

# THE VALUE AND COMPLEXITIES OF HUMAN DIGNITY IN GLOBAL LEGAL AND RELIGIOUS DISCOURSE

*Il valore e le complessità della dignità umana  
nel discorso giuridico e religioso globale*

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**ABSTRACT:** This article explores human dignity as a foundational concept essential for fostering global consensus and building bridges across cultural and religious divides. Rather than relying solely on a dominant Western Kantian framework, the author advocates for an open and pluralistic approach that incorporates a broad array of voices—including African, Islamic, and indigenous perspectives—to achieve a more robust and inclusive understanding of human dignity. Furthermore, dignity is presented as a “source of illumination” in practical legal controversies, providing a vital lens through which rights can be more deeply understood and adjudicated. Finally, it delineates the distinct spheres of legal tolerance, political respect, and moral love as necessary building blocks for a just society.

**KEYWORDS:** *Dignitas Infinita, Dignitatis Humanae*, Dignity, Human Rights, Global Perspective.

**RIASSUNTO:** Questo articolo esplora la dignità umana come concetto fondante, essenziale per promuovere il consenso globale e costruire ponti attraverso le divisioni culturali e religiose. Anzi- ché affidarsi esclusivamente all'impostazione occi- dentale kantiana dominante, l'autore sostiene un approccio aperto e pluralistico che compren- de un'ampia gamma di voci, incluse le prospet- tive africane, islamiche e indigene, per raggiungere una comprensione più solida e inclusiva della dignità umana. Inoltre, la dignità è presentata come una “fonte di illuminazione” nelle contro- versie giuridiche pratiche, fornendo una lente at- traverso la quale i diritti possono essere compresi e giudicati in modo più profondo. Infine, delinea le distinte sfere della tolleranza giuridica, del ri- spetto politico e dell'amore morale come elemen- ti costitutivi necessari per una società giusta.

**PAROLE CHIAVE:** *Dignitas Infinita, Dignitatis Humanae*, Dignità, Diritti umani, Prospettiva globale.

ANNALES THEOLOGICI 1 (2026), VOL. 40, 113-120

e-ISSN 1972-4934

DOI 10.17421/ATH401202608

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SUMMARY: I. *Added Value of Dignity vs. Liberty in the US Context.* II. *Dignity as Objective vs. Subjective and Minority Voices.* III. *Human Dignity as a Turning Point in Practical Controversies.* IV. *Love, Respect and Tolerance: Building Blocks for a Good Society.*

It has been a privilege for the International Center for Law and Religion Studies to partner with the Pontifical University of the Holy Cross in the conference, “Infinite Dignity, Human Freedom and the Place of Law.” This conference provides an opportunity to reflect upon the additional insights that the recent Declaration of the Dicastery for the Doctrine of Faith *Dignitas Infinita* adds to the magisterial 1965 Vatican II Declaration on Religious Freedom *Dignitatis Humanae*. It has been a particular pleasure to be a part of the organizing committee with Arturo Bellocq of the Pontifical University of the Holy Cross and Andrea Pin of the University of Padua.

#### I. ADDED VALUE OF DIGNITY VS. LIBERTY IN THE US CONTEXT

In a famous article, Yale professor James Q. Whitman contrasted liberty and dignity as foundational concepts for protecting privacy and other human rights.<sup>1</sup> He framed dignity as a European concept while maintaining that America privileges liberty. In this sense it might seem counterintuitive for an American to advocate for the concept of human dignity as lying at the foundation of human rights, but I am convinced that it has an added value that could be difficult to find in the concept of liberty.

It is true that from an American perspective liberty resonates probably more distinctly than human dignity. Liberty is a very important constitutional and constitutive value. Human dignity does not show up in the United States Bill of Rights for example, and so it is a value that is less familiar in constitutional discourse in the United States. My field of study is law and religion, and in advocating for religious freedom globally, we have encountered resistance to the idea of religious freedom in some places, particularly in the Muslim world and in more traditional parts of Asian society, Southeast Asia in particular. What we have wanted to do is find a vocabulary which is useful for building bridges and opening doors in places where human rights discourse—

<sup>1</sup> J. WHITMAN, *The Two Western Cultures of Privacy: Dignity versus Liberty*, «The Yale Law Journal» 113/6 (2004) 1151-1221.

which has come in some places to be dominated by very modern rights such as abortion rights, gay rights, and transgender rights—has become alienating. In these places, human rights discourse can increasingly be seen as very Western, very progressive, and very threatening to tradition and culture.

There are many challenges facing human rights today, including the charge of cultural relativism and/or cultural imperialism, the idea that human rights are primarily a Western value. They also include concerns about enforcement and accountability (there is no world court of human rights, only the European court, with no global counterpart). There is a lot of concern about selective application and politicization—that human rights are used as a weapon against those whom powerful countries want to criticize.

But perhaps the biggest threat to human rights is what we might call human rights maximalism—the idea that there is a significant proliferation of human rights and an overexpectation that human rights can do too much. Professor Schouppe addressed some of these issues in his discussion on the need to re-found human rights;<sup>2</sup> there is a need to go back to basics and to seek genuine clarity and agreement on human rights, or the entire edifice might just collapse. I sometimes refer to “the high church of human rights”—a big beautiful cathedral where elite priests argue over esoteric doctrine, but they do not notice that there is an ever-shrinking congregation in the pews. In my opinion, the prospect of the human rights project simply collapsing is a very real prospect. I do not think it is a remote prospect; I think it is a very real prospect.

If you go back to the architects of human rights, people who came out of the crucibles of two world wars, the Holocaust, and the atomic bomb, these were morally serious people. They had a desire to create a new world where the mistakes of the past would not be repeated. I believe they had a moral seriousness that we do not begin to approach in our contemporary age. They started with something very simple and profound when they began with human dignity, and they tried to build something very simple with thirty articles that were fundamentally uncontested. If you look at the thirty articles of the *Universal Declaration*

<sup>2</sup> See J.-P. SCHOUPPE, *The Notion of Human Dignity according to the Charter of Fundamental Rights of the European Union*, on pages 87-100 of this volume.

of *Human Rights*, you cannot find anything in there that any human being does not want for himself or herself. When I am teaching human rights in Indonesia, for example, and I hear the charge that human rights are a matter of western imperialism, I ask students to look at the UDHR, to look at the thirty brief articles, and I ask, ‘Which of these rights do you not want for yourself?’ All of these are things we desire: everyone wants life, liberty and security; no one wants to be a slave; we do not want to be tortured; we want equality; we do not want to be discriminated against; or to be subject to arbitrary arrest. We want to have these basic foundational protections from the actions of the state.

Human dignity was really the foundational idea that made it possible for agreement and consensus to be reached. In my view, you cannot overstate the importance human dignity played in that moment. If we are going to get serious about getting past the politicization and the ugliness of the political moment in which we live, it is going to be by getting back to basics on the most fundamental values that we share as human beings that have the prospect of unifying us in a way that human dignity unified the people of the world when the UDHR was drafted and adopted. That is why we are focusing on human dignity: because we think it is necessary to go back to these really basic and fundamental principles.

## II. DIGNITY AS OBJECTIVE VS. SUBJECTIVE AND MINORITY VOICES

Regarding the nature of dignity, we observe that it is highly personal but risks becoming purely subjective. It is not always easy to balance its objective meaning with its subjective perception.

Dignity is, in fact, a concept with many conceptions, and I think we ought to be listening to a much broader array of voices on the topic than we typically do. The Western conception is dominated by a Kantian way of thinking about dignity. One of the things we have been doing at our Center is projects that seek to broaden the voices that are solicited and heard, including a major project on African conceptions of human dignity. After we participated in the *Punta del Este Declaration on Human Dignity for Everyone Everywhere*, we took part in a project developing an *African Declaration on Human Dignity for Everyone Everywhere*, and it was interesting how different it turned out to be. It is remarkably much more grounded, earthy, practical, and communal. It is focused

on nature and even the afterlife in a way that the Punta del Este declaration is not. This was followed by a book, *African Conceptions of Human Dignity*, published in 2023.<sup>3</sup>

We had an experience where a professor from Zimbabwe said: ‘In Zimbabwe, for a man to have dignity, it means he can earn a living sufficient to get married and support a wife and a child.’ I thought to myself, ‘We would have never heard that in Europe,’ but I got home and a week later I was reading a story in the *New York Times* about the marriage crisis in the United States, where a large percentage of children are born to single women. The number one reason women gave for having children out of wedlock was that the children’s fathers were not good prospective providers. What I realized was that what I had learned in Zimbabwe was much more applicable to America than I had even begun to understand. It was one of those “light bulb moments” where I realized we need to start listening to the way they think about human dignity in Africa.

We have also been working on book projects on Islamic perspectives on human dignity, and have a book coming out in 2026 on Asian perspectives on human dignity, *New Perspectives on Human Dignity in Asia*, published by Routledge. We organized a conference in Hawaii on Oceania, and invited scholars, religious leaders and civil society representatives from places like Fiji, Tonga, Samoa, the Cook Islands, and Tahiti, who are not used to being asked: ‘Tell us what you think.’ Many of the papers from this conference were published on our Center’s blog, *Talk About: Law and Religion*.<sup>4</sup> In July 2026 we will hold a conference at Christ Church, Oxford University on indigenous perspectives on human dignity. We will bring indigenous wisdom leaders and scholars from Latin America, Africa, New Zealand, and Australia, among other voices.

Focusing on human dignity does not give us the answer to every practical or political question; it does not provide an algorithm that generates concrete answers. But it focuses on the right question: How do we vindicate the dignity of this person in this situation?

<sup>3</sup> B.G. SCHARFFS, M.C. GREEN, S.O. ILESANMI (eds.), *African Conceptions on Human Dignity*, African Sun Media, Stellenbosch 2023.

<sup>4</sup> Cf. <https://talkabout.iclrs.org/>.

I think of it more as a source of illumination. Together with a colleague from our Center, I composed a book where we tried to understand dignity more richly, and we called it *Points of Light*.<sup>5</sup> We collected short answers to the question, “What dignity means to me,” from more than a hundred of the signatories of the Punta del Este Declaration. Collectively, these ways of thinking about human dignity become points of illumination that help us understand human dignity more robustly. I agree completely with what Judge Power said in her presentation: human dignity is not always a right you cite in a case, but when you are talking about other rights, the dignity interests are relevant to the way we think about those rights and the way we adjudicate those rights. The dignity considerations illuminate the cases and illuminate the controversies that you are deciding.<sup>6</sup>

The way I think about this globally is that we really need to listen more deeply to a broader array of voices, and we need to look into each other’s eyes more deeply and see the depth of humanity in each other. That is the human dignity project that I am interested in.

### III. HUMAN DIGNITY AS A TURNING POINT IN PRACTICAL CONTROVERSIES

We could illustrate with many examples how human dignity has been a turning point for solving controversies.

We can recall Judge Ann Power’s opinion in the *Vinter v. United Kingdom* case involving life sentences without the possibility of parole. This is what Judge Power wrote: “Those who commit the most abhorrent and egregious of acts and who inflict untold suffering upon others, nevertheless retain their fundamental humanity and carry within themselves the capacity to change. Long and deserved though their prison sentences may be, they retain the right to hope that, someday,

<sup>5</sup> B.G. SCHARFFS, J. FIGEL, J.H. WISE (eds.), *Points of Light. The Punta del Este Declaration on Human Dignity for Everyone, Everywhere*, The International Centre for Law and Religion Studies, Brigham Young University, Provo 2021, available at: <https://www.dignityforeveryone.org>.

<sup>6</sup> See Ann Power’s statement in *Points of Light*, 31: “Dignity is not a right; it is a reality from which rights are derived. Just as natural families have a shared genetic makeup, the human family carries a ‘share imprint of value’. To respect the dignity of another is to recognize the ‘family resemblance’. However undignified our actions or degrading our circumstances, we are born with dignity, we live with dignity, and we die with dignity.”

they may have atoned for the wrongs which they have committed. They ought not to be deprived entirely of such hope. To deny them the experience of hope would be to deny a fundamental aspect of their humanity and, to do that, would be degrading. This notion underscores the fundamental importance of hope and the potential for rehabilitation, all central to the concept of human dignity.”<sup>7</sup> This is a remarkable application of the concept of human dignity in a very practical case involving actual human beings.

I will mention one other legal case, this one from Beirut, Lebanon, also involving a judge, named Joselyn Matakuri. This case involved a Muslim boy who had vandalized a statue of the Virgin Mary in front of a church. He was brought before a judge who happened to be Christian. In the courtroom, she asked him what the Quran taught about Mary. He did not know, so out of her drawer she pulled out the Quran, opened it to the relevant page, and had him read. The Quran has beautiful verses of veneration of Mary.

As this boy read those verses, he broke into tears, and she sentenced this young man to memorize those verses. He came back to court a week later and recited those verses to her. I think that is such a remarkable story of human dignity because you have this young man, a teenager who had done something stupid, before a Christian judge in a very divided city. It is remarkable that she had a Quran in her desk and knew it well enough to open it to those pages.

What a remarkable reflection of the dignity of that boy that when he read those verses his heart was touched—that his heart was not so hard that he was moved—and a testament to the dignity of the judge that her sentence was to require him to memorize those verses, and that he did it. He memorized them and came back and performed the sentence he had been given. This is a small story, but it is a beautiful illustration of the deep humanity that is reflected when we see each other deeply and when we try to see the dignity and the depth of humanity in each other.

<sup>7</sup> EUROPEAN COURT OF HUMAN RIGHTS, *Case of Vinter and Others v. The United Kingdom*, Judgment, Strasbourg, July 9, 2013, available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-122664%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-122664%22]}).

#### IV. LOVE, RESPECT AND TOLERANCE: BUILDING BLOCKS FOR A GOOD SOCIETY

The idea of human dignity calls the attitude of love as the privileged response. In this sense, we could ask if, and to what extent, building a society based on dignity requires speaking about love, justice, and mercy.

A decade ago I would have been very reluctant as a professor to talk about love, but today I am much more willing to bring my religious persona, that part of myself, to my work. I like the idea of being willing to share my religious views, and love is a big part of my religious commitment, so I think bringing that forward is important.

I conclude with a final reflection on three important concepts: tolerance, respect, and love. Often people will say tolerance is not enough; we need respect. Someone else will say respect is not enough; we need love. All of this is true, but as a legal principle: Give me tolerance. I do not want the state enforcing respect, much less love. Let us enforce tolerance as a legal principle. As a political value, let us strive for respect—the way we conduct ourselves in the public square, the way we conduct our politics, let us strive for respect; I think it is a great political value. As a moral principle and as a religious value, let us strive for love. But I am more skeptical of love as a political principle, and I certainly don't want the state enforcing it as a legal mandate. Each of these values belongs in a sphere of value, but I do not want the law enforcing love. Now, the moral law, God's law, yes, but civil law? I do not want the Supreme Court of the United States deciding to enforce love.