessive worldly possessions because he believed in moderation and material simplicity. While his son had typhoid fever Gandhi, being a strict vegetarian, gave his son homeopathic remedies while the doctor recommended chicken broth and eggs. Gandhi could not mock his belief in vegetarianism, because he believed that “certain things we do not do, even in the face of death” (Fisher 1982: 86). Gandhi was therefore not only a strong believer, but also an actor who did not flinch to act upon those principles in which he so strongly believed.

Despite the criticism that Gandhi did not always act on his beliefs, when considering his authoritarian treatment of his wife and children, his respect for others, moral courage and strong character traits overshadow the weaknesses he might have shown. What is more significant is his fearless nature to act with conscience, always mindful of the feelings of others, ever forgiving those who wronged him and thereby earning himself the respect of, not only his contemporaries, but of many people who wish to follow his example of dignity.

5.2 Martin Luther King Jr. (1930 – 1968)

Thirty-one years after his assassination in 1968, writers still report on the vision and contributions of Dr Martin Luther King Jr. to America and the world, about a truth that he thought should have been self evident namely, that all men are equally worthy as human beings. (Williams 2001:8) King lived in the South of the USA and the society he knew was segregated and exposed to inequalities and racial discrimination. His father had an immense influence on his understanding of self-respect and self worth and set a disciplined example, which King followed in the years of his struggle against racism. (Baker-Fletcher 1993: 4)

Although King was an educated man and exposed to views of philosophers like Kant and Hegel, his sense of responsibility and understanding of dignity and the acceptance that social chance

comes only through one's acceptance of dangerous challenges, were not learned from books, but from the example he had from his maternal grandfather and his own coherent philosophy of non-violence. Like Gandhi, Martin Luther King Jr. believed that practising non-violence harvests self-respect and a greater sense of dignity. He never encouraged violent behaviour during the civil rights struggle in America, but showed immense bravery in his advocacy and practice of non-violent behaviour in the face of oppression and physical aggression. King did not equate non-violence with submission; he focussed on activism, and he believed that one should not dwell on present wrongs but attempt to move on. Moving on means to abolish hatred and forget revenge, to seek common ground and a more perfect union (Williams 2001: 8). While Gandhi practiced passive resistance, King believed that one gains more self respect by non-violent actions. One should protest against the oppression.

It is clear that King believed that dignity is earned by showing others that you feel you are equally worthy. Worthiness cannot be shown by passive acceptance of wrongs, but begins when one re-evaluates oneself. Through self-evaluation one can replace self-pity with self-respect and self-depreciation with dignity. (Baker-Fletcher 1993: 38) King therefore believed that dignity is asserted by one's own involvement and decisions of self worth and one should not accept that others could decide your worth. Change is only possible when one has determined one's own destiny and becomes involved in the struggle to obtain what you believe is rightfully yours. King also believed that participation in decisions is an important feature of dignity. One cannot be autonomous if one cannot decide for oneself. To accept subjection will not breed dignity but worthlessness. The only way to breed dignity is to stand up and through honourable and dignified conduct, gain a deeper sense of dignity. Honourable and dignified conduct according to King is showing respect, love and non-violent behaviour. Martin Luther King Jr. as leader of the civil rights movement in America generated a universal standard to monitor a just society and his contributions to justice and equality came at a personal price. He was jailed twenty-nine times for his political activities but nevertheless in his 'I Have A Dream' speech on August 28, 1963, proposed that African Americans should "keep the struggle non-violent, use the ballot to the full, cultivate allies, continue to protest brutality, press for economic as well as social justice and combat racism everywhere" (Adams 2001:89) He believed that dignity is gained by being involved in addressing the injustice of oppression, but that this involvement should protect and enhance one's dignity and not nullify it. One's conduct therefore exemplifies one's beliefs, and if

one believes that humans are worthy beings, one can never treat others in a disrespectful way. His conduct towards others witnessed character traits of humbleness, gentleness, unpretentiousness and friendliness that supported his advocacy of brotherhood and love. He did not only involve himself in domestic injustices but also spoke out against the Vietnam War and upon receiving the Nobel Peace Prize in 1964; he stated, "I refuse to accept the idea that man is mere flotsam and jetsam in the river of life that surrounds him." (Carter 2002: 11). He could not be an outsider in a struggle that in essence was about human dignity. He could not be passive in the realization that others do not share his conceptions of self worth and merely saw him and his black compatriots as "things". The struggle to attain freedom therefore was not only a struggle to overcome the system of hatred but to overcome the burden of hatred within oneself and for Martin Luther King Jr. that meant to act in such a way that he could feel a sense of worthiness and self-respect (Baker-Fletcher 1993: xiv).

Martin Luther King did not only contribute enriching conceptions to our understanding of human dignity; he also set standards of contemporary civil justice. Moreover he is still honoured and remembered as a role model of how one should act to demonstrate one's own worth and how the demonstration of respect for others ensures self-respect.

5.3 Nelson Mandela (1918 -)

Nelson Mandela is seen today as one of the greatest statesmen of all times. His example as a person, who always shows respect to others, makes him one of the people that is an extraordinary role model of how one earns dignity through conduct that bestows on others respect and consideration, irrespective of social standing, race, creed or opposing beliefs. His notions of respect for others were instilled by tribal customs at his guardian's place where he observed how everyone had the opportunity to speak and be heard uninterrupted, thereby he learned to listen to everyone. The young Mandela realised that he could not rely on his heritage to earn himself a place in life, but that he could rely on his abilities, and he left no stone unturned to develop these. He was a proud youngster who took great care of his appearance and admired virtues in others like discipline, justice, proudness and devotion to a good cause. His leadership abilities, sense for justice and consideration of others came to the fore during his high school years already when he chose not to report any transgressor when it is not possible to report a prefect at the same time

(Mandela, 1994: 47)

Nelson Mandela always was, and still is a people's person. Rory Steyn, who headed Mandela's personal security team during Mandela's presidential term, had first hand experienced of Mandela's caring character. Steyn reports that the former president on numerous occasions stopped in the middle of a public address or important public function to chastise a security officer for treating a child too roughly, or would stop speaking to order his body guards to rescue a child in danger of being injured by the people. He expected from his guards to smile when they push the people (Steyn and Patta, 2000: 42,43). Steyn knew that bodyguards often take on the character of the person whom they protect. He also saw this happened while in the service of Nelson Mandela. They adopted his work ethic, his integrity, and his philosophy and while protecting him, also became the protectors of the people because of his example. But this was not only true for his bodyguards. Everywhere Mandela went, people started to act like him. (Steyn and Patta, 2000:41) Through his caring nature, put into practice by his conduct towards others, Mandela influenced the lives of many people. While it is reported by some of his former inmates while in jail on Robben Island that he had a natural air of authority around him (Denenberg, 1995:89), he never abused that authority to the detriment of others. In prison he suffered many hardships and humiliations, from solitary confinements, physical abuse and mental torture but he stayed true to his character. His younger inmates were amazed about his tolerant and forgiving nature (Denenberg 2000:89).

It should never be thought that Nelson Mandela because of his caring nature was a pushover. As a freedom fighter he was stubborn and fearless in obtaining what he believed would secure the freedom of his people. While some of his comrades did not want to use violence against their oppressors, he proposed the forming of the military wing of the African National Congress and the abandoning of non-violent methods in the struggle for freedom in 1960. He believed that "the attacks of the wild beast cannot be averted with only bare hands" (Sampson, 1999: 150). For Mandela the choice to revert to violence did not come easy. He certainly knew about Gandhi's passive resistance approach, and the struggle of brothers in the civil rights movement by non-violent methods in America, but once he committed himself to the armed struggle, he did not waiver, well knowing that this choice was tremendously risky and would alter his lifestyle in ways that may become unbearable at times. The approval of violence by Mandela may seem contradictory to his caring character and the arguments that support his exemplary display of dignity. But it makes sense in the face of the injustices and oppression exerted on the majority of

the South African people and are condoned by century old arguments of John Locke who advocated force [violence] as measure only when one has to protect one's liberty (Locke, 1952:3). Mandela believed that the apartheid regime did not consider the dignity of black South Africans and did not respect their human rights. Black family life and moral standards were destroyed and Africans wanted a just share, security and a stake in South African society (Sampson 1999: 193). Mandela's choice to revert to violence was therefore morally justified as a measure to secure justice for the oppressed, and supports the notion that he is an example of a person who did not hesitate to sacrifice what was needed to show that he believed that all people were equal and worthy of respect. On a more personal level Mandela also took decisions that exemplify his unshakeable belief in the worthiness and respect one should accord others. His leadership, inside and outside prison, depended on personal example rather than other things. He was outraged when forced to wear short trousers while incarcerated, because his sense of dignity was attacked and was willing to face weeks of solitary confinement to protect this dignity. He constantly confronted prison authorities for three years until all prisoners were issued with long trousers (Sampson 1999: 180,204).

Twenty-two years after Mandela went to prison he was offered conditional release from jail. He did not take the offer because he believed that neither he nor the blacks could be free conditionally. Liberty meant that all South Africans should be equal. He willingly stayed in jail for another five years before he was released in 1990. On his release from prison after nearly twenty eight years, he did not only fulfil the expectations of the people for whom he, and others, had sacrificed so much, but he embraced those who caused the sufferings. Forgiving became his trademark. His conduct showed that one should practice what you preach and that he did and is still doing. He left no stone unturned to reconcile the people of his beloved country and is still today an example of a person who received honour and respect because he goes ahead in honouring and respecting others. Despite everything that happened to him while he was hunted by the former apartheid security forces, his imprisonment on Robben Island, the treatment he received while in jail, Nelson Mandela could return to society with the message of forgiveness, reconciliation, tolerance, acceptance of differences, unity and every other virtue that acknowledge the humanity of fellow humans. While he had all the reason in the world to hate, take revenge and settle old scores, he chose to set the example that created the foundation of a new nation who could, by the example of Nelson Mandela, find new worth in their own humaneness.

CHAPTER 6

CONCLUSION: DIGNITY AS RIGHT AND RESPONSIBILITY

The history of mankind reveals that respect for the dignity of others and the consideration of the human rights of others were not always important social considerations or were not always respected. But the fact that societies from ancient times bestowed dignity only on members that were strong or occupied certain position in those societies, cannot deny the fact that the individual was always considered important in the structure of society and that there was always speculation about the individual's role in society. While Plato (Lee, 1987) mainly considers the individual in relation to society, his ideas about the individual denotes a belief that every individual has certain characteristics that nature endows that individual with. Individuals are therefore unique. Plato also assigns responsibility to the individual when he asserts that a potter who has become rich might not want to imply his trade any longer, but will become more idle and careless than he was. (Lee, 1987:128) Plato hereby believes that individual choices influence the way individuals act. While individual dignity was not the main consideration in the first few century BC, the individual was certainly given due consideration in his important role in the *polis* (community).

Probably the oldest reference to the worthiness of humans is found in Holy Scripture. The inherent worthiness of humans is ascertained by the claim that the first human was created in the image of God, as God's representative on Earth in Genesis 1: 27. Psalm 8: 3 –8 confirms man as God's highest creation on earth, just short of a heavenly creature, who rules over the other creatures and who are bestowed with God's glory. Holy Scripture also commissions persons not to cause anybody to look down upon them in Titus 2: 15. This means that the responsibility to establish and maintain human dignity is the responsibility of the individual and one should guard over one's dignity by preventing others to act towards you in a disrespectful way or to display behaviour that value you less than others. Claiming one's dignity therefore not only demands from others not to act in a disrespectful way towards you and that one should be treated with respect. It also requires that one values oneself and is aware of your own worth and that it is one's duty to act in such a way that others do not value you less than themselves.

The Ten Commandments in Holy Scripture also bestow responsibility on persons to respect others, because this is the way to worship God. (Singer,1993:84). Hindu beliefs also assign a personal responsibility to every person to seek to attain autonomy and to advance to a liberated state. One's choices and actions determine one's worthiness and the ultimate goal of life is to be liberated to an unconditioned state, free from other influences and reaching true individual autonomy (Singer, 1993: 46). One can not attain liberation through the doing of others, but only by one's own awareness and the choice to act in a way that display personal growth. In Eastern philosophy one's liberation and attainment of an unconditional and free state is very much a personal responsibility and those who are able to fulfil this responsibility are respected by others.

Despite the earliest reference to the worthiness of humans the conception of human dignity shifted through the ages. While the understanding of human dignity was not always written down, much can be deduced of peoples' understanding of human worthiness from the relationship between humans and their actions towards one another. The actions of dictators showed their disregard of human dignity, while respectful leaders displayed a firm belief in the worthiness of others.

Immanuel Kant justifies human dignity with excellent arguments as an intrinsic and unconditional right. Kant argues that rational beings are ends in themselves and are not merely a means to be subjected to the arbitrary will of others. (Olen and Barry, 1999: 32) Kant differentiates between things and humans by contrasting ends and means. While things are used to serve a purpose, humans exist as ends in themselves. Everything in our world has value. Whatever can be replaced by something else that has equivalent value can be attached a price. These are things, but a human person cannot be replaced by something else that has the same value, and humans are beyond price. For a human being there is no equivalent: an individual is unique and therefore the value of the human being is priceless. While things have a price, humans have dignity. If something can be priced, it has relative worth, but humans do not have merely a relative worth. The goal of the existence of humans are themselves, and therefore they are not a means, but are ends in themselves, and their worth is intrinsic and unconditional. To use humans as a means to an end only, denies humans the respect that they deserve as ends that are unique and irreplaceable. Such conduct degrades human beings to things and fail to appreciate the intrinsic worth of human beings. Humans use things to fulfil their desires and goals and

humans are rational beings that can decide to attain their projects in life by using the means that are needed to reach the goals. Human dignity is, according to Kant, related to human rationality because humans can decide about their desires and goals and on how they will attain these goals (Rachels, 1999: 133).

Because humans can found their choices and actions on reason, humans represent morality. The relationship between things and humans is not an equal relationship, but a hierarchical relationship, which bestow on humans an absolute value, namely human dignity. The absolute value of humans then places a responsibility on persons to acknowledge the value of other humans by not using them as a means to attain desires and goals, but to recognize that all other person have a purpose in themselves and therefore cannot be used to attain one's own purposes. Respecting others means that one also respects their rationality and realizes that others can make their own free decisions. Kant did not only argue about the absolute value that humans can claim, but also attached a responsibility to humans to value others This responsibility is founded in the ability of humans to reason and see others as equal agents that have each their own purpose in life, and who cannot be used to serve exclusively as a purpose for others to attain their own goals. Kant therefore recognized that humans are interdependent and that human relationships meant reliance on others to reach some of life's goals. But respect for human worthiness does not allow one to use other humans in such a way that they become exclusively the means to reach own goals. The responsibility of persons to value and respect others, cannot be derived from a prescriptive law, but is founded in the ability of humans to reason. Moral action is dependent on the rationality of humans. Humans reason on what is important and valuable in life and act in accordance with the answers born from reason. What then do humans need to act morally, if morality is not derived from prescriptive laws? Morality is derived from a human's consideration of others. The consideration of others is dependent on the value assigned to them. The value assigned to others is related to self-value and moral action is therefore founded in both the worthiness and consideration for my own happiness and the worthiness, consideration and happiness of others.

Jacob Kellenberger (2000: 40) supports Kant's conception of human dignity when he writes that actors in modern day conflicts acknowledge the intrinsic value of humans when they choose to take a humanitarian approach, and not a political approach, when assistance is needed to victims

of war. Actions that are directed to use humans as an objective to reach some goal, deny the intrinsic worth of humans. Stalin used the Russian people to prove to the world that Russia could be a successful socialist state. Hitler wished to build a racially pure nation and used the Jews and others to reach his goal. Verwoerd wanted to protect the Afrikaner nation and directed unjust legislation at the Black people of South Africa and Namibia. These immoral actions did not consider the dignity of persons, but used humans as a means to an end and not as an end in themselves. The reasoning by these leaders was not founded on the inherent value that humans possess, but on how humans could be used as things to achieve certain goals and desires. The principle on which the reasoning was founded did not consider the worthiness and happiness of others, but the achievement of set social, political and economical goals.

The aberrant behaviour of world leaders that denied people their dignity, especially after World War II, caused the development of international legal instruments that provide people with a right to human dignity. In the preamble of The International Declaration of Human Rights the inherent dignity of human beings is recognized and article one of this Declaration proclaims that all human beings are born free and equal in dignity and rights. People who live in countries who are signatories to the International Declaration of Human Rights can legally claim the right to dignity. Countries who have a Bill of Rights also provide residents with a statutory right to human dignity. One may wonder why legal provisions are necessary to ensure the dignity of human beings, while this right is actually an intrinsic and unconditional right. While nobody can deny the intrinsic right to human dignity, statutory provision of human dignity enable people to claim their right to human dignity and to seek legal redress when their dignity is violated. The statutory right to human dignity therefore does not only proclaim the right to dignity but also provides a tool by which people can publicly claim this right. But statutory provisions do not satisfy the demand of respect for human dignity. Respect for human dignity lies in morality. Morality cannot be prescribed by law, but is founded in an understanding of the worthiness of fellow humans and consideration of their dignity. Human actions should be guided by a duty to adhere to the principles that acknowledge the value of others and take into consideration what is important to them.

Liberal individualism supports arguments on human worthiness. Rights-based theory assigns due importance to protection of the individuals' right to life, dignity, liberty etc. and thereby

protect people against violations of their dignity. Liberal individualism, unlike utilitarianism, seeks to protect the interest of the individual, rather than pursuing the overall good of society. This approach therefore acknowledges that persons, as individuals, have worth. Individuals have a right to pursue what they feel are best for them, but recognize that rights are limited in that it should not violate the rights of others. Liberal individualism therefore supports human dignity because it offers an approach that considers the interest of the individual person, against that of broader society (Beauchamp and Childress, 1994: 72). Rights-based theory also provides some justification of human dignity as a responsibility. Claiming a right usually imposes a correlative responsibility on others to refrain from violating the claimed right or to act to secure the claimed right. Caution is necessary not to confuse what people ought to do with what constitutes a real responsibility. Not all rights have correlative responsibilities, because often what people want, or require does not impose responsibility on others. The right to dignity is however a right that imposes a definite responsibility on others because it is hard to find situations where human beings can rightfully be subjected to conditions that denies their human worthiness. It is however true that the responsibility to human dignity is not only imposed on those who should refrain from denying the dignity of others, but human dignity is also the responsibility of the person who claims the right to human dignity. People should therefore have awareness of their own value, should be able to rationalize this value irrespective of the actions directed at them. Psychologist and marriage counsellor, Dr James Dobson, supports the notion that self respect and preservation of one's dignity is an individual's responsibility. Awareness of one's dignity and choices that preserve this dignity ensures respect from others. He asserts that undignified actions, do not breed respect, but contempt. An unfaithful partner is, more often than not, not willing to resume a broken relationship when the wounded partner strips him- or herself of dignity by weeping and clinging to the unfaithful partner. Dobson believes that "respect, which is the critical ingredient in human affairs, is generated by quiet dignity, self-confidence and common courtesy. It is assassinated by hand wringing, grovelling in the dirt, and pleas for mercy" (Dobson, 1983: 70).

Mahatma Gandhi was subjected to inequalities and unjust actions during his lifetime, but he took up the responsibility to address problems in a way that respected the dignity of others. Gandhi always respected his opponents and was mindful of the position of his opponents. He not only respected those who harmed him, but he showed that respect. Gandhi did not believe in force, because force harms the dignity of people. He did not subject himself or others to violence and

never chose to resist violently. He was always conscious of his own dignity and the dignity of others, and never failed himself. He was a disciplined man, who acted on his beliefs. Gandhi's life indicates that he earned the respect of many world leaders and ordinary people because he respected everyone. He therefore is a role model whose conduct shows his belief in the responsibility to value others and oneself, and by doing that earns the respect of others. Although Gandhi advocated non violent resistance, his unremitting actions to make the authorities aware of the plight of the oppressed, indicates Gandhi's firm belief that one has to take the responsibility to claim one's dignity and that one cannot wait for others to bestow it on you. Gandhi's non-violent resistance approach should not be mistaken for submissiveness and acceptance of the inevitable, but should be seen as an example of taking action to claim one's dignity from those who deny you this dignity. Gandhi's actions were therefore founded on the belief that one's dignity is not only inherent and unconditional, but that one has a responsibility to claim this from others. Gandhi however could not claim dignity in a way that may jeopardize his and others' dignity and opted for peaceful resistance.

Unlike Gandhi, Martin Luther King Jr. could not accept passive resistance, but like Gandhi never advocated violence, because violence does not breed respect. His contributions to prove that human dignity is a responsibility are manifold. King believed that all men are equally worthy as human beings and that one cannot allow others to decide your value. The awareness of worthiness begins when one evaluates oneself and replaces feelings of unworthiness and no self-respect, with dignity and respect. Human dignity is therefore an individual's own responsibility. King expected personal involvement in addressing the problems of inequalities that were experienced during his times. One should therefore be clear on one's own worth before one can claim this worth. Dignity is a responsibility because it originates in the individual's conception of his own dignity. King believed that dignity is displayed by respecting oneself first. One cannot respect others if one does not respect oneself and one cannot expect others to respect you when you do not respect yourself.

King referred to legislative measures to protect the dignity of humans as concrete proof that societies believe in the worthiness of others. King however recognized that one's dignity is influenced by the socio-economical system of society. King's observation is important because it confirms the thesis that human worthiness is not only inherent and unconditional, but is a

personal responsibility. Humans have a responsibility not only to value the dignity of others, but also to create in themselves esteem that can be recognized by other. King, influenced by the ideas of Kant and others, also assigned the human personality the highest place in society. King however firmly believed that one's worthiness is rooted in one's own perception about the self. Personal dignity is related to a person's idea about the self. Self-awareness and believing that one is somebody, creates self-respect and enables one to claim the respect of others. Claiming one's dignity means that one has to believe that one has equal worth to others and requires the courage to stand up and claim what is rightfully yours, irrespective of the value that others may assign to you.

King however also acknowledged that the absence of human rights denied people their dignity. The absence of tangible means, like legislation, prevents persons to claim what is rightfully theirs. King therefore commended the court decisions and legislation in America during the 1960's that provided for people to claim their civil rights and thereby their dignity as a people. King believed it necessary to extend abstract notions and beliefs on the worthiness of humans to concrete and tangible measures in the forms of civil rights. While he strongly believed in the right of persons to their worthiness, legislation provided the means whereby persons could claim this right publicly and grow as persons (Baker-Fletcher, 1993: 57).

Nelson Mandela sacrificed most of his adult life because of his immovable belief in the dignity and freedom of his people. In circumstances when one's dignity is not recognized, Mandela did not expect dignity to befall one without struggle and taking responsibility to regain that dignity. During the struggle for their freedom he believed that the non-whites in South Africa and Namibia had to improve their self-image. In the face of the oppressor one has to act in a dignified way, which requires a firm belief in one's own worthiness. He demonstrated his unshakable belief in his own worthiness by never allowing others to look down on him, but to act in a way that proclaims his own dignity and leaves others with the impression of the extent to which he values himself and others (Mandela, 1994:161). Nelson Mandela practised human dignity by taking the responsibility to value himself and through his caring nature and his respectful behaviour towards others he enacted this responsibility. His trademark is his awareness of the needs of others and his fearless approach to do what he believes is right. Against all common belief, Mandela entered society after imprisonment of twenty-seven years,

and never showed any sign of disrespect towards those who unjustly robbed him of his liberty; instead he showed forgiveness and a commitment to change his country's future for the better. He always was and still is conscious of the influence that he has on the lives of others, and accepted the responsibility to lead by example. Nelson Mandela earned the respect of people all over the world, not only for what he sacrificed for the cause he believed in, but because he showed, by example, that people are worthy beings and should be treated as such.

Daniel Mahoney (1998) in his critique of societal transformation argues that we cannot only consider science and reason to effect changes in societies. Societies consist of humans, whose needs are more complex than what is possible to show by science and rationality. When science considers actions that may influence society they should take note of the traditional wisdom and they should treat individual responsibility as a domain worthy of respect and consideration. Mahoney cautions that too much reliance on science promotes scientific control of the world and thereby negates human worthiness. People therefore have a personal responsibility to protect and claim their own human dignity, because guarding over our human dignity is a process of checks and balances on science and rationality with regard to universal evolution. Kantian morality supports Mahoney's claim because it explains how the complex needs of individuals can be satisfied. Humans should be seen as having absolute value that differs from mere objects. Moral actions should take into account that persons are ends in themselves and should not be used as a means only. Moral actions therefore consider the individual person as an end in himself and whose life has purpose because of being human. Individuality means that persons are unique beings, who are not stereotypes and who have individual needs that are satisfied in individual and different ways. As individuals humans therefore have a right to freedom, to be heard and to be involved in choices that influence their lives. Countering these claims is the notion that nobody can be so free and unlimited in decision and actions that this freedom infringes the right and freedoms of others. Acknowledging the individuality and dignity of others therefore requires that one takes responsibility to act in a way that recognizes and enhances the dignity of others.

Disrespectful treatment does not diminish our inherent dignity in the sense that one has diminished value, but may influence the experience one has about one's value. Experiences of unworthiness in abusive situations therefore requires a higher responsibility from the self to not only value oneself more, but to claim one's dignity from others. To claim one's dignity also

requires that one acknowledges and acts in a way that displays equal valuation of the worthiness of others.

Immanuel Kant explains this by the notion that one should act in such a way, that one's actions may become a universal law. One should therefore always consider one's actions in the sense of how it may establish a principle applicable to the actions all rational beings. The synthesis between our actions and human dignity lies in the principle of universality. All human beings, despite their differences, have equal value because they are ends in themselves, and our actions towards others considers this value as well as the universal applicability of the principle within which we act. This notion justifies why those who do not have mental capacity to rationalize their own worthiness, still possess the value which serves a unique purpose. They still are ends in themselves, while actions towards them, still consider the principle of universality. We should not treat those with diminished mental capacity unworthy just because of their own disability to rationalize their own value, but should respect their humanity as having a purpose on its own. Human dignity is therefore not dependent on whether we can claim it or not, but is founded in the absolute value of human life. In circumstances when it is impossible to rationalize the absolute value of one's own life, the duty to protect that value befalls other rational beings, because of their rationality. In delivering health care the principle of autonomy protects the worthiness of patients by valuation of their rationality. Patients are given honest and full information about their health status to enable rational decisions in providing treatment. Patients with diminished capacity to understand the extent of their illness, treatment or prognosis are protected by the standards of surrogate decision making which all consider the best interest of the patient. The right of the incompetent patient to autonomy is therefore protected by measures that always take into account the possible choice such a person would have made, or what actions would benefit the incompetent person the most. While the incompetent person may not be directly involved in the taking of the decision, rationality does guide the surrogate decision maker in exploring the best option of action.

Human worthiness seems not to be an asset that can be accumulated as one would accumulate worldly goods. Humans are endowed with dignity because of their human nature. The right to dignity is therefore not dependent on the respect that others may or may not show one, but disrespectful treatment may influence the way in which we experience our dignity. Persons

therefore need to value fellow humans in act in a way that enhance their dignity and not diminish it. While disrespectful treatment may make it more difficult to value oneself, one has to believe that no other person has more value than oneself, and this realization is not the responsibility of another, but of the self. Worthiness is equally dependent on valuation of the self as on the inherent value, because of one's human nature. Both these notions are necessary components in an understanding of human dignity.

Considering the above, human dignity is both a right and a responsibility. International and national statutory instruments provide humans with the right to dignity and the ability to claim the right to human dignity. Human dignity is also an inherent right because a human being is unique and cannot be replaced by something of equivalent value the way objects can be replaced by another object of equivalent value. Holy Scripture also claims human dignity as a right because humans are created in the image of the Creator. But claiming a right always transfers a reciprocal responsibility. The responsibility to human dignity rests on people to respect their own as well as other people's dignity. One earns one's dignity when one is aware of one's own self worth and transfers this worth to other by respectful actions. Science and rationality cannot replace human consideration and no science is possible without looking at the nature, needs and limitation of the human soul (Mahoney, 1998: 45) With the advent of the third millennium the words of Protagoras of Abdera (490-420 BC) that "man is the measure of all things", is just as justified now as it was then.

Considering the thesis that dignity is as much a responsibility as a right, it appears that this responsibility befalls not only the person who claims the dignity, but includes the responsibility of others to value the dignity of the claimant as well. It seems that the responsibility to dignity is a reciprocal responsibility whereby one has to take responsibility to recognize the dignity of others, while others have to take responsibility to value the worthiness of oneself. The responsibility to dignity therefore not only requires that one have to value one's own worth, but that others also have to value it. This responsibility requires that I value others, and that others and myself also value me.

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Ek, die ondergetekende, verklaar hiermee dat die werk in hierdie proefskrif vervat, my eie oorspronklike werk is en dat ek dit nie vantevore in die geheel of gedeeltelik by enige universiteit ter verkryging van 'n graad voorgelê het nie.

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