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**THE PRIMACY OF DIGNITY AND HUMAN RIGHTS EDUCATION**

**by**

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## **Abstract**

Human rights education (HRE) is a growing pedagogical force that lacks conceptual theorisation and awareness of an emerging postsecular context. This hampers the extent to which it can accomplish its aims of encouraging friendship between people of different religious and philosophical traditions while advancing a universal culture of rights. The thesis analyses the role of religion within HRE literature, both at an international and theoretical level, and in the curriculum documents for English schools, finding parallel weaknesses resulting from this shallow theoretical base.

The thesis contributes to HRE literature with a distinctive analysis of the foundational concept of dignity and the meaning-giving narratives that contributed to the concept's development. It unravels the complexities surrounding an often mentioned but seldom explained concept, identifying relationships between inherent worth, human flourishing and societal recognition. It demonstrates that taking an inclusive approach to this conceptual framework allows for two crucial ingredients in contemporary society: different meaning-giving narratives may be held, while a common ethical understanding of rights based on dignity is adhered to. It argues that the concept of dignity is a foundation for a particular pedagogical approach that advances a commitment to the inherent worth of the human person. The approach consists of two reflexive elements: a self-reflective enquiry into the faiths and philosophies of the individual learners and a dialogue with and for others. These elements are essential if the colonial mistakes of earlier human rights movements are to be avoided, and they identify the significance of religious education in HRE. A proposal for a recontextualised form of HRE that is theologically and religiously literate presents a distinctive offering to guide policy and practice. The proposal acknowledges the overlap between educational movement and theological thought and makes specific reference to contributions from contemporary Catholic thinking.

The thesis aims to motivate further research to carry forward the HRE proposal and develop new thinking about postsecular education.

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**91,687 words excluding references**

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## COMMONLY USED ABBREVIATIONS

CE	Citizenship Education
CRC	The United Nations Convention on the Rights of the Child (1989)
HRE	Human Rights Education
RE	Religious Education
UDHR	The United Nations Universal Declaration of Human Rights (1948)
UN	United Nations

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## Introduction

Human rights education (HRE) aims to advance a common rights based culture and promote the full development of the human personality and the sense of its dignity (UN General Assembly 1948, 1966, 1989, 1993; UNHCR 1994, 2005). It also strives to promote mutual respect and understanding between different groups, including different religious groups. These two aims were defined in Article 26 of the *Universal Declaration of Human Rights* (UDHR) in 1948 and a series of successor UN agreements, declarations and conventions. The aims present interesting challenges as one strives towards an agreed universal ethic, a universal culture of rights, while the other suggests particularism, recognition of diversity and the value of difference and cultural relativism. They reflect a desire to establish a shared moral understanding which can unite people from different backgrounds. HRE has become an important international education movement reflected in many UN declarations, the work of international agencies such as UNESCO and UNICEF and other inter-governmental bodies. In recent decades HRE has evolved, globally expanded and found places in many countries' education systems (Andreopoulos & Claude 1997; Campbell & Covell 2001; Keet 2007; Ramirez *et al.* 2006; Suarez 2006; Suarez & Ramirez 2007; Tibbitts 2002; UNESCO 2005). In the last decade human rights have been given a stronger profile in the English secondary school curriculum (QCA 2001, 2007a, 2007b).

HRE is under-theorised (Keet 2007, p.1; Suarez & Ramirez 2007, p.22) and lacks conceptual clarity in the case of dignity. The UDHR proclaims a belief in the inherent dignity of the human person as a foundational concept for universal human rights but it is not defined (Arieli 2002). In other fields such as law and medicine, conceptual discussion about human rights refers to, and focuses on, the concept of dignity. However, there is little conceptual theorising of dignity in educational writing and especially in HRE literature. This thesis seeks to address this omission.

The significance of religion, religious education and spirituality for HRE is also an area that reflects a lack of theoretical understanding. On the one hand, religion is depicted in some educational literature as a force against human rights (Davies 2008) and religious issues are frequently identified as obstacles for HRE. On the other hand HRE seeks to deepen understanding and friendship between different groups, including religious groups. There are historical and theoretical links between religious movements and theologies and the development of HRE and

its more prominent pedagogical forms. Furthermore, scholars describe the present as a postsecular era in which religion endures or is resurgent and theories of secularisation are challenged (Berger *et al.* 2008; Boeve 2003, 2007; Davie 2002; Davie *et al.* 2003; Habermas 2008; Heelas & Woodhead 2005; Micklethwait & Wooldridge 2009).

This study takes a critical stance to HRE, seeking to address the religious dimensions through greater theorising about the foundational concept of dignity. This theorising takes the form of concept analyses with historical conceptual and contextual conceptual research. The contextual conceptual research refers to theological and philosophical ‘meaning-giving narratives’. Through the analysis this study explores the links between religion and HRE and reappraises the trend towards a secular conception of HRE. It draws on ancient sources to clarify the concept of dignity and argues that dignity requires distinctive educational approaches in HRE. The study is concerned with these foundational understandings and their implications for a philosophy, or theology, of human rights education

#### **Research Question: Purpose, Objectives, Contribution and Focus of the Study**

This study has four purposes. (a) The first asks the research question, *How is religion presented in human rights education agreements, educational literature and national curricula documents?* This question is addressed through an analysis of international documents, educational writings and a study of the English secondary school curriculum documents. Such links are not explored in the existing literature but, in doing so, light is cast on the aims and approaches of HRE. There are few detailed references to theological or religious influences in the international documents, and in many places there is a clear sense that HRE is a secular ideology in which religion has little place, if any. The analysis of the English curriculum illustrates this sense, where there are few articulated links between citizenship and religious education in the curriculum guidance for the teaching of human rights. This constitutes a critical analysis of religion in HRE literature and reveals difficulties with the current range of treatments that require changes.

(b) The second research question is: *What is the significance of dignity for HRE?* While there are important debates about dignity and human rights in law, medicine, philosophy and theology, there is little equivalent discussion in HRE literature. It is sometimes equated with respect or equality but it is largely proffered as the basis for human rights without justification or

elaboration. The thesis addresses that gap. It provides a critical analysis of the significance and meaning of dignity in human rights and human rights education. This is achieved through a cross disciplinary conceptual analysis of the dignity discourse, a conceptual analysis of dignity in the context of HRE literature and historical conceptual and contextual research into the meanings of dignity. Some are critical of the concept of dignity while others think there are enduring arguments for its significance providing a possible point of convergence across religious traditions. The analysis I offer reveals that within the theological and philosophical sources of the concept of dignity (Classical, Christian and Kantian), three interrelated meanings emerge: intrinsic (or inherent or ontological worth), societal recognition and respect, and human flourishing. This constitutes a critical historical conceptual analysis of dignity. From this analysis a coherent account of dignity is advanced (detailed below).

(c) The study asks a further research question: *How might HRE be re-imagined for a postsecular context?* The thesis develops an inter-disciplinary approach to HRE that recognizes the importance of religion and religious education to HRE. It is a corrective to approaches that are non-religiously secular or based exclusively on political ideology or philosophy. The approach is centred on the concept of dignity. Responding to post-colonial criticisms of western notions of human rights, the approach builds on theological trends that are aligned with recent philosophical understandings of dignity. The approach to HRE stresses self-reflective enquiry into how one's own religious tradition frames the intrinsic importance of dignity, and dialogue with others about different traditions and shared experiences of dignity and suffering. It avoids legislative declaratory approaches to moral education. It adopts a model of HRE based on dialogue using the three-fold sense of dignity to provide a common conceptual framework underpinning rights and framing their applications. This constitutes a contextual conceptual analysis of dignity and the development of an inclusive, self-reflective and dialogical approach to HRE for a postsecular society.

(d) Finally, in answering the three questions mentioned above, the thesis makes an innovative methodological contribution to education in developing a theology of human rights education through concept analysis. This aims to sensitize educational research to the postsecular context and offers insights into how theological reflection might contribute to pedagogy.

The study contributes to knowledge and understanding of the HRE field in a number of ways. HRE is an emerging and contested field that has not been adequately located within the

contemporary postsecular context. Understanding the significance of religion and religious education for HRE is important for theorists and practitioners in particular and educationists in general. Important insights are gained from examining the concept of dignity and its theological and philosophical meaning and significance for HRE. This brings HRE into line with other practical and theoretical fields. This study provides a basis for developing inclusive HRE programmes that are methodologically aligned with religious education and provide for more rounded enquiry into human rights and the values that underpin them.

Important insights are gained from a historical conceptual analysis of HRE that can frame its pedagogical structure in self-reflective and dialogical terms, rather than instrumentalist and exclusivistic terms. Once dignity is understood in terms that include inherent or intrinsic worth, it inspires an educational frame that has a universally applied concern for the person and the process. Further insights are gained about the contribution of theological reflection to pedagogy in educational research and the importance of contextual narratives for concept analysis.

### **Definition of Dignity**

Dignity is a term that is used in differing ways. It may mean social standing or moral propriety or comportment and is applied to positions of authority, human beings and sometimes non-human animals. The following definition of dignity is the one that this thesis advances and finds strong evidence for in the literature examined here, subject to limitations acknowledged below. Dignity is a compound or complex concept involving three elements that are inter-related. Firstly, dignity means the inherent worth of the human being, or person, which is also be described as intrinsic, ontological or unearned. This is the foundational element of the concept, which grounds and justifies human rights. It is not something that can be removed as it is bound up with the human being or person. It is not something that is dependent on particular levels of ability, skill, or quality. The thesis draws on Kantian ideas to underpin this, along with modern Catholic thought, and traces this element in early Christian ideas of the image of God and the image of Christ. ‘Inherent dignity’ is found in international statements. Secondly, dignity is related to societal response, in as much as it demands a moral response, and also in so far as the meaning giving narratives (philosophical and theological) which advance this notion of dignity are manifestations within society. Inherent worth should be attributed with appropriate societal recognition and the recognizing, or failure to recognise, that inherent worth is important. This theme is present in the

sources and while the link between inherent and attributive dignity is necessary, it is also problematic. Thirdly, dignity relates to human flourishing, which includes moral development along with the development of the particular capacities and attributes of human beings or person. Thus while the inherent worth is unchanging, the extent to which a person flourishes and the way in which they develop is variable and is related to the societal recognition. This thesis delineates this framework or compound construct of dignity. The relationship between these elements is complex. In this thesis they are associated because separation is found to be problematic and ultimately unsatisfactory. The humiliation of a person deprives them of an aspect of dignity as it diminishes or corrupts their personality and or body and yet their inherent worth remains. This working definition is found within the literatures examined and seems to have particular resonance within the western philosophical and theological thought. Dignity is a dynamic and complex or compound concept. It is, of course, a definition that is challenged, as is the concept itself.

### **Rationale for this study**

HRE is commonly presented without reference to a religious or philosophical framework to ground it. Donnelly (1982) and Henkin (1998) are prominent and well regarded for their secular views of human rights. Davies (2008) has argued that education needs to equip children to reject extremist forms of religion through the abandonment of accepting truths uncritically. Osler and Starkey (2005c) maintain an approach to HRE that tends to see difficulties with religion. This position applies in general terms to international human rights documents, academic educational published works and guidance for teachers, as well as some local curricula. The reticence to refer directly to any specific theologies or philosophies stems from the concern to develop and maintain a consensus among the member states of the UN in support of the 1948 UDHR and belies the political basis for HRE. At that time, theologians and philosophers from different traditions considered the question of reaching a consensus over human rights. Agreement could be reached as long as the basis and justification were excluded and undefined (Schulman 2008; UNESCO 1948). There were pragmatic reasons for not seeking to explore in the declarations how religions or philosophies may interpret ideas such as dignity or rights, as this may have delayed or even derailed agreement over the UDHR (Glendon 1999). This practical decision born out of a need for agreement, has, with perhaps one exception (UNESCO 1969), excluded future references to theologies and philosophies in HRE literature.

In avoiding references to religion, important links between religious education (RE) and HRE have not been adequately identified or researched though they have begun to be noted (Guyette 2009; Willaime 2007). Possible theological foundations, which may be used by a large proportion of the world's population to base understandings of moral conduct, are not referred to in any detail in HRE. The thrust of HRE excludes the examination of philosophies or theologies that may underpin human rights, give meaning to human rights concepts, or frame how human rights are discussed or applied. These features are not within the scope of the movement, which is concerned with the application of a set of universal norms that are taken for granted as self-evident realities (Keet 2007). In HRE, religion is more likely seen as a cause of difficulties (Andreopoulos & Claude 1997; Benedek 2006; Davies 2008; Osler 2005a, 2005b; Osler & Starkey 2005c). Possible benefits are not referred to. Davies' argument (2008) that the acceptance of simple truths should be challenged in education (out of a concern to avoid extremism), runs counter to the idea that some moral beliefs should be promoted, such as a belief that human beings have some kind of moral worth that leads to the need for their human rights to be acknowledged.

The lack of engagement with religion and religious education within HRE, combined with the lack of conceptual engagement with dignity, provides the backdrop for the rationale of this study that resides in the need to critically explore the theology and philosophy of the concept of dignity and recontextualise HRE for the postsecular reality. This is a contemporary education policy concern and the conclusions of the thesis should inform policy and practical HRE programmes and initiatives.

This study consists of the examination of two groups of literature and a proposal. It is interdisciplinary insofar as it draws both on ethical, philosophical and theological sources and educational material. This thesis selects key UN international documents which have enduring significance in virtue of their inter-governmental and historic status and literature which discusses or interprets these documents for academic and professional educator audiences. The material includes a particular example of HRE in English secondary school curriculum documentation. HRE as reflected in these sources does not make links with religious beliefs, beyond the most general references, and rarely refers to religious education. This is at odds with the professed aim in HRE to encourage inter-religious understanding and encourage all people, including those of faith, to aspire to shared values in the form of human rights. Human rights and human rights

education make frequent references to the term dignity, an idea to which religious traditions and philosophies give considerable attention. This makes the inconsistency more problematic.

The second literature group includes theological, philosophical, legal and ethical discussions surrounding dignity and its application. What unites this multidisciplinary group is an interest in dignity in relation to human rights and how that is viewed both theoretically and in application. This thesis is a critical study that will advance our knowledge about the foundations of HRE, the influence of theology and religion on its development and the role these may have in contributing to understandings of HRE aims and pedagogy for a postsecular context.

The primary interest of this study, as reflected in the questions above, is related to a concern about the current trajectory of HRE and tendencies and approaches within HRE. The conceptual disengagement and lack of consideration for religion and religious education results in HRE becoming distanced from societies in which religion plays a significant role in motivating human behaviour for others and framing moral beliefs. By uncritically disregarding these factors, HRE is weakened educationally and portrayed as conceptually shallow. Examples of developments found in religious communities may not be recognized as HRE because of their religious orientation and yet seem to meet fundamental aims of HRE. The disconnection with religions is so potent in the English curriculum that an alternative subject—citizenship—was created in which to locate HRE. The secular formation of HRE is emphasised and religious links are not acknowledged. There is scepticism of any benefit that religion or RE may provide to HRE. My interest in this matter is informed by my seven years of teaching RE in the period before and after the development of citizenship education. I experienced teaching HRE as a component of RE and then witnessed the arrival of a politically conceived secular subject, citizenship, in which HRE was located. I have been surprised to notice a theoretical and philosophical shallowness in HRE, contrasting the depth and criticality of ethics and plurality of perspectives acknowledged in RE. While RE in England encourages the examination of different methods of ethical decision making and plurality, I feel that human rights are frequently treated as accepted universals in HRE. Human rights educationalists seem to inform citizenship education, adapting to the opportunity of a new subject field. While these anecdotal experiences and perspectives are not substantiated by this thesis, they did inspire the research and the findings seem to concur with them.

A number of grounds are advanced for this study. First, HRE holds as an aim the development of peace and understanding between peoples of different religions (Reardon 1997). This aim

implies that religion and RE are priority concerns. In a world that can be described as postsecular these merit study.

Second, the literature review reveals a significant philosophical and theological interest in dignity in medicine and law. In these areas the historical conceptual development of the idea is related to the contemporary human rights context and therefore there are grounds to examine it within the HRE context.

Third, the history of the development of human rights and concerns for freedom and liberty are infused with ideas from philosophy and theology, and political movements for social change. Meaning-giving narratives have informed the development of rights and how they are understood. The lack of reference to these narratives within the literature of HRE provides grounds to consider them in this context.

### **Researching Theological and Philosophical sources**

Carr observes:

Research ... always conveys a commitment to philosophical beliefs even if it is unintended and even though it remains implicit and unacknowledged ... It follows that philosophical reflection and argumentation are central features of the methods and procedures of educational research. (1995, p.1)

Following Carr, and extending the scope of his argument, the thesis draws on theological and philosophical sources. While concepts may be treated in quite different ways in theology and philosophy, in the case of dignity there are common ethical correlations. A presupposition of this study, which is borne out in the analysis, is that theological ideas influence human rights in different ways, and are important considerations for the development of policy and practice of HRE. The subject matter of this study includes ideas understood as informed by revelation, constituting genuinely held interpretations of the world. This is reaffirmed by Elliott Eisner's observation in his 1993 address to the American Educational Research Association:

If there are different ways to understand the world, and if there are different forms that make such understanding possible, then it would seem to follow that any comprehensive effort to understand the process and outcomes of schooling would profit from a pluralistic rather than a monolithic approach to research. (Eisner 1993, p.8)

This approach is appropriate in a context that is postsecular, where religious understandings are not excluded, and secularisation theory not assumed. Metaphysics, as a field of philosophy, has fallen out of fashion, especially in the philosophy of education and educational research. However Ruitenberg (2009) is critical of those who see education as a social science rather than as a field of theories, policies and practices that can be approached from a variety of ways, including natural and social sciences and the humanities. Ruitenberg suggests that philosophers of education must not submit to talking in paradigms of expectations of the social sciences with the emphasis on data, technique and the tripartite breakdown of method into data gathering, data analysis and data representation. Bridges and Smith had earlier argued similarly that:

Such a very narrow, apparently scientific, conception of empirical research threatens to consign to oblivion philosophy, history, much sociology and, in fact, anything that is explicitly theoretical, as well as more specific forms of enquiry that identify themselves, for example, as life history, illuminative case studies, deconstructive approaches and discourse analysis. (Bridges & Smith 2006, p.132)

Rowbottom and Aiston argue:

On the conceptual level, we need to recognize that it is the difference between good and bad inquiry with which we should be concerned, with respect to the question of overarching method, and that inquiry is multi-faceted. (Rowbottom & Aiston 2006, p.154)

Following Bridges and Smith, Ruitenberg and Pring (2004), this study understands itself to be engaged with this broader conception of research. Adapting Bridges (2006, p.261), it can be argued that commitment to a plural and inclusive view of enquiry is consistent with:

- (i) The desirability of drawing more fine-grained distinctions between different kinds of enquiry in respect of the principle of differentiation, in this study through the application of forms of concept analysis.
- (ii) The drawing into the field of educational enquiry of a wider variety of disciplinary resources (in this study from theology and philosophy) whose relevance was previously neglected.
- (iii) The combination of different disciplinary traditions in ‘multidisciplinary’ or ‘inter-disciplinary’ enquiry to investigate a particular aspect of educational policy or practice.

More is needed to clarify this broad approach to research as Kuhn (1977) notes that intellectual

progress requires a context in which there is relatively close agreement on theories, methods of enquiry and the requirements for the initiation of newcomers into the discipline.

### **Concept analysis and development**

Cohen *et al.* (2005) observe that concepts express generalisations from particulars. A concept is the relationship between the symbol and an idea of conception. Concepts enable us to impose meaning on the world by giving reality sense, order and coherence:

They are the means by which we are able to come to terms with our experience. How we perceive the world, then, is highly dependent on the repertoire of concepts we can command. (Ibid. p.13)

Concepts may also express profound realities such as the kind Plato believed reflected true reality. Leedy (1997) observes that ideas and concepts have origins, growth, and development and exert influence on their age. Concepts are valuable in knowledge generation as they capture and label abstract ideas and meanings. Different techniques can be used to develop understandings of concepts (McCormack *et al.* 2002, pp.95–6). What might be called the maturation of concepts, or the development of deeper understandings of concepts, is important for theoretical and practical purposes with HRE, where dignity is referred to and yet is not delineated sufficiently. It is claimed that concepts are an aid to understanding and are important in the development of knowledge as they are the building blocks or foundation from which theories are constructed (Chinn & Kramer 1995, p.78; Rodgers & Knafl 1993, p.2 & 5). For Walker and Avant, the refining of ambiguous concepts is important in the development of construct-validity and contributes to theory construction (1995, p.93).

Concepts may be ‘mental formulations of experience’ (Chinn & Kramer 1995, p.78), ‘words describing mental images of phenomena’ (Fawcett 1989, p.2), and ‘linguistic representations, or symbols of reality’ (Moody 1990, p.52). Rodgers suggests that a tentative consensus has been reached when he notes:

that concepts are cognitive in nature and that they are comprised of attributes abstracted from reality, expressed in some form and utilized for some common purpose. Consequently, concepts are more than words or mental images alone. (Rodgers 1993, p.30)

However he also notes a contrasting observation that, ‘an emphasis on use alone is not sufficient to capture the complex nature of concepts.’ (Rodgers 1993, p.30)

Concepts have profound significance within theology and form doctrinal beliefs that influence attitudes and understandings within the religious communities who hold them, though those doctrinal understandings are also acknowledged to be incomplete. This study also suggests that in the case of dignity, moral concepts have come to shape ideas beyond the religious communities in wider legal and cultural currency.

In education, concept analysis could be described as a study to clarify generic or essential meaning, different alternative meanings, and the appropriate use of the concept (Schumacher & McMillan 1993, pp.50 & 450). It is generally thought that the analyst assumes a neutral position when analysing a concept before taking a value position (Ibid. p.508). Concepts in education are often complex and the process of defining and breaking down or sub-dividing the concept is an important and common aspect of educational research (Anderson & Arsenault 1998, pp.59–60). The analysis may be descriptive, but it may also help to develop or build theory. Schumacher and McMillan (1993) argue that analytical studies of concepts aid in the development of knowledge and the improvement of practices in education. This thesis undertakes both a descriptive analysis of dignity and builds a theory of dignity as applied to HRE. It does not resolve the question of the extent to which concepts are *theory formed* or *theory forming* (Risjord 2009) but it demonstrates that concepts are understood through contextual narratives (theological and philosophical traditions).

Keet (2007), in his study of HRE, undertakes *historical conceptual* analysis. This integration was supported by Leedy's understanding of '*historical conceptual research*' (1997, p.182), which draws different forms of analysis together with concept analysis. Leedy argues:

[I]deas and concepts have origins, growth, and development [and that] tracing the origin, development, and influence of ideas and concepts [is a] valid type of historical research that is exciting, challenging and refreshing. (Ibid.)

Leedy's orientation contributes to the research design. In examining dignity in HRE this study identifies significant theological and philosophical correlations with the concept's place in education but that in addition the concept has developed and has shifting meanings. It also integrates Risjord's observations (2009) about the significance of contextual understanding for making meaning out of concepts. This study analyses the discourse surrounding dignity, attributes and meanings of the concept of dignity in HRE and the significance of contextual

understandings of dignity, found within meaning-giving narrative traditions. It then uses the findings to advance a proposal for developing HRE.

### **Structure of the thesis**

The thesis advances a logical progression through chapters that undertake inter-related enquiries, which begin by looking broadly across a multidisciplinary field but then narrow in focus, relating philosophical and theological discussions to the educational context at hand. Concepts have histories within philosophical and theological traditions and contexts that contribute to their definitional structures. Keet (2007) has observed that theoretically concepts have an infinite number of meanings but that in their deployment they have meaning-assumptions attached to them that signify their central attributes and essential meaning. This study provides a comprehensive and inter-disciplinary conceptual analysis of dignity in Chapters 3, 4, 5 and 6. It notes that dignity is deployed in dissimilar ways depending on the narrative or framework that utilises them. The inclusion of theological contextual narrative analyses makes this study distinctive from Keet's, along with the narrow focus on dignity.

The thesis is structured around two critical studies and a proposal. The first examines the link between religion, RE and HRE in a postsecular context (Chapters 1 and 2). The second is a critical and inter-disciplinary concept study of dignity in contemporary discourses (Chapter 3), historical, philosophical and theological discourses (Chapter 4), in human rights education literature (Chapter 5), and in contemporary theological and philosophical literature (Chapter 6). The proposal (Chapter 7) draws on the findings of these studies and advances a recontextualised approach to HRE.

### **General Limitations**

The thesis is limited by a number of factors. The thesis is focused on human rights education and refers to discourse about human dignity so references to dignity should, unless otherwise identified in the text, be assumed to refer to human dignity. There are important debates about (non-human) animal rights and the worth of the (non-human) animal that are well explored and advocated by Singer (1986, 1993) but these are excluded from the scope of this thesis as HRE as

in the international context it is commonly referred only to human beings and human civilization. It should be noted that a key issue in human rights development that is referred to in the thesis is the widening of the boundaries of moral significance by revealing new suffering that is previously unacknowledged or inadequately recognized (Baxi 2003). The question of the significance of the inherent worth of the non-human animal is important and may have implications for this present work although it is set aside.

Within much of the literature references to human dignity, dignity of the human person and dignity of human beings occur interchangeably. There are distinctive debates and discussions about *being* and *person* or *personhood* in ethics more widely that do have bearing on some aspects of these discussions, for instance in the measurement of the human worth of a patient seeking euthanasia or a human foetus or embryo. There are also important debates about the nature of the self. These produce highly specialized and important debates but this thesis is principally concerned with the uses and applications of dignity, in relation to human rights.

The survey of the traditions of dignity is based largely on secondary literature to establish an indicative overview. This could be improved with much greater in depth study of the sources of dignity, which is beyond the scope of this project. The sources chosen and interpretations made are those commonly cited in relation to human rights.

Studies of religious traditions could be extended beyond Christianity to examine the extent to which the other Abrahamic religions, Judaism and Islam, and the other of the world's principal religious traditions provide resources for dignity. The extent to which all religions have compatible notions of dignity defines the scope for the approach suggested in this thesis and further, detailed and systematic studies of those individual traditions would explore the parameters of this compatibility. Hinduism and Buddhism in particular offer challenges with the belief in reincarnation and the belief that Buddha was an animal in a previous incarnation. These religious traditions are also complex and diverse and so generalizations about them are avoided.

The 'sanctity' or 'sacredness' of life discourse is a distinctive area of discussion that merits specific attention. It is related to aspects of the dignity discourse, most notably in application to start and end of life issues, and has importance in religious circles but is set aside here as beyond the boundaries of this research. It is distinguishable from the human rights discussions about dignity.

Part of this study examines the aims of HRE expressed by curriculum writers. While these will guide and direct teachers and schools in the development of schemes of work and lessons, questions remain about the ways in which RE and HRE are linked, or could be linked, in school practice. There are likely to be examples where such links are made and further research would test this judgment and may reveal useful information about the practicability of what is proposed here, or alternative ways of integrating religious and human rights education. To begin, however, it is necessary to establish the relationship between religion and HRE as expressed in various international and education literature.

## Chapter 1

### Human rights education and religion

The aim of this chapter is to introduce and understand human rights education (HRE) through the prism of a postsecular context and critically analyse the treatments between HRE and religion. It examines HRE international documentation, educational literature and teaching guidance, which present various relationships between religion and HRE with different resulting consequences.

*Part One: Human rights education and the postsecular analysis* provides a concise study of postsecularity and HRE, a key context that HRE needs to be located within. *Part Two: Diminishing roles of religion* identifies three interpretations of the place of religion in HRE sources. Human rights are initially considered as ideas that have their own integrity, independent from any ideology, philosophy and theology. *Part Three: Critical issues for a human rights centred education* examines the implications of separating human rights from any philosophical or theological dependency and problematises such separation. *Part Four: Enduring roles for religion* explores other treatments in which religion is variously viewed as providing a grounding in HRE, being recognized in HRE and being interrelated with human rights in HRE. An acknowledgement of such views provides a counterbalance to the secular separation of meaning giving narrative from human rights claims.

While HRE is commonly conceived of in secular non-religious terms (Baxi & Mann 2006; Osler & Starkey 2005, 2010), religion has had a significant role in HRE. The connection between meaning-giving narratives and human rights is not well attended to in accounts of HRE but there are theoretical arguments and other forms of evidence that suggest these connections are important. To conceive of HRE in secular non-religious terms is to misunderstand these connections. The findings of this chapter, which refer in quite broad terms to the international HRE movement and academic literature, serves as a background for the study of curriculum documentation for secondary schools in England in Chapter 2 and also for the remaining chapters.

HRE is commonly understood as a movement that began with the *Universal Declaration of Human Rights* (UDHR) and this review includes the formation and discussion of that document

and the period since then to the present. References to earlier periods are made where appropriate as certain historic religious movements are cited in literature from the modern HRE period.

The limitations of this approach are as follows. A comprehensive account of HRE would need educational sector by sector studies and geographical region by region studies, by specialists from within those areas. All that is attempted here is an account of the internationally agreed presentation of HRE and the educational literature around these agreements, which is more appropriate to the scope and focus of this thesis. This is illustrated and amplified with selective examples from particular sectors and regions in an attempt to capture a representation of the range of examples.

The critical religious issues that are expounded are selected from a much wider range of possible tensions related to human rights. The focus on religion is chosen because of the specific aim of HRE to encourage understanding and friendship between people of different religions and the theological associations with dignity, revealed in the research.

### **Part One: Human rights education and the postsecular analysis**

The backdrop to this thesis is the development of an international educational movement in a changing religious context that can be termed postsecular.

*(i) Human Rights Education:* In recent decades HRE has evolved into what could be described as a burgeoning pedagogical formation (Keet 2007, p.1) based on human rights universals (Andreopoulos & Claude 1997; Campbell & Covell 2001; Claude 1996; Suarez 2006; Suarez & Ramirez 2007; Tibbitts 2002). Ramirez, Suarez and Meyer (2006) refer to a worldwide rise of HRE. Suarez and Ramirez (2007) chart the ‘dramatic expansion’ of HRE since the mid-1970s and pronounce on the ‘strength and the success of human rights education at the global level.’ (Ibid. pp.22–3) An increasing number of developing countries have included HRE in their education systems since the 1980s (UNESCO 2005). Despite this HRE is under-theorized (Keet 2007; Suarez & Ramirez 2007).

The United Nations defines HRE as ‘training, dissemination, and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and

the moulding of attitudes.’ (UNESCO 1998, p.3) It was first defined in 1948 in the Preamble and Article 26 of the UDHR, which stated:

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. (UN General Assembly 1948, Preamble)

The Preamble makes clear that the UDHR has an instrumentalist educational aim. Teaching and education are declared fundamental to the purpose of the UDHR. They are not simply an element of human rights but tools for achieving rights and the observance of the dignity and worth of the human. They serve the human rights project as a whole. The educational purpose arose in consideration of what should be done with the UDHR once it had been written and this purpose is present in the choice of the word ‘proclaims’, used in the operative paragraph (Morsink 1999, p.20). Morsink notes, ‘The General Assembly *proclaims* this universal declaration of human rights’ (Ibid. pp.320–1) and some delegates felt that the declaration’s main importance was as an educational instrument. This was combined with a legislative importance, that the Declaration was a ‘common standard’ for all nations to achieve. Morsink links HRE closely to the UDHR:

The connection between the Universal Declaration and human rights education is even closer than the Resolution and Proclamation suggest. It is not just that the Declaration is an authoritative exposition of the principles enunciated in the Charter, and not just that Article 26 of the Declaration makes human rights an educational goal. *Human rights education itself is the first and primary purpose of the Universal Declaration as a whole.* The entire Declaration was proclaimed by the Third General Assembly, ‘to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms.’ (Ibid. p.326, italics my emphasis)

The preamble of the UDHR stresses the importance of a common understanding of human rights and fundamental freedoms and that these are values which can be seen as common standards of achievement. These values should be promoted through teaching and education by every individual and organisation. HRE is both an individual and a collective duty and a tool for the promotion of human rights (Baxi 1997). It is instrumental in conception. Article 26 and the Preamble of the UDHR together affirm everyone’s right to education and their right to HRE. The educational dimension of what the UDHR set out to achieve is central to the project.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (UN General Assembly 1948, Article 26, para. b)

Article 26 provides more texture to the kind of education HRE refers to. It relates to human flourishing, supporting the universal rights but also improving respect, understanding, tolerance and friendship between different peoples, including peoples of different religions. HRE is aimed at producing true citizens of the world, imbued with civic values of respect for pluralism, peace, dignity and rights (Baxi 1997). It is about the free and full development of the human personality. It is a high political aspiration resulting from the experience of the horrors of the Second World War.

HRE, therefore, was at its inception and remains today, in UN definitions, a politically conceived force for societal transformation. For example, the UNESCO *World Plan of Action on Education for Human Rights and Democracy* (UNESCO 1993) states that HRE is a force for bringing about such societal change. HRE has the responsibility to bring about accelerated development. Education is a force for global social and political change and is a tool of development. The definition used in the ongoing *World Programme for Human Rights Education* (UNHCR 2005) (a UN initiative to develop and extend HRE in member states) expresses this societal change as the establishment of a universal culture of human rights. The definition of HRE agreed for this initiative reflects how that original idea has grown and developed into a more substantive and all embracing conception:

Human rights education can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to: (a) The strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law; (e) The building and maintenance of peace; (f) The promotion of people-centred sustainable development and social justice. (UNHCR 2005)

HRE includes a combination of *imparting* skills, *sharing* of knowledge and *moulding* attitudes. The transformative dimension of HRE applies to outward global change, conceived through inner personal change.

The legal and political strength of HRE has been bolstered by its inclusion in the *Convention on the Rights of the Child* (UN General Assembly 1989) (CRC), which signatories have a legal obligation to implement. Member states must report on their implementation frequently to the UN. Article 29 of the CRC states that education of the child shall be directed to full human development in its widest sense, and respect for: human rights and fundamental freedoms; the principles of the United Nations Charter; the child's parents; and his or her own cultural identity and values. Competent, well-educated teachers and schools should offer a relevant curriculum to develop 'the child's personality, talents and mental and physical abilities to their fullest potential.' (UN General Assembly 1989) The individual is situated within his or her own frame of individual development, and also in the values framework of the wider community and the environment. Education for the individual is education within a community (Ibid.). Here we see interesting tensions. On the one hand, education is for the liberation of the individual and the development of their particular personal talents and abilities. On the other hand, education is social, communal and involves knowledge sharing and attitude formation. Taken apart, these elements could be strikingly different in appearance, even polar opposites. HRE might be education to liberate the individual from their social setting and community limitations. Alternatively, HRE may be education to socialise individuals into a common moral culture of behaviour. How these different trends are reconciled, balanced or conceptualised is not self-evident from the declarations, which merely state them both as components in the HRE project.

During the 1990s, the international documents on HRE were elaborated and progressively became part of a worldwide educational discourse (Lenhart & Savolainen 2002). In 1995, HRE had gained enough momentum that the United Nations proclaimed a United Nations *Decade for Human Rights Education* (1995–2004) (UNHCR 1994) and after that a *World Programme for Human Rights Education*, the second phase of which is currently underway (UNHCR 2005). By the end of the 1990s, numerous teaching orientated resources were produced which sought to translate educational ideas into strategies, pedagogies and professional practice (Lenhart & Savolainen 2002; OHCHR 2003; Reardon 1995; UNESCO 1998). There was a drive to make HRE an integral part of mainstream education, integrated into all subjects and, in the UK, especially in citizenship education (Gearon 2003a, 2007; Smith 2003), though it is notable that the phrase 'human rights education' is not used in UK curriculum documents or government education policy.

HRE now includes a diaspora of educational projects from peace education (Tibbitts 2008) to citizenship (Osler 2000), from education for sustainable development to personal moral development. The *common standard of achievement* in the Preamble has become the *universal culture* in the new definition. The new definition reflects an acknowledgment of the concerns of specific group rights, especially women and indigenous peoples, the concern for participative democracy and the ongoing need for peace and also reflects the more environmental moral consciousness of the present age. It has enlarged to include developments in rights themselves (Gearon 2003b) and therefore reflects the evolution of human rights in the international sphere. HRE is not simply restricted to schools or professionals but rather, ‘human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies’ (UNHCR 1994).

HRE has slipped into the language of a number of different bodies, organisations, governmental and inter-governmental structures (Suarez & Ramirez 2007; Tibbitts 2002). It is not the exclusive preserve of the UN organisations. HRE projects were initially found in the work of non-governmental organisations (NGOs) and educational non-profit organisations in informal education and popular education. More recently, HRE has become prevalent in a wide range of different settings throughout the world including inter-governmental agencies such as the United Nations, the Council of Europe, the *Organisation for Security, Cooperation and Education in Europe*, the *Organisation of America States* and the *Association of Southeast Asian Nations*. It is found in formal education of all levels. It is present in training for many different professional groups including social workers (Hodgkins & Newell 2002), teachers (Osler & Starkey 1996, 2010), lawyers (Wilson 1997) and police officers (Andreopoulos 2002).

A broad range of different organisations, groups, and actors have taken leading roles in the HRE movement. These include a number of inter-governmental organisations and prominent here are United Nations bodies including UNICEF (2008), UNESCO (1998) and the *Office for the High Commissioner of Human Rights* (OHCHR 1999, 2003), as well as regional inter-governmental bodies such as the *Council of Europe* (Starkey 1991b). In addition there are non-governmental organisations involved, such as *Amnesty International* and *Liberty* (Branson and Philips 2005). In some parts of the world professional organisations have taken a leading role, as was the case with the group *Lawyers for South Africa* and there are also a number of academic originations

including the *Human Rights Education Associates* (<http://www.hrea.org/>) and the *People's Movement for Human Rights Education* (<http://www.pdhre.org>) (CEDAL 1996). This has led to a huge range of outputs, including declarations, resources projects and programmes so numerous as to fill a number of substantial databases (Lebmann 2002).

Ideas about peace education and international education have converged with human rights and the inter-governmental institutions and structures of the UN. HRE is politically motivated and instrumentally conceived. It has emerged through the aegis of international and inter-governmental agencies but it is also found in NGOs, development organisations, pressure groups and educational institutions. It reflects a desire for peace and universally shared values, rather than a particular educational understanding and, as such, takes many different educational forms. In the post war period, HRE received the resources of global institutions and became an international movement. For some, its significance for the future of the world is unparalleled:

The creation of a global culture of human rights appears to be the only means by which the universal goals of peace, development and democracy can be achieved... Education has a crucial role in promoting a culture of human rights. (Osler & Starkey 2005c, p.37)

HRE constitutes an international influence on national moral education and a unique contribution to education. Because human rights in the twenty-first century are international, with international agreements and conventions that are widely known, HRE provides a footing in the curriculum that is supranational. Just as it can offer a position of consensus within diverse societies, it can provide an influence from a perspective of international or global consensus. This is cited as being particularly important in post-conflict settings. Bertrand Ramcharan functioned as the *High Commissioner for Human Rights* and *Under Secretary-General of the United Nations*. While at the United Nations, Dr. Ramcharan served in the *Center for Human Rights* and acted as *Political Advisor to the Yugoslav Peace Negotiations*. From his perspective, human rights education plays a crucial role:

'Last year, I completed a mission in 16 Central Asian countries during which it became clear to me that however poor a country, whatever difficulties a country may have, attaching importance to human rights education can really help to take the cause of human rights forward.' (Ramcharan 2005, p.75)

From his work in the Yugoslav peace negotiations alongside *US Secretary of State* Cyrus Vance, *Norwegian Foreign Minister* Thorvald Stoltenberg, and *British Foreign Secretary* Lord David Owen, he:

became more and more convinced that if we are to prevent situations of this nature—and I do not have the magic wand but am looking way into the future—human rights education is important. I think that the cultural effects of human rights education and international law are important. (Ibid.)

It is difficult to make empirically founded claims about the effectiveness of HRE as a tool for moral education. Covell and Howe have argued it is effective (Covell & Howe 1999, 2000, 2001, 2005) though the positive effects they identify are characterised mainly in terms of improved school behaviour. They have undertaken a number of their own studies in Canada and the UK to examine the impact of teaching children's rights as a means of promoting rights-respecting attitudes. Covell *et al.* (2002) conclude that HRE clearly gives children a better understanding of rights and can encourage children to learn that they are worthy of respect, have rights and live in a society which is committed to their present and future well being. Covell *et al.* believe these feelings are necessary precursors to treating others with respect and socially responsible behaviour, noting that racial and other kinds of conflict often result from feelings of personal insecurity and poor self-esteem. If children are not taught about their rights they are more likely to equate their rights with their wishes, and fail to understand the rights of all. Teaching children's rights necessitates democratic styles of teaching; teachers and schools must model the rights that children have. Finally, they argue that the classroom atmosphere can improve as a result of taking a HRE approach. Covell and Howe (2005) are cautiously optimistic that HRE can have a positive impact and provide an effective model of moral education but they acknowledge that the evidence is not conclusive. Campbell and Covell (2001) have evidence that HRE among adults has a positive impact on the way children are viewed. They see attitudinal changes as crucial, as these form the basis for behaviours. There are other examples of school based projects which seem to have promising outcomes (Driel 2005) but the evidence is not strong.

Howe and Covell are of the view that one of the obstacles holding back the development of HRE is the lack of appropriate participation in the education structures which children inhabit (Howe & Covell 2000). They argue that Canada does not fulfill its duty of ensuring that children are listened to within education institutions, as listed under the CRC. The CRC takes this element seriously enough to make provision for this a requirement and states that there needs to be legislation for age appropriate participation in the education system. Five years after Howe and Covell published their concerns Jonny observed a similar situation:

Although the participatory rights of children are protected in the Convention on the Rights of the Child, the full exercise of these rights is still largely dependent upon adults for their recognition. Consequently, this raises the concern that children are not treated fairly in institutions such as schools where adults hold a disproportionate amount of power. ... When we consider the philosophical, legal and political justifications for upholding the participatory rights of youth there appears to be a valid claim for creating structures of opportunity that will allow young people to participate in the school environment. From a philosophical standpoint, it is clear that children have the ability to make certain choices. Legally, it would also be prudent for schools to encourage youth participation because it is a fundamental right of children. (Jonny 2005, p.15)

Examples of this are present elsewhere. A report published by UNICEF UK in 2004 noted that in the UK, children feel their schools were only moderately democratic with only moderate levels of participation present (Jarvis 2004). This theme is mentioned in research conducted in Nigeria which revealed serious weaknesses in the extent to which Nigerian children are aware of their participation rights (Ejeh & Akinola 2009). The contexts are quite different but the theme is the same.

In addition to these kinds of concerns, there are theoretical questions about HRE. It is criticised for being under-theorised (Keet 2007; Suarez & Ramirez 2007). Education has long been grappling with human rights related issues such as racism, intolerance, culture and gender without integration with HRE discourse. The sterile association between human rights instruments and provisions and multicultural education present long-standing pedagogical challenges. Both of these result in ‘an educational practice that treats HRE as a declarationist “add-on” and a conceptual educational framework that struggles to comprehend the embeddedness and ontological nature of human rights within education’ (Keet 2007, Ch. 1, p.8). HRE becomes more problematic where religion is concerned.

*(ii) A postsecular age:* The idea of a postsecular context or age arises from a growing consensus among sociologists and others that the predictions of the secularisation thesis have not materialised (Berger 1999; Davie 2002; Heelas & Woodhead 2005). Secularisation theory associated modern development with a diminishing of religion, leading ultimately to its demise. The more modern a society would become the less religious it would be. A fully modern Europe or Britain would be fully secular. However, evidence suggests this process has stalled and some now doubt it was ever inevitable.

Secularisation in the sense it was given in the positivist era has not become verified historical reality on the scale that had been predicted. The places where such a conception may have been historically entertained represent only a tiny part of today’s world. Such a conception has very little chance of succeeding in imposing its model upon the rest of the world. For instance, de-

Christianisation is not a reality in the United States. A decline in religious faith is not on the cards in the Middle East either. Besides, there is a great enduring conflict between secular forms of thought and religious ones. ... [S]ecularism in turn is itself undergoing a crisis, whilst the crisis in religious faith has not gone away. (Balibar 2005, p.47)

Religion remains prominent in modern societies and public life. Rather than there being a linear progression from religious-unmodern to unreligious-modern, modern societies seem much more diverse, justifying the idea of multiple modernities:

Advocates of multiple modernities recognize two very simple things: first that there is more than one way of being modern, and second that not all modernities are necessarily secular...the United States and Europe should be seen simply as different versions of modernity. (Berger *et al.* 2008, p.44)

In Britain this plurality is characterised by two trends. On the one hand there are new forms of religion, while on the other there is growth of traditional forms of religion resulting from geographic migration. Meaning-giving narratives that are not atheistically rational or scientific persist in people's beliefs and values. Europe is arguably unique in that it is rather more secular in its form of modernity than many other parts of the world (Davie 2002), but even here there are many signs that secularisation has stalled and is not universally evident. For example Holland has experienced increased numbers of Muslims and Christians as a result of immigration, Poland remains devoutly Catholic long after the demise of the soviet influence, and Greece still associates its civic identity with Orthodox Christianity, giving it tax benefits and paying its priests. However perhaps the most striking model of the new norm is found across the Atlantic:

The United States, with the undiminished vibrancy of its religious communities and the unchanging proportion of religiously committed and active citizens, nevertheless remains the spearhead of modernisation. It was long regarded as the great exception to the secularising trend, yet informed by the globally extended perspective on other cultures and world religions, the United States now seems to exemplify the norm. (Habermas 2008, p.18)

Habermas observes that the perception of global strife based on religious civilisational clashes underlines the reality that religion seems not to be disappearing. It is prominent in the public sphere.

While the causes and explanations of this trend receive different explanations, its existence cannot easily be refuted as it has become widely acknowledged in sociology, philosophy and theology (Berger 1999; Boeve 2007; Davie 2002; Habermas 2008; Heelas & Woodhead 2005), in urban geography (Rajagopalan 2010), art and literature (King 2005; McClure 1995; Roberts

2008). A postsecular society is not necessarily one which has been re-spiritualised or re-Christianised but rather, '[P]ost-secular societies are neither religious nor secular, they do not prescribe or privilege a religion, but neither do they actively and intentionally refrain from doing so.' (Dalferth 2010, p.317) Thus the context is postsecular in that it constitutes a paradigm shift of perspective that no longer rests on the assumption of a theory of secularisation. The religious situation in Britain has been transformed by ongoing processes of detraditionalisation and pluralisation. These are evidenced in trends that show movement from secularity to detraditional spirituality (believing without belonging), as well as an increasing diversity of religions such as the growth of Islam and Pentecostal Christianity (Boeve 2007). The movement from secularisation to detraditionalisation and individualisation is evidenced in the growth of identity construction in understanding self, values and life choices. Pluralisation refers to plurality of forms of religion and spiritual expression within religious groups, between religious groups resulting from geographic migration and the blurring of boundaries of groups (Jackson 2004). These trends combine to form a much more complex picture than that suggested by notions of religious decline and secular growth.

Human rights are frequently interpreted as a sign of a secularisation process, expressing shared values unconnected or unrelated to religion as suggested by some leading human rights scholars (Donnelly 1982; Henkin 1998; Klug 2000). The recognition of a postsecular context requires some adjustment of this perspective.

*(iii) Education in the postsecular age:* The emergence of a distinctive postsecular discourse includes reflections on education. Some suggest that what is needed is a reversal of what they perceive as a secularisation of knowledge and learning. Schmalzbauer (2007) observes that in the American academy, scholarship was seen as having little to do with religion; Athens had little to do with Jerusalem:

More recently, mainline Protestant, Catholic, and evangelical scholars have lamented the exclusion of religious perspectives from academic discourse. Though they have taken very different positions on the relative merits of secularisation, both the secular and religious accounts of higher education concur on one major point: religion has had little to do with scholarship in the modern university. (Ibid. p.1)

They suggest that something close to the secularisation of knowledge did occur:

In the language of secularisation theory, the relationship between religion and the making of

knowledge was reshaped through the processes of privatisation, differentiation, and rationalisation. Once central to the public discourse of professors, religious faith became a private matter best discussed in the spheres of home and church rather than in the classroom. In a structurally-differentiated university organized along disciplinary lines, theology went from being the 'queen of the sciences' to a marginal field confined to seminaries and departments of religion. As scholars embraced a vision of scientific objectivity closed to spiritual values, religion was pushed to the margins of academic research. (Ibid.)

The postsecular period is marked by academics rethinking the place of religion on college and university campuses, with conversations focused on religious literacy and the contrast between religion and spirituality. Some focused on religion in the light of specific traditions or communities of faith, while others focus on concerns such as personal meaning and civic engagement (Jacobsen & Hustedt Jacobsen 2008).

Schools are also drawn into this discourse in terms of curriculum provision and exclusions for students of particular religious traditions. Frequently these have been associated with the question of religious dress in schools, questions about the nature and place of religious education and sometimes aspects of the science curriculum and also critical debates about the place and appropriateness of state funded schools of a religious character. These can touch any aspect of school life. Reich observes:

The question of whether Muslim students should be obliged to attend compulsory swimming lessons in public primary schools has been widely discussed in both the legal and political arena after a decision by the Swiss Federal Supreme Court in 1993 found such an obligation to be unconstitutional. (Reich 2009, p.754)

Educational institutions that might have considered themselves secular in such a way that made religious dimensions irrelevant may be required to rethink their stance. Habermas argues that both religious and secular mentalities must be open to a complementary learning process if we are to balance shared citizenship and cultural difference and also:

[S]ecular citizens in Europe must learn to live, the sooner the better, in a postsecular society and in so doing they will be following the example of religious citizens, who have already come to terms with the ethical expectations of democratic citizenship. So far secular citizens have not been expected to make a similar effort. (Habermas 2006, p.4)

However he is cautious to note that not all societies show postsecular features:

A 'postsecular' society must at some point have been in a 'secular' state. The controversial term can therefore only be applied to the affluent societies of Europe or countries such as Canada,

Australia and New Zealand, where people's religious ties have steadily or rather quite dramatically lapsed in the post-War period. These regions have witnessed a spreading awareness that their citizens are living in a secularised society. In terms of sociological indicators, the religious behaviour and convictions of the local populations have by no means changed to such an extent as to justify labelling these societies 'postsecular'. Here, trends towards de-institutionalised and new spiritual forms of religiosity have not offset the tangible losses by the major religious communities. (Habermas 2008, p.17)

The UK can be included among the affluent societies of Europe.

The conceptualisation of human rights as a secular alternative to religion (Donnelly 1982; Henkin 1998) raises critical questions in the light of this postsecular thinking. Can such a conceptualisation remain in the light of modern societies in which religion or religions remain important features? This conception may polarise human rights against indigenous situations where subtle cultural forms and narratives important to those indigenous self-understandings, may contain elements that conflict with aspects of human rights. It may delegitimise local understandings and commitments. In a post-colonial context such an approach seems problematic. Alternatively if human rights can be conceived as values that may be underpinned or supported by religions (Dietrich 2007; Hollenbach 1979, 2002; Mahoney 2008; Perry 1998) then this difficulty may be averted. However, some might fear this in turn would undermine the rights themselves as Howard and Donnelly suggest (1986).

HRE, if conceived as a secular alternative to religious and moral education, is rendered problematic as well. It may seem discontinuous with educational endeavours which enquire into religious and spiritual value forming traditions and narratives, and seek for inter-religious understanding and peace. These enquiries are legitimated only in so far as they accord with human rights universals. They are superseded when they are not in accordance. It is not clear how religious education may be of value in this situation except in a subservient role, as a cultural curiosity constrained by approved parameters. What then of the kinds of learning that take place within RE, and the extent to which religions may be valued as sources of knowledge or meaning that is significant? The subject seems to become something of marginal importance. Alternatively if rights education is sensitive to religious differences and the value that religions bring as sources of understanding and meaning of morals and other principles, then religious education may be viewed as critically complementary to HRE, providing what might be a strong foundation that is embedded in a narrative that has been lived out through communities. The question of the relationship between HRE and religion, and also religious education, is made more complex in a postsecular context.

## **Part Two: Diminishing roles of religion in HRE**

Religion is framed as a diminishing force within HRE. It is variously conceived as a challenge or obstacle for HRE, something that must be verified or audited in HRE or something that should be replaced with HRE. These roles diminish religion in distinct ways though they also overlap one another.

*(i) Religion as a challenge for HRE:* Human rights in the late twentieth century came to be seen as a secular non-religious expression of values (Gearon 2002; Klug 2000) developed in secular government and inter-governmental agencies and reflecting a pragmatic agreement (Nickel 2007). Religious differences presented a challenge in the drafting stage of the UDHR (Glendon 1999). There were few attempts to justify human rights and their universality, but the commission of philosophers and theologians established to prepare the Bill in the 1940s did explore the issues. The representatives from China and the Lebanon initiated a discussion and before long the Yugoslav, French and English representatives were arguing over which came first, man or society. India's representative argued that the key thing was to affirm faith in human rights and avoid ideology, but others challenged this stating that whatever was said, all had ideological presuppositions. In the end the Chair, Eleanor Roosevelt, moved matters on though the issue returned sporadically. In these discussions, the attempt to find a common philosophical or theological rationale was unsuccessful. In the light of this experience, religion might have begun to appear unhelpful for establishing and maintaining human rights. There is little mention of religion in the early conventions or declarations, nor much awareness of or sensitivity to religious differences affecting the application in local situations (Gearon 2003a, 2008).

One of the themes of HRE texts is the characterisation of religion as a problem for rights. Mention of religion is commonly found in discussions of human rights problems such as conflicts, the tension between group rights and individual rights and the clash of religious morals and human rights values (Osler & Starkey 2010, p89, pp.91–93). Religion is thus viewed as a challenge for human rights education, reinforced by the evidence that religion has been an opponent or a violator of human rights (Gearon 2002).

An example illustrates this dynamic. Osler and Starkey, contributors to thinking on citizenship and human rights education in the UK, offer some examples of HRE that avoid religious connections (Osler & Starkey 2005a). They describe how a Primary headteacher took a human

rights education approach to a multi-denominational primary school in Ireland with reported successful outcomes in term of participation, ownership, behaviour and learning about human rights (Ibid. p.148). This school was independent of religious authorities and the moral framework adopted by the school was based on human rights with no reference to religious traditions. It was not clear whether religious or philosophical resources were drawn upon to inform the moral education framework and inter-religious dialogue does not seem to have been part of the project. The relationship between the philosophical and religious narratives that contextualise values important for understandings of human rights is not a priority in this perspective, and the implication is that it is an obstacle. In addition it is unreasonable to generalize about the about the place of religion in HRE in the context of plural societies from particularised examples of monoreligious or highly sectarian contexts.

Approaches to citizenship in France follow a ‘civic republican’ model around abstract universal terms and include human rights education (Kirwan 2005). These focus on legal conceptions of human rights with no reference to ethnicity or religion (Brubaker 1998). Starkey notes that in France, the school’s key role is the socialisation of citizens into a single national culture based on the human rights principles (Starkey 2000). Such an aim is questionable in that it reduces people to a single dimension, rooted to a single civilisation, something that fails to adequately acknowledge multiplicity or complexity within identity (Sen 2006).

*(ii) Human rights education as the auditor of religion:* Osler suggests that human rights offer procedural values of tolerance, mutual respect and dialogue and peaceful resolution of differences, which provide the framework for handling difference in a multicultural democracy (Osler 2005b). She suggests that this model can be used in schools to develop an approach which allows young people to see themselves a part of a total community while respecting and taking account of relevant differences to ensure genuine equality. Here human rights are advanced as an auditor of different moral codes, but it is not clear what happens when a cultural or religious moral code fails against a particular interpretation of the human rights standard. A particular reason for this concern is that divisive nationalistic ideas can be reinforced in religion classes:

Europe's regional human rights agency, the Council of Europe, is working on developing a ‘culture of religion’ subject that takes an ‘ethics’ and ‘human rights’ based approach to religious teaching, in order to provide an alternative to governments that currently offer required religion classes that can be a source of division and ethnic nationalism, as in Serbia-Montenegro ... HRE has been linked with local and national efforts to fight racism, xenophobia, anti-semitism and the extreme right. (Tibbits 2006, p.2)

There may be moral codes which are incompatible with human rights, as Freeman suggests (2005). If such a code is based on a profoundly held religious belief it is unlikely to be set aside easily, even through a democratic discussion process, assuming such could be fairly established and operated in schools. Underpinning this approach is a commitment to the western idea of liberal democracy (Donnelly 1982) so this approach cannot itself be free of claims of imperialism. Nevertheless, seeing HRE as providing the process to engage with the discussion and sharing of different values and traditions has some merit as it draws attention to the educational processes on which any HRE programme is dependent. Indeed dialogue has been central to religious traditions for thousands of years and is important to education (Stern 2007, p.63).

A related challenge presents itself to NGOs working in non-western countries in informal HRE programmes. Here the risk is that a sense of superiority might disregard local culture, ironic given that modern human rights were borne out of opposition to Nazi imperialism and its ruthless treatment of cultures it considered dispensable (Freeman 2005). Transformative education theories have been accused of imposing external cultural expectations (Bowers & Apffel-Margin 2005) and the dangers of exploitation in the globalised world are well identified (Castells 1998). Appiah proposes a cosmopolitan solution to this. He argues that cosmopolitanism is humanist. It thinks that no human is alien but resists a form of universalising humanism, such as Victorian mission Christianity, which manifested love of others by attempting to impose their own purportedly superior ways (Appiah 2005, 2006). He thinks there is a simple choice. We can either follow a kind of universalism which is sensitive to the ways in which historical context shapes the significance of a practice, or an anti-universalism that protects difference by taking each community into a moral world of its own. What this sensitivity means or entails is not clear.

*(iii) HRE in place of religion:* Religion can be portrayed as a profoundly negative force, deeply opposed to human rights. Extremist examples have been used to justify an argument that religion is inappropriate in any moral education venture (Davies 2008). Using human rights as a basis for moral education encourages a sense that the UDHR reflects normative and universal cross cultural moral truths. It implies that human rights exist in an objective sense not unlike Plato's Forms (1997). Their professed universality and inviolability give human rights the status of absolute ultimate values. HRE therefore can be conceived as a substitute for a form of moral education previously defined by divine revelation, but where political agreement replaces divine

authority. The democratic nature of human rights (democratic insofar as they were agreed at an inter-governmental level and reflect the will of the governments of the world) lends them a pragmatic weighting, but they could equally be a pragmatic necessity. The passion with which human rights can be held, especially by rights activists, can make it almost taboo to question their existence. At a Human Rights Education International conference at Roehampton University in June 2005, Dr Linda King, *Chief Section of Education for Peace and Human Rights* at UNESCO (Paris) felt obliged to begin her presentation with the claim 'I believe in human rights' after a critical philosophical treatment from Professor Terence McLaughlin, which had explored a more cautious attitude towards them based on Richard Rorty's view that they are sentimental in nature, rather than rationally justified moral norms (1993). HRE could be seen as education in absolutes, perhaps not unlike the teaching of faith and morals in some Christian traditions. It follows that if human rights are adopted to be taught and followed, they may in the minds of teachers and pupils take on the kind of authority previously afforded to religious maxims.

The historic nature of the agreement of the UDHR becomes a portentous moment, a revelation to a war torn world. People who see human suffering may be powerfully motivated by what they see to become involved in campaigning for the oppressed, working to alleviate their suffering. In feeling compassion for these victims, the desire to bring about change may alter their perspective of human rights such that these become visible manifestations of their passionate desire for justice. This is the kind of sentimentally based concern for the human condition that Rorty points to. However, human rights may become believed in, in the sense that a conscience, intuition or feeling may tell you an injustice is occurring. Felt in these terms, human rights take on a metaphysical quality, masking philosophical or educational shortcomings or other theoretical problems (Davies *et al.* 2005).

In placing human rights at the centre of the belief system, their philosophical integrity becomes a critical test to their validity. Put another way, if human rights are attempts at expressing other beliefs in certain values or theologies, such as dignity or equality, then their imperfection or need for refinement is no obstacle to their justification for they are notions that point to the values, rather than the values themselves. If they are offered as the only, and final way forward, as some human rights educationalists suggest (Osler & Starkey 2005a, 2010) then their philosophical rigour matters more so. In philosophy, the position of human rights is more tenuous than the legal structures and political declarations suggest. The importance of international political agreements and institutions give human rights an aura of foundational value, an underpinning of

the global morality which they profess to express. On closer inspection the international documents refer to dignity and other values as foundation concepts, rather than claiming rights are themselves the foundational ideas.

### **Part Three: Critical issues for a human rights centred education**

In different ways, HRE places ideological legitimacy for the moral education programme on the integrity of human rights alone, with no dependent or associated reference to one or more philosophical or theological traditions. The integrity of the moral education espoused rests on the ability for rights to stand on their own. In this approach it is implied that we no longer need to discuss which values we should adopt to underpin our moral education, or what these are. We have agreed on them and they are found in human rights agreements. Now we need to get on with the job of moral education. However, there are a series of critical issues regarding the integrity of human rights as ideas which stand independently of any ideology, theology or philosophy. There are philosophical challenges to their existence and there are philosophical traditions which link them to theological or metaphysical ideas. There are other important moral ideas not covered by human rights. They exclude reflection on the nature of the person and human development, and finally, they lead to a narrow legislative form of moral education that may be ineffective and theoretically problematic.

*(i) Rights do not exist:* In philosophical circles, critics fundamentally reject their existence. MacIntyre argues that rights presuppose, ‘the existence of a socially established set of rules. Such a set of rules only comes into existence at particular historical periods under particular social circumstances. They are in no way universal features of the human condition.’ (1981, p.65)

Rights have a specific and local character based on the behaviour that is expected by communities. MacIntyre goes on to argue that the notion of human rights found in the contemporary era is quite unlike anything in ancient periods. As a concept it is dislocated from the major philosophical and theological narratives of society.

It would of course be a little odd that there should be such rights attaching to human beings simply qua human beings in light of the fact, which I alluded to in my discussion of Gewirth's argument, that there is no expression in any ancient or medieval language correctly translated by our

expression 'a right' until near the close of the middle ages: The concept lacks any means of expression in Hebrew, Greek, Latin or Arabic, classical or medieval, before 1400, let alone in Old English, or in Japanese even as late as the mid-nineteenth century. From this it does not of course follow that there are no natural or human rights; it only follows that one could not have known that there were. And this at least raises certain questions. But we do not need to be distracted into answering them for the truth is plain: There are no such things as rights, and belief in them is one with belief in witches and in unicorns. (Ibid. p.67)

MacIntyre is suspicious of moral ideas that are not rooted in human history. He dismisses all accounts of rights because there are no self-evident moral truths in general. This is a rejection of the naturalism of thinkers such as Bradley who sought to locate moral truth in the material world (Bradley 1952) and a rejection of claims that ethics can be intuitively known (Moore 1966). Contemporary arguments for human rights depend upon claims that they are intuitively known but such claims are not to be relied upon:

The best reason for asserting so bluntly that there are no such things as rights is indeed of precisely the same type as the best reason which we possess for asserting that there are no witches and . . . unicorns: Every attempt to give good reasons for believing that there are such rights has failed. The eighteenth-century philosophical defenders of natural rights sometimes suggest that the assertions which state that men possess them are self-evident truths; but we know there are no self-evident truths. Twentieth-century moral philosophers have sometimes appealed to their and our intuitions; but one of the things that we ought to have learned from the history of moral philosophy is that the introduction of the word 'intuition' by a moral philosopher is always a signal that something has gone badly wrong with an argument. (MacIntyre 1981, p.67)

The implication of MacIntyre's critique, if correct, is that HRE would be basing itself on a philosophically doubtful or even unjustifiable belief. MacIntyre (2009) has recently acknowledged the challenges involved in combining personal belief commitments with a philosophical enterprise and these insights seem to point towards the complex relationship of beliefs and rights.

*(ii) Rights have a natural basis:* There are those who argue that rights can have a natural basis. Finnis is a strong advocate of this (Finnis 1980). Others are less ambitious in their attempts to prove natural rights exist but still think they are a component of human rights (Hart 1955; Steiner 1974, 1977). Natural law remains a prominent ethical theory in Catholic moral theology but natural rights are not popular among political philosophers.

This philosophical uncertainty is replaced with pragmatic acceptance. Human rights come to be accepted without the need of a firm foundation. MacDonald argues that there are reasons for this because all values fall into this non-rational and uncertain condition:

There are no certainties in the field of values. For there are no true or false beliefs about values, but only better or worse decisions and choices. And to encourage the better decision we need to employ devices which are artistic rather than scientific. For our aim is not intellectual assent, but practical effects.... [V]alues, I think, concern only behaviour. They are not known, but accepted and acted upon. (Macdonald 1982, p.40)

Rights need to be believed in or held to, but that belief or holding is not something with a solid rational foundation.

People no longer believe in "ultimate" foundations; they no longer dream of essences. If what remains instead is the inability or impotence to act, then there has been an unequivocal loss: Only philosophers in their classrooms can afford the luxury of not taking practical decisions; not so the man in the street, the politician, the head of state. (Pera 2006, p.19)

In this case HRE might rightly be called a form of 'secular' metaphysical moral education, driven by pragmatic need. Rights are not true but simply useful or effective. Whether this kind of pragmatic belief is resilient enough for the demands of moral decision-making, especially when presented with unpalatable options, is unclear. The lack of convictions runs counter to what is observed amongst human rights activists. Those who campaign passionately for human rights and against the violations of those rights seem motivated by a more powerful and fundamental conviction than a pragmatic belief in effectiveness. The belief is sustained by a profound sense of justice or righteousness, moral outrage or human compassion in the face of human suffering; in short a meaning-giving narrative or framework that is philosophical, ideological, religious, spiritual or metaphysical in origin.

Richard Rorty, responding to the difficulty in establishing a solid foundation for human rights, argued that the search for this foundation be put aside:

It would be more efficient to do so, because it would let us concentrate our energies on manipulating sentiments, on sentimental education. That sort of education sufficiently acquaints people of different kinds with one another so that they are less tempted to think of those different from themselves as only quasi-human. The goal of this manipulation of sentiment is to expand the reference of the term 'our kind of people' and 'people like us.' (Rorty 1993, pp.122-3)

For Rorty a key focus of moral philosophy should be the person who is morally impeccable in many ways, but largely indifferent to the suffering of those he or she considers sub-human, those not recognized as beings 'like us'. Rorty's position seems to reflect the position (consciously adopted or otherwise) within human rights education and the human rights movement as a whole.

Yet in appealing to a sense of the universal human, Rorty assumes a unity of humanity that is in effect a foundation.

Whether Rorty or Finnis is correct, each in different ways questions the legitimacy of human rights as a sole basis for moral education. Theories of natural rights point elsewhere to the foundation, human nature, which requires theological or philosophical explanation. Rorty's decision to put aside the quest for a foundation and accept they are soft ideas for manipulating sentiment weakens the idea that human rights can firmly stand on their own.

*(iii) Rights are not the only important moral ideas:* The philosophical question of the existence of human rights is an important one for HRE, but the broad scope of HRE is not about rights alone. It includes peace education, education for democratic participation, education for sustainability and the promotion of tolerance, understanding and friendship between people of different religions and races. These other areas are not inextricably linked with human rights and could be linked to other notions of shared values, such as the idea of dignity that the drafters of the UDHR included for this purpose. Human rights do not exhaust the spectrum of moral debate and other moral ideas offer insights. To make human rights the *central* aspect or foundation for moral education is contentious. Kennedy has observed:

[T]here may be something to the claim that human rights has so dominated the imaginative space of emancipation that alternatives can now only be thought, perhaps unhelpfully, as negations of what human rights asserts—passion to its reason, local to its global, etc. (Kennedy 2001, p.108)

If HRE is the underpinning philosophy of education, then presumably human rights are the foundational framework that supersede and devalue other moral ingredients. But Raz argues, 'if morality has a foundation then it must surely also include duties, goals and virtues, etc.' (Raz 1986, p.193).

Education in rights is education in the rights of others as well as the self, and therefore must incorporate recognition of the rights of others and a duty to uphold them. Duties and responsibilities were identified in the UDHR in Articles 29 and 30:

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights

and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations. (UN General Assembly 1948, Article 29)

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein. (Ibid. Article 30)

The inalienability professed in the Preamble to the UDHR is tempered by the logical necessity to recognize that rights confer some social obligations. They must be held in balance. This raises philosophical questions related to rights and their correlative duties, which become more evident when an analysis of rights reveals some are privileges, some claims, some powers and some immunities (Hohfeld 1964). A right for one to be able to do a thing and a right to be protected from having a thing done against one will have differing kinds of correlative expectation. This raises a degree of complexity about rights and a number of unreconciled debates (Jones 1995; Perry 1977; Sumner 1987). Despite the existence of responsibilities and duties within rights discourses, human rights are criticised for encouraging an individualist outlook on moral conduct and failing to capture adequately the fundamental dimension of human responsibility for the other person. Such views are frequently found among conservative religious sources (reported in Gearon 2002). HRE has, therefore, a difficult challenge in somehow addressing both the freedoms and duties present in a rights system. In addition, HRE may find it necessary to question rights, to place them under scrutiny, perhaps in the hope of improving them or covering new situations not thought of before. Article 30 could be interpreted as suggesting this is prohibited, which is surely not the case.

Rights themselves are not the only ideas to contend with in human rights ethics, and not necessarily the best ones. They represent a minimal perspective for moral education, which needs to be supplemented (Fitzpatrick 2007). Human rights are minimum standards, not maximal aims. Moral education should seek to develop the good person, or the person capable of making right decisions by some measure. Osler and Starkey have recently suggested that human rights education represents a minimal approach to citizenship. They suggest citizenship has more 'appropriately ambitious' maximal aims for education, with a focus on democratic participation (Osler & Starkey 2005, p.87). . The argument they make is that HRE may advance some of the way but is not a suitable tool for moral education alone; it must be complemented. This may be the case but current UN expressions of HRE include references to democratic participation.

This criticism can be leveled at narrow ideas of HRE, perhaps of what Tibbitts calls the Values and Awareness model or the Accountability models which are concerned principally with knowledge of rights and their application in academic or professional settings (Tibbitts 2002). Here the focus is ensuring the service provided does not disregard a person's rights. This approach is minimal and fails to fully capture what might be meant by the full development of the human personality and its dignity, a phrase found in Article 26 paragraph 2 of the UDHR. Nor does it satisfy transformative models of HRE, which interpret this phrase most liberally to mean nothing short of a personal liberation of the imagination that in turn drives societal change. This problem arises once HRE has been subsumed in some maximal project, such as citizenship education which Osler and Starkey are now doing, rather than interrelated with that kind of education at a deeper level. This points to the blurred edges of HRE itself.

If there are other important moral concepts that are necessary in the development of human beings, then how do they relate to human rights? If human rights have their own legitimacy independent of these other threads then such threads cannot be significant for HRE, and yet such an account seems unlikely.

*(iv) The object of human rights and human development:* Human rights thinking is orientated around an anthropocentric mode of ethics. The subject of morality is the human person in human rights thinking. If rights are advocated as the principal or exclusive mode of moral thinking, then the subject of rights is a critical element in the equation. While the most recent definitions of HRE include sustainable development in their definition, in practice HRE does not lend itself easily to environmental ethics. All rights are linked to human beings or groups of humans, and exclude natural objects though attempts have been made to address this (Stone 1972). The increasing recognition of the danger of anthropocentric-thinking can be linked to fears about environmental destruction. However the threats of climate change and global warming are related to future generations and moral obligations to those groups. It is possible to develop a rights based perspective on the environment, though it remains only of instrumental value to human beings (Feinberg 1974) rather than a perspective which offers intrinsic value to the environment. Regarding future generations, Feinberg articulates the issue. Can we be bound by rights claims of future generations? These are potential people who may or may not ever exist. We cannot be sure they will ever be actual, in the way a foetus does exist. Rights that transfer generationally are difficult to respond to and there are many arguments against them (Partridge 1990), but HRE seems in practice to be exclusively concerned with human beings in the here and

now. On the other hand, it could be that by cultivating certain virtues in how we treat animals and the environment we may also transfer those virtues to other people. Animal rights education may unconsciously support human rights education. Concern for the environment may lead to concern for the other person.

Yet human rights is a critical issue, not just in terms of future generations and the environmental issues, but also in terms of abortion, where philosophical and theological debates over rights remain highly polarised. In a rights framework the question of whether the foetus or embryo is a person or not has to be addressed before the nature of the rights conflict can be answered. However, there is nothing in human rights to answer the question of whether a foetus is a human person. Other reference points and factors need to be reflected upon before the question of rights can be settled. Human rights thinking does not seem to be able to address the question of what is meant by the word human. Something more is needed to clarify this (for example see Quinn 2007) especially as a historical problem with human rights in general is the way in which certain groups (notably women, slaves and people who followed a religion deemed heretical) were excluded from the designated subject of rights (Baxi 2003).

Linked to the question of the subject of human rights, is the question of the nature of human development. Education is about human development of some kind or another. If education is to be based around human rights so human rights must be viewed in terms of how adequately they account for human flourishing. Definitions of human rights education specifically refer to the full development of the human person or human personality. However, to provide an account of this 'full development' there has been a tendency to move away from rights towards other ideas. This is most evident in conceptions of human development. Thinking about human development has replaced rights in this regard, preferring other notions such as human capabilities. Human capabilities is a more suitable idea than rights as it more adequately addresses the range of ways in which human development may take place (Nussbaum 1999; Sen 1999). These ways are not articulated in the language of rights which tend to suggest rules and powers, rather than what it means to be a fully developed person. Capabilities are more helpful as they help address the question of how people may flourish. It is not necessary here to examine in detail the account offered by the human capabilities approach, nor the extensive literature surrounding it, but simply to identify that human rights have not themselves provided a strong account of human development, which must question their suitability as ideas to form the basis of education as a whole. They have a role to play in terms of accountability but an account of education must be

more attentive to the full development of the human person. HRE needs ideas other than rights to provide this.

To what extent can an approach to teaching human rights take a critical perspective of human rights themselves? While human rights are articulated in laws and agreements, they have changed over time. They are in a state of development and may in future identify areas of suffering that require new or refined rights. There are objections to human rights, some of which are noted above. As such they are not absolute truths and should be open to critique. Can HRE be both self-critical and a source of personal empowerment and transformation? The phrase 'critical' is used by educationalists writing about HRE – for instance Tibbitts suggests that students need to be made 'critical consumers' of human rights so that they may establish a 'critical human rights consciousness'. However this is principally concerned with critically evaluating the situation, identifying a human rights dimension in what is perceived and then making a judgment about what to do. It does not include ethical criticality of human rights themselves (Tibbitts 2002, p.164). In their volume *The Critical Pedagogy Reader* (2003), Darder, Baltodano and Torres note the criticisms made against critical pedagogy, including those that suggest it is ethnocentric and reductionistic for failing to recognize particular groupings including subordinate cultures and women. Historically, human rights have sometimes failed to recognize suffering, or have been written in such a way as to exclude groups (Baxi 2003). Human rights declarations have had to change over time to recognize particular groups and specific rights initiatives (See Gearon 2003b, pp.115ff.). The moral scope of human rights has been enlarged to apply to all human beings and then specific groups who have specific vulnerabilities. This suggests an ongoing need for HRE to be self-aware and self-critical, so that newly identified groups who suffer may be included.

(v) *Legalistic approaches to human rights and effective pedagogy:* Treating human rights as uncontested absolutes has implications for pedagogy as it may lead to a legalistic form of HRE. HRE has legalistic forms which are prominent in law schools (Rowe 1992) and some national curricula as Chapter Two demonstrates. This approach is also common in the Values and Awareness model of HRE which advocates human rights as common shared values, and also the Accountability model prominent in professional training where specific rights regimes need to be understood so that the practice of professional responsibility in acknowledgment of these rights can be undertaken (Tibbitts 2002). This is not surprising as the challenge of negotiating rights conflicts when dealing with difficult moral decisions welcomes the precision and sophistication

of a legalistic approach. Legalistic forms of HRE are focused on human rights monitoring procedures, court cases, codes of ethics and the weighing and balancing of different principles. The audience of this form consists of lawyers, human rights advocates and monitors and professional groups, especially those working with vulnerable groups. Civil servants, medical professionals and journalists are also a key audience. While personal change is not an explicit goal, the establishing of professional responsibility is a key aim with a view that this can bring about social change. Learners are directly or indirectly associated with the guarantee of human rights through their professional roles: 'For other professional groups, educational programs sensitize them about the nature of human rights violations and potentials within their professional role, not only to prevent abuses but to promote respect for human dignity.' (Ibid. p.165) This is illustrated in Andreopoulos' discussion of the work of a *Human Dignity and Policing* course at the John Jay College of Criminal Justice of the City University of New York which attempts to, 'imbue police practice with a heightened understanding of human dignity' as an innate quality possessed by all human beings (Andreopoulos 2002). HRE can be conceived as a legalistic form of moral education.

However, concerns regarding appropriate methodologies for human rights education were raised in a report on the Decade of Human Rights (OHCHR 2004) where such legalistic approaches were found also in schools:

This is also stressed in relation to the school system, since in some countries formal education is traditionally knowledge based, and this approach alone is not conducive to attitudinal changes which are the objective of human rights education efforts. Accordingly, some governments highlighted the need for research on educational methodologies as well as evaluation tools and impact assessment. (OHCHR 2004, para.25)

A critical issue was identified in what was called a 'lamentable lack of synergy between jurists and pedagogists, as well as the lack of coordination between Governments and NGOs' (Ibid. para.26). Tensions arose from combining a legalistic approach to the moral authority of human rights with a transformative and democratic pedagogy. A rights based curriculum that empowers and frees does not sit easily with a legalistic pedagogical approach focused on individual and state behaviour constraints. A legalistic approach tends towards a conception of learning that sees knowledge in propositional terms, and something to be transferred to the learner who remains static in this process. This reflects the universalist declaratory drive in HRE and didactic moral education. It contrasts with contextual understandings in which recognition of difference is important, and with transformative conceptions of education.

Arguably, legalistic understandings of moral behaviour do not empower those suffering oppression. Bauman suggests that treating morality as a form of legal code undermines the capacity by which a person may learn to take responsibility for his or her own moral decision making (Bauman 1993, 1994, 1995). It places responsibility in an expert field occupied by the legalists who must be turned to for advice. This discourages the development of decision capability for the moment when moral dilemmas are actually faced. Moral decisions frequently need to be made when there is no external authority present who can unpick the complexities of the situation. Legalistic approaches might actually undermine human capacity to act morally by encouraging the sense that to be moral requires a sophisticated and rational understanding of the rights regimes. Bauman draws heavily from Levinas in his thinking on moral responsibility, including the notion that moral responses are pre-rational. This also challenges the kind of moral education produced by a legalistic approach that focuses on a rational understanding of the technicalities of rights. It also raises questions about the kind of education involved. Sharon Sliwinski has developed these thoughts with Hannah Arendt's notion of 'thinking without a banister' (Sliwinski 2005). Sliwinski argues that human rights education should attend to ethical responsibility that occurs apart from the rational aims of knowledge, rather than seeking to be an instrumentalised moralised method for securing the future. Human rights judgements tend to be made from a position the person does not occupy at the moment of moral decision. We might think we are providing the learner with moral stabilisers, but such stabilisers undermine the capacity to respond morally. Knowledge of rights does not equate to the will power, character or virtues needed to act on them. It does not provide a guide as to how to apply rights to new contexts and it presumes a vantage point on the situation that the actor does not hold (for instance when dealing with a rights issue where there are conflicts of rights which may not be easily discernable in the moment requiring action). Sliwinski's proposal overturns a fundamental element of HRE, the claim that it will bring about a human rights culture.

Legalistic approaches to HRE are not necessarily going to lead to any of the transformative effects central to HRE. Knowledge of rights in itself need not inform behaviour to others or enhance the appreciation of a person's own situation. Rights presented in terms of the domestic and legal documents fail to capture the context which the individual is living in and therefore may not correctly identify the aspects of life that need change. Legalistic approaches also tend to enhance the status of the institutions, the structures, judiciary and national law makers, to a high level of importance in the delivery and maintenance of rights. For Douzinas, this is the result of a

utopian hope to create a society where no one is despised or degraded, but this has allowed governments to usurp this hope and submerge it in treaties and conventions which dismember and reassemble people in synthetic entities-carriers of rights (Douzinas 2000a). Human rights exist to protect individuals from the state, but there is a danger, especially in state controlled curricula, that HRE will in fact curtail that protection by distortions of human rights in the hands of national governments.

Societal transformation involves individual change. HRE suggests that individual moral education is necessary to realize the social and global human rights project. Laski, writing at the time of the UDHR observed, 'Nor can human rights be made effective in the absence of an educational system which makes possible the full use by the citizen of his instructed judgment.' (Laski in UNESCO 1948, para. 18, 77) Laski sees HRE as having an instrumental and prescriptive influence on pupils' sense of citizenship and moral judgement. He believes it confers a moral compass. HRE is not simply focused on acquiring knowledge of human rights, but an active embracing of rights as a framework of values. This approach to HRE is common in recent efforts to develop school programmes (UNHCR 2005; UNICEF 2008). Curricula models of HRE in formal schooling and public campaigns are commonly conceived in a values and human rights awareness model, also known as a philosophical-historical approach (Tibbitts 2002). It looks at the history of human rights documents and instruments and global human rights issues. It is focused on children and the general public and seeks to establish a cultural consensus over values and legitimises human rights frameworks to inform those values but Tibbitts argues that personal transformation is not assured or likely with this kind of pedagogical approach.

If HRE is to rest authority exclusively on human rights, treating them as unquestionable absolutes, this will tend towards an authoritarian and legalistic approach to moral education which is at variance with the vision of human rights as a liberating force. To pursue it, philosophical objections must be set aside and that is questionable for an educational project. A stronger case would have to be made for the effectiveness of such an approach, and such a case is not yet evident. There are dynamics within HRE that suggest a rather different role for religion than those outlined in Part One. These dynamics address some of these criticisms.

#### **Part Four: Enduring roles for religion in HRE**

HRE literature contains a different set of dynamic relationships that give significant roles to religion. Here religion is variously described as the grounding or basis for HRE, as an important element recognized within HRE and as something interconnected with HRE in distinct ways. These dynamics overlap one another.

*(i) Human rights education grounded in religion:* The early rights movements, that produced declarations and bills of human rights prior to the twentieth century, did not refer to education. At the time of the drafting of the UDHR this almost complete absence was noted. Education was not seen as an instrument for promoting rights despite being one condition essential to their realization and proper use (Kandel 1948, p.231). Kandel, writing in June 1947, observes that it might be that education was taken for granted as a human right and essential for human rights, but he doubts it. The rights of man declarations of the past had expressed the presence of ‘theoretical equality’ while covering an ‘actual inequality.’ In more recent times, Baxi (2003) sees this distinction as a feature of the *modern* rights period (pre-twentieth century) in which significant groups were excluded from being the subject of rights and their suffering largely disregarded by governments and nation states (Ibid.). The omission of education from declarations of human rights represents a political and inter-governmental failure, or unwillingness to consider seriously the implementation of these declarations prior to the UDHR. However it would be a mistake to see HRE as an entirely twentieth century phenomena. Earlier educational movements grounded in religion share traits with HRE.

In the 1960s there was a trend of looking back to earlier movements and sources as predecessors of the human rights and human rights education movement. In 1969 UNESCO published a collection of diverse theological and philosophical sources edited by Hersch (UNESCO 1969). In gathering the sources together the collection formed an anthology drawn from many meaning-giving narratives. It gave credence to the possibility that the foundational values of human rights, and dignity in particular, were spread widely and not found in a single ideological basis. In frequently identifying sacred texts it also alluded to religion as providing some basis for human rights. Scanlon’s documentary history (1965) pointed to pre-modern international education movements. His work contains texts from the seventeenth to the twentieth century up until the formation of UNESCO. The documents from the pre-war era reflect attempts to develop ideas and institutions that later came to be a part of the contemporary concept of HRE. Prominent in

Scanlon's collection and noted also by Buerghenthal and Torney-Purta (1982) in their history of international education, is the work of a seventeenth century churchman, John Amos Comenius (1592–1670) who proposed an international Pansorpic College for furthering peace—*A College of Light*. His works were republished by UNESCO in 1957 and again in extract form in 1965 (Comenius 1965, p.33). John Amos Comenius proposed a school system promoting justice and peace for all. He was a Christian leader, a Bishop in the Moravian Church. His conception of this international education was Christian in origin and linked to the idea of building God's Kingdom on Earth; a duty of a follower of Christ. He wrote that through the *College of Light* 'will come the fulfillment of so many prayers and supplications addressed to God the Father by the whole church for so many ages: "Thy kingdom come, thy will be done, in earth as it is in Heaven."' (Ibid. p.52) At the same time he expressed a clear concern that there was a project of mutual tolerance, 'for everyone to allow all other men to express their own views openly and enjoy in peace what is theirs by right.' (Comenius quoted in UNESCO 1969, p.250) He was particularly concerned about the impact of differences of opinion leading to hatred and oppression. This leads to division in the human race: 'But now, when man is divorced from man, when man is incapable of tolerating his neighbour, when one man is raving against another, what we are witnessing is the veritable downfall of humanity.' (Ibid.) He envisaged the collaborative endeavour for inhumanity to make way for humanity as an educational enterprise to discover, 'what is best, and to that end to bring into agreement their sentiments, their aspirations and their actions. This we shall call conciliation.' (Ibid.) He envisaged an educational and intercultural project through which alignment could be established between different groups on that which is best. While he does not speak of dignity, he expresses concern for the well-being of humanity, peace and *conciliation*. Comenius was a visionary who believed that education could be used to change cultural and moral attitudes. Themes he identified were later to be re-articulated as HRE. Comenius envisaged the educational imperative for intercultural discussion in the common search for establishing how human beings should treat one another. He seems to have been struck by the destruction brought about by division, and the humiliation and inhumanity of human beings.

The College of Light aimed to educate the children of Europe to live peaceably together, 'each in his own sphere should promote the well-being of the human race as best he can.' (Ibid.) The concern for human dignity is implicit, though the phrase used is *well-being*. Comenius saw a value in intercultural dialogue with those who are different. Religion was a more dominating force in European politics at that time and it would have been surprising if it had not been cited in the rationale underpinning education, but Comenius stands out for his attitude towards tolerance

and understanding, attitudes inspired by his faith. Religion might have been thought of as an obstacle to such an endeavour at this time in Europe, but Comenius saw it differently. His educational vision frames religion as a source. There is no evidence of organisations for international education actually being established in the pre-modern era so this is a vision never realized.

In later times with the rise of the Enlightenment movement, less explicitly theological expressions of international education can be found, though they revealed a sense of the importance of diversity. In post-Napoleonic times a number of Europeans were engaged in peace education, including Marc Antoine Jullien, Hermann Molkenboer and the Hungarian Francis Kemeny (Heater 2004, p.244). Kemeny expressed ideas about the presence and complementarity of internationalism and nationalism in all cultures. Kemeny's educational vision was developed. It included institutions and strategies to bring about his ideas in terms of supporting and developing teachers, international agreements about education and statements about the rights of man. Kemeny advocated textbooks to eliminate hatred and racism. Ahead of his time, he identified key themes that came to exist in the modern human rights education era: inter-governmental organisations, idealistic common statements, training and development for practitioners and resources that expressed the values of the ideals.

There are examples of educational movements with echoes of the later HRE movement in operation by the turn of the twentieth century. School Peace Leagues were founded and these stressed the peace and harmony and duties owed to humanity. The aim of the British School Peace League was:

To promote through the schools, international peace, arbitration, and friendship; to study, in meetings and conferences, the problems of racial relationships and the best means of eliminating prejudice; to study the history of the international peace movement; to promote, through lessons in civics, the development of a rational and humane national life and patriotism, and a sense of the corresponding duties to humanity. (Scanlon 1965, pp.7-8)

The ethics of this movement stressed responsibilities rather than rights, but these responsibilities were international and intercultural, rather than national and tribal. This was conceived as a civic duty prior to the formation of the UN.

Though there were peace education initiatives after the first world war (Scanlon 1965), HRE can properly be said to have been created in the UDHR (Kendal in UNESCO 1948, p.232). The

vision found in the international education movement was associated with human rights in the UDHR.

It is with the formation of the United Nations, UNESCO and the *Universal Declaration of Human Rights* at the end of World War Two that Human Rights Education as a phrase is coined. Rights gained an educational dimension. The formation of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1945 is a key step in the inauguration of the modern HRE period. It marked the culmination of years of work by preceding international organisations and pioneers in international education and was and remains a key driving organisation for HRE (Scanlon 1965). In origin it was dedicated to an open educational agenda for mutual understanding and to prepare children for the responsibilities of freedom (OHCHR 1999). It encouraged open access to knowledge for the good of living with liberty and declared that education is indispensable for dignity, ‘Education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill’ (UNESCO 1945) for, ‘wars begin in the minds of men, and it is in the minds of men that the defences of peace must be constructed’ (OHCHR 1999). Education was determined to be a key tool in the project to avoid further humiliation and the denigration of human beings. Education has an instrumental purpose for establishing a world in which the freedom and peace essential for human dignity is to be maintained. The responsibility for member states to provide education is a grave one—a *sacred duty*. It is of the utmost importance to the very *dignity of man*. The provision of education is a necessity for human beings to live in peace. These aims use language that is religious: sacred, dignity, though particular religions and theologies themselves were not referred to at this point. It is difficult to know what is meant by this religious language. It conjures a sense of a duty to the divine, though in this context no divinity is named in contrast to the explicit Christian context of Comenius.

The references to religious texts and religiously motivated movements in the past went further than the international agreements themselves but pointed to an association that people made when they read the words within those documents. It is unlikely that those of a religious persuasion did not make such associations though a grounding of human rights raises its own difficulties:

For the human rights movement, universal human rights cannot rest on theistic foundations. Such supports are not available, or acceptable, to those who cannot share theistic assumptions ... In the end, and at bottom, for the human rights movement insistence on the nontheistic foundations of the contemporary human rights idea reflects a quest for universal acceptance and universal

commitment to a common moral intuition articulated in specific agreed-upon-terms. (Henkin 1998, p.238)

Henkin's argument is that not everyone shares religious beliefs and since the idea of human rights is universal, its success depends on secularity and rationality for it to be publicly accessible. Otherwise, those who do not hold religious belief will have no grounds for a commitment to human rights. The grounding for human rights must therefore be universal, he suggests.

However, others argue that religion provides some essential role for human rights (Tinder 2003, Perry 2007). Perry (1998, 2007) suggests that human rights are incoherent without some kind of belief because human rights claim that the human being has inherent worth and is inviolable. This is the language of the sacred and such language, according to Perry, requires religion. If human rights are based on a claim that human beings are inviolable, then what is this inviolability based on? Perry suggests that at this point some religious doctrine, some meaning giving narrative, needs to be offered such as 1 John 4.8 and 16, and the doctrines of Christian love behind such texts.

A further psychological argument for the necessity of religion is made. The world, according to the postsecular thesis, retains a religious presence. Religion unites people around certain values that reach beyond allegiances to self-interest or family/tribe interest. They create a sense of moral responsibility for others who are not of one's own stock and kin, in ways more effective than trust in human rights alone:

The Problem concerns the step from altruism within a family to the proclamation of universal human rights. The latter, as a principle, has arrived relatively late in human civilisation. Its constant violation also raises doubts about its justification or explanation merely in terms of biological adaptation. That it has been violated in the name of so many tribal gods remains one of the principle reasons why the secular moralist refuses to countenance a theistic premise in the presentation of a humanitarian ethic. There has, however, never been an easier way of getting from the brotherhood of brothers to the brotherhood of man than via an affirmation of the fatherhood of God. Many would say that Freud has cost the twentieth century the luxury of that promise. But whether belief in the supreme worth of every human life, and the action such an ideal requires, can be sustained without reference to the transcendent, is an area unlikely to be laid to rest. (Brooke 1991, pp.346-7)

Brooke observes that it continues to be difficult to universalise the moral feelings we should have for those who are not close to us without reference to a universal authority, such as God. If this continues to be the case we must question whether or not a text such as the UDHR could ever have the hold over people's imaginations that religion exerts without some reference to deeply

held beliefs. For those who have such commitments, they must surely be likely to integrate a universal call to common humanity with their religious commitments. Actively disassociating human rights from such belief systems could distance religious believers from them. Baxi argues that HRE constitutes a plural alternative to theologically based forms of education (Baxi 2006). It is more suited for a secular world; but here he means a plural world, not an anti- or unreligious one.

If human rights need to be grounded on some kind of ideology, philosophy or theology, those who do not hold to any such worldview need to reflect on this if they wish to keep human rights and maintain integrity.

Of course religion could limit the extent of moral consideration for others of a different or no religion, in contrast to the arguments of Brooke. Arguments might be advanced to challenge the belief that Christianity provides a strong moral doctrine. However, the difficulty to establish a universally acceptable non religious foundation for human rights is well known (Rorty 1993), as is the fact that many different religions are able to see human rights as things they could support (Maritain, 1948). An argument against religious morality becomes at the same time an argument against human rights.

*(ii) Recognition of religion in HRE:* Recognition of the importance of the religious dimension in culture has grown in UN declarations. Over the course of the twentieth century a growing sense of the importance of plurality and diversity seems to have influenced HRE documents, resulting from a more pronounced post-colonial awareness. Although human rights have taken a prominent global position as opposed to the rights era of previous centuries which was conceived in national terms, the universal status of human rights are challenged by another feature of the global reality—moral pluralism or even relativism. The universality of a single declaration of human rights for everyone, has been surpassed by particular concerns for group-rights including women's rights, indigenous peoples' rights and children.

The 1974 UNESCO *Recommendation Concerning Education related to Human Rights and Fundamental Freedoms* broadens the idea of human rights education to include personal capacities, attitudes and knowledge with a specific interest in intercultural understanding. It suggests strategies for the development of these different aspects of the human person. It

associated the full development of the person with their cultural context and infers that understanding of and sympathy towards those cultural forms is necessary for HRE to be possible. By 1993 the Vienna Declaration (UN General Assembly 1993) maintained the more inclusive and communitarian construction of human rights education. Specific attention is given to ‘respect for the value and diversity of their cultures and identities’ (UN General Assembly 1993).

The 1995 *Declaration of Principles on Tolerance* (UNESCO 1995b) argued that education (presumably of a particular kind) is most effective at preventing intolerance. It must begin by teaching people their shared rights and freedoms, so that they may be respected, and must promote the will to protect those of others. Education for tolerance is an urgent imperative requiring systematic and rational tolerance teaching methods to address cultural, social, economic, political and religious sources of intolerance and the major roots of violence and exclusion. Education policies and programmes should both contribute to development of understanding, solidarity and tolerance among individuals as well as among ethnic, social, cultural, religious and linguistic groups and nations. It must also develop capacities for independent judgement, critical thinking and ethical reasoning.

Tarrow (1992) has observed that human rights recognizes the particular contexts within which values are formed and that this must be acknowledged in HRE:

[D]ifferent societies define rights in terms of their own historical experience, their values systems and the political and economic realities of the current era. Thus the form and content of human rights education will depend on the values into which societies wish to socialize their children. (Ibid. p.22)

The UN *Decade of Human Rights Education* (1995–2004) reaffirmed these dual obligations of respect for cultural difference and the formation of a universal culture. These apparently divergent aims are sought to be justified by the recognition that individual needs differ, and that some groups of people are particularly vulnerable and are in particular need of protection:

[H]uman rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome and disabled persons. (OHCHR 1994, p.1)

However this also extends to encouraging or supporting different ways of living in terms not solely understood as vulnerability. The *Declaration of the 44th session of the UNESCO International Conference on Education* (UNESCO 1994) sought to establish in educational institutions an atmosphere which will make them ‘ideal places for the exercise of tolerance, respect for human rights, the practice of democracy and learning about the diversity and wealth of cultural identities;’ (Ibid. Article 2.2) develop curricula and resources for educating ‘caring and responsible citizens, open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means.’ (Ibid. Article 2.4) It recommends retraining teachers and others towards professional ethics, moral education, cultural diversity and international standards of human rights and fundamental freedoms with the intention that education is transformed ‘into the practice of tolerance and solidarity, respect for human rights, democracy and peace.’ (Ibid. Article 3.2) Moral education is both education in universal rights, and the encouragement of tolerance of difference.

A UNESCO medium term strategy document, acknowledging the process of globalisation and dialogue between civilisations, noted that equality of dignity is afforded to cultures and civilisations, and that cultural heritage should be safeguarded (UNESCO 2002, pp.135–7). Dignity is also afforded to cultures, not just individual human persons. In HRE, this is a precondition to foster mutual understanding and peace among and between people on the one hand, and to reject any type of extremism. Paradoxically, the globalisation process has often led to disbelief and distrust, which are fertile grounds on which terrorism and intolerance can thrive. The phrase ‘dialogue between civilisations’ seems to acknowledge the debate triggered by Huntington (1993, 1996) which gathered strength after the attack on the World Trade Centre and led to increased concern that cultural and religious identities will be the primary cause of conflict in the post cold war world (Sacks 2002).

The universalist claim that cultural values, and especially moral norms, are not historically and territorially bound rests uneasily against the view that values are context bound and based in local meaning-giving narratives (MacIntyre 1981). Douzinas notes that both perspectives can lead to excess (2000a, 2000b, 2002). The danger of an unbound universalism is imperialism and moral arrogance, which in turn can legitimise oppression and domination. On the other hand cultural relativism and communitarianism can be used in the justification of particular deviations from moral codes to commit atrocities. In a post-colonial context this dilemma is made more difficult

to resolve. Some argue there are specifically Asian values and conceptions of rights which differ from western conceptions leading to different cultural conceptions of human rights (Chan 1999; Othman 1999; Wang 2002) while others think this is simply a cloak for the justification of moral abuses (Christie 1995; Christie & Denny 2001). Some suggest that human rights can be found in other cultures, not simply western philosophy (Chun 2001) but others are sceptical that anything other than a liberal democratic orientation will not provide the necessary freedoms and liberties (Donnelly 1982).

Related concerns are evident from a report on the *Decade of Human Rights Education* (OHCHR 2004), which expressed concern for the dignity and rights of women in particular, with regards to a lack of focus on the issue of women's human rights (Ibid. para. 24). The rights of women and respect for cultural systems may come into conflict with what is considered dignified for a women. Some cultural expressions could be considered a belittling of the dignity of women from other perspectives.

This tension challenges HRE. How does a school that serves a diverse and plural society balance these two objectives and trajectories? HRE was conceived on a global scale, but schools serve local communities with particular cultures and traditions. The *Declaration on the Principles of Tolerance* (UNESCO 1995b) urges there to be social science research in education for tolerance, human rights and non-violence including teacher training, curricula, the content of textbooks and lessons, and other educational materials including new educational technologies. This declaration draws together the ongoing ideas of difference and dignity and reflects a much greater awareness of the challenge in harmonising both ideas around the central moral framework of human rights using the concept of tolerance (of diverse groups) and themes of criticality by promoting capacities of independent judgement, critical thinking and ethical reasoning. Criticality can be a challenge to culture when it raises questions that challenge cultural practices and attitudes.

Taylor's argument for a politics of recognition captures this trend. Noting that societies are becoming increasingly multicultural with increased migration he questions the idea that one culture should impose itself on others. The result is that minority cultures will diminish and vanish. Whether a culture is recognized or not recognized influences a person's identity. The failure to recognize a culture causes damage to an individual or group. Human beings need some kind of recognition and all human beings deserve equal recognition. Taylor writes:

Equal recognition is not just the appropriate mode for a healthy democratic society. Its refusal can inflict damage on those who are denied it ... The projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized. (Taylor 1994, p.36)

Equal recognition can mean one of two things. It can mean universalism – the sense that everyone has equal worth, equal rights and entitlements and equal citizenship. It can also relate to difference, building on the idea of individual identity. Every person should be recognized for his or her particular identity. An individual should not be assimilated in such a way that leads to a loss of distinctiveness and peculiarities. The politics of difference:

asks that we give acknowledgement and status to something that is not universally shared. Or, otherwise put, we give due acknowledgement only to what is universally present – everyone has an identity – through recognizing what is peculiar to each. The universal demand powers an acknowledgement of specificity. (Ibid. p.39)

HRE cannot simply be seen as an uncritical form of multicultural education for in so doing it may never recognize suffering cloaked by the impression of traditional culture and bring about change. Not all particularities could or should be valorized. Nor can it be an imperialist universalism that blindly asserts a totalitarian morality that might equally fail to notice important and valuable yet different expressions of how to live. Postmodern thinkers such as Bauman have reflected on this issue and provide insights that might contribute to a more critically aware conception of HRE (Bauman 1993, 1994, 1995, 2001).

Taylor has reflected on this in a critique of Kantian liberalism, which he argues fails to adequately incorporate the politics of recognition. He asserts that liberalist philosophy ignores the fundamentally dialogical character of human life and the reality that individual identity comes to fullness only in interaction with the world and with ‘significant others.’ He is concerned about producing a hegemonic culture, which constricts the identity of the person by overriding people’s values and alienating minority groups (Taylor 1994). These politics of recognition are expressed in the 1997 *Declaration on the Responsibilities of the Present Generation towards Future Generations*, which strengthened the status of group rights and cultural distinctiveness in Article 7 (cultural diversity and cultural heritage), and states:

With due respect for human rights and fundamental freedoms, the present generations should take care to preserve the cultural diversity of humankind. The present generations have the responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heritage to future generations. (UNESCO 1997, Article 7)

Bauman has noted that plurality of lifestyles, which he refers to as findings, has a value in that the more findings there are, the better the chance that no alternative is overlooked (Bauman 2001). It is as though we must experiment with living in many different ways to find the best ways of life. They are not all of equal value but their value can only be established through long dialogue in which all voices may be heard. Recognition of cultural variety is the beginning of the discussion of shared human values. Habermas argues, 'A correctly understood theory of rights requires a politics of recognition that protects the integrity of the individual in the life contexts in which his or her identity is formed.' (Habermas 1994, p.113) Bauman argues that for a politics of recognition to be possible, a universality of citizenship is a preliminary condition and that the universality of humanity is the horizon that all politics of recognition should orientate towards:

Universality of humanity does not stand in opposition to the pluralism of the forms of human life; but the test of truly universal humanity is its ability to accommodate pluralism and make pluralism serve the cause of humanity – to enable and to encourage ongoing discussion about the shared conception of the good. (Bauman 2001, p.140)

Bauman argues that rights have an expression in this cause of humanity:

If there is to be a community in the world of individuals, it can only be (and it needs to be) a community woven together from sharing and mutual care; a community of concern and responsibility for the equal right to be human and the equal ability to act on that right. (Ibid. pp.149–50)

HRE could be conceived as the promotion of the universality of humanity through sharing and mutual care and an encouragement in the skills, capacities and opportunities for an ongoing discussion about suffering and how the worth of the human person translates into specific ways of acting or living. This is rather different from legislative forms of HRE. Agreement and progress in that discussion may be more likely to encourage, promote and secure human rights than a simple rehearsing of and advocacy for those rights, which a simplistic declarationist notion of HRE might be thought to be concerned about. A critical HRE might also be sensitive to other ways in which human rights are limited in that they do not encompass all of the ways of thinking about morality.

HRE needs a critical consciousness to be able to negotiate this divergence. The existence of rights declarations for specific groups (women's rights, children's rights, rights of indigenous peoples) suggests that the UN has taken a route sensitive to different group needs. In recognizing the specific conditions of certain groups, there is an acceptance that historical context is part of

the engagement with understanding the implications of human rights (Osler & Starkey 2010, pp.94–95). Religious particularity is a feature of the cultural diversity, which human rights now contends with, as well as universalisability through its moral code claims.

*(iii) Religion interconnected with HRE:* Theology and pedagogy can be seen to have similarities with each other, and may even inform one another. HRE is often presented as something that should be personally liberating and empowering, rather than simply a tool for the inculcation of values and ethical beliefs. HRE is commonly described as learning about and learning for or in human rights (Lohrenscheit 2002). Learning about human rights includes knowledge of the origin, history and relevance of human rights and human rights documents and instruments and a focus on human rights controversies. Learning for or in human rights aims at an empowered and active individual. This means coming to understand one's own needs and the influence of cultural, social and political power structures so that empowered subjects can participate in the transformation of society on the basis of human rights. This aspect of HRE has parallels with Paulo Freire's *Pedagogy of the Oppressed* (Freire 1970; Lohrenscheit 2006). It is moral education with an aim, not just of individual moral transformation but global societal revolution.

When understood as transformation, HRE is psychological-sociological. Tibbitts suggests that in practice this aspect is found in non-formal and informal education (Tibbitts 2002). It is focused on topics such as women's development, community development and minority rights. It is focused on vulnerable populations, victims of abuse and trauma and post-conflict societies. It looks to establish personal empowerment leading to personal, community and society change. Meintjes argues that human rights education directed toward the empowerment of participants is 'unique as a pedagogical objective and differs markedly from the goals of other areas of conventionally defined education.' (Meintjes 1997, p.65) As noted above, this form of HRE owes much to developments in South America in the educational influence of Paulo Freire. These in turn emerged at the same time as the liberation theology movement which has many familiar conceptual dimensions (Baxi 2006). The emphasis on the liberating influence of HRE in the initial UN documents has developed with powerful resonances in the field of transformative education. Liberation theology highlights the importance of social as well as spiritual transformation.

Freire (1970) observed that the oppressed adapt to the structure of domination and become immersed and resigned to it. They are inhibited from waging the struggle for freedom and

incapable of running the risks it requires. Realization of this situation was for Freire a critical discovery and a perception of their reality of oppression. Freire wrote of the importance for a person to move from a naïve awareness, which does not deal with the problems, to a critical awareness which explores the problems and is open to new ideas. The process of conscientisation is essential to this process in which the person rejects the oppressive consciousness within, gains an awareness of the situation and finds his or her own language. From this psychological position the person becomes less dependent and can commit to transformation and the building of society.

This educational methodology was understood in theological terms by liberation theologian Gustavo Gutierrez. Gutierrez observes that critical awareness is not a 'state reached once and for all' but rather a 'permanent effort of man who seeks to situate himself in time and space, to exercise his creative potential, and to assume his responsibilities.' (Gutierrez 1973, p.92) The Protestant theologian Moltmann, writing on the ecumenical dialogue surrounding human rights, describes this in terms of self-actualisation of human essence and coming into truth (Moltmann 1984). Baxi (2006) has recently acknowledged these roots, calling HRE a secular or multi-religious form of liberation theology that recognizes that there are some theological roots to HRE. The distinction between secular as anti-religious and secular as multi-religious is important.

Mature human rights cultures are rooted in a permanent ability to engage with violations of human rights and the consequent suffering. HRE requires the formation of networks, institution-building, resource redirection and social and political mobilisation to address the 'life-projects of the violated and create capacities to overturn obstacles to the exercise and enjoyment of human rights.' (Baxi 2006, p.15) Echoing Gutierrez, Baxi goes on, 'It is, in a true sense, a continual collective search for the plenitude of life, for meaning that confirms individual and collective dignity, and for the resources for human coexistence.' (Ibid.) The searching dimension of HRE is important as competition between rights claims are a reality (Sher 1984), such as between the right to privacy and the right to information, or the right to self expression and the right to live happily and peacefully. Steiner argues that genuine rights should never come into conflict (Steiner 1994). The multiplication of rights distorts the picture. Genuine rights, such as the right to life, have been joined by other interests that are not rights, such as the right to health care. The existence of such conflict suggests that these rights are not genuine rights. Waldron argues that rights conflicts might be resolved but it is not a tidy or straightforward process (Waldron 1989). The just exercise of rights is more complex than might first be thought. This is not because of difficulties that emerge from exceptional moral circumstances but quite ordinary situations.

Basic rights such as free speech must be exercised with diligence away from incitement to hatred. There are strongly held political views which are, nevertheless, deeply unpopular with the majority. If HRE is to be successful in the promotion of rights as a practical resource to help moral decision making it must also negotiate competing rights claims as these are essential to the exercise of rights.

Rights deliberation and negotiation is a complex field. I may believe I am doing the best for another person but may mistakenly disregard the rights of others. For example the workers in the Catholic Adoption Agencies believed that they were legitimately doing the best for the children they found homes and parents for, but the UK Government came to a different legal conclusion (Beckford 2010). Perhaps HRE should encourage an understanding of these deliberations between competing rights claims, though this requires a more precise legalistic understanding of rights and suggests a legalistic approach to moral education and moral behaviour. The application of rights and the negotiation of rights conflicts draw on other values, and other beliefs, and so a more detailed enquiry into the applications of rights would necessarily lead back to meaning-giving systems, ‘[H]uman rights studies help students understand why rights such as freedom of religion and belief are fundamental to human existence in an interconnected world.’ (Doorn-Harder 2007, p.105)

HRE is firmly linked to ideas of personal and societal transformation as much as education about philosophy of the history of human rights. This transformative dimension is more attuned to the educational processes and the importance of conscientisation, constant scrutiny of life in the common search for the human flourishing. It is less certain that the current perspective of life and suffering is complete and fully understood, and more practical for coping with the inevitable tensions between local differences and how they may be rooted in meaning-giving narratives and shared universal values.

*Learning to live together: An Intercultural and Interfaith Programme for Ethics Education* (Miyamoto 2008) is an example of an HRE resource that takes a participatory approach. It draws on the experience of educators and scholars from different religious, spiritual and secular traditions, international organisations, NGOs, educational institutions and children, who all share a vision of ethics education, ‘in an effort to realize the right of the child to full and healthy physical, mental, spiritual, moral and social development, as well as the right of the child to education, as set out in the Convention on the Rights of the Child.’ (Ibid. ix) This resource was

produced to promote co-operation between people of different religions, engaging scholars, pedagogues and educators from different religious and secular traditions:

Learning to Live Together is guided by an overall pledge to safeguard human dignity. Its aims are to strengthen children's commitment to justice, respect for human rights, and to build harmonious relationships between individuals and within societies. (Ibid. p.1)

There are interconnections between religion and conceptions of societal reform found in education.

*(iv) Religious groups supporting effective HRE:* Religion might be characterized as supporting patriarchy or other hegemonic structures, but it can equally be linked with attempts to usurp or challenge political power, providing social structures that support the interests of wider social transformation. In discussions about the effectiveness of formal and non-formal models of HRE, religion has been identified as playing a significant role beyond the confines of formal education.

Meintjes has observed that non-formal education projects lack resources and recognition and depend on support from voluntary and charitable resources. In addition the informal approach to HRE provides an unsystematic form of pedagogy (Meintjes 1997, p.76). HRE can only become more effective if it is incorporated into a systematic format or if the target group already have a developed orientation such as critical consciousness. This in turn makes the effectiveness of HRE dependent on the pedagogy and educational institutional structures. It is not enough to dwell on the nobility (or otherwise) of the human rights or the ambitions of the HRE project. This might suggest a more centrally controlled curriculum and approach to teaching, as is offered by state controlled formal education. However if HRE is dependent on state support, funding and direction a further concern emerges. Human rights were principally conceived to protect individuals from the state and Rendel notes that 'part of the teaching of human rights must be concerned with pointing out to students the defects of their own country' (Rendel 1992, p.159). HRE under the control of the state may be directed away from areas of human rights abuses within the state itself.

Among non-formal and informal educational programmes there have been some compelling accounts of the impact of the kind of transformative project in an area closely related to HRE. These may not describe themselves as HRE and may not refer in declarationist terms to the UDHR. They are, however, marked by a concern for justice and development. Mado Spiegler

(2006) comments that there was no social revolution during the hyperinflation in 1989 in Argentina and Uruguay, despite the suffering it caused. Instead a extensive social network was developed providing social solidarity in slum areas, which enabled people to help each other and to handle the problems they faced, 'there was a certain degree of organisation, ranging from common kitchen gardens, collective purchasing, to solidarity through church organisations, etc.' (Spiegler 2006, p.161) Many of these, she argues, were associated with religion and in particular liberation theology which prompted increased activism in the church, and led to the formation of thousands of basic communities. She notes:

In 1997, the ninth meeting of Brazilian Catholic base communities brought together upward of 2000 delegates from 240 of Brazil's 255 dioceses. Also participating were 65 delegates from other Latin American countries, and 56 of Brazil's 278 active bishops, dozens of representatives of Protestant Churches, and representatives from 33 indigenous peoples. (Ibid. p.162)

Spiegler observes that these kinds of movements tend to be unobserved by the outside (i.e. non-religious and/or governmental) audiences yet represent a form of personal and societal movement that is genuinely transformative, even if it is not the kind of social revolution some (especially those opposed to religion) would wish to see. This account is not of itself evidence for the effectiveness of human rights education in its transformative model but it is an important indicator of where evidence may be found. Thinkers and activists in HRE have become increasingly interested in this kind of expression of human rights, for instance as shown in the special edition of the *Journal of Intercultural Education* with its focus on Transformative HRE (Tibbitts 2005). This reflects a combining of Mezirow (instrumental in initiating the theoretical field of transformative learning), alongside Freire's conception of critical consciousness (Ibid. p.110). Examples of non-formal and informal projects which show rather more promising impact can be found in Turkey (Ilkcaracan & Amado 2005), Argentina (Chiarotti 2005) and many other countries (Nazzari *et al.* 2005). These are marked by locally determined features and adopt forms affected by local culture and religion.

There is evidence from a number of sources that HRE has value and is effective in a number of different forms. Added to this is the considerable inter-governmental and non-governmental support for and interest in HRE. Despite theoretical and practical challenges associated with HRE, it would seem to have merit.

## Conclusion

As non-religious secularity is not an inevitable outcome of modernity, and societies sometimes become religious in new and different ways, religious contributions to human rights education take on a greater significance, particularly as the aim for friendship and understanding between religious groups is a component of HRE. Recognition of religion and its significance for many aspects of HRE seems a minimal position. An interconnected understanding of religion and rights is particularly important in HRE, given the theological and pedagogical connections. While religious foundations will be opposed by secularists, it is difficult to disregard the evidence that HRE projects are often religiously understood and activists are motivated by religion. Henkins' challenge to attempts to base human rights on religious foundations can be countered by an argument that they may be based on multiple justifications. Basing human rights on a plurality of justifications is more achievable in a plural religious world and more realistic in light of the failure of the secularisation thesis. These arguments support an inclusive model of HRE that is aware of religious and theological interconnections with human rights, rather than one that is secularist and/or one that disregards religious dimensions.

A religiously inclusive approach to HRE allows for a more adequate exploration of the connections between beliefs and philosophies and human rights. Human rights are not rationally indisputable and as an educational enterprise it would be problematic for HRE to suggest they were. As Keet puts it:

HRE often portrays human rights articulations as unproblematic and beyond contestation. It is questionable whether this approach can be regarded as educational because it certainly exhibits, as do many other educational forms, anti-educational potential. (Keet 2007, Ch. 1, p.8)

HRE is situated within a number of critical tensions. On the one hand it promotes the notion of a common culture or rights, yet at the same time seeks to respect individual and cultural difference, through the pluralisation of rights declarations focused on specific groups and the promotion of tolerance and understanding of diversity. In line with these two divergent impulses, HRE takes shape along diverging pedagogical lines. Legalistic forms of HRE adopt a knowledge transfer idea of learning where rights knowledge is propositional, passed from the community to the individual, as a tool for socialisation and continuity. Legalistic HRE may be viewed as morally conservative, emphasising behaviour boundaries and limitations, acting in a role that legitimises and delegitimises actions. Authority for moral behaviour rests with the rights themselves. Here

the challenge is how to ensure HRE is radical enough to improve society – to recognize suffering that may be socially accepted or ignored.

Transformative forms of HRE are centred on individual and societal change. The person is viewed as an agent of change, rather than continuity, someone who can evolve in fundamental ways contributing to wider community and societal change. The change required is liberation and freedom from injustice and suffering. For society the structures of life are moved from forms that are unjust to forms that are just. Here authority rests in the new way in which the individual perceives the world around them, rather than rights themselves. Their agency is bound to the need to change or be changed themselves, and their responsibility to change society. Here the challenge is to ensure HRE is not so unfettered as to become reinterpreted or misinterpreted for any ends. A further challenge rests in the question of who authorises the change and what kind of change is approved.

Interpretations of HRE portray the relationship with religion variously. On the one hand there are difficulties with religious differences and the rights clashes resulting from religious issues. This may encourage a tendency to see the morals of religion as things that must be validated by human rights, or indeed human rights as a replacement for religious values and narratives. However the more one leans towards this interpretation the more one must address the philosophical challenges to human rights. For rights to be an authority in themselves as central ideas in moral education, they must have some robustness and integrity. On the other hand there are interpretations of human rights that see religion as more closely associated with rights. Religious sources provide a grounding for human rights for some. There is a sense in the literature that religion needs to be recognized as a significant feature of cultural life and that some good can come from allowing for a plurality of approaches to life. This inevitably leads to difficult questions about the two diverging desires, one for universalism and the other tolerance of difference, but it also reframes the educational endeavour from one which sees HRE as some kind of transfer of normative and abstract knowledge, to one which might be more interested in the discussion between different ways of flourishing in life. There are also some compelling reasons for seeing religion as having important conceptual parallels with HRE especially in the form of liberation theology and the links with critical literacy and transformative education.

This review reveals a range of interpretations in the treatments of religion by human rights education. It is a complex and interconnected picture against which, in Chapter Two, we can consider the examination of the place of human rights in the English secondary curriculum.

## Chapter Two

### Human rights and the English curriculum

The *Universal Declaration of Human Rights* (1948) encouraged signatories to promote human rights as a central aim of education. In recent years there has been a change in emphasis in the English curriculum aims, from a general inclusion of rights and responsibilities in the moral education of children, towards the specific commitment to human rights (QCA 2007b). This chapter examines the place of human rights in English secondary school curriculum documentation in the light of these aims and the international declarations. It focuses specifically on Religious education (RE) and Citizenship education (CE) though human rights have previously featured in different curriculum areas such as history, and personal, social, health education. The chapter provides a regional curriculum perspective to complement the perspective of inter-governmental agreements and educational literature in Chapter 1. Along with Chapter 1, it provides a setting within which the main conceptual study of dignity is located and a context for which a re-imagined form of HRE will be proposed in Chapter 7.

The chapter researches three areas. *Part One: The aims of the curriculum and moral education* examines references to rights and the worth of a human person in National Curriculum (QCA 2007b) documents and whole school approaches to human rights. *Part Two: Religious Education* examines the place of rights in the RE curriculum. Here, there are three sources for this curriculum: the non-statutory national guidance documentation for RE, a sample of 42 of the 151 statutory local agreed syllabuses and the GCSE Religious Studies specifications of the four exam boards. The sample was taken of local authorities from across all geographical corners of England and includes urban, rural and mixed areas. The results of the survey show that human rights receive widely differing treatments in RE reflecting different messages and interpretations about the link between rights and religion. *Part Three: Citizenship Education* explores the place of rights in National Curriculum (QCA 2007b) documents and GCSE exam specifications for Citizenship education or Citizenship Studies. Rights are a major focus of CE, in some cases defining the subject. CE has become the home of human rights as a topic in the curriculum in the last decade. *Part Four: Religion, plurality and dialogue* discusses the findings of the review and relates them to the findings of Chapter 1. It suggests the treatment of human rights is spread across RE and CE with little awareness of, or direction towards the important connections between beliefs and philosophies and human rights issues and structures. This is inconsistent

with the professed aim of the curriculum. The chapter concludes that important insights on human rights could be gained if these two curriculum areas were related. Some bridging between the subjects would provide a more holistic human rights education, and would more appropriately reflect the connections between religion and rights. This complements other arguments for better integration and collaboration (Jackson 2003).

This approach does not reveal what kind of teaching of human rights is actually taking place in classrooms. Empirical research into the schemes of work, lessons themselves and investigations of pupils and teachers on a statistically significant scale would be needed for this. However curriculum documents are important indicators of the intended trajectory of the curriculum and reflect policy makers' perspectives of the subject areas and the kind of learning they seek to encourage. They will reveal the extent to which initiatives and trends observed at the inter-governmental level are reflected in a regional setting.

### **Part One: The aims of the curriculum and moral education**

The *Universal Declaration of Human Rights* (1948) expressed a commitment to a range of human rights that was more expansive than rights declarations of earlier centuries (Klug 2000). It expressed moral obligations to which the signatories pledged themselves to aspire (Hunt 2007, p.204). They are advanced in international agreements defining a moral standard and articles on education state that education should in part be focused on the promotion of these rights. The *Convention on the Rights of the Child* (UN General Assembly 1989), of which the UK is a signatory, states that education should be directed to, 'the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.' (Ibid. Article 29)

English curriculum documents have in the past refrained from articulating a vision of moral education that is similar to aims of HRE expressed in the international agreements. After the UK signed the *Convention on the Rights of the Child* (CRC), consideration was given to the place of moral education. Sir Ron Dearing, chairman of the *School Curriculum and Assessment Authority* (SCAA) published a discussion paper which suggested that school values should include respect for the rights and property of others (SCAA 1995, p.5). Rights and responsibilities have a general moral sense and form part of the scope of moral education. However, the emphasis of human

rights and fundamental freedoms found in the international documents was not evident in school curriculum guidance. A few years later the Ofsted *Spiritual Moral Social Cultural (SMSC) Guidance for Schools* encouraged schools to give opportunities to pupils across the curriculum to explore and develop moral concepts and values and these included personal rights and responsibilities (Ofsted 2003, p.17). This document reflects a strengthened status for rights. Rights are advanced as concepts that should be valued and appreciated as an indication of social awareness (Ibid. p.20). Education about rights is an important component of moral education alongside some other important moral values that are mentioned including truth, freedom, justice, law and collective effort for the common good.

Prior to the new curriculum of 2007, one stated aim of education expressed in curriculum documents referred to rights (DfES/QCA 1999) as part of children's spiritual, moral, social and cultural development. The curriculum should help pupils understand their responsibilities and rights and promote their self-esteem and emotional wellbeing. It should support them in forming relationships, based on respect for themselves and for others, and should develop their ability to relate to others and work for the common good. These aims of the National Curriculum refer to the general moral idea of rights and responsibilities but did not contain the specific commitment to the universal human rights of the twentieth century. They referred to wellbeing, rather than using the term dignity that is found in the *Universal Declaration of Human Rights* (UDHR).

The new secondary curriculum (QCA 2007b) states that all young people should become confident individuals who are able to live safe, healthy and fulfilling lives and have a sense of self-worth and personal identity. A change of tone is then expressed; young people should become responsible citizens who make a positive contribution to society, challenge injustice, be committed to human rights and strive to live peaceably with others. This new language was framed in the terms of the *Children Act* (2004) and the policy *Every Child Matters: Change for Children* (DFES 2004). It reflects closely many aspects of human rights education: the commitment to human rights and justice, peace education and a sense of self-worth (QCA 2007b). The phrase *sense of self-worth* is found in the international human rights documents, for example Article 40 of the CRC (UN General Assembly 1989), although the phrase *sense of dignity*, which accompanies *worth* in the CRC, is omitted. It may have been because of some of the word's ambiguities (see Chapter 3) or because it was felt to be too closely linked with certain philosophies or theologies (see Chapter 4). This omission mirrors a downplaying of the term in

HRE (see Chapter 5). Self-worth is a different concept to that of dignity. It is closer to self-respect than the inherent worth that is linked to dignity, which later chapters will explore.

In the English curriculum it is no longer the case that children should understand that rights and responsibilities are important moral ideas along with many others, but that human rights constitute a clear priority and a leading idea over and above others. This new stance is more overtly aligned to international human rights language, and may reflect the wider shift of the UK government towards articulating human rights in public life, seen in the *Human Rights Act* (1998), the establishment of a *Human Rights Commission* and individual examples such as the *Civil Partnership Act*. Two school initiatives that use human rights to define the ethos of a school have been reported in the 2009 *Human Rights Inquiry* (Equality and Human Rights Commission 2009). Firstly, UNICEF's *Rights Respecting Schools* scheme (UNICEF 2008) seeks to raise pupil achievement and improve the quality of their life. They study the CRC as a guide for living. The inquiry reported that over 500 schools across the UK registered with the project and that the University of Sussex evaluated the scheme in 2008 and found improved behaviour and self-esteem and some improvements in learning (Equality and Human Rights Commission 2009, p.59). Secondly, Hampshire County Council ran a pilot of the scheme called *Rights, Respect and Responsibility* involving 380 primary schools and 48 secondary schools in the county (Covell & Howe 2005). Some schools have reported significant reductions in bullying and other behaviour improvements (Equality and Human Rights Commission 2009, p.60). These projects are about the whole school ethos as well as the kind of curriculum being taught in lessons or subjects and it is not clear whether the changes are down to human rights education per se, or other ethos nurturing activities.

This trend in promoting human rights is recent. The idea of HRE expressed in the UDHR (1948) has taken almost half a century to be reflected in documents describing the aims of English education. Historically there may have been a sense in the UK that the international declarations on human rights were something needed to guide other states rather than the UK itself. An English reticence about human rights was evident in the debates surrounding the 1998 *Human Rights Act* (Gordon *et al.* 1996) and a backlash against human rights in the media and among the public (Clapham 2007, p.2).

There are two curricula areas where human rights are prominent: religious education (RE) has a focus on religious ideas about the importance of human dignity or worth and the links between

religious beliefs and attitudes to issues related to rights; citizenship education (CE) focuses more on the human rights institutions, legal systems and rights in relation to global issues.

## **Part Two: Religious education**

### **Religion and human rights**

Religious studies overlaps human rights studies in complex and multiple ways so the inclusion of human rights in the study of religion is appropriate (Hackett 2004; King 2005). Universal rights can be seen as an expression of a shared moral vision. They offer a possible point of convergence or a basis for some kind of shared values system that overlaps different moral theologies and philosophies (Kung 1991, 1996; Runzo 2003). Religion may offer a strong foundation for human rights (Perry 1998) and the inclusion of human rights in the study of religion increases the likelihood of religion providing strength to the deployment of human rights concepts (Perry 2007). The inclusion of human rights in courses on world religions may counterbalance the polarisation that exists between different moral messages of different religions (Doorn-Harder 2007). They have the potential to lead to profound transformations of human consciousness and culture by lifting the perspective from a single religious tradition to a focus on shared human experiences (King 2005). For example, acknowledging the right to religious freedom entails a realization of the importance of a common acceptance or tolerance of religious diversity. Recognition of rights can lead to an awareness of deeply shared values.

This moral argument for the inclusion of rights in the study of religion is challenged when rights feature as focal points of tension with religion. The relationship between rights and religion attracts considerable discussion and dispute (Bucar 2005; Ghanea-Hercock 2010; Ghanea-Hercock *et al.* 2007). Religion can be used to oppress or hurt others (Baum 1975) and is said to diametrically oppose human rights (Philips 2007). Stern (2006) suggests that while this reality can make RE teachers feel it is problematic to explore rights, these tensions reveal important questions worthy of study in RE. The importance of the links between the two are so significant that their inclusion is necessary if RE is to be a more complete picture of how religion inter-reacts in the world (Gearon 2002). Stern affirms that, 'There is no question that religions are related to human rights.' (2006, p.80) The important interactions between religion and rights education underscore the importance of religious educators being involved in research (Ibid. p.94). This is

demonstrated by Guyette (2009) who has surveyed many possible affinities between RE and human rights education.

### **Human rights in the RE curricula**

The RE curricula for English community secondary schools are found in a range of different national and local documents that set out the aims, principles, concepts and subject content for a curriculum. These are used to develop schemes of work for lesson planning. They shed light on the intentions, understandings and priorities of the authors of the curriculum. References to rights, human rights, worth and dignity in those documents were examined.

*National Framework:* RE in England has no statutory national curriculum. Each local authority (LA) produces a statutory agreed syllabus for use in community schools and non-religious academies. The syllabus is formed by an *Agreed Syllabus Conference* (ASC) and monitored by a *Standing Advisory Council for Religious Education* (SACRE). In 2004 a non-statutory *National Framework for Religious Education* (QCA/DfES 2004) (NFRE) was published giving guidance to SACREs and ASCs. The guidance is not legally prescriptive though it has the backing of many religious and professional RE groups. The NFRE states that RE supports the second aim of the National Curriculum (QCA 2007b) (prior to 2007) of promoting pupils' spiritual, moral, social and cultural development and preparing all pupils for the opportunities, responsibilities and experiences of life. A key contribution here surrounds the idea of a pupil's self-worth:

A central concern of religious education is the promotion of each pupil's self-worth. A sense of self-worth helps pupils to reflect on their uniqueness as human beings, share their feelings and emotions with others and appreciate the importance of forming and maintaining positive relationships. (QCA/DfES 2004, p.9)

RE helps pupils to recognize their own uniqueness as human beings and affirms their self-worth (Ibid. p.13). It has a contribution to play in supporting children's moral development and rights education through an exploration of rights, responsibilities and duties (Ibid. pp.14–15) to cultivate recognition of such ideas (Ibid. p.30). Rights here are linked both to an idea of civic responsibility and personal moral conduct. Beliefs influence attitudes or approaches to human rights and pupils should explore 'what religions and beliefs say about human rights and responsibilities, social justice and citizenship.' (Ibid. p.29) Matters of human rights are relevant to the RE curriculum area and the moral development of pupils. The non-statutory guidance

encourages learning that recognizes the importance of the link between religious worldviews and human rights perspectives. The levels of attainment that pupils are expected to progress through do not refer directly to human rights, but they do refer to the use of a range of religious and philosophical language to analyse religious beliefs, values and commitments. The levels refer to pupils gaining an understanding of the influence of culture and history on religion, and the influence of religion on communities and societies. They also include analyses of different interpretations of sources (Ibid. pp.36–37) and in all of these areas rights could feature. However, there are no references to key international human rights organisations or declarations, or specifically non-religious philosophical or historical traditions in human rights. RE is viewed as providing only indirect support for human rights education.

*Human rights in Agreed Syllabuses:* Through a reading of 42 of the 151 Agreed Syllabuses (covering 51 local authorities as some cover combined regions), a range of approaches to the place of human rights in statutory RE syllabuses may be noted. This number represents approximately one third of all English RE syllabuses and includes rural and urban regions, including examples from the north, midlands, east, southeast and west of England, and the most highly populated local authority area, Birmingham. The reading was intended to identify the key themes present in the curricula, and it is the plurality and diversity of those themes which are the most significant features.

One theme reflected the language of the NFRE in the ASCs' own account of the aims of the curriculum and the scope of the content. Many referred to the NFRE suggestion that RE supported moral education and citizenship in the area of the development of rights and responsibilities. They also included the teaching of religious responses to human rights issues (for example Bristol 2005; Coventry 2007; Herefordshire 2006; Kingston upon Hull, East Riding of Yorkshire, North East Lincolnshire and North Lincolnshire 2005; Merton 2002; Thurrock 2009; Wakefield 2007).

A second theme was the inclusion of strong statements about the importance of RE for supporting pupils' sense of self-worth and helping them recognize their own uniqueness (Herefordshire 2006; Kingston upon Thames 2007; Thurrock 2009; Wakefield 2007; West Sussex 2008). Others made no reference to worth (Redbridge 2008; Shropshire County and the Borough of Telford and Wrekin 2004; West Sussex 2008).

In terms of content, considerable variety is evident. Rights, though not human rights, were found as a structural element of study in one example (Kent 2007), which uses rights and responsibilities as a term for the moral dimension of religion. Luton (2004) encourages the study of the UDHR and Herefordshire (2006) includes the exploration of how Buddhist beliefs and values encourage Buddhist including Aung San Suu Kyi or the Dalai Lama in standing up for human rights. On the other hand Birmingham (2007) made no reference to human rights although it does seek to support pupils having dispositions of respect for the dignity of all human beings (Ibid. p.10).

Within the agreed syllabuses, religion is related to human rights in diverse ways making it unclear how effectively they may support the curriculum aim of a commitment to human rights.

*Human Rights in GCSE Religious Studies:* GCSE is a major feature of religious education in Key Stage 4 (years 10 and 11) with over 182,000 students following a course in 2009 (BBC News Online 2009b). Human rights is a feature of the subject specifications of the four main exam boards for English schools: AQA, OCR, EDEXCEL and WJEC. They each offer specifications for religious studies with optional modules covering different combinations of religion, ethics and philosophy and giving different degrees of significance to human rights.

Each exam board offers one route with a greater focus on human rights and another with little or no focus on this topic. The *AQA GCSE Specification for Religious Studies B* (2008b) has a topic area entitled *Religion and Human Rights*. This requires students to be familiar with religious attitudes to law and human rights and the impact of religion and rights. It includes a study of human rights declarations, organisations that campaign for human rights and case studies related to human rights (Ibid. pp.8–9). Human rights are a substantive component of this specification, which is of an ethical and multi-religious character. EDEXCEL also has a specification with a focus on *Religion, Rights and Responsibilities* which links religious sources to human rights across a range of issues: medical, scientific and political. This links rights to parables and teachings in the Bible, providing an opportunity for substantive linking between Christian traditions and human rights (EDEXCEL 2008, p.46). OCR has a trial specification, *Religious Studies C (Religion and Belief in Today's World)* (OCR 2009a), which addresses issues of religion and human rights through examples of violations of human rights and the (negative) impact of religion on personal freedom. It lists freedom of speech in Denmark and the cartoons depicting Muhammad, ethnic cleansing in former Yugoslavia and persecutions of minority

Christians as topics for study. It also explores issues linking religion and rights including same sex marriages and employment law and religious observance (Ibid. p.14). It does not refer to ways in which religion might have a positive impact on human rights. This differs from the other treatments of human rights in that it focuses directly on recent and particularly controversial example issues in response to recommendations in a 2007 Ofsted report (2007). *Religious Studies B* (WJEC 2010a) addresses human rights, including the life of a believer who has campaigned for human rights, and asks questions about who should have human rights, how people can get justice and what motivates people to seek such justice for others. It also examines the concept of dignity with reference to whether people should be treated equally.

Each exam board has specification 'routes' with more modest treatments of human rights. *AQA GCSE Specification for Religious Studies A* (2008a) gives systematic treatment of single religions and their ethical systems (options include *Christianity* and *Christianity: Ethics*, for example). It does not specify human rights as a topic, but does explore the ethical issues which religious believers see as right to life issues. The OCR specification *Religious Studies A (World Religions)* (OCR 2009b) gives cursory attention to human rights as a small element of one section. The specification *Religious Studies A* (WJEC 2010b) includes brief reflection on the value of the human being and issues of justice and rights. The specification *Religious Studies B (Philosophy and/or Applied Ethics)* (OCR 2009c) does not cover human rights in a substantive way.

Students taking GCSE Religious Studies may therefore follow courses which include substantive treatments of human rights. Four approaches can be identified:

1. The study of rights in association with religious beliefs in right to life issues: this refers to issues such as abortion and euthanasia where believers may refer to ideas about the right to life in support of their attitudes to such issues. It is frequently linked to ideas about the sanctity of dignity of human life.
2. The study of human rights documents including the UDHR.
3. The study of human rights advocacy including the role of Non-Government Organisations: this might be in terms of charities campaigning against poverty and for fair trade, but might also include specific human rights groups such as Amnesty International.
4. The study of recent human rights issues related to religion: these include both issues of religious freedom, religious persecution, and also conflicts between religion and the right

to free expression.

There are also routes of study which only explore human rights in as far as they examine issues which are seen in right to life terms and there are options with little or no reference to human or moral rights.

### **Diverse approaches to human rights in RE**

At the national non-statutory level, RE is seen as playing an important role in relation to human rights in terms of supporting children's moral development through the link between religious beliefs and rights and responsibilities. This rationale is found in many cases at a local statutory level but approaches differ widely. As a consequence, pupils may deduce many different things about the relationship between rights and religion through RE in England:

- Human rights are a significant component of study and include international declarations and specific incidents related to religion and human rights.
- Human rights are consistent with religious moral responses.
- A commitment to the worth of the human person at the foundational level, as a key value that religion offers (though the phrase human dignity is seldom used).
- What is important is how religions influence believers in their approach to human rights.
- Rights offer a framework for understanding religious moral conduct.
- Moral rights, rather than human rights per se, are important in the area of right to life issues and religions have particular views on a number of human rights issues that differ from those of others.
- Human rights are not a noteworthy element in the study of religion.
- Human rights constitute or reflect a secular worldview (in one case an agreed syllabus listed them as a secular worldview).

Some of these approaches imply a division or conflict between religion and human rights; others present a blurred boundary with significant overlap, while others still suggest no value to the study of human rights in RE. The National Curriculum (QCA 2007b) aim of encouraging pupils to be committed to human rights is supported more strongly by some of these approaches than others. Curricula differences mean pupils are unlikely to encounter the full range of different

approaches and links between religion and human rights in RE. Pupils may learn that human rights express shared values that many different religions support, or that it constitutes a non-religious secular worldview or an ethical alternative to religion. They may learn that the issue is characterised as a conflict between ideas or that it reflects a convergence among different peoples who share a desire to eradicate injustice. The factors influencing a pupil's experience will be their locality, and the school choice of exam board. This seems arbitrary. Absent from curriculum documents is the suggestion that theology may offer a foundation or basis for human rights.

It may be difficult for *Agreed Syllabus Conferences* to fully align RE in support of human rights. There is a sense that individual rights do not adequately reflect religious notions of ethical behaviour that may more often be seen in terms of duty; for instance *religious* responsibilities are sometimes placed oppositionally to *secular* rights (Runzo 2003). Among Christians there are debates about whether human rights are adequately supported in the Old Testament and concerns, also shared by Muslims, that human rights do not acknowledge God as the ultimate source (Soulen & Woodhead 2006; Traer 1998). Pagels writes that the concept of human rights, 'does not occur in ancient rabbinic Judaism,' (Pagels 1979, p.4) and Henkin observes, 'Judaism knows not rights but duties, and at bottom, all duties are to God.' (Henkin 1976, p.473) Human rights seem to detract from the sense of religious duty and responsibility that is such a key feature of many religions.

It is not just curriculum organisation that may affect how the relationship between religion and rights is presented and explored. Approaches to religious education differ in ways that colour responses to human rights. Pedagogies that draw on theology (such as Copley 2005 and Wright 2000) may query the value of human rights in RE if the preferred theology is critical of rights thinking. Ethnographic or educational approaches to RE (Grimmitt 2000; Jackson 1997, 2004) may see greater validity in their inclusion, given the widespread political and legal acceptance of rights. However, religious stances on human rights seem to be in a period of transition and in some traditions changes in attitudes to rights are clearly evident. For example, the Catholic Church originally saw rights as an alien idea (Langan 1998) but they have become widely accepted as things grounded in the theology of the dignity of the human person (Coleman 1984), even though they still have critics (Pell 2003). Langan (1998) has observed a rich theological diversity of a dozen different conceptualisations:

1. Theology as a foundation
2. Theology as motivation
3. Theology as prophet denouncing the evils of suffering
4. Theology as stating general norms to which specific norms (e.g. the role of women in religious leadership) should be subordinated
5. Theology setting practical agendas through institutional support
6. Theology as particularist and exclusivist opposing the universalism of rights
7. Theology as universalist (in seeking salvation for all) to the particularism of (western) human rights
8. Theology as providing an opportunity to transcend their own interests (which rights focus on)
9. Theology as an umpire to judge how to use the 'trumps' of human rights
10. Theology as a communitarian argument to contrast with the libertarian vision of rights
11. Theology as offering a supernaturalist individualism (through individual salvation)
12. Theology as opposed to a rationalist communitarianism of rights governed communities
13. Theology as reflection, to human rights realization

(Ibid. p.252)

Thus the relationships between rights and religion are complex and multifarious. Langan's list challenges any simplistic account of this relationship in school curricula.

What appears in the GCSE specification or the local agreed syllabuses may be due to an implicit preferred conceptualisation of the link between human rights and religion. The composition of different religious, professional and political representatives will colour responses to the language of the new curriculum or the NFRE with its leaning towards human rights. The particular theological views of the traditions represented, or even the particular denominations within those traditions, may determine whether human rights are warmed to as valuable content for the curriculum, or viewed sceptically as alien ideas pushing out more justifiable theological concepts. This in turn has implications for how RE contributes to community cohesion and the extent to which the curriculum can reflect the more controversial religious topics linked to rights. While in general terms the exam specifications reflect a similar range to the agreed syllabuses and non statutory documents, there does seem to be a stronger emphasis on human rights as an area to be studied in the RE GCSE documents than either of the curricula sources. Though this cannot be argued too strongly, there is a suggestion of two forces resisting a study of rights and religion in RE: a theological conservatism which limits human rights from a main focus in LAS, and a

national political wish to locate rights within citizenship education (CE).

### **Part Three: Citizenship education**

Since 2000 citizenship education (CE) in secondary schools has been a compulsory feature of the National Curriculum as a subject in its own right, though it existed as a theme of the curriculum before then (Banks 2007). Human rights are a major feature of CE alongside responsibilities and duties. CE addresses issues relating to, 'social justice, human rights, community cohesion and global interdependence, and encourages pupils to challenge injustice, inequalities and discrimination' (QCA 2007a, p.27). It provides an opportunity for students to explore different kinds of rights, obligations and responsibilities including political, legal, human, social, civic and moral. In CE, pupils, 'explore contested areas surrounding rights and responsibilities, for example the checks and balances needed in relation to freedom of speech in the context of threats from extremism and terrorism' (Ibid. p.29). Pupils are encouraged to explore topical issues as a way of engaging with values and principles underpinning human rights, and the idea of equality is the key principle referred to (QCA 2007a).

Just over 96,000 students sat a Citizenship GCSE in 2009 (BBC News Online 2009a). GCSE papers explore rights issues, the historical struggle for freedom, the rights and responsibilities of citizens, political, legal and human rights and rights conflicts (AQA 2008c). Campaigning groups are studied (EDEXCEL 2009), as are the role of the international organisations (OCR 2009d). Philosophical ideas of rights are not mentioned in any of the GCSE specifications and there is a tendency to see religion in terms of rights conflicts.

#### **The politics, philosophy, theology and criticality of human rights in CE**

CE is attentive to the application of human rights to issues, the international and local human rights structure and some of the more contentious rights issues. It is not concerned with the philosophical or historical development of human rights or moral rights. The emphasis on the legal dimension of human rights is much greater than the political debates about human rights, which are not specifically included beyond reference to rights conflict. There is a significant debate in political theory and philosophy in which the idea of human rights is questioned (Etzioni

1993; MacIntyre 1995). It might be thought that such theoretical debates are too complex for pupils studying at GCSE level, but there are examples of similar degrees of complexity in Religious Studies GCSE. For example in the area of euthanasia there are examples of pupils engaging with conceptual subtleties. On the one hand, there are those who see the right to life as primarily about autonomy and the freedom to choose the time and nature of death. On the other, there are those who see the right to life and a limitation on human power over life and death because of the sanctity of life and the authority of God. The conflicts between individual rights and community responsibilities, or natural rights and contractual rights should present no greater complexity.

The absence of a specific recognition of the plurality of theories of rights and the emphasis on transformation in global issues make a potent mix for a post-colonial era. An acknowledgement of different conceptualisations of rights might temper simplistic applications of unquestioned western liberal norms to other parts of the world (Gearon 2002).

There is little reference to religious rationalisations or approaches to human rights in CE curriculum documents. They do not refer to religion as a basis for the support of human rights, either in terms of a foundational doctrine or as a spur to campaigning against social justice. Nor does it engage with some of the religious opposition to human rights, for instance from those who see human rights as a western secular idea opposed to non-western religious convictions or philosophies (Wang 2002).

These issues seem to be particularly important if claims about the universality of human rights are to be taken seriously and if the HRE aim of understanding and friendship between different religious cultural groups is to be approached with any integrity.

CE seems not to be centrally concerned with the foundation concepts which underpin international rationalisations of human rights, such as dignity, or the different philosophical and religious discourses surrounding rights. It avoids a philosophical approach to the study of rights, so underlying or implicit philosophies are unacknowledged. Perhaps the most obvious one is the constant linking, and arguably tempering, of rights with responsibilities. The phrase rights and responsibilities is commonly found in religious conceptualisations of human rights (Runzo 2003) and communitarian ideas of rights (Etzioni 1993) where the sense of duty to others may be considered a priority over and above individual rights. It could be argued that the linking simply

reflects the idea that a right infers a responsibility to acknowledge it, but the constant coupling gives equivalence to the concepts and implies inseparability. Rights are afforded to individuals to restore power imbalances where suffering is experienced. In international expressions of human rights such as the UDHR, rights are universal and not conditional on the moral conduct of the individual. You do not get the right because you respect the rights of others, you get it because you have an inherent worth, or dignity (UN General Assembly 1948, Preamble and Article 1). The association with responsibilities seems to diminish the power imbalance often found in human rights issues. There are numerous examples of categories of people who do not have much power to respect the rights of others. Small children or sick or elderly people have equal rights but they do not have equal responsibilities, and they may deserve priority consideration. Those in positions of power and wealth, it could be argued, have greater responsibilities than those who are enslaved or in absolute poverty. Dignity is unearned (Debes 2009).

The complexity and plurality of theoretical understandings of human rights appears to be absent from the curriculum. They are presented in declaratory terms, taking the shape of a set of unquestioned absolutes. This is a feature of human rights education more widely (Keet 2007) but it is strengthened in CE by the emphasis on legal accountability and behaviour in the workplace.

#### **Part Four: Religion, plurality and dialogue**

RE curricula encourage an understanding that beliefs are associated with rights, and influence attitudes to human rights and certain rights issues. The provision is not standardised because schools have considerable choice about which GCSEs to follow and the RE curriculum is determined either by the particular Local Agreed Syllabus (LAS) or the Governors in the case of some schools. A variety of different theological, philosophical or ethical understandings of the relationships between religion and human rights are expressed across the diverse curricula. The extent to which RE supports the National Curriculum (QCA 2007b) aim of engendering a commitment to human rights is difficult to ascertain given this variety. None of the individual curriculum documents reflected the nature, breadth or significance of the different relationships between religion and rights included. Pupils may engage with some aspects of human rights but not others. They may explore religious advocates of human rights or attitudes to rights issues. It is less likely that they will study theological accounts of human rights.

The possible religious foundations, influences and interconnections with human rights and HRE could be more clearly acknowledged. Separating the teaching of the application of rights (RE) from the explanations of rights institutions and documents (CE), by locating them in the two subjects, fails to adequately appreciate interconnections between one and the other. This interconnection is apparent in issues where debates about human rights are important. For instance, questions about the status of the embryo in medical ethics may be answered from a religious perspectives of rights, which in turn is based on theological understandings of the human person. Others come to it from a politically informed philosophical perspective. Religious beliefs have some bearing on professional duties, as indicated by the right doctors have to not participate in abortions on conscientious grounds. These issues involve theological, political and legal considerations about the balance of acceptable civic and professional responsibilities and the significance of conscientious ethical action and religious beliefs. There is, therefore, a need to rethink the division of human rights across these two subject areas.

One way of approaching human rights in RE is to view it as offering a common auditorium for discourse about rights. Common here means inclusive of all and accessible to all. The hope here is that a common auditorium is a cohesion enhancing element allowing for differently conceived moral principles to be engaged and examined within a common framework. The question about the place of religion and philosophy in HRE is stimulated by issues to do with the rights of recognition (Taylor 1994), the right for different cultural, ethnic or religious groups to be included in notions of society. It is also stimulated by the idea that dialogue between civilisations is an important component of peace and reconciliation building (Kung 1991, 1996; Runzo 2003). The common auditorium accepts plurality in engaging with human rights dialogue. In this case human rights are seen from different religious and philosophical perspectives to inform moral behaviour. The many ideas and values that form a basis for human rights: justice, equality, democracy and dignity are understood through different religious and philosophical perspectives and through the experience of different contexts. Human rights viewed in this way could be an important focus for interfaith dialogue and study in the curriculum. This would need to go further than giving human rights an auditing role against which religions could be measured. Such an auditorium could be thought of as a space for encouraging discussion and conversation to explore these matters.

The necessity of including a plurality of approaches is seen as an important component for CE. Banks has argued that approaches to citizenship that discount diversity and promote

assimilationist conceptions of human rights are ineffective in a transformed twenty-first century world (Banks 2007, 2009). Peter Figueroa (2000, 2004) has suggested that citizenship requires a, ‘critical, questioning, but appreciative, approach toward one's own beliefs and values, as well as respect for, and a critical, questioning approach toward the beliefs and values of others.’ (2004, p.227) Multiple perspectives of human rights would therefore be an important feature of studying human rights, though it is not within the scope of CE curriculum documents.

RE may have a more distinctive role to play in teaching human rights if the aim was understood in terms of a commitment to multi-perspectival and interfaith dialogue about human rights, rather than a commitment to human rights per se. Such an approach is encouraged by those who are critical of exclusively western ideas of human rights. Baxi has argued that a plurality of voices is a key component of contemporary human rights discourse. It overcomes the tendency from the past of discounting the perspectives of non-western civilisations and using rights to identify which groups should be excluded from moral consideration (Baxi 2003). The somewhat declaratory treatment of human rights in the CE curriculum does not make reference to different notions of human rights, different philosophies of human rights, and the RE curricula do not provide coverage of human rights in sufficient complexity.

By including a plurality of voices in the human rights conversation it is more likely that unidentified examples of suffering can be revealed, rather than concealed. Such an approach could be articulated in the local statutory curriculum documents if it was felt that RE should be more strongly committed to promoting human rights dialogue, and if it was felt religion could be seen as a promoter of human rights. It would recognize the insight that human rights are formed in particular cultural, philosophical and religious contexts. It would, however, be a challenge to the idea that human rights are fixed, complete and not open to discussion. The kind of moral education envisaged by a commitment to human rights changes according to whether plural perspectives and dialogue are encouraged, or whether the principal aim is the transmission of moral norms as standards to be adhered to.

A plural perspective encourages dialogue in exploring human rights and the values underpinning them. Dialogue is a central element to religious traditions. This includes both dialogue between people of different religious beliefs and those of no religious beliefs (Stern 2007, p.63). Dialogue emphasizes the need to explore and examine reasons. It has been argued that there should be a greater integration of religion in the overall goals of education (Jackson 2007;

OSCE/ODIHR 2007). In the NFRE (QCA 2007c) children are encouraged to explore different kinds of rights and obligations and how these affect both individuals and communities. They investigate ways in which rights can compete and conflict and should consider people from different religious, cultural and philosophical groups, who can express a range of convictions on religious and moral issues (Ibid. p.267).

There is scope in RE for both exploring religious polemic and practical co-operation; how members of religious communities co-operate on areas of common concern, such as areas of injustice, the alleviation of suffering and the application of compassion, as well as the distinctive theological understandings of the values at stake. Theological rivalry and practical co-operation play important parts in interfaith dialogue (Lindholm & Eidsvag 2004, pp.59–60).

However, in envisaging HRE as a conversation or dialogue, the inclusive plurality could descend into unchecked relativism, undermining all of the values thought to inspire human rights. Something else is needed to try to ground the conversation so that it does not become entirely untethered. One key value underpinning human rights is the concept of human dignity. It is one that is found in many religious traditions and also the UDHR (D'Arcy May 2006; Duffy & Gambatese 1999; Kamali 2002; Kraynak 2003; Novak 1998; Shultziner 2006) and while it remains disputed by some (Bagaric & Allan 2006; Macklin 2003), it has important implications for approaches to human rights issues (Schulman & Merrill 2008). Sharma argues that the concept of dignity, the professed foundation of human rights in the UDHR, offers a focus for interfaith dialogue about the foundations of human rights (Sharma 2002). For example, consider the Christian idea that human beings reflect the image of God and the image of Christ, or the Muslim idea that human beings are vice regents of God. Rather than representing human rights as a secular system, it could be envisaged within RE in plural terms. RE can encompass religious narratives and explanations for the significance of the idea of dignity and how it, along with other doctrines, informs attitudes and approaches to issues of human rights. This could lend religious insights to the references to self-worth which are common in the aims of the curriculum as they are defined in national and local curriculum documents.

If a commitment to human rights dialogue is an important element in a child's religious education and if religion plays an important role in helping people universalise more feelings, four developments are recommended: (1) the interconnection between different religious traditions, different meaning-giving narratives and human rights should be clearly identified in a more

joined up approach to human rights in RE and CE; (2) multi-perspectival and interfaith dialogue about human rights should be a key process in the approach to human rights; (3) the deeper concepts that lie beneath much of human rights discourse in religion should be explored, with particular attention given to the concept of the dignity of the human person; and above all, (4) unquestioning declaratory approaches to human rights education, and exclusively western conceptualisations of human rights need to be challenged.

## **Conclusion**

This chapter critically reviews the place of human rights in English curriculum documentation for secondary schools in the 11–16 age range. It observes an increasing commitment to human rights and a sense of self-worth as key features of the moral education of children. In religious education, the non-statutory NFRE contains references to human rights and acknowledges the link between religious narratives and values to attitudes on human rights issues. However the statutory local agreed syllabuses have widely differing approaches to the inclusion of human rights and different attitudes towards it. For some, rights are an essential element of religious ethics, but for others human rights are not examined or reflect a secular worldview. Citizenship education is more clearly committed to human rights but the treatment it gives is principally in terms of legal structures and issues of injustice. Theological or philosophical foundations of rights are not examined. The application of rights to issues is divided, with moral issues located in RE and civic and global issues more prominent in CE (though some such as poverty and conflict exist in both).

Human rights education is located in these two curriculum areas with values and beliefs treated in one and structures and laws in the other. The separation of these elements in the curricula produces unhelpful dislocations. Values and beliefs play an important part in motivating affinities or tensions within human rights structures. Human rights concerns arise from experiences of suffering and strong sentimental responses of solidarity. There are very important connections between our moral responses to those in need and the systems which seek to reduce such suffering. This curriculum division reflects a pattern in approaches to HRE found elsewhere, some of which seem to be inclusive of religious dimensions, and others which articulate an exclusion of religion. The argument about whether religion is a force for good in human rights and whether it detracts from them is acted out within these educational settings.

The consequence for the curriculum is that important insights on human rights may be lost from pupil learning. There are compelling reasons to embrace a pluralistic approach that includes a range of different approaches to human rights, rather than an exclusive one which articulates or advocates a single philosophy of human rights. In a postsecular society where religion has been transformed, rather than removed, by secularisation, HRE must reflect this new context. This reality is recognized in intercultural education projects which are increasingly reflecting religious diversity and inter-religious education. CE and RE have reasons to collaborate in general terms for, as Jackson (2003) argues, an understanding of religion offers insights into debates about the nation state, culture, ethnicity and identity, as well as the individual experience of pupils in a context of social plurality (Ibid. pp.22–23). This chapter has demonstrated that collaborative and inter-disciplinary approaches also help provide understanding in human rights education particularly if the curriculum that encourages dialogue around and between the plural perspectives on human rights and the values that underpin them.

However, critical questions about the nature of the values that underpin human rights need to be addressed. Is there a central idea around which a consensus may be established? Chapters 3 and 4 look at the prominence and meanings of dignity and how it may offer a focus for such a consensus. The second question is whether this value has meaning within human rights education; this is the focus of the concept analysis in Chapter 5. The third question is whether those values should be seen in exclusive or inclusive terms and whether there should be a plurality of understandings or a universal understanding; this question is the focus of Chapter 6. Finally, we may ask what a curriculum based on this idea might look like; this is the focus of Chapter 7.

## Chapter 3

### The importance of dignity for human rights

Human rights contain many concepts: equality, brotherhood, respect, fundamental freedoms, diversity and tolerance. This thesis identifies dignity as a concept for analysis in its relationship to human rights and HRE. The *Universal Declaration of Human Rights* (1948) affords dignity a position of particular foundational importance on which rights are based, ‘Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.’ (Preamble) The term appears in many subsequent human rights agreements but it is also an idea that has achieved considerable influence beyond the UDHR. It is a focal point of interest in theological and philosophical discourses and it is found in human rights law and national constitutions as well as medical and biological ethics debates. At the same time it is an elusive concept, sometimes discarded, yet frequently revisited as an idea that encapsulates the mystery of the nature and worth of the human person, ‘In each of us there dwells a mystery, and that mystery is the human personality. We know that an essential characteristic of any civilisation worthy of the name is respect and feeling for the dignity of the human person.’ (Maritain 1943, p.5)

There are two aims of this chapter: first to analyse the concept of dignity in the UDHR and other human rights documents; second to analyse the current ‘dignity discourse’ across a range of fields including law, medicine, philosophy and theology.

It is not intended to provide a full survey of all cultural references to dignity here. Nor is the focus of this chapter the meaning of the concept (the subject of Chapter 5). Rather, the chapter discusses important signposts to those references and arguments and more importantly, it establishes that dignity is a prevalent idea in the contemporary cultural consciousness. If dignity has an important place in human rights then arguably it should have an important place in human rights education (the focus of Chapter 6). This is one of the core arguments of this thesis.

The chapter is formed of five sections. Each section is based on an interpretation of the status or nature of dignity found in the dignity discourses. The first section, *Dignity and the cultural milieu of the Universal Declaration of Human Rights*, examines the common view that the concept of dignity is a defining idea of the modern era. It focuses on the presence of the concept

within the UDHR (1948), as a foundational feature of human rights in that document. This distinguishes the UDHR from other earlier declarations that made no reference to dignity as a foundation. The second section, *An undefined foundation*, examines the question of the lack of definition of dignity in the UDHR. The dignity of the human person has taken on the form of a commonly held belief and is sometimes presented as a position of consensus for many different theological, philosophical and ideological positions. The third section, *An unsatisfactory ambiguity*, critically reviews criticisms of the concept. Dignity may be a widely held belief but it is also critically contested, viewed with suspicion and scepticism, and by some, seen as a weak or even dangerous idea. Despite the problems or difficulties with the concept of dignity, this examination finds important reasons to persist with the concept. The fourth section *Enduring qualities*, critically considers the arguments for retaining dignity as an important idea, given its widespread acceptance, recognizable form, and importance as a potential tool for averting barbarism. The fifth section, *The primacy of dignity*, identifies the preoccupation that many scholars in different disciplines have with dignity, including law, medicine, philosophy and theology. In this thesis the argument that dignity endures as a primary moral concept is advanced.

The limitations of the chapter are that it cannot comprehensively consider in depth all arguments against dignity, as a purely philosophical thesis might seek to do. Instead it serves as a measure of its presence in human rights documents and critical discourses in many disciplines, theoretical and practical. If this presence is strong enough then it can be said with confidence that dignity is an important idea within human rights education.

### **Part One: Dignity and the cultural milieu of the *Universal Declaration of Human Rights***

The idea that every human person possesses an inherent dignity is a feature of the modern era. Taylor describes it as the primary intuition of Western moral consciousness (Taylor 1989). It is one of the moral beliefs, notions or intuitions that cluster around the sense that the human being should be respected and that the prohibitions and obligations that this imposes on us are grave. Henkins refers to it in intrinsic terms when he suggests, ‘there is now a working consensus that every man and woman, between birth and death, counts, and has a claim to an irreducible core of integrity and dignity.’ (Henkin 1990, xi & p.193) Goldewijk writes that a concern for dignity in

economic, social and cultural rights points to the ‘transformation of humiliating and dehumanizing realities.’ (Goldewijk et al. 2002, p.4) Goldewijk writes:

Dignity is inherent to each and every person simply because of his or her being human. As such, dignity is a category of *being*, not just of *having*. Indeed, human dignity cannot be limited to something that people ‘have’; it must first of all be seen as belonging to their being. Human dignity does not come from status, nationality, ethnicity or any human accomplishment. Whereas your dignity can be severely damaged no one can take your dignity away from you – not if you are poor or belong to an ethnic minority or are physically or mentally disabled. (Ibid. p.6)

There is a phenomenological character of Goldewijk's analysis. He grounds dignity in history and human experience. Dignity is a central maxim of the modern moral milieu, which has become so generally and widely recognized as a feature of contemporary human life that it requires no independent support for people to adhere to it, ‘No other ideal seems so clearly accepted as a universal social good.’ (Schachter 1983, p.848) It is an idea that permeates all aspects of human existence, a prism through which experience is interpreted and identified, ‘the sense of dignity is woven into this modern notion of the importance of ordinary life.’ (Taylor 1989, pp.15–16) It is a concept that has imprinted itself widely upon modern consciousness and is one which is related to human rights in important ways, thus:

[R]eligion, traditional societies, socialism, developers, will find, I believe, that their values and goals, even along their particular path, depend on individual dignity and fulfillment, and in a modern world have to be firmly supported by the idea of human rights. (Henkin 1990, p.193)

Schachter, Henkin and Taylor perceive dignity to be a widely held, foundational, essential and culturally embedded idea that needs no further support. The association with human rights is modern. The *Universal Declaration of Human Rights* not only establishes, in Henkin’s words, an *age of rights* (Henkin 1990), but makes particular use of the idea of dignity. Though the UDHR is situated in a line of declarations that date to earlier times, including the 1689 English *Bill of Rights*, Thomas Paine’s 1781 *Rights of Man* and the French 1789 *Declaration of the Rights of Man and of the Citizen* (Hayden 2001), it is unlike them in its use of dignity. No predecessor makes specific reference to dignity (Klug 2000). ‘[W]hile the struggle to assure a life of dignity is probably as old as human society itself, reliance on human rights as a mechanism to realize that dignity is a relatively recent development.’ (Donnelly & Howard 1987, p.1)

Earlier declarations were often influenced by or based on notions of natural law with links to religious beliefs (Finnis 1980), but the UDHR makes dignity a central foundation. Its presence is interpreted as a step away from a reliance on a defined theological or philosophical rationale and

it is a term which some claim can stand alone without divine assistance (cf. Mahoney 2008, p.145). Klug writes:

[T]he concept of dignity replaced the idea of god or nature as the foundation of ‘inalienable rights.’ This completed the transition from ‘natural rights’ to ‘human rights’; a term which did not come into common usage until this time ... No longer was a higher being or pre-existing state of nature cited as the source of fundamental rights. Rights were to be accorded to all human beings without distinction because of the essential dignity of all humanity. (Klug 2000, p.101)

However, it is not clear that the inclusion of dignity relieves the need for there to be any theoretical rationale to understand the idea or explain how the idea justifies rights, or more simply, how rights can be justified at all. Dignity, though a central moral maxim, is also a mysterious idea that is given meaning through theological and philosophical frameworks (Maritain 1943; Tinder 2003). In the UDHR it seems to have no religious connotation. The modern inclusion of dignity in human rights declarations can be seen to distance human rights from a particular theoretical justification.

The 1948 *Universal Declaration of Human Rights* mentions dignity in five places: twice in the Preamble and then in Articles 1, 22, and 23 paragraph 3. Like eighteenth century declarations such as the French Declaration of 1789 (Hunt 2007, p.204), the Preamble gives an explanation of why it is necessary to have these human rights, but unlike them, dignity features prominently:

*Whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

...

*Whereas* the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. (UN General Assembly 1948, Preamble)

Dignity has to be recognized, the declaration proclaims, and recognition in the second paragraph of the preamble involves ‘faith’ in the idea of dignity and worth, as well as the idea that human beings have these things. There is no rationalistic or natural basis for dignity offered. Secondly, recognition of faith in dignity is the foundation for the ultimate aims of human rights, namely freedom, justice and peace (Dicke 2002, p.118). Faith in human dignity leads to a moral obligation. Thirdly, dignity is owned by every human person. Dignity is held or found within every human being without qualification. The notion of equality, which is also a key idea of human rights, is about the equal dignity that human beings possess. Dicke concludes, ‘dignity is an expression of the unity of humankind’ (Ibid. p.114). This includes both a unity of the common

acclamation and belief that human beings have dignity, and also that all human beings are united in having this dignity. At the very outset of the UDHR dignity is prominently placed with a newly articulated foundational role that universalises the equal status of all people and confirms a belief that this is a status of great worth. The equality of rights and freedoms are based on the universality of human worth.

Faith in dignity is 'reaffirmed' in the Preamble, suggesting that the character of dignity is pre-existing, independent of any external attribution or conferment resulting from the proclamation of the UDHR (Grant 2007, p.3). Both Dicke and Morsink see here a reference to the political experience of the atrocities of World War Two (Dicke 2002; Morsink 1999). After those atrocities, dignity needs to be reaffirmed even if no philosophical or theological explanation of such dignity can easily be given. Political motivation was strong enough to sidestep the issue of agreement over theoretical rationale. In addition to this political and experiential dimension, it is notable that dignity is linked with freedom, reason and conscience, '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.' (UN General Assembly 1948, Article 1) These are ideas that are found in enlightenment, medieval and ancient sources on dignity and equality (See Chapter 4). Dicke thinks the emphasis on the moral dimension of humanity rather than rationality alone follows in the wake of Kant and Rousseau, '[T]he Declaration is not based on a concept of man as a being that is able to produce culture by way of its technical reason, but rather refers to moral reasoning as establishing equality among human beings and thus giving the unity of mankind its ethical and moral meaning.' (Dicke 2002, p.117)

By inference human beings are born free in a political and historical sense, rather than free by nature, as eighteenth century declarations held with their emphasis on natural law. The UDHR does not therefore stem directly from a single tradition or philosophical perspective. There is a plurality of influences. Ideas of freedom, reason, morality (conscience) and prescriptive action guiding behaviour are all linked to dignity, though the nature of that link is not made clear.

Dignity is mentioned in the social rights of Articles 22 and 23. Article 22 refers to the economic, social and cultural rights that are 'indispensable for his dignity and the free development of his personality.' (UN General Assembly 1948) The social and cultural dimensions of life in some way reflect elements of human dignity. In Article 22 rights are essential for the dignity of the human being and for the development of that human being. However, Article 23 refers to the

‘right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity.’ Here the development of the human being is necessitated by dignity and if that quality of human life is not met, it should be brought about through state intervention. There is something about the conditions in which human beings live, and the extent to which these conditions encourage or discourage human development, that reflects or fails to reflect dignity. The inclusion of social and cultural rights is an additional way in which the UDHR differs from previous rights declarations. Social and cultural life are linked in some way to the intrinsic worth.

The development of the human personality, which Article 22 links with dignity, is also found in Article 26, which suggests that, ‘Education shall be directed to the full development of the human personality.’ (Ibid.) This establishes the sense that dignity is recognized through the presence of certain conditions in working, cultural, social and political life. By implication, if those conditions are not met then dignity is not recognized and the human personality not fully developed. There is some implication here of a relationship between human dignity and the human person. The presence of dignity plays an important role in reflecting the interconnected nature of social, economic, political and civic rights, ‘Just as you cannot worship at the temple of liberty if you have nothing to eat, so if you want to protest about people going hungry in a land of plenty you need to have freedom of expression.’ (Singh 1997, p.54) The idea of the full development of the human personality seems to encapsulate a wide range of expressions of human flourishing as illustrated by Amartya Sen and Martha Nussbaum and their work on the capabilities approach to human development (Nussbaum 1999; Sen 1985, 1993).

The UDHR presents itself as a principal tool for defending and advancing human dignity for everyone, not simply a nation’s citizens, with the intention of creating a moral purpose for all humankind (Klug 2000, p.100). It has a supra-national ambition. Mary Robinson, UN High Commissioner for Human Rights, described it as ‘the international keystone of human dignity’ (1998, p.253), arguing that, ‘its universal vocation to protect the dignity of every human being has captured the imagination of humanity.’ (Ibid. p.257) The UDHR marks the advent of the contemporary human rights era, crystallising 150 years of struggle for rights, arising at that moment as a particular result of increasing pressure throughout the Second World War from many different parts of the world (Arieli 2002, p.1; Hunt 2007, pp.202ff; Morsink 1999, pp.1ff). The UDHR acted as a source of moral inspiration for the other human rights documents and conventions that followed (Langley 1999, xi.). Today the contemporary human rights movement

is a global phenomenon and individuals use the declaration as a starting point for articulating the needs they have (Devine *et al.* 1999, p.59), though this does not imply that the human rights declarations and treaties have made a decisive impact. Some argue the UDHR and subsequent conventions are ineffective, 'in view of state sovereignty, states' responsibility for implementing human rights, and the absence of UN enforcement mechanisms.' (Pollis & Schwab 2000, p.6; cf. Flood 1998 and Hathaway 2002, pp.1935ff) The declaration both marks the beginning of the current human rights era and remains important currency in, and a moral inspiration for, the human rights discussions that pervade this era, even though later documents, such as the *European Convention on Human Rights* may be attributed with having established the most effective system for the international protection of human rights (Simpson 2001).

In the twentieth century dignity forms a foundation for human rights. This distinguishes the contemporary rights movement from earlier ones. The UDHR is the first declaration to do this (Klug 2000), and in some sense distances human rights from previous links to God which took the form of links to natural law. Dignity occurs in earlier rights discourses but not in the same way and without the same degree of importance. Thomas Paine does mention dignity when he writes, 'When I contemplate the natural dignity of man ... I become irritated at the attempt to govern mankind by force and fraud.' (quoted in Clapham 2007, p.9) However it is likely that the kind of dignity to which Paine refers is closer to social standing than the individual worth indicated by the modern conception. Through the association of dignity, social and cultural rights are bound to civic and political rights; the full development of the human person is an expressly acknowledged aim. In this sense the UDHR is a developmental and therefore educational human rights declaration.

Dignity is not simply found in the UDHR, but can be seen to influence a number of later declarations and many national constitutions. Before the UDHR only a handful of countries mentioned dignity in their constitutions but since it dozens have done so. The Finnish constitution, the Constitution of South Africa, the German Constitution, the Brazilian Constitution, the Angolan Constitution and many more all use the term dignity (Bagaric & Allan 2006). The UDHR provides the starting point for a discussion on dignity in human rights because of this influence and importance.

The idea has some legal significance offering a language for judges to express the common core of beliefs, when dealing with issues related to the application of rights, especially in cases of

conflict between rights, the interpretation of rights or the generation of new rights (Carozza 2008; Grant 2007; McCrudden 2008; O'Connell 2008). Despite the idea's powerful cultural currency, however, it has a mysterious nature, and is undefined in the UDHR. It is a non-empirical category which calls others into question and it does not entirely break the link with religious and philosophical traditions, though by not mentioning them by name might allow a wider range of theoretical narratives to be included in providing a rationale for human rights.

## **Part Two: An undefined foundation**

The omission of a precise definition or explanation of dignity and its function as a foundation of human rights in the UDHR was deliberate. Maritain commented at the time of drafting the UDHR that there was considerable difficulty in achieving agreement over a specified religious or philosophical foundation (UNESCO 1948). The emphasis was given to agreeing on rights, not agreeing on the reasons for rights:

[W]e adopt a practical viewpoint and concern ourselves no longer with seeking the basis and philosophic significance of human rights but only their statement and enumeration, we have before us an entirely different picture ... not only is agreement possible between the members of opposing philosophic schools, but ... the operative factors in any historical introduction to a joint assertion of human rights are less the schools of philosophy themselves than currents of thought ... where the principal part has been played by the lessons of experience and history. (Maritain 1948, vi)

The drafters prioritised the political and pragmatic imperative of responding to a perceived need in the light of the experience of the horrors of the war. They were not able, or did not have time to develop a deeper theoretical alignment of theologies and philosophies, which Maritain refers to as 'currents of thought.' It was more important to make a universal declaration to which all could attest. Criticism about the lack of definition needs to be set against this historical context. There was, however, some broad sense given to the idea at the time. This was indicated by René Cassin, French legal scholar and later Nobel Prize laureate, who worked as one of Eleanor Roosevelt's team on the drafting of the UDHR (Ishay 2004). Cassin identified within the UDHR four foundation blocks of the declaration: dignity, liberty, equality and brotherhood, terms which are all mentioned in Article 1. He suggested that the heading of dignity referred to common values shared by all individuals that crossed religious and cultural boundaries (Ibid. p.222). The idea that human dignity has intrinsic worth is found across different philosophical or religious traditions (Falconer 1986) and this is acknowledged in Hersch's work with UNESCO (UNESCO

1969), which presents dignity as a concept present in different civilisations and a basis for human rights. Louis Henkin maintains the view that dignity is a unifying foundation for human rights, ‘religion, traditional societies, socialism, developers, will find, I believe, that their values and goals, even along their particular path, depend on individual dignity and fulfillment and in a modern world have to be firmly supported by the idea of human rights.’ (Henkin 1990, p.193) Paul Gordon Lauren (1998) agrees, arguing that all major religions express the belief that human beings have an inherent dignity:

All of the major religions of the world seek in one way or another to speak to the issue of human responsibility to others. Despite their vast differences, complex contradictions, internal paradoxes, cultural variations, and susceptibility to conflicting interpretation and fierce argumentation, all of the great religious traditions share a universal interest in addressing the integrity, worth, and dignity of all persons and consequently, the duty toward other people who suffer without distinction. (Lauren 1998, p.5)

If these general comments about the ways in which religious traditions speak about the idea of dignity are accepted, they can only be so in provisional terms. The question *how* do religious traditions speak about the idea of dignity must then be answered. Setting that aside for the moment, if the claims about dignity in the UDHR are taken seriously, they occupy an essential space in the human rights edifice. Former UN Secretary General Kofi Annan summarised the central claim about dignity in the *Universal Declaration of Human Rights* and other international declarations when he said, ‘Human rights assert the dignity of each and every human being, and the inviolability of the individual’s rights. They belong inherently to each person, each individual and are not conferred by or subject to any governmental authority.’ (Annan quoted in *The Star* 1998)

The place given to the concept in the UDHR is fundamental for human rights. There is an association between a human being’s dignity and the inviolability of their rights. People have rights because of their dignity, and that dignity and the rights that flow from it are inherent to each person. Inherent dignity leads to inviolable rights. Dignity is declared to exist and is recognized in human experience, but that is the only justification or proof given in support of the declaration. It is an assertion, a claim or a belief that the signatories profess faith in. The UDHR attaches no philosophical proofs to the idea.

From dignity comes the assertion that a human being matters enough to change behaviour; that a human being matters so much, and in such a way, that no authority can justly ignore or disregard

it. In his own summary, Kofi Annan recalls the motivation for human rights in the UDHR. It is to protect individuals from their governments; to protect the individual from the power of the many or the majority. Human dignity is a way of expressing a reason for that protection. The good of the many or the state cannot be used to lightly set aside the moral significance of an individual. Though not articulated, there is a parallel here with the philosophical challenge of Kant to utilitarianism. Kant, with his emphasis on the treatment of a person always as an end, as well as a means, and his idea of universal moral norms, is a challenge to utilitarian thinking which seeks the greatest good for the greatest number.

There has been some concern about rights inflation which has undermined the legitimacy of rights, that is that they now extend far beyond what was originally thought to be essential. It is important to note that in many parts of the world, many millions of people live in situations that recall the experience that motivated the move to establish the UDHR over 60 years ago (cf Gorvin 2010). For this reason dignity can be called, 'the single most important principle which underpins the Universal Declaration.' (Alston 1998, p.30)

### **Part Three: An unsatisfactory ambiguity**

There are a number of criticisms that challenge the suitability of dignity. If human rights are so important, the absence of an explained foundation is problematic. Dignity is seen as polemical, vague, difficult to use practically, a weak defense against moral atrocities or inappropriately religious. It may be helpful from the point of view of uniting people but perhaps that union is on false premises. Others argue there are alternative concepts to dignity that are better. These criticisms are significant and therefore merit expansion.

*(i) It undermines the existence of human rights:* While dignity might have some meaning that could be discovered, it might equally not exist at all. If dignity cannot be demonstrated to have a clear meaning, human rights as a whole are undermined. Peter Singer sees dignity as one of a number of ideas introduced when reasons or arguments are lacking (Singer 1986). It covers a gap that is produced once belief in God or natural law has been abandoned as a foundation. It is something that cannot reasonably be defended. MacIntyre suggests that it ends up being defended in much the same way that unicorns and witches could be defended (MacIntyre 1995). If human rights are important, then arguably they should rest on firmer grounds than dignity

provides. Dignity's weakness undermines the moral and philosophical integrity of human rights, and detracts from their power and importance. Some conclude from this that such an imprecise term which lacks logical integrity should be replaced (Statman 2000).

*(ii) A concept that is polemical, rather than substantial:* Dignity is a concept that works on both sides of arguments. This suggests it has a polemical or perhaps emotive nature, rather than any substantial meaning. For example, opponents of euthanasia argue that intentionally ending a person's life does not uphold his or her dignity (Beyleveld & Brownsword 2001). Conversely, supporters argue that death with dignity means allowing people to choose the time and nature of their life in some cases (Dworkin 1993). Schulman (2008) illustrates this with the example of an elderly patient, diagnosed with early Alzheimer's disease and inevitable decline into dementia and dependency (Ibid. p.4). Should he or she stop taking heart medicine and opt for a quicker less distressing end? Dignity can be used to inform three contradictory moral options. It could be argued that it is permissible for the patient to quicken the end as a more dignified and humane way, which forgoes the personal pain and family burden that he will become. Alternatively this is wrong on account that shortening life is incompatible with the dignity owed to human life. Or, out of 'respect for the dignity and autonomy of all persons' (not just the patient) the personal choice should be deferred to a competent authority irrespective of how the patient decides. Each answer makes an appeal to human dignity, but the conclusions differ. Deploying the argument for the dignity of the human person is an attempt to add ethical gravity to each side. It has the effect of empowering arguments but does not help resolve differences. A concept that cannot do this has little value to ethical decision making.

*(iii) An unclear concept cannot be put to good use:* How can an unclear concept be of any practical use? An idea that has no clear boundary, no clear definition or clarification, can be used in open ended ways to damaging effects. It can be evoked to cover other ideas or beliefs which may or may not have merit, 'As a legal or philosophical concept it is without bounds and ultimately is one incapable of explaining or justifying any narrower interests... it is a notion that is used by academics, judges, and legislators when rational justifications have been exhausted.' (Bagaric & Allen 2006, p.260) Even supporters of the concept such as Ronald Dworkin describe it as vague (Dworkin 1993). Schachter observes, 'it is not entirely satisfying to accept the idea that human dignity cannot be defined or analysed in general terms.' (1983, p.849) Such a situation might mean that the idea could cover almost any imaginable ethical position, a 'gut reaction' or a view of that which is socially desirable (O'Connell 2008, p.3).

(iv) *A vague idea does not provide a robust defense against moral atrocities:* Without a definition, there is a risk of a specious use of the concept, and we may not be able to draw specific implications for appropriate conduct (Schachter 1983, p.849). If dignity is contentious and vague (Donnelly 2003), then it cannot provide a robust defense against the moral atrocities that human rights have sought to eradicate. Ruth Macklin (2003) has called dignity a slogan, a useless concept which means no more than respect for the person or their autonomy, 'In the absence of criteria that can enable us to know just when dignity is violated, the concept remains hopelessly vague.' (Macklin 2003, p.1420)

(v) *An inappropriately religious idea:* Some argue that dignity covertly draws in religious ideas which have been put to inappropriate use in secular literature and medical ethics. Macklin (Ibid.) sees dignity as an indication that a religious, especially Roman Catholic notion, has crept into debates where such theological ideas have no warrant. A concept with origins in Christian and Jewish traditions offers little to satisfy modern secular requirements (Bagaric & Allan 2006).

(vi) *Alternatives are better:* Notions such as human rationality or autonomy are quite adequate without needing the dressing of dignity. Macklin (2003) thinks dignity can be eliminated without any loss of content, as respect for the rational thought and autonomy of the person adequately describes the scope of the content of dignity.

According to its critics, dignity is variously discarded for being intellectually barren, an inadequate foundation for human rights, or perhaps one indicator that their status is philosophically problematic. Dignity is difficult to use practically to resolve differences, and it is potentially dangerous to rely upon to defend against moral atrocities. It is an inappropriate theological idea out of place in a secular age for which more suitable alternatives can be found. Many of these claims depend upon the assertion that the idea is vague and unclear. To fully test the veracity of these criticisms an examination of the concept is necessary and is undertaken in Chapter 4. There are those, however, who see in the idea a number of enduring qualities.

#### **Part Four: Enduring qualities**

Ultimately these criticisms of dignity do not appear to provide satisfactory reasons to abandon it altogether and there are many advocates of it. It captures a mysterious quality of the human person, provides a point of consensus and can be recognized in human experiences. It is a complex idea that restrains human behaviour and, were it to be put aside, would need to be replaced with another idea.

*(i) A mysterious concept captures the mysterious nature of human life:* The human person is not easily defined and explained in philosophical or scientific terms, ‘It is not a precise concept, in the way that “electron” or “haemoglobin” are precise. Nor is it merely conventional, in the way that “metre” or “gallon” are conventional.’ (Churchland 2008, p.100) It has a mysterious nature and Kraynak observes, ‘the mystery of the human soul as the basis of human dignity implies a certain reverence and awe before the unknown and unknowable causes of human existence in the partly rational but mysterious universe.’ (Kraynak 2008, p.79)

There are important philosophical questions to ask about the idea, but the dignity of the human person is difficult to define comprehensively, given that it rests in the complexity of the human being. Human being and person are not terms that can be treated in a simplistic way. The mysterious nature of human life and human experience is not a reason to disregard or devalue the person. Moral decision making benefits from being subtly informed by ideas which capture the mysterious nature of life, experience, reflection, even consciousness, rather than those which seek to explain it away. The fact that dignity may touch on deeper mysteries of life is not in and of itself a reason to abandon the idea but could in fact be an argument to pursue a deeper understanding. Much more needs to be explored in the ways in which the human person is mysterious, and such explorations would need to consider the nature of consciousness, the mind, the nature of reflection and the human sense experience. All of these factors seem important to understanding the moral dimension of the human person.

*(ii) Dignity is a point of consensus for many:* The accusation that dignity is inappropriately Christian misses the observation that many people, religious and secular, find it useful. It has, to borrow Nickel’s comment about rights, a determinate meaning that has gained widespread international acceptance (Nickel 2007, p.2). Those who drafted the UDHR came from different theological and philosophical backgrounds and chose not to define dignity because of those

different traditions. Nevertheless they were able to agree on its inclusion. The political and collegial nature of the formation of the UDHR is a reason for leaving the term undefined. In such statements:

[T]he meaning, content, and foundations of human dignity are never explicitly defined. Instead, the affirmation of human dignity in these documents reflects a political consensus among groups that may well have quite different beliefs about what human dignity means, where it comes from, and what it entails. In effect, 'human dignity' serves here as a placeholder for 'whatever it is about human beings that entitles them to basic human rights and freedoms.' (Schulman 2008, p.13)

The absence of such a definition in the UDHR should not be used as an argument against dignity. To do so is to fail to take account of the political reality of seeking consensus among people of different religious and philosophical backgrounds. It was left undefined for the purpose of achieving consensus, not because people felt it had no meaning. This is a more inclusive approach which recognizes that there are many discourses of dignity just as there are many discourses of human rights (Baxi 2003). Taking an exclusivist approach in what purports to be a universal declaration would simply have been impractical. Such a course would suggest a final fully formed answer to the question of human moral significance had been achieved. The implications of exclusive and inclusive notions of dignity for HRE are explored in Chapter 6.

*(iii) Dignity is a recognizable phenomenon:* Dignity, though a difficult idea, is something which ordinary people can recognize in their human experience, both in their own lives and the lives of others, 'When it has been invoked in concrete situations, it has generally been assumed that a violation of human dignity can be recognized even if the abstract term cannot be defined. "I know it when I see it even if I cannot tell you what it is".' (Schachter 1983, p.849) Dignity is not found in a gland and may present difficulties for scientists but it seems to be a moral value that can be observed or intuited in some way, 'Step into any classroom, and after a few moments' observation you will be able to tell whether the teacher is treating the students with respect or as raw materials to be stamped or manipulated.' (Edel 1969, p.243) Edel argues there is a large mass of phenomena that can be identified in the study of human dignity including the social and historical experience of mass movements, especially where human exploitation is concerned such as in slavery. There is something about humanity that means that when atrocities are committed against people, the response against those atrocities touches some deep beliefs about human beings.

(iv) *Dignity is a powerful restraint on dehumanisation*: Dignity is an important moral metre and its removal is unlikely to lead to moral improvement. Glover's *Moral History of the Twentieth Century* argues that dignity has a role in actually preventing evil (Glover 1999). He repeatedly demonstrates through studies of historical incidents that the denial of the dignity of the human person is a pre-requisite for their humiliation. This denial of dignity manifests itself as the distancing and dehumanising which was necessary in conflicts in Viet Nam, the concentration camps, Hiroshima and Nagasaki, for soldiers to commit acts of war and brutality. This illustrates what happens when dignity is sublimated. Glover identifies dignity as one of the moral resources of humanity. His is not a work of theoretical ethics, but an observational study of dozens of first hand accounts of human behaviour in conflicts throughout the twentieth century, including many associated with the barbarism that inspired the UDHR itself. Glover sees the recognition of dignity as a human response found in the core of humanity. It is also one that, as empirical evidence of inhumanity suggests, is not always there, but should be. Recognition of human dignity is a necessary feature of human psychology. Far from weakening moral protections, human inclination towards the recognition of dignity acts as a powerful restraint on barbarism (Glover 1999, p.23). In close combat, human responses to the enemy that acknowledge the humanity of the enemy must be neutralised. The enemy must be seen as no longer human but practically an animal. The dehumanisation of the other is required for the soldier to act with brutality. It is a psychological necessity to treat the other as though they were not human. Glover gives examples of how the sudden accidental recognition of humanity can make it impossible for one person to continue humiliating another. In one case, a South African policeman was brutalising school girls and beating them, when one lost a shoe. Instinctively, following his upbringing, the policeman picked up the girl's shoe and in so doing had recognized her as a person. He could not go on to beat her with his stick any more and so left her. Glover describes these moments as the breakthrough of sympathy, the breakthrough of recognition of the other person (Ibid.).

It is possible that acts of violence to be committed with a sincere sense of compassion for the other, such as when a comrade kills a fellow soldier fallen in battle and suffering terribly from fatal injuries with no hope of treatment. However, Glover's argument is not that violent acts causing death could not be carried out without a moral sense of compassion, but rather that there are multiple examples of the organised distancing of the victims to enable acts of war and brutality to be carried out. Furthermore, this process then led soldiers to go far beyond the necessities of warfare in their brutality, contributing to a century of massive civilian casualties.

(v) *Human dignity is a complex idea and alternatives are not necessarily better:* The dignity of the human person captures much more than notions of humiliation, rationality, autonomy, or respect alone—ideas which may be used in place of dignity. Ideas such as rationality and autonomy are unhelpfully narrow. Medical ethics deal with life where rationality and autonomy may be lessened or absent, as in fetuses and newborn babies, elderly people suffering dementia, or those who have lost capacities due to brain or nerve injury. Reducing dignity to one of these ideas would allow for some persons, including especially vulnerable persons, to be excluded from having dignity. Yet dignity is referred to within debates about medical ethics. Dignity requires a response which recognizes the moral significance of the human person in a way which other concepts do not. Respect is one way of describing the moral response to dignity but it does not actually replace dignity. Dignity points to something about the status of the human being that has implications for how we should treat a person. Respect describes the treatment, rather than the status. It is justified by dignity.

(vi) *Dignity is a useful construct for further exploration:* Edel (1969) establishes a rationale for the further analysis and investigation of dignity. He believes human dignity is an ethical construct that may have a realistic interpretation and has sufficient indices to identify phenomena, ‘It is increasingly becoming pertinent to problems of individual as against impersonal treatment in a large-scale and highly organized society with growing powers of controlling—and crushing—the individual.’ (Edel 1969, p.240) This phenomenon lends weight to the argument to retain the concept and it is more in keeping with the use of the concept in the UDHR, which, as we have already noted above, has political and historical slant, rather than a specified philosophical one.

The dignity of the human person is a phrase that encapsulates the mysteriousness of human experience. Despite this, or perhaps because of it, many people from widely differing backgrounds, religious and secular, find it expresses meaning or significance. It is something that people observe in their experience of life, and in its absence there is suffering, humiliation and death. Human dignity is a quality which, when recognized, prevents acts of atrocity from taking place. It is more inclusive than other terms such as autonomy and rationality and is, at the very least, a useful construct that requires further examination.

## Part Five: The primacy of dignity

At this point the criticisms and defences of dignity have been noted. Dignity is not an easy concept to put aside, nor one that is readily understood. The balance of argument is, in this author's judgement, enough to merit its retention as a useful and important idea. A further argument for this is its prominence more generally as a popular starting point for discussing human rights, as well as a concept that stands in its own right. There is widespread interest in human dignity.

The intention here is not to analyze the detail of those specific discourses and the individual contributions within those discourses here, which would be both impractical and highly diversified. More important at this stage is the recognition of the range of interest in the concept as a significant indicator of its importance within and across these differing fields. Dignity attracts interest in many disciplines as is evident from many collections of essays from over 80 scholars in recent years (most within the current decade). These collections provide a snapshot of the breadth of interest in dignity. For law, see Kretzmer, D. and Klein, E. (eds.) (2002) *The Concept of Human Dignity in Human Rights Discourse*. Two theological collections are Kraynak, R. and Tinder, G. (eds.) (2003) *In Defense of Human Dignity: Essays for our Times*, and Soulen, R. and Woodhead, L. (2006) *God and Human Dignity*. In philosophy there is Dillon, R. (ed.) (1993) *Dignity, Character and Self-Respect*, and an inter-disciplinary example is Malpas, J. and Lickiss, N. (eds.) (2008) *The Idea of Human Dignity: a conversation*. In medical ethics, see Schulman, A. and Merrill, T. W. (2008) *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics*.

Arieli (2002), Cancik (2002), Miguel (2002), Kraynak (2008), Lewis (2008) and Sulmasy (2008) have traced aspects of the historical evolution of the concept charting its development from the earliest stages of western civilisation in antiquity, Judeo-Christian, philosophical and later sociological thought. While there are broad similarities in the historical account, important differences of opinion have emerged in tracing the historical route of the evolution of the concept and the role the different sources of dignity have in the contemporary concept. Kretzmer and Klein (2002) examine the concept's legal presence in differing jurisdictions (German and Israeli), while Green, Chalmers and Ida Ryuichi, Davis and Tate (all 2008) examine the concept in aspects of law (international or criminal) and Starck (2002) traces philosophical and theological influences on constitutional developments. Jackson (2003), Macklin (2003), Christakis,

Coulehan, Hacker and Tattersall (all 2008) have previously sought to apply dignity in issues of medical ethics. A whole host of scholars from different disciplinary backgrounds contributed papers on dignity to a major anthology in 2008.<sup>1</sup> Philosophical discourses are diversified. Kantian conceptions of dignity gain attention from Meyer (1987, 1989, 2002) and Shell (2003, 2008). Some have focused on the question of whether dignity is liberal western or non-western (Donnelly 1982; Donnelly & Howard 1987; Mitchell *et al.* 1987). Many have explored respect as a way of coming to understand dignity, including Schachter (1983), Hill, Boxill, Telfer, Rawls, Deigh, Taylor, Darwell, Massey, Thomas, Moody-Adams and Dillon (all in Dillon (ed.) 1995). Neuhaus and Nussbaum have also explored dignity as a political concept (both 2008).

Dignity has an important position in contemporary theological discussion, but this is reserved for Chapter Four. Beyond exclusively Christian theology, there are examples from other religious traditions suggesting that dignity is a concept of significance in many religious narratives. Peter Ochs, writing from a Jewish perspective, explores the notion of redeeming indignity as a triadic relation of the agent of redemption, the condition of indignity and God's redeeming world (Ochs 2006). Mohammad Hasgim Kamali, writing from an Islamic perspective, also argues that, 'Human rights are a manifestation of human dignity' and that rights and liberties that are inherent in humanity are all rooted in human dignity (2002, ix). Nancy Martin, from her perspective of the Hindu tradition, notes that the traditions that surrounded the *bhakti* saints present an alternative value system that honours the dignity of all, and challenges the valuation of individuals on the basis of material wealth or social standing (Martin 2002).

Within the last decade dignity has proved to be a concept of significant interest to scholars in law, philosophy, theology, politics and medicine and this survey is by no means exhaustive. Dignity attracts transdisciplinary interest. It seems to have meaning in different contexts. Jeff Malpas and Norelle Lickiss (2008) have argued to this effect. They write:

It seems hardly possible that the idea of dignity ... could be approached adequately other than in such a multidisciplinary and 'conversational' manner – the idea does not fit easily into any particular disciplinary framework, it is called upon by lawyers, physicians, philosophers, and historians, it

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<sup>1</sup> Schulman, Davis, Dennett, Kraynak, Churchland, Rolston, Rubin, Bostrom, Neuhaus, Lawler, Meilaender, Kass, Shell, Nussbaum, Gerlenter, Lee and George, Wiethman, Sulmasy, Dresser and Pellegrinon all contributed substantive essays to an anthology entitled *Human Dignity and Bioethics* (edited by Schulman) which were commissioned by the US President's Council on Bioethics. The Council, which had been established in 2001, had frequently come to reflect on the concept of dignity and there were many requests for clarification of the term. As a result this diverse group of scholars were drawn together to give a sense of the breadth of meanings which included biological, theological and philosophical viewpoints.

arises as a key concept in different contexts and with different intentions, and yet it is also a concept that remains in common usage even if sometimes imbued with varying meanings and connotations. (Ibid. p.1)

Beyond simply providing an adequate approach, there is a suggestion that it offers the most appropriate starting point for human rights discourse. Arvid Sharma, a scholar of Indian studies and Hinduism, gives three reasons for this (Sharma 2002). Firstly, Sharma draws on Ninian Smart and Shivesh Thakur's suggestion that it may be possible for different cultures to come to the same conclusion about rights from different routes (Smart & Thakur 1993). He suggests that dignity may offer a way of bridging the secular and religious realm by offering a point of convergence for views coming from both secular and religious positions. Second, dignity allows one to clarify the concept of human rights by focusing on both the individual person and the identity that is 'coterminous with all human beings.' (Ibid. p.74) Third, dignity offers us a possibility to better understand the relationship between religion and rights and why some religious conceptions of dignity lead to differing conclusions about the nature of the application of human rights.

Similarly in legal discourses, dignity is seen as a concept that offers a vital space for the opportunity to share reason with one another in a common enterprise. It is:

an occasion for exchanging reasoned and substantive judgements across cultural and geographic divides about the meaning of human flourishing, what it requires of us in justice, and how it can be variously understood and protected in communities constituted by their commitment to a common good. What reasons can I give you to care about and commit yourself to human rights? Why should we recognize the authenticity of *these* demands of dignity as opposed to others? What is the basis for regarding a particular thing as both good for me and good for others like me, both within the communities to which I belong and across their boundaries? (Carozza 2008, p.8)

Exploring dignity provides an opportunity for transnational and trans-cultural dialogue, which in turn can lead to deeper and more provocative reflection on the breadth of human experience. That such profound enquiry is possible and can be encouraged in RE is well established (Stern, 2003, 2006, 2007). Dignity offers a focal point and a signpost for exploring human rights, drawing on diverse experiences in different disciplinary domains and drawing on diverse cultural and religious interpretations. It is a concept that bridges cultures and fields of enquiry. If the concept of dignity is best understood taking account of the different disciplines that engage with it, and if the concept is central to human rights discourse, then it follows that human rights education should be reflective of those multiple discourses.

The idea of the dignity of the human person attracts considerable interest from a wide range of scholars in law, medicine, philosophy, politics and theology. It is a concept which is based on people's views and beliefs about what is to be human, and what that entails, which is then applied in their public life, 'Ultimately, the fundamental questions in law and ethics will be shaped by what we think it means to be human and what we understand to be the ethical obligations owed to the human person.' (Pellegrino 2008, xii)

## **Conclusion**

This chapter analysed the concept of dignity in the UDHR. In doing so it has revealed that dignity merits further exploration as a concept of primary moral importance, in particular for human rights. It established that dignity has a position of principle importance in the UDHR as a foundational idea and that this is a modern feature of human rights. It is an idea in a tension between a need for ideological conceptual clarity and a contrasting need for pragmatic vagueness. The lack of definition distances human rights from the frameworks or narratives of particular religious or philosophical traditions. Had the UDHR identified a specific justification, it may not have garnered such wide-ranging support and so the pragmatic political requirement for a more acceptable basis has left the declaration with a concept of dignity that is undefined. The absence of a precise definition attracts the criticism that it is rhetorical and of little substance. It seems less substantive than the rights that it is supposed to justify. However the lack of definition also leaves a dialogical space for an ongoing discourse about its meaning. That is to say it is a focus worthy of further enquiry. The case, advanced by some, that it is not worthy of continuing examination is weak. The ambiguity of the term in the UDHR is in part a product of political necessity, a placeholder that provides a point of agreement and a signpost for further discussion from different ideologies, philosophies and theologies. There is a great deal of interest in engaging with that discussion across a range of disciplines and fields. It is a mistake to conclude that the undefined status leaves it without any meaning. Rather it acknowledges that people from different backgrounds should come together and discuss the worth of human person. This in itself is an additional argument for examining the concept. The UDHR has not ended deliberation about rights, but stimulated it. This undefined quality of dignity makes it possible for human rights to be dynamic and dialogic. It steers away from the absoluteness that is feared by some as enforcing a western legislative structure on peoples and cultures that have evolved through

different contexts. This context invites an educational approach that is dialogical and exploratory, something explored in later chapters (6 and 7).

The lack of definition reflects the mystery of the human person and has continued to inspire scholars from many disciplines to use it as a starting point for further understanding and clarification. Nevertheless, this is a relatively weak defense of dignity. For it to be able to be a foundation or justification for human rights, more is needed. Unchecked debate and discussion might otherwise lead to a concept which veers widely in meaning from discussion to discussion, may not provide support for human rights, and may even undermine them. This chapter's select survey of recent scholarly interest in dignity throws light on a number of sources, philosophical and religious, which have influenced the contemporary concept of dignity. These sources offer possible meanings the concept might have, and imply boundaries such a concept needs for it to function as a foundation for human rights. Chapter 4 undertakes such consideration. Chapter 5 considers the presence of the idea of dignity in human rights education, given that the concept has been demonstrated to be of importance in medical ethics, law, theology and philosophy and is absent from the HRE debate.

## Chapter 4

### Philosophical and theological sources of dignity

Chapter Three has charted the range of contemporary discourse surrounding dignity. While the concept of dignity in the UDHR lacks clarity, in the contemporary era it has attracted a peak of interest, coinciding with the rise of human rights. Scholars have undertaken systematic treatments of the idea of dignity in western thought in relation to human rights and there are also non-western treatments<sup>3</sup>. These provide a backdrop against which the contemporary concept can be interpreted and understood. There are two aims of this chapter: firstly, to undertake a historical conceptual analysis of the different meanings found in key historical sources and secondly, to understand the interpretative frameworks and meanings used to explore dignity.

The chapter is formed of four parts. The first part considers recent reviews of the history of dignity to provide some markers before a selection of sources are considered in more detail. This is important as it reveals how different organising frameworks are used to interpret the development of the concept and it also spotlights sources that are commonly cited.

Some modern scholars find importance in all of the early sources while others identify a single source of significance. Some map the developments dispassionately observing differences and similarities with the contemporary concept without passing comment on significance. Contemporary writers use different frameworks to draw meaning out of the early sources. These are prominent:

- Dignity is interpreted relationally by its interaction to other ordering ideas;
- Dignity is interpreted through a conceptual typology;
- Dignity is understood as a contextualised and self-contained historical notion.

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<sup>3</sup> For the use of dignity in Islam see for example Mohammad Hasim Kamali (2002) *The Dignity of Man: An Islamic Perspective* (Cambridge: Islamic Texts Society) and Chandra Muzaffar (2002) *Rights Religion and Reform: Enhancing human dignity through spiritual and moral transformation* (London: RoutledgeCurzon). For Hinduism see Coward, Lipner and Young (1989) *Hindu Ethics: Purity, Abortion and Euthanasia* (Albany: SUNY). For Buddhism see Peter Harvey (2000) *An Introduction to Buddhist Ethics* (Cambridge: CUP)

The next three parts each take a different source of dignity that is prominent in current debates, and reflect distinctive positions and stages in the development of the idea. The three principal sources are drawn from *Antiquity* (principally Cicero), a *Christian* context (a broad category requiring further definition) and an *Enlightenment* context (Immanuel Kant). *Part Five: Reflecting on ancient and modern* relates the different ideas of dignity found within the three sources to the idea of dignity within the UDHR.

The chapter concludes that the contemporary understanding of dignity draws on a number of different ideas within the sources, rather than a single source or idea. This is taken to be a quality of the concept, even if it does raise further questions for exploration. Dignity is a compound concept. It also concludes that frameworks provide a useful tool for exploring the historical sources of dignity, and that an adapted framework may be suitable for an understanding of contemporary sources. Such a framework can account for the relationships between different elements of the concept, and acknowledge that tensions are held between those elements.

### **Part One: Approaches to the history of dignity**

Historical sources have been reviewed using frameworks of different kinds, interpreting the significance of the sources for the modern idea of dignity in different ways. Here, three are considered: Mette Lebeck (2004), Daniel Sulmasy (2008), and Carlos Miguel (2002). They are chosen partly because they are recent, partly because they have different intentions and take different approaches in what they aim to achieve through the review and partly because they provide different disciplinary perspectives from law (Miguel), theology-philosophy (Lebeck) and bioethics (Sulmasy).

(i) *Mette Lebeck*: Mette Lebeck (2004) draws on Taylor's (1989) use of conceptual frameworks. Dignity can be understood as an idea that has developed through several stages to reach the UDHR and the conventions that followed. This approach is inspired by his idea of 'moral frameworks'. The presuppositions or conventions of the framework can be classified as ethical, political and metaphysical. Ethical conventions involve virtue, status, rights and duty; political conventions involve the nature of law and society; and metaphysical conventions concern the place and destiny of the human being in relation to nature and the divine. Within each stage, specific time related conventions apply and specific logical possibilities are exemplified creating

a particular contextual framework through which dignity is understood. These frameworks change from time to time as patterns of social organisation develop. New understandings of social status influence what things are valued and the conventions that define a way of living. As a result these frameworks constitute shared worldviews. For Lebeck the variety of sources with their different formulations and understanding of dignity reveal a complex multidimensional quality.

Lebeck outlines four stages in the development of the idea of human dignity:

- The cosmo-centric framework of Antiquity, which explains human dignity on the basis of nature and is exemplified by Cicero;
- The Christi-centric framework of the Middle Ages, which explains human dignity in relation to Jesus Christ, illustrated by Thomas Aquinas;
- The logo-centric framework of Modernity explaining human dignity as a tributary to reason, found in Kant;
- The polis-centred framework of Postmodernity, which explains human dignity in relation to social acceptability, found in Mary Wollstonecraft.

Lebeck's overarching view is that each of these ways of accounting for human dignity can be understood as a source of the idea as it appears in the UDHR. The contemporary concept is a complex construct that draws on several sources.

**Table 1 Lebech's stages of development**

<b>Period</b>	<b>Basis of dignity</b>	<b>Grounding</b>	<b>Exemplifying thinker</b>
Antiquity	Cosmo-centric	explains human dignity on the basis of nature	Cicero
Middle Ages	Christi-centric	explains human dignity in relation to Jesus Christ	Thomas Aquinas
Modernity	Logo-centric	explains human dignity as a tributary to reason	Kant
Postmodern	Polis-centred	explains human dignity in relation to social acceptability	Mary Wollenstonecraft

Lebech concludes that the frameworks agree that human dignity is the fundamental value of human beings but each framework understands it to be conditioned by different features of human reality: human nature; God-relatedness; the faculty of reason; or recognition within society. Each conception understands the human to consist of different elements. Each understands the value of the human to consist in different aspects of its being. The frameworks all hold that the value of the human being pertains to the individual human, rather than its nature, faith, reason or status. They all hold that human dignity pertains to the human being and the experiential knowledge that the human being has.

Lebech is arguing for cohesion between the different frameworks she identifies. She sees the contemporary concept as a blend, an integrated idea inclusive of Christian and other sources. For her the multiplicity of perspectives provides a rounded conception of dignity that does form the moral basis for moral action and human rights. Ultimately she holds that dignity is a multidimensional foundation and the principal moral factor. She does not seek to fully explain the connections or conflicts between the different notions of dignity, but, like Miguel, recognizes

their existence. Her analysis suggests that conceptual understanding requires contextual understanding of a meaning-giving narrative.

(ii) *Daniel Sulmasy*: Daniel Sulmasy offers a different typology. Like Lebech, he identifies Greek and Roman antiquity and moral philosophy, especially Kantian moral philosophy, as important sources. Within those three milieu, different senses of dignity emerge: attributed dignity, intrinsic dignity and inflorescent dignity (Sulmasy 2008). It is through these classifications that Sulmasy views the historical sources. He identifies thinkers or sources which exemplify each classification.

**Table 2. Sulmasy’s characterising typology**

<b>Period</b>	<b>Type</b>	<b>Definition</b>	<b>Exemplifying thinker</b>
Antiquity	Attributed dignity	the worth of value conferred on others by acts of attribution	Cicero
Moral Philosophy	Intrinsic dignity	the worth or value a person has by virtue of being human, rather than any social position, ability or skill	Kant
Moral Philosophy	Inflorescent dignity	the way people are flourishing and developing in all aspects of their humanity	Not given by Sulmasy but Amartya Sen and Martha Nussbaum are examples

Sulmasy’s first category is attributive dignity. Attributive dignity refers to the worth conferred on others by acts of attribution. Sulmasy’s second category is intrinsic dignity. It means the worth a person has by virtue of being human, rather than any social position, ability or skill. It is not conferred or created by human action. It is pre-rational. It is asymmetrically related to attributive

dignity and, for Sulmasy, it offers the most convincing basis for a moral foundation for rights. Sulmasy's third category is inflorescent dignity; the way people flourish and develop in all areas of their humanity. This flourishing is consistent with and expressive of their intrinsic dignity. This kind of dignity is influenced by human actions, those of the self and others, in that the extent to which dignity can flourish depends upon the willingness of others and the self to let it flourish.

Sulmasy is also seeking a moral foundation in dignity but he is more content to discard some perspectives of dignity in favour of others. His analysis is less concerned with delineating subtle differences within single sources, but rather seeks to identify the main ideas that characterise separate sources. Ultimately, it is his aim to select the most suitable conceptualisation for a moral foundation for human rights that is most closely aligned to the UDHR. Sulmasy's analysis leaves open the question of the relationship between an intrinsic notion of dignity and how that extends into the social context. A foundational idea of dignity cannot be attributive and yet the extent to which that dignity is recognized and allowed to flourish depends on social recognition. The ways in which dignity might flourish seem particularly close to human rights, or as Sen and Nussbaum formulate it, human capabilities (Nussbaum 1999). Indeed Sulmasy himself seems open to the reality that the link between the inherent and the social is important and needs delineating (Sulmasy 2008).

*(iii) Carlos Miguel:* Carlos Miguel (2002) has undertaken a survey of many historical sources of dignity from which he has identified diverse views on the grounding, subject, and degrees of dignity. He provides an analysis but, unlike Sulmasy, he is not aiming to identify a particular moral foundation, and unlike Lebeck, he does not try to rationalise his findings into a coherent whole. His intention is to review the sources dispassionately and compare them with the notion found in the UDHR.

Miguel observes that there is a major division between the positions in terms of the grounding of dignity. He divides the sources into those that are theologically grounded and those that are naturally grounded and then identifies delineations within those groups, sometimes revealing that individual authors or sources take multiple positions. Having a common natural ground means little, as many different natural grounds are offered. The subject of dignity varies within each ground. Dignity is attributed to every human being from some whose idea is naturally grounded and some whose idea is theologically grounded. Equally, there are examples of dignity being offered to a narrow range of people from both theologically and naturally grounded positions:

dignity maybe attributed only to those baptized, only to those morally good enough and only those of certain social status. Finally, the extent of that dignity varies within both groups. Theologically grounded terms espouse equal dignity for everyone, on the one hand, and delineate between potential (for the unbaptized) and realized (for the baptized) dignity on the other. Naturally grounded terms espouse dignity as unique or having several degrees.

Natural Grounding							Theological Grounding
etymological sense of the word, Roman Law, Aquinas, Humanist Philosophy, Hume, Kant, Schiller, Hegel							Saint Leo the Great, some Catholic theological texts, Manetti, Pérez de Oliva, Boaiustuau
ethicity	Autonomy	utility	freedom	a body and soul perfection	a moral integrity	certain high social or political position	
Hegel	Kant	Hume	Aquinas, Pico, Vives, Pérez de Oliva	Manetti, Pérez de Oliva, Boaiustuau	Roman Law, Aquinas, Hume, Kant, Schiller	Roman Law, Kant	

Table 3. The Grounding of Dignity in Miguel (2002)

**Table 4. The Subject of Human Dignity in Miguel (2002)**

(note that some thinkers expressed multiple groundings and appear in more than one cell)

Theologically grounded		Naturally grounded		
baptized as the only subjects of human dignity	dignity for <i>every single</i> human being	every single human being	the virtuous ones	the ones in high social and political positions
Saint Leo the Great	Saint Leo the Great, Manetti, Pérez de Oliva, Boaiustuau	Pico, Vives, Pérez de Oliva, Hume, Kant	Roman Law, Aquinas, Kant, Hegel	Roman Law, Kant

**Table 5. The degrees of human dignity in Miguel (2002)**

Theologically grounded		Naturally grounded	
<i>equal amount</i> of dignity for everyone	a ‘fully accomplished’ dignity for baptized and a ‘potential’ dignity for the not yet baptized	several degrees of human dignity	a unique degree of dignity
Saint Leo the Great, Manetti, Pérez de Oliva	Saint Leo the Great	Roman Law, Aquinas, Kant, Hegel	Manetti, Pico, Vives, Pérez de Oliva, Boaiustuau, Hume, Kant

Each approach leads to quite different implications. Miguel's analysis is not so much concerned with application as relevance when compared to the contemporary concept. He is not seeking to portray a single source as the essential or most suitable influence, but he provides a detailed analysis of the historical sources and sets them against the modern notion. He neither argues that one particular source or idea offers a moral foundation, nor makes dignity a primary moral concept, but the collage he presents gives an important insight into the preoccupation with the term. His analysis does reveal antecedents to the modern notion in ancient and medieval thought, and not simply the more recent Kantian conception. The question of the status of dignity as a foundation is left open.

To survey the history of the development of dignity across the whole of the western canon is beyond the scope of research in this thesis. However, a review of these three approaches offers at least two broad insights to provide a sensible way forward. All three identify Cicero, the Christian tradition and Kant as important contributors. These three sources are important reference points, commonly referred to in the literature on dignity and so shall be the focus here. Both Miguel and Lebech recognize a complexity within sources. Therefore any survey should be sensitive to that complexity. Sulmasy's typology provides a helpful way of making sense of the conceptual differences and their implications within and between the different sources.

Taking these previous reviews into account, the sources chosen here are commonly identified in contemporary literature as featuring in the development of the idea. They are grouped under three categories: Antiquity, Christianity and Enlightenment. These groups are useful in as much as they characterise central aspects of the sources within each category and they have some linear relationship. The main source from antiquity is Cicero, and significant within his thinking are Stoic ideas about natural law that are also found in Sophocles (1974) and Aristotle (1995). Cicero features in several recent reviews of dignity and provides an early snapshot of the concept. A shift in emphasis occurs within the Christian group, which covers a collection of authors all operating within a theological framework. Thus this group spans historical periods so that influences are seen in contemporary Christian thinking. While natural law grows in influence, the idea of the image of God and the image of Christ become key to defining the dignity of the human person in the twentieth century. These doctrines remain important in the present day. Kant is by far the most commonly cited philosopher in the contemporary human rights literature. Christian perspectives of Kant vary significantly. He is seen as a positive influence on the modern age by some, and a negative influence by others. Lebech's postmodern option illustrates

the significance of ongoing experience as a source for making sense of dignity. These categories are not enclosed by conceptual boundaries but are porous, and ideas found in one source take on new but recognizably similar forms in the next.

## **Part Two: Antiquity – Cicero**

The term ‘dignity’ has origins in Indo-European language roots and those origins suggest the meaning ‘importance over others’ rather than something related to moral goodness. This origin signifies an ontological statement of superiority, rather than a moral statement (Miguel 2002). It implies a position of importance that should be recognized, or honoured, by others.

The idea can be linked to the emergence of individualism found in the Stoic belief (in the fifth and fourth centuries BCE) that individuals were beings of reason that ought to be respected (Grant 2007). Human beings were distinguished as superior to animals because of this feature. Greeks had the word *αξια* (the root of *axion*), meaning worth or deserving. This is related to the English term *axiology*, the theory of value. Here too, value may be attributed because of position or power, rather than any moral designation. A number of figures from the period of antiquity are referred to by contemporary scholars including Cicero (Miguel, Cancik and Sulmasy) and Aristotle (Miguel). In *The Nichomachean Ethics*, Aristotle defines *αξια* as ‘a term of relation. It denotes having a claim to goods external to oneself’ (1123b18). This is Harris Rachham and Steven Watt’s translation (Aristotle 1996), while the collection and translation *The Complete Works of Aristotle* (Aristotle 1995) edited by Jonathan Barnes uses the word *desert* or *deserving*. Aristotle does not consider all human beings to have this worth or deserving by virtue of their humanity and human beings may be differentiated according to it. This kind of dignity is recognized and rewarded by external factors for things done. It is contingent on the behaviour of the human being. This idea of dignity is linked with the idea of a universal system of rules or law of nature (Grant 2007). Humans have dignity because of their standing in nature as the highest being. Their place in the universe gives special significance.

### **Cicero, dignity and the dignity of man**

Cicero features prominently as an important early source (Bloch 1987; Cancik 2002; Sulmasy 2008). Cicero may not at first appear an obvious choice as an influence on the contemporary

conception of dignity, but Cancik suggests Cicero provides a formula that can be traced in later medieval writings such as Pufendorf (1632–1694) in the seventeenth century. Pufendorf made Cicero popular again by providing an intellectual orientation (Bloch 1987). This influence was to continue for some time and Cancik argues, ‘Up to the middle of this [twentieth] century, it is mainly the text of Cicero and a general Ciceronian tradition which bestows a certain coherence on the history of the formal “dignity of man”.’ (Cancik 2002, p.37) Cicero refers to dignity in two ways. There is the dignity of human nature, the status of man above all other creatures in nature, and there is the dignity that is shown to and recognized by others. One is related to the other. Cicero uses the phrase ‘dignity of man’ in relation to the position of human beings within the cosmos, or divine order. Hubert Cancik’s treatment of Cicero focuses on the ‘dignity of man’ as well as his general use of the word dignity. In *De Officiis* 6, 106, human beings are given superiority over living creatures on account of the dignity of man:

It is a part of every enquiry about duty always to keep in view how greatly the nature of man surpasses domestic animals and other beasts. They perceive nothing except pleasure, and their every instinct carries them to it. A man's mind, however, is nourished by learning and reasoning; he is always enquiring or acting, he is led by a delight in seeing and hearing... From this we understand that bodily pleasure is not sufficiently worthy of the superiority [*dignitas*] of man and that it should be scorned and rejected... If we wish to reflect on the excellence and worthiness [*excellencia et dignitas*] of our nature, we shall realize how dishonourable it is to sink into luxury and to live in a soft and effeminate lifestyle, but how honourable to live thriftily, strictly, with self-restraint, and soberly. (Cicero 1991, *De officiis* 1.105–6)

By dignity, Cicero here refers to the superiority of human beings in relation to other animals. This superiority is founded on their shared ability to reason and to speak (Saastamoinen 2010, pp.48–9), a disputed argument today (Singer 1986, 1993). These features establish a natural fellowship among all members of the human species. As a consequence, members of the Roman elite (‘we’ in Cicero's vocabulary) are expected to maintain justice even toward slaves (‘the lowliest’).

Cancik explores Cicero’s claim that dignity resides in human nature. Human beings are born free and are rational by nature. In Stoic thought, nature is rational and reason a fiery energetic substance in all things. Nature is creative but acts according to rational rules and so is a normative prescriptive force, ‘Nature prescribes that man should help man for the only reason that he is human.’ (quoted in Cancik 2002, p.25) Cicero links dignity and the unity and equality of human kind expressed in natural law, and also the dynamic reason with its capacity to make free moral decisions. Thus the ‘dignity of man’ is part anthropological and part ethical. It is

based on human reason and self-control and is universal. Cancik continues by arguing that this first expression of 'dignity of man' is not religious or theological, but political, anthropological and rational. Its relationship with transcendental or divine qualities of nature would need further development, but for Cicero the simple, strong everyday experience of human governorship over animals was enough to sustain the pre-eminence and dignity of man (Cancik 2002, p.27). Cicero sees dignity as a response to his experience of the world. It is observable in everyday life and points to a transcendent reality. Dignity is both tangible and intangible.

In Roman times dignity was an important idea relating to the standing that commanded respect because of political or military achievement, and Cicero is seen as using dignity to refer mainly to personal honour or public standing. Sulmasy recently restated this interpretation holding that Cicero defined dignity as the honourable authority of a person, which merits attention and honour and worthy respect. His literal use of the word meant 'worthiness', but also includes a person's reputation or honour. This is linked to what Cicero says (quoted above) about avoiding a dainty and soft lifestyle, and preferring to live life honourably, thriftily, strictly, with self-restraint, and soberly. For Cicero, certain qualities or virtues should be evident in a person of dignity. The dignity of human nature means it is incumbent on a person to live virtuously and this in turn should be recognized by others. Sulmasy concludes, 'for Cicero, one's standing in the community ought to be based on one's true excellence. For him, to have dignity was to have a merited degree of respect from others because of one's excellence as a human being.' (2008, p.471) This dignity, like the Greek *αξια*, meant that in justice people were treated differently according to their dignity (excellence and standing). Dignity is a measure of the quality of a person. How that person is treated varies according to that measure, 'justice is the habit of mind which gives to everyone according to desert (*dignitas*) while preserving the common advantage.' (Cicero, *De Inventione*, II, 159 quoted in Sulmasy 2008) This kind of dignity is a quality that is relative to standing and moral conduct, and depends upon a judgement made by others. It is granted in recognition of certain conduct or behaviour. It is relational, dependent on your action and the action of others. The kind of behaviour and conduct necessary is contextualised by Roman culture and is relative to it. Cicero, however, believed that this measure was not particular and local. The Roman culture that he identified was thought to be universal, far from parochial. But Aristotle and Cicero's observations of how dignity is measured may well have differed from one another, affected by the distinctive Greek and Roman cultures of different times and places. An expression or behaviour recognized as indicating dignity in one culture might well do the reverse in another. This parochial expression of what some have called

attributive dignity is local to the social cultural norms of the time and place. It does not offer the intrinsic or inherent qualities found in the contemporary idea as expressed in human rights, and nor is it a supranational, super-cultural concept. It is extrinsically defined, situational and contingent on cultural determinations. It is subject to change over time in response to social trends. Nevertheless, recognition of dignity is important. Dignity does require a response from others. In this respect there is similarity with the contemporary notion.

### **Interpreting Cicero**

Cicero's dignity of man is within humans, not by attribution of other people or society at large, but because of nature, the cosmos. It is cosmically orientated by virtue of the position of human beings in the cosmos. Consequently Mette Lebech prefers to characterise the dignity of antiquity, and Cicero in particular, as a *Cosmo-centric* account explaining human dignity through the status of human beings in relation to the cosmos (Lebech 2009). In the cosmo-centric framework, human beings have fundamental value because of their dominion over their passions, their household or group, or the brute beasts. Nature has assigned humans this superior position by granting them reason. Moral dominion is also necessary and humans must pursue that through the development of virtue. While it is not sufficient of itself as a characteristic of human beings, it can be taken as a criterion of dignity. Dignity is objectively orientated, rather than subjectively determined. In this way, there is commonality between Cicero's idea of 'dignity of man' and the intrinsic dignity associated with Kant and contemporary human rights discourse. It emphasizes the supra-human nature of designation of human dignity.

Cicero did not link dignity to the idea of inviolability of human life, which modern usage does. In Cicero, dignity is connected with distinctively human qualities and it emerges from an experience of the political reality of the human being and the social designation that follows from this reality. Dignity was connected to human excellence, not simply the social judgments of those around, as some later philosophers such as Hobbes suggested. In *The Leviathan* Hobbes writes:

The Value or DIGNITY of a man, is, as of other things, his price; that is to say, so much as would be given for the use of his Power; and therefore it is not absolute; but a thing dependent on the need and judgment of another.... The publique worth of a man, which is the Value set on him by the Commonwealth, is that which men commonly call DIGNITY. (Hobbes 1991, pp.63–64 cf. Sulmasy 2008, p.427 for discussion.)

The social dimension of dignity, the extent to which it measures social standing, contrasts the position it holds in the UDHR. Cicero combines a cosmic aspect of dignity with human excellence and some degree of social recognition in his conception of dignity. The connections between these dimensions raises questions that are difficult to answer from a cosmic and a social designation: What kind of being is a human? How do humans appropriately express their being? (McCrudden 2008) Dignity in general use is close to a sense of human excellence. It is still common to hear the remark that a person is not acting in a manner suitable for the dignity of the office the person holds.

Some contemporary readers of Cicero only refer to his idea of dignity rather than the *dignity of man*. This is understandable as this understanding of dignity is much more common in his writings. Nevertheless the latter phrase shows how Cicero was influenced by prevailing Stoic thought, as well as Roman social thought. The presence of these two streams of influence indicates that the idea exists in a plural complexity in this early source of dignity. Miguel writes that in ancient times there existed a, ‘co-existence of diverse meanings of dignity.’ (Miguel 2002, p.2) It also shows a tension between the universalistic traits of the dignity of man and the local socio-political realization of dignity.

### **Contemporary critical responses to Cicero**

*(i) Human excellence is an inadequate moral foundation:* Human excellence provides a doubtful foundation for human rights that are predicated on their applicability to all, irrespective of personal designation or behaviour. Human excellence may be something that is difficult to agree upon but more importantly, it is always likely to be variable and therefore an improbable basis for a moral foundation of rights that are universally held. It is possible that human excellence is associated with an intrinsic notion of human dignity and rights. Human rights define themselves as the recognition of human dignity. They are warranted because human beings have dignity. Human excellence should include that recognition although excellence must surely reach beyond the minimum standards of human rights. Human excellence, whatever it is, must surely reach to a maximal position if understood in terms of moral conduct.

*(ii) Cosmic designations are undermined by contemporary science:* The argument that human beings are superior because of their natural position in the universe is challenged on a number of levels. Firstly, evolutionary science suggests that there is no grand cosmic plan for the

superiority of human nature, but rather a mere accident of evolution (Rachels 1990). Secondly, those who claim that freedom and reason are hallmarks of this position of superiority are undermined by psychological criticisms of human freedom (Skinner 1971). Thirdly, there are suggestions that other life forms express degrees of sentience that challenge the moral precedence of humanity over other beings (Singer 1986, 1993). Cosmic designation is an unreliable foundation. None of these elements dissuade the common desire to claim that human beings are special and do have some kind of specific significance but does leave open the accusation that dignity is attributive, rather than inherent. Beyond non-human animals are possible claims for other sentient beings of a spiritual, alien, or artificial-intelligent computer nature.

*(iii) Social recognition is an unreliable measure of human dignity:* Finally, human rights specifically reject any suggestion that they are conferred on a person by others, or that they vary according to the social recognition that is deserved. Nevertheless, social recognition is a necessary response to the demands of dignity, the rights that flow from it. The extent to which others recognize the rights due to a person indicates the extent to which their humanity is acknowledged. For Cicero there were different levels of social recognition according to the level of excellence that a person achieved. In the contemporary era the recognition remains, but humans are levelled to a single common rank.

While Cicero seems an unlikely source for the contemporary conception of dignity in the UDHR, Pufendorf's popularisation of Cicero and his own founding of equality on dignity seem to point to important dimensions of dignity today, in terms of the importance of striving to adequately recognize the requirements of dignity due to human beings. It should be noted that not every scholar acknowledges this interpretation of Pufendorf's own work (Saastamoinen 2010).

### **Part Three: Christianity**

Dignity has an important position in contemporary theological discussion. It has been a driving force in some theological traditions and also in inter-religious dialogue. Therefore more consideration of that impact is warranted here. This influence can be observed in Catholic and Protestant thought, as well as broader religious debate. A selection of sources illustrates this trend. Historically, Christian interest in the idea of dignity predates the modern and contemporary rights era. Carlos Ruiz Miguel (2002) charts the development of the idea in the

work of St Leo the Great (395–461 CE), Cardinal Lotario de Conti (1160–1216), St Thomas Aquinas (1225–1274), and Fernan Perez de Oliva (1494–1531). However it is in the social thought of Pope Leo XIII, in the nineteenth century, where contemporary Catholic interest in the link between rights and dignity begins. This emerged out of a concern for workers' rights and the rights of their families. In his study *Claims in Conflict*, Hollenbach notes, 'Leo's encyclicals laid the groundwork for the modern Catholic theory of human rights. Human dignity is the foundation of this theory.' (Hollenbach 1979, p.49)

Developments in the nineteenth century extended throughout the twentieth century. Coleman (1984) notes that they were heavily influenced by the work of Maritain on human rights, who was to contribute to the drafting of the UDHR itself, 'The dignity of the human person? The expression means nothing if it does not signify that, by virtue of the natural law, the human person has the right to be respected, is the subject of rights, possesses rights.' (Maritain 1943, p.65) Maritain, a Thomist scholar, associated human dignity with natural rights but there are other influences on Catholic theological development. Dietrich in his study *Human Rights and the Catholic Tradition* (2007) explores the twentieth century theological development of the idea that human rights are assertions of human dignity. Dietrich charts the contributions of German theologians and their experience of the Holocaust. Their experience influenced the Decrees and Declarations of Vatican II and prominent contemporary Catholics including Cardinal Kasper, President of the Pontifical Commission for Religious Relations with the Jews, and most notably the work of Pope John Paul II. Dietrich identifies a shift towards a theological response to experience as a source of inspiration for theological reflection on human dignity, found in the writings of Grosche, Koster and Rahner, Metz, Chenu, Ratzinger (Pope Benedict XVI) and Dorsetti (cf Dietrich 2007, pp.174–5). The dignity of the human person is regarded as a central aspect of Pope John Paul II's papacy and is an important component in Canon Law (Coughlin 2003, 2004; Grasso 2003; Rowland 2005). Dignity and human rights have also been prominent in liberation theology (Gutierrez 1973).

In broader Christian theological reflection, human dignity has received considerable attention (Cairns 1973; Moltmann 1984) including a recent collection of essays mainly from Protestant perspectives edited by Soulen and Woodhead, which seek to recontextualise dignity from biblical perspectives centred on creation, redemption and sanctification (Soulen & Woodhead 2006). George Newlands has contributed to the development of a Christological perspective on human dignity (Newlands 2006), which he restated and developed with Richard Amesbury in their 2008

collaborative work, *Faith and Human Rights: Christianity and the Global Struggle for Human Dignity* (Amesbury & Newlands 2008). They explore how Christologies contribute to the struggle for dignity, arguing that they should, ‘encapsulate the nature of the Christian understanding of the love of God, illuminating the self giving, self-dispossessing nature of divine reality as a pattern of human relationships.’ (Ibid. p.123) Common to these offerings is the interest in grounding conception of human dignity in the Christian narrative, as opposed to secular philosophical traditions of dignity.

There is no single Christian doctrine of dignity but rather a stream of ideas that have developed into differing doctrines. This section is a selective review that seeks to draw attention to the key elements of the Christian idea, while acknowledging it is complex.

### **Christian sources**

Though the Bible does not mention dignity, Early Church Fathers believed it pointed to the idea. Discussion about Christian belief in the dignity of the person appears in the first few centuries CE, in reflection on Old Testament text, principally Genesis 1:26ff (see also Psalm 8.5ff and Sirah 17.1–11) which holds that human beings are created in the image and likeness of God. The meanings of image and likeness may refer to physical resemblance, mental representation or as a manifestation. It was widely held that those words capture a sense of all those aspects. Physical image would be too narrow alone so likeness is used, and because of Genesis 1.27b, ‘in the image of God he created him. Male and female he created them’, it is clear that the full meaning of humankind (Adam) is realized only when there is man and woman (Erhueh 1987, p.4). This image and likeness is passed down to the descendents of Adam, through the generations (Genesis 5:1–3), and therefore the image of God is not lost after the fall (Erhueh 1987, p.8). In the New Testament, the Gospels refer to Jesus Christ as having the image of God (Mt 5.48, Jn 14.9b, Jn 1.11). In St. Paul’s letters the doctrine is christological. Without Christ there is no image of God since Christ is the perfect image of God (Col 1.15, cf 2 Cor. 4.4) and it is the purpose of every Christian to realize this perfect image of Christ in their entire life, which is achieved in the final resurrection (Ph 3.21).

In Christian belief, the universe has a rational order and human beings have a special status in the hierarchy of that order, as a result of being made in the image and likeness of God. The purpose of the human being is to reflect Christ’s image in their life. Erhueh summarises this as follows:

The consequence of *imago* doctrine in the New Testament for human dignity is easily recognizable. It forms the basis of universal brotherly love proclaimed by the Gospels and the Epistles... man's true nature and dignity arise from the fact that he was made in the image and likeness of God at the time of man's creation, and is ordained toward the realization of the perfect *imago* through the redemption and salvation brought in Jesus Christ. (Erhueh 1987, p.23)

These beliefs are found in the early Christian writers. St Ireneus (2<sup>nd</sup> century – 202 CE) writes 'For the glory of God is a living man' (*Against Heresies* Book 4, Chapter 20,7, in Robert & Donaldson 1971). Later, Lactantius (240–320 CE), the Christian apologist, spoke of the dignity that humans have as part of God's creation when he states that God has made humankind as a sacred animal, 'Therefore, with regard to this precept of God, there ought to be no exception at all; but that it is always unlawful to put to death a man, whom God willed to be a sacred animal.' (Divine Institutes 6.20, in Robert & Donaldson 1971, p.187) Lactantius saw the special status of human beings as conferring duties and responsibilities on others. He places restrictions on the killing of humans including murder, war or infant exposure. Here, human dignity is equated with sanctity; a special, holy thing that must be protected, irrespective of the person's action, behaviour or social standing. Respecting others is not purely a matter of obedience to God's law, but a response to the worth of the person.

Clement of Alexander (160–215 CE), Gregory the Wonderworker (213–270 CE) and John Chrysostom (347–407 CE) express the belief that human beings are reborn in the image of Christ, through God's redemptive power and through life in the Spirit via the practice of Christian virtue (Soulén & Woodhead 2006, p.5). Clement of Alexander thought those who submit themselves to the 'training of Christ' acquire a moral loveliness and a 'superior dignity' (Ibid.). Dignity here is something that can increase over time, is conferred through God's call to humankind and is ultimately rooted in God. Humanity is made perfect through Christ. Through the incarnation, God made man in Christ, human nature is marked with the divine prerogative.

These ideas are reflected and to some extent consolidated in the later work of Saint Leo the Great (400–461 CE). Saint Leo the Great associates dignity with high rank and he also applies it to those people who have been baptized, as it is through baptism that the temple of the Holy Spirit has been erected in them. This link with baptism remains today in the Catholic Rite of Baptism, where dignity is something that the Christian should now preserve 'unstained' until meeting God in heaven.

99. The celebrant says:

N., you have become a new creation, and have clothed yourself in Christ.

See in this white garment the outward sign of your Christian dignity. With your family and friends to help you by word and example, bring that dignity unstained into the everlasting life of heaven.

R. Amen.

(*Rite of Baptism of One Child*, from the 1970 Missal, available online at The Catholic Liturgical Library,

<http://www.catholicliturgy.com/index.cfm/FuseAction/TextContents/Index/4/SubIndex/67/TextIndex/7>, accessed 6/9/10)

Leo links dignity with character or moral conduct. The Christian should seek to avoid sin and the stain that it brings. Finally, there is a further notion of dignity that Leo refers to – the dignity of all human beings. This he links to two Christian doctrines: human beings are in the image of God (in Genesis) and because of Christ (God being made human) human nature has been dignified.

The doctrine that the human being is ‘made in the image of God’ can be summarised as follows. In Genesis human beings have a special position in the natural world with stewardship or dominion over all things. Human beings have the power to understand. The phrase *being made in God’s image* is often taken to imply humans have a special responsibility over creation. Human beings possess some Godlike quality. This gives them an inherent and inalienable dignity. The biblical notion of dignity at once raises the status of human beings in this way, but at the same time it humbles them. Humans are made in God’s image but they are not divine – ‘we are creatures, not creators’ (Kraynak 2008). When this is combined with the second doctrine, that human beings are redeemed through Christ’s salvation, this last aspect is modified. Human beings have a transcendent destiny. Being Christ-like is being God-like. Thus an ethic for the transcendent in each other is combined with a notion of individual perfection to be reached for in the human journey towards Christ-like behaviour.

The Church fathers (for example, Origen (185–254 CE), St. Irenaeus (2<sup>nd</sup> century – 202 CE), St. John Chrysostom (347–407 CE) and St. Basil of Caesaria Cappadocia (329–379 CE) maintain a universalistic perspective and they argue that all human beings possess reason, freedom or immortality (Erhueh 1987). Human beings are rational animals and immortal by virtue of being sons of god (Ibid. p.36). Miguel writes, ‘Saint Leo the Great classes dignity as an ontological category, without moral content. This allows him to sustain that the Man “is born” worthy (*würdig, dignus*) and all the human beings from that perspective share the “same” or “equal” dignity.’ Miguel disagrees with interpretations of Leo that suggest dignity is something that is afforded by baptism and can be won, risked or lost (Miguel 2002, p.4).

Human beings may be special simply because they hold a unique place in God's creation and because he has some purpose for them, but uncertainty exists as to the precise nature of the divine element that is reflected in humanity. For some, such as St Augustine, the nature of that divine image was obviously reason (Kraynak 2008, p.73) but a number of other possibilities exist: freedom, language, a physical trait (such as upright posture), immortality, capacities for love, holiness, and justice (Ibid.). Lorberbaum also notes a number of different interpretations of the *Imago Dei* in Genesis: the human shape, the rational faculty, the conscience, the ability to know right from wrong. He observes that all assume there is a divine spark in human beings (Lorberbaum 2002). This ambiguity may come about because the phrase dignity of the human person itself does not appear in the early Christian texts despite being a concept that existed in the Graeco-Roman world. Some read it implicitly within the text, through the prism of the theologies that have evolved. Erhueh takes a position that *Imago Dei* is a closely associated idea that can be traced in the Old and New Testament and is the basis for the love that a Christian must show their neighbour (Erhueh 1987, p.23). In other words it could be seen as a reason for the ethical teachings of the Bible. Miguel, on the other hand, holds it is a 'forced construction' as it is simply not clearly defined within the Bible itself (Miguel 2002, p.3).

In the work of Thomas Aquinas there is an acknowledgement of the attributive dimensions of dignity:

For as famous men were represented in comedies and tragedies, the name 'person' was given to signify those who held high dignity. Hence those who held high rank in the Church came to be called 'persons.' Thence by some the definition of person is given as 'hypostasis distinct by reason of dignity' and because subsistence in a rational nature is of high dignity, therefore every individual of the rational nature is called a 'person'. (Aquinas, Summa Theol I, 29, 3, ad 2)

While acknowledging this, Aquinas and Bonaventure move to an inherent understanding of dignity that flows from personhood, the rational nature of man. It is essential to the human being, not an addition. This describes what Williams calls an ontological dignity, common to all human beings (Williams 2005, p.156). There is also a moral dignity, the consistency by which a person lives. This is variable and there is the possibility that it may deteriorate. A human who sins deviates from the rational order and so loses his human dignity insofar as a human is naturally free and an end unto himself. There was some debate among Protestant Reformers as to the degree that the image of God remained after the fall. Martin Luther held that the image and likeness of God was lost after the fall, though it could be restored through the Word and the Holy

Spirit as they think, feel and want exactly what God wants (Grenz 2002, p.165). Calvin held that it was corrupted and whatever left is a deformity (Shih 2004). In these discussions ontological and moral dignity are not distinguished.

Miguel traces the influence of these senses in modern Catholic thought. In the Documents of Vatican II (1962–65), some texts proclaim dignity for everyone such as *Dignitatis humanae*, the Declaration of Religious Liberty which states ‘everyone, according to his dignity, as being person’ (Flannery 1996, p.553) while others make reference to the loss of dignity through moral action (*Gaudium et Spes*, para. 16, in Flannery 1996, p.178). It is linked to the eschatological future of humanity: through Christ, dignity is brought to the highest level suggesting it is developmental and linked to becoming Christ-like (*Gaudium et Spes*, para. 22, in Flannery 1996, p.185). Thus different dimensions of dignity are embedded into modern Catholic theology. Kraynak argues that the foundation of human dignity in the Bible is the *Imago Dei* but that there is a challenge in balancing the affirmation of everyone’s infinite worth with the demands for spiritual and moral perfection (Kraynak 2003). Just as Cicero’s account leaves us with a tension between the cosmic and the social designation, Christian accounts have a tension between the universal recognition of human dignity and the particular moral progress of an individual’s life.

Lebech tries to resolve this tension, arguing that the Christo-centric framework gives human beings fundamental value for two reasons. Firstly, because they are made in the image and likeness of God, and reflect the creator-God in whom and from whom all things have their being and value. Secondly, human value is confirmed by the incarnation of Jesus Christ, the Son of God as man, and is restored through his death and resurrection. ‘God likeness’ is the defining feature rather than rationality per se. It is a reflexive likeness as it develops through a relationship with God.

### **Critical tensions**

There is a rich vein within the Christian sources that might have influenced the idea of dignity and how people think about the worth of a human person, and/or may offer some helpful reflection in reaching an understanding of the concept. However, there are a number of difficulties in involving religion in human rights concepts, such as dignity. Religion can be perceived as hostile to human rights (cf. Chapter 1), biblical notions are not straightforward to apply, theology could be viewed as an inappropriate discipline to draw on in secular contexts,

there are differences between the Christian idea and the UDHR and Christianity has doctrines that seem to conflict with dignity. Each are considered in turn.

*(i) Religion has been hostile towards human rights:* Religion could be seen as an ambiguous source of support. A challenge to any search for a theological basis to dignity is the at best ambiguous and at worst hostile historical relationship between religion and rights (Villa-Vicencio 2000). While some argue that human rights ideals are found in the Bible, others maintain that religion and freedom are not natural allies (Stackhouse & Healey 1996; Wood 1991). Villa-Vicencio observes that a recognition of this reality has only come belatedly and painfully, 'For hundreds of years the Christian Church actively promoted religious intolerance and persecuted those who failed to accept its moral values and customs. Many of these values and practices are today rejected as contrary to a human rights culture and moral decency.' (Villa-Vicencio 2000, p.579) Some within the Catholic Church have recognized its own initial opposition to human rights:

As we are well aware, the Church's attitude towards human rights during the last two centuries too frequently has been characterised by hesitations, objections, reservations and, on occasion, even vehement reaction on the Catholic side to any declaration of human rights made from the standpoint of liberalism and laicism. (Pontifical Council for Justice and Peace 1974, p.1)

With these historical realities in mind some have concluded that the key concepts for contemporary human rights cannot have their roots in religion. Sieghart suggests that human rights appeared in the American and French texts of the nineteenth centuries rather than ancient religious traditions (Sieghart 1995). They are a product of the Enlightenment move away from trust in religious authority.

*(ii) Biblical notions of dignity are hard to apply:* In addition to the historical difficulties, the existence of differing biblical notions of dignity make it hard to apply as it is not always apparent which notion is the primary one. Religious notions confuse the situation. Moshe Greenberg (1960) describes this dignity as a sense of invaluableness of human life, so that there is no price of compensation for a murdered life and only the death penalty will suffice (Ibid. pp.15–16). Lorberbaum (2002) notes that precisely the opposite conclusion can also be reached; that even the murderer's life is too valuable to take in an execution. Schulman (2008) argues that the implications for bioethics are not always clear and unambiguous. In the stem cell research controversy, the inherent dignity of man could mean that human life at every stage is sacred, and that the destruction of human embryos is therefore forbidden. It could also mean that healing and

preserving human life is a preeminent duty, justifying morally questionable research (Schulman 2008, p.9). Arguably, complex biblical notions of dignity do not offer clear prescriptive guidance to inform human rights.

*(iii) Theology is an inappropriate resource for secular discussions:* For some it is not a question of difficulty, but the appropriateness of religious doctrines in secular discussion. A concept of human dignity derived from a religious text is unreliable, as religious doctrines have no legitimate place in secular bioethics. Ruth Macklin would banish the term ‘dignity’ from medical ethics entirely because of her suspicions about the religious sources of dignity (Macklin 2003). Similarly, Dieter Birnbacher (2005) suggests the idea of human dignity is camouflage for a theology that sees the order of nature as divinely sanctioned, when it is invoked to defend the ‘natural order’ of human procreation. This is unacceptable in professional discourse which should be thoroughly secular, devoid of theologies.

*(iv) The Christian idea is incompatible with that mentioned in the UDHR:* Proponents of the incompatibility assertion are found both among those who prefer the Christian notion and those who are opposed to it. Soulen and Woodhead (2006) conclude that the Christian conception is markedly different from the contemporary conception. They hold that it is conferred, as a gift from God. It is not a quality of humanity. It is not found in social convention, but in God’s action to humanity of redemption in Christ. It is not self-possession but dispossession, ‘not so much entering into oneself but in reaching out in love and care to the other.’ (Ibid. p.6) It is an idea that, rather than focusing on the worth of human beings, focuses on Christ. Soulen and Woodhead see the Christian conception of dignity as distant from the contemporary concept. It leads to a recognition of responsibilities, rather than rights.

Some political philosophers agree that the Christian idea is different. Howard and Donnelly suggest that the conception of dignity underlying international human rights requires a liberal regime, and is not found in the Christian narrative.

Conceptions of human dignity in their social and political aspects, express particular understandings of the inner (moral) nature and worth of the human person and his or her proper (political) relations with society. Human rights, by contrast, are the equal and inalienable rights... that each person has simply as a human being. (Howard & Donnelly 1986, p.802)

Some conceptualisations give:

ideological and practical priority to the community over the individual. Such societies regard their members as worthy of concern and respect, but only as members of society performing prescribed roles ... Individual deviations from communal norms usually were harshly repressed, and women and outsiders usually were treated as inferior beings. (Ibid. p.808)

(These two perspectives are examined in detail in Chapter 6)

Some acknowledge that the biblical sources offer a more nuanced account of the significance of the individual. Wolfson (1992) finds support in the Bible for the idea that the individual is a dignified being worthy of respect. Indeed the modern idea of an autonomous man arguably comes from this ancient Judaic notion of the significance of the individual (Lamm 1972). This challenges Howard and Donnelly's assertion that religion gives superiority to the community over the individual. Nevertheless Wolfson notes there is a sense that it is the individual quality of life that has sanctity and brings about dignity, not just their being. Each life comes from God or manifests God. The individual does not *per se* have dignity (Wolfson 1992). There is the sense that human beings are of little significance compared to God and that to pursue their own greatness would be the mistake of the Tower of Babel.

Shultziner (2006) has furthered this analysis of human dignity in the Hebrew Bible and other texts, arguing that there are three distinct features of a Jewish conception of human dignity, which can be identified in contrast to core characteristics of a liberal conception of human dignity (Ibid. p.663). The source of human dignity is God and therefore not intrinsic. In addition, the 'dignity of the people' (the community) has precedence over personal autonomy and liberty (core liberal pillars). Finally, there is a potential conflict between personal autonomy and liberty, and God's commandments.

*(v) Some doctrines seem to conflict with dignity:* A further difficulty with theological approaches to dignity is possible conflict with other theological resources. The idea that man has a fallen nature is problematic. Drawing on Martin Luther's view of man as having a dual nature (righteous and sinful), John Witte Jr (2003) is cautious about any defense of human dignity and rights without taking account of the fallen nature of man, and Jackson (2003) has explored the distinction between human sanctity and human dignity, criticising those who place dignity (as autonomy) over sanctity (as inherent worth based on the need to love and be loved).

## **Responses**

However, these efforts to differentiate are not entirely successful. Religion is overly simplified in some of its depictions and arguably it offers more resources for understanding dignity than the criticisms acknowledge.

*(i) Dignity and human life as gifts from God are difficult to separate:* The dignity of humanity may be a gift from God, but the whole of humanity is a gift from God and dignity is part of that gift. The dignity of the human person is part of the human being that God made. Nothing of humanity is not from God, except sin. To say that dignity is not of humanity is no different from saying that the human body is not of humanity. The belief that God made human beings in his image and likeness suggests that dignity was made inherent in the human being.

*(ii) Human rights inevitably contain tensions between individuals and community:* Howard and Donnelly's criticism that traditional community notions of dignity restrict individual human freedom is not only an issue for religion. Human rights tensions between individual rights and liberties and group rights and liberties continue to exist irrespective of religion. The proliferation of group rights, including women's rights, children's rights and the rights of indigenous populations, all point to an acknowledgement of the significance of groups. One only needs to look back to the Holocaust and its place as a motivation for the UDHR to see that the protection of communities needs to be an enduring component of rights discourse. Howard and Donnelly's characterisation of religion as solely on the side of community in this discourse simplifies a more subtle range of sources within the Biblical texts, which emphasise the worth of individual life and sometimes recognize that individual's significance despite the community response. Examples are Abraham's decision to leave his homeland in response to God's call, Moses' rejection of Pharaoh and later his people's worship of idols. In the New Testament there are further examples such as Jesus' decision to leave his own family and become a travelling religious, and later his rejection by the Pharisees and other Jewish community authorities of the time. While religion and community are sometimes seen as synonymous today, there are aspects of religion that point to a challenge to or renouncement of community in one form or another. For example, consider the choice to live as a hermit or a mendicant, or the rejection of family life and public life for celibacy and enclosed living (in some religious orders). These elements do not constitute an argument that religion is non-community or anti-community but rather that Howard and Donnelly's characterisation of religion needs to better reflect the complex tapestry of religious sources and phenomena.

(iii) *Religious texts help people reflect on deep intuitions:* Schulman (2008) argues that religious texts have value for believer and non-believer alike, helping people, ‘to articulate and think through our deepest intuitions about human beings, their distinctive powers and activities, and the rights and responsibilities we believe them to possess.’ (Ibid. p.9) Beyond that, he suggests that if all religious grounds for dignity are dismissed by critics, they have an obligation to find a suitable alternative explanation for why human beings should be treated with respect. To discard ancient texts which have persisted in attracting the interest of many millions of people for thousands of years is questionable.

(iv) *The lack of a clear biblical definition allows a degree of mystery in the concept:* The fact that the Bible does not refer directly to dignity, and has few references to the *Imago Dei* leaves the phrase open to different theological constructions. Kraynak has concluded from this lack of clarity that mystery is a quality of dignity. The Bible avoids equating dignity with any particular traits, and this teaches people that it is not a set of attributes that confers dignity:

Rather, human dignity and the duties implied by it (such as the command to ‘love one another’) are ultimately grounded in God’s mysterious love for man above all the creatures of the universe, giving every human being an inherent dignity independent of their physical and mental traits. (Kraynak 2008, p.74)

Human dignity is grounded in God’s ‘mysterious election’ rather than essential attributes. Rather than seeking a precise and exclusive definition, Kraynak suggests the meaning of humanity is broad. It includes the concept of the soul beyond the rational consciousness. Within that soul is the mysterious divine image. Kraynak sees reason as a secondary feature of humanity that allows natural and social hierarchies according to the perfections of reason. In other words, he presents an inclusive conception that offers more scope for compatibility with the modern notion.

The classical notion that the human person is comprehensively explained as a rational and autonomous creature is not an entirely satisfying alternative. It rests on theoretical premises that Kraynak calls speculative. Is there a causal relation of the mind to the brain or does the brain have a self-organising complexity? There are elements of classical philosophy and modern science that suggest man’s dignity is an embodied rational soul at the top of a natural hierarchy (Kraynak 2008). Religion reminds us of the importance of the mysterious nature of the human person:

Yet reason could do better if it acknowledged that most of these things are genuine mysteries—

questions that will never be fully answered by reason or science, such as how and why the universe began (creation), why reason is such an integral feature of the universe (rational order), how the mind or rational soul can be united to a physical body (the unity of soul and body), whether the soul can be separated from the body after death (the immortality of the soul), and what ultimate purpose reason is meant to serve (the final end). When such mysteries are acknowledged, reason's limits are exposed; and the mind may be opened to faith in revealed truths, such as those of the Bible and Christian faith. (Ibid. p.73)

Kraynak's argument is that religious resources acknowledge questions that remain unanswered, and may be unanswerable, but nevertheless should be pursued.

(v) *Secular conceptions of dignity are unintelligible*: Perry has argued that there is no intelligible secular version of the idea of human rights and that to say human beings are sacred is inescapably religious (Perry 1998). Murphy agrees:

The liberal theory of rights requires a doctrine of human dignity, preciousness and sacredness that cannot be utterly detached from a belief in God or at least from a worldview that would be properly called religious in some metaphysically profound sense. (Murphy 248 in 'Afterword: Constitutionalism, Moral Skepticism, and Religious Belief' in *Constitutionalism: The Philosophical Dimension* (Alan S Rosenbaum ed., 1988) quoted in Perry 1998, p.41)

Waldron (2002) has come to a similar conclusion with regards to the associated concept of equality, 'I actually don't think it is clear that we – now – can defend an adequate conception of basic human equality apart from some religious foundation.' (Ibid. p.13)

(vi) *Theological ideas of dignity reveal multidimensionality*: Polkinhorne (2006) explores how Christian ideas of dignity may proceed. He argues that there is a 'much richer, multidimensional context for the process of hominid development than that considered by biology alone.' (Ibid. p.101) He goes on to argue that ethical knowledge comes from an encounter with the moral dimension of the reality in which we live, which includes an encounter with the sacred. Anthropological accounts of human nature (which inform the idea of human dignity) must locate us within the multidimensional reality of our actual experience.

(vii) *Universality and the Christian notion of dignity*: Lebech (2004) and Williams (2005) have both argued that Christianity has offered a way of overcoming the elitism of antiquity which linked dignity to positions of standing, by universalising the subject of dignity to extend to all people through the assertion that dignity inheres in all people by virtue of their personhood. Aristotle afforded dignity only to free Athenian men, but through Thomas Aquinas' use of Boethius' definition of person comes two important ideas, 'that the dignity of the human being

depends on human nature, which is *intrinsic* to the individual, and that *all* human beings possess this dignity *equally*, precisely because it is inherent in their nature. Equality and inherent dignity are two sides of the same idea.’ (Lebech 2000, p.445) In these terms, the Christian idea of ontological dignity, dignity by virtue of the human person, rather than an addendum, presents a powerful source for a moral foundation. This is developed most clearly in Aquinas but is present in the Early Church Fathers where they speak of the dignity of the created human being.

#### **Part Four: Enlightenment – Kant**

##### **Kant’s notions of dignity**

An important source of the concept of dignity as found in the UDHR is the Enlightenment thought of Immanuel Kant. Kant is not the only contributor to Enlightenment thinking of dignity and his ideas were influenced by others who had gone before. Soulen and Woodhead (2006) point out that Giovanni Pico della Mirandola (1463–1494), in his work *De dignitate hominis* (On the Dignity of Man) played an important role in the emergence of the modern conception. He suggested that human beings gain their excellence from their ability to choose their own place in the hierarchy of creation. Pico omits any Christology in his reckoning and emphasises freedom and self-determination, anticipating Kant. Nevertheless, the influence of Kant is widely attested (Sandel 2007, p.105ff). While Cicero and Christian ideas are important in understanding the historical development, Kant is responsible for shaping much of the way the modern Western world thinks about human dignity (Shell 2003). Kant’s philosophy serves as a guide, ‘as his philosophy offers a feasible link between a possible metaphysic and secularism which is the existential dimension of modernity and of modern history.’ (Arieli 2002, p.7) His influence is apparent in HRE texts produced by UNESCO to aid teachers in HRE, which use his own definitions of dignity. His wider ethical philosophy is beyond the scope of this study so the examination draws selectively on his use of dignity, and refers only in general to how this relates to his wider thought. The purpose here is to concisely review Kant’s view of dignity and how he is interpreted as a source for the contemporary idea of dignity in human rights.

Kant defines dignity as something of incomparable worth, in stark opposition to a particular value, ‘In the kingdom of ends everything has either Value or Dignity. Whatever has a value can be replaced by something else which is *equivalent*; whatever, on the other hand, is above all

value, and therefore admits of no equivalent, has a dignity.’ (Kant 1916, p.63) Dignity is beyond price so cannot be exchanged for another value. It is of a qualitatively higher order than the things that are to do with general desires and wants in life that have ‘market value’, directly rejecting the Hobbesian notion. These general desires and wants are not intrinsically good. They are not ends in themselves, whereas that which has dignity is an end in itself, having intrinsic worth (Ibid. p.64). For Kant, it is the human being that is an end in itself, that has intrinsic worth and therefore dignity, ‘Now I say: man and generally any rational being *exists* as an end in himself, *not merely as a means* to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must be always regarded at the same time as an end.’ (Ibid. p.55) While other objects have a conditional worth, a worth given to them because of the desire and wants placed on them extrinsically, dignity has an unconditional worth. It does not depend on anything that is attributed. But what is this human being that has dignity, what is its nature? Kant agrees with the Stoic view that dignity is the intrinsic worth that belongs to all human beings alone in the natural world. It is because human beings are rational and are called ‘persons’ that their nature points to them being of dignity, an end in themselves. Therefore human beings have an objective worth, ‘These, therefore, are not merely subjective ends whose existence has a worth *for us* as an effect of our action, but *objective ends*, that is things whose existence is an end in itself: an end moreover for which no other can be substituted, which they should subserve *merely* as means.’ (Kant 1916, p.55) All rational beings are bound together as members of the *Kingdom of ends* where they have power to make moral laws but are also bound by that authority to follow those laws. Kant here offers a new formulation of dignity. There are traces of the prior ideas linking with reason, and like theologians he draws on it as a profound source, but for Kant, human beings are not exalted by nature, or by God, but instead by autonomy. Kant’s view is similar to the Stoic idea that dignity is the intrinsic worth that belongs to all human beings alone in the natural world, but unlike the Stoics he held that the dignity that humans have comes from the fact that they are ‘free from all laws of nature, obedient only to those laws which he himself prescribes.’ (Kant 1948, 4,435) Dignity adheres to human beings because of their moral personality, the freedom of a rational being under moral law, ‘the dignity of man consists precisely in his capacity to make universal law, although only on condition of being himself also subject to the laws he makes.’ (Ibid. 4,440) This dignity of man is given to humans because they have the ability and the freedom to make the universal laws to which they are also subject. In effect, this claim is similar to that made by others (for instance Paine and Wollstonecraft), that human beings have dignity by virtue of their humanity, not the social class into which they are born.

Kant's idea of dignity is associated with immortality. Human consciousness has a self-evident status that transcends the time and place in which it exists. It binds the individual to the infinite:

Two things fill the mind with ever new and increasing admiration and awe, the oftener and the more steadily we reflect on them: the starry heavens above and the moral law within. I have not to search for them and conjecture them as though they were veiled in darkness or were in the transcendent region beyond my horizon; I see them before me and connect them directly with the consciousness of my existence...

The former begins from the place I occupy in the external world of sense, and enlarges my connection therein to an unbounded extent with worlds upon worlds and systems of systems, and moreover into limitless times of their periodic motion, its beginning and continuance. The second begins from my invisible self, my personality, and exhibits me in a world which has true infinity, but which is traceable only by the understanding, and with which I discern that I am not in a merely contingent but in a universal and necessary connection, as I am also thereby with all those visible worlds. The former view of a countless multitude of worlds annihilates as it were my importance as an animal creature, which after it has been for a short time provided with vital power, one knows not how, must again give back the matter of which it was formed to the planet it inhabits (a mere speck in the universe). The second, on the contrary, infinitely elevates my worth as an intelligence by my personality, in which the moral law reveals to me a life independent of animality and even of the whole sensible world, at least so far as may be inferred from the destination assigned to my existence by this law, a destination not restricted to conditions and limits of this life, but reaching into the infinite. (Kant 1952, pp.360–61)

The infinite world of absolute value is perceived through morality. Dignity is a bridging idea that connects us to a kind of immortality beyond the everyday world, linking our consciousness in place and time and the immortality of the status we hold above animality that transcends it (Shell 2003, p.60). Dignity is interwoven with the concept of the human person:

But man considered as a person ... is lifted up above all price; for as a person he is not to be valued merely as a means to the ends of others or even to his own ends, but as end in himself; that is he possesses a dignity by which he necessitates respect. (Kant 1948, 4,440)

The humanity found in one's person is the link between regard for the individual person and the regard for the person as a human being. Shell, in her analysis, concludes:

Respecting humanity in my own person thus also means not allowing myself to be used merely as means by others, even, and perhaps especially, when they do so on the basis of a claim to serve me. Asserting one's rights, even at risk of one's life, is for Kant, a perfect duty, and never more so when my very right to do so is at stake. (Shell 2003, p.65)

Arguably, Kant provides the most important philosophical account on the grounds of an egalitarian notion of dignity, the notion linked with contemporary human rights which also embrace equality. In addition, he provides an account of dignity grounded in rationality, rather

than natural law (Meyer 2002). Autonomy is predicated on the reason making capacity. This egalitarian valuation of the person is that which is found in the idea of dignity expressed in contemporary human rights. For example, Chaskalson (2002) describes dignity as, ‘respect for the autonomy of each person, and the right of everyone not to be devalued as a human being or treated in a degrading or humiliating manner.’ (Ibid. p.137)

Shell writes that before Kant, dignity was understood in such a way that it could not be equally held by all, and had come to be associated with rank and authority borrowing something from the dignity of Christ (2003, p.53). She notes that Kant borrows from the theologians the idea that dignity is the deepest source that all humans share. He borrows from philosophers by linking it with reason, echoing natural law ideas (Dicke 2002; van Dun 2001). It is this distinctive fusion that Kant develops in his account of dignity. Lebech describes the Kantian perspective as a logocentric framework. Human dignity is based on reason or rationality, their ability to understand the implications of the ‘universalisability’ of any of the maxims of their actions. Reason is the only criterion for human dignity, but if reason fails it is not clear what happens to human dignity. If a person loses reason, have they lost their dignity as well?

Within Kant’s thought there is a second idea of dignity that is related to human action. This is the dignity afforded someone by virtue of the extent to which they perform their duties, ‘we yet ascribe a certain *dignity* and sublimity to the person who fulfils all his duties.’ (Kant 1952, pp.70–71) This aspect of Kant’s view of dignity is largely ignored today (Meyer 1987, p.320), in part because this dignity of persons in high position seems unrelatable to the dignity of humanity Kant is more commonly known for. Meyer suggests that Kant makes use of both conceptions of dignity, both that which comes from position in society and that which comes by virtue of natural humanity, and he goes on to argue that the changing use of the concept is a feature of Kant’s own thought (Ibid. p.329). In this respect Kant is not unlike Cicero, reflecting two traditions of thought, one of which has had more influence, or has been seen to be more important retrospectively.

Kant’s thoughts about dignity are woven around emerging ideas of rights, in a system that is justified not by human happiness but civic honour and civic justice (Shell 2003, p.66). The second notion of dignity provides a justification for the system that extols the first. Ultimately, however, it is Kant’s first approach to dignity that is close to the contemporary concept. Meyer

argues that it is the egalitarian nature of Kant's concept that is the greatest gift to the contemporary age:

Kant's discussion of dignity is perhaps the most important philosophical account of the grounds of such an egalitarian notion of human dignity, ... human dignity is that special moral worth and status had by a human being. He has human dignity regardless of not only (hereditary) social position, but also race, gender, nationality, ethnicity or other marker of social hierarchy. This egalitarian account of 'human dignity' is arguably a moral high-water mark of modern ethical and political thought. (Meyer 2002, p.196)

Kant's influence may be seen in Mahatma Ghandi and Martin Luther King's view of misplaced nobility and humility. Kant's notion of dignity has effectively become a modern virtue (Ibid. pp.206–207). It should be noted that while ancient writers recognized the universal or cosmic dimension of human dignity, they did not deduce from that the moral obligations that bound the treatment of every human being. Since Kant, that idea has become important in Christian theology of the dignity of the human person. There are other ways in which Kant's thinking foreshadows the modern concept. He identifies human dignity with a single preeminent faculty—rational freedom. He elevates dignity to the foundational principle for normative ethical consideration and he links the concept with specific rights and duties of being treated as an end and not only as a means (Soulén & Woodhead 2006, p.11).

### **Critical perspectives of Kant**

Notwithstanding the profound importance of this feature of Kant's thought and its influence, there are a number of criticisms of Kant's account.

*(i) An outmoded view of humanity:* Some think it relies on a view of humanity which must be wholly given up as a result of discoveries about evolution and behaviouristic psychology (Rachels 1990; Skinner 1971). Rachels has argued that dignity is a moral doctrine that states that humans are in a different moral category from animals and are of supreme importance. Dignity is based either on the idea that man is made in God's image, or that man is a uniquely rational creature. Rachels goes on to argue that it cannot survive the huge shift of perspective brought about by Darwin's theory of evolution. Human beings are no longer the centre of the universe. They no longer have a special status, divinely ordained (Rachels 1990). However such criticisms themselves are problematic. They leave ethics and morality vulnerable to definition simply in

terms of the human motivation of desire, power and procreation. They come to conclusions about morality, which are harsh and pessimistic (Kraynak 2008, p.90). These conclusions see no wrong in the strong dominating the weak, and the weak being replaced ultimately by the strong.

Abrahamic religions have placed humanity in a position of higher moral significance than other creatures and Kant follows this trend. It could be argued that human beings are distinctively and particularly *human* and that the challenge of defining the quality or qualities that distinguishes them apart from other beings should not overshadow the fact that human beings are recognizably distinctive and particular. Human sentience, in terms of moral and rational capabilities, is *understood to be* more sophisticated than those other animal life forms. The possibility that the boundary of moral significance is still widening and must remain open to change should not prevent attempts to articulate moral importance.

(ii) *A narrow idea of dignity*: Other criticisms do not dispense with dignity but merely the exclusive association with rationality. Kass objects to the way Kant dualistically sets up the concept of ‘personhood’ in opposition to nature and the body that fails to do justice to the concrete reality of our embodied lives. By focusing on the universal rationality it detracts from the significance of the particular concrete, corporeal context of the human being from zygote in the womb to body in the coffin. Human beings are embodied, rooted and connected with aspirations, loves and longings. These are part of human dignity as well, which are not accounted for by the terms autonomy and rationality (Kass 2008, p.313). Schulman also criticises this narrowness and adds further criticisms, notably the difficulty it is to apply in practice. What moral significance is afforded to human beings who have lost the power of rational autonomy (those with dementia), do not yet have it (infants), or never will have it (those with congenital impairment)?

Browning (2006) thinks Kant’s rational determination of dignity inadequately reflects the complexity and diversity of the dignity of the human person. Instead he argues for a multidimensional understanding of dignity. He contends that the human deserves respect in many dimensions and links his observation to a tradition of multidimensional understandings of the human person found in a series of modern Protestant theologians. One example of this multidimensionality, which is found in Witte’s essay *Between Sanctity and Depravity* explores, as the title suggests, the paradoxical two-fold contradictory nature of humanity with its carnal and

spiritual aspects (Witte 2003). Freedom is important in this context because the Christian is free to pursue his or her divine duty. Human dignity does not constitute perfection.

In appraising and evaluating approaches which he calls ‘Kantianised Christianity,’ or in the frame of this study compatibilistic, Kraynak has critically observed that there is a danger here of on the one hand exalting rights and on the other criticising rights culture (Kraynak 2003). He suggests:

[T]he challenge of our age is therefore to combine a hierarchical view of human dignity in the realm of Christian spirituality (which includes the church and the family) with a qualified view of the democratic political order that is guided by sober prudence rather than by Kantian rights. If we can achieve that delicate balance, we will have made an important contribution to defending the true and authentic dignity of man. (Ibid. p.115)

Kraynak finds this view of human dignity less satisfactory than what he calls biblical and medieval views of dignity (incompatibilistic Catholic and Protestant conceptions of dignity), for two reasons. Firstly there is an emphasis in Kant on the human person as being the only morally significant feature, and this is unnecessarily anthropocentric which results in difficulties for environmental concerns, and secondly, following this, that the primacy of human beings does not seem to allow for an sense of the sinfulness of humanity.

*(iii) Kant retains a less egalitarian conception of dignity:* The egalitarian quality of Kant’s dignity has eclipsed the rather more attributive second notion of dignity also found in his work. The presence of both notions in his thought seems to mirror Cicero, although in Kant the balance has tilted the other way, with more interest in dignity of the human than the other notion. Basing the idea on rationality and autonomy exclusively is more problematic. In this regard, Kant’s attempt to provide an alternative basis to the theological one is less successful. He has replaced one set of problems located around the identification of the origin of dignity with God or humanity, with a new set of problems associated with the tension between individual rational autonomy and universal moral norms. It has not provided the modern notion of dignity in human rights with an unproblematic foundation. Nevertheless, the issue of human autonomy and rationality is important in modern ethical discourses in which dignity is cited and so there is some correlation between Kant and how these ethical problems are viewed (Beyleveld & Brownsword 2001, pp.661–680).

*(iv) Kant has decontextualised dignity and left it weak:* Soulen and Woodhead have argued that with Kant’s development of the concept, it has been decontextualised, removed from its context,

its theological narrative, so that his development of the idea constitutes a threat to dignity. They trace the development of dignity through three stages: contextualisation of dignity in early Christian thought, decontextualisation of dignity in modern times pointing to a need for theological recontextualisation. In the early Christian framework, a clear context was given for the concept that saw dignity as coming to humans as part of God's creation, in terms of being in the image and likeness of God, and finally in terms of being restored through Christ's redemption and the practice of Christian virtue. They see a move in the modern philosophical period in terms of decontextualisation, particularly under the influence of Kant and Nietzsche, which has left the idea of dignity in crisis, as it can no longer serve as a 'meaningful point of orientation for human thought and action.' (Soulén & Woodhead 2006, p.1) The consequence of this decontextualisation is that by robbing dignity of the narrative context it is made fragile, as it is adrift from its theological basis. Dignity opens human rights to significant attack from the philosophical critique that they are without meaning or foundation. In other words, many of the question marks raised in the survey of philosophical discourse come about because dignity has been divorced from its theological roots. It is not able to sustain the ethical and metaphysical weight modern rights talk places upon it. The philosophical critiques of dignity explored above demonstrate this fragility and undermine attempts to base human rights on dignity, or use the concept of dignity at all. Soulén and Woodhead identify in Kant's thinking the claim that 'capacity for autonomous rational agency is the root of human dignity.' (Ibid. p.11)

This has radical theological implications because his concept of dignity is distinct from any concept of God; man is placed alone beneath the heavens as the location of freedom and dignity in the world. Dignity is foundational for ethical reflection and therefore the rights of humanity – human beings can never be treated as a means to an end. After Kant, human dignity was no longer dependent on the divine. By grounding dignity in man's own rational autonomy, the way has been laid open for Nietzsche's dethroning of human moral reasoning and the attack against conventional morality to free human beings to live beyond good and evil. Soulén and Woodhead's analysis reveals the heart of the contemporary nervousness that many religious thinkers have about rights and a definition of dignity which is only about individual freedom (Soulén & Woodhead 2006). Dignity based on unrestricted freedom with no connection to any idea of the common good, is the consequence of decontextualising dignity from its theological foundations. Soulén and Woodhead argue dignity is neither self-explanatory nor self-sustaining, but has a meaning dependent on its being embedded within a broader and more comprehensive cultural, conceptual and social framework (Ibid. p.2).

Soulen and Woodhead essentially agree with Sulmasy that the modern concept of dignity is positioned to be foundational but this, they claim, is an error. By focusing on the human foundation of dignity, 'dignity now inheres solely in his or her own possessions and achievements.' (Ibid. p.8) By locating dignity in unfettered human freedom, the contemporary concept draws on Sartre and Nietzsche but in reality, as feminist writers have argued, the dignity of the human is in fact the dignity of the male, and from a post-colonial perspective, it is the dignity of the westerner with 'civilised' values. In other words the decontextualised human centred dignity masks the exclusion of non males and non whites.

Kant and others have left the concept decontextualised and weak. Central to the proper 'contextualisation' of dignity is the idea that dignity is conferred by God and that the measure and norm of dignity is found in God rather than social convention, and that dignity is measured in the context of the Church, not in an individual context (Ibid. pp.4-7). Soulen and Woodhead argue that Christian theology has a vital role to play in identifying the ways in which dignity is under threat in contemporary culture and society. A theological reconceptualisation of dignity found in contemporary Christian thinking is a response to a need to reinforce it in this predicament.

Soulen and Woodhead provide a narrative account of the development of dignity, not unlike Lebech, and aim to re-establish the idea, like Sulmasy, but in quite different ways. While Lebech seeks to include the range of perspectives offered by the traditions of dignity and Kraynak embraces the mystery of the idea, Soulen and Woodhead seek to restore a weakened concept by cutting away that which is a mistake. This may be what Sulmasy is intending to achieve, but while he seeks to restore dignity as a foundation, Soulen and Woodhead seek to restore God as the foundation, leaving dignity with an important but derivative status. While Lebech sees the different influences as contributing to a multidimensional perspective, one that is inclusive of plural perspectives, Soulen and Woodhead seek to particularise dignity within an exclusive understanding.

### **In support of Kant**

Soulen and Woodhead claim the idea is undermined and needs to be restored by a reconnection with the theological framework. Though it is a compelling claim, it is open to question as Kant's contribution attracts considerable support in human rights thinking.

(i) *Kant provides an intrinsic justification for human dignity*: Kant's notion may have limitations in the field of bioethics, but Schulman does not want to discard the idea of dignity (as Rachels and Skinner seem to do).

Kant's idea of human dignity carries certain theoretical baggage that limits its utility for bioethics, while the recently ratified constitutions and declarations tend to invoke dignity without clearly specifying either its ground or its content, suggesting that the concept itself might well be superfluous. On the other hand, it is hard to see how ethical standards for the treatment of human beings can be maintained without relying on some conception of what human beings are and what they therefore deserve. (Schulman 2008, p.15)

The argument that every person, by virtue of their humanity, has intrinsic dignity, rather than a socially attributed value, is powerful. In legal and educational discourses, Kant is attributed as a principal source behind the UDHR idea of dignity. UNESCO have adopted a Kantian formula to express the application of these foundational values to the individual in its HRE guidance for teachers, which defines dignity as recognizing the individual as an end in him or herself, irrespective of family, social and cultural background (UNESCO 1998).

The idea that human beings cannot give themselves away for any price without violating their dignity or self-esteem underpins rulings in a French case concerning circus dwarfs, the German *Peep-Show Decision* and, in the context of commerce in one's own body parts, the Warnock Committee noted that some oppose surrogacy on grounds that it is inconsistent with human dignity that woman use her uterus for profit (Beyleveld & Brownsword 1998, pp.661–80; see also the Victorian Law Reform Commission report on workplace reform 2002). An education programme in Romania illustrates this:

In Romania there was a mass society. The individual was not taught he was an individual with rights and responsibilities . . . Everybody was taught they were part of a collective, with collective rights. In Chapter One, I want to bring home the individuality of the person . . . I started from the perspective of human rights and man seen as a 'person'. The emerging perspective is the person in the first Article of the Declaration of Human Rights, which is inspired from the Kantian perspective. What is a human being? The human being is an end and not a means . . . A person is a person, with reason and consciousness.... We all look for our own identity, and from here we look to others, and try to understand differences in people. (Georgescu 1994)

Another example is found in the teachers guide, *Understanding Human Rights: Manual on Human Rights Education* (Benedek 2006, p.31), which attributes Kant with establishing the cosmopolitan world citizen vision that underpins the UDHR.

(ii) *The possibilities of infinity*: While Kant does not articulate a theologically grounded conception of dignity, he does not exclude it from metaphysics. Returning to an earlier quote repeated here, Kant refers to the moral law and the human connectedness to an infinite world, which he says:

infinitely elevates my worth as an intelligence by my personality, in which the moral law reveals to me a life independent of animality and even of the whole sensible world, at least so far as may be inferred from the destination assigned to my existence by this law, a destination not restricted to conditions and limits of this life, but reaching into the infinite. (Kant 1952, pp.160–91)

This suggests that it is not only the freedom in the animal world that defines the dignity of the person, but the infinity to which the human person is connected. Soulen and Woodhead (2006) wish to exclude religious narratives from the Kantian account of dignity, but Kant refers to the human connectedness with infinity. It is this element that Miguel touches on when he resacralises the concept by introducing a transcendental law with his postulate (Miguel 2002, pp.11–12).

### **Part Five: Reflecting on ancient and modern**

Several important threads may be drawn from this discussion of the reviews and the original sources themselves. Multidimensionality and complexity are both features of the discussion. Miguel’s analysis does not try to link the contemporary notion of dignity to a single historical source. He is not seeking to advance a particular philosopher or theologian as the father of the contemporary notion. The concept as found in the UDHR has aspects of many sources of dignity, from both those that were theologically and naturally grounded, including some of the earliest sources. The contemporary notion of dignity is a complex blend echoing multiple different earlier ideas but these different ideas are not coherent. There are tensions both between and within those sources.

Lebech extends this idea and concludes that all of the factors play a contributing role, ‘none of them taken on its own can be a sufficient condition for personal identity, and consequently not for human dignity either.’ (2004, p.11) For Lebech, human dignity is a composite, a complexity of different facets, which have been identified at different periods, to different extents. They all indicate the human and point towards a being whose existence is of fundamental value. None

taken in isolation provides a sufficient condition for human dignity. It is only through the integration of these different facets that a person's depths can be opened up:

Only from this depth can I identify the fundamental value of the other human being, as the value of his or her existence beyond, but not in independence of, his or her nature, god-likeness, reason and social integration. We call the pure appreciation of the individuality of the other self, love. (Ibid.)

This love then becomes the motivation for the rights of the weak, the young and the old and the protection against abuse from the strong.

What we say when we claim that the principle of human dignity *is* the basis of the international world order, is that this world order *should be* a civilisation of respect and love. Perhaps we even mean that it is only as such a civilisation that it can be a civilisation at all. (Ibid. p.12)

Lebech's intention is to integrate the different frameworks and account for the multidimensionality of the human person. Her analysis asserts an ideal coherent notion of dignity that includes the different elements emphasised by different frameworks. The different perspectives taken together provide a justification for the moral primacy of the value of the human person. For Lebech, this perspective would be incomplete without a spiritual dimension. While she does not dwell on the specific notion of human dignity as found in the international documents, she sees the development of frameworks of dignity as adding cumulative weight to the place of dignity as the justification for human rights.

Sulmasy, like Lebech, argues that dignity is a primary moral foundation but he sees contradictions between the differing ideas that cannot be reconciled. He locates a single essential basis for dignity in the intrinsic value of the humanity of the being. His typology differs from Lebech's focusing on the general features found across different contexts, while Lebech locates dignity within the particular contextual logic. Lebech observes subtle differences within the sources of dignity, for instance distinguishing between social attribution and cosmic or naturalistic attribution. Sulmasy, on the other hand, is content to leave aside the justification or rationale for the claims for dignity and instead focuses on the application and effects of the concept. His analysis is teleologically driven. Sulmasy concludes with the rejection of one category (attribution) and the acceptance of intrinsic dignity as offering the most convincing moral foundation. He acknowledges that inflorescent dignity is related to intrinsic dignity, but it is ultimately dependent on the actions of others and so is not a suitable moral foundation. His inclusion of inflorescent dignity offers a solution to the tension found elsewhere, between the

showing of dignity in moral and social conduct or behaviour and the existence of dignity in every human person.

Sulmasy's argument is important for it seeks to establish a categorical grounding or basis for human rights. It is clear that a stronger claim can be made for universal human rights founded on an unchanging or intrinsic value, rather than any kind of attributive quality. However, it is not easy to set aside Lebeck's observations of complexity and multi-dimensionality, and therefore the position here is to advance a framework that seeks to accommodate the different elements of dignity in a relational tension.

The UDHR affords rights to all, irrespective of any social status, position or behaviour, suggesting that it is the inherent, ontological or cosmic notion of dignity that provides the most suitable basis for a moral foundation of human rights. At the same time, rights imply a social recognition of moral obligation, which human beings are expected to fulfill so that everyone can develop fully as a person. Nevertheless, if human dignity depended upon moral merit, a child before the age of reason, for example, would have no dignity, hence no rights (Williams 2005, p.157). Berger *et al.* (1973) observed that dignity had replaced honour. In doing so, he noted the counter-intuitive claim that dignity was recognition that the individual is independent from socially or institutionally imposed roles or norms, despite the fact that this is clearly not the case.

It pertains to the self as such, to the individual regardless of his position in society. This becomes very clear in the classic formulations of human rights, from the Preamble to the Declaration of Independence to the Universal Declaration of Human Rights of the United Nations. These rights always pertain to the individual 'irrespective of race, color or creed' – or indeed, of sex, age, physical condition or of any conceivable social status ... The modern concept of dignity... implies that identity is essentially independent of institutional roles. (Ibid. pp.89–90)

If a person has dignity by virtue of their humanity, does their moral improvement or conduct have any bearing at all on their personhood, if not as a moral foundation? It might be an expression of that dignity, an indicator of the flourishing of the human person, the educative development of the being. The way in which the inherent quality extends to inform the expression needs exploring, but it is possible that this relationship will remain a mystery because it is bound up with the mystery of the human person. As yet the relationship between brainwaves, thought processes and experiences and the sense of the personal person which human beings have, are not understood (Kraynak 2008). It is through the experience of being human that these dimensions of dignity are recognized.

Dignity, as it is experienced, has other dimensions than the foundational one. Dignity has very clearly emerged from social interaction. The rights that flow from dignity influence relationships. In other words dignity presumes and requires a certain kind of social, moral and attributive interaction. The failure to recognize dignity is a feature of humiliation. For Berger, this divergence reveals a paradox between the foundational role of dignity and the social experiential reality of human life. Williams (2005) describes dignity as a bridge between the metaphysical and ethical realm which gives rise to moral obligations. In effect, it justifies the move from an *is* to an *ought*, where the *ought* is social and experiential and the *is* is metaphysical. Ultimately, the primacy of dignity can be seen not simply in terms of its ability to provide a foundation for moral norms, or even that it has a prescriptive or action guiding influence on moral behaviour but because it encapsulates the whole moral worldview. In the words of Shultziner:

[O]ur understanding of the human dignity is deeply inherent in our way of perceiving the world and its dwellers. The word *human* relates to basic assumptions in our consciousness, or rather sub-consciousness, about human nature, worth, place in the cosmos, attributes, and character, and inseparably of human, we have a strong understanding of dignity: human dignified or natural existence, human normative behaviour that best reflects their good nature, and human positive and negative attributes. (Shultziner 2007, p.79)

Some readings of the history of the idea incorporate the plurality of concepts within the sources as an essential dimension of dignity. Others identify what they consider to be the strongest claim for a moral foundation and exclude or diminish the significance of others. Remembering that the UDHR was established in such a way that enabled many states to sign it, leaving dignity undefined, Lebeck, Shultziner and others present a way of including both the range of different historical sources of dignity and consequently offer an approach that is consistent with the UDHR's nature and purpose.

## **Conclusion**

The examination of three sources reveals multiple dimensions and complexity in the history of the concept dignity that form an interconnected pattern within the concept. This has shed light on both the source of dignity, the subject of dignity and the extent of dignity – where it comes from, who it affects and the degree of that effect. The three sources provide different explanations in addressing these factors. The ethical implications of dignity have a further set of variation

depending on whether it is based on attributive, inherent or inflorescent modes. Dignity appeals across a number of dimensions.

All the sources examined reveal complexity and diversity in the idea of dignity which is an argument for a complex or compound concept with different elements. None present a concept that is singularly defined. These different ideas reflect tensions. In Cicero there is, on the one hand, the universalistic cosmic idea of the dignity of man beyond and above human society, and on the other, the conferred dimension that is rooted in Roman social standing, and dependent upon recognized moral conduct and political achievement. Christianity contains different ideas about dignity: dignity as the image and likeness of God, an ultimate divine dignity that is found ontologically in every created human being; dignity as a gift received at baptism which is preserved through sinlessness and lost or impaired through sinfulness, or even lost to humanity after the Fall; dignity as something within the spirit or soul of the person or as something found in the body and soul. In Christian sources there is the tension between the human beings, with dignity held ontologically, in virtue of being made in the image of God, and the dignity that is granted in baptism and maintained through avoidance of sin, and indeed grows as the person becomes more Christ like. Kant is most commonly remembered for his idea of the inherent dignity of the person, located in the individual rational person, but he also talks of socially recognized dignity. The essential difficulty that spans these different sources is how the inherent value of the individual can be combined with a recognition of the social dimension of the human person – their interrelationships with others.

## **Chapter 5**

### **A critical analysis of dignity in human rights education**

Building on preceding chapters, this chapter aims to critically analyse the concept of dignity in HRE literature. It explores the extent to which earlier ideas of dignity, revealed through the historical conceptual analysis of chapters 3 and 4, are present within HRE. It draws both on these theological and philosophical sources in general terms, using them to critically appraise the notions of dignity in the HRE literature.

The chapter is divided into three parts. *Part One: Inherent and attributive worth* examines philosophical and theological sources and how they reflect this range of different notions of dignity. UN international documents stress a notion of dignity that is inherent and a view of education that is justified by the inherent worth of the pupils, rather than any output. Different HRE writers refer to dignity in different ways, some echoing the intrinsic notion, while others see dignity as related to moral conduct or as another word for respect. Some offer no theorisation of the concept. This lack of clarity is problematic, given the importance of the concept. *Part Two: Inherent worth and the flourishing person* explores the developmental dimension of dignity. In the HRE international documents an association is made between the inherent worth of the person and the flourishing of that person, as a multidimensional individual. This link is also found in some philosophical and theological sources. Whether the worth of a person resides in their being or in their capacity to be good has quite different consequences for that individual. The theological and philosophical sources have much to offer this understanding. *Part Three: Critical observations and discussion* draws some conclusions from the analysis. In particular it explores the dynamic relationship between inherent worth, the development of that person, and how others respond, and how some or all of these elements are poorly understood without conceptual clarity in HRE literature.

#### **Part One: Inherent and attributive worth**

##### **In the theological and philosophical sources**

The philosophical and theological sources explore questions of whether dignity is inherent or

attributive; whether it is found within or conferred by another. The limitations of a form of dignity based on class or social standing are obvious in the contemporary perspective. Attributive dignity is found in Cicero and Hobbes (Sulmasy 2008), it is also found in Kant (Meyer 1987) and within the moral form of dignity in the Christian tradition. The extent to which dignity is a socially recognized or attributed concept raises different responses. Attributive dignity refers to the worth conferred on others by acts of attribution. Dignity is created and conferred (by individuals or communally) on those we admire or who act in certain ways or have abilities, skills or powers; they are conveyed by the valuer. Taylor (1989) describes this as the characteristic by which we think of ourselves as commanding (or failing to command) the respect of those around us. It is the sense of ourselves commanding attitudinal respect. He maintains that our sense of dignity may consist of a range of sentiments, 'It can be our power, our sense of domination in public space; or our invulnerability to power; or our self-sufficiency, our life having its own centre; or our being liked and looked to by others, a centre of attention.' (Taylor 1989, pp.15–16) It depends on the intentions, expectations, beliefs, desires or interests of the valuer or the community of valuers. It is culturally relative.

This notion is unlikely to provide a foundation for the UDHR as the UDHR rejects the attributive idea of dignity. It recalls the earlier notion of honour, which the contemporary idea of dignity has replaced (Berger *et al.* 1973). When discussing the UDHR, Kofi Annan rejects this idea as a basis for human rights (Quoted in Star 1998). He describes dignity as that which lifts the status of human beings above that which may be conferred in terms of citizenship, be that a citizenship that is nationally or globally conceived. The human rights that flow from dignity are not the civil rights that flow from countries' constitutions. They cannot be redrawn, adjusted or removed by a national judiciary. Dignity is a universal value, which is not conferred by peer group.

Within the ancient, Christian and Kantian sources examined in Chapter 4 there is consistency regarding a notion of dignity, which is variously described as intrinsic, ontological or inherent worth, though the accounts differ on the specific nature and source of that intrinsic quality. Shell (2003, 2008) and Meyer (1987, 1989, 2002) show that this form of dignity is commonly associated with Kant's notion of human dignity, but we have also seen that it is present in antiquity and the ontological form of dignity in the Christian thinking found in St. Leo the Great and later Aquinas. In antiquity, that intrinsic value or inherent worth was related to the objective position of the human being within the cosmos as a being of supreme importance. Cicero's use of the phrase the 'dignity of man' (Cancik 2002) points toward such a notion even if it does not

apply to the idea that such life is inviolable. In Christian sources, intrinsic value comes from being made by the creator God and being in his image and likeness, from the association that acts of loving kindness to those in need are ways of loving Christ, and from the Christological significance for humanity that the divine became human in Christ. For some, notably Soulen and Woodhead (2006), dignity is not a human quality but one of God's gifts. However the divine gift of dignity must retain its value after it has been given to the receiver, and since that receiver only exists by virtue of another divine gift, the gift of life, the clear distinction Soulen and Woodhead seek to make can be questioned. There is a sense of the divine in the human from which early Christian sources concluded that that human person must be protected. In Kant, the intrinsic value of dignity is sometimes reduced to rationality and freedom, but there is also a sense of the cosmic position of human beings as creatures who perceive the eternal law and are connected to the infinite, not by virtue of their autonomy, but something else that is both universal and eternal. This element of Kantian thought brings his conception closer to aspects of Christian thinking than Soulen and Woodhead would accept. It is suggestive of a noumenal quality.

In each of these traditions, the special worth of the person is not afforded by virtue of any social position. Nor is it conferred or created by human action. It is pre-rational and pre-moral. It is asymmetrically related to attributive dignity, that kind which is afforded by others. The *valuer* must recognize the objective intrinsic worth of the person; his or her dignity. Human worth is not conferred by the attribution of value by an external authority. Instead the external person must recognize the binding authority of the inherent worth of the person. With this usage, for example, racism is an offense against the dignity of the human person. Intrinsic worth is closely associated with the expressions of dignity found in the UDHR and other international declarations.

Sulmasy considers that this form of dignity is the most convincing form if it is to act as a moral foundation for human rights (Sulmasy 2008). Either dignity is defined in terms of a property that some beings have (such as age, size, strength, brainwaves, or skin colour), or it is defined in terms of *being* the being. Defining dignity in terms of properties leads to gross inconsistencies. If dignity was based on the value of what a person could do, then concern for the unemployed and disabled could be set aside. If it was based exclusively on the exercise of freedom or rational choice, then it could not be given to those who were not in control of certain functions including infants, disabled, or a sleeping person. Sulmasy concludes, 'Thus, the argument from consistency claims that fundamental human dignity must be something each of us has simply because we are human.' (Ibid. p.482) From this he concludes that certain duties follow:

- P-I. A duty of perfect obligation to respect all members of natural kinds [human beings] that have intrinsic dignity.
- P-II. A duty of perfect obligation to respect the capacities that confer intrinsic dignity upon a natural kind, in themselves and in others.
- P-III. A duty to comport themselves in a manner that is consistent with their own intrinsic dignity.
- P-IV. A duty to build up, to the extent possible, the inflorescent dignity of members of natural kinds that have intrinsic dignity.
- P-V. A duty to be respectful of the intrinsic value of all other natural kinds.
- P-VI. A duty of perfect obligation, in carrying out PP-I-V, never to act in such a way as directly to undermine the intrinsic dignity that gives the other duties their binding force. (Sulmasy 2008, p.482)

The inherent or intrinsic notion of dignity combines the particular individual person with the cosmic, divine, eternal or universal aspect of humanity. As a foundation, it connects the person with something much greater than an individual and makes the individual much greater than the collection of abilities, attributes and behaviours. The universalisation of the significance of the individual is found in religious traditions. Inherent worth strikes a cord with the religious adage that to take an individual life is to harm the whole of humanity, to save a human life is to save humanity (Babylonian Talmud, Sanhedrin 4:8, 37a). In the New Testament we find, ‘Whatsoever you do to the least of my brothers and sisters you do to me.’ (Mt. 25:40ff) It may be the most plausible basis for a foundational moral concept, but its extension runs from the eternal to the individual and into the social and experiential dimension. Through it, the individual transcends their particular physical and historical location and form.

It is not clear what the basis of dignity is in the UN international texts. There is unanimity in recognizing human dignity in every human being irrespective of gender, race, or religion, and agreement at the international level about the exclusion of non-human animals from such moral significance (but see Singer for objections to this (1986, 1993)). Being human is enough for the human to have dignity. However it does not answer the question of who is a human being. The international documents suggest that dignity exists to a unique degree, but this leaves open the question of the consequences of the recognition of human dignity, ‘We may think that human dignity is inherent to the universal acknowledgment of some fundamental rights. A full description of all fundamental rights derived from a concept of human dignity or the content or limits of such rights could be debated.’ (Miguel 2002, p.18) Miguel identifies a notion of dignity extracted from natural sources, which is not socially or culturally attributed and not based on a

person's moral integrity or ethicness. It is the inherent or intrinsic notion of dignity that most clearly remains in the contemporary idea.

Rejecting attributive dignity as a moral foundation is not the same as removing the social dimension of dignity completely. This could be problematic as the social dimension of dignity helps to understand the place of experience in the recognition or denial of dignity. The person exists in a physical and historical space and in relationships with other people, and, as theology understands it, with God as well. Human experience of suffering and humiliation or recognition and respect takes place in that space and so dignity has a social/spatial dimension. The foundation of human worth is not attributive, but the recognition and respect of that worth is.

### **In Human Rights Education**

Turning to education generally and human rights education specifically, a range of different perspectives on the place of inherent or attributive dignity can be identified. However, it is also evident that in many cases, dignity receives little theorisation at all.

*References to dignity all but absent:* While philosophical and theological ideas of dignity are applied to and theorised about in law and bio-ethics, it is difficult to find such examples in education. An online search of The British Education Index (repeated on 8<sup>th</sup> June 2010) returned only two inclusions of the term dignity, neither of which explored the philosophical or theological roots of the concept in application to education. There are references to dignity, typically of the kind found in Lindner (2009). Lindner stresses the importance of dignity for education for reconciliation, something which is part of HRE as conceived in the international documents. However, beyond stating the importance of equal dignity, there is no detailed discussion or justification of the claim, and no references to arguments from theology or philosophy. A search of *Institute: Social Sciences*, the online database of high quality web resources for education and research in the Social Sciences (previously called SOSIG), revealed 20 web links, none of which were linked to education. When the education sub category was searched the term does not appear. The term person led to more hits, over a hundred at the BEI and 12 on *Institute: Social Sciences*, but none of these referred to any theological or philosophical dimension or meaning of the term either.

In two important English language edited collections of contributions to HRE, published in the 1990s, *Cultural Diversity and the Schools: Vol 4: Human Rights Education and Global Responsibilities* (Lynch *et al.* 1992), and *Human Rights Education for the Twenty-First Century* (Andreopoulos & Claude 1997), with fifty scholars producing almost a thousand pages of essays, dignity itself features in none of the essay titles, and in neither of the quite detailed indexes (covering 36 pages between them). Substantive treatments of dignity are absent from these texts. Taylor identifies the removal of religious language from public space as examples of secularisation (Taylor 2007). Professional discourses are marked by the absence of references that are religious in origin. It may be that the omission of dignity in these education databases reflects a tendency to see dignity as religious in origin, and therefore its absence indicates secularisation.

*Dignity receives speculative or limited treatment:* Betty Reardon's book for teachers, *Education for Human Dignity: Learning about Rights and Responsibilities* (1995), is an example from Canada. Reardon places human dignity, along with integrity, at the centre of a map of interrelated values in one of the approaches to human rights education which she calls the values approach, 'Human dignity and integrity are the symbiotic concepts at the centre of the ethical system comprising the social values that are the essence of human rights. Within this approach, dignity is defined as the fundamental innate worth of the human person.' (Ibid. p.5) In what ways they are symbiotic is not clear. If one acts without integrity does one lose dignity as conceived as inherent worth? This is the implication of the first sentence, but the implication of the second is that dignity is innate and therefore cannot be removed through human action. It links the moral probity of the person with their inherent worth, something that the UDHR and modern human rights specifically rejects. Reardon is referring here to the moral acquisitive idea of dignity (close to attributive), achieved through good behaviour, rather than the foundational value. There is little of controversy about linking integrity with a judgement about moral conduct. However, these two senses of dignity should be distinguished. Reardon implies in her writing a move towards attributive dignity and away from inherent dignity. The universality of human rights cannot be based on these kinds of judgements. as they cast dignity in socially attributive terms, not as a foundational value inherent to the human being. This slip in the conceptualization of dignity is a failure to differentiate or identify the ontological focus of dignity (Duncan *et al.* 2007). The slip shows a shallow understanding of the distinctive differences of the moral notions surrounding dignity, though it does reflect the references to dignity in the international texts.

Starkey gives limited attention to dignity in his 1991-edited work *The Challenge of Human Rights Education* (1991a). In *Teacher Education and Human Rights* (Osler & Starkey 1996) dignity also receives a limited treatment. In exploring what they describe as two key concepts, Osler and Starkey set dignity alongside equality although, while the notion of equality receives a page and a half of exploration, the phrase dignity receives only a paragraph in which dignity is subsumed within equality: 'Equality of rights is also equality of dignity.' (Ibid. p.161) Equality is said to protect the dignity of every human being and yet dignity is not equality. Treating people consistently does not entail any decency in that treatment and equality on its own says nothing of the reason why a person must be treated with decency (Pojman 1996, p.284). The human rights movement in the contemporary period has had as its focus assuring the human rights of all and so equality of worth is bound up in dignity. Their recent work *Teachers and Human Rights Education* (2010) mentions dignity on many occasions, but again with no theorisation.

*Dignity conflated with respect, rather than inherent worth:* Krappmann (2006) discusses this aspect of children's daily lives and school discipline (Article 28 (2)). He notes that corporal punishment is forbidden by law in the schools of every industrialised country (except the USA and outback regions of Australia; see: <http://www.stophitting.com> and [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)). He observes:

Additionally, quite a number of teachers administer discipline with other means that are not consistent with human dignity as well. They ridicule, humiliate, or otherwise maltreat children in front of the classroom. The consequences are negative not only for the child blamed who may be demotivated and in the long run may lose interest in learning and school. Also other children may be afraid that this treatment can also happen to them. (Krappmann 2006, p.6)

The convention demands that children are protected from all forms of violence but also that school discipline is administered in such a way that protects a child's dignity. Respect for dignity is a matter of professional conduct and failure to express respect so will impair the child's educational development. Osler and Starkey describe dignity as a pedagogic principle (1996, 2010). They restate Cassin's framework of the concepts of human rights outlining the equality of dignity and the rights of all as the foundations of freedom, justice and peace, and the basis of all the other human rights. The discussion of dignity within the book is characterised as a *right to dignity* and explored in terms of the relationship between teacher and pupil and the learning environment.

The student's right to dignity implies a relationship between teacher and student which avoids abuse

of power on the part of the teacher, including the avoidance of sarcasm. In this relationship the teacher's own right to dignity should not be forgotten. Teachers need to establish, with their students, a classroom atmosphere in which name calling and mockery are unacceptable. It is the teacher's responsibility to ensure that those who are most vulnerable are protected from bullying and give the opportunity to learn in a secure environment. (Osler & Starkey 1996, p.154)

Education can be a conduit of humiliation if teachers abuse their positions of power to harm the children in their care. This describes problems that exist, not a hypothesis about what might happen if dignity is not respected. The phrase 'right to dignity' itself is problematic. It conflates dignity with respect; the right to respect is the right not to be humiliated. In themselves, these rights are important, but such conflation reduces dignity making it a derivative of respect and removes any meta-ethical substance, without which normative discussion is prone to stumble (Debes 2009, p.50; Darwell 1977). This is something quite different from Cassin's original explanation that dignity stands for the underpinning beliefs about what human beings are that form the foundation of rights. If dignity is something we have a right to, rather than a foundation for rights, what foundation do rights have?

*Inherent worth implied without reference to theological and philosophical sources:* UN documents link personhood with dignity in references to education, and go further than Osler and Starkey. The *Convention against Discrimination in Education* adopted by the General Conference of the UNESCO on 14 December 1960, which entered into force in May 1962, prohibits any form of discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education and in particular, 'inflicting on any person or group of persons conditions which are incompatible with the dignity of man.' (Article 1.d) Discrimination is the failure to recognize the inherent dignity of every human person. Discrimination in education undermines dignity intrinsically, and in terms of the instrumental aims of education as well. It refutes the essential worth and obstructs the development of that person. This expresses the idea that education has an important function in the service of the dignity of individual human beings. A similar tone is struck in the *Convention on the Rights of the Child*, which was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 and entered into force in 1990. Article 23 is concerned with recognizing that mentally or physically disabled children should enjoy a full and decent life, in conditions that ensure dignity. Children deprived of liberty must have their inherent dignity respected. Article 28 restates every child's right to education and adds that this entails a kind of education that is consistent with the child's human dignity, particularly with regards to school discipline (Article 28 para. 2). So respect of dignity is justified in intrinsic grounds, irrespective of the morality of

the child (child prisoners are included), and irrespective of the child's ability (given the specific inclusion of children with disabilities). There is a clear emphasis on the treatment of children as ends, rather than simply means. Children deserve education not only because of what they will be able to do with it afterwards but because of what it enables them to be or because of what they are. This brings important expectations on the character of education provided. It is not enough to be instrumentally oriented. The child with a terminal illness would have no purpose for education if that is the case. There is something about what education is or does which can enhance the person or diminish them. The important examples above clearly demonstrate that this is expressed in the international declarations.

*Associations between philosophy/theology and education implied but not examined:* In *A Human Rights Based Approach to Education for All* (UNICEF & UNESCO 2007), the overarching aim of human rights education is described as promoting, supporting and protecting the 'human dignity innate in every child and his or her equal and inalienable rights'. HRE publications for schools and teachers express this belief in the innate dignity of the human person. UNESCO published guidance for human rights education, *All human beings: A manual for human rights education* (UNESCO 1998), which aims to provide educational activities to be developed in primary and secondary schools. It discusses dignity as the first *human rights value* in terms that echo Kant:

Each individual, without distinction as to family, social or cultural background, must be recognized as an end in himself or herself, as a representative of humankind. In other words human dignity resides in each of us and this dignity must be recognized and respected by all. (Ibid. p.22)

The phrase 'must be recognized as an end in himself or herself,' is clearly influenced by Kant but is not expounded upon. The philosophical foundation is implicit, not explicit. This is a metaphysical claim in the educational literature. How dignity resides in human beings and what that means is not explored. It is not expanded in the text of the manual. It therefore has the characteristics of a faith claim, a profound assertion about the worth of a human being from an objective perspective that needs some theological or philosophical justification.

More recently, *ABC Teaching Human Rights: Practical activities for primary and secondary schools* (OHCHR 2003), published by the Office of the High Commissioner of Human Rights is a guide to human rights education produced for schools. It mentions dignity when describing the content of human rights education, 'The history of human rights tells a detailed story of efforts

made to define the basic dignity and worth of the human being and his or her most fundamental entitlements.’ (Ibid. pp.18–19) It sees the understanding of dignity as arising out of a study of the history of rights and the campaigns that led to the UDHR. Indirectly these are linked to theological, philosophical and political beliefs about the worth of human beings. This is part of the formation of personal values, attitudes and behaviour, with an aim of inspiring a sense of responsibility for human rights. Suggested activities include a reflection on being human (Ibid. p.50) and how that is worked out in applications to the issues related to rights. Thus the importance of the narratives that have sought to explain dignity is recognized.

Resources produced by NGOs refer to dignity and define it with reference to rights, although some do refer to religious and philosophical values. For example, a guide first published in 1995 and still used by Amnesty International demonstrates this, ‘The basis of human rights—such as respect for human life and human dignity—can be found in most religions and philosophies.’ (AI 2001, p.8) It points to those theologies, though does not give any further reflection on where or how this is found, but rather defines dignity in terms of recognition of rights, ‘ To live in dignity, all human beings are entitled to freedom, security and decent standards of living – human rights are “indivisible”.’ (AI 2001, p.9)

*Associations between education and theology explored:* Writing about human rights education, Claudia Lohrenscheit states that, ‘each and every individual is "equipped" with human dignity which is intrinsically linked to the uniqueness of the individual.’ (Lohrenscheit 2006) Here Lohrenscheit echoes an idea of the dignity of the person found in the work of the Catholic theologian and philosopher Maritain, as well as Jewish thinkers. Maritain held that the person was a universe unto itself (1941), posited within existence distinct from other beings, in unity and simplicity in a state of individuality (1946). Dignity is associated with something about the particular, the different. This emphasis can be linked to the attempt to exterminate difference, as the Holocaust might be conceived, and is sympathetic with religious notions of the created unique being. Sacks demonstrates that human diversity is an important feature of Jewish thought, found in the writings of Maimonides and Rav Kook (Sacks 2002). Uniqueness, or particularity, is an aspect of inherent dignity. Maritain thought that it was the term *person* that pointed to the uniqueness of the individual, while *dignity* referred to the worth (D'Souza 2009). Lohrenscheit’s claim, as an educationalist, concurs with one of the dimensions of dignity found in the theological and philosophical perspectives. In the educational texts it is a metaphysical claim offered without reference to the philosophical and theological narrative.

Catholic educational philosophies and theologies are frequently based on the dignity of the person and education. Elias (1999) has argued that such reflection remains important, reviewing the earlier Catholic philosophies of education, and developing adapted approaches using the method of Bernard Lonergan, to both reflect upon and to develop norms for an educational theory (see Lonergan 1967, 1972). Elias suggests that when Lonergan's thought is supplemented by the thought of Paulo Freire (1970), there emerges a powerful framework for developing a Catholic educational theory, which he goes on to outline. In the outline, it is the centrality of the dignity of the human person that becomes apparent. Lonergan and Freire, he argues, both present a view of persons as changing, developing, influenced by culture and influencing culture.

Freire's contribution to a theory of human person comes from his insistence on the barriers preventing persons from reaching toward critical consciousness and self-transcendence. While not as perceptive on the barriers to human development as Lonergan, he presents a persuasive case for the development of human persons through dialogue and dialectic. Both thinkers attend to the issue that human persons are formed in a social situation... The social thought of these two thinkers, especially Freire's, provides a powerful basis for an educational theory that sees the goals of education in terms of human, social, and cultural liberation. (Elias 1999, pp.106–107)

Freire sees the aims of education in terms of human and social liberation, and Lonergan sees it in terms of human and social development and the interrogation and investigation of the ultimate and transcendent purpose of human existence. Elias is not proposing that these are the only sources for a Catholic philosophy of education but it is clear that the dignity of the human person is central in ideas from which he thinks a renewed contribution could develop. In choosing Freire he has also identified a thinker that has become crucial to human rights education broadly.

Kelty (1999) identified a change in recent Catholic educational theory and sees a renewed theology of education, which he believes is also a philosophy of education emerging under the themes of the nature of the person observing, '[T]he dignity of the person warrants every educational effort that seeks human development. Such human development is intimately connected to how learning enables one to construct a meaningful universe.' (Ibid. p.21) These examples are applied in general to education, and the references to human development, transformation and Paulo Freire are strikingly similar to examples found in HRE. However, both Kelty and Elias acknowledge that this kind of reflection has fallen out of favour in educational research. Catholic theories of education, philosophies of education or indeed theologies of education are not prominent in contemporary educational discourses. This might explain why there is nothing published on the clear links between the ideas Kelty and Elias describe and HRE,

or any recent considered reflection on the links between liberation theology and HRE. There is reflection on human rights and liberation theology (Engler 2000) and Paulo Freire himself has written linking liberation theology with human rights and his own educational thought (Freire 1985). While there are examples of HRE literature linking Freire and HRE (Ely-Yamin 1993), the connection between the theology and education movement itself is never fully made.

## **Part Two: Inherent worth and the flourishing person**

*The developing, whole, multidimensional person:* Philosophical and theological accounts of dignity include some notion of human development, as does human rights education. Without development there can be no possibility of education. The idea of human development is linked to the human person, or the individual, in international documents. The UDHR confers the right to education (UN General Assembly 1948, Article 26) and specifies the nature of this education, which shall be, ‘directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms’ (UN General Assembly 1948, Article 26, para. 2). The *Recommendation concerning education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms*, adopted by the General Conference at its eighteenth session in 1974 (UNESCO 1974), is cited as an important stage of development in HRE (Baxi 1997). It developed the original definition of education found in the UDHR, ‘the full development of the human personality’ and the strengthening of respect for human rights and fundamental freedoms. Here is the sense that the human being will be able to flourish and fully develop as a human being ought to be able to do in accordance with inherent dignity. The recommendation enlarged, in general terms, the notion of education by implying ‘the entire process of social life’ affecting all aspects of a person’s capabilities, their attitudes, aptitudes and knowledge (UNESCO 1974, Article 1a). It includes both intellectual and emotional development, intercultural understanding, a dedication to world peace, a rejection of economic exploitation and the promotion of political participation. Article 18 includes a focus on developing capabilities to eradicate conditions that cause major problems affecting human well-being and survival. Here the goal is the human person, fully developed and flourishing in all aspects, engaging peaceably in dialogue with others.

The *Convention on the Rights of the Child* (UN General Assembly 1989) recognizes the need for the child to grow up in a family environment in an atmosphere of happiness, love and

understanding, ‘for the full and harmonious development of his or her personality’ (Ibid. Preamble). Unharmonious conditions that children may grow up in would harm the development of their personality. The conditions in which the child lives and the experience which they have impacts on the extent to which their own dignity may extend itself through their development to fruition. It is not ultimately the benefit that they will bring to society or the economy or the community that matters, but their own flourishing and their own ability to live life to the fullest that they can, even in limiting circumstances.

This theme is found in the writings of HR educationalists. Mohanty (2003), writing on development and human rights education, refers to dignity in the context of Article 26 (UN General Assembly 1948) and its association with the full development of the human person. He sees the recognition of innate dignity as inextricably linked to the flourishing of all aspects of the person and their needs.

The assumption of this innate ‘worthfulness of the individual’ is most significant from the point of view of democratic education which intends the full, all-round development of every individual’s personality. This implies that education should take into account all his needs—psychological, social, emotional and practical and cater to all of them. This basic concept transcends the narrow academic approach and broadens into an education for living, i.e. an education to initiate the students into the many added aspects of living in a community. (Mohanty 2003, p.39)

Mohanty recognizes the holistic dimension of the human personality and that the many aspects have differing developmental needs.

Reflecting on the role of HRE in post-conflict societies, George Andreopoulos responds with reference to the concept of dignity. He describes dignity as something violated and traumatised by what has taken place, which nevertheless offers an insight into the multidimensional aspects of the human personality. Dignity foregrounds the historical reality of human suffering across time, while a recognition of the many dimensions of the human person points to the diverse roles in life that constitute a person’s identity:

[E]ducation strategies about human security must be premised on two key notions: the common features of intolerable practices which violate essential aspects of human dignity, and the multifaceted nature of the human being which no group identification – no matter how comprehensive – can capture. The first points to the remarkable continuity of human suffering throughout history: tales of oppression, exploitation, denial of basic needs, persecution, and the extermination to which every society can relate in the evolution of its popular traditions. The second points to the varied roles that each human being is expected to assume during his or her lifetime, roles that are essential to the formation of the individual’s unique identity and welfare. (Andreopoulos 2002, p.15)

For Reardon, an account of the wholeness and individuality of the human person and the fulfillment of social responsibility are all characteristics of a good society. She argues:

Integrity refers to the wholeness of the physical, mental, aesthetic, and spiritual facets of the person. The good society provides for the expression and development of the multiple facets of the person and holds them to be inviolable. Good societies are built on the active recognitions of the individual and group rights and the fulfillment of the individual and social responsibility. (Reardon 1995, p.5)

This aspect of dignity, what Sulmasy terms inflorescent dignity, exists in Nussbaum's notion of dignity (Nussbaum 2008). Amartya Sen and Martha Nussbaum have linked dignity and rights in this sense, which they describe in terms of a human development or capabilities perspective of human rights (Nussbaum 1999; Sen 1999). Nussbaum expresses this in terms of achieving possible central human functional capabilities that indicate a life of full human functioning, or a kind of basic human flourishing (Nussbaum 1999, p.40). Sen argues this requires 'the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states.' (Sen 1999, p.3) The sense is captured by the idea of human flourishing and the need for a human person to be free to flourish. Conditions of humiliation, enslavement and suffering are not conducive to human development and are not consistent with the dignity of the person. Within the UDHR, dignity is associated in some way with human development or human capabilities. For Nussbaum, dignity has an important role in her political conception of justice, a hallmark of minimum social justice expressed by ten capabilities (Nussbaum 2008). She lists them as follows:

- life,
- bodily health,
- bodily integrity,
- senses, imagination and thought,
- emotions,
- practical reason,
- affiliation (being able to live with and toward others and having the social bases of self-respect and non-humiliation),
- other species (being able to live with concern for other life forms),
- play,
- control over one's environment (political and material).

The dignity of the human person, politically conceived, is expressed if a person is free to flourish in all of the ways that a person may. The flourishing, developing historical person is a manifestation of their inherent worth.

The similarities between Sen and Nussbaum's capabilities approach and Aquinas' idea of human development are documented (Risse 2009, especially p.9ff; Lisska 2008). There are differences as Aquinas provides an ontological foundation of the human person while Nussbaum, following Rawls' assertion that, 'Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot over-ride.' (Rawls 1971, p.586; cf Rawls 1993) She claims dignity does provide a grounding for basic political entitlements and human rights (Nussbaum 2008, p.372). Lisska has argued that Nussbaum does not give an adequate account of why a human person should have the capabilities that she chooses, beyond some kind of intuition of the capabilities that human beings have. Thus, Lisska holds, Nussbaum offers a weak theory of the human person, rather than Aquinas' strong account, which is based on a philosophical anthropology, found within natural law. Nussbaum and Aquinas both acknowledge a social role of the human person and an idea of the common good (Lisska 2008, pp.116–17) and Finnis (1980) holds that the rules for governing society are rooted in the development of the human person and contribute to the common good of the society.

A further insight can be drawn from Aquinas. St Thomas says, 'From the essence of the soul flow powers which are essentially different ... but which are all united in the soul's essence as in a root.' (II Sent., d.26, q.1 a.4c, quoted in Gormally 1999) The powers of the soul, as wholly undeveloped, radical capacities, are given to each individual at the beginning of his or her existence. This is the basis of the natural dignity that belongs to every human being. Human development is linked in some way to what it is to be a human being. Aquinas' view has been highly influential in contemporary Catholic thinking, as illustrated in Papal Encyclicals, 'authentic human development concerns the whole of the person in every single dimension' (Benedict XVI 2009, 11). Pope Benedict reflects on the mystery of the link between the historical human, constrained by and within the material world, and yet at the same time able to develop and grow in response to their inherent worth. In Kantian terms, it is the linking of the individual to infinity, while theology would link it to the divine destiny of the person with God.

*The link between innate worth and human flourishing:* The idea of dignity expressed through

human flourishing and development is central in HRE. Human rights educationalists see its recognition and encouragement as indicative of a just and democratic society. Within varying kinds of HRE literature, the international agreements, educational theory and teaching resources, there is a link between the innate worth of the person and the fullness of their development. These sources do not theorise about the nature of the link between the internal inherent dignity of the person and the external human flourishing. This flourishing manifests within human society and is facilitated or otherwise by human institutions. Within the social sphere of human existence, the extent to which the dignity of the human person can fully be recognized and allowed to flow through the extensions of what it means to be human is controlled, or limited. In this respect it is unlike the un-limitable inherent worth. It is through the recognition of the dignity (inherent worth) of the human person, that the person can be enabled to flourish.

Like HRE, there are notions of human development linked to the dignity of the human person in theological and philosophical accounts. Some of these accounts seek to explain the link between an idea of inherent worth with an idea of the development of the human person, unlike HRE. Within Christian sources this is closest to the understanding that the human person may grow and develop towards an ultimate reality to be Christ-like. This could be seen in terms of moral improvement, and that is the sense found in the Early Church Fathers when they suggested that baptized Christians should seek to preserve their dignity, but is more profoundly understood as the transformation of theosis, the human becoming divine. This suggests a developmental dimension, an idea of human flourishing or growth across a range of aspects which reflect a more complete divine plan than individual moral conduct alone.

*The human and the divine, the individual and humanity:* Part of the function of dignity is to provide an explanation of how a single human being takes on universal significance that transcends that one person and seems to be related to all human beings. Dignity seems to connect the personal uniqueness of the individual with the universal commonality. Writing from within the Catholic tradition, Lebech argues that to account for the content of human dignity we are:

referred back to the experience of its fullness in love, kinship and friendship. In these I learn to identify with the essential attributes focused on by each of the frameworks. I learn what it means to be human. (Lebech 2004, p.10)

She integrates the discrete perspectives of dignity through the experience of the fullness of human dignity into a holistic picture. Lebech argues that physical and psychic organisation, and abilities

and powers, are all accounted by human nature. Human attributes and tendencies and the material exchange with the surroundings in growth and decay are identified with human nature. Reason, integrated physicality with personal experience, assists in the building of character, in communication and creativity and integration in human society. Reason based processes of abstraction, intuition and discussion allow for such integration. However, Lebech argues that physical and reason based dimensions cannot account for the spiritual transcendence as a person. God joins nature and reason with the rational soul:

Only a power exceeding both of these could effectuate such a synthesis, which accounts also for the spiritualisation of appetite in emotion and evaluation. If I did not identify myself with this synthesis, I could find no reason to act in accordance with universal laws and no reason to realize the good. (Ibid. p.11)

Lebech acknowledges that some might not call this power God, and others do not try to explain this integration, but rather leave it as a mystery. However this leaves them with no explanation for either the integration of nature and reason in the person, or the physical existence of the person as personal.

Newlands conceives such integration through a Christological conceptualisation of human rights and the dignity of the human person, drawing on Schleiermacher's person based theology. In this theology, the person is the person of God in Jesus Christ, a Christian construal of human love, and a Christomorphic shape in history (a history shaped by Christ) that transcends the social, political and personal and expresses God from within human suffering (Newlands 2006, pp.143–73). Newlands articulates Christology *for* human rights, rather than a Christology *of* human rights. Such a Christology gives attention to the reconciling power in Christ and the instantiation of the person of God in a specific human being (the concretisation in the temporal and physical of the abstract and universal). This figure is then identified with the loss of all human rights through the crucifixion. Incarnation presents a reality of the involvement of God with human bodies and His concern about what happens to them. Jesus Christ can be imagined as God's incarnation of human rights, as subject and object of human rights concern. Through this human beings are recognized as God's own, with their worth reaffirmed and a destiny to be fulfilled through His unconditional love. Newlands' Christology is not just a Christology for human rights but a Christology for the dignity of the human person. It is not just human rights that are Christologically understood, but the inherent worth and nature of the person that are seen in these terms.

The claim for the worth of a person is made meaningful through a Christological person based narrative. These may not be the only beliefs that could possibly give meaning to the worth claim of a person. The distinctiveness of Christian theology for establishing dignity is that in Christology, a theology of human rights is person-centred, and therefore particularly well suited for an educational project that is defined by a moral purpose of learning for and in the human person. This moral purpose is expressed through the phrase *for* the dignity of the human person. It seeks to inculcate values, influence moral decision-making and human behaviour. These moral features are contextualised by the intrinsic worth of the person, a being beloved of God, and the necessity to respond to that worth so that the person may flourish.

*Inherent worth and human flourishing in balance:* Lebech values the *societal*, which she calls *community*, dimension which explains the inculcation of natural abilities. Community makes demands on the natural, rational and spiritual dimensions of the human person. There is interplay between the two. Knowledge of identity is formed through identification with others and the person's role in the community. While social attribution is an unreliable moral foundation, for it may be withdrawn at the whim of society, dignity or the lack of it is an experienced phenomenon. The recognition of a person's dignity is a primary obligation of a response to dignity. It does not afford the moral significance to the person, but is, rather, the response to the moral significance of the person. More than that, it is a reflexive encounter between the two persons that takes place in human experience. It is as if the inherent or intrinsic quality of dignity reaches from a transcendental location to an immediate proximity.

A further insight can be drawn from an understanding of the nature of the sacramentality as it applies to the Church. The Protestant theologians Jürgen Moltmann (1984) and George Lindbeck (1984) have explored how it is important to understand that the idea of the Church as sacrament should be informed by both a sense of incarnation and a sense of eschatology. McBrien (2008) also finds this in the theology of Vatican II in the Dogmatic Constitution of the Church (*Lumen Gentium*, Chapter 1 in Flannery 1996). The two senses offer distinctive understandings: incarnation, in that the Church has a holiness within herself; and eschatology, in that the Church is in need of perfection. If there was not an eschatological understanding of the Church then there is a triumphalist danger of considering the institution to be perfect already, without any need for renewal or reform (McBrien 2008, p.165). A balance of both aspects is important in notions of ecclesiology where the Church itself is seen as sacrament. This reflection is helpful in notions of dignity. An idea of dignity as inherent worth, irrespective of action, moral conduct or capacity,

raises the human to a position of high sanctity, almost on a par with the notion of sacrament. Yet human beings have the capacity to develop, and do good or ill. If the worth of a person has no relation to their conduct or capacity then it is not clear why the person should seek to develop or be good. It might even be used as an argument not to allow a person to develop. The balance of incarnation and eschatology provides a model that might serve our understanding of dignity. The person has inherent worth but also has a destiny to develop, to constantly seek to return to God, through repentance and reconciliation and be transformed. This development in Christian terms is not limited to the physical and material development possible for a human being, as the person is not understood in exclusively material terms. The human person is understood as a being that has a destiny after and beyond this world.

### **Part Three: Critical observations and discussion**

The educational literature contains differing treatments to the notion of dignity as inherent or attributive worth. Some tend towards an attributive sense of dignity, others offer little theorisation at all. UN HRE documents are suggestive of a value that is inherent in the human person, though they do not identify the theoretical underpinning for this. The UN documents, therefore, while under-theorised, suggest a concept that is different from that advanced by prominent human rights educationalists. Some theological, philosophical and educational reflection has sought to make stronger connections. In the chain from theology to educational theory and human rights education, some links are recognized and others are not. Nevertheless, even those theologians who have identified the theological importance of the concept of dignity in educational contexts have also remarked that it has not received much treatment or acknowledgement, in contrast to the attention given in contemporary theology more generally.

These examples illustrate the importance of the dynamic relationship between inherent worth, the material manifestation of that worth in human development of all areas (moral and intellectual) and the recognition of that worth. While, as foundational notion, inherent worth is crucial for HRE, it is clear that a sense of how the human being develops and is responded to by others, also matters. Rights conflicts emerge as a result of one person's development infringing on another person's development and rights. Rights protect development. While we may wish for a person to develop fully, and in many ways, *how* they develop fully, and *precisely which ways* they can develop are influenced by the social dimension of human development. As a concrete example,

human development by one group that exhausts an environmental resource and leaves another group in poverty cannot be viewed as acceptable. Here is a sense of common human development, informed by ideas of equality or, more precisely, equal worth. There is, therefore, a dynamic relationship between the inherent worth, the development of that person, and how others respond. Human rights provide one way of working out that dynamic relationship. Nevertheless, to forget the inherent worth is to forget the inviolability to which Rawls and Nussbaum refer. This is where a level of theorisation and sense of ontology matter. At the very least, some theological and philosophical literacy can support HRE to avoid the pitfalls of casual use of terms identified here.

It is important that human rights education has some clarity in its understanding of the dignity of the human person, and that within the international documents and the theological and philosophical traditions, there are important arguments for why the idea should be composed of inherent worth and human development or flourishing. One acts as a foundational value, the other an expression of it. There is a risk with an idea like dignity that the sense of it may slip into a form that is exclusively attributive. The notion of worth as something conferred by a social group is a problematic basis for human rights and moral education, as it leaves the individual with a value that is determined by the whims of the group. Human rights have been developed in part to protect individuals from groups and the state. The international documents themselves do not provide an explicit account of how inherent worth within is related to an external projection of that through the development of the person. The educational literature reflects a conviction that the human person should be able to develop fully in every way, that limitation and humiliation signify a failure to recognize the worth of the person. Human development in some way points back to the essential worth, but educational writing offers little more than this.

The idea that education for the full development of the human personality can be understood without some account of the human person can be refuted. If the inherent worth of the person is a basis for the full range of human flourishing then an account of the link is needed. HRE finds itself without a theory of the human person or much of an explanation of the links between human needs, purposes and the common good. Yet human rights and responsibilities imply some kind of association. Answering this question may require the support of the studies of human society and human life in general. Given the importance of religious narratives in the development of human society, theological sources may be usefully consulted.

There are ongoing debates within these narratives about the attempts to link the inherent worth of the human person and their development. The question which presents itself, therefore, is whether HRE should see those discourses as a source of enrichment? Perhaps the link between the intrinsic worth of a human being and their flourishing will always attract mystical and philosophical reflections. What we see here is that there is considerable speculation that such a link exists and matters, even if the account of the link is as yet incomplete.

## **Conclusion**

The UN documents set out the case that the dignity of the person means education should follow, and education of a certain kind. The form of the education must reflect the inherent dignity of the human person as well as having the extrinsic aims of bringing about a human rights culture. It should be an education that has an intrinsic value, irrespective of benefits to the economy, for example. To advance certain values in education means advancing them in a manner that reflects those ideas and principles in how learners are treated and supported. There is a suggestion that human beings may be robbed of their dignity if education is not provided or is impaired through discrimination. The sense of dignity here is of something that is offended or refuted by acts of humiliation. Such offense and humiliation denies the flourishing of development of that dignity that emerges when dignity is recognized and respected. It is reduced or limited if people do not properly respect human beings. It implies that a dignified life is not possible without proper education. But the kind of dignity described here goes beyond proper treatment or respect but articulates the inherent worth of the child. Measures of intellectual or athletic ability are not equated with dignity and nor do they confer it. Children are not to have their life goals restricted because of physical or mental disabilities; they have equal worth with other children. Dignity is bound up in their being.

The educational sense of inherent worth, that provokes, or should provoke, a social-moral response is consistent with the ideas in theological and philosophical narratives which offer broadly consistent parallel accounts of the inherent worth of the person. There is some correlation between the ways in which dignity is referred to in educational declarations and some educational resources for teachers. Some educationalists draw on these but others do not and overall the slippage between contrary senses of dignity reveals the problem of poor conceptual clarity. The distinctions explored are not inconsequential or only of theoretical importance.

Deciding whether the worth of a person resides in their being, or in their capacity to be good (as defined by society) leads to quite different consequences for that individual. This analysis has revealed, through an application of the philosophical and theological conceptions of dignity, that in HRE it matters whether dignity is understood in terms of the being of the person, or in terms of how they are treated. A degree of religious and philosophical *literacy* helps reveal why inherent dignity is consistent with the international documents, and why other notions of dignity are problematic for human rights. This has much more than incidental importance due to its implications for the aim and character of education. There are particular offerings from theology that seek to explain the connection and dynamic relationship between the inherent worth and human development and flourishing. Chapters 6 and 7 explore these ideas further.

## Chapter 6

### Exclusive and inclusive approaches to dignity

Chapter 5 has examined how the theological and philosophical sources of dignity help to explain the senses in which dignity is used in human rights. The sources do not feature in HRE literature, perhaps because of an anxiety that ideological differences would derail the HRE project. There may be some insecurity that encouraging reflection on the theological sources of dignity would lead to an abandonment of human rights. There is some separation between religious beliefs and human rights in HRE, in both the international documents (Chapter 1) and the English curriculum (Chapter 2) depriving it of this important resource. However Chapter 3 has critically considered dignity and argued that it is an important idea not easily discarded and Chapter 4 has suggested there are common features among the different western theological and philosophical sources. Chapter 5 has shown ways in which this separation of the theoretical understandings of dignity in HRE endangers human rights. Conceptual clarity matters for it affects the principles that influence the aims and character of education.

The inclusion of different meaning-giving narratives (religious and philosophical) when making sense of dignity presents a question about the universal culture of human rights that HRE is supposed to be promoting. It has been suggested here that such links between theology, philosophy and human rights are important for helping with conceptual clarity, and reflect the reality of how the values and principles underpinning human rights have developed. For HRE, the relative importance of plurality in understandings of dignity and universality and the extent to which approaches to dignity should be inclusive or exclusive, is a key point of concern that needs addressing. The aim of this chapter is to analyse in depth the theoretical and practical difficulties and opportunities of conceptualising dignity in inclusivistic or exclusivistic ways, with a view to how this might influence education policy and practice. This is a significant debate for the concept of dignity which has particular implications for education.

*Part One: Exclusive and incompatibilistic approaches to dignity* explores the claim that there is a single conception of the foundation of human rights to the exclusion of all others and also the implications of such a claim. Principal among these are the claims made by theologians and political philosophers that Christian and Kantian/liberal democratic conceptions of dignity are

diametrically opposed, which explains why the application of dignity leads to different conclusions. This is a claim that must be considered but is challenged and ultimately rejected here.

*Part Two: Critical considerations of exclusivism* considers three reasons for preferring a judgement in favour of a converging and aligning approach. First is the observation that within the sources dignity has different meanings and that there may be some overlapping space between different theological and philosophical conceptualisations. Second is the argument that dignity has emerged through contact with differing cultural, social and religious forces. Third is the argument that an international universal human rights project requires dialogue and therefore a degree of openness rather than exclusivity. These arguments have merit and form part of the reason for rejecting the position taken by exclusivists and incompatibilists.

*Part Three: Inclusivistic and compatibilistic approaches* considers examples of convergence and alignment within some traditions. This is notable in some of the writings of Karol Wojtyla, later Pope John Paul II, and others who have drawn from the different traditions of dignity without diluting the importance they place on worth. This is set against criticism that in so doing, these writers have distorted the essential value of dignity. These arguments form a further part of the reason for rejecting the position taken by exclusivists and incompatibilists.

*Part Four: Educational Imperatives* examines how the notions of educational enterprise are at the heart of the dignity discussion and offer a possible avenue towards a solution to this problem. It will be argued that discussion and dialogue with others, combined with self-reflection are educational aspects of the discernment of dignity and a principal part of the moral decision making process. Here the educational importance of the conceptual understanding dignity is revealed.

### **Part One: Exclusive and incompatibilistic approaches to dignity**

The view that dignity can draw on a wide range of traditions or that different narratives can account for dignity equally well is challenged by the argument that there are inherent contradictions between some of those notions. It has already been suggested that there are significant parallels between different narrative accounts of dignity (Chapters 4 and 5) but some

also claim that the kind of dignity required by human rights is of a very particular kind that could never be adequately served by just any rationale. Dignity must be fixed and clearly understood and therefore contextualised within a single narrative, if it is to have a secure action-guiding dimension.

Scholars who advocate an exclusive and incompatibilistic foundation and understanding of dignity, that is to say a foundation which has an exclusively defined narrative that offers no possibility of compatibility with alternative narratives, come from contrasting positions. On the one hand there is a western liberal democratic form found in Jack Donnelly's work (1982, 2003), who advances a notion of human rights and dignity conditioned by a particular collection of western liberal democratic values. These values, which include particular notions of freedom and equality, are suggested as universally normative, just as the rights which flow from them are claimed to be. They are not compatible with other notions of dignity found in traditional, religious societies which would undermine, for instance, the equality of women. Donnelly requires the adoption of a particular narrative of dignity as an over-riding cultural/moral norm against which others are judged.

Another exclusive and incompatibilistic foundation is offered by some theologians who see human rights as founded in the gift of God. Dignity derives from God rather than being an inherent feature of humanity. This is found in the work of Soulen and Woodhead (2006). In addition to the earlier problem that it does not suit a religiously and philosophically plural society, there is also a problem of incompatibility with the notion of dignity found in the UDHR, by relegating it to a second order value.

*(i) Christian exclusivism:* Some Christian theologians argue that dignity is not a foundation inherent in humanity, but a gift from the founding divine Father, God. It is a gift given by the Creator to the created, which does not come about because of anything inherent in the created being. The suggestion that dignity can be based on human rationality or freedom, inherent features of the human person, is to decontextualise dignity from the proper Christian narrative. The secular formulation of dignity and human rights undermines a *theological imperative*. The specialness of human worth was a gift from God that has mistakenly been turned into an aspect of humanity (see Soulen & Woodhead 2006). From an exclusivist Christian perspective, the *theological imperative* that human beings are not saved because of any worth of their own but out of God's love, is undermined by making dignity inherent in human beings. Additionally, the

notion that moral obligation leads to human rights is in fact a deviation from a more orthodox Christian determination that moral obligation leads to human duties or responsibilities (Fortin 1991).

Soulen and Woodhead seek to identify the shifting condition of the context through which dignity has developed, from the early Christian narratives to the modern period. They describe this as a process of contextualisation (in the early period) leading to decontextualisation (in the modern period). This, they argue, provides little adequate moral basis and so they set about a project of recontextualisation, from a particular Protestant Christian perspective. This is not aimed at restoring dignity as a foundation, but rather restoring its proper derivative role with God as the foundation. The Christian conception of dignity, therefore, is markedly different from the contemporary conception, outlined in the UDHR, which declares dignity as intrinsic or inherent. If dignity is conferred as a gift from God, rather than a possession or quality of humanity, then it cannot be inherent, though we have already noted that this separation is more difficult to sustain than Soulen and Woodhead imply. This forms part of a stance which is opposed to rights-centred morality. Morality is a recognition of responsibilities, rather than rights. Dignity is not a foundation of social convention, but part of God's action to humanity and redemption in Christ. It is not self-possession but dispossession, 'not so much entering into oneself but in reaching out in love and care to the other.' (Soulen & Woodhead 2006, p.6) It is an idea that, rather than focusing on the worth of human beings, focuses on Christ. Soulen and Woodhead see the Christian conception of dignity as distant from the contemporary (Kantian) concept. If dignity is founded on any aspect of humanity that is not based on the divine foundation that they see as fundamental to Christianity, then it is incompatible with Christianity.

A similar case for rejecting what is called the secular understanding of autonomy or freedom is made within Catholic theological circles. Tracey Rowland objects to the use of secular language to set out Catholic claims, because it misleadingly suggests that there is substantial agreement where in fact none exists (Rowland 2003; see also 2005). It makes it easier for Catholics to accept secular understanding of concepts such as autonomy and freedom, and by extension therefore, dignity. The question of exclusivity in this case falls within a general criticism of Catholic use of what MacIntyre calls the 'idiom and rhetoric of rights' which he argues, 'cannot serve genuinely rational purposes.' (MacIntyre 1991, p.110) George Cardinal Pell prefers 'a greater use of Godly language' (Pell 2003, p.1) when conversing with secularists or advancing the Catholic understanding of justice, morality and the common good. MacIntyre, Rowland and

Pell all argue that a genuinely Catholic account cannot use the *liberal* language of rights as this is a distortion.

This form of exclusivism in understanding dignity ultimately undermines any normative position of human rights and leads to a radical departure from the human rights project. However this is not the case in the second example of exclusivism, *Liberal Exclusivism*.

(ii) *Liberal exclusivism*: The liberal exclusive view agrees essentially that there is some incompatibility between Christian (and other religious) conceptions of dignity and that which is found in universal human rights. They agree with the theological analysis that there are fundamental differences between the notions of dignity found in Kant and Christianity, but come to an opposite conclusion; that the religious idea must be set aside for its fundamental divergence from the concept in the UDHR. Failure to do so restricts the freedoms and rights which must flow from that dignity, for example by limiting the subject or scope of such rights. Restrictions on the freedom of women or homosexuals might constitute examples of this. The Christian notion of dignity obstructs the *imperative of universality* in human rights, because it is linked to other prescriptive norms (emanating from divine law, holy scripture or other religious authority) that apply to certain categories of person or lifestyle choices. Howard and Donnelly articulate this view. They argue that the conception of dignity underlying international human rights requires a liberal regime which, by implication, is not found in the Christian narrative or any religious narrative. While all societies possess conceptions of human dignity, the conception of dignity found in international human rights requires a particular liberal regime.

Conceptions of human dignity in their social and political aspects, express particular understandings of the inner (moral) nature and worth of the human person and his or her proper (political) relations with society. Human rights, by contrast, are the equal and inalienable rights... that each person has simply as a human being. (Howard & Donnelly 1986, p.802)

Through an analysis of different regimes (including liberal, minimal, traditionalist and communist), they establish the impact these regimes have for autonomy, and equality in particular. A common feature is that they give priority to the community over the individual. Ultimately, Howard and Donnelly have shown that their conclusions stem from a fundamental attitude towards human rights that sees rights as liberal, and stemming from a liberal society, and that any society that protects human rights becomes a liberal society. Thus the argument about the incompatibility of differing notions of dignity stems from a more fundamental question of whether international human rights themselves contradict notions of morality found in religion.

(iii) *Common features and further arguments.* Both positions are exclusive in that they reject the possibility of an alternative equivalent narrative. They each maintain that there is only one way of understanding the meaning of dignity. Both also argue that other attempts at defining dignity threaten dignity or rights; it leads to an incorrect understanding that has damaging moral consequences. The Christian argument ultimately undermines the normative moral status of human rights. There can be no universal agreement to multiple justifications for human rights. Universal agreement could only be achieved if everyone adopted the Christian narrative as Soulen and Woodhead consider it. The western liberal argument is similar in promoting a single universal narrative, but in this case it is the adoption of western liberal norms regarding understandings of equality and rights, rather than the Christian narrative.

These exclusivist positions suggest an essential and irresolvable incompatibility between the moral frameworks in use, not merely the language used to express them. The existence of this incompatibility could explain why simultaneous attempts to apply dignity in specific situations lead to different conclusions. These differences emerge the further away one gets from the basic idea of inherent worth.

The divergent understandings are even more pronounced as one gets further away from the protection of the minimum core of human dignity (as discussed earlier) like life and physical integrity, and more into the difficult weighing of competing goods characteristic of constitutional claims generally. This will be only truer as we continue to see deeply contested moral questions all becoming processed as juridified human rights claims, and as the challenges of new technologies and new threats to human existence continue to make themselves felt. (Carozza 2008, p.8)

The case of euthanasia identifies a clash between *dignity as autonomy* and *dignity as inherent worth* (Correa & Sgreccia 2000). It is not just theologians and political philosophers who argue for clarification, but lawyers too. O'Connell insists that a fuzzy concept of dignity is not helpful in the development of equality jurisprudence. If judges refer to it then they need to spell out the norms underpinning the concept:

While there is little harm that can be done by invoking dignity to expand the scope of equality law, the same is not true when it is used to limit equality claims. In that context, unless firmly anchored to ideas about prejudice, stereotypes, and disadvantage, a recourse to 'dignity' may actually hinder the quest for substantive equality. (O'Connell 2008, p.9)

O'Connell's real concern is that a failure to be precise will allow for subjectivity to creep into decision making by judges. Dignity may be a mask for other ideas or principles which are not spelt out. The need to be precise about dignity is established, but the consequences of that may mean rejecting one notion and accepting another, rather than developing a concept that can be held in common, or in alignment with others (that is to say has similar operative features even if it is rationalised with different meaning-giving narratives).

Williams identifies a number of examples where the application of the concept dignity leads to quite different conclusions because it has been inappropriately co-opted. Both those who argue for and against voluntary euthanasia call on notions of dignity to support their case (Williams 2005, p.149). From his Catholic perspective, he describes this as the deconstruction of dignity. Instead dignity must contain certain characteristics for a grounding of human rights. In his view, it must be prescriptive of moral norms, universally predicated on all human beings and distinctive to the human person. However, for Williams the problem here is the inappropriate use of dignity, rather than the decontextualisation of dignity described by Soulen and Woodhead.

## **Part Two: Critical considerations of exclusivism**

Incompatibilistic and exclusive definitions of the foundation of human rights do not leave much space for inter-religious or intercultural dialogue in moral education. There is a danger they encourage monologue (Stern 2007). Moral education is limited to acceptance or rejection of the foundation and its narrative – conversion or heresy. However, human rights history has many examples where the declarations allowed for groups to be excluded and left to be humiliated by those who had rights. Women, slaves, those of the wrong race or religion, were lesser humans and so could be treated badly. Baxi (2003) argues that dialogue is necessary to allow for ongoing revelation of suffering – he sees human rights in terms of revealing where suffering is; intercultural dialogue as a crucial mechanism for voicing such revelations. Without the possibility of dialogue, for which there is a need to listen to differing accounts, different experiences understood through different narratives, there is a danger that suffering continues unobserved. Such dialogue requires that people come to the table on equal footings, otherwise there will be a strong sense that some parties, likely non-western parties, will begin to reject the perceived western/Christian imperialist overtones. Baxi argues, 'all come as *equal strangers* to the task of protection and promotion of human rights.' (Ibid. p.26) Without a sense that we are

equal strangers, any intercultural, multi-civilisational discourse on the history or genealogy of human rights is weakened, if not disabled. A precondition to enter the conversation is to be ready to listen to different voices and treat them with parity in the dialogue. If human rights or dignity are a western liberal or western Christian invention then it is a short step to conclude they are absent in the non-west. Baxi concludes:

This leads to a rank denial, even in a post colonial and post socialist age, of equal discursive dignity to other cultures or civilisations. It also imparts a loss of reflexivity, in terms of intercultural learning, for the Euro-American traditions of human rights. (Ibid. p.25)

This leads to a tension for human rights education in a religiously plural society.

The argument that there can be no reconciliation between any of the differences may be challenged, in part because the implications for such a position would undermine the universal human rights project and in part because they rest on simplified presentations of the traditions of dignity. There are four principal objections deduced from the review of sources and other areas. Firstly, in seeking to recontextualise dignity, Soulen and Woodhead simplify the contributions to dignity found within Christian tradition. Furthermore, in trying to show how a ‘traditional’ regime cannot support universal human rights, Donnelly is accused of simplifying religious traditions (Preis 1996). Secondly, these conceptions of dignity reduce the concept, disregarding the mystery of the human personality (Kraynak 2008), and the experience of dignity as it is perceived, ‘as an expression, “human dignity”, refers beyond criteria to the fundamental value of the existence of individual human beings.’ (Lebech 2004, p.12) These arguments suggest that ideas of dignity offer a more complex concept and within that complexity the differences are not quite so evident. A third argument emerges from an appraisal of the development of dignity. The argument against any compatibility between Christian and liberal notions must address closer historical involvement in the development of the concept in relation to human rights. Here Taylor’s observation that it was essential for human rights to move beyond Christendom for it to reach its fullest development is important. This can be linked to a fourth argument found in the cautionary observations of Baxi, that human rights must exist within a dialogue if they are not to simply exclude categories of groups deserving of rights as earlier ideas of human rights, which he calls modern, did. In addition, evidence suggests that it is in dialogue about dignity that practical decisions are made about the application of human rights. Each of these arguments is considered in turn.

*(i) Simplified notions of dignity mask plurality within, as well as between, traditional sources:* Those who take a stance of incompatibility are simplifying their conceptualisations of dignity. The review and analysis of sources undertaken in Chapters 4 and 5 revealed diversity within the three major sources frequently referred to: Cicero, Kant and the Christian tradition. While autonomy and reason are principal elements of dignity as defined in Kant, they are present within Christian sources as well. Kant focuses on these as foundations for dignity, ‘Autonomy then is the basis of the dignity of human and of every rational nature’ (Kant 1952, p.275), which for Soulen and Woodhead is *contra* the Christian concept which they claim is a derivative idea based on God. However Kant sees this in the context of an eternal law and infinity, which opens the possibility of a divine dimension, and while he does ground dignity in autonomy, he also points at something deeper than autonomy in his argument that humans cannot change their own status as ends in themselves. Human beings are limited. We have also seen that a number of Christian sources identify an inherent or ontological sense of human dignity, rather than the derivative form Soulen and Woodhead cite. The characterisation of dignity as something emanating from God and being derivative of Him, therefore not inherent, must explain how it can be disentangled from the gift of the human body and the gift of the human person. Christian theology holds both that all life comes from God and human beings exist as beings distinct from God. If God has created a thing distinct from Him to which he has given inherent worth, then the thing itself has inherent worth. It is only derivative of God in as much as all life is derivative of God. In the words of St Leo the Great (395–461 BC), ‘Christian, acknowledge your dignity, and becoming a partner in the Divine nature’ (Sermon XXI, III in Feltoe 1985) and ‘Awake, O man, and recognize the dignity of your nature. Recollect you were made in the image of God, which although it was corrupted in Adam, was yet re-fashioned in Christ.’ (Sermon XXVII on the Feast of the Nativity, VI in Feltoe 1985) These two examples illustrate the complex sense of dignity understood in the times of the Early Church Fathers.

Donnelly has been criticised for being simplistic in his generalisation of traditional religious regimes and the kind of rights and dignity framework which might follow. Preis (1996) argues he fails to take account of the plurality and diversity of religious regimes, narrowly conceiving them as particularly illiberal while disregarding the alternative religious forms which are not illiberal. Donnelly’s criticism of non-rights based ideas of dignity and fairness, which he finds in many non-western cultures (Donnelly 1982; Howard & Donnelly 1986), must be mediated. Preis is critical of the simplistic understanding of culture in the literature on non-western conceptions of human rights. This simplicity fails to adequately capture the fluid complexities of intersubjective

meaning and practices. The temptation to generalise and simplify cultural or even theological constructions of dignity presents a paper tiger which is easy to knock down. It also leaves no space for subtle influences – the possibility that an aspect of religion or culture might contain libertarian conceptualisations of dignity. Many writers argue that there is considerable inter-religious compatibility. For example Moosa reminds us that, ‘the pith of the modern human rights debate is about the preservation of human dignity (karciiina)’ (Moosa 2001, p.209), and that, ‘The Qur'an and the teachings of the Prophet explicitly entrench human dignity as a fundamental ethical norm in human conduct. Islamic law and ethics have an established philosophy that was designed to protect human dignity.’ (Ibid.) Notions of Islam that present an essentially unified religion on questions of equality and liberality need to acknowledge the diversity within the religion (Panjwani 2005) and, on the specific question of equality and women, need to address the Muslim feminist theological movement (Ramadan 2004, 2009). The subtlety of different religious understandings of human rights is evident from this study of Catholic and Protestant theological approaches to dignity.

Donnelly’s principal concern seems to be that religious traditions might lead to a socially attributive form of dignity that confers it on the person, rather than the ontological or inherent form of dignity found within the person (2003). He has claimed that, ‘a human rights conception of human dignity rests on the fact that human beings have an essential, irreducible moral worth and dignity independent of the social groups to which they belong and the social roles that they occupy.’ (Ibid. p.17) This is an important factor that helps to clarify the debate. If religious and liberal traditions can agree on the foundational characteristics of dignity, whether it is because of an inherent or attributive human feature then a compatible way forward is indeed possible.

Both Soulen and Woodhead and Donnelly in their own ways resolve the question of dignity. They do so through a narrowing and simplification that can be challenged. This is not simply a misrepresentation of the sources but a reduction of the notion of dignity, which disregards the mystery of the human personality (Kraynak 2008), and the experience of dignity, as it is perceived (Lebech 2004, 2009).

*(ii) The historical development reveals the necessity to move beyond an exclusively Christian conceptualisation:* A further reason to challenge the adoption of exclusive positions, particularly in relation to the *Christian – liberal* divide, arises from a reflection on the historical account of the development of dignity. Taylor has argued that the disconnecting of dignity from Christianity

is a necessary stage to allow the fruition of the idea (Taylor 1999). The concept only fully developed once it was detached from the political 'Christendom' project. Breakout was a necessary condition for dignity and human rights to come to fruition.

[M]odern liberal political culture is characterised by the affirmation of universal human rights – to life, freedom, citizenship, self realisation – which are seen as radically unconditional; that is, they are not dependent on such things as gender, cultural belonging, civilisation development, or religious allegiance, which always limited them in the past. (Ibid. p.16)

He suggests that within the terms of Christendom, a civilisation where structures, institutions and culture were supposed to reflect the Christian nature of society, the radical unconditionality that characterises human rights, and indeed the Christian notion of love, would never have been attained. Full equality for atheists, members of other religious traditions, those who are at odds with aspects of the Christian code (such as homosexuals) would have been unlikely. While the modern rights culture is not perfect, 'it has produced something quite remarkable: the attempt to call political power to book against a yardstick of fundamental human requirements, universally applied ... it is impossible for the Christian conscience not to be moved by this.' (Ibid. p.18) Villa-Vicenzio (2000) agrees and goes further, suggesting that the emergence of human rights within the Western Christian tradition reflects a reality of interaction between religion and other social and cultural forces in society that influences the development of both.

*(iii) Dialogue is an essential feature in the exploration of dignity:* The presentation of human rights as exclusively understood as a product either of western liberalism, or alternatively western Christianity, or indeed of any other particular narrative, has consequences, intended or otherwise. Baxi identifies a number of them. Firstly, it disables any intercultural, multi-civilisational discourse on the history or genealogy of human rights. If human rights or dignity are a western liberal or western Christian invention then it is a short step to conclude they are absent in the non-west. This approach leads to a loss of reflexivity, in terms of intercultural learning (Baxi 2003, p.25) with a tendency towards monologue (Stern 2007, p.17).

There has been much debate about the place of human rights in non-western contexts. Many have argued that human rights are not a western invention (Manglapus 1978; Pollis & Schwab 1980) and can be found in other traditions such as Islam (Ishaque 1974; Mawdudi 1976; Tabandeh 1970). Said has argued that the precepts that establish human rights are in the Islamic tradition (1979, p.64) and that in Islam, 'human beings have certain God granted rights.' (1980, p.92)

Donnelly's conclusion that human rights and dignity are the product of western liberalism has consequences for the possibility of the universalism he considers so important. The danger that Baxi (2003) alludes to is that the west moves to persuade or coerce the adoption of a particularly western perspective on rights. It raises equally important questions for Soulen and Woodhead and their particular Christian theological conceptualisation, both in terms of inter-denominational discussion, and inter-religious discussion. Baxi (2003) sees earlier forms of human rights as essentially excluding categories of people, be they slaves, people of a different religion or ethnic origin, and disregarding the human suffering of those ignored groups.

Secondly, Baxi argues that the Enlightenment epoch which gave birth to the liberal conception of human rights, created notions of human property which gave power to the few over the destiny of millions in a form of socialised global Darwinism, 'Planned destruction of "traditions", cultures and peoples was considered necessary and desirable, during the violence of the long dark night of colonialism, for the ideas and practices of bourgeois legality and rights to flourish worldwide.' (Baxi 2003, p.25) He is equally concerned about the contemporary economic globalisation of free trade, commerce and global capitalism, as, 'Communities in struggle and people in resistance have contested, often at the price of unspeakable human violation, these hegemonic versions of human futures and human rights.' (Ibid.) Baxi is essentially motivated by a desire to establish universality without imperialism. A failure to adopt such a framework could lead to the nightmarish scenario postulated by Stackhouse:

Non-Western cultures will gain evidence for the view that human rights are merely the artifacts of a phase of modern Western sentiment or merely philosophical intuitions born from peculiar social conditions. Fortified by such evidence, they may become more entrenched in their resistance to what appears to them to be a new colonialism. They will not have to face the question as to whether documents such as the United Nations' *Universal declaration* represent an ultimately valid insight about and for humanity. (Stackhouse 1998, p.264)

A similar kind of argument is made by Cahill (2000) who is concerned about limiting the capacity to respect human rights to religious groups. He suggests this would be a grave mistake, cutting off human rights from mainstream national and international discourse. In a world dominated by economic institutions, 'Some sort of intercultural, inter-religious defence of an idea *like* "human rights" is more, not less necessary in this new world order.' (Cahill 2000, p.52) Cahill feels that the language of economic institutions could not accommodate religiously defended human rights

and that an inter-religious, or non-religious language would be more influential on such institutions.

The writers who adopt exclusive Christian or liberal democratic positions, which focus on one aspect of the traditions of dignity to the exclusion of all others, have a number of obstacles to overcome. They need to demonstrate that they fully appreciate that the different sources of dignity have elements that are in common and more diverse than is currently appreciated. They need to respond to the historical argument that ideas about human rights and dignity have developed through interaction with both religion and other social and cultural forces and have been able to fully develop once detached from the Christendom project. Finally, they need to show how they will engage with the wider multi-civilisational discourse. Such discourse prevents the denial of equal discursive dignity. It ensures opportunities of intercultural learning which were absent from earlier human rights generations, are not restricted or limited. In the past such restrictions had terrible consequences for vast numbers of people. To take an exclusive position on the definition of dignity within a narrowly conceived single tradition is difficult to maintain in light of the challenges noted above. At present these challenges have not been satisfactorily addressed and so the project to find a universally acceptable narrative which justifies the foundation of dignity is obstructed.

### **Part Three: Inclusivistic and compatibilistic approaches**

There are examples of those who maintain that it is possible to find some degree of alignment and compatibility around the notion of dignity, as inherent worth. It is evident in Catholic theology, notably the work of Maritain, the writings of Vatican II and the writing of Pope John Paul II, both before and after he became Pope. He advances a more compatible notion of dignity that recognizes it is an inherent or intrinsic good. This is an inclusive religious and philosophical alignment at a conceptual level. The compatible notion can be understood within differing meaning-giving narratives and could provide a foundation for moral education with human rights.

John Paul II (1989) expresses the need to explore dignity within one's own tradition as an educational imperative. Here tradition exploration includes personal faith development and personal moral and values development. He writes that we are inspired to explore more deeply the nature of human dignity. He goes further to say this is the task of all religious believers, 'It is

...the task of the various schools of thought – in particular the communities of believers – to provide the moral bases for the juridic edifice of human rights’ (Ibid. para. 7) and we can extend this to suggest it is the task of all.

To this we can add the educational need for intercultural dialogue around the concept of dignity, ‘Dialogue is only possible when we recognize the voice of the *Other*. Dialogue entails the recognition of plurality and multiplicity. Any exclusion of certain voices from the public sphere emerges then as a form of social and epistemological violence.’ (Baxi & Mann 2006, p.271) There are examples where diverse groups have been affected by common experiences of suffering and have overcome differences in responding to those experiences. ‘Transnational dialogue of this kind is a provocation to reflect more deeply, collectively, and comparatively on the breadth of human experience and the fulfilment of elemental human needs and desires.’ (Carozza 2008, pp.7–8) Such experiences have led to intercultural reflection on dignity.

Soulen and Woodhead place human rights on a divine foundation, rejecting the basis suggested in Kantian thinking. Those scholars view the relationship between religion and human rights as one in which rights are derived from divine commands or a universal moral law. They locate the source of human rights in something other than the inherent worth, the sacredness of individual human beings themselves. Amesbury and Newlands suggest that this is inadequate, ‘[I]nsofar as they place the object of moral respect somewhere outside human beings themselves, these accounts are better suited to talk of duties than to talk of inherent rights. Respect for human beings is rendered a by-product of respect for something “higher”.’ (2008, p.56) This is precisely what Soulen and Woodhead and others do.

There are examples of convergence and alignment within the dignity discourse. This is notable in important contemporary Catholic theology, as articulated in the Vatican II teachings, and the writings of Pope John Paul II. While a number of Catholics object to this language, this represents a debate about the moral understanding articulated in Catholic teaching. In *Dignitatis humanae*, the Declaration on Religious Freedom, the Roman Catholic Church declares:

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man and this has inspired a search into the sacred tradition and doctrine of the Church—the treasury out of which the Church continually brings forth new things that are in harmony with the things that are old. (Paul VI 1965, p.1)

David Hollenbach's book on human rights in the Catholic tradition, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (1979), is titled and written as an expression of theological recontextualisation. He traces the beginnings of the emphasis on dignity and rights in Leo XIII's encyclicals through John XXIII's writing at the time of Vatican II. The language of the dignity of the person and rights has come to be central in Catholic thinking and is not easily excised from the Roman Catholic tradition without reworking much of the social teaching of the Catholic Church in the last century and beyond (Ibid.; Ruston 2004). John XXIII's *Pacem in Terris* contains a list of rights for which Hollenbach claims, 'the thread which ties all these rights together is the fundamental norm of human dignity. Human dignity is not an abstract or ethereal reality but is realized in concrete conditions of personal, social, economic, and political life.' (Hollenbach 1979, p.68)

Here, recontextualisation is not seen as a dangerous force, but rather part of the theological process. Leven Boeve pursues such a theology of recontextualisation. He argues that it is theology that must be recontextualised. Drawing on Metz, Boeve suggests that theology continually recontextualises itself and indeed this could be thought of as God interrupting history (Boeve 2003, 2007). In the Second Vatican Council documents, Catholic thinking on dignity is reconceptualised in a way that aligns itself with the notion of dignity in the UDHR. Murray noted that the Vatican council statements, 'are programmatic for the future. From now on, the Church defines her mission in the temporal order in terms of the realization of human dignity, the promotion of the rights of man, the growth of the human family towards unity, and the sanctification of the secular activities of this world.' (1966, p.601) In this development, the place of dignity is foundational. The Second Vatican Council's work on religious freedom was founded on dignity. Murray writes, 'the Council declares that the right "has its foundation in the very dignity of the human person, as this dignity is known through the revealed word of God and by reason itself. The right is therefore inalienable".' (1967, p.5) Freedom and dignity, key elements of Kantian philosophical thinking, are here expressed in distinctive but compatible terms, as part of the wider recognition of the importance of these ideas in understanding human rights.

These trends are clearly seen in the work of John Paul II. Like Soulen and Woodhead, he rejects Nietzsche's attack on rationality and morality. In *Fides et Ratio* he says the rejection of objective truth is an attack on the grounding of human dignity (John Paul II 1998, p.90.iii), whereby issues of justice and human rights become matters of social convention rather than necessary extensions

in the realization of human dignity. The absolutisation of freedom thus fosters an individualistic ethos wherein each individual possesses 'his or her own truth' (John Paul II 1993, pp.35 & 41). Once freedom has been uprooted from all objectivity, it alone becomes the source of values (John Paul II 1993, paras 32, 48, 84 & 106) granting people the right to determine what is good and evil (John Paul II 1993, paras 35 & 51) and undermining any basis for personal rights commonly held by all.

However the criticism is that dignity is becoming attributive, not that it is derivative of an external foundation. In *Veritatis Splendor* (John Paul II 1993) he describes this as freedom exalted to the point of idolatry (para. 32 & para. 48) gaining 'a primacy over truth', so that truth itself comes to be a creation of freedom. This endangers dignity and the inherent value that it has. John Paul II elucidates the Christian tradition's two principal models of dignity; that there is an *ontological* and *inherent dignity* and a *moral dignity*. Williams (2005) considers the two kinds of dignity in Pope John Paul II's reflection on the parable of the Prodigal Son (Lk 15:14–32) in his 1980 letter on God's mercy, *Dives in Misericordia*. In this letter John Paul II refers to the tragedy of lost dignity by the son who wastes his inheritance and finds himself in circumstances below that of his Father's servants. Here moral dignity is a function of man's faithfulness to God. However the man continues to be his Father's son, as Williams suggests, 'That is while moral dignity was truly lost through sin, there is another more rudimentary, ontological dignity that remains.' (Williams 2005, p.157) Elsewhere John Paul II describes this as *personal dignity*, 'Not even a murderer loses his personal dignity, and God himself pledges to guarantee this.' (1995a, p.9) On October 5, 1995, he addressed the United Nations General Assembly, repeating a message he gave the UN on October 2, 1979. He said that the quest for freedom 'has its basis in those universal rights which human beings enjoy by the very fact of their humanity.' (1995b) From this survey, Williams, like Ruston and Hollenbach, comes to a different view from that of MacIntyre, Rowland and Pell on the use of *liberal* language about rights and dignity.

Before he was John Paul II, Karol Wojtyla wrote in *Love and Responsibility* of a notion of dignity that is inherent and not derivative:

Anyone who treats a person as the means to an end does violence to the very essence of the other, to what constitutes its natural rights ... Nobody can use a person as a means towards an end, no human being, nor yet God the Creator ... This elementary truth – that a person, unlike all other objects of action, is therefore an inherent component of the natural moral order. (Wojtyla 1982, p.27)

Pope John Paul II specifically identifies Kant in this text, quoting his maxim ‘act always in such a way that the other person is the end and not merely the instrument of your action’ (Ibid. p.28) and then restating it as follows, ‘[W]henver a person is the object of your activity, remember that you may not treat that person as only the means to an end, as an instrument, but must allow for the fact that he or she, too, has or at least should have, distinct person ends.’ (Ibid.) He then goes further to indicate that the principle is the foundation for human rights and freedoms, ‘This principle, thus formulated lies at the basis of all the human freedoms, properly understood, and especially the freedom of conscience.’ (Ibid.)

This theological development presents an understanding of dignity that is both contextualized within a Christian tradition, while at the same time is foundational in a manner that aligns itself closely to the conceptualisation in the UDHR. It presents an example of how resources have been identified within a religious tradition that can support the moral force of the foundational nature of dignity.

For some it is a step too far. Ernest L. Fortin is concerned with what he calls, ‘John Paul II’s unprecedented insistence on the more or less Kantian notion of the dignity that is said to accrue to the human being, not because of any actual conformity with the moral law, but for no other reason than that he is an ‘autonomous subject of moral decision’ (Fortin 1991, p.229). Fortin sees dignity as contingent on the fulfillment of prior duties, a dignity that is to be achieved and which could be lost. Fundamentally Fortin believes that contemporary Catholic teaching is discontinuous with pre-modern teaching. Pre-modern Christian ethics were ethics of duty, not an ethic of rights.

Against Fortin, Williams has argued that the human rights tradition and conception of dignity expressed in recent Church teachings and the work of John Paul II can be based in the Catholic Church’s pre-modern tradition. Fortin is drawing on one of the traditions of dignity found in the early Christian sources, but he seems to not recognize that there are other traditions of dignity, such as ontological or inherent dignity that is associated with the *Imago Dei* doctrine. Williams also notes that Fortin fails to observe John Paul II’s criticisms of theories of moral autonomy in *Veritatis Splendor*, 35–41 (Williams 2005, p.154 note 19 and p.155) and also Aquinas’ and Bonaventure’s understanding that dignity is a mark of personhood, ‘not an addendum pasted onto personhood – it is essential to the very concept of personhood.’ (Ibid. p.155) Pope John XXIII expresses this when he writes, ‘A man who has fallen into error does not cease to be a man. He

never forfeits his personal dignity; and that is something that must always be taken into account.’  
(John XXIII 1963, p.158)

Maritain, contributing as a member of the group gathered by UNESCO to consider the questions of dignity at the time of the drafting of the UDHR, expressed before either took place in 1944, ‘The dignity of the human person? The expression means nothing if it does not satisfy that ... the human person has the right to be respected, is the subject of rights, possesses rights. These are the things that are owed to man because of the very fact that he is a man.’ (Maritain 1943, p.37) It is on dignity that Maritain thinks a multiple justification approach to human rights can be sustained:

I am quite certain that my way of justifying belief in the rights of man and the ideal of liberty, equality, fraternity is the only way with a firm foundation in truth. This does not prevent me from being in agreement on these practical convictions with people who are certain that their way of justifying them, entirely different from mine or opposed to mine ... is equally the only way founded upon truth. (UNESCO 1948, pp.10–11)

As it is illustrated in Chapter 4, these differences are not simply found in the contemporary period, but can be traced in the Christian Fathers in their identification of different senses to dignity. While the current debate is framed in terms of acceptance or rejection of the language of modern human rights, the positions which inform those viewpoints reflect the diversity of understandings in the earliest developments of Christian doctrines of dignity.

#### **Part Four: Educational Imperatives**

Joseph Ratzinger (now Pope Benedict XVI) stated the need to establish an alignment between secular and religious ethics in these terms:

[It] is so crucial to develop a philosophical ethics that, while being in harmony with the ethic of faith, must however have its own space and its own logical rigor. The rationality of the arguments should close the gap between secular ethics and religious ethics and found an ethics of reason that goes beyond such distinctions. (Ratzinger 2006, pp.130–31)

In the 1940s UNESCO invited a group of philosophers from the west and the east, including Jacques Maritain, Mahatma Gandhi and Teilhard de Chardin, to examine what was being prepared. The group confirmed that there were some common standards of decency that were

widely shared but it was much more difficult to establish how deep that agreement went. Afterwards Maritain commented that some were astonished agreement had been possible given the opposing ideological starting points of many in the group. He recounted what was said at one meeting, ‘We agree about the rights but on condition no one asks us why.’ (Maritain 1948, I) Maritain argued that agreement between different schools was possible over human rights as currents of thought that did not belong to any one of those schools of thought (Ibid. pp.13–14 and for further discussion see Lerner 1999). They did not agree on the detail of the foundation, leaving this aspect of the task unfinished (McKeon 1948). While the group of philosophers and theologians were tasked with establishing common ground between the traditions, they were not able to solve fully the question of the foundation of human rights. They suggested that the task was unfinished, not that it could not be finished. The moral urgency of seeking to more deeply and universally understand dignity remains, especially in the light of new questions of dignity arising out of emerging technologies and the continuing examples of human rights atrocities. In the words of John Paul II, ‘It is ... the task of the various schools of thought – in particular the communities of believers – to provide the moral bases for the juridic edifice of human rights.’ (John Paul II 1989, para. 7) To this can be added an additional factor. It is not simply for the religious, cultural and philosophical traditions to construct a foundation for human rights, but that they do so through a shared project in more deeply understanding the concept of dignity. In response to this two educational projects can be identified. On the one hand there is a need to pursue ever more deeply an understanding of the nature and implications of dignity as a moral foundation within one’s own tradition. In the absence of a universally held narrative, the imperative is to maintain the centrality of dignity and human rights in an effort to reduce the suffering brought about by violations of human rights. This is not the effort of an individual religious or philosophical tradition. Amesbury and Newlands (2008) argue that while the task of articulating religious grounds for the idea of human rights must remain theological for Christians, at the same time all supporters of human rights should encourage efforts by those of all religious traditions and none, ‘That sort of generosity of spirit will perhaps be easier to muster once it is appreciated that multiple justifications are compatible with a single moral truth. Thus, that the “ownership” of human rights by any one tradition is not at stake.’ (Ibid. p.85) Multiple justifications for the dignity of the person are pragmatically desirable for the good of human rights. This is not enough on its own. There is also an essential need to enter into multi-civilisational dialogue with others. It is not enough to simply establish in your own terms how dignity fits into your single narrative. This would rule out the possibility that insights from other

perspectives will illuminate further experiences of suffering. Such insights are possible by entering into a dialogue with others and other traditions.

These dialogic activities are central to addressing the philosophical and religious challenges of the contemporary international human rights project, and the ambiguities within the sources of dignity. They must also be realized within a modern plural context which presents its own challenges.

(i) *The self-reflective project*: Karol Wojtyla conceives the practice of discerning the principles and implications of dignity as the purpose of education for adults and children:

Obviously we must demand from a person, as a thinking individual, that his or her ends should be genuinely good, since the pursuit of evil ends is contrary to the rational nature of the person. This is also the purpose of education, both the education of children, and the mutual education of adults; –it is just that—a matter of seeking true ends, i.e. real goods as the ends of our actions, and of finding and showing to others the ways to realize them.

But in this educational activity, especially when we have to do with the upbringing of young children, we must never treat a person as the means to an end. (Wojtyla 1982, p.27)

This defines not only the purpose of the project, but the manner in which it is to be accomplished. Education is not conceived as solely developing people as means for some external end, such as to make them economically productive, but as a project that must serve the dignity of the person and the dignity of others. Education cannot be exclusively instrumentalist because the learner is to always be treated as an end, never just a mean. Education has an intrinsic purpose, not just an extrinsic one. The nature and purpose of education should reflect the dignity of the human person.

Charles Villa-Vicenzio argues that this is particularly important because people are not inspired by the imposition of ethical rules but rather the theological and spiritual grounding for those rules. He writes that it is in communion with God, within the context of the human community, that we are inspired to explore more deeply the nature of human dignity (Villa-Vicenzio 2000, p.598). In the words of the *Reformed declaration on human rights*, it ‘involves the bonding of persons to others under God's law, for God's Kingdom, empowered by God's love.’ (Ibid.) He cites Gustavo Gutierrez, who stresses the need for all people to be free to drink from their own respective wells, in contributing to the reservoir of values that constitutes the nation. Gutierrez identifies reflection on the experience of following Jesus as a central theme of theology, ‘[E]xperience is at the heart

of movement set afoot by the poor of Latin American. They seek to assert their human dignity and their status as daughters and sons of God.' (1984, p.1)

(ii) *The project of transcultural learning*: Mary Ann Glendon suggests that this is the most important project within HRE, indeed the only project. What needs to be investigated is not whether it is possible to reach agreement on a single foundation, but whether human rights could be grounded in each of the world's major cultural, philosophical and religious traditions (Forward in Williams 2005, vii, cf Glendon 1999). However the imperatives of the importance of dialogue that Baxi and others have explored would suggest that whether or not there should be a common project to reach a single foundation, there is much to be gained from dialogue. Secondly, the reality of the interplay between social and cultural forces and religion that Taylor and others identify reflect an existing dialogue within the development of human rights concepts. While there is a priority to drink from our own wells, as Gutierrez suggests, there is a second educational project.

Charles Villa-Vicenzio (2000) asks whether Christians can affirm the authenticity of other faiths as well as a secular quest for life and truth. He reflects on the history of struggle in South Africa where people of different religions, ideologies, races and ethnic groups struggled and died together, 'Religious particularity was transcended in common experience, without any particular religion being denied.' (Ibid. p.599) Hollenbach describes this as part of Christian love which, 'calls for the building up of the bonds of solidarity among all persons, and such solidarity requires efforts to understand those who are different, to learn from them, and to contribute to their understanding of the good life as well.' (2002, p.153) He suggests that the pursuit of the common good is dialogic and that cultural differences are so significant that a shared vision of the common good can only be attained in a historically incremental way through 'deep encounter and intellectual exchange across traditions' (Ibid.). He goes on to argue that such a dialogue is simultaneously an expression of fidelity to the gospel and of respect for the other, 'Christian faith entails care and respect for all persons, and respect for their dignity means listening to their interpretations of the human good. They are God's creatures for whom Christ died and rose, not aliens.' (Ibid. p.154) He links the mandated for dialogue with the *Imago Dei* doctrine, for it embodies a dynamic interaction between the biblical faith and the intelligence that is a preeminent manifestation of the *Imago Dei* in all human beings.

This second project can take place therefore, within the context of reflection on common experiences shared by people from different religious, philosophical and ideological persuasions. This is not simply an observation made by Christians. Sharma (2002) has argued that reflection on dignity is a foundation for human rights discourse and therefore provides a mechanism for discussing different generations of human rights and the families of rights for bridging secular and religious divisions. The project that the philosophers from different backgrounds were tasked to undertake at the time of the drafting of the UDHR is the ongoing educational task for everyone.

How might this educational project proceed? Professor of Law, Upendra Baxi, offers a number of further initial principles to adopt before undertaking the task. Firstly, the endeavour must rest on the premise that, ‘all come as *equal strangers* to the task of protection and promotion of human rights.’ (Baxi 2006, p.26) This is not because he does not recognize the initiative of the Euro-American contribution to the development of human rights, but rather because he sees them as ‘tradition-constituted’ and ‘tradition constitutive.’ This means they permitted the terrible atrocities to the ‘non-Euro-American Other’. Baxi has also applied his principles to current contexts where people have lived experiences of harm and hurt. The voice of the other must be recognized for dialogue to be possible. To exclude voices is, ‘a form of social and epistemological violence’ (Baxi 2006, p.271). A number of implications follow from this starting point including access to the dialogue, in terms of the availability of public space, the means of communication and avoidance of pre-censorship, the principle of free speech and an attitude of reflexivity, so granting participants the possibility to learn and unlearn (Baxi 2006, pp.271–72; Hargreaves 2002).

Baxi makes some suggestions of how non-Western traditions may be examined for how they anticipated and reinforce contemporary human rights.

- In what ways did the classical traditions of thought (African, Buddhist, Confucian, Hindu, Islamic and indigenous civilisation) configure the notion of what it meant to be human?
- How did these entail ideas and ideals of equality, dignity, and justice in social and political relations?
- To the extent that these traditions had no linguistic or semiotic equivalents to the ‘modern’ notions of rights, what other tropes carried the burden?  
(Ibid. p.26)

Taylor has made suggestions for how this might be envisaged (1999) and Yasuaki understands this in terms of an intercivilisational approach to human rights (1997).

Through this process, Eurocentric traditions of the rights of men may be detraditionalised and in his view, the future of human rights will be more secure than it is now. Such a process is similar to that proposed by the Norwegian educationalist Oddbjørn Leirvik, 'A dialogical approach must be one that searches from common themes... developing pupils' capacity for empathetic understanding and dialogue across different religions and beliefs.' (Leirvik 2001, p.165) Another Professor of Law who has specifically identified the importance of a project of dialogue on the meaning of dignity is Paulo Carozza. He described it as vital for the future of the human rights experience and argues for a substantive transnational dialogue about the meaning of dignity, rather than a procedural, bureaucratic or institutional dialogue.

I do not mean 'dialogue' in a weak sense, a mere interchange of discourse and deliberation without genuine difference or desire to get at the truth of things, but a dia-logos, a sharing of reason with one another. The 'common enterprise', in other words, is an occasion for exchanging reasoned and substantive judgements across cultural and geographic divides about the meaning of human flourishing, what it requires of us in justice, and how it can be variously understood and protected in communities constituted by their commitment to a common good. (Carozza 2008, pp.7-8)

In the educational project, how are we to understand the relationship between inherent dignity and human flourishing (inflorescent dignity), and how may the person flourish in metaphysical as well as physical ways? If dignity relates that which is particular and unique about and individual to that which is universal and shared, how do both of these elements flourish? The metaphysical provides a route to giving some explanation for bridging the immanent and transcendent qualities of dignity. The question of the connection between inherent dignity and inflorescent dignity, to use Sulmasy's phase, must be part of the educational activity.

While Baxi and Leirvik suggest that the dialogue that takes place in intercultural learning is a dialogue between religions, Carozza goes on to extend this notion as taking place at the individual level in the particular context and circumstances that people find themselves in. Carozza identifies a number of questions which may form the basis of reflection and point to a more individually conceived dialogue:

- What reasons can I give you to care about and commit yourself to human rights?
- Why should we recognize the authenticity of these demands of dignity as opposed to others?
- What is the basis for regarding a particular thing as both good for me and good for others like me, both within the communities to which I belong and across their boundaries?

It is a project that must take place at transnational level and in the individual and community level, ‘Transnational dialogue of this kind is a provocation to reflect more deeply, collectively, and comparatively on the breadth of human experience and the fulfilment of elemental human needs and desires.’ (Carozza 2008, pp.7–8) Carozza identifies a link between reflection on what human flourishing means and the ability to recognize and work for the good of the other:

In the end, however, reasoned reflection on human flourishing needs to take place at the level of individual persons in community with others. There, dialogue can lead to greater critical self-reflection, and a greater capacity to recognize and commit oneself in solidarity to the good of others. Only in that way will human rights be about loving people in their concrete experience—hard work, rest, and a sad song in the garden—rather than the abstraction of loving Humanity. (Ibid.)

Heid Leganger-Krogstad (2003), writing about religious education at the classroom level, sees dialogue in the school context as operating at this interpersonal level. She writes, ‘How can children be taught to take responsibility for the globe unless through school they learn how to take responsibility for their classmates by engaging in dialogue with recognition of the otherness of the other.’ (Ibid. p.186) The educational enterprise involves a commitment to the solidarity and good of others. This is at the heart of the purpose and process of recognizing the dignity of both self and other.

*(iii) Reflexivity between the educational imperatives:* An important consideration to add to this account of intercultural learning can be drawn from the research in British religious education on intercultural education. The two educational projects described could be depicted as an interior conversation within one’s own group, and an exterior conversation with other groups. However, a much more reflexive interplay between these two imperatives is needed to account for the contemporary reality of multiple influences. Skeie discusses this situation (1995) of traditional and modern pluralities, as does Jackson (2004, p.8). Jackson notes that while traditional plurality, ‘corresponds to the observable cultural diversity presented in many western societies ... modern plurality relates to a variegated intellectual climate of late modernity and postmodernity.’ (Ibid.) Traditional plurality relates to observable cultural diversity present in western societies as waves of immigration have brought significant numbers of culturally diverse and religiously different groups. Skeie describes modern plurality as pointing to the fragmentation of societies with differing groups having different, sometimes competing rationalities. Alongside this have been the growth of individualism and the privatisation of religion (Heelas 1989; Heelas *et al.* 1996;

Heelas & Woodhead 2005). This has been described by some as a move from late modernity to high modernity (Giddens 1991) or from modernity to postmodernity (Lyotard 1984) though it may now also be seen as part of a process of postsecularity in which not all forms of modernity are religious, characterised as they are by individualised and diversified religiosity (Habermas 2008, cf. p.1).

This has important implications for the kind of spiritual reflection that people might undertake in the educational imperative to reflect deeply on the sense of dignity in their own traditions and in dialogue with others. Nesbitt describes plural spirituality to convey something of this modern plurality. She suggests, ‘at the deepest level of questing, enquiry and experience individuals encounter images, ideals and idioms from (what are in some ways and according to dominant perceptions) different sources: Christian and Hindu, European and African, sacred and secular.’ (2004, p.149) Not only do children experience a wide range of influences, but there seem to be developing increasingly complex patterns of individual identity, ‘Ethnographic studies disclose identity forming through successive encounters with “others”.’ (Tajfel 1981, quoted in Nesbitt 2004, p.149) Nesbitt continues, ‘Identity is itself processual, forming in definition and redefinition through contact with groupings that are in some respects different from one’s own and in other respects overlap with it.’ (Ibid. p.149) Viewing the two educational imperatives in light of such ethnographic research reveals a need to conceive of the two projects as reflexively interrelated. This nevertheless presents a challenge to each of those projects. The context for the exploration of educational imperatives is the differentiation of understandings of dignity through a shifting tableau of influences. It is this context of fragmentation that MacIntyre was most concerned about in his rejection of human rights, yet it is hard to deny the reality of this observation as the context within which we now live. It is hard to see how the changes brought about by global movements and interactions of peoples could ever be undone, even if this was thought desirable.

Against this backdrop, the self-reflective process may seem to be impossible. Is there a single tradition for individuals to pursue their self-reflective learning? If Sen and others are correct that we are constructs of multiple traditions with plural affiliations and social contexts (Sen 2006), then even this process is dialogical. The interior and self-reflective exploration is a dialogue between those influences, conditioned by the experiences of the individual. The project of transcultural learning joins that inner dialogical process by bringing interactions with others who

may have differing experiences but a common identity complexion, or different identity complexions but common experiences.

## **Conclusion**

We have seen examples of exclusivists in religious and secular liberal forms, defining human dignity and its relationship with human rights. The adoption of exclusively defined and determined notions of dignity and the profession of incompatibility with universally agreed human rights present major if not insurmountable challenges. Such position taking is at odds with the understanding that dignity is a complex idea which has developed through religious, social and cultural forces. This position is based on a theological or political imperative that ascribes a very particular and narrowly conceived reading of the concept. Such an approach risks distancing many peoples from human rights which they may see as an imperialistic project irreconcilable with their meaning-giving narratives. Disabling dialogue in this way also leaves open the possibility that the voices of those who continue to suffer might not be heard. It risks a drift back to a position where groups were simply excluded from the designation of human being, as happened in the first generation of rights. These limitations provide a reason to reject such a position of exclusivity and incompatibility.

Contrasting with this exclusivist approach, there are examples of an alignment or convergence between enlightenment and theological ideas of dignity. These retain theological particularity but embrace the central notion of the inherent dignity of the human person as an overarching or underpinning notion. Taking the Catholic example examined here, opponents question whether the contemporary Catholic expression of human rights and dignity in language that some find Kantian, is a true reflection of Church teaching. However, to disregard the steps taken by such important figures as Pope Leo XIII, Pope John Paul II as well as major Catholic thinkers like Jacques Maritain would require the wholesale re-writing of Catholic teaching on social justice, which is now firmly based on such theology (Pontifical Council for Justice and Peace 2005). It would also set aside the argument of Hollenbach, Ruston and Williams that this *shift* in fact reflects a *reality* within the Catholic and wider Christian traditions. Thus the argument for an inclusive and compatibilistic approach is strengthened.

These disputes reflect responses to the evolution of the theory of dignity as it encounters religious, social and cultural forces and highlight the educational imperatives of the human rights project as a whole and the exploration of dignity in particular. Two projects are identified: to explore within one's own tradition the foundations for human rights, on the one hand, and to explore those foundations through dialogue with others reflecting on the shared or common experience of suffering and dignity. In an era where people share multiple identities, where monocultural units have broken down, both projects proceed simultaneously, one reflecting and responding to the other, just as dignity has developed through a evolutionary dialogue in contact with multiple social, cultural and religious forces.

## **Chapter 7**

### **Recontextualising human rights education**

Through a conceptual analysis of the idea of the dignity of the human person in human rights and HRE, through a range of contextual perspectives (philosophical, theological and educational), it has been demonstrated that dignity is an important idea, both as a moral foundation but also in the way it informs approaches to education. The modern idea of dignity, on which human rights depend, has been influenced by philosophical and theological sources, as well as the historical experiences of the twentieth century. The sources are found in different meaning-giving narratives and yet there are common patterns in the way those narratives explain dignity. This pattern, which can be called an underpinning framework, includes notions of inherent worth, societal response/attribution and human flourishing or development. A form of HRE could be developed and practiced in such a way that it encourages the exploration of multiple foundations within different meaning-giving narratives, while at the same time holds fast to a common concept of dignity which constitutes a provisional shared understanding. This form addresses both the universalism and particularism of human rights. It rejects the argument that religious education only has a meaning for those who come from a religious background and that an entirely secular-based subject, such as citizenship education, is an appropriate replacement for the study of religion, offering a moral provision for non-religious pupils (Hargreaves 1994).

The common pattern is based around a belief in the inherent worth of the human person, which has central importance to the human rights of the UDHR as foundation. Inherent worth is interrelated with the other two senses, as is clear when the concept is adequately theorised and analysed. Within dignity, there is a dynamic theoretical framework as there is a relationship between how a person responds to the other and the inherent worth of the other, and how a person's inherent worth requires development. It is a framework characterised as moral principles, but embedded within the contextual narratives of the traditions.

A form of HRE developed around this dynamic framework of dignity offers a more inclusive approach that is philosophically and theologically literate, and more robust to better withstand the theoretical problems within human rights. Such an approach embraces plurality, in a way that secular approaches to HRE do not. It may serve the aim of encouraging understanding and friendship more effectively than those that disregard religious diversity, and indeed religion, as an

ally to HRE. Here it is advanced for all maintained schools in England but may have much wider applications elsewhere.

The dynamic pattern or framework is contextualised in distinctive ways within particular narratives. An approach of theological inclusivism, which recognizes the merit of different perspectives that are consistent with this dynamic theoretical framework, avoids the dangers of a relativistic plurality, which could ultimately undermine all that human rights have sought to achieve, as no values would have permanence. Relativism is conditional to the different ways in which meaning-giving narratives offer accounts of the underpinning framework of dignity and to how rights are deduced from that framework. That conditionality is dynamically informed by human experience, which is important given the historical and political evidence that clarification of rights is an ongoing process of revelation, and understandings of the human good may need ideas other than rights, such as capabilities.

Writing on HRE characterises religion as problematic and sometimes directly suggests religious educational institutions and meaning-giving narratives are extremist (Davies 2008). These views seem to assume, suggest or hope that secularisation theories may one day prove correct, and see human rights as a feature of secular thought. However, such views are challenged by the postsecular context in which religions persist or grow, spiritualities evolve, and diverse forms of modern society develop. Recontextualisation can be used to understand the development of human rights in this complex state. The development of human rights occurred in an interplay between religion and culture. Taylor (1989) argued that the separation of rights from the Christendom project was essential in the development of an understanding of the universality of human rights. While Soulen and Woodhead (2006) may characterise this as decontextualisation, it could instead be characterised as a necessary recontextualisation to account for the changing world. HRE, when viewed through the European context that Boeve (2007) and others have observed, is recontextualised itself. The idea of advancing a secular universal moral education is problematic as it fails to acknowledge the reality of plurality and new forms of spirituality and religiosity (Gutmann & Taylor 1994). Over the decades human rights declarations and agreements have moved from a singularly expressed universal mode of human rights which envisages a universal code of rights for all, to a recognition of plural distinctiveness in the needs of women, indigenous populations, children and so on, and the associated declarations, agreements and covenants for these groups.

Expressing human rights in non-religious terms has benefits within universal documents that all must be a signatory to, but when applying these ideas to educational contexts we move from an inter-governmental space into, within Europe at least, local environments where culture and religious narratives exist in a plurality of diverse forms. Educational projects which disregard this context lack integrity or plausibility. They pursue an imperialist assimilation project through HRE, one that as Baxi (2003) observes, characterised previous forms of human rights. Alternatively, we can envisage a form of HRE which acknowledges its contextuality and recognizes and responds to a plural and detraditional religiosity. Recontextualisation is therefore a normative idea for human rights and HRE. It must begin with learners whose understandings are based in their distinct and different narratives. This means it begins with their own socio-cultural religious understanding of self and then explores how this relates to meaning-giving narratives.

This chapter proposes changes to HRE as it is currently found in the English secondary school curriculum documents and as it is commonly found in HRE literature. It recontextualises HRE around the dignity of the human person, and posits it as an enterprise that better serves a postsecular society. The changes are informed by the conceptual analyses in the thesis. It proposes a transformative model of HRE that is theologically inspired, inclusively founded and religiously literate.

The chapter is divided into three parts. *Part One: Five proposals for a recontextualised HRE* outlines proposals for the transformation of HRE. Belief in the inherent worth of the human person should be nurtured at the moral centre of HRE. HRE should be recast as a two-fold enquiry into the dignity of the human person through self-reflective and dialogic undertakings. The ongoing search should be understood as reflection on lived and shared experiences and religious and philosophical narratives. HRE should consider itself part of the enquiry into what it is to live in which a person may flourish, and as such should permeate all aspects of the whole school curriculum. Lastly, HRE should take seriously the aim of friendship and understanding between different religious (and other) groups, and the value of philosophical and religious traditions as sources of understanding, which gives particular significance to religious education.

*Part Two: Ethos and curriculum* explores how the broad proposals may be interpreted to inform the character of the school and how learning is organised within it. Here Christian sources are drawn upon to illustrate how this might feature within a particular religious school context.

Central to the curriculum in any school context is the interconnection of RE, HRE and moral education.

*Part Three: Learners as theologian-philosophers* proposes a new characterisation of the learner in this subject area. The theologian-philosopher works within the constraints of a belief in the inherent dignity of the human person, but enquires further into the meaning-giving narratives, continuing the work begun by the group established by Eleanor Roosevelt for the UDHR. The boundaries of the scope of learning are articulated by interpreting the proposals as commitments, which replace the UK government's promotion of a commitment to human rights.

### **Part One: Five Proposals for a recontextualised HRE**

Five proposals are outlined below to set out the main actions arising out of this research. These proposals refer to intrinsic and extrinsic features of HRE. They cover beliefs, the forms of enquiry and learning, and the aims of education.

#### *Proposal One: A belief in the inherent worth of the human person*

The current English curriculum does not define what is meant by the commitment to human rights that is described as an aim of the National Curriculum (QCA 2007b). This commitment should be reinterpreted as an enquiry into the ways in which the human person is understood to have an inherent/intrinsic/ontological worth. Whether this commitment entails a belief based on a faith conviction or assent to a philosophical rationale, the centrality of such a belief is consistent with a number of different theological and philosophical narratives. This commitment entails an orientation *for* the other person, a sense of unconditional compassion and responsibility for others. Acknowledging the inherent worth of others leads to duties or responsibilities and it is as a result of that acknowledgement that human rights proceed. A commitment to inherent worth entails a commitment to the need for the human person to develop and flourish alongside others.

This belief may be thought of in terms of conventional religious belief but also philosophical or rational conviction that brings a person to the same sense of conviction.

#### *Proposal Two: Recasting HRE as a two-fold enquiry into the dignity of the human person*

It is proposed that this commitment should also be understood as a commitment to an ongoing search into the dignity of the human person. Over the decades and centuries new understandings about justice and suffering have been revealed and the pursuit of greater understandings is a principal focus. This search entails both a self-reflective process and a dialogic '*listening to and for*' the other. In the self-reflective process, learners examine the meaning-giving narratives that have influenced their identity and beliefs in search for what these narratives say about dignity. By narratives we mean the particular belief systems, texts, traditions, ideas and practices. As a consequence many elements of what is typically understood to be religious education come within the scope of HRE. Citizenship education and religious education need to be structured to enable these elements to be drawn into relationship with one another. Religious narratives have an important place within the scope of HRE, complementing the international agreements, legislative structures and the rights issues. The links between religion and rights become essential elements of the content, acknowledging the multiple justifications for human rights from different religious and philosophical traditions. It is therefore inclusive of religious and philosophical difference. It does not explicitly or implicitly assume a secular basis for human rights, though it does not exclude it either. In the dialogic process learners listen *to* the other, in terms of the other learners around them and the different narratives that exist in plural society. This listening is also *for* the other since it is an altruistic, rather than a self-serving, process. *Listening for* requires a deep appreciation of who the person is and what they are saying. This listening to the other reflects the acknowledgement of the inherent worth proposed in the first proposal and recognizes the other as a source of revelation.

Religious narratives, which for some give meaning to human life and experience, provide insights into how communities for centuries have explored the question of what it is to live a life in which people flourish. They constitute a moral resource for making sense of what it is to have inherent worth and how that might be explained. They give visions of life that were developed through lived experiences in different contexts at different times and places. Their development and refinement provide an example of how the task of illuminating the mystery of the human person and the nature of human flourishing requires continuing attention and reflection.

The plurality and diversity of religious narratives provide a cautionary note against overzealous triumphalism in projecting a final account or answer. This enquiry is not reduced to religious offerings but should draw on the fruits of civilisation, the arts, humanities and sciences. At the same time, religions do offer particular resources which try to answer the question of why human

beings matter, and have the potential to encourage a wider perspective than simply those people who are family or close friends. Though their universal claims can be seen as the cause of conflict, when those claims are about the worth of human beings they provide multiple justifications for human rights. Religious education is properly a key component to HRE, both for its cognitive and intellectual offerings, and also for the power it brings to motivate human compassion and moral responsiveness. Religious narratives also contextualise the response and particularise it. The response is taken from the abstract conceptualisation and implemented within a meaning-giving framework. People approach human rights issues and interpret them through these frameworks.

The study of the narratives of religious life, the experiences of religious people and in particular the answers given to the questions ‘why the other person matters,’ and ‘what is it to flourish in life’, is therefore a valuable component of HRE, though the inquiry is not restricted to religious interpretations, nor should it presuppose religious adherence. It should therefore seek to explore the space where consensus may be found.

*Proposal Three: Understanding the ongoing search as a reflection on experience and narrative*

The content of HRE must be composed both by local experiences close to the learner and the experiences of others, both in the locality and globally. It should not simply refer to global issues that are distant from the learner. The experiences in question are those which touch on human suffering and humiliation, and human dignity. The process of reflection here is a reflexive one which involves recontextualising the learners’ own narratives through experiences and recontextualising their own experiences through narratives.

This process values the contextual nature of human rights in HRE (Osler & Starkey 2010, pp.94–96). A concern for human rights arises out of an awareness of the suffering of self or others. This is evident from the pre-history of human rights, which can be traced to movements that were motivated by particular examples of suffering, such as the antislavery movement. It is also evident from the sense of righteous anger and frustration experienced as a result of an apparent injustice to ourselves or those we care about. Our capacity to experience this sense for ourselves or others and understand the significance of this sense, to realize that a person is distressed, is an emotional resource for doing good. These concerns and sensitivities in some cases become overpowering forces that compel the person to act morally.

Through the enquiry into the experience of suffering, the belief that the human person matters may be cultivated. As it is cultivated and developed, the enquiry deepens. These features provide a deepening spiral of moral awareness and moral concern. An inability to identify with or show compassion for the self or other is a precondition for humiliation. Compassion has been proposed as a principal focus for moral education (Ruiz & Vellejos 1999) which, given the place in religious traditions (Armstrong 2009), brings a spiritual dimension to character education (Gruber-McCallister 2002). It is a point of convergence among different religious traditions (Armstrong 2009), the absence of which may breed an inability to recognize that harm is being done to the self or the other. It may also prevent a willingness or recognition that a moral response is called for and therefore supports the application of human rights. The need to recognize the suffering of a person is a further precondition. Dehumanisation is a necessary psychological step towards the humiliation or destruction of the other. The burying of empathy for the human person under an ideological or pragmatic blanket formed of 'greater goods' is likewise a further psychological step towards the failure to respond morally.

An enquiry into the experiences of worth and suffering of self and others provides a framework within which empathy and consciousness of moral worth may be cultivated. The kind of learning in this enquiry is not purely cognitive but empathetic, emotional and psychological. It must bridge divisions among the learners, as much as make distanced observations of examples of suffering. It must seek to develop openness to the other person, to provide a willingness to listen to their experiences, and an ability to listen closely to what others are saying. It must also develop an ability to share with others one's own experiences. The curriculum must be as readily defined by local circumstances and experiences as global moral or social concerns. Both elements would seem to have a role to play here.

*Listening* to the other person requires attentiveness and imagination; being focused both on what the other is saying and who is speaking. Being attentive to the other and having the imagination to understand deeply what the other is saying assumes an ability to step out of one's own preoccupations, needs and desires, and to walk with the other person. It is an altruistic act in itself, to be other-centred and not self-centred. It requires an awareness of the limitations that we have in removing our own narrative framework through which we interpret and understand nuances and motifs. It requires an honest recognition of prejudices and ignorance which might impair interpretation and understanding.

Listening to others and expressing oneself are important features, but so is moral response, or activism for the other. A concern to act in response to the enquiry into the suffering, to show compassion for the other, is crucial. Furthermore, capacities and character are necessary to motivate a moral response. Knowledge of suffering and empathy towards those who suffer are important, but the development of the will to act and an awareness of how one may act are included in this enquiry.

To enquire into the experiences of worth and suffering is to demand the practice of other-centredness, which entails recognition of the inherent worth of the other person and their experience of suffering and/or human flourishing, not self-centredness. It requires the cultivation of solidarity, and empathy for the other person, rather than individualism. It needs to cultivate moral responsiveness through the development of characteristics consistent with such responsiveness so that the person has the will to act.

*Proposal Four: HRE should consider itself part of the enquiry into what it is to live a life in which a person may flourish*

An acknowledgment of suffering is linked to an awareness of what it is for a human being to flourish and develop. Acute observations of where and how this flourishing life is lacking are conditioned by an understanding of dignity. Human rights themselves are suggestive of the liberties and freedoms which human beings need to live well and therefore how we may live well is a central concern. By undertaking an enquiry into the different ways in which a human being may develop, a more complete picture of what is needed for a life that flourishes, and conversely what may be an obstacle for human development or flourishing, can be articulated. This goes beyond the things that people might have a right to but should include the capabilities that human beings have. Capabilities express a person-centred approach to understanding human development that does not reduce human flourishing to freedom. The freedoms of human rights are not unconditional, though they may be professed as inalienable. Because of this complexity, rights thinking tends to become preoccupied with rights conflicts, placing different rights in competition with one another and different people in competition with one another. Rights become relative values and rights thinking is reduced to identifying winners and losers arising out of a legal exchange. Focusing on the capabilities of the human person and the different possible ways in which human beings may flourish takes, as a starting point, the inherent worth of the person, and the nature of human development. The implication of a person who has the potential to flourish and develop is a moral response focused on cultivating a society in which individuals

may develop, rather than the rights contest. It looks holistically at the flourishing person, rather than compartmentally at their different individual rights. Moral responses can be informed by a person-centred perspective, and human rights can be approached as ways of supporting human development, rather than a contest between individuals. This does not evade the inevitable conflicts between different people's developments, and it does not remove the reality of points of contention between one person's development and another person's development. It views that conflict through a human development perspective. Such a focus offers the possibility of identifying new areas of concern that rights do not yet adequately address and encourages an ongoing pursuit of new realizations of what it is for a human being to flourish. Thus the enquiry into human flourishing conditions the learner into an approach not limited to a single subject but the whole breadth of human learning. Not limited to a particular phase of education, the enquiry must be pursued through life, as people encounter different experiences and different people.

*Proposal Five: Taking seriously the aim of friendship and understanding between different religious (and other) groups*

Interfaith and intercultural dialogue are central aims of HRE. In the past these aims could be seen as divergent from the aim of promoting a common culture of human rights, but if that culture is understood in terms of the first three proposals this divergence is tempered. The development of friendship and understanding might include co-operation on projects of common interest arising out of the shared commitment in Proposal One, shared experiences in Proposal Two and it might also include the dialogue referred to in Proposal Three. Friendship and understanding are not likely to be cultivated through the conflict of legalistic rights which often take cultural forms, but through the processes described above, of *listening to* and *for* the other, of being for the other and through engagement in a dialogue that can bring about new transformations through the encounter of both parties.

## **Part Two: Ethos and curriculum**

The ethos of the school should be defined by a moral commitment to the inherent worth of the child and the person; a central belief to be examined, explored and nurtured as foundational to educational institutions. This commitment may be reached from multiple starting points. Schools of a religious character have an opportunity to interpret this approach through their particular religious tradition (Haldane 1996), while needing also to acknowledge the essential

place of interfaith dialogue and encounter, and the experience of the other, within the curriculum experience. There are particular resources available from the Christian tradition to support this, such as the ethic of unconditional love for the other, seeking God in the other and the dialogical experiences which characterise many of the encounters between Jesus and those he met in the Gospels. These elements are as important or more important than notions of transmission of factual information. The particular sources for the concept of dignity found within Christianity provide a distinctive opportunity for these schools, and others argue similar resources may be found in many of the great religious traditions (Armstrong 2009).

A theological contribution which may help Christian schools is found in Boeve (2007). He observes that recontextualisation can be seen as a continual process whereby theology is constantly challenged by contextual change and novelty. In religious terms, Europe can be understood now as a place influenced by detraditionalisation and pluralisation. People have sought religious meaning in different traditions and in ways not connected with traditional structures of religion. Detraditionalisation and pluralisation are seen as features of a postsecular Europe and therefore theology is faced with this recontextualised situation. This thesis is legitimate in seeking to reconnect a theological and educational discourse surrounding HRE. However, Boeve goes further than this descriptive tool, which he thinks is useful for analytical purposes. Instead he develops recontextualisation as a normative category that calls for a theological programme in which ‘insights into the intrinsic link between faith and context inspire theologians to take contextual challenges seriously, in order to come to a contemporary theological discourse that can claim both theological validity and contextual plausibility.’ (Ibid. p.3 n4) He develops the normative category of recontextualisation as a theological method that acknowledges the shift from continuity to discontinuity, from secular to detraditional and plural. One can no longer depart from a position that assumes a substantial continuity between the Christian faith and modern culture and society. At the same time, claims of normativity by social scientists and philosophers often belie hidden presuppositions and agendas. Boeve argues that if one could analyse the many ways of living, thinking and acting, the many religions and narratives in terms of radical plurality, then the first level of reflection is our own particularity (2007, p.39). He continues, ‘The starting point is thus the specific narrativity of a fundamental life option whether religious or not, the level of the concrete particular narrative.’ (Ibid.) He argues that the awareness of the specific particularity of the Christian faith option places precisely the specificity of this option in the foreground, ‘namely, the confession that God became involved with human history in and through Jesus Christ.’ (Ibid.)

In the light of this ethos a revised curriculum is necessary. Such revisions would not be limited to particular subject areas. However, the current situation indicated by the curriculum documents for England, and demonstrated in wider HRE literature, suggests there is a particular need to restructure the subject areas. Knowledge of the deep religious and philosophical meaning-giving narratives of dignity is important, along with how those narratives inform responses to experiences of suffering. Beliefs in the meaning-giving narratives that shed light on the uniqueness and sanctity of human life should be related to the moral responses to rights abuses. What matters here is that pupils see this interrelatedness and any structuring of CE and RE, as well as moral education, must support this interrelatedness. The danger of continuing to separate these fields is that while RE may be informed by religious literate understandings, CE, in which much HRE is found, may take on secular perspectives of human rights and disregard the importance of deeper theological understandings.

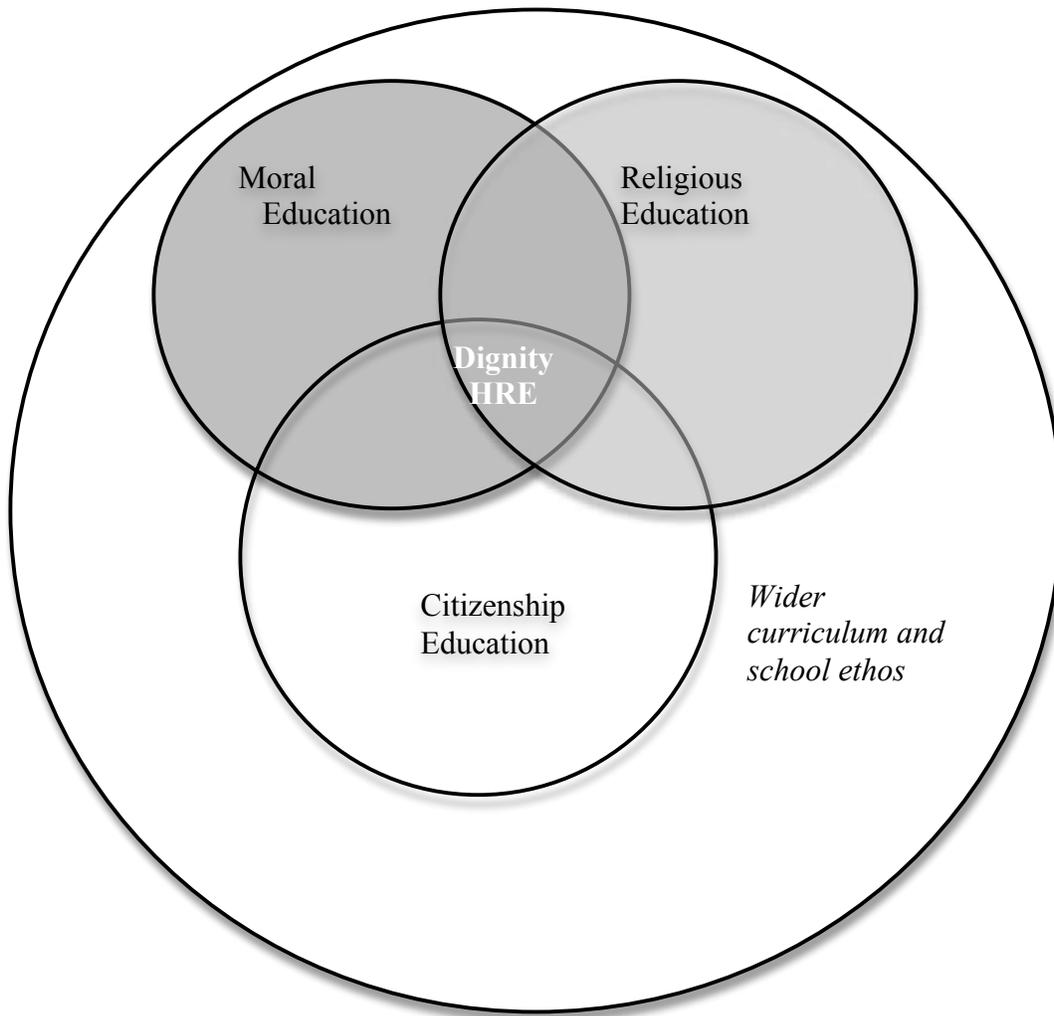
Pupils need opportunities to explore the moral concepts on which human rights depend. To do this they must explore religious narratives within which and from which those ideas emerge. Of particular importance is how different understandings of the ideas may lead to different applications of rights. This is not simply a matter of rights, but pupils also need the opportunity of exploring other ethical ideas which dignity leads to. Human rights have an important role to play but so do virtues, character and conscience.

These two subject areas, which currently stand as separate curriculum fields, need, at the very least, to be interconnected, and more likely combined in a radical restructuring which acknowledges the interrelationship between religious, philosophical, moral and political dimensions of learning. One LAS which articulates this kind of interrelationship, albeit within the scope of RE, is Wokingham (2006), although this is in stark contrast to many LAS. At present, much of the secondary curriculum is determined by examination board specification and these are lacking for their failure to properly understand and represent the interconnections needed. Such interconnections can be appreciated by a combining of these subject areas (Gearon 2004).

A revised curriculum sees a combination of citizenship education, moral education and religious education into a core education in human dignity, which would frame the whole secondary experience. The school curriculum is framed by a need to enable the full development and

flourishing of all children. Examination and assessment systems would need to be appropriately revised to focus on the development of children’s capacities and capabilities across a whole range of areas but including personal reflection and dialogue with others.

**Figure 6. Revised Curriculum**



### **Part Three: Learners as theologian-philosophers**

When the UDHR was formed, there was an initiative to try to find agreement between the different religious groups for the foundation of human rights but agreement was not forthcoming, except with regards to the rights themselves and the idea of dignity which, left undefined, could be understood within the different narratives. However, the lack of success obscured a more important observation about the process, that of encouraging and stimulating dialogue about human dignity, and as a result encouraging the participants to continue this search within their narratives.

This influence can be traced from Maritain's presence on that UDHR working group, to his thought that inspired aspects of Vatican II teaching on dignity and in the thinking of John Paul II. We can advance this example as parable for HRE inspiring both a continued search for deeper understanding of the dignity of the human person within the particular narrative and a dialogical encounter with others. The understanding of education within the UDHR itself contains references to inter-religious understanding and friendship and so we can conceive of HRE as an interfaith educational project. We have traced where and how this understanding has begun to emerge within the idea of intercultural education.

One key dilemma for HRE is how to resolve the tension between conceiving education as the promotion of a universal ethic and encouraging, in a transformative way, a dialogue which accounts for different starting points. Whether that universal ethic is found in the rights themselves, as HRE commonly suggests, or, as I have suggested here, is found in a common understanding of a dignity dynamic, the tension remains. Are there no boundaries to where such dialogue may lead? Here MacIntyre's work (2009) on the role of the Catholic philosopher provides an example with striking conceptual similarities to the one in which the student and teacher of HRE find themselves. Drawing on his study, we can adapt his thinking to the situation at hand. MacIntyre argues that in Catholic philosophy, enquiry exists after pre-philosophical commitments and convictions. The Catholic philosopher undertakes his or her enquiry within a context of a conviction to revealed truths that is pre-philosophical. MacIntyre argues that Catholic philosophers may come from different starting points but that there are some positions which are ultimately incompatible with the presuppositions of the Catholic faith. His argument refers to the instructions of Pope John Paul II in *Fides et Ratio* (John Paul II 1998) to practice philosophy in such a way as to address the deeper human concerns that underline its basic

problems, without sacrificing rigour or depth. MacIntyre characterises this task as follows:

It would present human beings – not just philosophers – as themselves engaged in trying to give just such an account of themselves, as trying to understand what it is that they are doing in trying to achieve understanding, a kind of understanding that will enable us to distinguish what it is worth caring about a very great deal from what it is worth caring about a good deal less, and both from what is not worth caring about at all. So there is a crucial relationship between metaphysics and ethics. (MacIntyre 2009, pp.177–79)

Human rights have expressed this link in the mentioning of dignity as their foundation, but as Nobel laureate Czeslaw Milosz mused:

[T]hose beautiful and deeply moving words which pertain to the old repertory of the rights of man and the dignity of the person ... I wonder at this phenomenon because maybe underneath there is an abyss. After all, these ideas had their foundation in religion, and I am not over-optimistic as to the survival of religion in a scientific-technological civilisation. Notions that seemed buried forever have suddenly been resurrected. But how long will they stay afloat if the bottom is taken out? (Czeslaw 1997, p.32)

However, Czeslaw's view of the survival of religion seems overly pessimistic in view of the postsecular discourse (Boeve 2007; Habermas 2008). Nevertheless, Glendon has argued that the human rights project will rest on shaky foundations unless and until the philosophers and statespersons collaborate on the business that the framers left unfinished (Glendon 1999, p.3). The business, that is, of establishing the foundation and elaborating on the notion of the dignity of the human person. She continues:

[T]he drafters of the UN Charter were prudent to say that human rights rest upon a 'faith' in human dignity. It would be a mistake, however, to leap from that proposition to the notion that this faith is merely an act of will, an arbitrary choice. All in all, one may say of 'dignity' in the Universal Declaration, what Abraham Lincoln once said about 'equality' in the Declaration of Independence: it is a hard nut to crack. The framers of the Universal Declaration were far from naïve about the difficulties that lay ahead. That is evident from many statements in which they acknowledged the priority of culture over law ... If Maritain, Eleanor Roosevelt, Charles Malik, Rene Cassin and others who held this view were right, then a great challenge faces the world's religions, for religion is at the heart of culture. Ultimately it will be up to the religions to demonstrate whether they are capable of motivating their followers to fulfill their own calling to perfect their own dignity, and in so doing respect the dignity of fellow members of the human family. (Ibid. pp.13–14)

This religious task of pursuing respect for human dignity is part of the task of the Catholic philosopher, which in MacIntyre's terms, is close to that of HRE. There are some positions which are incompatible with the belief in the inherent worth of the human person and the rights and responsibilities which flow from that belief.

In HRE there is a commitment to a value, or a set of principles that acknowledge an undeniable starting point, the inherent worth of the human person. This is not unproblematic in that it requires obedience, but it is conjoined with another element that is problematic and requires ruthless questioning (cf MacIntyre 2009, p.8). The enquiry, the dialogue and the reflection are not unbounded. They explore and search for meaning but their search has moral limits. HRE as I have constructed it or as it otherwise exists, is not relativistic. An awareness of the relationships between the commitments to certain values, and the pursuit of reflective and dialogical learning is an important component of learning in HRE. The dialogic dimension, and the context for that dialogue which often may be a common experience of suffering, give qualities to the learning community that bear similarities with the ancient philosophers who were participants in a community of enquiry (Ibid. p.21). It is not simply a theoretical standpoint but entails a communal commitment to values and processes.

There is here a convergence in the aims of HRE and the task of the Catholic philosopher. The learner is the theologian-philosopher who should participate in this undertaking and HRE should support him or her in achieving this undertaking. Schools should become laboratories that continue the task of the philosophers and theologians whom Eleanor Roosevelt gathered to help the development of the UDHR. This requires a confidence about religious literacy and courage to engage in interfaith dialogue throughout all levels within the school—staff, parents and pupils. The school as a learning community must strike a balance between shared commitments and an openness to the experiences of different people, and the possibility of deeper understandings of how those commitments guide moral actions, whether understood in terms of rights or other moral concepts.

This results in a change from seeing learning as primarily about the transmission of propositional knowledge, fixed facts that are learnt, towards seeing learning in terms of being a philosopher and a theologian. Education in dignity is concerned with *praxy* as well as *doxy*, what is done, as well as what is known or believed. Learners are invited to engage in a personal shared learning journey of enquiry into the idea of human worth and the experience of human suffering. This is particularly appropriate in a context where a deeper understanding of dignity has only just begun to be established (Debes 2009, pp.67–69).

The five proposals may be translated by schools and educators as five commitments to be

cultivated among learners, teachers and educational communities, and adopted by the learner theologian-philosophers:

1. A commitment to a foundational belief in inherent human worth, rather than taking a line that is relativistic about values
2. A commitment to the pursuit of deeper understanding about human dignity through religious and philosophical traditions, and dialogue with each other about shared experiences, rather than treating learning and knowledge as a-spiritual, non-religious, or compartmentalising religion and philosophy
3. A commitment to ongoing reflection on the insight of religious traditions and human experience and how each informs and contextualises the other, rather than pursuing a dogmatic, declaratory non-discursive or dialogic approach to human rights
4. A commitment to education as revealing all of the ways in which a human being may flourish, which requires a broad curriculum, the design of which is not driven by instrumentalist or economic goals
5. A commitment to deepening friendship and understanding with others, and placing this at the heart of the educational purpose, rather than seeing these sorts of character developments as secondary to intellectual aims

## **Conclusion**

The present chapter has articulated proposals for a recontextualisation of HRE in the English secondary curriculum. The proposals include the values that should underpin this approach, important pedagogical elements, suggestions about the curriculum content and the ethos of the school. These proposals are supported by the research and analysis of proceeding chapters. They are presented as suggestions that are in keeping with the theoretical analysis and framework that has gone before. Though they will need to be tested and refined and others may also be developed, they are presented as examples of the way in which a dignity-centred vision of moral, religious and human rights education may be conceived.

Using these proposals as principles, a detailed curriculum could be developed. These proposals advocate the inclusion of multiple justifications for human rights, which include religious justifications. This is possible in the English maintained school system, which has a plural

religious education system. Such an approach is warranted given the reality of a postsecular culture, and the need to find adequate groundings for a commitment to human rights. It has presented a recontextualisation of HRE centred round the dignity of the human person, because this idea is one that is found in different narratives with a degree of consistency.

## Conclusion

The purpose of this conclusion is to review the key findings of the present study and make suggestions for further research. This research has been carried out through a series of critical analytical and inter-disciplinary approaches, which theorise dignity and apply it to an educational setting. It is situated against a backdrop of the place of religion in HRE. A number of specific findings and proposals can be articulated.

This research aimed to explore some of the links between religion and HRE through an analysis of international documents, educational writings and a study of English secondary school curriculum documents. This review found little reference to theological or religious influences in the international documents, and a sense that HRE is a secular ideology. From a post-secular perspective such a situation is problematic.

The ideals underpinning HRE emerged from a series of educational movements aimed at the promotion of international education, intercultural education and peace education. In the pre-modern period these were conceived within the context of religious narratives, but in the modern age HRE came to be dissociated from religious connections, justifications or links, in part in an acknowledgement of differing religious and philosophical perspectives. Instead HRE has sought to advance a global set of decontextualised shared values around the ideas of human rights. At the same time, it has sought to promote building of peace, tolerance, friendship and understanding between different peoples including those of different religions and philosophies. Inevitably, given these aims, tensions between the secular and inter-religious ambitions need to be addressed. The hope to achieve friendship and understanding between different religious groups led in the 1970s and 1980s to a recognition and respect of cultural diversity and in recent decades intercultural education initiatives have identified a place of importance for religious education in intercultural education. HRE is frequently defined in terms that distance it from religion, despite obvious theological links with religious movements such as liberation theology.

The analysis of the English curriculum reveals that there are few links between human rights in citizenship and religious education and that the provision fails to reflect the importance of linking beliefs and philosophies with human rights systems and structures. There is little regard of the possible influence religion might have or have had on HRE. The English secondary curriculum

has articulated an increasing commitment to human rights and a sense of self-worth as key features of the moral education of children. From a study of religious and citizenship education curriculum documentation for the 11–16 age range, including exam specifications, a number of findings are evident. Religious education, which is marked by multiple GCSE options and local curricula, is revealed as having widely differing approaches to the inclusion of human rights and different attitudes towards it. Rights are variously presented as an essential element of religious ethics in some cases, but for others they are not examined or seen to reflect a secular worldview. Citizenship education gives great emphasis to HRE with a treatment that is principally in terms of legal structures and issues of injustice. Theological or philosophical foundations of rights are not examined, raising questions about the place of ethical literacy. The study concludes that HRE is dislocated across these two curriculum areas, with the emphasis on the idea that rights are unrelated to religion and not concepts with important ethical or religious values underpinning them or justifying them. The curriculum seems to reflect the secularisation thesis. The consequence for the curriculum is that important insights on human rights may be lost from pupil learning. There are compelling reasons to embrace a pluralistic approach that includes a range of different approaches and justifications for human rights. In a postsecular society where religion has been transformed, rather than removed by secularisation, HRE must reflect this new context. This reality is recognized in intercultural education projects, which increasingly acknowledge and reflect religious diversity and take account of inter-religious education, but not in the English curriculum. CE and RE have many reasons to collaborate in HRE and this is more likely to succeed in a curriculum that encourages dialogue around and between the plural perspectives on human rights and the values that underpin them.

The study aimed to provide a critical analysis of the significance and meaning of dignity in human rights and HRE. This was achieved through several contexts: a cross disciplinary conceptual analysis of the dignity discourse; a conceptual analysis of dignity in HRE literature; and *historical conceptual* research into the meanings of dignity in human rights. This reveals that while there are important debates about dignity and human rights in law, medicine, philosophy and theology, there is little discussion in HRE literature. While some are critical of the concept of dignity, there are enduring arguments for its significance and it is viewed favourably as providing a possible point of convergence across religious traditions. The analysis reveals that within each of the classical, Christian theological and Kantian sources frequently referred to in the literature, three interrelated meanings of dignity are found: intrinsic worth, societal recognition and respect and human flourishing. These sources provide compelling evidence that

an underlying common framework can be articulated and advanced, building on these important traditions.

The study explored the place and importance of dignity in HRE, informed by its professed status as the foundation for rights in the UDHR, and also the argument that it may act as a bridging concept drawing together different religious and philosophical perspectives. The analysis of the concept discourse across a range of disciplines reveals criticisms that dignity lacks definition, is of little substance or is of little practical use. It could be seen as having the effect of distancing human rights from the frameworks or narratives of particular religious or philosophical traditions. However this fails to appreciate the importance of uniting different groups by leaving a dialogical space for an ongoing discourse about its meaning. The ambiguity of the term in the text of the UDHR is in part a product of political necessity, a placeholder that provides a point of agreement and discussion from different ideologies, philosophies and theologies. It does not mean that within that dialogue differing but compatible strong justifications exist. The undefined quality of dignity makes it possible for human rights to be dynamic and dialogic. It steers away from the absoluteness that is feared by some as enforcing a western legislative structure on peoples and cultures that have evolved through different contexts.

Scholars from many disciplines use dignity as a starting point for further understanding and clarification. However this is a weak defense of dignity. For it to be able to be a foundation or justification for human rights, some clarification is needed as unchecked debate and discussion relativises the concept and leaves it vulnerable to redefinition in such a way that it undermines the rights it is supposed to ground.

The historical concept analysis of three meaning-giving narratives or sources (ancient, Christian and Kantian), which are widely referenced in current literature about dignity, reveals multiple dimensions of dignity and the possibility of a common framework. This has shed light on both the source of dignity, the subject of dignity and the extent of dignity – where it comes from, who it affects and the degree of that effect. Dignity is understood to have three main forms: inherent worth, attributive or societal worth, and human flourishing or inflorescence. All the sources examined reveal complexity and diversity in the idea of dignity. In Cicero there is, on the one hand, the universalistic cosmic idea of the dignity of man beyond and above human society, and on the other, the conferred dimension that is rooted in Roman social standing, and dependent upon recognized moral conduct and political achievement. Christianity contains different ideas

about dignity: dignity as the image and likeness of God, an ultimate divine dignity that is found ontologically in every created human being; dignity as a gift received at baptism which is preserved through sinlessness and lost or impaired through sinfulness, or even lost to humanity after the Fall; dignity as something within the spirit or soul of the person or as something found in the body and soul. In Christian sources there is the tension between the human beings, with dignity held ontologically, in virtue of being made in the image of God, and the dignity that is granted in baptism and maintained through avoidance of sin, and indeed grows as the person becomes more Christ like. Kant is most commonly remembered in modern human rights debates for his idea of the inherent dignity of the person, located in the individual rational person but he also talks of the socially recognized dignity. The essential difficulty that spans these different sources is how the inherent value of the individual can be combined with a recognition of the social dimension of the human person – their interrelationships with others. However, what this does reveal is that there is a compatible framework of ideas in some degree of dynamic relationship with one another within these sources. These frameworks are differently contextualised within the particular narratives, but they each offer a balance of the three notions of dignity.

The study aimed at developing an approach to HRE that is inclusive of religion and religious plurality, and aligned with religious education. The suggestion that approaches to dignity in HRE should reflect on religious and philosophical sources faces the challenge that these sources are plural and diverse. There are those who advocate adopting a single conception of dignity that is exclusive, and those who suggest a more inclusive or plural approach. The adoption of exclusively defined and determined notions of dignity and the claim that human rights are incompatible with other ideas of dignity, including religious ideas, are problematic. Such position taking seems not to fully reflect the emergence of dignity as a complex idea which has developed as a result of religious and other social and cultural forces. Rather it is based on a theological or political imperative that narrowly ascribes a very particular reading of the concept. Pragmatically, there is an inherent danger in such an approach, that non-westerners might respond negatively to both positions by distancing themselves from what they see as an imperialistic project of a Christian or Enlightenment centred project. Disabling dialogue in this way also leaves open the possibility that voices of those who suffer might not be heard. It increases the risk of drifting back to a position, not unlike the first generation of rights, where groups were simply excluded from the designation of human being.

Alternatively, there are those who recognize the possibility of an alignment or convergence between enlightenment and theological ideas of dignity, which still retain theological particularity but embrace the central notion of the inherent dignity of the human person. Taking the Catholic example examined here, opponents question whether the contemporary Catholic expression of human rights and dignity in Kantian language is a true reflection of Church teaching. However to disregard the steps taken by such important figures as Pope Leo XIII, Pope John Paul II as well as major Catholic thinkers like Jacques Maritain would require the re-writing of Catholic teaching on social justice which is now firmly based on such theology (Pontifical Council for Justice and Peace 2005). It would also set aside the argument of Hollenbach, Ruston and Williams that this contextual shift in fact reflects a reality within the Catholic and Christian traditions.

These disputes reflect responses to the evolution of the theory of dignity as it encounters religious, social and cultural forces and highlight the educational imperatives of the human rights project as a whole and the exploration of dignity in particular. Two projects are identified: to explore within one's own tradition the foundations for human rights, on the one hand, and to explore those foundations through dialogue with others reflecting on the shared or common experience of suffering and dignity. In an era where people have multiple identities, where monocultural units have broken down, both projects proceed simultaneously, one reflecting and responding to the other, just as dignity has developed through a evolutionary dialogue in contact with multiple social, cultural and religious forces.

The study focused on the dignity of the human person in relation to human rights and HRE. The idea, which has foundational significance in international documents, is understood through the religious and philosophical narratives. There are many different narratives and those examined in this study have come from western philosophical and theological sources. These sources have been important in influencing the sense of dignity found in human rights. The study has revealed that there are common patterns in different discourses within narratives and that many articulate notions of inherent worth, societal response and human flourishing in explaining dignity. Inherent worth is seen as having a central importance to the human rights of the UDHR and of principal importance among these notions, though it remains interrelated with the other two senses. There are strong currents of theological and philosophical agreement about this pattern (found in prominent Catholic theology and Kant). This pattern can be called the dynamic theoretical framework of dignity and it is understood in distinctive ways within particular narratives; it provides a provisional shared understanding. Adopting this shared understanding

which is inclusive of different narratives is not the same as taking a purely relativistic approach to the plurality of perspectives. An approach of theological inclusivism which recognizes the merit of different perspectives that are consistent with this dynamic theoretical framework avoids the dangers of a relativistic plurality, which could ultimately undermine all that human rights have sought to achieve, as no values would have permanence.

Returning to the UDHR and HRE literature, this thesis has revealed the presence of the pattern of the notions of dignity found in the sources. The early UN documents set out the case that the dignity of the person requires education, and education of a certain kind. The form of the education is one that should reflect the inherent dignity of the human person as well as having the extrinsic aims of bringing about a human rights culture. In other words it should be an education that has an intrinsic value, irrespective of benefits to the economy for example, because all are entitled to education irrespective of whether they are judged as being able to return a profit on that education. Measures of intellectual or athletic ability are not equated with dignity and nor do they confer it. Children should not have their life goals restricted because of physical or mental disabilities; they have equal worth with other children. Dignity is bound up in their being. Education must be advanced in a manner consistent with the recognition of the dignity of the learner. There is a suggestion that human beings may be robbed of their dignity if education is not provided or is impaired through discrimination. Acts of humiliation deny the flourishing or development of that human person and refute their inherent worth. The educational sense of inherent worth provokes a social-moral response. This is consistent with the ideas in theological and philosophical narratives which offer broadly consistent accounts of the inherent worth of the person. There is some correlation between what the declarations say about dignity and the educational literature and teaching resources for teachers. Some educationalists draw on these but others seem to show less conceptual clarity about the idea, which can slip from a foundation notion to another word for respect. Deciding whether the worth of a person resides in their being, or in their capacity to be good leads to quite different consequences for that individual, as the study of the sources illuminated. It matters for HRE whether dignity is understood in terms of the being of the person, or in terms of how they are treated. Here the importance of religious and philosophical *literacy* helps reveal why inherent dignity is consistent with the international documents, and why other notions of dignity are problematic for human rights.

The thesis proposed changes to the approach to HRE as it is currently found in the English secondary school curriculum. It presented a recontextualisation of HRE centred on the dignity of

the human person, for a curriculum serving a postsecular society. The changes are informed by the examination in the present thesis. Using these proposals as principles, a curriculum could be developed. These proposals advocate the inclusion of multiple justifications for human rights, which include religious justifications. This is possible in the English maintained school system, which has a plural religious education system, but would be problematic in a secular educational environment that prohibited religious discourse in the public sphere. Such an approach is warranted given the reality of a postsecular culture, and the need to find adequate groundings for a commitment to human rights. Dignity is found in different narratives with a degree of consistency, providing a starting point for such grounding. This thesis has also articulated a theological rationale for this approach, which means it may be embraced by schools of a Christian religious character. The proposals themselves include the values that should underpin this approach, important pedagogical elements and suggestions about the content. These proposals are supported by the research and analysis of proceedings. The precise form of the curriculum has not been presented. This is in acknowledgement of the legal complications in doing so given the statutory arrangements for local religious education curricula and a national curriculum for citizenship education. It also reflects the view that the context of particular schools and localities should inform the precise form of this curriculum. Nevertheless, what is articulated is enough to indicate a change from the current models in the English curriculum. Such a change could lead to a more meaningful process in which a commitment to human rights could be developed through the context of learner and school community. In this way HRE should be re-imagined for a postsecular context.

This research has demonstrated that there are important differences to how HRE might be approached, depending on what dignity is taken to mean. Those assumptions are often not articulated in the education literature, which is out of step with other disciplines. This situation has probably been exacerbated by a lack of adequate integration with religious and philosophical traditions that are related to the development of human rights and provide some kind of conceptual framework and foundation. Rather than leading to dissolution of agreement, dignity offers the possibility of establishing a rationale to unite different religious groups by signposting the necessity to continue to enquire with each other and within their own traditions, to reach deeper understandings of the value of inherent human worth and the necessity to respond to it and support human flourishing. A number of key western religious and philosophical narratives have enough commonality around these three aspects of dignity for such a project to be developed, although further enquiry is required to examine the other religious and philosophical systems of

the world to discover the full extent to which this approach would have global and universal applicability. Nevertheless, an education approach based on self-enquiry and discussion with others, around the sources of meaning and shared experiences of suffering, provides a practical route for a recontextualised HRE. Approaches based on the particular variant of western secularism found in Britain and other parts of western Europe seem to unhelpfully exclude those with different worldviews from embracing HRE in terms that are aligned with their particular religious traditions and life experiences. The evidence of the continuing significance of religion in the world has been better recognized in intercultural education, and the importance of some harmony between RE and HRE is pressing.

The initial research questions have received substantial answers though further questions have arisen. In light of the theoretical discussion and the empirical findings, further questions ought to be asked about the theological and education implications of this research. Firstly with regards to the nature of HRE in the English curriculum: what are teachers' own understandings of these matters? This research has revealed issues in the curriculum organisation but this does not tell us how lessons respond to or address these issues. One possibility here is to undertake a systematic review of educational practice, classroom resources and schemes of work. These may not reveal a different picture, but it would be important for addressing a second question: what are the practical challenges in developing the subjects of citizenship education and religious education in the ways suggested? Addressing this question involves examining general issues of secondary curriculum development and teacher education. Teacher identity is likely to be an issue here as citizenship teachers may feel their professional identity is being challenged by religious educators. More important, however, would be to understand the conditions in which successful collaboration can take place to draw on the specialism of both groups of professionals.

Secondly, the boundaries of this research were drawn around the western philosophical and religious traditions that have influenced the conception of dignity found in international documents. Indian religious traditions have been excluded and warrant further examination. Comparative studies could be undertaken in other national education contexts. To what extent are the patterns found in the English curriculum identifiable elsewhere? With regards to the theological questions, this author echoes the remarks found elsewhere of the need to explore the theology of education within particular religious and denominational traditions. In the context of plural religious societies, an interfaith theory of education might be called for. Further research into the idea of postsecular education is recommended.

While this thesis has drawn on commonly cited sources in the discussion of dignity, a systematic study of the development of this idea in western philosophy and theology would greatly enhance the debate, as would comparable systematic studies in other religio-cultural regions. Comparative studies might then be undertaken. A further study would need to consider, in much greater depth, the schools that have characters based on the other religious traditions.

Further study is also necessary to examine the implications of the notion of the inherent worth of non-human animals and indeed any other creatures. Such research may shed insight on the topic of this study and raise new challenges. Related to this, and important because of additional theorization found in other literature, is the conceptual relationship between dignity, beings and persons or personhood and the self. Greater clarity might be achieved through a study of the relationships between these concepts and human rights.

Irrespective of these further questions, this research strongly suggests that if HRE is conceived as being free from philosophical or theological contribution or significance, then it is unlikely to develop a critical dimension. If HRE is conceived as a secular and non-religious global movement it will exclude many of its audiences by disconnecting itself from their meaning-giving narratives that give significance to human life. It may fail to adequately acknowledge projects which are defined in religious terms. It will exclude the voices of those who articulate suffering in religious terms. It will lose an alliance with traditions that can provide foundations for human rights and motivate believers who campaign for human rights. In the English curriculum the consequences can be seen in a disjointed and unnecessarily disconnected learning.

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## Appendix

A list of the 42 Agreed Syllabuses surveyed for Chapter 2, drawn from the 151 SACREs, representing 51 areas.

Barnsley  
Bexley  
Birmingham  
Bradford  
Bracknell Forest  
Bristol  
Cornwall  
Coventry  
Croydon  
Cumbria  
Ealing  
East Riding  
Enfield  
Gloucestershire  
Hammersmith and Fulham  
Herefordshire  
Kent  
Kingston upon Thames  
Lambeth  
Leicestershire  
Lincolnshire  
Luton  
Medway  
Merton  
Newport  
Norfolk  
Nottinghamshire  
Redbridge  
Shropshire County and the Borough of Telford and Wrekin  
Staffordshire  
Suffolk  
Sutton  
Swindon  
Tameside  
The East Riding of Yorkshire, Kingston upon Hull, North Lincolnshire and North East  
Lincolnshire  
Thurrock  
Wakefield  
Waltham Forest  
Warwickshire  
West Sussex  
Wirral  
Wokingham