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HUMAN DIGNITY AND HUMAN RIGHTS

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Editorial

ARE HUMAN BEINGS EQUAL IN DIGNITY AND RIGHTS?

History is witness to the ceaseless struggle waged by saints and philosophers to ensure that human beings can lead a dignified life. The word 'manussa' as indicated in our religious books, describes a human being as "one who can develop his/her mind". To be able to develop one's mind means that one is able to develop and sustain one's thinking power which is the ability to judge between what is ethical and what is unethical, what is moral and immoral, what is good and what is bad and what is right and what is wrong. These are attributes within the grasp of human beings. Animals do not have such attributes – animals act by instinct. It would appear that human beings are the only living beings that can develop their minds or their thinking power to such high levels – even to the extent of attaining Buddhahood.¹ Thus, by virtue of his soul and his spiritual powers of intellect and will, man is endowed with freedom, an "outstanding manifestation of the divine image." By his reason, man recognises the voice of God which urges him "to do what is good and avoid what is evil." Living a moral life bears witness to the dignity of the person.²

In contemporary times, the issue of human dignity was given a new impetus after the Second World War. As an immediate consequence it was recognised in many international documents that include the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948). The Preamble to the Declaration says, 'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.' And Article 1 reads as: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' In 1966, the United Nations ascribed foundational role to this concept and declared: 'these [human] rights derive from the inherent dignity of the human person'³.

Despite the varying definitions of human dignity, a plethora of queries continue to confront us. Is dignity inherent in an individual? Can laws both national and international confer dignity on any individual? What

are the procedures for such a conferment? How does one decode the conflicting claims of dignity vis-a-vis individuals and communities from the local to the global scale? An exact definition of dignity may be semantically difficult but it is much easier to agree on the negative consequences of the denial of dignity. To illustrate, in the Indian context, notwithstanding constitutional safeguards structural hierarchies of caste, gender, ethnicity, religious minorities and class continue to plague the life of the ordinary citizen. They are coerced to lead a life of multiple unfreedoms. To ensure dignity and justice for the people, the creation of a decent society is very imperative whose institutions (social, political, judicial, cultural and economic) are not supposed to humiliate people⁴.

In a world driven by market and bio-technology, the contours of dignity has expanded beyond the materiality of human existence to embrace what Aristotle has argued about the richness of human life which can be measured by the freedom to engage in meaningful activity. He believed that the lack of liberty to act in self-chosen ways meant an impoverished life. To lead a meaningful life, the average person has to grapple with issues of genetic engineering, the potential uses of the human genome project, reproductive cloning, assisted suicide and euthanasia. The recent discussions in the popular media around the Aruna Shanbaug case reflect Indian society's concern about living and dying with dignity. While going to the press, the US Supreme Court delivered the historic judgement which declared laws that prohibit same sex marriages in the country as unconstitutional. It is a defence of human dignity and individual autonomy. The judgement provided recognition to the fundamental dignity of gay people and their autonomy to make ethical choices about their lives. Further, it validates the 14th Amendment to the US Constitution that the state shall not "deprive any person of life, liberty or property, without due process of law" and that the state shall not deny to any person, "the equal protection of the laws".⁵

Hence, to ensure the right to every person to lead a life of dignity, one needs to avoid the "compartmentalisation" of rights that have created divisions of theory and practice (e.g., economic rights, women's rights, political rights, cultural rights) that have been detrimental to effective, collaborative work that responds to the multifaceted reality of real people and their lives.⁶ As John Rawls has rightly argued the moral basis of a well ordered society is based on "equal respect and consideration" to every human being as a moral person capable of acting on principles of

justice and can develop a unique life plan.⁷

The articles selected for this special issue on Human Dignity and Human Rights deliberate on various structural constraints that imperil human dignity and the means to ameliorate them.

Ravi Ranjan's paper *Interrogating the Conceptualisation of Human Dignity: A Human Rights Perspective*, seeks to unravel the multiple understandings of human dignity in the contemporary globalised world. We inhabit a universe in which practically everything is up for sale and the market governs our everyday interactions. Thus, concern with the dignity of the human beings is as pertinent today as it was in the past. How is human dignity justified: Is it essentially a philosophical, religious, or cosmological claim? What implications does one's conception of human dignity have for ethics and politics? There is a need to look into different aspects of human dignity by enquiring into the convergences and divergences of shared enterprises of political philosophy that includes the understanding of the self and its others, autonomy and freedom, respect and recognition, deference and degradation, esteem and equality, humiliation and human dignity. The author investigates the historicity of the idea of human dignity from a human rights perspective as an ethical moral value which is essential to realise the human worth. He delves into the writings of various philosophers to argue that human dignity forms the basis of many legal frameworks both nationally and internationally. The concept is deeply interwoven with various moral and religious traditions, and it functions as a reference point for a number of contemporary social and political debates that needs to be carefully investigated before we judge whether it is useful, meaningful, vague or problematic concept.

Surendra Pratap and Annavajhula J.C. Bose's paper *Struggle for a Dignified Life: The Case of Paharpur Workers* is based on interviews with the union leaders of the Paharpur factory regarding the struggle by the working class which they have been waging for close to 17 years. The authors situate the notions of dignity and human rights in the context of the Paharpur workers' struggle for better living conditions. The existing economic scenario favours neo-liberal terms of employment and labour thus rendering workers' rights as highly dispensable. The labour has to forego the rights to a dignified life, in terms of freedom of association and effective recognition of the right to collective bargaining, elimination of all forms of forced and compulsory labour, effective

abolition of child labour, elimination of discrimination in respect of employment and occupation, the right to a living wage based on a regular working week that does not exceed 48 hours, humane working hours with no forced overtime, a safe and healthy workplace free from harassment and a recognised employment relationship with labour and social protection. Hence it is extremely essential to reclaim the sense of dignity that is lost or absent in the workplaces.

Bindiya Narang and Md. Ali Azam's focus is on *Adequate Housing across Slum Settlements in India*. It is widely agreed that adequate and secure housing provides for and protects some of the most fundamental human needs. Besides providing a structural base from which to build a livelihood and lead a social life, it is also instrumental in meeting the psychological needs of identity and belonging, for both, individuals and their families. A house is thus a sanctuary of one's social, emotional and economic life. Hence, the significance of safe and secure housing for a fulfilled human existence is indisputable. Adequate housing as part of the right to an adequate standard of living features prominently in global development discourse and major international and regional human rights covenants. However, glancing through the lives and livelihoods in informal slum settlements, this right gets abrogated or violated widely and often raises vexed reactions. It has been widely acknowledged that the glaring reality of migration and neglect of urban planning force people to live in shanties or as squatters under dire circumstances. The present paper argues that the deplorable living conditions in slums are an assault on the non-negotiable right to human dignity. Drawing upon referenced review, an analysis of secondary data and substantiated with insights and voices from the field, (selected slum clusters in Delhi) the paper demonstrates the gap between human rights and everyday living of slum dwellers. It reiterates that the human right to adequate housing is not solely limited to provision of a physical shelter but also integrates cultural, socio-economic, legal, political and ecological dimensions and their corresponding human rights. Further, the paper underlines the need to involve multiple stakeholders while using multi-pronged strategies to help people reclaim their basic right to live with dignity.

Akanksha Singh's article *Breaking Barriers to Inclusion* has put the lens on a disease which is completely curable and yet is associated with rejection and exclusion from society. The victims are stigmatised and discriminated even after they are cured from the disease. An ancient horror, it still evokes disgust and a sense of being under a curse even in

contemporary society. The paper historicises the disease of leprosy, its ancient forms in different cultures, the struggle to find a remedy for it and the present-day nature of the disease. There have been misconceptions about the disease. People who have experienced leprosy are not only facing physical challenges, but also social, economic and psychological deprivations. The bodily disfigurement caused by leprosy goes against the aesthetic notion of physical beauty that prevails in society. Apart from religious strictures, even modern jurisprudence has not provided any succour to its victims and they are discriminated against in terms of jobs and employment, personal relationships, transport etc, reduced to surviving on beggary and prevented from leading a dignified life.

Saba Ishaq's paper *Female Infertility — Human Dignity in Peril* and Saikat Roy's research on *Surrogacy as Reproductive Labour: Relocating Women's Dignity, Work Situation and Rights* seeks to put the spotlight on an issue which has altered our perceptions about the female body. The breakthroughs in medical technology have radically transformed our perspectives on the human body. The modifications range from remedies to hitherto incurable diseases, to aesthetic procedures or even to alter the routine functions of the human body. Hence, there is a tussle between medical ethics and market norms. When cultural practices do get involved, the scenario drastically changes. Only the end matters and the concerns of moral values or the preservation of human dignity are ignored to uphold patriarchal traditions of life. The focus of both the papers is on an issue which is being vigorously debated by feminists, law makers, and medical profession and is also a matter of concern for the ordinary woman.

Saba Ishaq ponders over the silent malady of infertility which is considered a curse in a highly patriarchal structure. In many societies including India, woman is valued only if she is able to "produce" at least one child, which is a reflection of her socially reproductive role in the society. Otherwise, she loses her value in the family into which she is married as she will not be able to give a progeny to the family who can carry the generation, name and legacy forward. Her marriage is doomed to be a failure if she is unable to conceive. Her existence is socially degraded and she is forced to live an isolated and ostracised life. The researcher has intended to put the spot-light on women trapped in the circle of infertility and discuss the violation of their dignity within

the family, societal and cultural realms, through the means of two case studies. A small sample survey was also undertaken in a private infertility clinic based in Allahabad.

Women have played a very crucial economic role though their labour was never accounted for since their 'work' was culturally sanctioned. As Saikat Roy argues, in contemporary times, a novel form of labour has emerged for women, wherein they are recruited to work as surrogate mothers. Surrogacy is a highly contested terrain with the Indian state passing a law to control the unregulated sector. Internationally, India has become the preferred destination for couples desiring pregnancy through surrogacy although it is difficult to estimate the prevalence of surrogacy in India. Today surrogacy is a business which leaves behind the traditional values and ethics.

In this scenario, commercial surrogacy is often portrayed as a win-win situation. It is seen to give 'desperate and infertile' parents the child they want, and to provide poor surrogate women the money they need. In the face of this growing globalisation of capital and shrinking local avenues for jobs and resources, women from marginalised communities and regions find themselves more impoverished, powerless and vulnerable. For these women, access to work and occupations has decreased over time, while new markets have opened up for both their sexual and reproductive labour. Commercial surrogacy for the domestic and international markets is one such avenue and it is gaining ground in many urban and semi-urban areas in India today. But it will be a blemish if you overlook the part of dignity of women while considering women involvement in surrogacy as their choice and option for income generation.

This paper tries to explore the human rights issues that arise in the context of surrogacy and then proceeds to a discussion of the arguments associated with the use of commercial surrogacy as a possible form of labour, their work situation and rights. The researcher points out that there is a glaring absence of an understanding of reproductive labour performed by women for the market in terms of social reproduction.

While there is general consensus among nations in the conceptualisation of human rights, there is a necessity to develop an understanding of human rights from Third World perspective, argues Sangita Dhal. She contends that there is growing democratic subversion and socio-

economic alienation of a large number of the poor and the marginalised in the Third world countries, especially in the contemporary times of globalisation. From a rights-based perspective ‘right to development’ as enunciated in Proclamation of Tehran [1968] and Declaration of Social Progress and Development adopted by the UN General Assembly in 1969 is critically analysed in this article. The author concludes that in the globalised era, human rights must be seen as essential component of a genuine inclusive democratic order, which need to be guaranteed to every global citizen to live with dignity.

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Guest Editors

ENDNOTES

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2. http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c1a1.htm, accessed, 28/6/2015, 11.00 pm
3. For details see International Covenant on Economic, Social and Cultural Rights (ICESCR) & International Covenant on Civil and Political Rights (ICCPR) ICESCR, Article 13 (“education shall be directed to the full development of the human personality and the sense of its dignity”); ICCPR, Article 10 (“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”).
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7. Rawls developed his influential and widely debated vision of a just society that permits inequalities only when they benefit the least advantaged members of society. John Rawls (2003) “A Well-ordered Society” in Robert. P. Kraynak (eds) *In Defense of human Dignity: Essays for our Times*, University of Notre Dame Press, Notre Dame, Indiana pp193 -206, also see See John Rawls (1993), *Political Liberalism* Columbia University Press, New York, pp. 35- 46.