

# Dignity as the basis of human rights

## **ABSTRACT**

The approach to a person's dignity requires a radical action that highlights on an anthropological reflection, starting with the question about human beings („who is a person and why do you care?") and leading to a new form of rights and to higher levels of human dignity recognitions. Therefore, it is necessary to open a perspective in which the different cultural traditions (today more than ever) have to meet in order to try to reduce the distance that separates them into the identification of a „list of needs and purposes" and of the most effective strategies for fulfilling the needs and the achievement of goals.

**Keywords:** fundamental needs, dignity, human rights

## 1. The antropological basis of dignity

The approach to a person's dignity requires a radical action that highlights on an anthropological reflection, starting with the question about human beings („who is a person and why do you care?") and leading to a new declination of rights and to higher levels of human dignity recognitions. Therefore, it is necessary to open a perspective in which the different cultural traditions (today more than ever) have to meet in order to try to reduce the distance that separates them into the identification of a „list of needs and purposes" and of the most effective strategies for fulfilling the needs and the achievement of goals. In this

regard, the West and in particular Europe, must offer to the intercultural debate the most mature result of its ethno-political and religious tradition, which, supported by a strong philosophical base that is lost in the Mediterranean, still suggests a concept of „Human” conceived as a whole of its anthropological constitution. This conception requires that every idea about human rights, liberty, and dignity must deal with the condition of need, along with the bonds, the dependence, the interdependence demanded by this constituent condition, which impels to consider human beings in its fragility that permanently expresses a need for care. This is an approach that, starting from an anthropological basis of dignity and its inalienable corollaries, seeks to put together in a virtuous connection, freedom and the culture of rights on one side, the perception and fulfillment of needs on the other.

More and more often, it seems necessary that problems should be investigated and solved with the logic of “et..et” and not “aut-aut”; using the includendum logic and not the excludendum one. The most rigorous opponent of the search for a suitable response to the increasingly recurring demand for attention and respect of a person’s dignity is undoubtedly reductionism that, with its inevitable “reductions”, prevents to understand a person as a whole, that expresses the intrinsic needs and rights which demand to be considered in their entirety.

The shattering of the list of needs and rights that the various powers produce for purposes almost never responding to a person’s living reality, but only to the powers’ own ideological self-referentiality, are often the fundamental cause of the guilty lack of respect towards human beings and their inalienable dignity.

Dignity is certainly an obvious but indispensable concept because it forms the basis of what today are called human rights.

Dignity, as Maritain repeats, is an empty word unless it means that on the basis of natural law, a human being is subject to rights<sup>1</sup>. Although there are many parties claiming a broad consensus on the protection of

---

<sup>1</sup> Cfr. J. Maritain, *Le droits de l’homme et la loi naturelle*, vol. II, in *Oeuvres Complètes*, 27 voll., Éditions Universitaires Fribourg Suisse e Saint-Paul Éditions Religieuses Paris, 1986-2008. Su questo argomento ci permettiamo rinviare a M. Indelicato, *Diritti umani e legge naturale nel pensiero di J. Maritain* in F. Totaro (ed.), *Legge naturale e diritti umani*, Morcelliana, Brescia 2016, pp. 285-294.

human rights, there is also skepticism about the possibility of their rational justification. “The basic problem about human rights is not so much to justify them today”, as Norberto Bobbio wrote, “as much as to protect them. It is not a philosophical but a political problem”<sup>2</sup>.

The fulfilment of human potential is the goal towards which democracy itself, conceived as a humanistic policy, must tirelessly strive. Maritain recalls that democracy continually needs to be refocused to overcome the obstacles that arise. Moreover, having faced the Nazi-fascism experience, he states that democracy needs to be rediscovered under totalitarianisms, as their ideological (of the right-wing parties and left-wing parties) and technological (evident or concealed) versions, are anti-humanistic: with their Machiavellianism, they exploit and manipulate human beings. In the name of human beings, in defense of their dignity, arises the necessity to establish democracy, as a policy not aimed to exert power, but to achieve the common good. This implies that human beings are placed at the center of politics with their rights to declare, establish, respect and implement. The same policy has the role of building the fraternal city, above all through the spirit of civil friendship.

The need for an ethical refoundation of democracy can only take place by appealing to brotherhood, which reconciles freedom and equality. Democracy, therefore, can be defined as the human rights policy: rights that must be declared and justified on the basis of human being dignity; that is necessary to aim towards and pursue with respect for a purely non-conflictual pluralism nor exploited by the authority, but aimed at working together towards the achievement of the common good<sup>3</sup>.

<sup>2</sup> N. Bobbio, *Letà dei diritti*, Einaudi, Torino 1992, p.16. Non molto diversa è la posizione di Michael Ignatieff, anche se questa conserva una forma di universalismo “minimo” a difesa unicamente della libertà negativa ( cfr. M. Ignatieff, *Human Rights as Politics and Idolatry*, Princeton University Press, Princeton 2001. Una difesa pragmatica dei diritti umani è al centro del volume di C. R. Beitz, *The idea of Human Rights*, Oxford University Press, Oxford 2000.

<sup>3</sup> Cfr. a tal proposito l’interessante studio di D. Lorenzini, *Jacques Maritain e i diritti umani: Fra totalitarismo, antisemitismo e democrazia* (1936-1951), premessa di D. Menozzi, Morcelliana, Brescia 2012.

Suffice it to recall the legalization of the dignity that began just after the Second World War: the Universal Declaration of Human Rights (1948)<sup>4</sup>, to which Maritain made a significant contribution, the Italian Constitution itself, the Oviedo Convention on Human Rights and Biomedicine (1997), the Charter of Fundamental Rights of the European Union (2000). Treaties, Conventions, Papers that refer to Dignity as a key rule, placed at the top of the legal order.

It is necessary, however, to say that despite the Declarations and International Papers which sanction and claim the recognition of human rights, in many countries of the world they are violated, everyday we witness femicides, violence against women in particular, and as Martha Nussbaum says, “Women are not treated as holders of full rights, as people with their own dignity, worthy of being respected by laws and institutions; instead they are treated as mere tools for others’ purposes, that is, as reproducers, caregivers, sex objects, agents of general family prosperity”<sup>5</sup>.

<sup>4</sup> La dignità riguarda l'essere stesso di ogni persona e la Dichiarazione cerca di esplicitare che cosa comporti il rispetto della dignità di ogni essere umano inaugurando un nuovo ambito di legislazione positiva che istituisce un livello di esigenze morali inviolabili e inalienabili, superiori a ogni legge comprese le Costituzioni dei diversi Stati ( cfr. X. Dijon, *Droit naturel*, Tome I: *Les questions du droit*, Presses Universitaires de France, Paris 1998, pp. 57-60).

<sup>5</sup> M. C. Nussbaum, *Women and Human Development. The Capabilities Approach*, Cambridge University Press, Cambridge – New York 2000; tr. it. di W. Maffetoni, *Diventare persone. Donne e universalità dei diritti*, Il Mulino, Bologna 2001; pp. 15-16. «Soprusi, precarietà, violenze coniugali, prostituzione, criminalità, disoccupazione, sessismo: le prime vittime sono sempre le donne. Peggio ancora, la nostra realtà è piena di zone d'ombra, dove ci sono donne che vivono in uno stato di subordinazione totale, se non di schiavitù; sono le realtà dell'immaginazione, quelle in cui la tradizione e le usanze sfidano la legge. ( C. Ockrent (ed.); *Il libro nero della donna. Violenze, soprusi, diritti negati*, Cairo Editore, Milano 2007, p. 14); A. Sen, *Elements of a Theory of Human Rights*, in “Philosophy & Public Affairs”, vol. XXXII, n. 4, pp. 316-356. Ogni essere umano deve essere riconosciuto e rispettato come tale, perchè l'umanità è essa stessa una dignità, un valore intrinseco. L'essere umano è un fine in sé che deve essere in quanto tale riconosciuto e rispettato. Il concetto di dignità della persona umana è il cuore stesso della dottrina dei diritti umani, che sono per definizione i diritti di cui ogni essere umano gode in quanto tale, come efficacemente afferma la filosofia ginevrina Hersch. Cfr. J. Hersch, *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Prefazione di R. De Monticelli, Bruno Mondadori, Milano 2008. Per un approfondimento della tematica dei diritti umani come diritti fondati sulla dignità umana cfr. A. Canese, *I diritti umani oggi*, Laterza, Roma-Bari 2005, pp. 54-59; J. Griffin, *First Steps in an Account of Human Rights*, in “European Journal of Philosophy”, vol. IX, n.3, pp. 306-327.

It must be said, however, that even today, despite its significant role within the contemporary ethical-political debate, the concept of dignity is even paradoxical<sup>6</sup>, as evidenced by the fact that it is used to justify opposing positions. In the bioethics field, for example, dignity is invoked by both advocates and opponents of very different practices, from euthanasia to embryo experimentation. Patient physicians say no to euthanasia and strongly affirm the patient's dignity towards the natural term of existence, on the contrary there are those who claim the absolute self-determination of the patient and therefore the freedom to decide to die with dignity and end an existence that no longer has meaning to live, such as the last recorded cases of people accompanying in Switzerland where it is legal to pull the plug.

But are human rights really universal?

There are many criticisms on the semantic level and on the western culture interpretation as they would have expressed a universalistic conception of rights based on the dignity of all human beings, without at the same time supporting the recognition<sup>7</sup> of every human being in its personal and cultural original difference. Reservations refer to a conception of human rights referring to metaphysical, theological, and ethical principles rooted in Christianity.

St. Thomas asserted that human beings, endowed with reason and will, participated in the eternal law, and in spite of separation, they coordinated eternal and natural law, human law and divine law<sup>8</sup>.

Today in the West, the above principles are no longer readable, for the secularization and ethical fragmentation increasingly widespread in

<sup>6</sup> Cfr. M. Dupuis, Dignité, in L. Lemoine – É. Gaziaux – D. Müller, *Dictionnaire Encyclopédique d'Éthique Chrétienne*, Cerf, Paris 2013, pp. 595 – 606.

<sup>7</sup> La nozione di riconoscimento è presente in diversi pensatori come N. Fraser, J. Habermas, A. Honneth, Ch. Taylor. Il riconoscimento viene anche considerato come “logica dei diritti”; cfr. P. Savarese, *Appunti per una logica dei diritti umani*, Aracne, Roma 2006, pp. 13-41. Particolare significato assume il concetto di riconoscimento all'interno dell'opera di P. Ricoeur del 1990. *Soi – même comme un autre*, soprattutto perché, attraverso essa, è possibile cogliere l'emergenza di tutti i problemi che si articolano intorno alle nozioni di reciprocità, di sollecitudine, di amore, di giustizia, di rispetto, ovvero di tutte quelle forme in cui si declina il rispetto di sé all'altro. Cfr. P. Ricoeur, *Soi – même comme un autre*, Paris 1990; tr. It. Di D. Jannotta, *Sé come un altro*, Jacka Book, Milano 1993.

<sup>8</sup> Cfr. Tommaso D' Aquino, *Summa Theologiae*, I – II, q. 91, a. 1; a. 2; a. 3; a. 4.

a society that Bauman has well-defined liquid<sup>9</sup>. It is also true that these same principles are also used in some forms of ideological claims ready to define what belongs to the Christian tradition in order to reject diversity based on culture and religion, or, on the contrary, those principles are removed to support forms of cultural neutrality guaranteeing freedom, religious choice, thought and conscience.

The hopes placed in the global economy, in the Charter of Rights, in the detailed standardization of human life from birth to death, with the presumption to obtain from “nature”, more pervasive and binding rules for a “good life”; these hopes have unfortunately led to a failure. Protocols are disappointing, moratoria are more and more optional, no more observant and binding treaties, destruction of Constitution papers depending on certain interests prevailing on others, hence normativism becomes a weak wall for the culture of the strongest.

There has been a serious omission on this path of history, the function of moral law, which has very different origins from legal rules and law, is underestimated or at least it has been locked within the private boundaries of the options of individual conscience, neglecting its social and collective importance.

There is no need to rhetorically refer to universality. It is necessary to reflect on the universe's sense of confrontation with the changes that have taken place since the Universal Declaration of 1948, and therefore by measuring with what is shared in the plurality of cultures and religions, so that the same universality of rights can be connoted in forms of life and experiences in which every human subject comes to recognize itself, achieving the awareness of one own's identity and at the same time identifying the modes of alterity as the primary condition of self-importance for one own's identity.<sup>10</sup>

<sup>9</sup> Per un approfondimento delle caratteristiche della società liquida cfr. i seguenti studi di Z. Bauman, *Modernità liquida*, Laterza, Roma-Bari 2000; *Amore liquido*, Laterza, Roma-Bari 2003; *Vita liquida*, Laterza, Roma-Bari 2005.

<sup>10</sup> Ricoeur proprio nell'opera *Soi – même comme un autre* vuol dimostrare come «l'alterità non si aggiunga dal di fuori all'ipseità, come per prevenire la deriva solipsistica, ma che essa appartenga al tenore di senso e alla costituzione antropologica dell'ipseità» (P. Ricoeur, *Sé come un altro*, tr. it. 1990, p. 431) Cfr. anche ID., *Parcours de la reconnaissance – Trois études*, Stock, Paris 2004.

Identifying what is embodied in human history as universal within cultural peculiarities means to pay attention to identity. This requires, as Taylor states, to distinguish human universes from historical constellations and at the same time to know how to “avoid losing and absorbing the latter in the first, transforming, as we are always tempted to do, our particular modes in expressions in some way inevitable of humans as such”<sup>11</sup>.

The universality of human rights implies meanings to be explored with hermeneutic keys, and the dimensions of identity and alterity require the dialectic of the recognition of the different from oneself.

The encounter of the “ego” and the “other” is an ethical event that brings out the “ego” from oneself. The other breaks the monolingualism of the ego, and its security, becoming restless, and calling for the subjection of the ego. Lévinas emphasizes a subjectivity not as a closed and jealous identity of oneself, but a subjectivity torn from its security because the other is a constitutive feature of identity. Subjectivity is not “for oneself”, it is initially “for others.” “The other assumed is others”<sup>12</sup>.

It is the face of the other that, with its nakedness, exposure and fragility brings the ego to the accusative inflection form, calls it, troubles it and leads it to ethics and “this questioning of my spontaneity by the presence of others is called ethics”<sup>13</sup>.

Today, the need for a theoretical and ethical basis of human rights is a matter of extreme urgency, both because we are witnessing dramatic and continuous violations, also because new and multiple claims are made. The lack of a basis has consequences that have an impact on common and universal recognition. The problem of the human rights basis is a necessary condition for their recognition.

This is certainly not a scientific and evaluative basis, because in the case of human rights it is not only about facts but values: the human being is not only universal abstract nature, but a concrete person, an “entire” in the Aristotelian sense, and therefore cannot be ignored by a concept of “human” conceived in the wholeness of its anthropological constitution.

---

<sup>11</sup> C. Taylor, *Sources of the Self. The Making of the Modern Identity*, Cambridge University Press, Cambridge (UK) 1989, p. 112

<sup>12</sup> E. Lévinas, *Il tempo e l'altro*, Il Melangolo, Genova 1993, p.48.

<sup>13</sup> E. Lévinas, *Totalità e Infinito. Saggio sull'esteriorità*, Jaca Book, Milano 1988, p. 41.

A person is a subject of action, an incarnate subject, to say it along with Mounier, a responsible and lawful person, since “no experience or conscious acts of mankind can exist by themselves, but they need a subject”<sup>14</sup>. For Seifert, being a person “is the first basis of human dignity, since freedom, awareness and knowledge, as well as the ego and the self that belong to the essence of the person, clearly require a living person and it exists in itself in the being, and it does not depend on these acts nor is it connected to another accident”<sup>15</sup>. Other philosophers such as James Griffin<sup>16</sup> and Alan Gewirth respectively affirm that human rights are protections as the condition of being a “person” and that the idea of human rights must be based on the fundamental characteristics of action, voluntariness and intentionality since the possession of rights is the necessary condition for rational intentional action and must incorporate the concept of equality<sup>17</sup>.

Rights, despite having as term of reference universality, deal with life experience and its problems.

An investigation into the human rights basis cannot therefore be ignored by the dignity of the human person and from the reference to natural law. “The concept of natural law assumes that nature is for human beings a conveyor of an ethical message and constitutes an implicit moral rule that human reason actualizes”<sup>18</sup>.

## 2. Human rights and fundamental needs

For the founder of “Esprit”, in fact, the person is “the total volume of a human being. It is a balance in length, width, and depth; in every human being there is a tension in its three spiritual dimensions: the one rising from

<sup>14</sup> J. Seifert, *Il diritto alla vita e la quarta radice della dignità umana*, in J. De Dios Vial Correa – E. Sgreccia (eds.), *Natura e dignità della persona umana a fondamento del diritto alla vita. Le sfide del contesto culturale contemporaneo*, Libreria Editrice Vaticana, Città del Vaticano 2003, p. 207.

<sup>15</sup> Ibidem, Un essere umano possiede una dignità personale non solo quando «funziona come persona» bensì quando la possiede in virtù del suo «essere persona» (cfr. ibidem).

<sup>16</sup> Cfr. J. Griffin, *On Human Rights*, Oxford University Press, Oxford 2008.

<sup>17</sup> Cfr. A. Gewirth, *Human Rights*, University of Chicago Press, Chicago 1982.

<sup>18</sup> Commissione Teologica Internazionale, *Alla ricerca di un'etica universale: nuovo sguardo sulla legge naturale*, Libreria Editrice Vaticana, Città del Vaticano 2009, n. 69.



the bottom and incarnating into a body; the one that is directed upwards and raises it to a universal level; the one that is directed towards the width and leads it to a communion. Vocation, incarnation, communion are the three dimensions of a person”<sup>19</sup>.

This conception requires that every idea of human rights, liberty, and dignity must deal with the condition of necessity, with the bonds, the dependence, the interdependence demanded by this constituent condition, which impels the human person to consider its fragility and therefore in need of care <sup>20</sup>.

The resumption of the reflection on human rights and the human person, which is the “right of existence”, the essence of the right to say it as Rosmini, must therefore start from the complexity of this living being that, in the design of creation, has been recognized as the subject and object of needs and rights and that, even in its constitutive fragility, is the highest expression of dignity expressed in the capacity of what it will become and in the recognition and appreciation of freedom to choose one’s life in the reality of particular conditions, and therefore of a subject worthy of esteem and respect.

Therefore, as Ricoeur observes, the legal question: “Who is the subject of rights?” isn’t distinguished from the moral question: “Who is the person worthy of esteem or respect?” The moral question refers, in turn, to “an anthropological question: what basic features make the self (selbst, ipse) capable of esteem and respect? This proceeding from rights to morality and from morality to anthropology invites us to focus on the detail of the question who, in relation to questions with that, what and why. The question “what?” demands a description, the question “why?” an explanation, the question “who?” an identification [...]. In fact, by looking at the fundamental forms of the question who? and those of the answers, we are led to giving a full meaning to the notion of *capable subject* <sup>21</sup>.

<sup>19</sup> E. Mounier, *Révolution personaliste et communautaire*, in *Oeuvres Storia*, t.I, Paris 1961, p. 178.

<sup>20</sup> Cfr. M. Signore, *Economia del bisogno ed etica del desiderio*, PensaMultimedia, Lecce 2009

<sup>21</sup> P. Ricoeur, *Chi è il soggetto di diritto?*, in “Prospettiva Persona”, Anno III – n. 7, Gennaio – Marzo 1994, p. 11. «La nozione di capacità è centrale in questa riflessione. Essa costituisce, asserisce ancora Ricoeur, il referente ultimo del rispetto morale e del riconoscimento dell’uomo come soggetto di diritti». (Ibidem).

Starting from the consideration that a person is an “entire”, every attempt to create temporary or definitive lists of “non-negotiable values” becomes sterile, and to emerge with conviction that a person as a whole is intrinsically “non-negotiable value”.

The dignity of the person is not shattered in the search for the fragment that responds to one or another particular vision of life, but it is cultivated and exalted in the whole of the person’s life experience.

In this panoramic view, supported by a philosophical anthropology in search of the basis of the person, bioethics must also give up the autopsy presumption (sad experience!) and embrace the panoramic experience, for which a person is a value during its whole lifetime, from conception to the end of life itself. Human dignity should not be sustained only in intermittent moments of a person’s life, but in the continuous stream of experience that must lead a person to completely fulfill its capabilities that are the conditions of possibilities that every human being has from conception, thus a person must be helped to fulfill them throughout lifetime. That is why public authorities and institutions are called upon to do so. Starting from this strong premise, the question arises is whether it is possible to imagine criteria or fundamental universal principles that should be followed by all governments and communities to ensure respect for human dignity beyond gender, religious and cultural differences. It is best to look for an approach that less than others can take the risk of reductionism, and the destiny of a glimpse on human beings that cannot embrace it in its “wholeness”. For this purpose, the Aristotelian concept on being human can help us, or at least of the neo-Aristotelian liberalism, in which the fact a human being is an “animal with needs” is equally important and fundamental to the possession of reason. Therefore, every conception of rights, liberty and human dignity must deal with the needs of human beings, with the bonds, dependencies and interdependencies created by these needs, starting with the essential functions so there is human life and not only animal. Functions that represent the specifically human mode with which needs are expressed and fulfilled. This, however, requires a change of approach in relation to the human person. In our opinion, we must go beyond the approach of “resources”, finally using the capacity approach to evaluate the quality of life of a society and the conditions of each individual. Interestingly, the philosophical position

of the Nussbaum's capacity approach, which distrusts the relativistic conceptions and bases human rights on the fundamental human needs, on its structural needs, rather than on desires that are always culturally conditioned and often prevent to undertake a rational critical position on the existent and to advance the need for fundamental rights<sup>22</sup>.

Nussbaum's universalism is very close to the positions of a personalist right already defended by Mounier and Maritain and in Italy by scholars such as Capograssi and Moro<sup>23</sup>.

This view does not consider the level of wealth or even just how it is distributed (that is, the level of inequality) it means rather to ask what people are able to do and be in that particular society: how much their dignity as human beings is recognized and valued and how free they are to choose their own lives in the reality of their particular conditions. There is no human dignity not only when there is not enough to eat or when there is no freedom to work and to be independent; or when it is not possible to associate to defend one's own interests or practice one's religion; or even when physical safety is jeopardized by the use of force by others (of course, all this goes without saying that is attributed to respect for dignity!). But there is no human dignity and freedom of opportunity when education that nourishes reason and denial of autonomy are denied (I. Kant, *Beantwortung der Frage: Was ist Aufklärung?*). And yet, there is no dignity when the possibility of imagination and access to *thaumazein* are extinguished because they have not been nourished at the right time and in the right way.

<sup>22</sup> Cfr. M. C. Nussbaum, *Diventare persone*, cit. Per un approfondimento della filosofia di Nussbaum cfr. i suoi seguenti studi: *Giustizia sociale e dignità umana*, tr. It. Di E. Greblo, Il Mulino, Bologna 2002; *Non-relative Virtues: An Aristotelian Approach* (1988) in J. P. Sterba (ed.), *Ethics: The Big Questions*, Blackwell, Oxford 1998, pp. 259-276; *Aristotele on Human Nature and the Foundation of Ethics*, in J. E. J. Altham-R. Harrison (eds.), *World, Mind, and Ethics*, Cambridge University Press, Cambridge 1995, pp. 86-131; *Capabilities, Human Rights, and the Universal Declaration*, in B. Werthon-S. Marks (eds.), *The Future of International Human Rights*, Translational Publishers, Ardsley, New York 1999, pp. 25-64; *Capacità personale e democrazia sociale*, tr. It di S. Bertea, a cura di G. Zanetti, Diabasis, Reggio Emilia 2003; *Creating capabilities*, The Belknap Press of Harvard University Press, Cambridge, Mass 2011.

<sup>23</sup> Cfr. F. Abbate, *Locchio della compassione*, Studium, Roma 2005, *Intervista a M. Nussbaum*, p. 189; J. Porte, *Nature as Reason*, Eerdmans, Grand Rapids, Mi. Cambridge 2005, p. 148.

How the uncritical respect of certain traditions hurt the dignity of a person! (Marginalized women, exploited children and often used as workforce for war purposes, and all that humanity denied in their fundamental rights). There is no appeal to tradition and values (to a list of values dictated by tradition or politics) that can legitimize the lack of exercise of the abilities a person holds, and the oppression and denial of the abilities before they can be developed and expressed in the full freedom of option. The “capacity” and the attention towards them are a “demanding” concept that requires that the conditions for its development and its implementation are set, although it does not order, does not oblige individuals to actually put it into practice, if it is not wanted. It is not the matter, for example, just to recognize that a disabled person needs additional resources to meet its daily needs (some sort of compensation).

It is also necessary to ensure that the way in which the environment is organized and the set of social rules do not add any further constraints. Here, the respect for one’s dignity is entrusted to public policies consciously inspired by the approach of skills and dignity of human life, and therefore not only provide the necessary additional resources but commit themselves to removing obstacles. Here is the role of public policies as “enabling” policies, which lead to combined skills. Perhaps not a new concept, but which we think should be resumed by identifying the sphere of social rights that enable to carry out civil and political ones: education, income security, health care guarantees, a decent home. It is a necessary asset both in itself and for the real use of social and political rights, effectively supporting the centrality of a person’s dignity as a universal non-usable good for that exchange of equivalents that dominates and steers the market.

In the approach we have proposed, we predict a society in which each is considered “worthy of respect” because a person and in which everyone is placed in the condition of living in a truly human way (M. Nussbaum), and finally indicating all this as a regulative horizon where it is more plausible to indicate new /ancient but true prospects of peace, overcoming the limits of peace rhetoric or one-way peace preaching without considering human beings.

It is our perspective that unfolds unlimitedly, starting with a glimpse at contemporary society in which even in the situation of perfect equity, the

recipient of rights is the rational, conscious and independent individual. But the reality is different: children, elderly people, marginalized women, people who are not self-sufficient and differently-abled risk to be unable to exercise their fundamental rights which are also nominally held. The problem is further complicated when dealing with non-Western cultures. How can we then preserve the universalist force of rights and at the same time ensure that they genuinely guarantee human dignity beyond differences? How can individuals have the possibility, opportunity to be and do what they aspire, fulfilling, without discrimination, their “abilities”?

On these questions we play our will and our commitment, each on its part, to build a world fitted on the measure of the non-negotiable person’s “dignity” and perhaps, finally, more pacified.

## References

- Abbate F. (2005), *Locchio della compassione*, Studium, Roma, *Intervista a M. Nussbaum*.
- Althan J. E. J. - Harrison R. ( eds.) (1995), *World, Mind, and Ethics*, Cambridge University Press, Cambridge.
- Bauman Z. (2000), *Modernità liquida*, Laterza, Roma-Bari.
- Bauman Z. (2003), *Amore liquido*, Laterza, Roma-Bari.
- Bauman Z. (2005), *Vita liquida*, Laterza, Roma-Bari.
- Beitz C. R. (2000), *The idea of Human Rights*, Oxford University Press, Oxford.
- Bertea S., a cura di Zanetti G. (2011), Diabasis, Reggio Emilia 2003; *Creating capabilities*, The Belknap Press of Harvard University Press, Cambridge, Mass.
- Bobbio N. (1992), *L'età dei diritti*, Einaudi, Torino.
- Canese A. (2005), *I diritti umani oggi*, Laterza, Roma-Bari.
- Commissione Teologica Internazionale, *Alla ricerca di un'etica universale: nuovo sguardo sulla legge naturale*, Libreria Editrice Vaticana, Città del Vaticano 2009, n. 69.
- Dijon X. (1998), *Droit naturel*, Tome I: *Les questions du droit*, Presses Universitaires de France, Paris.
- Dupuis M. (2013), Dignité, in L. Lemoine – É. Gaziaux – D. Müller, *Dictionnaire Encyclopédique d'Éthique Chrétienne*, Cerf, Paris, pp. 595 – 606.

- E. Lévinas, *Totalità e Infinito. Saggio sull'esteriorità*, Jaca Book, Milano 1988.
- Gewirth A. (1983), *Human Rights*, University of Chicago Press, Chicago.
- Griffin J. (2008), *On Human Rights*, Oxford University Press, Oxford.
- Griffin J., *First Steps in an Account of Human Rights*, in “European Journal of Philosophy”, vol. IX, n.3.
- Hersch J. (2008), *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Prefazione di R. De Monticelli, Bruno Mondadori, Milano.
- Ignatieff M. (2001), *Human Rights as Politics and Idolatry*, Princeton University Press, Princeton.
- Indelicato M. (2016), *Diritti umani e legge naturale nel pensiero di J. Maritain* in F. Totaro (ed.), *Legge naturale e diritti umani*, Morcelliana, Brescia.
- Jannotta D. (1993), *Sé come un altro*, Jacka Book, Milano.
- Lévinas E. (1993), *Il tempo e l'altro*, Il Melangolo, Genova.
- Lorenzini D. (2012), *Jacques Maritain e i diritti umani: Fra totalitarismo, antisemitismo e democrazia (1936-1951)*, premessa di D. Menozzi, Morcelliana, Brescia.
- Maffettoni W. (2001), *Diventare persone. Donne e universalità dei diritti*, Il Mulino, Bologna.
- Maritain J., *Le droits de l'homme et la loi naturelle, vol. II*, in *Oeuvres Complètes*, 27 voll., Éditions Universitaires Fribourg Suisse e Saint-Paul Éditions Religieuses Paris, 1986-2008.
- Mounier E. (1961), *Révolution personnaliste et communautaire*, in *Oeuvres Storia*, t.I, Paris.
- Nussbaum M. C. (2000), *Women and Human Development. The Capabilities Approach*, Cambridge University Press, Cambridge – New York.
- Nussbaum M. C. (2002), *Diventare persone*, cit. Per un approfondimento della filosofia di Nussbaum cfr. i suoi seguenti studi: *Giustizia sociale e dignità umana*, tr. It. Di E. Greblo, Il Mulino, Bologna.
- Ockrent C. (ed.) (2007); *Il libro nero della donna. Violenze, soprusi, diritti negati*, Cairo Editore, Milano.
- Porte J. (2005), *Nature as Reason*, Eerdmans, Grand Rapids, Mi. Cambridge.
- Ricoeur P. (1990), *Sé come un altro*, tr. it., p. 431.
- Ricoeur P. (1990), *Soi – même comme un autre*, Paris.
- Ricoeur P. (1994), *Chi è il soggetto di diritto?*, in “Prospettiva Persona”, Anno III – n. 7, Gennaio – Marzo.

- Savarese P. (2006), *Appunti per una logica dei diritti umani*, Aracne, Roma.
- Seifert J. (2003), *Il diritto alla vita e la quarta radice della dignità umana*, in J. De Dios Vial Correa – E. Sgreccia (eds.), *Natura e dignità della persona umana a fondamento del diritto alla vita. Le sfide del contesto culturale contemporaneo*, Libreria Editrice Vaticana, Città del Vaticano.
- Sen A., *Elements of a Theory of Human Rights*, in “Philosophy & Public Affairs”, vol. XXXII, n. 4.
- Signore M. (2009), *Economia del bisogno ed etica del desiderio*, PensaMultimedia, Lecce.
- Sterba J. P. (ed.) (1998), *Ethics: The Big Questions*, Blackwell, Oxford.
- Taylor C. (1989), *Sources of the Self. The Making of the Modern Identity*, Cambridge University Press, Cambridge (UK).
- Werton B. - Marks S. (eds.) (1999), *The Future of International Human Rights*, Translational Publishers, Ardsley, New York.

