ON HUMAN DIGNITY*

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1. Human Dignity and Human Rights

The idea of human dignity has been of essential interest in all discussions of human rights during the past sixty years. The central document in all these discussions, the 1948 Universal Declaration of Human Rights, in its preamble speaks of “fundamental human rights and the dignity and worth of the human person,” and “of the inherent dignity and of the equal and inalienable rights of all members of the human family.”1 And the first article of that historic declaration states: “All human beings are born free and equal in dignity and rights.”2 This statement, coining as it did just three years after the enormous assaults on the rights and dignity of millions of human beings committed by the Nazi regime ended, was very much occasioned by the universal reaction to these unprecedented violations of humanity itself.3 It has been suggested that those who committed these assaults were to be judged under the old category of hostis generis humani ("an enemy of humankind").4

The first major reaction to these assaults on humanity was negative, namely, the outrage expressed in the verdicts rendered in the Nuremberg Trials of 1946–1947 against leading Nazi officials, who were convicted of the war crimes they committed against the rights and dignity of the millions of human beings who were their victims. The second major reaction, though, coming on the heels of the Nuremberg Trials, was the very positive Universal Declaration of Human Rights. Even though these two statements reflect principles not invented by history but only occasioned

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2 Ibid., 330.
3 For the historical context and the story of the writing of this great document, see M. A. Glendon, A World Made New (New York: Random House, 2001).
4 For a critique of this application of a category that has been traditionally applied to pirates as stateless individual criminals to a criminal state and its officials, see H. Arendt, Eichmann in Jerusalem (rev. ed.; New York: Penguin Books, 1965), 261.
by certain historical events, nevertheless, both of these statements have much more moral weight than would have been the case had they merely been the result of historically detached, abstract, academic theorizing. Furthermore, I think the positive response would not have had its urgency had it not been for the negative response coming first. In talmudic logic, the positive is to be inferred from the negative.\textsuperscript{5} We are often only able to formulate our more abstract sense of justice when stimulated to do so by our more concrete experience of injustice.

Just as the reasoned verdicts of the Nuremberg Trials have become the negative template, according to which the judgment of later war crimes has been formulated, so has the Universal Declaration of Human Rights become the positive template, according to which later enactments of human rights and human dignity have been formulated. So, I would now like to propose a view of human dignity that might clarify some of the philosophical issues permeating the Universal Declaration. This view of human dignity will be drawn from the three main sources of law and ethics in the West: the Greek philosophical tradition, the Jewish theological tradition, and the Roman legal tradition. Surely, these three great traditions have made contributions to various systems of law and ethics in the West.

Since human rights and human dignity have been juxtaposed in the Universal Declaration, we need to ask how they are related one to the other. Clearly, their juxtaposition is not a random listing. Instead, it suggests a human right to dignity. That is, human beings have a claim on other human beings to recognize their human dignity in word and in deed.

2. What is Dignity? Wherefrom Dignity?

But what is “dignity”? Here I think there is a remarkable congruence regarding the idea of dignity in the three basic languages and traditions that have been at the heart of western civilization since earliest times: Latin, Greek, and Hebrew. The word “dignity” itself comes from the Latin dignus, meaning “worthy” or “deserving.” But worthy and deserving of what? The Greek equivalent of dignitas, which is timē, means “honor.” So, up to this point, we can interpret “dignity” as being the honor that is owed to a human being by other human beings. But, what do we mean by “honor”? Here the Hebrew equivalent of dignus and timē, which is kavod,

\textsuperscript{5} See \textit{b. Nedarim [Ned.]} 11a and parallels.