

# **SAMPLE RESEARCH PAPER-9**

## **Topic- Human Rights Research Paper**

### **OUTLINE**

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### **INTRODUCTION**

Human rights and dignity are central normative notions of contemporary politics as well as political and ethical theories. However, they have not had this role for a long period of time, as the main development of these concepts began only during the Age of Enlightenment. During the previous 60 years, their influence can be said to be of global importance. On December 10, 1948, the Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations. Yet, there are traces of both notions in ancient and medieval thought, and this research paper will trace their roots and historical development and make inferences concerning potential future challenges concerning them.

### **CONCEPTS OF HUMAN RIGHTS**

Article I of the United Nations Universal Declaration of Human Rights states, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Human rights are subjective rights of individual human beings. Subjective rights are different from objective rights. Objective rights refer to the completeness of regulations within a legal system. Objective rights grant subjective ones. Subjective rights imply that individual human beings have the authority to do certain things within the system. The concept of human rights implies that all human beings, because of their being human, have certain rights and freedoms that are universal, inalienable, and indivisible. According to a stricter sense of the concept of human rights, they can be

contrasted with civil rights. Civil rights are held by all citizens of a state and include rights that are not human rights, like the right to vote. Human rights are held by all human beings. However, civil rights are included in the United Nations' Universal Declaration of Human Rights.

According to the Czech jurist Karel Vasak (as he originally proposed in 1979), there are three generations of human rights. The first generation deals with liberty, and the rights in this generation are particularly civil in nature. Human rights in the second generation are related to equality, and their nature is primarily social, whereas the third generation rights go beyond the civil and the social and are mostly expressed in soft law declarations of international law. Libertarians are usually skeptical concerning human rights of the second and third generation, as they presume that these rights contain concealed paternalistic political goals.

The term human rights came into existence at the beginning of the 19th century. However, as mentioned above, it was not until 1948 that human rights were generally proclaimed, by what was then a newly formed United Nations. The declaration was primarily motivated by the cruelties of World War II. Article I of this declaration states a close connection between the concept of dignity and that of rights. As a result of this declaration, both concepts, that of human rights and that of human dignity, became highly significant for many countries' constitutions and the post-1945 world.

## **RELATIONSHIP BETWEEN HUMAN RIGHTS AND DIGNITY**

Both rights and dignity can be justified naturally or solely legally. Natural rights are valid at all times in all places. Solely legal rights are grounded in an actually existing legal system founded by decisions made by human beings. To enforce natural human rights, they also need to be integrated into a legal system, but they are regarded as valid even if they have not been acknowledged by anyone.

Analogously, one can talk about necessary and contingent human dignity. Necessary dignity is a quality that belongs to all human beings at all times and in all places, whereas contingent human dignity is dependent upon an institution that declares that human beings are bearers of dignity. The concepts of right and dignity imply a normative aspect. The concept of dignity often has also an ontological aspect, whereas the concept of right can, but does not have to have, an ontological aspect.

In the above case of the United Nations Declaration, both concepts have an ontological aspect, as Article I states that all human beings who are the bearers of dignity and rights "are endowed with reason and conscience." Hence, the normative aspect of both concepts is based upon an ontological one. However, the relationship between the two concepts in question can be different than that shown in the last example; for example, in the case of the German basic law, some experts claim that the concept of human dignity is the foundation for all human rights. In this case, it can be seen that only the concept of human dignity has an ontological and normative aspect, whereas that of a human right merely includes normative implications.

## CONCEPTS OF DIGNITY

The concept of dignity must not be mixed up with the word dignity. The word implies several concepts that can be divided into a sense and a reference. Dignity is a quality that a bearer can have necessarily or contingently. To distinguish between these two types of dignity, it would be best always to clarify which type one is referring to. For pragmatic reasons, the author will use the expressions necessary dignity and contingent dignity from now on.

Necessary dignity can either be inherent or dependent. Given that human beings necessarily have free will, and free will is the foundation for dignity, it is the case that all human beings have necessary, inherent human dignity. If it were the case that God attributed dignity to all human beings necessarily, then all human beings would have necessary, dependent dignity. However, both instances would be examples of necessary dignity.

Contingent dignity can also be connected to various qualities. Given that human beings reciprocally attribute dignity to one another, then we would have contingent, dependent dignity. If human beings, on the other hand, were bearers of dignity, because they have the quality to make logical inferences, and this capacity is a bodily capacity, then human beings would have contingent, inherent dignity, as the capacity here is not a necessary one. Both examples represent types of contingent dignity.

The terms necessary dignity and contingent dignity can be specified further. They can imply equality or inequality concerning the bearers of dignity. In our context, only the concept of dignity that implies equality among its bearers is relevant. This does not mean that the other concept is socially unimportant; for example, bishops and judges have dignity; however, their dignity is a hierarchical one that is irrelevant here.

The concept of dignity that is relevant here is a nongradual one that implies equality among its bearers and is connected to six characteristic features:

Dignity cannot exist independently, but is always connected to a bearing entity.

A bearer has the quality dignity if he possesses a nongradual quality X, wherein dignity is founded.

The relationship between the bearers of dignity is that of equality; that is, all bearers of dignity have a nongradual quality X, because of which their relationship can be specified as descriptive equality.

The descriptive equality of the bearers implies a normative one, whereby the norm is related to an ideal of the good and not to that of an evil; for example, dignity is only given if all its bearers are supposed to be treated equally well and not if they are supposed to be treated equally badly.

Bearers of dignity have a special status within the world; that is, they are categorically different from all other beings in the world and have a quality that cannot be verified empirically.

The concept of dignity will be named “dignity” or named with an equivalent word in a foreign language. (If this trait was not included, then the concept of dignity would refer to too many concepts; for example, most concepts of rights would then also count as concepts of dignity, which would be a questionable position.)

Each entity to which the six features just stated apply is a bearer of the quality dignity. Hence, the reference of the concept dignity is dependent upon the meaning. However, thereby we have not yet clarified the concept of human dignity, but only that of dignity. The concept human dignity is the result of the intersection of the set of references of the concepts of dignity and of being human. A being belongs to the set of bearers of dignity if it is the case that he has all the features demanded of a bearer of dignity. A being belongs to the set of human entities if it belongs to the human species, that is, if it potentially belongs to the human reproductive community. It is important to distinguish between human beings and human entities. Both human beings and human entities belong to the human species. However, it does not have to be the case that all human entities are human beings. It is clear that a fertilized egg belongs to the human species, but it is unclear whether a fertilized egg can be called a human being. However, it clearly is a human entity, as it belongs to the human species. There are five possibilities of how the set of bearers of dignity and that of human entities can intersect:

The set of human entities can be a subset of that of the bearers of dignity. In this case, someone who is a human entity necessarily is a bearer of dignity. However, it is not the case that all bearers of dignity are human entities. Here, it is the case that someone who belongs to the human species also has to bear dignity, as it would be according to Kant, if we read him as follows: The ability to have reason is actual within the human soul, which is unified with the human body from the moment egg and sperm get together. Dignity here is founded in a feature that can necessarily be found in all human entities. According to Kant, the actual ability for reason can be found in all human beings. However, not all human beings can express this ability, as the capacity to express it is connected to a bodily capacity that one needs to develop.

The sets of the bearers of dignity and that of human entities can be identical. If someone is a human entity, then he is a bearer of dignity. Each bearer of dignity necessarily is a human being. In this case, the quality on which dignity is founded is a quality that is being held only by human beings. As here the identity of the set human entities and that of bearers of dignity is a given, it is also the case that the quality on which dignity is founded is the same as the one on which it depends whether one belongs to the human species.

The sets of bearers of dignity and that of human entities can overlap. There are human entities that are bearers of dignity, and there are human entities that are not bearers of dignity in the same way as there are bearers of dignity that are human entities, and there are bearers of dignity that are not human entities. In this case, dignity is founded upon a quality that some but not all human entities have, and that some but not all nonhuman entities have. One can read Kant in such a way that his concept of dignity belongs to this group, but only if one assumes that actual reason is not a capacity of the soul but is only present when someone can speak. There are human entities that can talk and who therefore also have dignity. However, there are other human entities that are currently unable to talk and who henceforth do not have dignity. It cannot be excluded, and Kant definitely does not exclude the possibility that there are nonhuman beings that have reason together with this dignity.

The set of the bearers of dignity can be a subset of human entities. All bearers of dignity are necessarily human entities. However, there are human entities that are not bearers of dignity. A position which claims that, for a human entity to have dignity, the human needs to be born would be one that belongs to this group. It can be the case that, as in this case, the feature on which dignity is founded is also the feature that turns a human entity into a human being.

The set of bearers of human dignity and that of human entities do not overlap. The fifth and last option is not relevant for us, as with it we do not have bearers of human dignity.

## **VALUES OF HUMAN RIGHTS AND DIGNITY**

Both human dignity and human rights are the foundation of many constitutions and can be found at a prominent place in the charter of the United Nations. There is no moral dilemma or moral challenge for which these concepts are irrelevant. As an example, for the relevance of human dignity, one is referred to a discussion in the field of medical ethics.

The notion of human dignity is a complex one that is not being used in a unified manner. In addition, it is often abused in order to stop an argument or to claim that the opposite opinion can only be held by a scoundrel or a protofascist. Hence, it is important always to reference facts and to clarify the concepts one deals with. In the field of medical ethics, arguments that deal with the beginning of human life are of particular importance. From which moment on can one claim that a human entity has human dignity or the right to live?

From the moment of fertilization

From the moment of fusion of the precells

From the moment at which the nidation in the uterus takes place

From 14 days after the fusion, as from that moment on, it is impossible that twins can come about (conjoined twins can still come into existence, however)

From the moment at which the embryo becomes a foetus (i.e., after 3 months, when the developmental process of all organs is finished)

From the moment of birth

It depends upon a governmental decision which of these various stages is regarded as decisive for a human being to have dignity or the right to live. Legal regulations concerning stem cell research, preimplantation genetic diagnosis (PGD), and abortion are based upon this decision. A particularly striking example can be given in the case of PGD. In contrast to the UK, PGD is forbidden in Germany. One reason for it being forbidden is that in the process of PGD, one or two totipotent cells are taken away from the fertilized cells and genetically analysed, and they are destroyed in this process. As it is possible for a totipotent cell to develop into an independent human being, some regard totipotent cells as bearers of dignity, which therefore must not be destroyed.

## **HISTORY OF HUMAN RIGHTS**

Even though human rights, as we understand them today, were established only fairly recently, one can trace aspects of the concept back to antiquity. In ancient Athens, in the 6th century BCE, many government posts were given away by drawing lots, and thereby, any citizen could acquire the office in question. However, women or slaves did not have the right of citizenship. An important step in the development of human rights was the upcoming of Stoic philosophy and its concept of the humanities, which implied that all humans, because of their being human, ought to be considered ethically. Yet, this duty was a lower-rank duty.

The proper beginning of the concept of human rights goes along with the beginning of the Age of Enlightenment. In the following paragraphs, the focus will be on the concepts of the most influential philosophers of rights: Thomas Hobbes, John Locke, Jean Jacques Rousseau, and Immanuel Kant.

The first philosopher who was significant for the development of the concept of human rights was Hobbes. Fundamental to his understanding of rights is the fictional state of nature he presents, in which there is a war of all against all, and each person is the potential enemy of every other person—*Homo homini lupus* (“Man is a wolf to [his fellow] man”). Each person is fighting for his own survival and power. Then, each person is supposed to have the right to everything else in order to preserve himself. There is danger lurking in this state, as even the strongest can be killed during the night or by a group of weaker men who cooperate. No one is so much stronger than all the others to actually make sure that his safety can be guaranteed over a long period of time. Hence, there is a certain kind of equality among human beings, as we are all more or less equally strong, or to put it in a different manner: There is no one who is so much stronger than all the others over a long period of time that he could guarantee his own safety in a stable manner. Due to the given equality, this can come to a fictional contract between all human beings, in which all human beings agree to give their natural rights to the Leviathan, who from then on has the absolute power over his citizens. The individual citizens give away their sovereignty, and the political leader receives it.

A slightly less grim picture of human nature was presented by Locke. His ethics is closely connected with Christianity, as he makes clear that without after worldly sanctions, there would be no reason for not living solely according to the pleasure principle. In the end, morality is based upon a God-given law. In a similar manner, he approaches his political ethics. He limits the power of the sovereign by putting forward that there are natural rights that are God given and valid universally. According to Locke, the natural law and the natural rights exist also in the state of nature. According to Hobbes, in that state everyone has a right to everything. According to Locke, on the other hand, the rights of a human being are limited by the rights of the others. And the most basic rights can be described as the right to the inviolability of a person and his property, which can be specified further by making a distinction between the right to life, health, liberty, and possession. As there are people in the state of nature who do not accept the natural law, there is a need to move from the natural state to a political system.

In contrast to Locke and Hobbes, Rousseau presents a more optimistic understanding of human behaviour in the hypothetical state of nature. According to him, there are enough goods available for all human beings, they live separate from one another, and they are peaceful. Then human

beings exist in a state of healthy self-love, which includes sympathy, which stops them from acting egoistically. The positively evaluated state of nature ends when someone develops the category of private property due to egoistic desires. Such an action leads to inequality and promotes further egoistic desires, so that one ends up in a system with richer and poorer people. The richer people force the poorer ones to accept a social contract whereby the poorer ones do not realize that they were being forced into the contract. Even though they claim that the social contract serves the common interest, it is supposed to be solely in the interest of the rich. However, there is also the possibility of an ideal social contract, which would be one in which all citizens realize that they are the general will. In that case, the political and moral freedom consists in sticking to the law that one has given oneself. Here, the general will would correspond with the individual one.

Autonomy, in a different sense from Rousseau's, is central for Kant's understanding of rights. Rights, according to Kant, are supposed to help individuals to live together so that they do not get into conflict with one another. Anyone is supposed to live such that his arbitrary will can coexist with the wishes of others. Kant also holds that a social contract is the basis of a state. He agrees with Locke that there are inviolable natural rights, with Rousseau that the highest norm concerning law giving ought to be the general will, and with Hobbes that in the state of nature there is the war of all against all. By transforming the particular individual wills into a general will, the state of nature changes into a constitutional state.

## **HISTORY OF HUMAN DIGNITY**

Early Greek philosophers did not hold a concept of dignity that can be compared to the one we have. In their case, dignity was always connected to a hierarchy. According to Aristotle, there are natural slaves, who of course have less dignity than citizens. Dignity today, however, implies the equality of its bearers. As said before, the concept of equality of all human beings is developed and becomes particularly influential in Stoic thought. As an outgrowth of Stoic philosophy, the first important concept of human dignity is put forward by Cicero. His thinking is reflected particularly in Renaissance philosophy. Pico della Mirandola and Manetti are two Renaissance philosophers who put forward paradigmatic theories of dignity. Another reader of the philosophy of Cicero was Kant, whose concept of dignity became particularly influential. In this section, first the paradigmatically most important theories of human dignity in historical order (Cicero, Manetti, Pico della Mirandola, and Kant) are presented, and these are followed specifically by the vehement criticism of the concept by Nietzsche, who provides us with a useful basis for reflections concerning the future of human dignity.

Cicero was the first great philosopher who put forward a concept of human dignity. He holds that all human beings, which implies all beings with ratio, have dignity. Concerning Cicero, the sets "members of the species human beings" and "beings with ratio" are identical concerning the extension, which means that if someone is a member of the one set, he also has to be a member of the other set, and it is impossible for a being to be a member of the one set without being a member of the other one. However, dignity is not the central concept within his ethics, as it often is today. The focus of his ethics lies on the highest good, which again is connected with the honorable, the *honestum*. Anyone who possesses the four cardinal virtues—justice, wisdom, bravery, and moderation—is honorable. Hence, the highest good is solely identified with the virtues. External

goods are irrelevant concerning the highest good, which implies, however, a hierarchy of duties. The highest duties are the duties against the gods, followed by the duties against one's political community and then the duties against one's parents. We also have duties against other human beings who are bearers of dignity like us. However, these duties are of lower rank. This does not mean that they are irrelevant. These duties are of direct importance concerning our interaction with slaves and foreigners, who are also supposed to be treated in a just and dignified manner. Due to the high relevance of the duties against the political community, Cicero holds that the *vita activa* is more important than the *vita contemplativa*, even though the latter corresponds to our human nature.

Another paradigmatically important concept of dignity was put forward by the Renaissance humanist Manetti, whose views were ultimately founded in his faith in the Christian God. Faith is supposed to lead to appropriate actions and right thinking and also to the knowledge of God, human dignity, and the highest good. As in Cicero's ethics, the concept of dignity is not the central one, which is the concept of the highest good. The highest good lies in a state of after worldly bliss. To be able to reach this state, one has to be virtuous according to Manetti. The virtues piety, justice, and wisdom are of particular importance, according to him. Anyone who possesses these virtues reaches the highest good. Even though one reaches the correct understanding of these concepts only by means of contemplation, the main focus in life ought to be in the *vita activa*; with such a focus, one can fulfil one's duties against God and the other human beings in an appropriate manner. Due to the duty of justice, one ought to love all human beings as one's brother and consider that love in one's deeds. However, the possession of human dignity is independent of one's deeds, as it is connected to the *imago dei*, the image of god, which we possess within our immortal souls. To act in accord with our dignity, we ought to stick to the duties that God has given all men and that are connected with the highest good. One of the duties is the duty of charity. Herein the consideration of other human beings, bearers of dignity, becomes directly relevant.

Another paradigmatically central foundation of human dignity was put forward by Pico Della Mirandola. His concept is cited in many contemporary debates, even though current thinkers tend to receive his concept in a biased manner. According to him, human dignity lies in our free will, which lets human beings become a likeness of God and represents the signature of the creator upon his special creations. Human beings, according to Pico, participate in all layers of being, but, in contrast to other creations, they are not connected to one specific layer of being exclusively. Because of our free will, we have the chance to become who we wish to become. Of course, this does not mean that we can turn into fish or pigeons. However, it implies that we can choose our lifestyle according to our own fantasies, desires, or thoughts. It is this aspect which modern interpreters usually focus upon.

Yet, there is another side that can also be found in Pico's philosophy. Even though we can choose to become who we apparently wish to become, there is supposed to be a real wish within all of us. We all wish to return to our origin, our creator, God, even though not all of us are conscious of this wish. The only way by which human beings are supposed to reach the highest good, which is the centre also of Pico's ethics, is by means of the *unio mystical* with God. This goal cannot be reached by conscious decisions. We depend upon the mercy of God to reach this state. However, we must first



be prepared in order to be eligible for mercy. We must possess the political virtues within our character, which means that we ought to make peace, be just, have the virtue of love, and act in accord with it. On that fundamental level, the dignity of other human beings is considered, as here our duty to consider other human beings, bearers of duty, comes in, and we have the obligation to consider it in an appropriate manner. Our main duty concerning the highest good, however, is to go beyond our connection with the sensual world, to purify ourselves, and in the end God might grant us the chance to return to him and become one with him. The *vita contemplativa*, according to Pico, is much more relevant than the *vita activa*. If a human being does not consider the duties just stated, he does not lose his dignity, because his dignity is connected to his free will, which he cannot lose.

The most influential conception of human dignity was put forward by Kant. However, even according to him, the focal point of his ethics lies in the highest good. In contrast to the previous positions mentioned, the highest good, according to Kant in his *Grundlegung zur Metaphysik der Sitten* ("Groundwork of the Metaphysics of Morals"), does not enclose happiness, but it lies in the good will, which any being has who has will and reason and who acts out of respect for the moral law in accord with the moral law. Anyone who acts on maxims out of respect for the moral law, fulfills the moral law. This implies that his actions are based on maxims. To check whether a statement can be a maxim is to try to universalize the statement and check the reflections. If the reflections lead to contradictions, the statement cannot be a maxim. If the procedure does not lead to any challenges, the statement can serve as a maxim. The categorical imperative, which can be described in various ways, is a way of paraphrasing the moral law. One formulation of the categorical imperative includes the concept of human dignity, which is founded upon autonomy. The highest good and the moral law are valid for all beings with dignity, and dignity applies to autonomous beings only. One implication of the practical formulation of the categorical is that one must never treat humanity, neither in oneself nor in any other person, solely as a means. Any being with dignity must never be treated solely as a means. Hereby, it becomes clear that dignity is of some relevance in Kant's philosophy; however, even according to him, the highest good is the central focus within his ethics. A further indication that human dignity does not have a foundational role within his ethics is that it turns up mainly within only one formulation of the categorical imperative.

The foundation of dignity, according to Kant, is the capacity of being autonomous, which is a necessary condition for acting in accord with the moral law. Autonomy must not be misunderstood as representing arbitrariness as freedom. Beings with dignity have the necessary duty to act in accord with duty. All acts that are in accord with the categorical imperative are in accord with duty.

In his *Kritik der praktischen Vernunft* ("Critique of Practical Reason"), Kant holds a similar position. Only his concept of the highest good changes slightly. It still encloses the moral law, but the person who acts out of duty in accord with duty not only deserves to become happy, according to Kant, but he can actually hope to receive happiness in proportional means to his acting morally. However, to act morally implies that one must not act in accord with the moral law while hoping to receive happiness in proportional means to his acting morally, even though one can hope that this will be the case. Only someone who acts morally out of respect for the moral law, without being motivated by his hope that he will be rewarded with happiness, acts morally. He can expect to be rewarded with happiness in an afterworld but not with a happy this-worldly life.

The most vehement criticism of human dignity was put forward by Nietzsche. Explicitly, he attacks solely necessary concepts of dignity, and all the concepts mentioned above have been necessary ones. Implicitly, however, his philosophy also goes against contingent concepts of human dignity. His argument against necessary human dignity goes as follows: The concept of necessary human dignity is founded upon four mistakes. Hence, it ought to be abandoned. The four mistakes he refers to are the following:

Human beings have an incomplete understanding of themselves.

Human beings attribute to themselves invented qualities.

Human beings regard themselves to be in the wrong relationship concerning animals and nature.

Human beings invent hierarchies of good, which they falsely regard as eternal and unconditional.

Concerning human dignity, these mistakes can be explained further by merely selecting some specific examples in order to support his argument:

Human beings correctly understand that they have reason. However, they have an incomplete understanding of themselves, as they do not realize that reason is not eternal and that it does not provide us with knowledge concerning the world but was developed in order to help us survive. Reason, according to Cicero, is the foundation of human dignity, but his concept is based on the wrong understanding of reason. Hence, it is not valid.

Human beings invented the concept of free will, which cannot even be thought of in a non-self-contradictory manner. Free will is the foundation of human dignity according to Pico. However, as free will does not exist, his concept of human dignity is invalid.

Human beings think that they were created in God's image and that they have a special status in relation to animals and nature. According to Nietzsche, neither of these claims is correct. Human beings do not have a special status in nature, and they differ merely in degree from other animals. As the concept of God was merely invented, human beings also cannot be created in God's image. According to Manetti, human dignity is founded on humans being created in the image of God, which is not correct. Hence, his concept of human dignity is invalid.

According to Nietzsche, all systems of morals, as well as all values and norms, were invented by a certain group that has common interests. There are no eternal values and norms. According to Kant, human dignity represents an eternal norm. Hence, his concept of dignity is invalid.

Against the concept of contingent human dignity, Nietzsche implicitly puts forward at least three separate arguments:

Nietzsche holds that human beings do not have special status in the world. However, such a special status is demanded by all concepts of human dignity, both necessary and contingent ones.

Nietzsche holds that there are no universally valid norms. However, necessary and contingent concepts imply that human dignity is a universally valid norm.

Nietzsche holds that all human beings are not equal, and that there are two groups of people that have to be evaluated differently. However, necessary and contingent concepts imply that human dignity demands the equality of all human beings.

Given these three last points, it is clear that Nietzsche attacks not only necessary concepts of human dignity but also contingent ones.

## CONTEMPORARY CONCEPTS OF HUMAN RIGHTS

All concepts of human rights that will be presented in the following paragraphs stem from the Anglo-American tradition: Nozick, Rawls, Nussbaum, Taylor. All four political philosophers defend human rights, but they represent four diverse basic positions within the spectrum of possible communitarian and liberal attitudes. Liberal positions can be characterized as positions in which the right has priority over the good, whereas in communitarian positions, the good comes first and provides the basis for deriving a concept of the right. Nozick is a libertarian thinker and therefore the most liberal of them all. His work is a reaction to the theory of justice that was put forward by his colleague in the department of philosophy at Harvard University, John Rawls. Rawls's position represents a classical liberal one. Taylor and Nussbaum represent two left-wing interpretations of communitarianism; Taylor puts forward a communist communitarianism and Nussbaum a social democratic version of it.

Nozick's political philosophy builds on a version of Locke's natural rights position. The right to one's own body and one's property are fundamental, according to him. The best state is supposed to be a night watchman state, whereby the state secures the basic human rights but does not interfere with the free exchange among, and contracts between, consenting adults. Many philosophers criticized him for this system, as they regard the social consequences as not appealing.

According to Rawls, international human rights specify a limit to the internal autonomy of a regime, and any country that provides human rights to its citizens is entitled to tolerance. Hence, a desire to provide human rights entitles countries that see gravely unjust behaviour in the internal practice of other countries to promote interventions in the countries in question. In contrast to the dominant lists of human rights, Rawls's suggestion is more limited; he particularly stresses the rights to life, liberty, property, and equality. His suggestion takes into consideration that promulgation of human rights does not imply the risk of getting rejected as being too liberal or too closely related to the Western tradition. However, Rawls agrees with most human rights theorists by holding that the rights are universal, international, have a high priority, set minimal standards that should save people from the severest forms of unjust treatment, and are relevant primarily for governments.

In contrast to the liberal theories previously discussed, the political philosophies of the following two thinkers are based on a concept of the good that is supposed to be the basis for a concept of the right. Nussbaum's concept of the good includes two separate lists, based on her intuition, which are supposed to describe (1) the condition human, which is relevant for all human beings, and (2) goods and capacities, which are supposed to be important within all human lives. The first list includes mortality, the human body, perception, early childhood development, practical reason, community

with other human beings, relationship to animals and nature, humour and play, and individuality. In the second list, she mentions that it is good to live through all stages of life, to be healthy, to fulfil one's sexual desires, to avoid pain, to have a concept of the good, and to live in a community in which solidarity exists. Hence, she puts forward a strong, but vague, concept of the good. It is strong, as it says something about all aspects of life, but it is vague, as it does not state in detail what ought to be done. Both lists serve as a basis for deriving rights.

Taylor's concept of the good from which he derives the right, on the other hand, can be described as weak but detailed. It is weak, as it does not put forward anything about all the various aspects of life. Hence, he favours a pluralist ethics. On the other hand, he holds a detailed position concerning religion, as he interprets the world from a Roman Catholic perspective.

## CONTEMPORARY CONCEPTS OF DIGNITY

In contrast to the human rights tradition, the most prominent concepts of human dignity come from various traditions worldwide. This section will deal with those of Gewirth, Margalit, and Spaemann. The first two thinkers hold a contingent concept of dignity and the last one holds a necessary concept of dignity.

Gewirth holds that all human beings are "actual or prospective purposive agents." If all beings who are able to actually or potentially act on purpose are bearers of dignity, and all human beings are such beings, then all human beings are bearers of dignity. He connects the rights to freedom and well-being with the concept of dignity. Hence, all bearers of dignity hold the rights to freedom and well-being. According to Gewirth, it is necessary for any agent to have these rights, as these rights are supposed to be necessary for any action, and an agent would be self-contradictory if he denied having these rights. As morality is concerned with human action and being a human agent, Gewirth claims that human beings have dignity and the two human rights mentioned. The line of thought which he proposes implies some tacit assumptions:

Morality is concerned with action.

Human beings are "actual or prospective purposive agents."

Person X is a human being.

Person X wishes to do action A.

In order for X to be an agent who seeks to fulfil his purpose A, it is necessary for X to assume having the right to act thus, and it would be self-contradictory not to do so, as he would reject what he needs as a purposive agent.

All human beings, all actual or future purposive actors, need to assume that they have the right to action.

Rights need to be granted by others.

Hence, there is a contract between all actual or future purposive actors that need the rights necessary for action.

All actual or future purposive actors grant the rights necessary for action, which are the rights to freedom and well-being, to all other actual or future purposive actors, so that the others grant oneself the same rights.

The rights to freedom and well-being are connected with dignity.

As all actual or future purposive actors grant one another the rights to freedom and well-being that are connected with dignity, and it is necessary for all actors to do so, it is also the case that all actual or future purposive actors grant one another dignity, and granting one another dignity is necessary.

With this line of thought, which, of course, is open to many criticisms, Gewirth argues for human dignity based on a theory of action combined with a contract theory.

Margalit's argument in favor of dignity is a negative justification of the concept, as he does not state what dignity is but rather what one must not do to others, so that their dignity is recognized. His method can be described as appellative rather than a logical inference that shows the necessity of dignity. His negative justification is supposed to show that human dignity is attacked whenever a person is humiliated. He puts forward examples and reasons that are supposed to show that humiliation is bad, and avoiding humiliation is all that is needed for a decent society. A society that is nonhumiliating is a society that respects human dignity. This position implies that human beings are hurt not only by physical attacks but also by means of symbolic actions.

In contrast to these two this-worldly concepts of dignity, Spaemann's position is metaphysical. According to him, the concept of human dignity refers to something sacred, the preciousness of human beings themselves, which, however, cannot be thought of without God. Dignity is a religious-metaphysical notion, and human beings have dignity just because they represent the Absolute. It is impossible, according to him, that any human being can be without a certain minimum of dignity. This does not imply that dignity is a gradual notion. The human dignity that is important for contemporary discussions and that does not have any gradations refers to the minimum amount of dignity that all human beings have to have and that they can never lose, according to Spaemann. On the basis of some transcendental-pragmatic reflections, he links dignity to a nonempirical substance, which again is connected with a personal soul. When egg and sperm come together, this soul is united with the body, as the soul is not part of nature. In addition, the dignity connected to the personal soul is not identical with human rights but represents the foundation of human rights.

## **FUTURE DIRECTIONS**

Given the most recent scientific innovations and artistic creations, it is not a daring prophecy to claim that transhumanism and posthumanism are and will continue to be significant movements. They share the basic attitude that the special status of human beings has dissolved, which means that human beings do not have a special factor that separates them categorically from other forms of life: Human beings are merely gradually different from other forms of life. This conception can already be found in the reflections of Darwin and Nietzsche.

However, transhumanism and posthumanism must not be identified with one another. Their values differ significantly. Whereas transhumanism upholds humanist values, posthumanism sticks to antihumanist values. Humanist values are such that the Renaissance type counts as an ideal that is to be aspired to. Antihumanist values, on the other hand, are such that there is no absolute set of values—values depend upon perspectival interpretations, and it is up to the interpreter in question which values he sticks to. As the concepts of human rights and dignity are connected with humanist concepts like the affirmation of the special status of human beings, which both transhumanism and posthumanism reject, the future development of these movements is directly connected to the evolution of the concepts of rights and dignity. Concerning rights, the next battle will be one between animal and human rights, whereas concerning dignity, human dignity might have to evolve into a trans- or posthuman dignity.

## **ANIMAL RIGHTS VERSUS HUMAN RIGHTS**

One of the current and future developments concerning rights is related to the dissolution of the special status of human beings. Human rights apply only to human beings, and only humans ought to be considered in the moral realm, because they have a special ontological and normative status in the world. Given the dissolution of the special status of human beings, this position no longer holds. The most prominent defender of animal rights is Tom Regan. He argues that the fact of being a “subject-of-a-life” is a necessary and contingent condition for having rights. As there are nonhuman animals that also possess this quality, they also ought to possess rights, and one ought to alter the concept of human rights into one that includes humans and some nonhumans.

Another attack concerning our current attitude toward animals was put forward by Peter Singer. He compares the discrimination against animals just because they do not belong to the human species with sexism and racism. As an alternative, he proposes an ethics that considers an equal consideration of interests. Hence, two beings that have similar preferences ought to be morally considered equally, too. Both Regan and Singer take the dissolution of the special status of human beings seriously. Thereby, they show that the current concept of human rights ought to be revised, as it does not adequately represent the relationship between human beings and nonhuman beings.

## **HUMAN DIGNITY VERSUS TRANSHUMAN AND POSTHUMAN DIGNITY**

The current and future developments concerning the concept of dignity are also related to the dissolution of the special status of human beings in the world. One of the qualities necessarily connected with human dignity is the special status of human beings in the world. Human beings are categorically different from nonhuman animals, according to this view. It can imply, as it does according to German law, that only a human being is a person and all other beings are things. To hurt an animal is to commit a damage to a property, a thing. Given the dissolution of the special status of human beings, this estimation becomes implausible, and as such, the categorical difference between human beings and animals vanishes. Hence, there is a need to revise the concept of human dignity to integrate the altered attitude concerning the status of human beings in the world. In that case, we might already be able to talk of a posthuman instead of a human dignity. Another option

would be to completely get rid of the concept of human dignity, as the qualities related to it are no longer plausible, and given the origin of the concept, it has religious implications, which are also no longer held by a majority of people.

In addition, a further development has to be noted. Genetic engineering enables us to alter the genetic setup of humans significantly, and it can be expected that many further developments will take place in this respect. These developments are significant also for the concept of dignity. Two attitudes concerning human alteration have been developed within two movements. First, there is the transhumanist movement, and second, the posthumanist movement. Both accept the dissolution of the special status of human beings in the world and the integration of human beings in nature so that they are different only in degree from other animals. However, their views concerning the genetic alterations of human beings differ. In contrast to the transhumanists who uphold a humanist—a Renaissance—ideal of human beings, posthumanists uphold antihumanist values.

However, the transhumanist movement is not a unified one. Esfandiary distinguishes between the transhuman and the posthuman. A transhuman is a transitional human who represents the link to the posthumans but still belongs to the human species. A posthuman is a member of the posthuman species, which represents a further step in evolution. Bostrom, on the other hand, has a different notion of the posthuman. He regards a posthuman to be a member of the human species but with capacities that greatly exceed “the maximum attainable by any current human being without recourse to new technological means.” Both uphold a humanist ideal that implies that not all alterations count as enhancements. Only if the alterations stick to a certain ideal of the good, which is similar to the Renaissance ideal of human beings, do they count as enhancements.

The posthumanist movement, on the other hand, is more open concerning what counts as an enhancement. It does not uphold that there is only one moral ideal or that there is only one set of values and norms valid for everyone. There are various ideals that are valid for certain types of human beings. There is a group that upholds the Renaissance ideal, but there are other groups, too. There is also the group of the blind, which regards being blind as an ideal. Posthumanism, in contrast to transhumanism, does not claim that one group holds a mistaken ideal, as transhumanists would claim with respect to the group of the blind for example. Posthumanists have greater respect for the value of negative freedom, which this author regards as a cultural achievement that cannot be underestimated and that one must not sacrifice lightly. The genetically altered, from the perspective of posthumanism, can also be referred to as posthumans. However, there are also concepts of the posthuman within posthumanism that are not directly concerned with questions of genetic enhancement, like Hayles’s concept of the posthuman or Haraway’s concept of the cyborg, which put forward a new anthropology. Hence, posthumanism from their perspective is the attempt of putting forward a radically new picture of what the anthropos is.

There are various ways to understand and affirm genetically altered human beings. If one refers to members of the human species as bearers of human dignity, which one can continue to do, and if one revises the traditional concept by integrating the dissolution of the special status of human beings, then one should seriously consider what type of dignity applies to trans- and posthumans.

Given the differences between them and current human beings, this ought to have an effect upon their moral status. Maybe they can be regarded as bearers of transhuman and posthuman dignity, respectively.

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