Human Dignity as the Basis of Democratic Political Culture

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The presence of the concept of human dignity at a broad range of legal documents has been increasing world-wide and it seems to be a fundamental concept in the democratic societies. The article tends to introduce not only the meaning of human dignity as a legal concept but as the common ground of democracy as well. According to the legal system and philosophical theory we elucidate the meaning of characteristic of “inalienability” of human dignity. By explaining the Kant's theory and emphasizing the existence of the two dimensions of human dignity, initial and realized dignity – both essential for the complete idea of human dignity – the article reveals a great significance of human dignity. It represents a foundation of stabilised, well-functioning democratic system, for mutual relations within democratic society and as well as for self-realization of the each individual as a part of democratic society at the same point.

Key-Words: democratic political culture, legal documents, human dignity, human being, inalienability, values

1 Introduction
Values and behaviour patterns are highly relevant for functioning of political system and society as such. They are crucial elements in the process of collective identification (see, for example, Golob 2009, 2013; Golob et al. 2014; Makarovič and Golob 2015). Hence it is substantial to explore the political culture in order to comprehend people’s behaviour within political space. In our paper we refer to democratic type of political culture. For understanding the (democratic) political culture we tend to explore its foundation aiming to understand the relations between basic elements that (democratic) political culture consists of. Deep knowledge of the foundation of the political culture enhances better implementation of basic values, enables realization of individuals tendencies taking into consideration the common good.

In our paper, we discuss democratic political culture, particularly its common ground – concept of human dignity. We emphasize the relevance of this concept from legal perspective, explore the legal regulation of human dignity on international, regional and national level and represent the influence between different levels of legal regulation.

Afterwards we continue with understanding the meaning of the concept of human dignity in the sense to be applicable in philosophic discussions as well as in real life situations. We refer to Immanuel Kant as the most important philosopher regarding human dignity and some other philosophers presenting their understanding and interpretations of the entire concept. Human dignity is often taken for granted and there are some wide spread claims that it is too abstract concept to be definable. In our paper we elucidate the characteristics of “inalienability” of human dignity revealing two dimensions of human dignity, “initial” and “realized” dignity. Our explanation is a good basis for clarifying the contribution of the concept of human dignity to democratic Western society signifying human dignity as “constitutive element” of human being.

2 Character of democratic political culture
Prevailing cultural patterns (i.e. relationships between different types of these patterns) strongly determine the nature of particular institutional form (Lockhart, 1999). There are certain values that are more compatible with
democratic principles than others. These are values that are related to the modern type of personality that ought to possess following common features: independence from traditional authorities and anti-dogmatic way of thinking; interest for public issues; openness for new experiences; orientation and planning of future, i.e. ability of ‘pleasure-containment’; confidence in science and reason; and high expectations on cultural, educational and professional field (Sztompka, 1994:133). These values are based on autonomy of individual, mutual respect and ability of rational communication.

This leads us to the concept of political culture. If we deal with different aspects of political culture, we must be aware of the complexity of this concept. Particular elements of political culture could be in different ways related to different aspects of political system or there could even be a tension between them (see, for example, Berg-Schlosser and Rytlewski 1993). As stated by Lucian Pye political culture is »the set of attitudes, beliefs, and sentiments which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behaviour in the political system« (Pye, 1968, 218), or, stated by Almond and Verba, »the particular distribution of patterns of orientations toward political objects among members of the nation« (Almond and Verba, 1963: 13). It includes both political ideals and political norms. Political culture is a phenomenon that involves psychological and subjective dimensions of politics; it is a product of collective history of a political system and is thus enrooted in public events as well as in private experiences.

What is of our particular interest is democratic political culture, i.e. values and behaviour patterns, compatible with democratic principles and supportive of democratic development. What is meant by democratic political culture highly matches the concept of civic culture as established by Almond and Verba (1963) in their famous comparative study on political culture in five countries. They differed between three types of political culture: parochial, subject and participative culture. In this context, they clearly stated that only participative culture, based on autonomous and active individual, is compatible with democratic political setting.

The modern democratic political orientation is based on individualism, i.e. the propensity of citizens to take responsibility for their interests into their own hands (while collectivist-oriented people are inclined to depend on the government or another collective entity which thus keeps them in a position of subjects). People who follow patterns of democratic political culture cherish freedom, autonomy and the liberty of the individual, pluralism and participative orientation of the population – in terms of their propensity to participate in some forms of political action (like signing a petition, joining in boycotts, attending lawful demonstrations etc.).

This type of political culture is important factor of democratic performance or, as stated by Lipset (1994), one of the requisites of democracy. Cultural climate with strong self-expression values where tolerance, trust and participative orientation prevail induces, as some theorists claim, more responsive and responsible behaviour of political elites, thus enhancing effectiveness of democracy (Welzel 2002; Welzel et al. 2003; Welzel and Inglehart, 2003).

These democratically compatible values are not equally distributed and enrooted in different societies. It is thus important to know how different cultural patterns influence formation of (non)democratic values. Among researchers was particular interest devoted to the relationship between democratic character of society and prevailing religions orientations in it. Namely, historical fact is that modern democracy first appeared in countries where different Protestant denominations were predominant type of religion. They were the first that established a stable democracy as a form of governance. Unlike them, many Catholic countries have had major problems with the exercise of democracy and have long been subject to various forms of authoritarianism (this applies in particular to countries of southern Europe and Latin America). The researchers explain this particularly by decentralised nature of Protestantism and its emphasis on the individual relationship of the believer toward God (for example, individual reading of the Bible, etc.). Meanwhile, Catholic religious community is organised in highly hierarchical way and the lay believers have less autonomy in the religious life than it is the case in
Protestantism (their relationship with God is more indirect, through the Church hierarchy and its dogmas), resulting in less autonomy and equality in social (and thus also political) relations as well (Tomšič, 2002).

In countries with other religious traditions (Orthodox, Confucian, Islamic), introduction of democratic rule was even less successful. Here is separation between church/religious and secular/political which characterizes the tradition of Western Christianity and which is undoubtedly an important contribution to pluralisation and following democratisation considerably less pronounced or is even nonexistent. In Orthodox countries, such as in Tsarist Russia, the political and religious sphere were always closely related (the Tsar was also head of the Orthodox Church), while in Islam, religious sphere in general pervades all areas of social life (including politics), so we cannot talk about the institutional autonomy of any of them. All these religious environments emphasize hierarchy, order and authority much more than freedom, individualism and autonomy.

As stated by Alexis de Tocqueville in his famous study on democracy in America, separation between religious and political beliefs is important for the development of democracy since in this way the political behaviour is not mere implementation of some standards that are set by the absolute authority. However, value systems have been changing in with them also their relation towards democracy. Nowadays, democracy is established in every European and vast majority of Latin American countries where Catholicism is prevalent faith. This is a consequence of change in the prevailing system of values of these companies. To be sure, there were also different social and economic factors that contributed to this change. However, one has also mention the important role played by the Catholic Church which since the second half of the 1960s actively opposed the various dictatorial regimes, both at the level of the universal church as well as at the level of individual countries where many clerics actively acted in support of democratic change while their organizations harboured pro-democratic individuals and groups (Huntington, 1993: 77-78). Furthermore, there was an introduction of democratic arrangements in some countries with Confucian and Buddhist tradition (Japan, South Korea, Taiwan).

(Political) culture is a multi-layered phenomenon, composed of different elements that exert different impact on the behaviour of individuals and groups. Generally speaking, one can discern between ‘thick’ and ‘thin’ culture (Walzer, 1994; Pye, 2003). While thick culture is essential, coherent, deeply rooted in socialisation process, geographically homogeneous, durable and exogenous from ordinary politics; thin culture is empirical, less binding, endogenous (constructed), heterogeneous, more changeable and more rooted in recent experience (Pye, 2003: 7-8; Mishler and Pollack, 2003: 239-243). The both of them should not be perceived in a mutually exclusive way. While the core attributes are relatively thick (stabile), they are getting thinned as one moves from the core to the periphery. According to Mishler and Pollack, more basic orientations, such as ideologies, and orientations toward more fundamental social objects such as nation religion, and ethnicity, would be located to the conceptual core where culture is more thicker; less fundamental orientations, such as attitudes, would be located further away from the core, where the culture is relatively thinner; while social and political values (individualism vs. collectivism, materialism vs. post-materialism, order vs. freedom etc.) would be located somewhere in between (Mishler and Pollack, 2003: 245).

There is connection between attitudes and other cultural elements like values and identities. While some attitudes that reflect people’s perception of political institutions and actors, their performance and behaviour are rather changeable, others are related to more fundamental issues like understanding of the nature of democracy and other types of political rule. They are integral part of citizen or civil competence that consists of those attitudes and skills that are necessary for successful governance (Soltan, 1999: 17). It means the ability of the citizenry to play and active role vis a vis political authorities in terms of participation in political process and monitoring over conduct of power-holders.

Democracy as the type of political order rests on particular set of values and behavioural orientations. They form what we
call democratic political culture. However, it value system has its underlying property from which all those interrelated values derive. We can find this fundament in the concept of human dignity.

3 Human dignity as legal concept

In contemporary democratic Western societies, one can perceive a tendency toward autonomy and freedom. Simultaneously, there is an inclination to sustain society which is characterised with people’s respect to each other in order to reach and maintain “common good”. Democratic political culture unifies all mentioned goals and enables their achievement (Damij et. al 2015) on the basis of the concept of human dignity, which is important from legal as well from philosophic perspective.

Human dignity as a foundation of democratic political culture is significantly reflected on legal ground at international, regional and national level. Firstly we will explore the relation between international law and human dignity. In this regard we refer to thought that international law must be deeply rooted in a respect for human dignity (Capps, 2009, 9). This thinking goes in line with international legal documents that mention human dignity and place it as their foundation. Especially since 1945, the mentioning of human dignity has enormously increased (as a reflection of atrocities committed during Second World War) and commonly spread in international and humanitarian legal instruments. Development of the concept of human dignity on international level influences on the regional and national legal documents as well. Nowadays we can signify it as widely spread and endorsed concept.


International legal documents concerning human dignity influenced on regional legal documents (for example African, Arabic, Inter-American, European). We will exemplify this influence with explanation how human dignity is included in European Union (EU) documents and documents of Council of Europe.

It is interesting that European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, ETS No. 5, 213 U.N.T.S. 222) as the core of Council of Europe, despite its reference in the Preamble to the UDHR, does not mention human dignity explicitly. In contrast to the ECHR text, the emphasis on human dignity is more prominent and noteworthy in case law of European Court for Human rights (ECtHR) - see for example
the judgement of ECtHR, 4th section, Pretty v. The United Kingdom, application no. 2346/02, 29 April 2002. The latter clearly underscores the respect for human dignity and human freedom as the very essence of ECHR. Despite the lack of indications on human dignity in ECHR, several later documents of Council of Europe refer to human dignity directly: European Social Charter (ETS No. 163, 1996); Convention on Human Rights and Biomedicine (ETS No. 164, 1997).

On the level of EU (meaning primary and secondary European Union law) human dignity is perceived as a substantial general principle which all member states of EU are led by. Human dignity is explicitly (by written word) mentioned in primary law of EU only since Lisbon treaty (13 December 2007, entered into force on 1 December 2009; consolidated versions of the Treaty on European Union and the Treaty on the functioning of the European Union, Official journal of the European Union, 2010/C 83/01). Treaty on European Union as a part of Lisbon treaty mentions human dignity in Article 21 and Article 2. The latter has also the substantial meaning for understanding the core values of EU: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

Treaty on European Union (Article 6: “The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.”) refers to EU Charter of Fundamental Rights, Official journal of the European Union, 2010/C 83/02 (Charter) which is also placed in the field of primary law of EU. Thereby Treaty on European Union recognises all the principles set out in the Charter. Charter mentions human dignity in the Preamble, Article 1, Article 25 and Article 31. Considerable meaning has Article 1 with title “human dignity”: “Human dignity is inviolable. It must be respected and protected.” According to Commentary of the Charter of fundamental rights of the European Union (EU network of independent experts on fundamental rights, 2006, 24) European court of justice (ECJ) expressively acknowledged human dignity as an objective principle of EU law (Community law) very late (Judgement of the ECJ, Netherlands v. Parliament and Council, Case C-377/98, October 9, 2001, paragraph 70. See also the opinion of Advocate General Jacobs). By this judgement, ECJ has determined the place of human dignity in EU Law trying to “ensure that the fundamental right to human dignity and integrity is observed”. We can perceive some implications on human dignity earlier as well, for example the opinion of Advocate General Mr. Jacobs (Judgement of the ECJ, Christos Konstantinidis v Stadt Altensteig, Case C-168/91, 30 March 1993): “the state must respect not only the physical well-being of the individual but also his dignity, moral integrity and sense of personal identity”. In regard with Article 1 of the Charter the protection of human dignity is the “source of the guarantee of human rights and fundamental freedom” and “the dignity of the human person is part of the substance of the rights laid down in the Charter” (EU network of independent experts on fundamental rights, 2006, 28).

Pertaining to the case Omega of the ECJ, opinion of Advocate General, Mrs. Stix-Hackl (Judgment of the ECJ, Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn, Case C-36/02, October 14, 2004), “human dignity is an expression of the respect and value to be attributed to each human being on account of his or her humanity. It concerns the protection of and essence or nature of the human being per se – that is, to say – the “substance” of mankind”. The opinion refers also to some international documents saying that UDHR, ICESCR and ICCPR “recognise the inherent dignity of all members of the human family as forming the basis of human rights although without human dignity itself being made a separate human right”.

This quotations implies that human dignity is not perceived (at least from legal perspective) as human right itself but more as concept representing the foundation for all human rights. It belongs to all the people in equal extent just for the reason they are human beings, no matter whether they are acting in
line with law or against the law, children or elderly, foreigners or citizens, they are all endowed with the same extent of inherent human dignity. For example a delinquent has exactly the same amount of human dignity as all other people and must be respected as the human being with own value with all rights and duties deriving from it.

We want to stress the substantial connection between human dignity and democratic society. Human dignity is nowadays placed in the core of modern democratic constitutional systems. German constitutional regulation of human dignity is for example very explicit and followed by many legal documents. Therefore human dignity is recognised as the "highest value of the Basic Law, informing the substance and spirit of the entire document", as "fundamental constitutional principle dominating all parts of the constitution" (Walter, 1998, 16). Moreover the significant connection is emphasized by above mentioned regional and international documents as well judicial interpretations. For example ECtHR emphasizes that “tolerance and respect for the equal dignity of all human beings constitute the foundations of a democratic, pluralistic society” (Judgement of ECtHR, Case of Gündüz v. Turkey, Application no. 35071/97, December 4, 2003, paragraph 40). By signifying human dignity as the essence of democracy and as the foundation of democratic political culture, one is able to self-determinate and self-realize own-self in regard with principles of reaching and sustaining the common good.

4 The meaning of the concept of human dignity: revelation of two dimensions of human dignity

In classical Roman thought the concept of dignitas hominis meant “status”. Appointment to particular public offices brought with it dignitas (McCrudden, 2008, 656; see also Lebech, 2004). Considerable shift forward in contemporary society in comparison with Roman thought represents the general principle that possession of human dignity and its extent are not dependent on person’s social status, characteristics, behaviour or any other circumstances. It depends only on the fact being human as such.

Despite extensive legal documents and interpretations on the concept of human dignity it appears a question, how to explain wide spread common characteristic of inalienability of human dignity. Our exploring concerns also the most important philosopher Immanuel Kant who is considered even as a »father of the modern concept of human dignity« (Bognetti, 2003, 66). Here we refer to the following question: “Does the word “inalienable” mean that no one is able to take human dignity away from someone or rather that no one should take it away?” With other words, is one really not able to destroy human dignity (inalienability in descriptive sense) or rather no one should violate it or take it away (inalienability in prescriptive sense)? (Ni, 2014, 174-178). How to clear up this confusion?

- If inalienability implies that one has no possibilities to take human dignity away (inalienability in descriptive sense), further follows the dilemma why there is an existence of many legal documents in order to protect and keep human dignity? Why would someone protect something that is impossible to destroy? If human dignity is inalienable in descriptive sense, there is no necessity for special enhancement, fortification and protection.

- If inalienability implies prohibition of violating human dignity (inalienability in prescriptive sense), further follows the question: is one able to violate only the partial extent of human dignity or full extent as well? Furthermore, would total deprivation, reduction of human dignity denote the destruction of human being’s essence?

Our solution of above described (complex and very relevant) dilemma does not neglect any of mentioned facts and offers entire clarification of human dignity in descriptive and prescriptive sense. Our key to explain the “inalienability” of human dignity cumulates both claims: nobody is able to take away someone’s dignity as well as nobody should take it away. How to interpret and argue our crucial statement? For creating our solution we refer to distinction between two dimensions of human dignity: initial and realized dignity. Regarding the literature expression “two dimensions” indicates “two conceptions”, “two
sub concepts”, “two types” of human dignity. We are using rather our own term in regard with advanced understanding and clarification of the entire concept. The terms “initial” and “realized” dignity are used also by Sensen (2011, 162-163) to explain difference between traditional and contemporary paradigm regarding the concept of human dignity (See also Giesinger, 2012, 609-620); by Formosa and Mackenzie (2014, 875-892): “status dignity” and “achievement dignity”; by Neuhäuser and Stoecker (2014, 298-309): “human dignity” and “dignity proper”; by Schroeder (2010, 118-125): “inviolable dignity” and “aspirational dignity”; by Darwall (1977, 36-49): “appraisal respect” and “recognition respect”.

Initial dignity, as the first dimension of the concept of human dignity, denotes respect-worthy status because human has an absolute inner worth. It indicates standing that sets the demand for esteem and respectful treating or behavior. With other words, we have to respect a human being due to his/her “initial dignity”. Taking into consideration the fact that all the people are endowed with “initial dignity” only for the reason they are human beings, we are drawing the conclusion, that “initial dignity” is the essence of human. It derives from human nature as such and differentiate human beings from other species. According to Kant, it ennobles human being before all creatures (Kant, 2007, [9:489]). Initial dignity constitutes a human being therefore we signify it as “constitutive element”, inseparable element of human being.

We enrich our explanation of “initial dignity” with Formosa and Mackenzie’s (2014, 877) characteristics of what they call “status dignity”: permanent, stable and not a matter of degree. Being human thus means to be a bearer of “initial dignity”. The clarification of initial dignity goes in line with some Kant’s denotations of human dignity as inner, unconditioned and incomparable worth. Kant implies that having dignity means to be elevated above all price, and to admit no equivalent. He explains how we can distinguish the price from dignity. If something has a price it has a relative value. What has a price is such that something else can also be put in its place as its equivalent (Kant, 2002, [Ak 4:434-436]). The initial dignity perfectly elucidates our statement that nobody is able to take away someone's dignity. In regard with this dimension of human dignity is impossible to ruin the essence of human.

The second dimension of human dignity is realized dignity. As initial dignity implies that dignity cannot be entirely taken away due to its inalienability, realized dignity implies that dignity could still be damaged or violated. Here we pertain to Formosa and Mackenzie’s (2014, 877) characteristics of what they call “achievement dignity”: not permanent or stable property (it could be just temporary) and not a matter of degree therefore a person can have a bigger or smaller extent of dignity than others. When we say that someone lost his/her dignity we have in mind the realized dignity. “Dignified behavior” thus relates to realized dignity and refers to behavior appropriate to status of a subject who is endowed with initial dignity (See Sensen, 2011, 146). And even if entire realized dignity of a man is eroded and destroyed, he/she still possesses the initial dignity as the essence of each person. The degree of realized dignity depends on two elements, both inevitably necessary for possessing the full extent of realized dignity:
- my attitude towards myself (self-respect)
- my respect or attitude towards others (and vice versa).

Man is independent, rational, capable of self-determination and able to take decisions on the basis of his/her own free will. Due to this ability to use free will a man must be regarded as a subject, never as a mean. Mentioned thinking has its deep root in Kant’s philosophic theory. In regard with our concept of human dignity we refer to the following practical imperative: »Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as end and never merely as means« (Kant, 2002, [Ak 4:429]). It is often called »dignity principle« or »principle of humanity« (Monteiro, 2014, 206).

The scheme described above helps to understand substantial concept of human dignity as a ground of democratic political culture, which all other elements of democratic political culture derive from. It offers also the explanations on relation between human dignity and elements as human rights, freedom, solidarity, tolerance etc.
5. Conclusion
Democracy does not appear and develop in an “empty space”. It needs certain cultural conditions for its prosperity. We are speaking about value orientations and behavioural patterns that compose democratic political culture and which both elites and general public adhere to. Without this, democratic institutions can easily became mere facade under which practices that have nothing to do with the “spirit of democracy” take place. Without this, negative phenomena like clientism and corruption can get their momentum (see, for example, Prijon 2012). Weakly enrooted democratic culture can pose serious problems for societal steering (see, for example, Rončević and Makarovič 2010, 211; Makarovič et al. 2014; Makarovič 2000), harming performance of institutions (for specific example see Makarovič et al, 2011) and hindering political and social participation (Makarovič and Rek, 2014).

Democratic political culture is composed of several more or less compatible and interrelated elements. These elements rest on the concept of human dignity. The later represents a foundation of stabilised, well-functioning democratic system, for mutual relations within democratic society and as well as for self-realization of the each individual as a part of democratic society at the same point.

As normative architecture of democratic polity derives from the concept of human dignity, the institutions of this very type of political setting (especially judicial system) are designed to protect dignity of its people. Relationship between institutional system and cultural platform of society is thud mutually reinforcing.

References:


