ANTIGONE, TODAY:

DIGNITY AND HUMAN RIGHTS IN CONTEMPORARY SPACES

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The tragedy of Antigone revolves around the theme of conflict. Both the version written by Sophocles and the one by Jean Anouilh are mainly focused on conflicts. The conflict between Antigone and Creon is real and symbolic at the same time. It is the conflict between a woman's body and the law, between women's and men's conditions, between two anthropologies. It is also a conflict between two opposite ethical perspectives, and two opposite political visions. It is the conflict between the rule of individuals and the rule of laws, between non-violence and violence, social responsibility and individual egoism, and self-identification and identity. The conflict between Antigone and Creon is the heterogeneous sum of many conflicts. If we try to fit all conflicts within a broader framework, we could say that Antigone's choice of disobedience raises the high-level conflict between human dignity and the law. This conflict takes place within the positive law and cannot exist outside it. Human dignity cannot elude the law, since it is rooted within the legal system. It does not, however, originate from it, but its finalisation is actually in the law; where gaps and fallacies are revealed. Its strength lies in the lack of a definition. Human dignity helps the law to regenerate and not become locked in a formal stronghold.

Antigone disobeys 'the power' openly. Civil disobedience has moral strength because it is on the same level as human dignity. Civil disobedience is rarely a zero-sum game. Its ethical justification lies in the fact that it is thought and used to expand the boundaries of protection of human dignity. Disobedience, non-violence, and human dignity are profoundly unrelated.

All real and symbolic conflicts between Antigone and Creon are intertwined. In every conflict, either one of the two parties stands up for human dignity. Or, looking at it from a different perspective, it is human dignity that qualifies one of the parties in the conflict, ethically.

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All conflicts that arise from the tragedy can be put together in one single meta-conflict between human dignity and the reason of the State, which is normatively coded. Antigone has set the individual against the State: the dignity of Polynices on one side and the city of Thebes on the other. The dignity of one person is the dignity of everybody. The dignity of an individual cannot be sacrificed in the name and by reason of the State. Similarly, the dignity of the worst of criminals cannot be sacrificed in the name of collective security. When human dignity becomes a regulatory principle and is no longer a principle of moral guidance for individual action, it clashes with some rules; it solves the dichotomies otherwise embedded in legal systems and becomes the pillar of the system that legitimates power. The human dignity of Polynices, traitor to his country, is worth more than the reason of the state of Creon.

Antigone refuses the way of salvation offered by Creon, and by doing so she protects the founding and non-mediatable value of human dignity, even with respect to the needs of decent politics. As a result, the conflict becomes even harsher and more relevant. Human dignity in the constitutional state of *jus post bellum* eliminates the dichotomies that inevitably arise between security and liberty. Human dignity, as Kant understands it, is humanity, that is the non-degradation of the person to a thing. It is a threshold that cannot be crossed by the law or by the power of punishment.

2,500 years later, we still reflect on law as opposed to dignity, and on the relationship between dignity and rights.

References to human dignity are now frequently heard in public forums and debates, particularly in defence against violations of the conditions of freedom, and justice, and in protests against humiliation. The content of dignity, as well as of felicity, cannot however be defined.

The notion of dignity, despite general agreement on the value of the idea, is frequently criticized for its lack of conceptual clarity, and openness to misinterpretation. Often dignity is seen as serving merely as a rhetorical device in political debates, 'something of a slogan in bioethics' (Sulmasy, 2008), and as a camouflage for quite different values in legal documents.

In every attempt to define it, we lose something that undeniably belongs to it. If we refer to fundamental human rights, we run the risk of forgetting that human dignity may act against its own interests, identify with others, and take on responsibility for the good of others. If we refer to the capacity for moral action and focus on the values of independence and liberty, we inevitably overlook other important human goods such as knowledge or avoiding suffering, without which dignity is wounded. If we look for dignity in the excellence or fullness of human fulfilment, we no longer recognize the dignity of the poor, the sufferer, or the child. Unlike rights, dignity intended as fulfilment is not the same for all, because it depends on recognition by society and on how every person uses his/her own natural endowments and social roles.

One way or another, there is a striking temporal dislocation between the history of human rights dating back to the seventeenth century and the relatively recent currency of the concept of human dignity in codifications of national and international law, and in the administration of justice, over the past half century (Habermas, 2010).

Modern human rights law emerged at the end of the Second World War in response to the atrocities and massive violations of these rights witnessed during the conflict. It is an interesting fact that it was only after the Second World War that the philosophical concept of human dignity, which had already existed in antiquity and acquired its current canonical expression in Kant, found its way into texts of international law and recent national constitutions. Only during the past few decades has it also played a central role in international jurisdiction (Habermas, 2010).

The Universal Declaration of Human Rights (UDHR) signed in Paris on 10 December 1948, was promoted by the UN to be applied in all member states. It is a code of ethics of great historical significance. For the first time the Universal Declaration enshrined the rights of people universally – in time and space. The Declaration is the result of a century-old political and cultural debate, which stemmed from conventional European ethical principles and the Declaration of Independence of the United States of America. Most of all it took inspiration from the Declaration of the Rights of Man and of the Citizen written in 1789 during the French Revolution, and incorporated its foundation principles – civil and political rights of individuals – to a great extent.

The four pillars of the UDHR are dignity, liberty, equality, and brotherhood. Dignity protects the values shared by all individuals, irrespective of religion, ethnicity, or gender differences. Liberty refers to the rights associated with individual freedom and security of the person. Equality is intended to guarantee the right to participate in politics and public life for all people. Brotherhood, lastly, refers to economic, social, and cultural rights.

Most international and national Charters of Fundamental Rights such as the Universal Declaration, European Charter, Italian Constitution, and other constitutions refer to the principle and theme that human dignity is inviolable and will be respected. This is the affirmation of the common belonging to humanity, while highlighting the need for protecting and respecting the person, all and every individual as such.

In addition, many international organizations promote respect for dignity. The major conventions of the United Nations on the Rights of Children (1989), the Rights of Migrant Workers (1990), and Protection against Forced Disappearance have all included references to dignity (McCrudden, 2008). The idea of dignity also provides the rationale for the 2007 UN Convention on the Rights of Persons with Disabilities. The concept of human dignity is also part of dialogues and policies of health care, especially ones addressing the needs of the seriously ill and end-of-life care. For instance, the WHO declares that 'patients have the right to be treated with dignity' (van der Graaf and van Delden, 2009, pp.152).

The increased usage of this notion has been mirrored by the publication of several works on dignity's conceptual history and its numerous meanings (Iglesias, 2001; Dworkin, 2006; Waldron, 2007; McCrudden, 2008; Nussbaum, 2008; Habermas, 2010; Kateb, 2011; Sensen, 2011).

If we wish to define dignity and grasp its potentials, we should consider it as a bridge between past, present, and future. Dignity is a bridge to the past that we do not want to forget – memory is a right and duty for every and all individuals –, but that we want to reject explicitly. We assert the need for protecting dignity and recalling it since memory, unlike history, belongs to the heart and not only to the mind. By doing so, we establish as a key component of our identity that what Europe experienced with extermination and concentration camps shall happen never again (Misztal, 2012).

Dignity is not only a bridge to the errors and horrors of the past. It is also, and most of all, a bridge to the concerns, anxieties, and many fears of the future. A bridge to a situation that holds several risks, which may be different from the ones that led to the dangers and events of the past, but are equally and potentially harmful to the integrity and identity of the person, and thus to human dignity.

The notion of dignity has also come to play a central role in human rights regulations and laws because today we are faced with challenges to our expectations of equality brought about by the process of globalization. In other words, the notion of dignity in the context of globalization provides the basis for criticism of global inequalities.

Let us consider features of globalisation and the post-global age such as market size and the illusion that self-regulating markets reconciling all the interests at stake can protect dignity. We have nurtured this illusion but have already understood that it is a misconception. Suffice it to think of the difficult compatibility between the market logic and the goals and needs of sustainable development, or even of the alarming perspectives of the current economic and social crisis associated with the extreme and exacerbated financialization of the economy. Recent examples include the mortgage crisis, and the derivatives crisis which created the conditions for a global crisis. Notwithstanding the economic and financial profile, it is here that new attacks to dignity may be perpetrated through/in the deterioration of the logic of market and profit.

The theme of human dignity was addressed in different ways by the constitutions of the European countries, sometimes with a more general and abstract approach, and sometimes in a more tangible way. The first article of the German Constitution is about human dignity, which is recalled explicitly, in a general sense, as a value to be respected and protected, and from which all the other fundamental rights originate. This is pretty obvious and understandable, since the German people wrote the Constitution in the aftermath of Auschwitz; they had a duty to assert human dignity, emblematically, as the precondition of all human rights.

The same idea underlies the 'hope for a European Constitution' which was translated into the Constitutional Treaty. The Treaty was signed by all EU Member States in 2004, but was not ratified by some of them and was even opposed by others and eventually replaced by the 'simplified' Treaty of Lisbon. The Charter of Fundamental Rights of the European Union was part of the Constitutional Treaty and is explicitly recalled in the 'simplified' Treaty. Dignity is put in the very first article which states that human dignity must be respected and protected.

Other constitutions, including the Italian one, are more pragmatic and concrete. In these the concept of dignity is not identified and defined *a priori*, or used as a way of introduction to the given constitution. Rather, it is assimilated in a number of practical points, using a tangible, less abstract approach to dignity.

Used literally, the word dignity – '*dignitas, dignus, decet*', 'it befits' – is an ambiguous concept. It can be either a value judgement on a person's qualities, or a more general value judgement on the qualities of all and everybody.

In fact, the first meaning expresses the inequality between those who have more dignity and those with less dignity; between those having more nobility titles and those having fewer. Inequality is inherent in this concept. The second meaning, in contrast, refers to the dignity of everybody. It is the same for all, because it is inherent in human nature. It expresses a value of equality. This is obviously the basic concept we should start from, as well as the underlying concept of art. 3 of the Italian Constitution – equal social dignity –, art. 1 of the German Constitution, the preamble of the Universal Declaration of Human Rights, and art. 1 of the Charter of Fundamental Rights of the European Union.

From an individual perspective, equal dignity means that 'all human beings are born free and equal in dignity and rights', as the Universal Declaration reads. Dignity is, therefore, the foundation of all human rights and represents them all; it is inviolable and must be respected and protected in every human being. It is a part of cosmopolitan human rights discourse which recognizes a stranger as a member of the human family whose inherent dignity proceeds from the Kantian idea of the 'common possession' of the earth and is the essential part of democratic egalitarianism (Misztal, 2012).

From a relational perspective, dignity becomes tangible. Everyone of us has the right to be respected by others, irrespective of any differences. 'Human dignity' performs the function of a seismograph that registers what is constitutive for a democratic legal order, namely, just those rights that the citizens of a political community must grant themselves if they are to be able to respect one another as members of a voluntary association of free and equal persons (Habermas, 2010). Many scholars concerned with multiculturalism, such as Kymlicka (2009) and Raz (2001), point out that difference can be respected, and solidarity across differences can be achieved. They see multiculturalism as developing a sense of shared community and promoting mutual respect. While acknowledging that respect for human dignity is a central moral duty, this understanding of the potential of multiculturalism, or respect for difference, acquires a high status as the basis for a new kind of civil solidarity.

From this point of view, dignity is at the core of equality and non discrimination among people. It is the foundation of what is considered the duty for States and third parties to abstain from attacking people's dignity. Nonetheless the negative element of abstention cannot be sufficient unless it is doubled by the positive element of effectiveness. Proclaiming dignity and fundamental rights is not enough. Constitutions and international charters proclaim dignity and rights, but they remain mere words on paper. Such solemn proclamations are too often ineffective against the violations of dignity and human rights that are perpetrated when human rights are not actually guaranteed in a positive manner.

In the public sphere, the principle of human dignity, understood as the universal value that belongs to every person by virtue of being human, is also frequently associated with the call for social justice. This association between dignity and justice is illustrated by a common justification for welfare policies to treat all citizens as part of a more inclusive national order that distributes rights and recognition. Studies of social movements document how protest and resistance activities 'assert claims to dignity' (Auyero, 2003, p.10), while descriptions of social marginalization show a 'search for respect' and 'the struggle for dignity' (Bourgois, 2003, p.2) to be the ultimate human need.

Last but not least, dignity is equality and liberty, as well as solidarity. Dignity cannot exist without solidarity and, in this case, unlike the relationship between dignity, equality and liberty, there is no ambiguity to be resolved. The theme of solidarity is today of great importance, especially in large urban areas where inequalities are growing due to social polarisation, and the emergence of new poverty.

It is the new infection of poverty, and in these days part of the Italian population is sinking below this threshold. Levels of inequality, along with income, are indicators of social impoverishment. The re-proletarianization which is today affecting part of the middle class along with the pandemic have an impact on social differences and transform them into inequalities. Existing disparities are exacerbated and all this results in general upheaval.

Let us think about the fear of the virus that spread in Italian jails, which are overcrowded with 121.75 inmates for every 100 places, and with 94 cases already, plus 204 police agents. Let us think about irregular migrants who are like phantom lab animals exposed to infection in illegal slums. We should also not forget the 50,000 homeless people who sleep in the entrances of banks of the volunteer doctors who look for them and check their body temperatures at night.

All this affects the relationship between us and space. Space, and public space in particular, is no longer accessible by everybody, but subjected to rules and restrictions. The said rules and restrictions prevent a free use of space and the freedom of interaction. In the most extreme cases, human dignity is undermined. 'Distancing' is not a friendly word. It recalls all or almost all expressions of surliness such as 'stay in your place', 'give me some space', 'get your hands off me' and many more used to prevent undesired promiscuity. 'Distancing' affects our right to the city, impeding a full recognition of citizenship rights (Lo Piccolo, 2010). Our research work needs more reflection on the relationships between rights, dignity, and space. For example, as far as distancing is concerned, there is also a macroscopic factor which has been almost disregarded in the last few years. This is the demographic issue, the big absence of the third millennium. The geometrical progression of births, major medical advances, improved life conditions in Asia and Africa, urbanisation and megacities have resulted in increasing problems associated with overcrowding. The world is swarming with people as the global population nears 8 billion. But the physical space we have has not changed: it is our planet, a volume and a surface. Only about one fourth of it can be inhabited, as the remaining surface is covered by oceans and glaciers.

Still, the policy-makers of no country are addressing the issue of overpopulation. I wonder if now that we are forced to maintain a distance from other people, according to the rules, somebody will pay attention to overpopulation, to quantity, which is first and foremost a physical rather than an ethical issue. It however anticipates and influences every thought about quality, which is nothing but the dignity of living in the world.

References

Auyero, Javier (2003) *Contentious lives*. Durham, NC: Duke University Press.

Bourgois, Philippe (2003) *In search of respect*. Cambridge: Cambridge University Press.

Dworkin, Ronald (2006) *Is democracy possible here? Principles for a new political debate*. Princeton, NJ: Princeton University Press.

Habermas, Jürgen (2010) The concept of human dignity and the realistic utopia of human rights. *Metaphilosophy*, 41 (4), pp.464-480.

Iglesias, Teresa (2001) Bedrock truths and the dignity of the individual. *Logos: A Journal of Catholic Thought and Culture*, 4 (1), pp.111-134.

Kateb, George (2011) *Human Dignity*. Cambridge, MA: The Belknap Press.

Kymlicka, Will (2009) The multicultural welfare state? In Hall, Peter A. and Michele Lamont (eds) *Successful societies: How institutions and culture affect health*. Cambridge: Cambridge University Press, pp.226-255.

Lo Piccolo, Francesco (2010) The planning research agenda: Plural cities, equity and rights of citizenship. *Town Planning Review*, 81 (6), pp.i-vi.

McCrudden, Cristopher (2008) Human dignity and judicial interpretation of human rights. *The European Journal of International Law*, 19 (4), pp.655-724.

Misztal, Barbara A. (2012) The idea of dignity: Its modern significance. *European Journal of Social Theory*, 16 (1), pp.101-121.

Nussbaum, Martha (2008) *Human dignity and political entitlement.* Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics. Available at: https://bioethicsarchive.georgetown.edu/pcbe/reports/human_dignity/index.html [accessed 12 February 2020].

Raz, Joseph (2001) *Value, respect and attachment.* Cambridge: Cambridge University Press.

Sensen, Oliver (2011) Human dignity in historical perspective: The contemporary and traditional paradigms. *European Journal of Political Theory*, 10 (1), pp.71-90.

Sulmasy, Daniel P. (2008) *Dignity and bioethics.* Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics. Available at: https://bioethicsarchive.georgetown.edu/pcbe/reports/human_dignity/index.html [accessed 12 February 2020].

van der Graaf, Rieke and Johannes van Delden (2009) Clarifying appeals to dignity. *Bioethics*, 23 (3), pp.151-160.

Waldron, Jeremy (2007) Dignity and rank. *Archive Européenne de Sociologie*, XLVIII, pp.201-237.