

The Principle of Inherent Human Dignity in International Human Rights Law: Philosophical Foundations, Legal Codification, and the Challenge of Cultural Relativism

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Abstract: The notion of human dignity serves as the foundational principle of modern international human rights law and acts as the normative cornerstone of global bioethics. This chapter explores the philosophical progression of human dignity, tracing its origins from ancient Greek and Stoic thought through Christian theology to Enlightenment philosophy, thereby illustrating how the concept has been articulated throughout various intellectual traditions. The analysis examines how dignity, defined as the inherent and inalienable worth that is equally possessed by all members of the human family, emerged as the organizing principle of the international legal order established post-World War II, first enshrined in the United Nations Charter (1945) and later in the Universal Declaration of Human Rights (1948). It is established in this chapter that human dignity serves as the ultimate source from which fundamental human rights are derived, rather than being classified as a right itself. This foundational relationship elucidates that rights exist due to individuals' intrinsic worth, independent of state endorsement. The inherent and universal nature of dignity necessitates equal treatment and prohibits discrimination, thus providing the normative framework for safeguarding human integrity against potentially detrimental biotechnological advancements. In addressing the critique of cultural relativism, the chapter illustrates that while human dignity has been systematically developed within Western philosophy, analogous concepts are present in non-Western traditions, including Confucianism and Islam. International human rights instruments, notably the Universal Declaration on Bioethics and Human Rights (2005), acknowledge cultural diversity while asserting that cultural practices cannot override fundamental human rights principles. The chapter concludes by affirming that human dignity functions as a unifying transcultural principle, facilitating the establishment of minimal common bioethical standards while honouring legitimate cultural variations in their application.

Keywords: Dignity, Rights, Philosophy, Universality.

1. Introduction

What a sorry state for the human mind to be in, that the most remote and trivial ideas about the revolution of the heavens should be better known than the moral notions which are near to hand and of the greatest importance. . .

This apparent paradox vanishes if we consider how objects too close to our eyes become blurred.

– Cesare Beccaria, "Of Honor" (1764)

The term "dignity" is defined as "the state of being worthy of honor or respect" (Oxford Encyclopaedic English Dictionary) When linked with the term human, it implies that all individuals possess equal and inherent worth and, consequently, should be granted the utmost respect and care, irrespective of age, gender, socioeconomic position, health status, ethnic background, political beliefs, or religion. Inherent human dignity must be differentiated from moral dignity, which serves as a synonym for "honor." While the former is integral to the legal frameworks concerning bioethics, the latter holds less significance within this domain. Inherent dignity, being inherently tied to the human

experience, is uniformly applicable to all, cannot be acquired or forfeited, and lacks gradation (Spiegelberg, 1970). Even the most reprehensible criminal retains their inherent dignity and, thus, possesses the right to be free from inhumane or degrading treatment or punishment. Conversely, moral dignity pertains not to the mere existence of individuals but to their conduct; it is the outcome of a virtuous existence, lived in alignment with moral tenets. Consequently, moral dignity is not uniformly attributed to all individuals (for instance, an honest citizen possesses greater dignity than a pickpocket). This form of dignity may be intermittently displayed, diminished, or lost, whereas the dignity attributed to all humans as equals is an intrinsic characteristic that permanently and inherently belongs to every human being (Gewirth, 1982, p. 27). The concept of intrinsic human dignity serves as the foundation of the contemporary international human rights framework that arose in the wake of the Second World War. It also plays a crucial role in international policy documents related to bioethics that have been established since the late 1990s. Human dignity can thus be characterized as the "shaping principle" of international bioethics. This chapter seeks, firstly, to succinctly outline how the concept of human dignity has been interpreted throughout centuries of philosophical discourse; secondly, to emphasize its foundational significance in contemporary international human rights law; and lastly, to briefly address the challenges posed by cultural diversity to the universality of human dignity and human rights.

2. Human Dignity in the History of Philosophical Thought

The concept of human dignity has been a focal point of philosophical exploration for many centuries. Most interpretations highlight the rational faculties and free will that distinguish individuals, rendering them uniquely exceptional among living beings. Notably, ancient Greek philosophers, particularly Plato and Aristotle, concluded that the essence of each human being extends beyond mere physicality to encompass a spiritual principle, which they termed the soul (*anima*, *psyche*). They posited that because humans are capable of spiritual endeavors—such as understanding, self-reflection, love, self-determination through judgment and choice, and artistic expression—they are fundamentally spiritual entities. This spiritual component is what sets humans apart from other forms of life and allows them to partake in the divine nature. However, the modern conception of human dignity was not clearly articulated in ancient Greek philosophy, which sanctioned slavery, upheld rigid societal hierarchies, and drew sharp distinctions between Greeks and non-Greeks. Nevertheless, the profound reflections on the spiritual dimension of humanity laid a foundational framework for the subsequent development of Stoic and Christian philosophy and theology, which embraced a more universal viewpoint. Stoicism placed particular emphasis on rationality as the defining characteristic of human dignity, asserting that humans are the sole living beings capable of living in accordance with nature through reason, thereby leading virtuous lives. Virtue is attainable because human reason participates in the divine reason that governs the universe, enabling knowledge of natural law. Roman Stoic philosophers were among the first to employ the term dignity (*dignitas*) to signify the intrinsic and universal worth of human beings. Cicero explicitly used the term to denote the excellence and dignity (*excellentia et dignitas*) inherent in all humans due to their shared rational nature. Likewise, Christian scholars underscored the unique dignity of each individual based on their spiritual soul, which encompasses intellect and free will. Within this philosophical tradition, the inherent worth of every human being is ultimately derived from their status as an "image of God" and the belief in Christ's redemptive power over each individual. However, these theological views on human worth presuppose that the fundamental internal principle of each human is spiritual rather than merely corporeal. This philosophical premise is evident in the writings of theologians who argue that the likeness to God is primarily found in the soul, rather than the body, as God is conceived as a purely spiritual entity. Nonetheless, the Christian tradition, following Aristotle, maintains that every individual possesses an integrated body and spirit, suggesting that while the soul is central to human identity, it is intrinsically linked to the body, forming a substantial unity. During the Renaissance humanism, the focus on human dignity became increasingly pronounced, exclusive, and systematic compared to prior centuries. Italian Renaissance philosophers such as Marsilio Ficino and Giovanni Pico della Mirandola, drawing from both ancient Greek philosophy and biblical sources, emphasized the intrinsic moral worth of human beings based on the spirituality and immortality of the soul, its centrality in the cosmos, and the capacities for freedom and creativity. Pico della Mirandola's *Oration on the Dignity of Man* articulates the moment of human creation, referencing both biblical and Platonic narratives. He asserts that upon completing the universe, God sought to create a being capable of contemplating the world's rationale, appreciating its beauty, and marveling at its grandeur. Consequently, he decided to create humanity. However, since all other gifts had been allocated among various creatures, he resolved that this being, for whom nothing had been assigned as a unique trait, might possess a share of all the gifts previously distributed to other beings. Thus, according to Pico della Mirandola,

humans lack a definitive essence or nature; they are neither celestial nor terrestrial, neither mortal nor immortal. Instead, they possess the freedom to choose between good and evil and to develop or neglect their inherent capacities. They may choose to live like plants, animals, celestial beings, or even unite with God. Thus, the human person can be metaphorically described as a “chameleon.” Human dignity is constituted by the freedom of choice that distinguishes humanity from other living beings, as the various possibilities available to humans include the highest potential. At the conclusion of the eighteenth century, Immanuel Kant articulated one of the most significant interpretations of human dignity in philosophical history. For Kant, intrinsic human worth is rooted in the capacity for practical rationality, particularly the ability for autonomous self-legislation under the categorical imperative: “Autonomy is then the ground of the dignity of human nature and of every rational nature.” Kant’s approach emphasizes the freedom to conceive and adhere to moral law, a unique capacity of humans. He contends that human dignity can only be justified from a moral standpoint, rather than on ontological grounds. He posits that nothing in the world can be deemed “good without limitation” except for a good will, and the value of the good will must not derive from its outcomes or specific purposes. For it to be truly unconditional, the value of the good will must be intrinsic. This is feasible only when moral actions are guided by a purely formal imperative, which mandates actions to be performed for the sake of duty alone, honoring the moral law. This imperative must maintain a categorical nature, indicating that it should represent specific actions as rationally required in themselves for everyone, independent of any further ends. Therefore, the categorical imperative must be purely formal. Kant concludes that there is only one categorical imperative: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law.” In his view, to comprehend the human will as the foundation of a universal moral law, it is essential to regard humans as ends in themselves. This notion is encapsulated in the second formulation of the categorical imperative: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” Kant juxtaposes “dignity” against “price”: whereas “price” denotes a type of value that allows for equivalency, “dignity” renders a person irreplaceable. Consequently, the concept of human dignity embodies a requirement for the non-instrumental treatment of individuals.

Although the notion of human dignity has been particularly developed within the Western context, it is essential to acknowledge that it is not absent from other cultural traditions. For instance, Chinese scholars find a parallel in the teachings of Confucianism. The renowned Confucian philosopher Xunzi stated that “Water and fire have essences (Qi), but not life; herbs and trees have life, but no knowledge; birds and beasts have knowledge, but no sense of justice (Yi). Man has an essence, life, knowledge, and, in addition, a sense of justice; thus he is the noblest on earth.” Xunzi asserted that while humans are not innately good, they possess the inherent capacity to become good, which contributes to their uniqueness. Another prominent Confucian thinker, Mencius, presented a theory of human nature, arguing that the distinctiveness of humans lies not in their physical form, which they share with animals, but in their moral faculties located in the heart-mind (Xin). Thus, Confucianism has provided substantial content to the notion of dignity in classical Chinese philosophy by establishing moral ideals of humanity (Ren) and righteousness (Yi), exemplified by the moral character of the Confucian gentleman (junzi), the archetype of the virtuous individual.

The Islamic tradition also underscores the exceptional status of human beings on Earth. According to the Qur’an, the sacred text of Islam, God fashioned humans in the best form, breathed His spirit into them, endowed them with intellect and freedom, conferred dignity upon the descendants of Adam, elevated them above angels, and made them His representative on Earth. Consequently, it is commonly interpreted that the Qur’an attributes dignity to all humans, irrespective of color, gender, race, or religion. This dignity stems from the mere fact of being human and is not limited to adherents of Islam.

3. Human Dignity in International Human Right Law

In the aftermath of the atrocities of the Second World War, the international community recognized the urgent need to strongly underline the principle of human dignity to avert “barbarous acts which have outraged the conscience of mankind” from recurring (Preamble of the Universal Declaration of Human Rights of 1948, hereinafter referred to as the UDHR). Three years prior to the UDHR, the United Nations Charter, which serves as the foundational treaty of this prominent intergovernmental organization, had already restated the member states’ “faith (...) in the dignity and worth of the human person” (Preamble). The UDHR emerged as the cornerstone of the new international human rights

framework, which is predicated on the “recognition of the inherent dignity and equal and inalienable rights of all members of the human family” (Preamble). From its inception, the declaration asserts that “all human beings are born free and equal in dignity and rights” (Article 1).

International law establishes a relationship between human dignity and human rights, characterized by a foundational principle of equal respect for every individual and the specific norms necessary to realize that principle in social contexts. Human dignity constitutes the basis of human rights; rights originate from human dignity. It is essential to understand that human dignity does not function as a super-right or as a collective term for rights but rather stands as the ultimate source of all rights. The concept of human dignity seeks to address the question, “why do human beings possess rights?” The answer lies in the intrinsic worth that each individual possesses, thereby entitling them to rights. Currently, the entire international human rights system is predicated on the assumption that individuals inherently possess dignity. In contemporary political theory, the fundamental purpose of the state is to foster and ensure respect for dignity and rights. The validity of human dignity and human rights is regarded as independent from their explicit acknowledgment by states. Instead, both the international community and individual nations are mandated to recognize that individuals have fundamental rights (i.e., equally valid claims to basic goods) because these rights stem from the inherent dignity possessed by every human being. Consequently, it can be asserted that the concept of human dignity ultimately points to a justice requirement toward every individual. As articulated by Rawls, this requirement presupposes that “each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override” (Rawls, 1971, p. 3).

Undoubtedly, the practical effectiveness of promoting human rights is significantly enhanced by their legal acknowledgment by governments. However, the ultimate legitimacy of fundamental rights is typically perceived as not contingent upon such recognition (Nickel, 1987). In other words, legal frameworks do not present the notion of human dignity as merely a theoretical construct or a legal fiction but as the essential foundation for the equitable functioning of human society. It is significant to note that human dignity is not explicitly defined within international law. Rather, its interpretation is “left to intuitive understanding, conditioned to a large extent by cultural factors” (Schachter, 1983, p. 849). This observation is unsurprising given the foundational nature of this concept and the considerable difficulty in establishing a precise definition that satisfies all parties, particularly in a transcultural context. Moreover, lawmakers often hesitate to provide rigid definitions, as such definitions may lead to insurmountable challenges in the enforcement of legal norms. In this context, they prefer to adhere to the ancient Roman principle: *omnis definitio in iure periculosa est* (“every definition in law is perilous”). Despite this absence of a definition, international law offers valuable guidance for a deeper understanding of the concept of dignity by asserting, first, that dignity is “inherent... to all members of the human family” (UDHR, Preamble); second, that all individuals are “free and equal in dignity and rights” (UDHR, Article 1); and third, that “these rights derive from the inherent dignity of the human person” (1966 International Covenants on Civil and Political Rights, and on Economic, Social, and Cultural Rights, Preambles):

(a) The term “inherent” denotes “involved in the constitution or essential character of something,” “intrinsic,” or “a permanent or characteristic attribute of something.” When coupled with the adjective “human,” this term conveys that dignity is inseparable from the human condition. Thus, dignity is not an accidental quality of certain individuals or a value derived from specific personal circumstances such as age, gender, or health status; rather, it is an attribute shared by all human beings by virtue of their humanity.

(b) The second significant implication of the meaning of “human dignity” in international law is that basic rights are universally applicable: if human dignity is uniform for all and serves as the foundation for human rights, then all individuals possess equal basic rights. This foundation underlines the unacceptability of discrimination, which entails unjust distinctions in the treatment of different groups.

(c) The third assertion from international law, which emphasizes that rights emerge from human dignity, carries practical weight: if fundamental rights are not conferred by authority but are pre-existing values inherent to every individual, then they cannot be legitimately rescinded by the government (Schachter, 1983, p. 853).

5. Human Dignity, Human Rights, and Cultural Diversity

A prevalent critique of the universal application of human dignity and human rights posits that these concepts are rooted in a Western liberal-individualistic framework, thereby rendering them incompatible with other cultural contexts. Imposing adherence to human rights standards on non-Western nations would equate to cultural imperialism. However, this critique can be addressed by acknowledging that while the contemporary understanding of human dignity has been systematically developed in the West, similar concepts exist within non-Western cultures, as previously noted. Each culture articulates the idea of intrinsic human worth using its unique conceptual vocabulary, yet the essential notion is present, in varying forms, across all cultures. Regarding the more modern concept of “human rights,” it is indeed acknowledged that its immediate origins lie in the insights of European Enlightenment philosophers and the political revolutions of the late eighteenth century, particularly the American and French Revolutions. Nonetheless, this historical context does not substantiate the dismissal of the idea that individuals possess inherent dignity and, consequently, equal rights. The pertinent inquiry is whether this concept deserves promotion, irrespective of its initial conceptual development. Merely pointing to moral plurality and the perceived integrity of individual cultures does not, on its own, offer a philosophical vindication for cultural relativism or a sufficient critique of universalism. There may be instances where specific practices regarded as cultural traditions within a society conflict with human rights principles: practices such as stoning, female genital mutilation, child labor, and “honor killings” of women perceived to have dishonored their families are notable examples. Despite being accepted by significant portions of a given community, these practices are deemed by the international community as incompatible with fundamental human rights and therefore do not warrant consideration based solely on their cultural specificity. In cases where evident conflict arises between asserted cultural values and human rights principles, the latter should take precedence. In this context, the 2005 Universal Declaration on Bioethics and Human Rights, while acknowledging the necessity of respecting cultural diversity, clarifies that such respect is contingent upon the condition that it does not contradict “human dignity, human rights, and fundamental freedoms” (Article 12). Furthermore, it is historically significant that international human rights law was developed by representatives from diverse countries and cultures. Consequently, it is challenging to argue that it seeks to enforce a singular cultural standard. Instead, it can be posited that it endeavors to promote a minimum legal standard of protection applicable to all individuals, irrespective of their cultural backgrounds. Certainly, in many Western nations, there has been an overemphasis on individual rights and freedoms, occasionally at the expense of communal duties and the values of family and community, which hold paramount significance for numerous non-Western (primarily Asian and African) societies. However, it is equally accurate to assert that international law has made considerable efforts in recent decades to align itself more closely with the communal and collective foundations of many non-Western nations. This has been particularly evident through the development of the “second generation of rights” encompassed in the aforementioned International Covenant on Economic, Social, and Cultural Rights of 1966, which emphasizes that the individual possesses not only “rights” but also “duties to other individuals and to the community to which he belongs” (Preamble). The protection of the family, acknowledged as “the natural and fundamental group unit of society” (Article 10) the special safeguard afforded to children and young persons, the promotion of equitable and favorable working conditions, and the enhancement of education and public health, are prominently featured in this document. This trend towards a broader understanding of human rights has been further cultivated in recent decades through the inclusion of “solidarity rights,” encompassing the right to development, peace, self-determination, and a healthy environment. Therefore, while human rights remain philosophically rooted within an individualist ethical framework, it must be recognized that significant efforts have been made by the international community to apply them appropriately to more community-oriented societies. This socially attuned approach is also reflected in intergovernmental instruments addressing bioethics. For instance, the 2005 Universal Declaration on Bioethics and Human Rights emphasizes the necessity of developing “new approaches to social responsibility to ensure that advancements in science and technology contribute to justice, equity, and the interests of humanity” (Preamble); addressing “the special needs of developing countries, indigenous communities, and vulnerable populations” (idem); promoting “solidarity and cooperation” (Article 13); and fostering shared benefits resulting from scientific research within and between societies (Article 15) human dignity and human rights, which, by definition, are universal, do not inherently conflict with respect for cultural diversity. This perspective is equally applicable in the domain of bioethics. The fact that bioethical concerns are closely intertwined with the profound sociocultural and religious values of each society does not pose an obstacle to the formulation of universal principles; rather, it can be viewed as an asset in the endeavor to establish global bioethical standards. Precisely because bioethics resonates with the most cherished aspirations of individuals, and since human beings share fundamental similarities, the establishment of minimal common standards in this sphere is attainable. In this context, human dignity serves as a unifying element, reminding us that all individuals are entitled to essential goods and, consequently, possess equal fundamental rights. From this standpoint, human dignity acts as a vital bridge between cultures.

6. Conclusion

Since the year 1948, the concept of human dignity has served as a fundamental organizing principle within the framework of the international human rights system. It also assumes a vital role in the development of emerging global norms concerning bioethics, which can be viewed as an extension of international human rights law into the domain of biomedicine. The invocation of dignity in this specific context underscores a genuine concern regarding the necessity to uphold respect for the inherent value of human beings and the imperative to safeguard the identity and integrity of the human species against potentially detrimental biotechnological advancements. Nevertheless, human dignity alone is insufficient to resolve the majority of dilemmas presented by biomedical innovations. This reality elucidates why international norms that confront bioethical issues are characterized by a dual approach: on one hand, the appeal to human dignity as a guiding principle, and on the other, the reliance on human rights, which furnish an effective and pragmatic.

8. References

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