

# Human Dignity in European Constitutional Culture

Lesson I

History of an Idea

# Historical Remarks

- Human Dignity as Legal Concept after World War II
  - International Law
  - Constitutional Law
    - Human Dignity as Cultural and Anthropological Premise of Constitutional State (*P. Häberle*)

# Methodological Remarks

- Human Dignity: history of an Idea
  - Method: History of Ideas (*Begriffsgeschichte*, Koselleck) and its importance
  - Law and Culture, Law and History

# Human Dignity in European Culture

- Roman Law and Culture
  - Dignitas as Status
    - Consequences in contemporary Legal Understandings of Dignity
      - *Static and dynamic understandings of dignity*
      - *Dignity as a “gift” or as a “chance” (Ridola)*
      - *Dignity and social relations*

# Human Dignity in European Culture

- Christian Inheritance
  - Dignitas hominis as a consequence of theological premises (imago Dei)
  - Consequences in contemporary Legal Understandings of Dignity
    - Dignity and Reason (Aquinas)
    - Dignity and Autonomy
    - Static conception
    - Dignity as a mere undisposable gift

# Human Dignity in European Culture

- Humanism and Renaissance
  - Pico della Mirandola (*De Dignitate hominis*, 1486)
    - Dignity and Personal Autonomy
    - Dignity as a process of Self-Determination
    - Consequences in contemporary Legal Understandings of Dignity
      - *Dignity as the core of the “right to be oneself”*
      - *Dignity and Pluralism*
      - Dignity as a context-specific concept
  - Pascal and Montaigne: Reason and Feelings
    - *“The heart has its reasons of which reason knows nothing”*

# Human Dignity in European Culture

- *Enlightenment*
  - Kant's Understanding of Dignity
    - Human Being as an End, and not as a Mean to an End
    - Dignity and Personal Autonomy
    - Rational Basis in a *non Metaphysical* nor *Theological* contest – Dignity and “Lay” Reason
    - Kantian Individualism and social Relations

# Human Dignity in European Culture

- Hegel
  - Rational basis and historical dimension of Dignity
  - Personal Autonomy and Social Relations
  - Relevance of Social Relations in Hegel
  - Social Relations and Recognition (*Honneth*)



# Human Dignity in European Culture

- Spiritual and Material Dimension of Human Dignity
  - Idealistic Socialism
  - Marxism
  - Catholic social doctrine (Rerum Novarum; Pacem in Terris; Gaudium et Spes)
  - Personalism (Maritain, Mounier, Moro)
  - Dignity and Solidarity – Dignity and Labour – Dignity and Human Vulnerability
    - Artt. 2-3-4 It. Const. – *Equal Social Dignity*
    - Art. 1 International Covenant on Economic, Social and Cultural Rights (ICESCR)