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Using Human
Dignity as a guiding
principle to devise and
evaluate Social Policies

The case of the 2023
French RSA Reform

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To Mamie

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“Any discourse on human dignity presupposes a specific anthropology.”

Ruedi Imbach, Cambridge Handbook on Human Dignity,
2014.

Abstract:

In 2021, 9.1 million people were living below the poverty line in France, which is defined as less than 1 158 euros per month. This affects over 14.5% of the French population and has far-reaching implications for their living conditions. After working extensively with people living in poverty during my internship, an apparent recurring concern is the violation of their Human Dignity. This thesis, driven by their testimonies, examines how recognising human dignity might impact the creation and evaluation of social policies. This research is, first, a historical analysis of Human Dignity, from its Latin origin in the term “dignitas”, the Christian concept of ‘Imago Dei’, through the Enlightenment tradition and its legalisation in national, international and European law. This historical analysis is then applied to contemporary social issues, with a focus on the case of the 2023 French RSA Reform. This study establishes a clear framework of evaluation, bringing together the philosophical, legal, and social dimensions of Human Dignity. The findings show that the current political trends of conditioning financial aid violate Human Dignity in various dimensions. Therefore, the specific case of the RSA Reform, which conditions survival financial aid to 15 hours of unpaid work, violates Human Dignity as well. This thesis contends that incorporating human dignity as a criterion in policymaking is not only essential but also crucial in the protection of the fundamental rights of people living in poverty.

Keywords: Social Policies, Human Dignity, Political Philosophy, Poverty.

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Introduction:

« Si on veut donner de l'autonomie, de la dignité, de l'émancipation, ça passe par l'emploi. Et le chemin vers l'emploi c'est la formation, l'insertion »¹ (If we want to give autonomy, dignity and emancipation, it goes through labour. And the path towards labour is formation and insertion) were the words pronounced by Olivier Dussopt, former labour minister, on the 9th October 2023, the day before the new RSA reform passed. This law conditioned the minimum income for people living under the line of poverty to 15 hours of unpaid work or formation. The use of 'Dignity' in this context is not trivial. It shows how Human Dignity has been a cornerstone of ethical, legal, and political discussions and debates in our contemporary society. Human Dignity is a fundamental historical, philosophical and legal concept. It is rooted in the Latin term "*dignitas*"², and grew through the Christian idea of 'Imago Dei', through the Enlightenment tradition and later its legalisation in national, international and European law³. It has evolved throughout the centuries and was given various significance from multiple perspectives. It strikingly moved away from its highly hierarchical conceptualisation in the Roman Empire through inherent and universal value that is neither earned nor given but simply "is"⁴. This intrinsic worth deserves unconditional protection as, when we harm one individual's Human Dignity, we harm humankind's dignity. Nevertheless, when it comes to the social debate, there seems to be a lack of appeal to Human Dignity to defend universal Social Rights within national government outside of access to labour. While this is witnessed at the governmental level, on the other hand, recipients of social policies and welfare benefits constantly refer to their claim to Human Dignity as individuals, highlighting the impact of poverty and difficult living conditions on the former.⁵

This contrasting and perplexing situation makes one ponder whether we can use Human Dignity to devise and evaluate social policies, especially regarding the fight against poverty. It is a multilayered research question as it opens questions about the relevance of a highly abstract and philosophical concept in social, practical, and even economic issues. How can we use Human Dignity in the social sector? This thesis seeks to answer the following query by focusing on a well-defined case study of the 2023 RSA Reform. Does the 2023 RSA Reform respect and uphold the dignity of people experiencing poverty? This thesis aims to bridge the gaps between the philosophical and historical concepts with a highly specific, practical, and contemporary issue. It seeks to see whether or not using this concept is valuable and relevant. It aims to prove the importance of Human Dignity to reflect on the socio-economic issues, inequalities and extreme poverty that have plagued our society for years. This thesis will focus on the European and Western geographical scope and tradition, with a focus on European philosophers. It also looks at international treaties and norms while staying within the western world.

¹Olivier Dussopt, quoted in "RSA conditionné à 15 heures d'activités : 'un bon texte' selon Olivier Dussopt," Public Sénat, May 2, 2023, <https://www.publicsenat.fr/actualites/emploi/rsa-conditionne-a-15-heures-dactivites-un-bon-texte-selon-olivier-dussopt>.

² Lewis, Charlton T. "Charlton T. Lewis, Charles Short, A Latin Dictionary ." Perseus. Accessed April 22, 2024. <https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0059%3Aentry>

³Marcus Düwell et al., eds., *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2014), <https://doi.org/10.1017/CBO9780511979033>.

⁴Remy Debes, ed., *Dignity: A History* (Oxford: Oxford University Press, 2017), ISBN 9780199386004.

⁵R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, *The Hidden Dimensions of Poverty* (Montreuil: Fourth World Publications, 2019), <https://www.atd-quartmonde.org/wp-content/uploads/2019/12/Hidden-Dimensions-of-Poverty-20-11-2019.pdf>.

Before using human dignity as a frame of evaluation of current social policies and reform, it was necessary to define clearly what we mean by Human Dignity. This research is, first and foremost, a historical analysis of Human Dignity. This type of approach is crucial to correctly understand a historical, multilayered context. For this definition to be as accurate as possible, the thesis included a wide variety of primary sources. This research uses a close reading methodology: classical sources precisely: Cicero's *De Officiis*⁶, *On Ends*⁷, *De Re Publica*⁸, and *De Domo Sua*⁹, religious text with a focus on the Christian Bible¹⁰, and the foundational theologian Saint Augustine, philosophical treatises from Rousseau, Diderot, Kant and the 17th-century lawyer: Grotius. I also looked at novels, especially "*Emile ou l'éducation*"¹¹ and "*Julie ou la nouvelle Héloïse*"¹² by Rousseau and their importance in the spread of empathy from the perspective of human dignity. As well as, Foundational Political and Legal texts such as the 1789 French Declaration of the Rights of Man¹³, 19th-century early constitutions¹⁴, and the 20th-century¹⁵ constitutions within the European geographical area. This historical analysis paid close attention to the use of Human Dignity or Dignity, its cultural and political context, what it meant at this period and how it influenced our contemporary understanding of Human Dignity.

Additionally, this thesis examined the legal text. It used a comprehensive media content analysis that included a review of a wide range of online publications from a broad political spectrum, from the extreme left to the extreme right, to ensure a thorough comprehension of the 2023 RSA Reform. This also allowed for the gauging of the political and public response to this reform¹⁶. This thesis contends that despite its goal of encouraging employment, the 2023 RSA Reform poses critical questions about human dignity, especially in light of the way it defines conditional welfare and social responsibility in relation to French social policy. This reflects a general trend of the conditionality of Social Rights and that, in regard to Human Dignity, it is highly troubling. This thesis starts with a historical textual analysis of Human Dignity, with two chapters focusing on its evolution from ancient to modern Human Dignity. It then moves to a legal analysis of the consequences of the 1945 UDHR enshrinement¹⁷ of Human Dignity in Article 1. The last chapter focuses on the use of human dignity in the social framework and ultimately applies it to the chosen case study.

⁶ Cicero, Marcus Tullius. *De officiis*. Translated by Walter Miller. Cambridge: Harvard University Press, 2005.

⁷ Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914).

⁸ Cicero, Marcus Tullius, and Clinton Walker Keyes. *De Re Publica ; De Legibus*. Cambridge, MA: Harvard University Press, 1961.

⁹ Cicero, Marcus Tullius, and Robert George Nisbet. *M. Tulli Ciceronis de Domo Sua ad pontifices ratio*. Oxford: Clarendon Press, 1939.

¹⁰The Holy Bible: New International Version. Grand Rapids: Zondervan, 1984. Accessed 13 May 2024. <https://www.biblegateway.com/>.

¹¹ Jean Jacques Rousseau, *Emile Ou de l'éducation*, ed. André Charrak (Flammarion, 2009).

¹² Jean-Jacques Rousseau, *Julie Ou La Nouvelle Héloïse*, ed. Érik Leborgne and Florence Lotterie (Paris: Flammarion, 2018).

¹³ Déclaration des droits de l'homme et du citoyen (DDHC), 1789. Extrait des procès-verbaux de l'Assemblée nationale, des 20, 21, 22, 23, 24, 26 août et 1er octobre 1789 (publié par Baudoin, imprimé à Versailles en 1789).

¹⁴See annex I, p125.

¹⁵See annex II, p127.

¹⁶See annex IV, p129..

¹⁷ Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948, <http://www.un.org/en/documents/udhr/>

Chapter I: "Through time and space: Unravelling the history of Dignity".

1.1. Honour and Social Standing: tracing the origin of dignity in the Roman Empire :

In studying Human Dignity, it is essential to understand that it is, first and foremost, a concept that has taken on multiple meanings, evolved and changed over time and space. To analyse social issues through the lens of a philosophical concept, it is crucial to try and understand it to its fullest within the historical context. The idea of (human) dignity in our modern civilisation originates from the Latin term "Dignitas, Dignitatem". To study "Human Dignity" through a genealogical approach, one cannot avoid the analysis of ancient uses of the word 'Dignity'. In 'Charlton T Lewis Charles Short A Latin Dictionary' "Dignitas, Dignitatis and its plural form Dignitatem"¹⁸ is translated as worth, merit, desert, greatness, grandeur, authority and rank. This straightforward translation from Latin to English gives us a direct insight into what Dignity meant in Antiquity, particularly under the Roman Empire.

1.1.1. A Meritocratic Dignity in the Roman Empire in Cicero's Work?

According to the translation, "Dignitas" was viewed in ancient Rome as a quality, status, rank or honour; it was not a universal human quality. Instead, it was dependent on both internal and external factors, including one's position in the hierarchy and place of employment. A merchant had far less "Dignity" than an emperor had. Dignity was interpreted as being "inherently" external and comparative, connected not only to one's position or acts but also to how one is viewed and directly to one's reputation. Cicero's writings contain some of the most significant works about "*Dignitas*."¹⁹ A Study produced by Packard Institute shows that there are 1,853 instances of "*dignitas*" found in their database of classical Latin writings, 1,008 (54%) of which are found in Cicero's writing. Cicero is one of our most important authors to study in this part²⁰. Baldson (1960) produced a detailed and precise lexical analysis of Cicero's work. It illustrates first the most widely accepted definition of dignity in Ancient times when it concerns the question of "Honor, social rank", but it is also linked with beauty and aesthetics. When talking about "*Dignitas*", he usually uses the terms either "*Venustas*" (which concerns more beauty) or "*Autocritas*". Analysing Cicero's writings reveals the highly stratified character of dignity in Roman culture, as well as related concepts like 'Venustas' (beauty, elegance) and "*Autocritas*" (authority)²¹. This close reading allows us to distinguish two indisputable meanings of Dignity within Ancient thought and philosophy. We can distinguish two main characteristics of "Dignitas" within Cicero's works: the question of social status and relationship and what is understood to be "The Law of Professionals." It opens lastly a debate on a form of Human Dignity within the Stoic philosophy.

¹⁸ Lewis, Charlton T. "Charlton T. Lewis, Charles Short, A Latin Dictionary ." Perseus. Accessed April 22, 2024. <https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0059%3Aentry>

¹⁹ Griffin, Miriam. "Dignity in Roman and Stoic Thought." Edited by Remy Debbes . Dignity a History, Oxford Philosophical Concept , June 2017, 47–65.

²⁰ Copenhaver, Brian. "Dignity, Vile Bodies, and Nakedness Giovanni Pico and Giannozzo Manetti ." Essay. In Dignity a History, p.143 Oxford University Press, 2017.

²¹ J. P. V. D. Baldson. "Auctoritas, Dignitas, Otium." The Classical Quarterly 10, no. 1 (1960): 43–50. <http://www.jstor.org/stable/637589>.

Throughout this study, three main writings studied are: “*De Domo Sua*”²², “*On Duties*”²³, and “*De Republica*.”²⁴

1.1.2. Auctoritas:

“Immediately below this exalted body is the equestrian order; and all the companies for the collection of all the public revenues which this order contained passed resolutions concerning my consulship and my achievements, which were most laudatory and enthusiastic. [...]”

(Cicero, “*De Domo Sua*”, Paragraph 74).

As seen in Baldson's study, “*Dignitas*” was deeply social and hierarchical. One's dignity was not universal or inherently linked to one status and place in society. *Dignitas* was not just a philosophical concept but something that reflected in the whole organisation of the Roman Empire. This was one way to conceptualise the hierarchy: the dignity of the Emperor is the highest, followed by that of the Senate and Senators, the “equestrian order,” the dignity of ‘gens’ (family superiority), and lastly, the dignity of the Roman People over the rest of the world. Cicero called it “*Dignitas Gradus*”²⁵ (or so political organisation). Cicero justifies this “political” organisation²⁶ (*gradus dignitas*), particularly in “*De Republica*”²⁷, saying that the Romans were better than any other rulers who had their qualities. The Persians were just and kind, for instance. Still, none of the previous emperors had “distinctions in dignity, their state was without its ornament.”²⁸ The extreme hierarchical division of Roman Society is here justified by the idea that there can be no true dignity if it is equal. Cicero believes, on the contrary, in distributive justice that is capable of preserving each rank. A State that is not distinguished in terms of dignity cannot be dignified. It is “without ornaments.”²⁹ “*Dignitas Gradus*”³⁰ would explain the superiority of the Roman Empire to the rest of the world.

1.1.3. Reputation, beauty and loveliness:

“Again, there are two orders of beauty, and dignity, of these, we ought to regard loveliness as the attribute of woman and dignity as the attribute of man.”

(Cicero, *On Duties*, 36)

²² Cicero, Marcus Tullius, and Robert George Nisbet. *M. Tulli Ciceronis de Domo Sua ad pontifices ratio*. Oxford: Clarendon Press, 1939.

²³ Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914).

²⁴ Cicero, Marcus Tullius, and Clinton Walker Keyes. *De Re Publica ; De Legibus*. Cambridge, MA: Harvard University Press, 1961.

²⁵ Baldson, 1960, p44

²⁶ Baldson, 1960, p44.

²⁷ Cicero, *De Respublica*, Paragraph 28.

²⁸ Cicero, *De Respublica*, Paragraph 28.

²⁹ Ibid

³⁰ Ibid

Here, the second meaning of Dignity is highlighted. If one is given a certain dignity through a rank, one should maintain it. Beauty, exterior and physics are also deeply characteristic of a dignified Man.

Dignity is not only a physical image but also the way one presents himself and is perceived by others.³¹ This illustrates the direct link in Cicero's works between reputation and the realisation of dignity through others. Furthermore, how deeply comparative and exclusionary it is. "*Dignitas*" in itself is linked to the man's body, his way of presenting himself as vital, while a woman's body is associated with "*venustatem*"³², grace and loveliness (also directly referring to 'Venus', the Roman goddess of love, beauty, birth...). It is therefore important to point out that a woman possesses loveliness and not "Dignity" in Cicero's terms.

But it goes further than social relationships; it is also about the relationship with oneself; in "On duties", in the same paragraph, he follows with what this "manly" dignity entitles in terms of bodies and position³³: "Therefore, let all finery not suitable to a man's dignity be kept off his person, and let him guard against the fault in gesture and action."³⁴ A dignified man must not only act with social correctness but also dress correctly, have a correct posture and take care of himself mentally and physically. However, this "dignity" is not exclusively reserved for men; wines and houses can have dignity. Ultimately, it goes back to how one may present himself in society and how it should be by his dignity and rank.³⁵ Dignity is also given a particular dimension in Cicero's definition through the "law of professional." Due to the societal hierarchy, one in a specific profession should act according to his dignity. Therefore, a "magistrate bears in mind that he represents the state and that he must uphold its honour and its dignity, enforce the law, dispense to all their constitutional rights, [...]"³⁶ In other words, *dignitas* were central in Roman Society; the works of Cicero illustrate its hierarchical dimension, which spans from the structure of societal relations to the beauty of one physical appearance, house, and wine. It was not the universal and inherent understanding that we now associate with Human Dignity. Dignity was highly different from our modern knowledge.

1.1.4: "Hominis Dignitas":

The father of human dignity is widely considered to be Kant, and his revolutionary definition is of a universal, inherent value³⁷. However, this issue is still being addressed. Certain scholars argue that the concept of Dignity goes beyond the mere association with social status and privileges.³⁸ Rosen and McCrudden say that Cicero was the first to define (universal) Human Dignity³⁹. This argument is mainly based on this extract from "On duties":

³¹ Cicero, On Duties, Book 1, Paragraph 36.

³² Cicero, On Duties, Book 1, Paragraph 36.

³³ Cicero, On Duties, Book 1, Paragraph 26.

³⁴ Ibid

³⁵ Baldson, 1960, p44

³⁶ Cicero, On Duties, Book 1, Paragraph 28

³⁷ Thomas E. Hill Jr., "Kantian Perspectives on the Rational Basis of Human Dignity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014).

³⁸ Rosen, M. 2012. *Dignity: Its History and Meaning*. Cambridge, MA: Harvard University Press

³⁹ McCrudden, Christopher, *Human Dignity and Judicial Interpretation of Human Rights* (July 17, 2008). *European Journal of International Law*, Forthcoming, Oxford Legal Studies Research Paper No. 24/2008, Available at SSRN: <https://ssrn.com/abstract=1162024>

“We must realise also that we are invested by Nature with two characters, as it were: one of these is universal, arising from the fact of our being all. We were alike endowed with reason and with that superiority which lifts us above the wild animals.”⁴⁰

This is one of the most widely used quotes when it comes to defending Cicero’s “*Hominis Dignitas*”. Multiple scholars have claimed that in this part and the general Stoic tradition, Cicero argues that humans have “dignity” purely on the fact that they are part of Humanity. This dignity, therefore, raises us above other animals. In this extract, we see the use of the term “universality”, which is central to our understanding of Human Dignity. This universal value is associated with the fact that all humans are “endowed with reason and superiority”⁴¹. These universal values give us morality.⁴² Cicero uses the term “*Hominis Dignitas*” in both *On Ends*⁴³ (*De Finibus*) and *On Duties*⁴⁴ (*De officiis*). In Cicero's works, we see certain obligations and duties that directly stem from the general values of human beings. He calls those obligations “*Decorum*” from those “*decorum*” (seemliness) stem specific responsibilities, or “*Personae*.”⁴⁵.

This is a highly contentious topic, and other academics find themselves disputing such claims, especially Griffin⁴⁶ and Darwall⁴⁷. They oppose the idea of a Stoic Human Dignity. Miriam Griffin (2017) meticulously argues that an analysis of Cicero’s words does not adequately support this argument. She does acknowledge that his conception of Dignity creates specific duties and obligations stemming from the fact that beings are part of a universal whole⁴⁸. Yet, what it does not create is a social bond involving all men, as well as duties and obligations encompassing all Human Beings. Indeed, she contends that human dignity should embrace all individuals, regardless of their virtuous nature. She adds that there are some ideas connected to the social bond in the Stoic tradition. According to the Stoics, humans have a social instinct that is imposed by the providential human nature to make up for their lack of natural weapons or protective layers. However, as our previous analysis of the different mentions of “*Dignitas-tatem*” in Cicero's body of work, the other socially ranked relationships are still crucial for the functioning of one's society.⁴⁹ This part is quite illustrative of how the core concept of 'Human Dignity' is still quite debated. Is it enough to have a reference to a universal value of human nature to talk about "Human Dignity" to have something that elevates us above the rest of the world, or does it have to carry a normative and social dimension?

⁴⁰Cicero, *On Duties*, Book 1, Paragraph 107

⁴¹Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914), para. 107.

⁴² McCrudden, 2008, p3

⁴³Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914).

⁴⁴ Cicero, Marcus Tullius. *De officiis*. Translated by Walter Miller. Cambridge: Harvard University Press, 2005.

⁴⁵Miriam Griffin, "Dignity in Roman and Stoic Thought," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017), p53-54

⁴⁶Miriam Griffin, "Dignity in Roman and Stoic Thought," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017)

⁴⁷ Darwall, Stephen. “Equal Dignity and Rights.” Edited by Remy Debes. *Dignity, A History*. , June 22, 2017. <https://doi.org/10.1093/acprof:oso/9780199385997.003.0009>.

⁴⁸Miriam Griffin, "Dignity in Roman and Stoic Thought," in *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017)

⁴⁹Miriam Griffin, 2017, p54

1.2. Exploring the sacred threads of (un)dignity in the Middle Ages:

a. ‘Dignete’

After analysing “*Dignitas*” and Ancient Dignity, the historical analysis of Dignity leads us to a crucial moment in human and dignity history: the rise of Christianity. With the decline of the Roman Empire, a significant change in religious beliefs occurred in the Latin West. The once prevalent worship of pagan gods was replaced by the dominance of Christianity, introducing a new perspective on human value and Dignity. At the core of this transition was the influence of the Bible, which included the Old Testament and the teachings of Jesus Christ. Within these sacred texts, a new understanding of Dignity emerged—one that was no longer based on the social hierarchy of Roman society.⁵⁰ The most important tradition that shaped the understanding of human dignity in the Middle Ages was the biblical idea of human 'likeness to God', which holds that humans are made in God's image and can restore dignity through salvation despite being stained by original sin⁵¹.

This section delves into the connections between Christian theology and the concept of dignity. By analysing critical theological writings, historical accounts and philosophical discussions, we seek to clarify the profound impact of this shift in perspective on ideas of dignity in the Latin West. We also strive to highlight the shift towards a deeply anthropocentric and androcentric vision of “Dignity”. When looking at dignity within the Western World and in Europe, we have to make an anthropological analysis of Christianity and its influence. However, before diving into the study of the scripture, it is essential to turn to the definition of dignity with the help of various compilations of mediaeval dictionaries, meanings and quotations with the uses of the word.⁵² It will give a broader picture of the social aspect of dignity in mediaeval society.

“Dignity” derives from the Latin “*Dignitas*” and “*Dignus*”. It then evolved into the mediaeval French word “*Digneté*”. “*Dignite*” (*dignité*), in the “*Dictionnaire du Français Médiéval*, Takeshi Matsumura”⁵³ it is defined as “qui donne un rang éminent, domination, “*grandeur*” (*d’une chose*), “*valeur*” (*prince*), “*qualité et estime*” (respectively translating as “give an eminent rank”, “domination”, “grandeur” (of a thing), “value” (prince), “quality and estime”). In the Medieval Ages, ‘Dignity’ still reflected a lot of its Ancient counterpart. It would be reflected in a highly hierarchical society based on dependency and status. The Cerf would be entirely dependent on serving and working for the seigneur; the seigneur would themselves refer to and respect their King. Knights would also be given high dignity in their fight and protection by the King or Emperor. In ancient French society, one's life and respect for one's dignity were synonyms for rank, domination, and, again, a form of *grandeur*⁵⁴.

⁵⁰Imbach, 2014, p65.

⁵¹ Kent, Bonnie. “In the Image of God: Human Dignity after the Fall.” In *Dignity: a history*, Oxford Philosophical Concept, 73-97, 2017.

⁵²As there is no real “mediaeval dictionary since the official language at the time was Latin which was only spoken by the highest part of society and religious caste, the rest of France was divided into regional languages.

⁵³Takeshi Matsumura, *Dictionnaire du français médiéval*, ed. Michel Zink (Paris: Les Belles Lettres, 2015).

⁵⁴Jean-Marie Le Gall, *L'Ancien Régime (XVIe-XVIIe siècles)* (Paris: Presses Universitaires de France, 2013), ISBN 2130617611.

b. Imago Dei:

However, what seems to appear in parallel with this more traditional conception of dignity is a broader and multifaceted understanding of Human Dignity that relies on spiritual purity.⁵⁵ Central to this new understanding of Dignity was “Imago Dei”. Christianity in mediaeval society was crucial, and its hierarchical organisation was deeply defined. It also opened another debate on the question of rationality, which comes up frequently within our debate and our understanding of ‘Human Dignity’. Religion in the Middle Ages was vital in defining many social processes and laws at the time. Even though we still see that “dignete” separates men from one another in mediaeval society, the concept also became deeply connected to the religious hierarchy and idea of the world. Moreover, it became, for the first time, associated with Human Nature as a whole because humans are created in the image of God. Key scriptures in the Bible illustrate Imago Dei, especially Genesis 1.26, 1.27⁵⁶ and Wisdom 2.23.

“God created humans to live forever.
He made them a perfect representation
of his own unique identity.”

Wisdom 2.23.

These three verses of the First Testament relate to ‘Genesis’ and how God created the universe, earth, Heaven, Hell, Angels and Humans. ‘Imago Dei’ is at the basis of the entire theological debate on whether, because God created Humans in his image, they, therefore, have dignity (or not due to the fall and the original sin). When looking at various philosophical theologies and especially the patristic tradition, one may be surprised not to find a direct reference to “human dignity”. Patristic theologians and mediaeval authors rarely defend a universal concept of human dignity.⁵⁷ There are two main explanations for this phenomenon. Most philosophers believe that angels have a higher dignity than humans. Moreover, if the only gift God gave Humans were rationality, they would be other rational beings. Finally, they believed dignity was conditioned to spiritual purity and salvation. Moreover, most philosophers thought that the fall had deformed human beings and pushed them too far away from their original likeness. Life is not about ‘dignity’; it is about constant suffering and struggle. Salvation is the only true path to dignity, and access to dignified, eternal happiness can only be attained within heaven and the afterlife.⁵⁸ Moreover, most philosophers believed that the fall had deformed human beings and pushed them too far away from their original likeness. Life on earth become is not about ‘dignity’ but constant suffering and struggle to reach dignity in the afterlife. Salvation is the only true path to dignity, and access to dignified, eternal happiness can only be attained via heaven and the afterlife.⁵⁹

⁵⁵ Kent, Bonnie. “In the Image of God: Human Dignity after the Fall.” In *Dignity: a history*, Oxford Philosophical Concept, 73-97, 2017.

⁵⁶ See : The Holy Bible: New International Version. Grand Rapids: Zondervan, 1984. Accessed 13 May 2024. <https://www.biblegateway.com/>.

⁵⁷ Kent, 2017, p73

⁵⁸ Ibid

⁵⁹ Kent, 2017, p74

c. Patristic interpretations of the (un)dignified man:

Augustine is one of the most influential theologians who have profoundly influenced many other mediaeval thinkers. He illustrates the understanding of (Human) Dignity within the patristic tradition and its absence. His most important reflection is on the place of humans in the creation, especially in comparison to other earthly creatures and heavenly beings. In the “City of God”⁶⁰, he says, “[God] created the human being's nature as a kind of intermediate between angels and beasts.” He positioned Humans as less dignified than Angels but more dignified than animals. “Man is therefore created as inferior to Angels but superior to beasts.”⁶¹ This is a direct reflection on Psalm 8: “Yet you have made him a little lower than the heavenly beings.” This is a standard theory within the patristic readings of the Bible. He reminds Humans of their position with the creation in chapter twenty-two by highlighting how humans are an “intermediary between angels and beast.”⁶²

Furthermore, he argues that human nature is not intrinsically good, but on the contrary, inclined towards sin: “God was well aware that man would sin, becoming liable to death would then produce a progeny destined to die.”⁶³ “He knew that mortals would reach such a pitch of boundless iniquity that a brute beast, deprived of the rational will, would live in greater security and peace among their kind.”⁶⁴ Augustine, in these two extracts, reflects on human nature as sinners and their place within the creation. His dominant narrative about the fall is that humans (only referred to as ‘he’, so again as men, excluding ‘woman’) fell and committed the original sin which corrupted their soul. They still possess something that can allow them to reach the dignity of angels: their immortal soul. What the immortality of the soul does to humans is to give them something to work towards, a form of meaning and direction within their lives.⁶⁵ Therefore, Humans, as imperfect and sinful, possess a soul. This renders them as being superior animals who do not have an immortal soul and disappear once their time on earth is terminated. However, a mortal soul would be nothing without the capacity to act and save one's soul, find salvation and resist our earthly desires. This capacity is found within one of God's most important gifts to his creations: rationality and freedom of choice. This is a critical and exciting interpretation of Dignity. Rationality is a concept that, though later devoid of its religious concept, would come back again and again.

The ultimate gift from God is giving humans rationality; it offers his creation the possibility to find salvation and save their immortal souls from burning in one of the seven circles of hell.⁶⁶

⁶⁰Saint Augustine, *City of God*, trans. Marcus Dods (New York: The Modern Library, 2002), 12.22.

⁶¹Saint Augustine, *City of God*, trans. Marcus Dods (New York: The Modern Library, 2002), 12.22.

⁶² *Ibid*

⁶³Saint Augustine, *City of God*, trans. Marcus Dods (New York: The Modern Library, 2002), 12.23.

⁶⁴Saint Augustine, *City of God*, trans. Marcus Dods (New York: The Modern Library, 2002), 12.23.

⁶⁵ *Ibid*

⁶⁶Saint Augustine, *City of God*, Book 12, Chapter 24. Moreover, this is a crucial concept in Aquinas understanding of dignity, as for Augustine, he argues that though sinful and imperfect, human are superior to animals, however he believes contrary to Aquinas that due to our composite mater, our dignity would always be inferior to angel, even without the original sin. What is constantly reminded of humans is their sort of intermediary position. They retain a likeness (and therefore dignity) to God, but it is much imperfect. He also emphasises the role of the Human psyche, The human psyche even if it is inferior to Angel's psyche is still able to lead us to an understanding of the trinitarian faith, and therefore increase our conformity (likeness) with God. It brings us closer to our creator and Angel's dignity. Thus, he also interprets humans as individuals able to steer further away from their dignity by sinning. In this whole order described by Aquinas, (Hu)men may have a form of dignity, but there is nothing deeply human in it, it is only dependent on God's given capacity to choose not to sin. (See: Aquinas, Thomas. *Summa theologia* vol 14-22. Nürnberg: Anton Koberger, 1496.)

This disposition and virtue (living according to the rules of the Bible) make us more ‘Christlike.’ Therefore, it is our likeness (not in creation itself, as it was lost during the fall) found within our rational choice not to sin that makes us ‘dignified’ human beings.⁶⁷ However, this also meant that dignity could be lost if we act irrationally and let ourselves follow our deepest and sinful desires. In that situation, we would go back to the level of wild animals. Indeed, since human nature is intrinsically one of a sinner, if we do not fight against our beastly inclinations, we can lose our dignity. This implies that we cannot elevate the dignity of angels but fall as low as irrational and violent beasts.⁶⁸ This patristic understanding of Human Dignity is found in a majority of theological philosophies of the period, especially Thomas Aquinas. It became the primary interpretation of Dignity and was highly influential.⁶⁹

1.3. Renaissance Humanism and the Restoration of Antiquity's Concept:

The Renaissance is another significant step in the evolution of human Dignity. However, there needs to be more clarity about its understanding since we usually try to read it through our vision of Dignity. It comes from a conflation with Humanism as a rise of the centrality of humanity, steering away from religions. We tend to mix both “Renaissance Humanism” with the later movement of Humanism.⁷⁰ When talking about ‘Humanism’ during the Renaissance, it refers to ‘*Humanismus*’ coined in 1808 by the German Theologian Friedrich Niethammer. ‘*Humanismus*’⁷¹ was an educational and cultural project that re-established the knowledge and philosophy of the Ancient Empire, notably of Ancient Greek thinkers. It is generally seen as the first turn towards secularisation, but that would be a misunderstanding of the true hearts of Renaissance philosophy.

In Renaissance humanism did recognise the deep worth and meaning of human value. It takes an interest in human nature, and its limits. It is not easy to give one definition of humanism. However, what is important to highlight is that there is a clear connotation of a turn towards a form of a worth of "humanity". One may say the Humanism definition of Human Dignity is some of the first stages and progress towards modernity.⁷² However, this does not mean that their modernity is continuous with our modernity and entirely steered away from religion towards a more individualistic and secular outlook. On the contrary, the Renaissance tradition and is a mix of both the religious idea of the centrality of man within creation and the importance of rationality with a return to some extent to Cicero’s “*Dignitas*”. During the Renaissance, the majority of intellectuals employed the terms "dignity", "excellence", and "superiority" interchangeably⁷³.

⁶⁷Saint Augustine, *City of God*, Book 12, chapters 22 and 23: The Creation of Man.

⁶⁸ Ibid.

⁶⁹Interestingly enough, not all monotheistic religions have this specific understanding of earthly “dignity”. (See : Miklós Maróth, “Human Dignity in the Islamic World,” *The Cambridge Handbook of Human Dignity*, April 10, 2014, 155–62, <https://doi.org/10.1017/cbo9780511979033.018>, and Yair Lorberbaum, “Human Dignity in the Jewish Tradition,” *The Cambridge Handbook of Human Dignity*, April 10, 2014, 135–44, <https://doi.org/10.1017/cbo9780511979033.015>.)

⁷⁰Steenbakkens , Piet. “Human Dignity in Renaissance Humanism.” Essay. In *The Cambridge Handbook of Human Dignity Interdisciplinary Perspectives*, 85–92. Cambridge University Press, 2014.

⁷¹Niethammer, Friedrich I. *Der Streit des Philanthropinismus und Humanismus in der Theorie des Erziehungs -Unterrichts unserer zeit*. München: Omnia Mikروفilm-Technik, 1979.

⁷² Steenbakkens, p86.

⁷³Steenbakkens , Piet. “Human Dignity in Renaissance Humanism.” Essay. In *The Cambridge Handbook of Human Dignity Interdisciplinary Perspectives*, 85–92. Cambridge University Press, 2014.

They would draw influence from Cicero's writings, particularly the work "De Officiis."⁷⁴ The religious idea of an honourable dignity that places us above the rest of nature was a guiding idea throughout Renaissance Humanism⁷⁵. Renaissance Dignity is an appeal to use reason, as a uniquely human faculty, to transcend animal life around a notion of "Excellence and Superiority" in human nature (or dignity). Human nature is elevated above the rest of creation and is a mix of both religious and Stoic thought. They use both classical sources to understand the human condition in a more complex way, to understand human nature as less rotten and wretched by the original sin. We found an apparent insistence and use of the beauty of human nature, its kindness and overall, the importance and truth of human worth; it would be reflected in philosophy but also profoundly in arts.⁷⁶

1.3.1. Pico Mirandola:

Pico Della Mirandola is usually cited as one of the most important sources and reflections on Human Dignity when studying the Renaissance⁷⁷. Pico Della Mirandola was a pupil and close friend of Ficino, who took various Platonic sources, especially the "*Corpus Hermeticum*"⁷⁸ which is a compilation of numerous Greek and Roman Philosophical texts. Ficino created an ensemble of very influential commentaries which developed his own Platonic Philosophy and wrote an enormous body of work called "*Summa Platonic*".⁷⁹ This revival of Platonic philosophy was deeply influenced in the Renaissance, especially in his vision of the relation between action and contemplation. He argues in '*Theologia Platonic*' that to be united with God, human has to understand God through contemplation⁸⁰. Ficino has, without doubt, influenced Pico Della Mirandola's work.⁸¹ Pico Della Mirandola especially integrated his reflection on Platonism in his works. His most knowable oeuvre is "Oration on the Dignity of Man"⁸², edited in 1557. In this considerable oeuvre resides nine hundred 'conclusions' about all things that can be known. However, he only brings up the subject of "Human Dignity" in the first part of Oration. In this critical work, he refers to the traditional argument attached to human superiority. He believed that the reason why man is "the happiest living creature on earth" was that God endowed them with autonomy to direct their destiny and the capacity to rise above their earthly desire to strive for wisdom.

⁷⁴ Cicero, Marcus Tullius. *De officiis*. Translated by Walter Miller. Cambridge: Harvard University Press, 2005.

⁷⁵ Cicero connects the concepts of excellentia and praestantia, or "pre-eminence, superiority," to dignitas: "Nature herself has bestowed upon us a quality of unparalleled excellence, greatly surpassing that of all other living beings" (Cicero, *De Officiis*).

⁷⁶ Copenhaver, Brian. "Dignity, Vile Bodies, and Nakedness Giovanni Pico and Giannozzo Manetti ." Essay. In *Dignity a History*, 139-143. Oxford University Press, 2017.

⁷⁷ Steenbakkers, Piet. "Human Dignity in Renaissance Humanism." Essay. In *The Cambridge Handbook of Human Dignity Interdisciplinary Perspectives*, 85–92. Cambridge University Press, 2014.

⁷⁸ Hermes, Apuleius, and Brian P. Copenhaver. *Hermetica: The Greek Corpus Hermeticum and the Latin asclepius in a new English translation*. Cambridge: Cambridge Univ. Press, 1996.

⁷⁹ Ficino, Marsilio. *Platonic Theology, Volume 1: Books I–IV*. Edited by James Hankins. Translated by Michael J. B. Allen. Harvard University Press, 2001.

⁸⁰ Ficino, p309.

⁸¹ Steenbaker, p90.

⁸² Giovanni, Pico della Mirandola, Francesco Borghesi, Michael Papio, and Massimo Riva. *Oration on the dignity of man: A new translation and commentary*. Cambridge: Cambridge University Press, 2016.

Each person can develop the aspect of their life; they can either become plants or ‘brutes’, but if they reason, they will become Angel, Sons of God. This is extremely close to the theory and theology put forward within ‘Imago Dei’. Because of this capacity, Humans became the centre of creation with the capacity to achieve divine heights through intellectual and moral pursuit. Pico essentially praised the inherent dignity of humanity and the boundless possibility given to Humans.

“The opposite is true in heavenly love: heavenly love involves no danger of coitus but rather is directed entirely toward the spiritual beauty of the soul or the intellect. This spiritual beauty is much more perfect in men than in women, as is true of any other attribute. This is the reason why most men who have been affected by heavenly love have loved some young man of virtuous character (the more beautiful his body, the more attractive his virtue) rather than become effeminate and pursue a flock of harlots, who not only do not lead a man to any degree of spiritual perfection but, like Circe, completely transform him into a beast.”

(Pico Della Mirandola, Oration on the Dignity of Man, 133).

In paragraph 133, Pico della Mirandola takes after the ‘Aristotelian division’⁸³ of function of the soul between nutrition, sensation and cognition⁸⁴. Dignity derives from Human’s middle position within the creation. And the possibility to connect with both Angel’s dignity and animal’s indignity. Unlike the rest of the physical creation, Humans have the possibility to transcend their original position as sinners by through seeking wisdom, morality, and a spiritual existence.

Each person's development will depend on the aspect they cultivate; if you cultivate the nutritive or reproductive part, you will become a plant; if you cultivate the sense, they will become brutes; and if you cultivate reason and understanding. A person will become a son of God. Finally, if one can withdraw into the core of his unity, he will be made one with the spirit of God. He refers directly to Ficino's program of uniting with God through contemplation and the unlimited capacity for growth and development. Even though he does not stray away from 'Imago Dei' and 'Stoic rationality', he emphasises deeply the creative capacity of humans. He does not believe that there is eternal pressure that pushes humans to sin or not. This does not mean that the choice is truly free; throughout Oration, he enters into details about the organisation of creation and its hierarchical characteristics. They can choose what to cultivate, but if they cultivate the wrong path, they will face eternal punishment.⁸⁵

Therefore, Human Dignity is found within the capacity to reflect on oneself, and cultivate one’s personality. Human Dignity remains highly conditional but is now, reachable within Human’s life on earth.

⁸³ Aristotle. *Nicomachean Ethics*. Translated by W. D. Ross, Kitchener: Batoche Books, 1999.

⁸⁴ Pico Della Mirandola, paragraph 200.

⁸⁵ Ibid

1.3.2. Giannozzo Manetti:

Giannozzo Manetti's works are essential to give attention to and provide a more profound analysis when it comes to studying the historical evolution of Human Dignity. He pondered upon Human Dignity in "On Man's Excellence and Superiority"⁸⁶, which emulated and deepened Bartolomeo Faccio's work as demanded by King Alfonso of Naples. Additionally, this idea focused on the point that the good in humanity is to be found because of the original creation itself. He is probably one of the most essential and prominent Renaissance writers when it comes to the concept of dignity, specifically of "dignity of human nature."⁸⁷ In this book, Manetti used the Latin words multiple times, even tenfold, as Pico did. Copenhaver (2017) shows how manifold the use of "*Dignitas*" in this book is and how Manetti uses it so much to the point of pleonasm and numerous repetitions. He took time to do some linguistic analysis to show that even if Manetti studied Latin, it was not his mother language. The majority of his vocabulary came from ancient texts, and most Latin texts were still used in the Medieval and Renaissance ages. Indeed, Humans were created by God, and He made them in his Image. "Likeness" and "*Imago Dei*"⁸⁸ is interpreted as a proof of goodness within human nature. God's grace is still necessary for salvation as in patristic tradition, yet the position on the human soul is much more positive and optimistic.

Once again, since God created men and because of their likeness, they are capable of making arts, buildings, sciences, wisdom... Manetti applauds the human form, vitality, aptitude and nudity.⁸⁹ He is no longer viewed as a villain, tormented by the original sin (which included his bodily manifestation and the human soul). In his work, Manetti constantly discusses with other authors and refutes the reputation of human nature as being wretched by the original sin⁹⁰. Moreover, he adds that God created the world and arranged it for the sake of human beings alone and that Men's talents (*ingenium*) enable them to design buildings, cities, pictures, scripture, arts, sciences, wisdom, and so many various, beautiful achievements. Our Ingenium and wisdom ultimately derive from our knowledge and worship of God. Man is, therefore, a 'Sage' when he is capable of controlling (contrary to animals) anger and desire. This "Sage"⁹¹ becomes the highest form of human existence. He quotes Cicero by saying that "man is a mortal God", born of two things 'understanding and acting'. God created men in a way that he would desire and be capable of aiming for, as well as reaching for faith and wisdom. In his third book, he also argues that the incarnation of God (through Jesus) is the ultimate proof of human superiority because God chose to be incarnated in the form of humans and not any other creature of his creation.

⁸⁶ Manetti, Giannozzo, and Brian P. Copenhaver. On human worth and excellence. Cambridge (Mass.): Harvard University Press, 2019.

⁸⁷ Copenhaver, Brian. "Dignity, Vile Bodies, and Nakedness Giovanni Pico and Giannozzo Manetti ." Essay. In *Dignity a History*, 139-143. Oxford University Press, 2017.

⁸⁸ Copenhaver, 2017, p142

⁸⁹ Steenbakkens, 2014, pp 88-89

⁹⁰ Manetti, Giannozzo, and Brian P. Copenhaver. On human worth and excellence. Cambridge (Mass.): Harvard University Press, 2019.

⁹¹ Ibid

To conclude, we constantly see that in the Renaissance, there was a back-and-forth process in terms of humanism. Precisely between the Human Dignity concept of “Imago Dei” and a more Stoic approach to Human Dignity while emphasising the positive and beautiful aspect of what it means to be a human being.⁹² Overall, their vision of Human Dignity and nature can be considered original and innovative⁹³ even if it remains non-universal. However, this thesis does not aim to find universality in each period of history. It is about retracing what dignity meant in various periods of history). This positive, or at least hopeful approach to the capacity to reach dignity within the physical realm is highly reflected within the culture and arts of the period. Especially in the representation of Human bodies as beautiful and nude no longer being only synonym of sins.

Renaissance Humanist Thinkers	Stoicism	Imago Dei
Pico Mirandola	Inspired by Platonism presented by Ficino (‘Summa Platonica’) and especially uniting with God through contemplation, wisdom, and knowledge. Based on Aristotle’s division of the soul and how you have to cultivate it (depending on what you cultivate, you either become plants, animals, or Angels)	Man has the capacity and free choice to become as dignified as angels depending on which division of the soul he chooses to cultivate, and through contemplation, he can become as dignified as God
Gionnozo Manetti	Take the words of Cicero (who himself referred to Aristotle). He quoted how Man was born of two things: understanding and acting, linking it to Imago Dei.	Indeed, if man was born out of understanding and acting. It means that man was given the capacity to understand faith and wisdom and, therefore, act on it. All the positive and beautiful progress, man

What we see is that Human Dignity did not go from a highly hierarchical concept to our modern understanding in a smooth, straight line. Influences from Catholic thoughts and the Renaissance were significant. In particular, the role of Renaissance-inspired Enlightenment thinkers who are known for giving birth to our modern dignity.

⁹²Steenbakkens , Piet. “Human Dignity in Renaissance Humanism.” Essay. In *The Cambridge Handbook of Human Dignity Interdisciplinary Perspectives*, 85–92. Cambridge University Press, 2014.

⁹³ I want to add that compared to ancient philosophy; it was much more difficult to find accessible sources, as well as English translation of each work. Which did not allow me to make an analysis, as thorough, of original sources as I wanted to in the first place, hence the lesser number of quotations in comparison to the previous chapter. However, I do believe this gives us a pretty all-around understanding of (Human) Dignity in the Renaissance in comparison to other periods, in its difference and comparison.

“Humanity itself is a dignity; for a human being cannot be used merely as a means ... but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself ... over all things”.

(Kant, MS 6:462)

Chapter II : From Ancient to Modern Human Dignity?

2.1. Seventeenth Century Lawyers, the value of Human Dignity and Natural Rights?

While Kant and the Enlightenment are often credited with originating the concept of Human Dignity, the significant contributions of natural law theorists are frequently overlooked. The natural law tradition played a crucial role in the development of Human Dignity by proposing the existence of universal principles applicable to all humanity. This universality, which natural law philosophers argued all humans inherently follow, laid important groundwork for our modern understanding of human rights and dignity. It meant that just by being human, one had rights and duties towards oneself and others. This is especially crucial to understand because of the modern deep relationship between dignity and (human) rights⁹⁴. Dignity is not only supposed to exist, it needs to be recognized and respected. The evolution of natural law doctrines over the seventeenth century influenced the Universal Declaration of Human Rights's language and style. In the natural lawyer's main work, there are no direct references to Human Dignity but to "worth" and "human nature". Overall, Natural Lawyers may have different opinions, but there is a certain common assumption, nature is the hard and solid foundation on which our morality rests. This means that humans can discover those moral principles and make use of reason. They all believed that "Human Nature "should be thought of as something worthy"⁹⁵. Another important step is the first steering away from God and Voluntarism towards nature. Natural lawyers tried to provide a universal conceptual framework, trying to overcome patristic and theological tradition. Especially the issue with "Divine Law", as society was too religiously diverse to continue to accept those laws. These lawyers emphasised particularly humans as the centre of nature to avoid going on the endless debate about God's free will⁹⁶. Though the 17th century does not fall into the 'Renaissance', their attachment to God's law, and non-secularism, seems to make this part more fitting here. It would take too much time to look at all the natural lawyers, this section will focus on Grotius theory. Grotius wrote extensively on natural law, particularly on individuals, and is crucial when it comes to the ideas of possessing inherent rights within human nature. In his influential work "On the Laws of War and Peace", he laid the groundwork for later development in Human Rights Theory. He places Human nature as the basis foundation of our moral principles and distinction from others⁹⁷. He writes in "De Jure Belli Ac Pacis, that the very nature of man led him to strive to live in a society and enter mutual relationships. In other words, he believed that Humans were inherently social creatures "But among the traits characteristic of man is an impelling desire for society, that is, for the social life – not of any and every sort, but peaceful, and organised according to the measure of his intelligence."⁹⁸ He does believe that God created Humans and only him could

⁹⁴Pauline C. Westerman, "Human Dignity in Legal Contexts," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), 108–116, <https://doi.org/10.1017/CBO9780511979033.012>. p109.

⁹⁵ Westerman, 2014, p110.

⁹⁶ Westerman, 2014, p111-112.

⁹⁷ Hugo Grotius, *On the Law of War and Peace*, ed. Stephen C Neff, Student Edition (Cambridge University Press, 2012).

⁹⁸ Hugo Grotius, Prologue, p2.

change the nature of humans. However, that does not mean that natural law is inaccessible or only dependent on the moral judgement of God, or only through salvation. A human can be good and dignified within their time on earth. This is due to God's gift, of making us, in our nature as always striving for our interest, "[God] He has forbidden us to yield to impulses drawing us in opposite directions – affecting now our own interest- now the interest of others."⁹⁹ This is where he steers away from Voluntarism, since one can find salvation through his own action, choice, and during their lifetime. He sees Human nature as "Self-interested", "social", "reasonable" and "capable of speech"¹⁰⁰. This nature is at the basis of our natural law, we desire for our long-term interest, a peaceful society, to be able to live together and to have social interaction. We are capable of duties and rights proper to our humankind because of our capacity to understand the importance of justice and peace, above self interests. We can therefore deduce certain principles of natural law. Four are essential to Grotius¹⁰¹. First, the duty to not take what one does not own, second the duty to return or give back something that rightfully belongs to someone else, third the duty to compensate for any harm or loss caused by our actions and finally, the duty to keep our word and fulfil our commitment. This is how one should act in a peaceful society. However, when analysing Grotius's writing, we can see that the natural characteristic of self-preservation is dominant¹⁰², and therefore man seeks a society to protect himself. Yet, once we enter into a society, we consent to be bound. We have to go against our self-interest and instead aim for reasons and rights. We should put the greater good over our interests.¹⁰³ Natural law and moral principles are only accessible through rational reflection. Rationality allows us to recognize objective moral norms and apply them to our actions. Natural law is based (limited) universal and independent value of Human life, and its capacity for rationality and justice. Again, even if he does not directly refer to "Human Dignity", we see a shift towards something inherent to the nature of human beings. This will be reflected in later historical changes. He argues that "We begin with human law, because that is familiar to the greater number."¹⁰⁴ Yet, His reflections on universal rights but still dependent on the Law of God. Even if sociability is an obligation towards one another. But as for Renaissance Humanism, there is some optimism for human nature, either in its rational abilities, in its passions, or both. Grotius reflects mutual obligation, based on positive actions. Humans should respect each other because their nature is social (given by God). In Grotius's case, we strive for a peaceful society to achieve self-preservation.¹⁰⁵ We steer further away from the idea of a sinful humanity, towards a humanity that has a certain claim to universal respect.

⁹⁹ Hugo Grotius, 2012, Prologue, p2.

¹⁰⁰ Westerman, 2014, p113.

¹⁰¹ Hugo Grotius, 2012, Prologue,p8.

¹⁰² Westerman, 2014, p114.

¹⁰³ Debes, Remy. "Human dignity before Kant", *Dignity a history*, Oxford, 2017, p213. And Hugo Grotius, Book II, Chapter 2, Section 18, p101-102.

¹⁰⁴Hugo Grotius, 2012, Book I, Chapter 1, Section 14.

¹⁰⁵I choose to focus on Grotius as his approach to natural law is understood as the first step towards international law. Moreover, his understanding of our rationality is crucial and comes back in the later understanding of Human Dignity. It was highly influenced by the rational understanding of Christian Human Dignity. Another instance would be Pufendorf's that understood our rights and duties not based on rationality but on our passion and feelings. He argued that natural law was depended on feeling as equal in society, and therefore respecting each others. In Pufendorf's views, passions meant mutual rights towards one another. (See: Pufendorf, S. 1934." *De Jure Naturae et Gentium Libri Octo*" ,in *The Classics of International Law*, trans. C. H. and W. A. Oldfather. Oxford: Clarendon Press.).

2.2: Secular and Enlightened (Human) Dignity:

Human Dignity, as we witnessed from our study, evolved, and cannot be reduced to a simple ancient versus modern dignity. However, we have to highlight a clear “rupture” and switch away from God’s law, which hadn’t happened in any of the previous Western conceptions of human dignity. In the late 17th and 18th centuries, appeared the Enlightenment movement, with ideas based on the celebration of humankind, knowledge, and reason. This movement deeply influenced the French Revolution, as it laid the groundwork for questioning traditional authority, advocating for individual rights, and challenging oppressive systems. We will be studying three main authors in this part, the first two are directly linked to the ideas of passion, and rehabilitation of the passionate man, which was directly linked to Pufendorf’s vision of Human Nature as emotional. The latter, Kant, is usually understood as being the father of Dignity, and goes back to a more traditional vision of Dignity, based on rationality. His rational approach is something that thinkers like Diderot, Rousseau, Smith, and De Grouchy would challenge, to those thinkers, we are not simply rational agents, but we are deeply emotional and passionate being¹⁰⁶ These claims of passion that Pufendorf claimed introduced mutual rights. After years of rejecting passion, and desire, intertwined with shame, and religious guilt, during the Enlightenment movement, there was a sort of rehabilitation of passion, which would take different forms based on the objective of the process. One of the most advanced takes on passion is the objective to produce a theory on the “passionate person”, and what it means to possess a passionate agency.¹⁰⁷

2.2.1. Diderot and the passionate being:

a. The passionate being:

The massive *"Encyclopédie,"*¹⁰⁸ which was produced between 1751 and 1772 and was virtually essentially organised and driven by Diderot, is the centrepiece of the Enlightenment. The *"Encyclopédie"* is remembered for its celebration of the figure of the “Philosophe” to whom “Reason is to the philosopher what grace is to the Christian.”¹⁰⁹ However, the figure of “*Le Philosophe*” is dubious of “abstract reason”. He rejects pure rationality and practical nature, and after centuries of rejection of passion, and desire, intertwined with shame and religious guilt, he is one of the important thinkers, part of the Enlightenment that participated in the rehabilitation of Passions “I will no longer listen to anyone who denies the existence of bodies, the rules of logic, the testimony of the senses, the distinction between true and false [...]”¹¹⁰ His motivation to theorise the “passionate being” was mostly his belief in materialism, especially in Baron D’Holbach. He claimed that passions and emotions were at the essence of Human Nature (in other words, he defines humans as passionate beings) .

¹⁰⁶ Debes, 2017, p219

¹⁰⁷ Debes, 2017, p221

¹⁰⁸ Alain Pons, ed., *Encyclopédie: Ou dictionnaire raisonné des sciences, des arts et des métiers* (GF, n° 426, 1986), 352 pages, ISBN 9782080704269. and Denis Diderot and Jean le Rond d'Alembert, *Encyclopédie: Ou dictionnaire raisonné des sciences, des arts et des métiers*, ed. Alain Pons (GF, 1986), 384 pages, ISBN 9782080704481.

¹⁰⁹ César Chesneau Dumarsais, “Le Philosophe,” in *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers*, par une société de gens de letters, eds. D. Diderot and M. d'Alembert, 36 vols., vol. 12 (1766, but originally ca. 1743) (Lausanne: Société typographique, 1778–81)

¹¹⁰ Diderot, « Pyrrhonienne ou Sceptique, philosophie », in *Encyclopédie*.

This influence is clearly shown in the first volume of the “*Encyclopédie*.”¹¹¹ A man was a physical agent, with passion “*Pour connoître tout ce dont l’homme est capable, il faut le voir lorsqu’il est passionné. Si vous regardez un loup rassasié, vous ne soupçonnerez pas sa voracité.*”¹¹² He truly represented a positive view on passion, in his entry for “Passion.”¹¹³ It is only through feelings, such as desire, aversion, pleasure, and pain that we come to divine our moral laws, what is good and what is evil. He also argues that there is pleasure and passion in the mind through imagination. Finally, a third order of pleasure and pain are those affecting our hearts. Passion is at the source of our perfection and imperfection. Our passions can be violent if we aren’t able to limit ourselves, however, they can also be beautiful. We are at our core, ‘passionate agents’¹¹⁴. Diderot’s passionate agency theory posited that human actions are driven by emotions, sentiments, and passions. He believed that our capacity to experience and express emotions was central to our humanity. This type of understanding of Human Dignity would be less put forward in our modern understanding of Human Dignity. The feelings are usually put behind something more rational, much more corresponding to Kant’s understanding of Human Dignity.

2.2.2. Rousseau, dignity, novels, and empathy:

a. The Primitive Self

To discuss Rousseau's position on Human Dignity, one has to keep in mind that he was not only opposed to the idea that man had an exalted place in nature, but he also rejected the traditional notion of natural rights as a tool to protect the rich from the poor¹¹⁵. He, contrary to Pufendorf, Grotius, and Diderot, does not consider human nature and condition as social, in his primitive state humans do not have any contact with one another, and he has a solitary life. He believed that social life had corrupted us by fostering dependency and inequality and comparison, and passion. He believed that all the suffering came from entering the social life.¹¹⁶ Rousseau presents the primitive man, as a sort of norm, an ideal, that if we manage to tap into.

¹¹¹Ibid

¹¹²Denis Diderot, Antoine Petit, Charles Gabriel Venel, Charles Georges Le Roy, Louis de Jaucourt, Edme Mallet, and Antoine Boucher d'Argis. "L'Homme (Morale)." In *Encyclopédie*, vol. 1 (Paris: Flammarion, 1751–1772). Translation: (To know all that man is capable of, you have to see him when he is passionate. If you look at a sated wolf, you will not suspect his voracity).

¹¹³Louis de Jaucourt, "Passion: Les plaisirs & les peines des sens," in *Encyclopédie*, vol. 1 (Paris: Flammarion, 1751–1772).

¹¹⁴Denis Diderot, Antoine Petit, Charles Gabriel Venel, Charles Georges Le Roy, Louis de Jaucourt, Edme Mallet, and Antoine Boucher d'Argis. "L'Homme (Morale)." In *Encyclopédie*, vol. 1 (Paris: Flammarion, 1751–1772). Translation: (To know all that man is capable of, you have to see him when he is passionate. If you look at a sated wolf, you will not suspect his voracity).

¹¹⁵Theo Verbeek, “Rousseau and Human Dignity,” *The Cambridge Handbook of Human Dignity*, April 10, 2014, 117–25, <https://doi.org/10.1017/cbo9780511979033.013>, p117.

¹¹⁶Jean-Jacques Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, in *Collection complète des œuvres* (Genève: 1780–1789), vol. 1, Première Partie, para. 53, accessed June 17 2024, www.rousseauonline.ch. (most of our sufferings are of our own making, and we could have almost avoided them all by preserving the simple way of living, uniformly and solitary, that we were prescribed by nature).« la plupart de nos maux sont notre propre ouvrage, & que nous les aurions presque tous évités en conservant la maniere de vivre simple, uniforme & solitaire qui nous étoit prescrite par la nature » He even adds quite strongly that « j’ose presque assurer que l’état de réflexion est un état contre nature, & que l’homme qui médite est un animal dépravé »

We could regain some of the dignity and nobility that was lost when we entered society. According to Rousseau, one is dignified when he can reject what is purely animal in him, through a rejection of passions and the tradition of self-knowledge¹¹⁷ Dignity is lost through societal dependence, Rousseau parallels our natural authenticity as our dignity. However, our independence can be won back through three processes. First, by putting forward an educational system, which will help young individuals to learn characteristics only known in isolation (therefore the state of nature).¹¹⁸ The children will be able to strengthen a sense of individuality, independence, and freedom. He proposes an educational system based on these values in “Emile ou l’éducation”¹¹⁹ (1756), « *C’est ici une des raisons pourquoi les enfants du peuple, plus libres, plus indépendants, sont généralement moins infirmes, moins délicats, plus robustes que ceux qu’on prétend mieux élever en les contrariant sans cesse.* »¹²⁰ Secondly, he puts forward the personal strategies of “conversion” (based on Augustine’s Confessions), by isolating yourself in the wilderness you can go back to your primitive self. Finally, we can reach a state of Dignified humanity, by establishing a “Social Contract”¹²¹.

We regain our authenticity by entirely identifying with a society. When creating a social contract, the individual becomes part of something bigger than himself, they transcend their individuality¹²² Rousseau's vision of Dignity is interesting because it steers away from the most traditional approach of a universal status that gives rights and duties. We can lose our dignity in the presence of others, but we can only regain it collectively. We can only speak of true justice, rights, and duties through a social contract because it helps highlight and understand the general will instead of individual benefit, which will ultimately rely on inequality, dependency, and exploitation¹²³. The general will should never be used to promote individual interests. It is only through the general will that moral rules and laws can be discovered, and nothing is superior to this general will¹²⁴.

¹¹⁷Jean-Jacques Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, in *Collection complète des œuvres* (Genève: 1780–1789), vol. 1, Première Partie, para. 53, accessed October 7, 2012, www.rousseauonline.ch. See “With passions so little active, & a brake so salutary, men, rather fierce than wicked, & more careful to secure themselves from the harm they might receive, than tempted to do it to others”. Translated from: “Avec des passions si peu actives, & un frein si salutaire, les hommes, plutôt farouches que méchants, & plus attentifs à se garantir du mal qu’ils pouvoient recevoir, que tentés d’en faire à autrui)

¹¹⁸ Theo Verbeek, “Rousseau and Human Dignity,” *The Cambridge Handbook of Human Dignity*, April 10, 2014, 117–25, <https://doi.org/10.1017/cbo9780511979033.013>, p117.

¹¹⁹ Jean Jacques Rousseau, *Emile Ou de l’éducation*, ed. André Charrak (Flammarion, 2009), p57. : (“This is one of the reasons why the children of the people, who are freer and more independent, are generally less infirm, less delicate and more robust than those who are supposed to be better brought up by constantly thwarting them”).

¹²⁰“This is one of the reasons why the children of the people, who are freer and more independent, are generally less infirm, less delicate and more robust than those who are supposed to be better brought up by constantly thwarting them.”

¹²¹ Jean Jacques Rousseau, *Du Contrat Social*, ed. Bruno Bernardi (Flammarion, 2011).

¹²² Jean Jacques Rousseau, *Du Contrat Social*, ed. Bruno Bernardi (Flammarion, 2011): “Each of us puts in common his person & all his power under the supreme direction of the general will; & we receive in body each member as an indivisible part of the whole.”).

In this mystic body, individuals collectively try to regain some of their authenticity. “ *Chacun de nous met en commun sa personne & toute sa puissance sous la suprême direction de la volonté générale; & nous recevons en corps chaque membre comme partie indivisible du tout.* ”

¹²³ Theo Verbeek, “Rousseau and Human Dignity,” *The Cambridge Handbook of Human Dignity*, April 10, 2014, 117–25, <https://doi.org/10.1017/cbo9780511979033.013>, p117.

¹²⁴ Jean Jacques Rousseau, *Du Contrat Social*, ed. Bruno Bernardi (Flammarion, 2011).

b. Reading and understanding others: “Julie or the New Heloise” (1762)

One of the most important contributions of Rousseau to Human Dignity evolving towards more and more of a value protecting universal rights and bearing universal duties may not be the most direct theory. Human rights, whether they derive from a universal dignity, are deeply connected to the idea of protecting one and everyone's dignity. Before even the universal declarations and constitution, the indirect effect of the increase in literacy, followed by the increase in novels is often underestimated.

Indeed moral laws are found within our capacity to understand what someone feels, and in novels, reading is a stepping stone when it comes to this shared empathy. Novels were crucial in creating a form of empathy.¹²⁵ One was able to identify with characters who he may have no relation with and have nothing in common with¹²⁶. Rousseau started to write novels even before the social contract. And this form of empathy was not only a theory that came in hindsight, but it was also seen in society and by the popularity of those novels. We will be looking at the example of “Julie or the New Heloise” (1761)¹²⁷. Novels like “Julie or the New Heloise” (1761), enabled readers to identify with ordinary characters, basically unknown to the reader in their personal life. They would discover empathy for those strangers, in particular, the “hero” or “heroine”, through the narrative form of novels. Epistolary novels opened a new psychology of accessing one direct thought, and this was at the foundation of our new social and political order¹²⁸.

Those novels highlighted that we are all fundamentally the same, and part of a universal humanity. We feel the same, our different feelings are in no way opposed. We all feel pain, envy, desire, aversion, and fear no matter our sex, gender, and ethnicity¹²⁹. Without this type of learning, the development of Human Rights would not have the same type of political impact, and on the contrary, the lack of empathy for the native population had a disastrous impact on their treatment for many years¹³⁰. Equality within this empathic learning process is given a deeper meaning. This surge of epistolary novels brought humanity closer to one another. Equality of souls in heaven is far from being the same as equal rights on earth. Novel reading was not the only process that allowed us to identify the need for universal rights but was a crucial part of this process. At the time, novels were not received equally, many would see this as a degradation of one’s morals, while others would defend it as something making you more moral¹³¹.

¹²⁵Lynn Hunt, “Torrents of emotions”: reading novels and imagining equality, *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2008).

¹²⁶ Lynn Hunt, 2008, p35.

¹²⁷ Jean-Jacques Rousseau, *Julie Ou La Nouvelle Héloïse*, ed. Érik Leborgne and Florence Lotterie (Paris: Flammarion, 2018).

¹²⁸ Lynn Hunt, 2008, p35.

¹²⁹ Lynn Hunt, 2008, p38

¹³⁰ Lynn Hunt, 2008, p39.

¹³¹ Lynn Hunt, 2008, p68.

2.2.3. Kant, the father of Human Dignity?

Many other thinkers were deeply influential during the Enlightenment; however, choices were to be made, and the importance of the rehabilitation of emotion, and the importance of autonomy were important to study, therefore Rousseau and Diderot were inescapable in our study of Human Dignity. Especially to introduce our latter part, which will focus on human rights and human dignity. However, Kant is also an inevitable point of our study. His visions of rational dignity are still deeply influential and take from a much more traditional vision of human dignity previously discussed.¹³² It is also the first, substantial, clear, and direct definition of Human Dignity.

“Humanity itself is a dignity; for a human being cannot be used merely as a means ... but must always be used at the same time as an end. It is just in this that his dignity (personality) consists, by which he raises himself ... over all things”.

(Kant, MS 6:462)

In this sentence, Immanuel Kant (1724-1804) defines human dignity as an equal intrinsic worth of all humans, regardless of their rank, or social class. It is an inherent value that we do not earn or can forfeit but a core aspect of all humankind. This Human Dignity is an innate worth and Autonomy that elevates us above animals and things, we cannot have a price and cannot be used as a means to an end. Humanity is an end in itself “[...] what constitutes the condition under which alone something can be an end in itself does not merely have a relative worth, Le. a price, but an inner worth, i.e. Dignity”¹³³. He also argues that dignity is not dependent on moral law as we hold each individual equal and respect all dignity regardless of their moral character. Humans all have the same capacities and predispositions for rational autonomy. He says that every action towards ourselves is motivated by “the idea of the dignity of a rational being that obeys no law other than that which at the same time it itself gives.”¹³⁴ This would have direct practical implications as he argued that legal institutions should interpret, apply, and enforce the innate right to freedom and rational autonomy in every person. But it also creates obligations and duties, individuals have to respect themselves and other beings, this meant that suicide and killing were seen as a violation of Human Dignity under all circumstances. Human dignity is an unconditional, incomparable concept that transcends any personal preferences, and economic values. For Kant, it is an objective fact that all humans possess this universal value, and because of this he can require respect from others and ask for reparation and apology for example. We have to recognize the right of autonomy of each person and uphold their intrinsic worth. Humanity in itself is a dignity. Dignity is not a descriptive concept but entails treatment, a respect for rights and duties¹³⁵. The respect of human dignity is not only about preserving life but also about moral law.

¹³² Immanuel Kant, *Groundwork of the Metaphysics of Morals: A German-English Edition*, ed. Jens Timmermann, trans. Mary Gregor (Cambridge: Cambridge University Press, 2011), Section 6, p462.

¹³³ Immanuel Kant, 2011, Section 2, p97.

¹³⁴ Ibid

¹³⁵ Immanuel Kant, 2011, Second section, p71 - 75.

It means that we have certain moral laws to respect, even if ultimately human dignity is not linked to moral law, but based on pure reason. Before the translation of Kant's "Groundwork", there was no clear universal human dignity in the conceptualisation of "the term dignity"¹³⁶. The term had mostly a moralised connotation. However, Kant himself indicated prior sources to his inquiry, he gave high praise to Rousseau and also gave credit to the Stoics for influencing his vision of Human Dignity. He argues that we are given human dignity by rationality and freedom. At the heart of this concept lies the recognition that an individual can possess authority while adhering to both instrumental rationality and moral principles. Autonomy and dignity remain subject to rational limitations. The general ability and tendency to rule oneself according to fair and rational standards that are acceptable to everyone insofar as they adopt a shared perspective in which each person is considered an equal co-legislator of particular moral principles is known as Kantian rational autonomy. Even if they come from different cultures, they are presumed to know the most basic requirements of morality, and should aim to live according to it¹³⁷. This conception of dignity based on rationality virtue has been challenged by various thinkers, it rejects and excludes various individuals, children, and mentally impaired human adults. This means that those people could be treated as mean since they don't possess universal human dignity. He only attributes dignity to rational autonomous individuals, because to respect one's dignity, we have to be able to understand how to restrict our choices, on principles that anyone else can follow and work for the greater good of anyone and everyone¹³⁸. This theory is at the core of his later theory of rights. Indeed, the universal standard for both rights and duties are practical reasons. Legal frameworks should therefore guarantee the protection of this intrinsic worth and freedom for all who can understand and distinguish those principles. He also derives more specific rights, juridical rights within states, standards of international rights through a federation of states, and cosmopolitan rights of individuals that would overcome national borders¹³⁹. His definition of human dignity is also based on standards of ethics and interpersonal relations with categorical imperatives that guide ethical behaviour, such as avoiding using individuals for our benefit; But also, to oneself and the duty to constantly improve, support, and preserve our rational being and the duty to respect others. For Kant, human rights are not independent and self-standing and must always be justified and derived from the overall theory of Human Rights. Human Rights is a legal framework to protect human dignity. It is argued by certain scholars that Kant still uses an old definition of Dignity, as a rank that elevates humans above something else, it is a universal rank. Kant links human dignity to our rational nature, autonomy, and adherence to moral principles. For instance, he argues that "Autonomy is thus the ground of the dignity of a human and of every rational nature"¹⁴⁰. Rationality is the key that elevates us above mere objects and connects us to the realm of moral worth. The dimension of mutuality as we so, especially in Pufendorf, though less talked about also exist in the Kantian understanding and definition of Human

¹³⁶Thomas E. Hill Jr., "Kantian Perspectives on the Rational Basis of Human Dignity," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), p221.

¹³⁷ Immanuel Kant, 2011, second section, p71 - 75.

¹³⁸ Immanuel Kant, 2011, Second section, p71 - 75

¹³⁹ Thomas E. Hill Jr., 2014, p221.

¹⁴⁰ Immanuel Kant, 2011, Second Session, p101.

Dignity.¹⁴¹ Human Dignity found its meaning and definition that is understood in our modern Human Dignity in the secular ages. However, this philosophical definition was still the constraint of the historical context, and Human Dignity as such, remained highly individualised. The process of universalisation and legalisation is long and will take over two more centuries. However, the impact of enlightenment and especially its inspiration and push for the French Revolution, is crucial and highly impactful.

2.3. Early attempts to universalise and legally enshrine Human Dignity:

2.3.1: From individual to early universal dignity :

a. From Man's Rights to Human Rights :

Following the Enlightenment movement that highly inspired the French Revolution, the 1789 Declaration of the Rights of Man and Citizen was created. This declaration is understood as a turning point in Human Dignity history, that marks the construction of what we comprehend as contemporary Human Dignity. There were Human Rights declarations before the 1789 Declaration, however, there is no denying its lasting impact on Human Dignity and the emergence of constitutionalism in Europe. This impact is especially important due to the “spirit of dignity” that underpinned the Enlightenment movement (as we described in great length in the previous chapter), and the following French Revolution, 1789 highlighted the framework of modern Human Dignity as Equal. The image of a dignified man at the centre of a just society became so central that it took the dramatic turning point of the French Revolution and the 1789 Declaration for its realisation to start¹⁴². The first constitutional definition of “Dignity” based on human beings, within the Latin West is found in this declaration. We will now be discussing the role of the declaration in his place in the formation of human dignity, particularly within European constitutionalism. The 1789 Declaration is not the first declaration of human rights. However, the 1789 Declaration set up the framework for the foundation of modern dignity as an equality concept¹⁴³. In Article 6, we found the term dignity used in the plural form, it shows the transitional period of ancient to modern dignity.

“The Law is the expression of the general will. All citizens have the right to take part, personally or through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions, and employment, according to their ability, and without other distinction than that of their virtues and talents.”

(Article 6 of the 1789 Universal Declaration of Human Rights)

¹⁴¹Chak Kwan Chan and Graham Bowpitt, *Human Dignity and Welfare Systems* (Bristol: Bristol University Press, 2005), <https://doi.org/10.46692/9781847421425>.

¹⁴²*Déclaration des droits de l'homme et du citoyen (DDHC), 1789*. Extrait des procès-verbaux de l'Assemblée nationale, des 20, 21, 22, 23, 24, 26 août et 1er octobre 1789, publié par Baudouin, imprimé à Versailles en 1789. Accessed 24 September 2024. <https://www.conseil-constitutionnel.fr/node/3850/pdf>.

¹⁴³Meyer, Michael J. "Kant's Concept of Dignity and Modern Political Thought." *History of European Ideas* 8, no. 3 (1987): 319–32.

Indeed, it refers to both the universal equality revolutionary concept, but also refers to the specific professional and social position used in the Ancient Regime. By using the term 'Dignities', it is usually translated as 'high offices'. This article was adopted a few days before the abolition of aristocracies' privileges, also referred to as "Dignities"¹⁴⁴. Here dignities is only used to describe a professional position and not an elevated position within the society. Even if the declaration itself did not directly refer to the question of Human Dignity, universal equality still underpins this article. This Declaration would be deeply influential. It proclaimed in its first article that: "Men are born and remain free and equal in rights." It would abolish the Feudal privileged system, based on birthright and social class. It was a challenge to the notion that one's inner worth was based on their birth and that some individuals were inherently superior and entitled to different treatment than others. It shifted the power from a divine King to the sovereignty of individuals and people. It also saw the emergence of universal principles like "liberty, equality, fraternity" that would inspire various movements of human rights and contribute to the overall legal framework and modern understanding of Human Dignity.

b. Man natural, inalienable, sacred human rights.

Dignity was not used in its modern sense in the Declarations of 1789 and 1793, it was, however, referred to by the main political commentator on the French Revolution. Thomas Paine, in his "The Rights of Man"¹⁴⁵, would refer to "the natural dignity of man" as the justification to protect individual rights, that overcome authoritative rule. He says that "Submission is wholly a vassalage term, repugnant to the dignity of freedom, and an echo of the language used at the Conquest"¹⁴⁶. This pamphlet is deeply interesting, as it defends the revolution and proves how it has affirmed the dignity of the French people, which was constantly violated, and 'lost' under Louis XVI's reign.

"When I contemplate the natural dignity of man, when I feel (for Nature has not been kind enough to me to blunt my feelings) for the honour and happiness of its character, I become irritated at the attempt to govern mankind by force and fraud, as if they were all knaves and fools, and can scarcely avoid disgust at those who are thus imposed upon".

(Thomas Paine, "The Rights of Man").

What is deeply striking, is that he talks about an overall universal dignity that all humans possess, a dignity that is inherently made of 'honour' and 'happiness' that deserved to be ruled keeping it in consideration.

¹⁴⁴ Déclaration des droits de l'homme et du citoyen (DDHC), 1789. Article 6.

¹⁴⁵ Thomas Paine, *The Rights of Man: Being an Answer to Mr. Burke's Attack on the French Revolution*, 2nd ed. (London: J.S. Jordan, 1791), accessed September 12, 2024, <https://oll.libertyfund.org/titles/paine-the-rights-of-man-part-i-1791-ed>.

¹⁴⁶ Thomas Paine, 1791, part I.

He also adds that, through a democracy, universal rights, and freedom “The patriots of France have discovered in good time that rank and dignity in society must take a new ground.”¹⁴⁷ This means dignity should no longer be based on hierarchical societies but on a universal understanding of humankind. The 1789 Declaration helped to build human dignity by laying the groundwork for an institutional structure that allowed people's rights to become fully protected by the Constitution. What the declaration does, is make the distinction between the natural, inalienable, and sacred human rights¹⁴⁸, and the constitutional framework. It is made to protect the native, rights we are born with. Those rights are such as freedom and equality, with liberty, property, security, and resistance to oppression.¹⁴⁹ These rights could only be guaranteed with a precise, separate institutional framework, a parliament, a statute law (expression of general will¹⁵⁰), a court system, a police force, and civic participation in the overall system. This not only is seen as the origin of human dignity, but it also puts man at the centre of an institutional framework.

c. Liberty, Equality, and Fraternity:

Contrary to the more classical definition of man, in the ancient regime as belonging to either one of the three societal orders, the declaration defines man as born with worth of constitutional protection. We can see that in the 1789 Declaration, man is no longer expected to conform to any predetermined model created by God¹⁵¹. Man is free to think and to express himself, in any religious way, the only limits being other people's liberty. Meaning, our actions should not be damaging to others.

“Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.”

(Article 4 of the 1789 DDHC)

At its core, the Declaration centres around mutual recognition among individuals. It asserts that liberty is limited only by human actions. Interestingly, while the Declaration avoids specific references to passion, religion, social status, wealth, or gender, it consistently employs the masculine pronoun "Man (*homme*)"¹⁵² rather than the more inclusive "Human." This choice sparked criticism from both socialist thinker Marx and feminist movements. However, there's political strength in this abstraction. The concept extends beyond gender or social position, it can apply universally. Whether targeting women, the poor, the elderly, or the young, it can be adapted to any ethnicity or social status¹⁵³. Digging deeper, the Declaration defines not only a dignified man but also a dignified "Citizen." This laid the groundwork for modern civil and political rights.

¹⁴⁷ Thomas Paine, 1791, part I.

¹⁴⁸ Preamble of the 1789 DDHC.

¹⁴⁹ Article 2 of the 1789 DDHC.

¹⁵⁰ This goes back directly to Diderot's ideas on the expression of general will, and Article 6 of the 1789 DDHC.

¹⁵¹ Article 10 of the 1789 DDHC.

¹⁵² Articles 1,2,4,9,11,12 of the 1789 DDHC.

¹⁵³ Catherine Dupré, 2015, p. 80-81.

These rights include freedom, participation in lawmaking, presumption of innocence, freedom of religion, freedom of speech and thought, and property rights¹⁵⁴. All were considered inalienable, including the right to resist oppression. To ensure participation in this new framework, the right to vote (limited to adult men above 21 years old) was adopted. Additionally, a shift occurred from state sovereignty to civic sovereignty, emphasising the natural and imprescriptible rights of humankind—an open-ended concept, perpetually subject to reinvention¹⁵⁵. This influence and the spirit of Dignity spread. It went further in the European geographical space, in the American Colonies where both the US Constitution and the Declaration of Independence reflected Enlightenment principles. The French Revolution marked a pivotal moment in history where ideals converged with practical efforts to redefine society, human rights, and dignity. This is also where our study and our connection between Human Dignity and Constitutionalism starts.

d. Constitutionalism and Protection of Human Dignity:

This declaration also created an institutional framework to protect individual's rights and dignity, by defining the rights of the citizen, and therefore the separation of power. This created some of the basis for constitutionalism.¹⁵⁶ Constitutionalism which in itself will be decisive in creating the frame of protection of Human Dignity. It is clearly defined that the government is legally limited, and the legitimacy of such a government is dependent on these limitations. Constitutionalism can be understood in two senses, a minimal sense, which means a set of norms, rules, principles, and values that create, structure, and define the limits of a government. It places a separation and limitation upon the three basic forms of government power, legislative executive and judicial power¹⁵⁷.

In its rich sense, constitutionalism is not only limits to power but rights, safeguarding of civil rights, human rights... Constitutionalism became central in the development of Human Dignity, by legally it, making it clear, declaring its characteristics and the legal limitations, protection, rights and duties. However, though post World War two, most European Constitutions were constructed around the protection of Human Dignity, it wasn't a simple, straightforward legal construction. The 1789 Declaration did not invent Constitutionalism. It goes back to a long, historical and philosophical but the declaration is usually understood to be the first instance of its putting into practices in the 18th century. Though the 1789 declaration is deeply influential, it did not directly enshrine "Human Dignity", nor did the following French constitution. The way to constitutionalism Human Dignity is still a long way to go, and this also meant that there was a need to universalise Human Dignity.

¹⁵⁴ Article 2 of "the 1789 DDHC

¹⁵⁵ Article 6 of the 1789 DDHC.

¹⁵⁶ Not the only sources, many other instances: freemasonry was very influential, and for instance: view on Human Dignity.

¹⁵⁷ Stanford Encyclopedia of Philosophy, "Constitutionalism," accessed 8/8/2019, <https://plato.stanford.edu/entries/constitutionalism>.

2.3.2. Early Waves of Constitutionalism, and Attempts to Enshrine Human Dignity:

a. Constitutional Human Dignity pre-1937:

i. Constitutionalising Human Dignity:

As previously mentioned, the 1789 Declaration was deeply important in setting the framework of a constitutionally protected Human Dignity, it created a logic of rights, duties, power limitations, and civil and human rights protection. However, Human Dignity in itself, was not officially enshrined in various European constitutions before the Irish Constitution in 1937. Indeed, even if between the 19th to the 20th century we saw a wave of institutionalisation within the transatlantic region, “Human Dignity” as a constitutionally protected concept was still missing. Or, the former, ranking-based “dignitas” concept would remain. In the earliest Constitutions on the European Continent we found no direct references to Human Dignity¹⁵⁸. Direct mention to Human Dignity wasn’t found in the 1600 San Marino Constitution, nor in the 1755 Corsica Constitution¹⁵⁹. The 1812 Spanish constitution uses dignity in its dignitas sense, referring in article 199 to the Monarch Dignity: “The regency shall see that the education given to the minor king be suited to his high dignity, and conformable to the plan which shall be adopted by the Congress.” As well as in Article 213: “The Cortes shall fix the annual provision for the king's household, which shall be commensurate to the high dignity of his person”. There is no direct mention of Human Dignity or Dignity in the 1832 Belgian Constitution either.

However, as for the 1791 French constitution, we dedicated a full sub-part to, even if there is no direct mention of protecting Human Dignity, we found components of the concept throughout those constitutions, with various forms of protection of Human Rights. For instance in the 1831 Belgian Constitution, we found the protection of equality in article 6 “All Belgians are equal before the law; they alone are admitted to civil and military employments, with such exceptions as may be established by law for particular cases”, freedom in article 7 “Individual liberty is guaranteed.”, as well as article 14 which mention freedom of religion, opinion, freedom of press and freedom from censorship (article 18)... Though there are no direct mention of Human Dignity in the first wave of constitutionalism in Europe, their component is underpinned¹⁶⁰. In the Spanish constitution of 1812 however, it remains highly close to the ancient-regime concept, with freedom only applying to “All freedmen in the Spanish dominions, as soon as they have obtained their freedom.” (article 5.4). The legal internationalisation of Human Dignity wouldn’t truly begin before the UDHR. Surprisingly enough, the first attempt to create an international system of nation: “The league of Nation” did not possess direct mention of Human Dignity in their 1919 Covenant¹⁶¹.

¹⁵⁸See annex I. p126.

¹⁵⁹ The 1755 Corsican Constitution is usually considered as the first written European Constitution and is crucial in studying the early waves of constitutionalism. For other constitutions I studied the English translation, however, for this constitution, I however studied the French translation.

¹⁶⁰ Freedom, equality, autonomy...

¹⁶¹Covenant of the League of Nations, accessed August 13, 2024, <https://www.ungeneva.org/en/about/league-of-nations/covenant>.

Human dignity though the philosophical tradition reached a high point with the enlightenment and the 1789 Revolution commentaries, it remained still a bit far from public and political discourse per se. The way it will originally enter the political and constitutional discourse, came however not from a place of universal rights and protection of Human value but a much traditional understanding of Human Dignity, through the catholic and religious lenses in the 1937 Irish Constitution. We find the first mention of Human Dignity in a national constitution, the Weimar constitution¹⁶² relates Human Dignity to “its people”¹⁶³:

“The organisation of economic life must comply with the principles of justice with the aim of guaranteeing a humane value for all. Within these limits, the economic freedom of the individual must be safeguarded. Legal coercion is only permissible for the realisation of threatened rights or in the service of overriding demands of the common good. The freedom of trade and commerce shall be guaranteed in accordance with the laws of the Reich.”

Weimar 1919 Constitution, Article 151.

It is interesting to note that Human Dignity, in its first instance of institutionalisation, was associated with social and economic rights. It seems that before world war two and the high focus on civil liberties, which almost eclipsed social rights as a second, even third generation, Social and economic rights were considered fundamental to Human Dignity. This is something we will come back to again in our fourth and last chapter when discussing the relevance of Human Dignity in protecting Social and Economic rights in a neoliberal world. However, even if ‘Human Dignity’ in itself wasn’t directly enshrined during the first wave of constitutionalism in the 19th century, the laying down of the constitution was deeply important. It laid down the foundation of Human Rights and protection of Human Dignity. It gave rights and duties to citizens, it limited the power of the States over their citizens. Each of these definitions are the framework, and the basis of Human Dignity. The spirit of Human Dignity was present in those early constitutions, just not exactly clear and mentioned yet. World War II remind everyone of the need to protect Human Dignity as more than a concept underpinning Human Rights, but as a clear, legal rights that each one would have access to¹⁶⁴.

¹⁶²Germany, Weimarer Reichsverfassung, 1919, accessed 8/8/2019, https://www.jura.uni-wuerzburg.de/fileadmin/02160100-muenkler/Verfassungstexte/Die_Weimarer_Reichsverfassung_2017g_e.pdf. (Translation from the German made by the author from : Art. 151. Die Ordnung des Wirtschaftslebens muß den Grundsätzen der Gerechtigkeit mit dem Ziele der Gewährleistung eines menschenwürdigen Daseins für alle entsprechen. In diesen Grenzen ist die wirtschaftliche Freiheit des einzelnen zu sichern. Gesetzlicher Zwang ist nur zulässig zur Verwirklichung bedrohter Rechte oder im Dienst überragender Forderungen des Gemeinwohls. Die Freiheit des Handels und Gewerbes wird nach Maßgabe der Reichsgesetze gewährleistet.)

¹⁶³ "The Constitution of the German Empire of August 11, 1919 (Weimar Constitution)," in *Documents of German History*, ed. Louis L. Snyder (New Brunswick, NJ: Rutgers University Press, 1958), 385-92.

¹⁶⁴Catherine Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015), p

b. Constitutional Catholicism and the Irish Constitution:
i. Dignity of the Human Person:

While Constitutionalism was becoming more and more important, Human Dignity as a constitutionally enshrined concept wasn't exactly following the same path. The component of what we consider our modern dignity could be found, but its direct constitutional enshrinement couldn't. That was until the first enshrinement in a European constitution: "the 1939 Irish Constitution". There was still a lack of legal acceptance and generalisation of this concept¹⁶⁵. Political Catholicism and the Irish Constitution would be really crucial in turning the public discourse towards dignity. This first mention of human dignity in a constitution is less due to a liberal, enlightenment spirit but more to a revival of political Catholicism¹⁶⁶, especially Civil Society Catholicism¹⁶⁷. We will quickly get into what is Civic Society Catholicism, and the place of Human Dignity in it, to understand its influence on the Irish constitutions. The Irish constitution has been neglected when talking about the history of Human Dignity. However, in a considerable study, Samuel Moyn showed the fundamental importance in the creation of dignitarian constitutionalism. Dignity came to the world as part of the establishment of an alternative constitutionalism, let's call it "the newer constitutionalism of Christian Democracy". This "newer constitutionalism" consolidated in the 1930s, when liberal secularism was viewed as unsustainable and nation states appeared to have failed. It came forward in parallel to the destruction of liberal democracies and the fall towards totalitarianism and dictatorship. In order to comprehend the initial meaning of Dignity in Irish constitutions, we must go back to the emergence of "civic society Catholicism".

Indeed, even before March 1937, Dignity had a lot of importance in political Catholicism, however the meaning was highly different, into dignity was assigned to groups not individual, mostly attached to workers and religious sacraments like marriage¹⁶⁸. Traditionally, family and labour were given a high dignity, not an individual with rights. This understanding of Dignity is understood to come from Corporatism political Catholicism. However, a dispute arose in the mid-1930s around Catholic politics, between the Corporatist Catholics who mainly supported the Vichy Regime and those who would become known as the "Civil Society Catholicism". This new form of political Catholicism was a form of answer to the association between the Communist and the Socialist in France between 1934-36 (Le Front Populaire). The two types of political Catholicism had a lot in common, especially the high rejection of modern, liberal and secular republic, it was deemed as immoral and individualistic. They considered that society and government should be ordered around God's social hierarchy, which descends through religious institutions, local communities, and patriarchal families. At the time, both types of political Catholicism were considered a governmental alternative to "representative democracy", "communism", "fascism" and "national socialism".

¹⁶⁵Samuel Moyn, "The Secret History of Constitutional Dignity," Yale Human Rights & Development Law Journal 17 (2014): 39, <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1121&context=yhrdlj> .

¹⁶⁶Samuel Moyn, 2014, p45.

¹⁶⁷Samuel Moyn, 2014, p47

¹⁶⁸Pope Pius XI's encyclicals *Casti connubi* (1930) and *Quadragesimo anno* (1931).

However, coming back to our subject, what really different between Corporatist and Civil Society Political Catholicism was “the human person”¹⁶⁹. This human person was central to this movement of Catholic Politics, and would bring a new light on dignity in the political debate. They believed in a form of individual rights, and “the dignity of the human person” became one of their most important slogans, as a way to reject both secular liberalism and corporatist Catholicism and its inclination for fascist government. An instance is the speech of Joseph Vialatoux to the “Semaine Sociales” in Lyon (Social Weeks). It was titled “Dignity of the Group? Or of the Human Person?”. “It may not be excessive,” Vialatoux commented, “to say that this very question defines the historical moment in which we live.”¹⁷⁰ The dignity of the Human Person however, did not mean “human right”, it was a way to respond to the ultra individualism associated with the French Revolution. Dignity was to be given to individuals due to our spirituality. It was a way to reconcile naturalist theory and religious spirituality for the civil society dissidents¹⁷¹. However, discussion in the public discourse really appeared with the Encyclical letter of the Pope Pius XI, (who was inspired and charmed by Vialatoux speech), “Divini Redemptoris” (on Atheistic Communism). Samuel Moyn defined these encyclical letters as an “epoch-making” indeed, with it, individual dignity was given “the highest entry to world politics at the time”¹⁷².

ii. Ireland Constitution, Dignity and Political Catholicism:

The 1937 Irish Constitution was a pioneer in its inclusion of the concept of Human Dignity, predating other famous constitutional inclusions such as the German Basic Law. The main author of the 1937 constitution was Éamon de Valera, his main objective while drafting the new version of the Irish Constitution was an attempt to balance catholic values with democratic principles. This would create a form of “religious constitutionalism” or a “Christian democratic synthesis”¹⁷³. This approach developed around the same time as Civic Society Catholicism and was, once again, an alternative governmental approach to secular liberalism and extreme catholic corporatism pushed by the Catholic Church.¹⁷⁴ Interestingly enough, the new document was more religiously inclined than the previous, 1922 Irish constitution, especially in its approach to family, property, and the Catholic Church. It led to a lot of backlash and debate coming from a feminist approach, due to the inclusion of the prohibition of divorce. By including Human Dignity in the Irish constitution, it became more than an anti-communist politics in ‘Divini Redemptoris’, it was about Éamon de Valera position on the inclusion of religion in politics and the possibility of having a form of religious constitutionalism¹⁷⁵. It is quite surprising and contradictory that after the Enlightenment movement and the “spirit of dignity” the first constitutional inclusion of Human Dignity was highly religious.

¹⁶⁹Samuel Moyn, 2014, p47.

¹⁷⁰Joseph Vialatoux, “Dignité du groupe? Ou de la personne humaine?: Physique et métaphysique de l’ordre des valeurs,in La personne humaine en péril, Semaines Sociales de France, 1932.

¹⁷¹Joseph Vialatoux, “Dignité du groupe? Ou de la personne humaine?: Physique et métaphysique de l’ordre des valeurs,in La personne humaine en péril, Semaines Sociales de France, 1932.

¹⁷²Samuel Moyn, 2019. p49.

¹⁷³Samuel Moyn, 2019. p51.

¹⁷⁴Samuel Moyn, 2019. p46.

¹⁷⁵Samuel Moyn, 2019. p41.

"Divini Redemptoris" was published three days after the first rough draft of the Irish constitution. It received a warm reaction around the world, particularly in "The Irish Press," the newspaper that Valera had helped establish. Samuel Moyn explain that this timing proves that the Encyclical inspired the inclusion of Dignity¹⁷⁶. Interestingly enough, this inclusion of Human Dignity became much more important, and took a completely different meaning after World War Two, steering away from the more conservative Catholicism approach towards Human Dignity as we now understand it¹⁷⁷. However, its meaning reveals a reason for the long introduction of Human Dignity before world war two, showing the importance of Catholicism, social rank and value in early 20th society. This shows how important it is to constantly study the way concepts are being used, because during the interwar period, Human Dignity went from the Enlightenment, defence of Human Rights meaning to become a tool to fight against both secular liberalism and totalitarianism. Yet, after World War Two it became more about a tool to ally, reconstruct Europe following the horror and the terrible violation of "human dignity", it became used as a way to make sure those horrors would never happen again¹⁷⁸.

It became a commitment to Human Rights, constitutionalism and democracy. During the Wartime, Pope Pius XI would use "Human Dignity" in our modern sense as a slogan, especially with Corporatism Catholicism support to fascism being disavowed. "The Holy Story of Christmas proclaims this inviolable dignity of man with a vigour of authority that cannot be gainsaid, an authority and vigour that infinitely transcends that which all possible declarations of the rights of man could achieve"¹⁷⁹. Political Catholicism post world war two became, coincidentally highly influential in the post-war reconstruction, in the UDHR¹⁸⁰. "The Irish Constitution, a premonitory document of the direction of Political Catholicism would take following World War II."¹⁸¹ Many thinkers and figures of political Catholicism had influence on the post-war democratic reconstruction that was highly underpinned by the "spirit of dignity."¹⁸² Names like Emile Mounier¹⁸³, Jacques Maritain¹⁸⁴ and Giuseppe Dossetti¹⁸⁵ comes to mind with their involvement in the post-war democratic reconstruction.

For instance, Jacques Maritain¹⁸⁶ For instance pushed from the ideas of human rights, as not the individual rights, but the personal rights (going back to a religious constitutionalism), he highly contributed to the writing of the declaration of Human Rights, he was the French ambassador to the Vatican and was overall highly influential within left wing Catholicism.

¹⁷⁶Samuel Moyn, 2019. p54

¹⁷⁷Samuel Moyn, 2019. p40.

¹⁷⁸Catherine Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015).

¹⁷⁹ Martin Conway, "Catholic Politics or Christian Democracy? The Evolution of Inter-war Political Catholicism," in *Political Catholicism in Europe 1918-1945*, 1st ed., ed. Wolfram Kaiser and Helmut Wohnout (London: Routledge, 2004), 235-52, <https://doi.org/10.4324/9780203642467>.

¹⁸⁰Ibid.

¹⁸¹Samuel Moyn, 2019. p58.

¹⁸² J. W. Müller, "Reconstruction Thought: Self-Disciplined Democracies, People's Democracies," in *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (New Haven: Yale University Press, 2011), 125-55.

¹⁸³ Müller, *Contesting Democracy* (2011), 134-35.

¹⁸⁴Müller, *Contesting Democracy* (2011), 136-37.

¹⁸⁵Müller, *Contesting Democracy* (2011), 138.

¹⁸⁶Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951).

Giuseppe Dosseti¹⁸⁷ would be a main protagonist of the Italian assembly, and would be another important figure of the “personalism”¹⁸⁸ and the idea of the right of a person. He highly pushed for the social issue to be considered. He would advocate for a mixed economy which would be pursued by the Italian government and would lead to the inclusion of the concept of human dignity in the Italian constitution¹⁸⁹ directly in relation to social and economic rights in Article 41: “Private economic enterprise is free. It may not be carried out against the common good or in such a manner that could damage safety, liberty and human dignity [...]”¹⁹⁰. He would also be a prominent figure in the foundation of the European Community and the Schumann Declaration¹⁹¹. He highly promoted Christian engagement within politics¹⁹². Our long, multilayered analysis of Human Dignity, from Catholicism to enlightenment and the French Revolution was deeply important to show the various reflections, the trends of thoughts on human dignity that appeared throughout the centuries.

Once again, studying a concept is complicated, it is multilayered and this is why this philosophical and historical approach was crucial to start my thesis. We will now move to the 20th century and the Universal Declaration of Human Rights, with the first enshrining of Human Dignity at the international level and what one may call, the “legalisation” of Human Dignity. This slow legalisation of the concept of Human Dignity reflects its slow and unequal tradition within European countries. Before the 1945 Declaration, even if we had a clearer philosophical definition of Human Dignity, it was still tied to the social roles or religious framework (as in the Spanish constitution of 1812)¹⁹³. Early in the 20th century, the focus of many countries was on nation-building and the codification of rights around particular state needs.¹⁹⁴ This is illustrated in the remaining rights that alluded to either communal dignity (such as labour or family honour)¹⁹⁵ or national honour rather than individual dignity as a fundamental right¹⁹⁶. However, to say that the idea of Human Dignity was completely absent from those national constitutions would be wrong. Many articles in these early constitution refers directly to individual freedom and equality.¹⁹⁷ Finally, the UDHR became such a stepping stone in universalising Human Dignity in our international, national, European legal system as a direct reaction from the horror of world war two¹⁹⁸.

¹⁸⁷Giuseppe Dossetti, *Scritti politici 1943-1951*, ed. Giuseppe Trotta (Genova: Marietti, 1995), accessed September 15, 2024, <https://www.dossetti.eu/1995-giuseppe-dossetti-scritti-politici-1943-1951/>.

¹⁸⁸Ibid.

¹⁸⁹Constitution of the Italian Republic, January 1, 1948, https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

¹⁹⁰Ibid

¹⁹¹Schuman Declaration, May 9, 1950, accessed September 15, 2024, <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-01-en.pdf>.

¹⁹²Müller, *Contesting Democracy* (2011), p138.

¹⁹³Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015).

¹⁹⁴See : *The Constitution of the Kingdom of Norway*, trans. pursuant to order of Government (Christiania: Jacob Lehmann, 1814). Article 6, 7, 8, 9, 11, 12, 13, 14 Accessed September 24, 2024. [https://en.wikisource.org/wiki/The_Constitution_of_the_Kingdom_of_Norway_\(1814\)](https://en.wikisource.org/wiki/The_Constitution_of_the_Kingdom_of_Norway_(1814)).

¹⁹⁵See: 1812 Spanish Constitution, article 213.

¹⁹⁶See: 1841, Luxembourg Constitution, Article 46, 47, 52.

¹⁹⁷See: 1931, Belgian Constitution, Article 6, 7.

¹⁹⁸Catherine Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015), p

Before, the various attempts for an international system of peace had unfortunately failed, as for the ‘League of Nation’ that did not gather enough signatures from the US states even with the long campaigning of their president: Woodrow Wilson¹⁹⁹. Finally, as for the Irish constitution, the inclusion of Human Dignity within the constitution remained highly tied to the religious understanding of this concept and a much more conservative approach. This therefore explains the resistance from more secular and liberal democracies, to integrate still associated with religion, favouring other enlightenment values of equality, freedom...²⁰⁰

¹⁹⁹Ralph Stone, ed., *Wilson and the League of Nations* (Toronto: Holt, Rinehart & Winston of Canada Ltd, 1967).

²⁰⁰Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton, 2007), pp15-39.

“Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world (...).”

Preamble of the UDHR, 1948.

Chapter III: ‘The Complicated Path to Legal Human Dignity’

3.1. Upholding Human Dignity in a Global Jurisprudence:

3.1.1 Moving from a philosophical to a legal approach:

a. A guiding light to face the horrors of humanity?

In 1948, following the horror of World War II, we saw one of the first-ever enshrinements of the concept of Human Dignity in International Law. Human dignity became central to our international legal concept, as this derives from and ricochets most national laws, constitutions, and regional organisations. This means that my thesis now takes a turn from a profoundly philosophical analysis of Human Dignity to something much more practical by analysing international treaties, national constitutions and even some case law.²⁰¹ Yet, before turning to this analysis, the debate about the usefulness of such a complicated philosophical tradition in a legal context cannot be avoided. Many scholars criticise this concept as too broad and vague to be able to serve a legal purpose. A lot of critics raise the question: what is Human Dignity? Does it even exist outside a philosophical tradition? Human Dignity opens many debates on the question of life and death. When do we stop protecting Human Dignity? Can we limit it? It can enter into conflicts with various cultures and religions. Human Dignity is a complicated concept. So, one may ask, why is it even worthwhile? People felt indignant and repulsed by actions violating human dignity before the idea was written down.²⁰² This part justifies using of human dignity for a legal purpose but also to support my entire thesis. Why should I take something so practical as a social policy reform and evaluate it through the lens of something as broad as human dignity? However, Christian Byk and Patrice Capps looked at this question and put forward what I agree is a convincing answer to this dilemma. On the one hand, according to Christian Byk, it gives an anthropological, ontological definition of our humanity and is a guiding principle.²⁰³ Human Dignity was born out of a reaction and a concrete resentment of man towards terrible violations of one’s nature; it is based on man’s moral conscience. As a concept, imperfect as it may be, Human Dignity is a reminder of the one thing that links us all together, outside of religion and political belief, a reminder that when we violate someone’s dignity, we violate our own too.²⁰⁴ This can be seen in the UDHR, as every single country agreed on this treaty, with Human Dignity as the first protection, despite their conflicts and sometimes even extreme differences. Human dignity aims not to be an all-clear concept but a “mother principle”²⁰⁵ that motivates all of our policies and laws. When politicians and leaders act in a way that will impact humans, they should ensure those actions do not infringe on Human Dignity.²⁰⁶ This is seen in the dominant principles of most International Organisations such as UNESCO, WHO, Council of Europe and ONU.²⁰⁷

²⁰¹ Lynn Hunt, "The Soft Power of Humanity," in *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2007), 176-214.

²⁰² Christian Byk, "Is Human Dignity a Useless Concept? Legal Perspectives," in *Human Dignity in Bioethics and Law*, ed. Charles Foster (Oxford: Hart Publishing, 2011), 364-367.

²⁰³ *Ibid*

²⁰⁴ Christian Byk, "Is Human Dignity a Useless Concept? Legal Perspectives," p365.

²⁰⁵ Christian Byk, "Is Human Dignity a Useless Concept? Legal Perspectives," p364.

²⁰⁶ Christian Byk, "Is Human Dignity a Useless Concept? Legal Perspectives," p364.

²⁰⁷ Patrick Capps, *Human Dignity and the Foundations of International Law*, 1st ed. (Oxford: Hart Publishing, 2009), p106.

It is also helpful to guide us in future legislation, especially in the biomedicine sector, when looking at how much progress is made. Human Dignity can be a guiding principle in analysing laws and policies. This is the core of my thesis: looking at new policies that directly impact vulnerable populations of France and questioning the ethical (with the philosophical history) and legal (with the legal framework) dimensions of such laws. It is essential to reiterate the context in which Human Dignity was enshrined at the international level. The 1948 UN Declaration followed years of terrible horrors and war, which made the concept of Human Dignity infused with the memory of such an undeniable violation under Nazi rule. Human Dignity, in 1948, was enshrined for us to be a guide, never to forget our “human dignity” and never again attack it in the way it was done during World War II.²⁰⁸ World War II is defined as the point in history where we came the closest to destroying our human dignity, and as Hannah Arendt puts it:

“The real horror began, however, when the SS took over the administration of the camps. The old spontaneous bestiality gave way to the absolutely cold and systematic destruction of human bodies, calculated to destroy human dignity.”

Hannah Arendt, *The Origin of Totalitarianism*, p.455.

After years of war, nationalism opposing nations, of defining human not based on their inherent nature but on physiological characteristics, redefining our commitment to protect humanity in itself, was not only necessary but a complicated task. Human dignity was used to define a new international system, as those who created it knew we could no longer base ourselves on one religion or one philosophy. We had to find something that would guide us all as humans, and it was found within Human Dignity.²⁰⁹ This allows me to reflect on the laws and their political, legal and societal impact. I use Human Dignity as a guiding principle throughout my thesis because I believe in its profound meaning and importance. Moreover, it is something that always comes back when working with vulnerable populations; they want to fight for their dignity to be respected and not violated.²¹⁰ An international and European legal framework gives this individual moral need a ground to stand on. Human Rights and Human Dignity matter because when it comes to humanity and vulnerable populations, they are put on equal footing with the decisive decision-maker. By affirming, on paper, that we are all part of the same humanity, we move beyond benevolence and consideration, and we move towards rights and obligations that are owned to any members of society, no matter their ages, ethnicity, beliefs, or religions.²¹¹ Legally, anyone should have their human dignity respected, and if it is infringed upon, they can fight and claim it to be protected. This is not based on moral consideration or what is right but on what is enshrined in international, European, and national law.

²⁰⁸ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1951), 455.

²⁰⁹ David Hollenbach, "A Relational Understanding of Human Rights: Human Dignity in Social Solidarity," in *Human Dignity and the Common Good in the Americas*, ed. David Hollenbach and Thomas Massaro (Washington, D.C.: Georgetown University Press, 2002), 1487-1506.

²¹⁰ Rachel Bray, "Droits, Justice et Dignité," *ATD Quart Monde International*, December 3, 2023, <https://www.atd-quartmonde.org/droits-justice-et-dignite/>.

²¹¹ Christian Byk, "Is Human Dignity a Useless Concept? Legal Perspectives," p364.

It gives our legal system an anthropological nature, asking what human dignity is and how we can protect and realise it. It creates didactic values between rights and responsibilities.

b. A mother principle guiding and justifying our international legal system?

This idea is explained in detail by Patrice Capps, who shows how human dignity can be used as a justification for the international legal system.²¹² Once again, it was not something evident and inherent to our legal and political system. On the contrary, this was a form of anti-western tradition²¹³ to consider political and international relations. Indeed, as history has shown violence, war and division based on race, nation, and religion was prominent for centuries. Creating a legal and political system of global cooperation was not only a reaction to World War II, but it also meant going against years of colonisation, where European Countries had deemed the human dignity of others invaluable and sometimes even non-existent.²¹⁴ Many writings have looked at the horror and dehumanising practices of the colonial history of the British, French, Portuguese and Spanish empires. This entails, for example, the destruction of culture, religion and humanity in both waves of colonisation. The purpose of my thesis is not to look at the destruction of Human Dignity but its construction. We cannot deny its religious and political instrumentalisation in the first wave of colonialism, as well as its destruction in both waves of colonialism. The same goes for the influence it had on its reconstruction.

As Franz Fanon puts it, “But the misfortune of the black man is to have been enslaved, and the misfortune and inhumanity of the white man are to have killed the human dignity of the black man.”²¹⁵ It furthers this argument on why it particularly matters in an international context and goes deeper into a technical explanation. According to him, Human Dignity is relevant in two cases: when judges are faced with something unjust and to justify the overall development of a legal order. It firstly creates norms and law, a judge concept. Human Dignity, by being enshrined, has now become crucial to the legal reasoning of judges and courts, an idea to apply and keep in mind constantly. This is primarily a concept to consider when facing complex cases and situations. This concept of laws has made a significant difference and impact. It has been used by both the International Criminal Court and the International Court of Justice to justify certain sanctions and actions multiple times.

²¹² Patrick Capps, *Human Dignity and the Foundations of International Law*, 1st ed. (Oxford: Hart Publishing, 2009), p21.

²¹³ Enzo Traverso, *The Origins of Nazi Violence*, trans. Janet Lloyd (New York: The New Press, 2003), 1–14, 149–153.

²¹⁴ For instance, The Council of Valladolid was a series of debates that took place from 1550 to 1551, between Spanish theologians and jurists concerning the treatment of indigenous people in the Spanish colonies of the Americas. The main question was whether or not they should be forcibly converted to Christianity, their enslavement, and the *encomienda* system. In the end, the council did not significantly alter Spanish colonial practices, but it was an important chapter in the history of colonialism and the discussion of human rights. One of the main disputes was questioning whether or not, the Native Americans had a form of rationality that deserved respect from the Europeans. The main representatives of this debate are Two Dominican Order members, Juan Gines de Sepúlveda (1489–1573) and Bartolome de Las Casas (1484–1566). Las Casas argued that Native Americans deserved the same consideration as colonisers, despite their customs like human sacrifices. Sepúlveda, on the other hand, believed that practices like human sacrifice and cannibalism justified war and subjugation. Bartolomé de las Casas, a Dominican friar, opposed forced conversions and exposed mistreatment of Indigenous people in *encomiendas* (land grants). His efforts influenced the papal bull “*Sublimis Deus*” (1537), which recognized Indigenous people as rational beings. Las Casas played a crucial role in passing the New Laws (Laws of the Indies) in 1542, which aimed to end the *encomienda* system and improve Indigenous rights. (See: Lars Kirkhusmo Pharo, "The Concepts of Human Dignity in Moral Philosophies of Indigenous Peoples of the Americas," in *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), p145-154.

²¹⁵ Frantz Fanon, *The Wretched of the Earth*, translated by Richard Philcox (New York: Grove Press, 2004), 220.

Most International Law systems, institutions, bodies, treaties and conventions are now organised around Human Dignity.²¹⁶ Following the UDHR, we saw the justification of an international legal system around the conception of one, single humanity that, with our differences, could feel, hurt and heal the same way.²¹⁷ It was about trying to overcome the Nazi horrors that themselves stemmed from centuries of violation of Human Dignity.

3.1.2. Declaring and protecting Human Dignity at the international level:

a. Declaring Human Dignity, the Universal Declaration of Human Rights (1948)

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world (...).

The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, and the equal rights of men and women and have determined to promote social progress and better standards of life in more considerable freedom, (...)

Preamble of the UDHR, 1948.

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.

Article 1 of the UNDHR, 1948.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and by the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 22 of the UNDHR, 1948.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Article 23.3 of the UNDHR, 1948.

The term Dignity is cited a total of 5 times in the Universal Declaration of Human Rights of 1948²¹⁸; it is one of the first constitutions (outside the Irish Constitution of 1937²¹⁹) that

²¹⁶ Patrick Capps, *Human Dignity and the Foundations of International Law*, 2009, p106-107 (P21)

²¹⁷ Patrick Capps, *Human Dignity and the Foundations of International Law*, 2009, p.108

²¹⁸ Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948, <http://www.un.org/en/documents/udhr/>

²¹⁹ Government of Ireland, Constitution of Ireland, December 29, 1937, <http://www.irishstatutebook.ie/eli/cons/en/html>.

enshrined a right and protection of all dignity. Interestingly enough, even if the philosophical tradition of Human Dignity is in text longer and considerably spread across centuries. This legal tradition is dominant across the end of the 20th century and the 21st. This is a crucial step in studying the genealogy of Human Dignity. In the post-World War II context, all countries seemed to be ready to create a new system based on the principles of Human Dignity and Human Rights.²²⁰ The selection of dignity as the fundamental organising principle of the 1993 Vienna World Conference on Human Rights provided a significant boost to its usage in the international domain. The Declaration and Programme of Action not only recognises dignity as fundamental to human rights in general but also emphasises it in provisions dealing with specific aspects of human rights, such as the treatment of Indigenous peoples, the prohibition of torture, the prohibition of gender-based violence and harassment, the abolition of extreme poverty and the issue of biomedical ethics. Dignity is increasingly being incorporated into the substantive articles of international human rights accords rather than only the preambles. There was a strong push from Latin American countries to protect Human Dignity. In the Charter of the United Nations, there was at first no mention of Human Dignity. However, the UN Commission of Human Rights was created, being the first-ever international institution that entirely focused on the respect and protection of Human Rights.²²¹

The Universal Declaration was a turning point in history. It would have spillover effects on almost every country of the world, which would include the concept and protection of Human Dignity in their national constitution, national legislation and case law. This is not a simple, straightforward genealogy; indeed, two main genealogies appear when looking at the international enshrinement of Human Dignity. On the one hand, a recognition of Human Dignity was something inherent to all humans, and therefore the consequences that it entails.²²²

On the other hand, we see the acknowledgement that declaring such nature is not enough. There is a clear need to protect Human Dignity, and this is where Human Rights come into play. Human Rights are the tools to define and safeguard Human Dignity. Those human rights are based on the realisation of three primary liberties that are considered to make up Human Dignity. Freedom, equality, and solidarity are these three liberties that are usually put together under one concept alongside important individual realisation: ‘autonomy’. An individual should be another to exercise their dignity, freedom and autonomy. Inherent human dignity is not only the capacity but also the interconnected liberties. One cannot be free without equality, and equality cannot exist without solidarity between individuals²²³. Human Dignity remains the highest fundamental value, and Human Rights should constantly be tested against it. In this declaration, we witness a mostly negative approach to Human Dignity. Human dignity should not be violated by anything, while Human Rights should ensure that inherent freedoms are protected and fulfilled. This declaration's perspective was mainly based on Frank Roosevelt's vision of the four freedoms: freedom of speech, worship, freedom from want, freedom from fear²²⁴.

²²⁰ Lynn Hunt, "The Soft Power of Humanity", p201-203.

²²¹ Lynn Hunt, "The Soft Power of Humanity", p205-296.

²²² Ibid

²²³ Bas de Gaay Fortman, "Equal Dignity in International Human Rights," in *The Oxford Handbook of Human Dignity*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Oxford: Oxford University Press, 2014), p356

²²⁴ Franklin D. Roosevelt, *State of the Union Message to Congress*, January 6, 1941, accessed September 29, 2024, Franklin D. Roosevelt Presidential Library and Museum, <https://www.fdrlibrary.org/four-freedoms>.

Protecting Human Dignity through Human Rights ensure that one should live: not just survive²²⁵. One is entitled to live and enjoy a fulfilling life, not just a sustainable one. Human dignity is at the centre of all our human activities, the fulfilment of humanity. To live in Dignity is to live decently and fully. Human Dignity has therefore also positive definition and should lift people. This definition will be reproduced repeatedly in another legislative system. The principal rights assured in the UDHR are 30²²⁶. Those capacities and entitlements are considered necessary in order to live a dignified life.

These are what is supposed to make up one's dignity, in clear and substantive terms: Right to equality, freedom from discrimination, right to life, liberty and personal security, freedom from slavery, freedom from torture and degrading treatment, right to recognition as a person before the law, right to equality before the law, right to remedy by competent tribunal, freedom from arbitrary arrest and exile, right to fair public hearing, suitable to be considered innocent until proven guilty, freedom from interference with privacy, family, home and correspondence, suitable to free movement in and out of the country, right to asylum in other countries from persecution, right to a nationality and freedom to change it, right to marriage and family, right to own property, freedom of belief and religion, freedom of opinion and information, right of peaceful assembly and association, right to participate in government and in free elections, right to social security, suitable to desirable work and to join trade unions, right to rest and leisure, proper to adequate living standard, right to education, right to participate in the cultural life of the community, right to a social order that articulates this document, community duties essential to free and full development, freedom from state or personal interference in the above rights.²²⁷ Moreover, mention of Human Dignity can also be found in many other international treaties. The Preamble of the International Covenant on Civil and Political Rights²²⁸ and the International Covenant on Economic, Social, and Cultural Rights²²⁹ states that all members of the human family have equal and inalienable rights, which "derive from the inherent dignity of the human person."²³⁰ In addition, Article 13 of the latter declares that the "States Parties... recognise the right of everyone to education... [and] agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the principle that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."²³¹ Moreover, the preamble of the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty states the belief that the elimination of the death penalty "contributes to the enhancement of human dignity and progressive development of human rights."²³²

²²⁵ Bas de Gaay Fortman, "Equal Dignity in International Human Rights," in *The Oxford Handbook of Human Dignity*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Oxford: Oxford University Press, 2014),

²²⁶ Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on December 10, 1948, <http://www.un.org/en/documents/udhr/>

²²⁷ Inspired by Gewirth's Theory of Generic Feature

²²⁸ International Covenant on Civil and Political Rights (ICCPR). United Nations, Treaty Series, vol. 999, 171.

²²⁹ International Covenant on Economic, Social, and Cultural Rights (ICESCR). United Nations, Treaty Series, vol. 993, 3.

²³⁰ ICESCR and ICCPR Preamble.

²³¹ International Covenant on Economic, Social, and Cultural Rights (ICESCR). United Nations, Treaty Series, vol. 993, Article 13.

²³² Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted December 15, 1989, General Assembly resolution 44/128. Accessed 29 September 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and>.

Many other instruments also enshrine and enforce Human Dignity, such as the Convention on the Elimination of All Forms of Discrimination against Women²³³ within the Preamble. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²³⁴ include Human Dignity in its Preamble. The Convention on the Rights of the Child²³⁵ put a central place to Human Dignity in its Preamble, Articles 23 paragraph 1, Art. 28 para 2, Art.37, Art. 39, Art. 40 para 1. The International Convention for the Protection of All Persons from Enforced Disappearance²³⁶, enshrine Human Dignity in Articles 19 para 2, Art. 24 para 5 c. The Convention on the Rights of Persons with Disabilities²³⁷ enforce Human Dignity in its Preamble, Article 1, Article 3 (a), Articles 8 (a), Art 16 para 4, Art 24 para 1, and Article 25. This shows how Human Dignity is expected to be upheld in almost every aspect of Human Life, however, it shows the high focus on Civil liberties and freedom from discrimination, violence. There is a high focus on negative freedom connected to Human Dignity. We found less reference to Social Rights and Human Dignity.

3.2. Dignity as a Cornerstone in the European Union Legal System?

3.2.1. Pledging to Protect Human Dignity against European History:

The post-war reconstruction was motivated by the idea of building a new European continent on a better basis, with a sense of human dignity and vulnerability. This rejection of the unwanted violation of human dignity developed through Court rulings in a constitutional context. Catherine Dupré smartly uses the idea of this post-war constitutional construction as a “never again pledge.”²³⁸ In this reconstruction against all the historical violence, a concept was put at the centre and became a cornerstone of the legal system: “Human Dignity”. It was first codified in the constitution of West Germany and was used within the Hungarian Constitutional Court. Ultimately, we witness the emergence of European democracies founded on the notion of Human Dignity²³⁹. The critical project was also to be able to filter laws inherited from a violent imperial past. There was a clear need to reconnect to the foundation of Human Dignity and Human rights. Additionally, it was carried out in a way that questioned rather than outwardly rejected the communist legacy²⁴⁰. There was a slow rise of human dignity as the new basis for constitutional rights. Human dignity promised to break the cycle of violence and cruelty and to give protection to each individual without any conditionalities.

²³³Convention on the Elimination of All Forms of Discrimination against Women, adopted December 18, 1979. New York. Accessed 24 September 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

²³⁴Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, General Assembly resolution 39/46. Accessed 24 September 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

²³⁵Convention on the Rights of the Child, adopted November 20, 1989. Accessed 24 September 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²³⁶International Convention for the Protection of All Persons from Enforced Disappearance, adopted December 20, 2006. Accessed September 24, 2024. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>.

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²³⁸Catherine Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015), p102.

²³⁹Catherine Dupré, 2015, p108.

²⁴⁰Catherine Dupré, 2015, p108

a. The Council of Europe and the European Convention on Human Rights:

This protection of Human Dignity and Human Rights, though multiplying in the national constitutions, took some time to be integrated into the European Union legal system. In reality, it first started in a parallel institution²⁴¹, the Council of Europe, with the European Convention on Human Rights in 1950²⁴². Therefore, for a few paragraphs, we will shift our focus from the European Union Legal System to the Legal System of the Council of Europe. The Council of Europe was created after World War II to promote and safeguard human rights. Today, it is constituted of 47 member states, including all the European Union states. In 1950, the Council of Europe put forward the European Convention on Human Rights. This convention was the first legal instrument to enshrine and legally assure the fundamental rights as written in the UDHR. Interestingly enough, the European Convention on Human Rights does not explicitly enshrine 'Human Dignity' in its articles. It would not even include the term human dignity in its preamble before the Additional Protocol of 2002, which entered into force in 2003.²⁴³ It would however, being included in additional protocol 13: "The member States of The Council of Europe, signatory hereto, convinced that everyone's right to life is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and the full recognition of the inherent dignity of all human beings."²⁴⁴ This protocol has limited impact as not all member states have ratified it.

This lack of explicit reference to Human Dignity does not stop the importance of Dignity and Human Dignity in the case law jurisprudence dictated by the European Court of Human Rights. It is the only legal instrument within Europe that solely focuses on the struggle for Human Rights, as well as gives the opportunity to an individual to bring a case complaint at the European Level²⁴⁵. Even before it was included in the ECHR with additional protocol 13, the court would refer to Human Dignity. Up to this date (24/09/2024), there are 2005 mentions of Human Dignity in the ECHR database.²⁴⁶ Human Dignity may not be directly cited in the convention, but it is highly influential in the European Court of Human Rights. The term "dignity" in the ECHR ruling has three distinct meanings: it refers to particular rights, it describes how it is distinguished based on the particular facts of a case, and it describes the function of dignity in the legal system. In the European Jurisprudence it directly relates to a violation of Article 3 of the Convention: "No one shall be subjected to torture or inhuman or degrading treatment or punishment."²⁴⁷

²⁴¹ European Union Agency for Fundamental Rights and Council of Europe, "Introduction to European law relating to the rights of the child: context and key principle" in Handbook on European Law relating to the Rights of the Child, February 2022, p1.

²⁴² European Convention on Human Rights, as amended. Accessed September 24, 2024. https://www.echr.coe.int/documents/d/echr/Convention_ENG.

²⁴³ Sebastian Heselhaus, and Ralph Hemsley " Human Dignity and the European Convention on Human Rights," in *Handbook of Human Dignity in Europe*, ed. Paolo Becchi and Klaus Mathis (Cham: Springer, 2019), p970, https://doi.org/10.1007/978-3-319-28082-0_44.

²⁴⁴ Protocol No. 13 Have agreed as follows: ARTICLE 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances Vilnius, 3.V.2002

²⁴⁵ Sebastian Heselhaus, Raph Hemsley, 2019, p971

²⁴⁶ European Court of Human Rights, "Human Dignity," HUDOC database. Accessed September 24, 2024. [https://hudoc.echr.coe.int/#{%22fulltext%22:\[%22human%20dignity%22\].%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\]}](https://hudoc.echr.coe.int/#{%22fulltext%22:[%22human%20dignity%22].%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22]}).

²⁴⁷ European Court of Human Rights, "Human Dignity," HUDOC database. Accessed September 24, 2024.

[https://hudoc.echr.coe.int/#{%22fulltext%22:\[%22human%20dignity%22\].%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\]}](https://hudoc.echr.coe.int/#{%22fulltext%22:[%22human%20dignity%22].%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22]}).

A definition of Human Dignity within this the European jurisprudence can be found in the case of *Svinarenko and Slyadnev v Russia*²⁴⁸.

“Where treatment humiliates or debases an individual, showing a lack of respect for, or diminishing, his or her human dignity, or arouses feelings of fear, anguish, or inferiority capable of breaking an individual’s moral and physical resistance, it may be characterised as degrading and fall within the prohibition of Article 3.”

Paragraph 61 of *Svinarenko and Slyadnev v Russia*.

The *Bouyid v. Belgium*²⁴⁹ case was profoundly influential in defining many of the crucial components of Human Dignity in the Council of Europe Jurisprudence. The courts linked Article 3 of the Convention directly to human dignity. It assumes that Article Three aims to protect dignity from “degrading” treatment. In paragraph 81: “Indeed the prohibition of torture and inhuman or degrading treatment or punishment is a value of civilisation closely bound up with respect for human dignity”²⁵⁰. In this case, Human Dignity is also used to be foundational to “the right to life”; to violate one’s inherent dignity is to violate their right to life. This reference to the right to life is consistent with the ECHR jurisprudence. Human Dignity is also linked to protection from humiliation. Degradation is given a meaning that goes beyond physical aggression. It has a direct connection to the ban on torture as well. The majority of rulings that address human dignity have to do with the state of incarceration.

In this case, both physical violence and physical punishment and can be considered a violation of Article Three. The treatment of prisoner is frame around the protection of Human Dignity. Moreover, children and juvenile in detention, as well as in medical care, are entitled to standard of living conditions, and if those conditions are not fulfilled, it is a violation of Human Dignity and inhumane treatment. In the case of *Bouyid versus Belgium*, it was also stated that no exceptions are accepted; this also includes possible terrorist activities and attacks. The use of force, in any case of imprisonment, is understood as a violation of Human Dignity²⁵¹, and what is even more important is that “no exceptions or excuses should be allowed for unlawful use of force”. Interestingly enough, the court also clarified that Human Dignity is not based on one’s individual feelings²⁵². Still, on an action, a degrading physical or psychological, that can be objectively recognised and proved. The court defines this as “a minimum level of severity.”²⁵³ Overall, in the Council of Europe Human Dignity is mainly linked to direct physical violence acted upon an individual.

²⁴⁸*Svinarenko and Slyadnev v. Russia* [GC], nos. 32541/08 and 43441/08, Grand Chamber, European Court of Human Rights, July 17, 2014. Accessed September 24, 2024. <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22002-9586%22%5D%7D>.

²⁴⁹*Bouyid v. Belgium*, no. 23380/09, Grand Chamber, European Court of Human Rights, September 28, 2015. Accessed September 24, 2024. <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-157670%22%5D%7D>.

²⁵⁰ As well as paragraph 90: “Moreover, there is a particularly strong link between the concepts of “degrading” treatment or punishment within the meaning of Article 3 of the Convention and respect for “dignity” (See:

²⁵¹ *Case Bouyid v Belgium*, 2015. Paragraph, p100.

²⁵² N. Mavronicola, “*Bouyid v Belgium*: The “minimum level of severity” and Human Dignity's Role in Article 3 ECHR” (2016) *Cyprus Human Rights Law Review* 1.

²⁵³ Paragraph *Bouyid v Belgium*.

b. European Union Legal Instruments Upholding Human Dignity:

As we saw in the introduction, the proliferation of human dignity in national constitutions was the basis of democratic European reconstruction; however, in the European Union, the difficulties that came with trying to bring together and bind legally many countries with various cultures and laws. The question of Human Rights and Human Dignity was pushed to the side for a while, focusing more on the free market and the free movement of people, capital and goods. The first mention of Human Dignity was found in the Charter of Fundamental Rights. The “Convention of Fundamental Rights (CFR)²⁵⁴ of the European Union was adopted in 2000. It is a stepping stone in the debate around Human Dignity in the European Union. It places Human Dignity as being inviolable and something that needs protection. It becomes the foundation of all other fundamental rights. It is not understood as a basic right in itself but as the basis for all others.

This is confirmed in a case that opposed the Netherlands to the European Parliament and the Council (C.377/98)²⁵⁵. The European Court of Justice reiterated and confirmed that there was a fundamental right to Human Dignity within the European Union and that it is the basis of all other rights. It states that others can use none of their rights to harm another person and that human dignity is integral to the substance of their rights. However, it is essential to point out that there is no direct and explicit mention of “Human Dignity” in the TFEU, which is mainly concerned with socio-economic rights. The first article of the CFR offers a “guarantee of Human Dignity”. Another way to illustrate how fundamental Human Dignity is to the European Union's substantive definition of Human Rights is the fact that Chapter I of the Charter of Fundamental Rights is named “Human Dignity”²⁵⁶. This chapter outlines different human rights that are protected, as well as the legal consequences of human dignity. It shows how when certain rights are linked to their core to Human Dignity, their protection is absolute. The protection of Human Dignity within the CFR is deeply connected to Article 4 and the prohibition of slavery. Moreover, Article 4 of the CFR was declared by the European Court of Justice as an absolute protection that does not accept any interference. It is reinforced by Article 5, which prohibits slavery and forced labour, as well as the prohibition of inhuman torture and degrading treatment, violent and degrading punishment.

The Treaty of Lisbon (2009)²⁵⁷ added Human Dignity in Article 2 of the Treaty of the European Union²⁵⁸ as a general objective of the European Union. This is a profoundly crucial legal step from the European Union, as this and the TFEU²⁵⁹ (Treaty on the Functioning of the European Union) are the treaties at the core of the creation of the Union.

²⁵⁴ European Union, Charter of Fundamental Rights of the European Union, October 26, 2012, Official Journal of the European Union C 326/391

²⁵⁵ European Court of Justice, *Kingdom of the Netherlands v. European Parliament and Council of the European Union*, Case C-377/98, ECLI:EU:C:2001:523, Judgment of October 9, 2001, European Court Reports 2001 I-07079, accessed September 29, 2024, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61998CJ0377>.

²⁵⁶ European Union, Charter of Fundamental Rights of the European Union, 2012, Chapter I.

²⁵⁷ European Union, Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, December 13, 2007, Official Journal of the European Union C 306, 17.12.2007, p. 1–271.

²⁵⁸ European Union, Treaty on European Union, February 7, 1992, Official Journal of the European Union C 326, 26/10/2012, p. 13–390.

²⁵⁹ European Union, Treaty on the Functioning of the European Union, March 25, 1957, Official Journal of the European Union C 326, 26/10/2012, p. 47–390.

The Treaty of Lisbon was particularly crucial in strengthening the role of Human Dignity, giving the Charter of Fundamental Rights (CFR) the same legally binding dimension as any other foundational treaty (Article 6). Human dignity is binding in primary law, which in the legal hierarchy has priority over any other legislative act. Article 2 is fundamental. It puts 'Human Dignity' as a value at the same level of freedom, equality, state law, respect of Human Rights, rights of minorities, pluralism, non-discrimination and tolerance. In the European legislation, the concept will continue to involve and take upon other meanings. It is used to protect and justify more specified rights such as the rights of Women, Children, the Elderly, migrants and so on.²⁶⁰ This is seen in secondary laws, in particular articles of the European Convention of Social Rights, as well as other legislative acts such as conventions, directives and even soft law recommendations. For instance, in Article 24 of the Charter of Fundamental Rights.²⁶¹ Dignity is mentioned in the context of protecting Elderly individuals' Rights under Article 25: "The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life". It also touches upon the dignity of workers and their working conditions, as stated in Article 31: "Every worker has the right to working conditions which respect his or her health, safety and dignity". However, the question of the link between social rights and humans will be looked at in much more detail in the last part of our case study, which will open a long, multilayered and complicated discussion of the effects of poverty on Human Dignity.

In terms of secondary laws, there are many examples of the use of Human Dignity within multiple types of legislation. We can break it down into five main categories: Elderly, Children, Women, Migrants and ethnic minorities. For instance, in the Preamble of the European Charter of the Rights and Responsibilities of Older People in Need of Long-Term Care and Assistance²⁶², the first sentence mentions: "Human dignity is inviolable. It is linked to the fact that old age and dependency "cannot be the grounds for restrictions on any inalienable human right and civil liberty". In article 1, Older people have the "Right to dignity, physical and mental well-being, freedom and security". On the other hand, article 8 deals with a pretty controversial topic; it assures the right to "Right to palliative care, support, respect and dignity in dying and in death". This right of dying with dignity is limited by "the national legislation of your country of residence", knowing full well that only eight European Member States have in 2028 legalised Euthanasia. In terms of Women's Rights, the EU Gender Equality Directive²⁶³ defines harassment as a violation of dignity. In the EU Victims Rights Directive of 2012,²⁶⁴ Article 16 interprets that "Member States should therefore take particular account of the needs of victims of terrorism and should seek to protect their dignity and security".

²⁶⁰ Catherine Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015).

²⁶¹ European Union, Charter of Fundamental Rights of the European Union, October 26, 2012, Official Journal of the European Union C 326/391

²⁶² European Charter of the rights and responsibilities of older people in need of long-term care and assistance? June 2010, available at: https://www.age-platform.eu/sites/default/files/22204_AGE_charte_europeenne_EN_v4.pdf

²⁶³ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Article 2: definition, paragraph (c), and (d).

²⁶⁴ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Art.16.

This short overview of various conventions, recommendations and directives shows how human dignity is deeply embedded in individual rights. It is almost impossible not to find references to dignity in European Union legal instruments. However, apart from directives, most of these instruments are secondary, non-binding laws, which, as we saw for the right to die with dignity, mostly try to guide Member States' policies and actions. It is not, however, obligatory and has less legal weight than other instruments. Human Dignity in European Union Law remains a pretty general principle in terms of the concept of a binding legal instrument. Once again, Human Dignity is highly linked to Political and Civil Freedom. Human Dignity is central and crucial to the legal system of the European Union. There is however, less mention of the social dimension of Human Dignity, and Social rights.

3.2.3. Human Dignity as a Constitutional Protection within Member States:

a. The proliferation of Human Dignity in Europe

i. The (re)-birth of Human Dignity:

Compared to its philosophical roots, Human Dignity in constitutionalism has quite a short history. As we can see, it only appeared in the European Union Law legal system, while in most national constitutions, it only appeared after World War II. Historically, it first appeared in the preamble to the Irish Constitution in 1937²⁶⁵. Following the Irish Constitution²⁶⁶ the second European Country to enshrine 'Human Dignity' was Italy and the 1947 constitution. This is a particular and exciting case, which we will go back to as it directly references the idea of social dignity and the effect of capitalism on dignity.

"All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions"

Article 3, (1), 1947 Italian Constitution.

"Private economic enterprise is free. It may not be carried out against the common good or in such a manner that could damage safety, liberty, and human dignity".

Article 41, (1), 1947 Italian Constitution.

This most definitely reflects the influence of the Italian Communist Party in Italy at the time. It also highlights the importance of political Catholicism, which worked towards European construction and pushed for the creation of the UDHR.²⁶⁷ Following Italy, in 1949, Germany introduced one of the most influential understandings of Constitutional Human Dignity with Article 1.1 of its fundamental law: "Human dignity shall be inviolable." This inviolability of Human Dignity and its legal consequences implies various rights that shall never be infringed.²⁶⁸ The following analysis is based on a census of the English translation of European national constitution²⁶⁹.

²⁶⁵ Government of Ireland, Constitution of Ireland, December 29, 1937, <http://www.irishstatutebook.ie/eli/cons/en/html>.

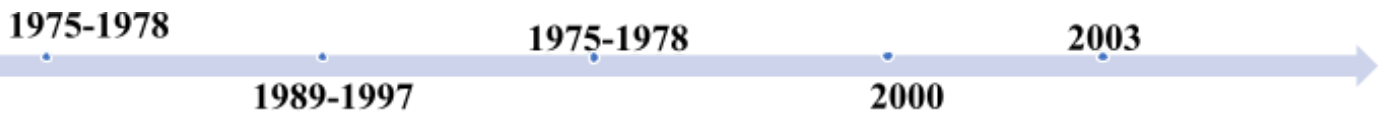
²⁶⁶ Senato della Repubblica, Constitution of the Italian Republic, December 27, 1947, https://www.senato.it/sites/default/files/media-documents/COST_INGLESE.pdf.

²⁶⁷J. W. Müller, "Reconstruction Thought: Self-Disciplined Democracies, People's Democracies," in *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (New Haven: Yale University Press, 2011), 125-55

²⁶⁸ Federal Ministry of Justice, Basic Law for the Federal Republic of Germany, May 23, 1949, last amended on September 28, 2020, https://www.gesetze-im-internet.de/englisch_gg/.

²⁶⁹See annex II, p128.

After 1949, the codification of human dignity accelerated, spreading to various countries. Catherine Dupré's detailed analysis identifies three distinct waves of human dignity's constitutionalising in Europe, each aligning with major political shifts.²⁷⁰



The first wave coincided with democratisation in Southern Europe between 1975 and 1978, impacting Greece (Article 2), Portugal (Articles 1, 26, 59), and Spain (Article 10).

The second wave was linked to the democratisation of Central and Eastern European countries transitioning from communism. This included Hungary²⁷¹ (Article 54), Croatia²⁷² (Articles 25 and 35), Bulgaria²⁷³ (Articles 4, 6, 32), Romania²⁷⁴ (Article 1), Slovenia²⁷⁵ (Articles 21 and 34), Estonia²⁷⁶ (Article 10), Slovakia²⁷⁷ (Articles 12 and 19), Lithuania²⁷⁸ (Articles 21 and 25), the Czech Republic²⁷⁹ (Articles 1 and 10), Latvia²⁸⁰ (Article 95) and Poland²⁸¹ (Article 30), all of which incorporated human dignity into their new or revised constitutions between 1989 and 1997.

The 1990s also saw Belgium²⁸² (Article 23) in 1994 and Finland²⁸³ in 1995, which incorporated human dignity into their constitutions. The latter drew heavily from the German Basic Law during a significant constitutional revision. The most recent wave of codification occurred at the supranational level with the European Union Charter of Fundamental Rights in 2000, followed by the Lisbon Treaty.²⁸⁴ Moreover, it is also interesting to look more deeply into that article. The words used and do a sort of close reading of the 27 constitutions.²⁸⁵

²⁷⁰ Catherine Dupré, 2017, p99-120 and See Annex II, p129.

²⁷¹ National Assembly of Hungary, The Fundamental Law of Hungary, April 25, 2011, <https://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>.

²⁷² Croatian Parliament, The Constitution of the Republic of Croatia, December 22, 1990 (as amended to 2010), https://www.sabor.hr/sites/default/files/uploads/inline-files/CONSTITUTION_CROATIA.pdf

²⁷³ National Assembly of the Republic of Bulgaria, Constitution of the Republic of Bulgaria, July 12, 1991, <https://www.parliament.bg/en/const>.

²⁷⁴ Chamber of Deputies, Constitution of Romania, December 8, 1991 (as amended to 2003), http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=1#t1c0s0sba1.

²⁷⁵ National Assembly of the Republic of Slovenia, Constitution of the Republic of Slovenia, December 23, 1991, <https://www.us-rs.si/media/constitution.pdf>.

²⁷⁶ Riigikogu, Constitution of the Republic of Estonia, June 28, 1992, <https://www.riigiteataja.ee/en/eli/530102013003/consolide>.

²⁷⁷ National Council of the Slovak Republic, The Constitution of the Slovak Republic, September 1, 1992, <https://www.prezident.sk/upload-files/46422.pdf>.

²⁷⁸ Seimas of the Republic of Lithuania, The Constitution of the Republic of Lithuania, October 25, 1992, <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.218922?jfwid=-wd7z8ivg5>.

²⁷⁹ Parliament of the Czech Republic, Constitution of the Czech Republic, December 16, 1992, <https://public.psp.cz/en/docs/laws/constitution.html>.

²⁸⁰ Saeima, The Constitution of the Republic of Latvia, February 15, 1922 (as amended to 2016), <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

²⁸¹ National Assembly of the Republic of Poland, The Constitution of the Republic of Poland, April 2, 1997, <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

²⁸² Belgian House of Representatives, The Belgian Constitution, February 17, 1994, https://www.dekamer.be/kvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

²⁸³ Ministry of Justice, Finland, The Constitution of Finland, June 11, 1999, <https://finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>.

²⁸⁴ See above: 2.3.1, ii. European Union Legal Instruments Upholding Human Dignity (p48-51).

²⁸⁵ Ibid, and cf annex II, p.127.

This is proved by the fact that most countries have the mention of dignity either placed in their preamble or first five articles, showing how crucial it is to the whole constitution. The only countries that are exceptions to the rules are Spain, Estonia, Slovakia, Croatia, Lithuania and Belgium. The words “inviolability” of Human Dignity are found in six different articles (Bulgaria, Finland, Germany, Hungary, Poland, and Spain).²⁸⁶ Finally, each time human dignity is mentioned, it is linked to human rights, the protection of some individual rights, or the protection of the right to life. The term rights can be found in a total of 28 articles. However, the only country to use the term human rights is Latvia.²⁸⁷ In its preamble: “Latvia as democratic, socially responsible and national state is based on the rule of law and respect for human dignity and freedom; it recognises and protects fundamental human rights and respects ethnic minorities”. This shows that those rights may vary. It may sometimes only be mentioned in association with universal and general rights. For instance, in Belgium's constitution²⁸⁸, Article 23: “Everyone has the right to lead a life in keeping with Human Dignity”, or the Preamble of the Hungarian Constitution which states, “We hold that human existence is based on Human Dignity”. But it also becomes much more precise with the direct mentioning of torture and degrading treatment, such as Article Two of the Greek Constitution.²⁸⁹: “Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity, are prohibited and punished as provided by law.” The Croatian Constitution²⁹⁰ Directly addresses the question of prisoners' treatment in the article: 25 “All arrested and convicted persons shall be treated humanely, and their dignity shall be respected”.

One thing is that there is always a reference to Human Dignity being generally protected (like Article 35 of the Croatian Constitution). What is not always found in that constitution is more specific protection, in our case study, protection of social rights (apart from the Italian Constitution). What is fascinating is how the democratisation process was entirely based on the idea of protecting human dignity and recognising something that we all have in common: that which deserves inviolable protection.

ii. Human dignity is a non-enshrined constitutional concept, but it is a legal value nonetheless.

However, some countries, such as Austria, Cyprus, Denmark and France, do not explicitly reference Human Dignity or Dignity. They may have a more implicit idea of Human Dignities within their constitution. The concept of Human Dignity is usually mentioned in their case law.²⁹¹ For instance, Article 7 of the Cyprus Constitution²⁹² Guarantees the Right to Life: “Every person has the right to life and corporal integrity”.

²⁸⁶ Ibid, and cf annex II, p.128.

²⁸⁷Saeima, The Constitution of the Republic of Latvia, February 15, 1922 (as amended to 2016), <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

²⁸⁸Belgian House of Representatives, The Belgian Constitution, February 17, 1994, https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

²⁸⁹Constitution of Greece, accessed September 24, 2024, <https://ecnl.org/sites/default/files/files/2021/GreeceConstitution.pdf>.

²⁹⁰Croatian Parliament, The Constitution of the Republic of Croatia, December 22, 1990 (as amended to 2010), https://www.sabor.hr/sites/default/files/uploads/inline-files/CONSTITUTION_CROATIA.pdf

²⁹¹ Becchi, Paolo, and Klaus Mathis, eds. *Handbook of Human Dignity in Europe*. Cham: Springer Nature Switzerland AG, 2019.3

²⁹² Republic of Cyprus, The Constitution of the Republic of Cyprus, August 16, 1960, http://www.parliament.cy/images/media/assetfile/Syntagma_EN.pdf.

In the Cyprus constitution, those rights are granted to everyone on national land through the treaty of establishment (Art.5 of the constitution). For Austria²⁹³, the idea of Human Dignity is found within article 16 of the Austrian Civil Code, a much older text from 1812 that states: “Everybody has innate rights that stand to reason and is thus to be considered a person. Slavery or serfdom, and the exercise of power relating to it, is not admitted in these Länder.”

The lack of explicit reference in the Danish constitution²⁹⁴ can be attributed to the fact that most of the 1953 constitutional Act was inspired by one of the oldest constitutions of the world, the constitution of the Kingdom of Denmark of 1849. In Denmark, Human Dignity has become more critical through international law before entering national jurisprudence²⁹⁵. This is an unusual case since, like the majority of Nordic European countries, Danish legislation is expected to be compliant with international standards rather than being seen as a component of the national system. The French case will be studied in further detailed as it is needed to contextualise the latter case study²⁹⁶.

Finally, we should talk about the United Kingdom, even if the country decided to leave the European Union in 2017. It was one of the foundational countries, and it would be a mistake to omit its legal system in our analysis. Even if the Magna Carta does not explicitly mention the concept of Human Dignity, many of its fundamental concepts were, as for the 1789 French Declaration, influential. As providing the first form of limited government in 1948, Eleanor Roosevelt described the UDHR as the “international Magna Carta for all mankind”²⁹⁷ while emphasising the need to protect and respect Human Dignity in the same speech.

iii. The Enduring Legacy of ‘Dignitas’: ancient Principles in Modern European Constitutions:

An interesting case that doesn’t fit into any of our categories is the case where, in Constitutional Law, Dignity still keeps its ancient and quite Cicero’s meaning. This is highly visible in the Polish constitution²⁹⁸. There are direct references to what Cicero would call “the law of professional”, with a direct link to one’s office and the scope of their duties. A specific office means that one has to act and honour the dignity of this office. This concerns the Judge in Article 178: “. Judges shall be provided with appropriate conditions for work and granted remuneration consistent with the dignity of their office and the scope of their duties”²⁹⁹. The same is expected from Constitutional Judges (article 195).

²⁹³ Austrian Parliament, Federal Constitutional Law of Austria, 1920 (as amended to 2021), https://www.ris.bka.gv.at/Dokumente/Erw/ERV_1930_1/ERV_1930_1.pdf.

²⁹⁴ Antoni Abat Ninet, "Human Dignity in Denmark," in Handbook of Human Dignity in Europe, ed. Paolo Becchi and Klaus Mathis (Cham: Springer Nature Switzerland AG, 2019), 212-226.

²⁹⁵ The National Archives (UK), Magna Carta, 1215, <https://www.nationalarchives.gov.uk/treasures/magna-carta/>.

²⁹⁶ Régis Lanneau, "Human Dignity in France," in Handbook of Human Dignity in Europe, ed. Paolo Becchi and Klaus Mathis (Cham: Springer Nature Switzerland AG, 2019), 259-80, <https://doi.org/10.1007/978-3-319-28082-0>.

²⁹⁷ *Europe Again: Magna Carta for All Mankind, 1948*, Eleanor Roosevelt Papers Project. Accessed September 24, 2024. <https://erpapers.columbian.gwu.edu/europe-again-magna-carta-all-mankind-1948>.

²⁹⁸ National Assembly of the Republic of Poland, The Constitution of the Republic of Poland, April 2, 1997, <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

²⁹⁹ Ibid

The president of the Supreme Chamber of Control in Article 205 states that: “The President of the Supreme Chamber of Control shall not belong to a political party, a trade union or perform public activities incompatible with the dignity of his office”³⁰⁰. Also, “The Commissioner for Citizens' Rights shall not belong to a political party, a trade union or perform other public activities incompatible with the dignity of his office.” (Article 208). Even the members of the National Council of Radio Broadcasting and Television should uphold the dignity of their function. Lastly, the president of the National Bank of Poland's actions are also restricted by “the dignity of his office” (article 227). Another instance is Slovakia's Constitution³⁰¹, which corresponds more to the ancient “dignitas” of honour found within the social life of the Roman Empire, with Article 19.1: “Everyone shall have the right to maintain and protect his or her dignity, honour, reputation and good name”. In the Hungarian constitution, we also find an ‘ancient’ conception of Dignity, as in the Roman Empire, dignity could be acquired to anything. Cicero would talk about the dignity of houses and wines³⁰². Article 37.7 states that the National Assembly possesses a form of dignity that its members should uphold.

b. Human dignity in the French Legal system :

i. Human Dignity everywhere, Human Dignity nowhere? The case of the French legal system and Human Dignity.

Interestingly enough, even in France, the Enlightenment movement had a profoundly influential role in the development of the Philosophical concept of Human Dignity. However, there is an apparent absence of this concept in terms of legal concepts and norms. Even more surprising, France has not ratified the Universal Declaration of Human Rights. Even in the DDHC, the reference is primarily referred to as ‘Dignitas’ to the nobilities and socio-economic and professional statuses. It is used to precise their abolitions. Human dignity also plays a role in regulating freedom of expression.³⁰³ A 1986 law stipulates that communication freedom can be restricted based on principles of human dignity. Consequently, degrading, racist or antisemitic shows broadcast on certain radio stations can face sanctions for their programming decisions. The concept of Human Dignity was mainly missing from French law until the 1990s. This is an important focus as our case study takes place within the legal system of France. Dignity is not explicitly enshrined, it is however a commitment from the French Government within constitutional law. This therefore, justify using Human Dignity in the devising of social law, as the French government is engaged to protect it at the International, European and National level. Additionally, two notable cases involve the publication of pictures deemed to violate human dignity: the photograph of François Mitterrand on his deathbed and the image of préfet Claude Érignac after his assassination in Corsica.³⁰⁴ The concept of human dignity gradually emerged within various branches of French law, particularly those related to workers and working conditions.

³⁰⁰Ibid

³⁰¹National Council of the Slovak Republic, The Constitution of the Slovak Republic, September 1, 1992, <https://www.prezident.sk/upload-files/46422.pdf>

³⁰²Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914).

³⁰³Régis Lanneau, "Human Dignity in France," in *Handbook of Human Dignity in Europe*, ed. Paolo Becchi and Klaus Mathis (Cham: Springer Nature Switzerland AG, 2019), 259-80, <https://doi.org/10.1007/978-3-319-28082-0>.

³⁰⁴Ibid.

We see a real turn in the 1990s concerning Human Dignity, primarily when the 1992 Penal Code, chapter V was fully dedicated to the violation of the dignity of the persons.³⁰⁵ By 1992, working conditions that infringed upon human dignity were criminalised. However, socio-economics rights are less binding than civil and political obligations in the French legal system and the general international and European legal systems.³⁰⁶ Other discrimination that was included were discrimination, prostitution procurement, working and housing constitution and respect for dead bodies. Moreover, Human Dignity has made itself a place within constitutional law not through enshrining but through the rulings of the Conseil Constitutionnel. Therefore, there is a legal link between Human Dignity and Social Rights within the French legal tradition. The Conseil Constitutionnel first produced a crucial decision concerning respect for the human body and the donation and use of given body parts on 27 July 1994 specifying that “the protection of human dignity against all forms of enslavement or degradation is a principle of constitutional status.” Even if the concept was not directly found within the Constitution, it was declared that respect for human dignity was a constitutional concept based on the 1945 Preamble. This decision was made while the constitutional council had to overview two laws concerning bioethics. The first was about respect for the Human Body, and the Second was about the donation and use of parts and by-products of the human body: medically assisted reproduction.

Another crucial decision was made in 1995 regarding decent housing.³⁰⁷ This is one rare link between social rights and human dignity. In this decision, the constitutional council reaffirmed that respect for Human Dignity is a ‘constitutional value’³⁰⁸, once again based on the 1946 Preamble which reads: “In the morrow of the victory achieved by the free peoples over the regimes that had sought to enslave and degrade humanity, the people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights”³⁰⁹. It is quite paradoxical since there is still no added explicit reference to Human Dignity in the French Constitution or the “bloc de constitutionnalité” (body of constitutional rules). Since 1995, around 32 legislations have explicitly mentioned Human Dignity and the Dignity of a person³¹⁰.

³⁰⁵ LOI n°92-683 du 22 juillet 1992 portant réforme des dispositions générales du code pénal (1), NOR: JUSX8900136L, JORF n°169, July 23, 1992. Accessed September 24, 2024. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000359434/>.

³⁰⁶ Ibid

³⁰⁷ Conseil Constitutionnel, Décision n° 94-359 DC du 19 janvier 1995, Loi relative à la diversité de l'habitat, available at : <https://www.conseil-constitutionnel.fr/decision/1995/94359DC.htm>, paragraph 6 : Considérant qu'il ressort également du Préambule de la Constitution de 1946 que la sauvegarde de la dignité de la personne humaine contre toute forme de dégradation est un principe à valeur constitutionnelle (Whereas it is also clear from the Preamble to the 1946 Constitution that safeguarding the dignity of the human person against any form of degradation is a principle of constitutional value).

³⁰⁸ Ibid.

³⁰⁹ Preamble of the 27 October 1946, fully available at: <https://www.elysee.fr/en/french-presidency/preamble-to-the-constitution-of-october-27th-1946>

³¹⁰ Régis Lanneau, "Human Dignity in France," 2014, p263.

For instance, the prohibition of ‘mini-miss’ pageants (Loi 2014-873)³¹¹, or ‘The End-of-Life Legislation, the Clayes-Leonetti Law (2016)³¹², focused on the respect of Human Dignity in end-of-life care, rights to palliative care and overall emphasize the dignity of patients during their final stages of life. Human Dignity is also highlighted in the Protection of Vulnerable Populations laws, and lately, it has also started to appear in bioethics laws.

ii. Two values of Human Dignity in the French legislative movement:

Overall, the concept of human dignity has three primary meanings in the French legal system. As a constitutional principle, since it is already recognised within case law, it is usually considered that it does not need to be enshrined in the Constitution. It can also be understood as a Republican Tradition and a component of ‘Public Order’³¹³.

On the one hand, the Republican tradition goes back to the DDHC, as stated by Madam Hoffman Glemane Case³¹⁴, the ‘Conseil D’Etat (the supreme judge in administrative law). Human dignity was already granted by this declaration, even if nothing more was added to justify this declaration. Many analyses of the declaration show no explicit reference to the concept. Another instance is seen in a 2008 speech³¹⁵, where Nicolas Sarkozy famously made a connection between republican equality and equal dignity by saying: “Republican equality means equality before the law, equality of rights and duties, equal dignity for all, equal opportunity”³¹⁶. Overall, it is considered to be an inherent value, implicit in all the French Republic and due to the 1946 Preamble. It is something that was also reiterated many times in the Constitutional Council's Rulings. On the other hand, it is sometimes used as a component of public order. This was most famously used as a justification in the case of ‘Wackenheim v France’³¹⁷, often applied in discussing and illustrating the legislative dimension of Human Dignity. Mister Wackenheim, who had dwarfism, participated in ‘dwarf tossing’ events where people threw him onto an air bed.

The Mayor of Morsang-sur-Orge tried to ban such an event; this decision was supported by the French Ministry of Interior, stating in a Circular of November 1991 that such an event infringed Article 3 of the ECHR using the concept of Human Dignity. Mr. Wackenheim opposed this ruling using the concept of Human Dignity, arguing that it was violating his rights to life, especially considering he would lose his job. However, the local courts ruled that banning it required specific local circumstances related to public order.

³¹¹ LOI n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes (1), JORF n°0179, August 5, 2014. Accessed September 24, 2024. https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000029333494.

³¹² LOI n° 2016-87 du 2 février 2016 créant de nouveaux droits en faveur des malades et des personnes en fin de vie (1), NOR: AFSX1507642L, JORF n°0028, February 3, 2016. Accessed September 24, 2024. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000031970253>.

³¹³ Régis Lanneau, "Human Dignity in France", 2014, p263-265.

³¹⁴ Conseil d'État, 16 février 2009, Hoffman-Glemane, Lenica Conclusion, available at : <https://www.conseil-etat.fr/decisions-de-justice/jurisprudence/les-grandes-decisions-depuis-1873/conseil-d-etat-16-fevrier-2009-hoffman-gleman>

³¹⁵ Déclaration de M. Nicolas Sarkozy, Président de la République, sur une politique en faveur de l'égalité des chances et de la promotion de la diversité, à Paris le 17 décembre 2008.

³¹⁶ Translated by the author from : « L'égalité républicaine, c'est l'égalité devant la loi, l'égalité des droits et des devoirs, c'est l'égalité des personnes, c'est l'égalité des chances »

³¹⁷ Manuel Wackenheim v. France, Communication No. 854/1999, U.N. Doc. CCPR/C/75/D/854/1999 (2002), UN Human Rights Committee, Seventy-fifth session, July 15, 2002, <http://www1.umn.edu/humanrts/undocs/854-1999.html>.

Eventually, the Conseil d'État overturned both rulings, emphasising that dwarf tossing offended human dignity and fell under public order regulations, "dwarf tossing was an attraction that affronted human dignity, respect for human dignity being part of public order and the authority vested in the municipal police being the means of ensuring it". This means that Human Dignity is given a particular case of respecting human dignity in public.

In the overall French law, we see the timidity of judges in using the concept as an autonomous one; no act has yet to be declared unconstitutional by the Conseil d'état, based on being a violation of Human dignity. Barely any activities have been declared to violate Human Dignity. Therefore, though in theory the French government is committed to respect the concept of Human Dignity, in practice it is more complicated and nuanced. The concept is used in a predominantly "fuzzy and non-autonomous way"³¹⁸. This can be partially used by the fact that the Conseil d'état always gave a lot of freedom to the members of the parliament when controlling legislative acts and would only truly intervene when there is a clear violation of the constitution to avoid criticism (as deputies are elected by direct votes from the population and understood to be democratically placed in their positions). Moreover, Human Dignity in French Law is a concept that is not fully autonomous but more of a subsidiary concept. Finally, the Conseil d'état usually sees Human Dignity as a last resort option, and the 'Conseil tends to restrict' itself in its use.³¹⁹

3.4. Do we need to adopt a critical stance on Human Dignity?

3.4.1. Human Dignity or Human Dignitas? The reappraisal theory?

a. James Q. Whitman and the function of Dignitas:

Human Dignity genealogy is usually understood as a rupture theory. First, we had ancient dignity related to honour, blood, and rank. After the Enlightenment and French Revolution, we declared a universal Human Dignity fully enshrined after World War II. This approach is usually the most accepted one but is not devoid of critics or should be nuanced. First, the profoundly anthropological and rational notion of Human Dignity is highly dependent on the ancient concept of Human Dignity. If, as humans, we possess universal dignity, when did we decide to draw the line at animals, nature and all other living beings?³²⁰ There is no denying the impact of Christianity on the turn towards Human Dignity by putting Men at the centre of creation and by making them the only physical creatures with an eternal soul, while animals were soulless. We created a hierarchy that we never steered away from. Whether or not we should, do not matter much in this thesis, but the pretty straightforward genealogical link between Human Dignity and 'imago dei' is already a sign that this isn't a straightforward, simple-cut. Looking to debate around Human Dignity, adds layers to our understanding of Human Dignity.³²¹

³¹⁸ Régis Lanneau, "Human Dignity in France," 2014, p271-278.

³¹⁹ Régis Lanneau, "Human Dignity in France," 2014, p266.

³²⁰ Stéphanie Hennette-Vauche, "A Human Dignitas? The Contemporary Principle of Human Dignity as a Mere Reappraisal of an Ancient Legal Concept," *EUI Working Papers LAW* 2008/18.

³²¹ Stéphanie Hennette-Vauche, 2008, p.3.

Henette Vauchez and James Q. Whitman (who first argued about the relationship between the two concepts) have both proposed a reappraisal approach, arguing that Human Dignity has undeniably evolved to become a much more broad and universal principle, but this does not imply that *Hominis Dignitas* has wholly vanished from its conception. This theory is something we began to consider when analysing European Union Member States and seeing that some retain the ancient concept of 'dignitas' when it comes to offices representing nations, the question of nation reputation.

This definitely reminds us of how officers and emperors were expected to uphold the reputation and honour of their offices and, thus, the Roman Empire.³²² She claims that, in our Western society, human dignity and dignity are often employed as a reference to social or professional position, and this reference is more important than human dignity as an inherent value to humanity.³²³ On the other hand, James Q. Whitman does not deny the decrease of human dignity as a hierarchical way to define society and individuals. He claims that generalisation and universalisation did occur. Yet, he does not believe that the statutory logic of honours and rules has been completely undermined. We have to understand the reappraisal theory by putting those two concepts in parallel. The insufficient development of universal dignity and survival of statutory dignity did not stop the apparition of a distinct idea of Dignity that considers all humans inherently equal.³²⁴ The universalisation of Human Dignity is, according to Whitman, still lacking and insufficient. He also adds that this second conception of universal dignity was highly consolidated after World War II and its various constitutional enshrinements. He explains that human dignity is solely a reappraisal of the *Dignitas* principle and especially its statutory conception. He says that human dignity considers humanity as a status to maintain³²⁵. It is no longer a social status but a universal human status that should be maintained through duties and obligations. This responsibility is sometimes maintained in what one would consider to be conservative ideas. He explains that human dignity plays a similar function to *dignitas*, especially Cicero's *Dignitas*.³²⁶ We saw this throughout our analysis; contemporary legal thought is clearly dedicated to developing a written, statutory conception of Human Dignity. For instance, the French Scholar Muriel Fabre-Magran argued that in the case *KA and AD v Belgium*,³²⁷ Brought to the ECHR, concerning particularly violent sadomasochist values, instead of using the concept of consent and autonomy, judges should have based themselves on Human Dignity.

³²² Stéphanie Henette-Vauchez, 2008, p.3. and J.Q. Whitman, 'On Nazi Honor and New European Dignity', in C. Joerges, N.S. Ghaleigh, eds, *Darker Legacies of Law in Europe. The Shadow of National Socialism and Fascism over Europe and its Legal Traditions* (Oxford: Hart Publishing, 2003), 243.

³²³ Stéphanie Henette-Vauchez, 2008, p.6-7.

³²⁴ J.Q. Whitman, 'On Nazi Honor and New European Dignity', in C. Joerges, N.S. Ghaleigh, eds, *Darker Legacies of Law in Europe. The Shadow of National Socialism and Fascism over Europe and its Legal Traditions* (Oxford: Hart Publishing, 2003), 243.

³²⁵ *Ibid.*

³²⁶ J.Q. Whitman such as: 'Enforcing Civility and Respect: Three Societies', (1999-2000) 109 *Yale Law Journal*, 1279; 'The two Western Conceptions of Privacy : Dignity versus Liberty', (2003-2004) *Yale Law Journal* ; 'On Nazi honor and New European Dignity', and *Harsh Justice. Criminal Punishment and the Widening Divide Between America and Europe* (Oxford: Oxford University Press, 2003)

³²⁷ ECtHR, 17 February 2005, *K.A. et A.D. c. Belgique* ; and commentary by M. Fabre-Magnan, "Le sadisme n'est pas un droit de l'homme", (2005) *Recueil Dalloz*, 2973.

“Human dignity was at stake in the examined issues. The concept of human dignity arose as it is at stake every time humanity is said to be injured in sadistic-masochistic relationships because traditional human rights, centred on the individual, his liberty, his private life, and his autonomy, were no longer sufficient. The principle of dignity marks the unity of the human genre. Throughout each person, humanity can be something superior (transcendent) to mere goods. No one can renounce the inherent dignity that belongs to them, and so can all others.

The emergence of the HDP is a sign that there is something superior (transcendent) to individual wills. No one can renounce the HDP, obviously not for others but no more so for oneself: one does not consent to having one's dignity violated. The relationship of one with oneself thus validly resorts only to the private sphere but also has to do with the public one. We rejoin the first meaning of the word dignity: the humanity of man resembles an entrusted office, but an office one cannot dispose of oneself or be disposed of; a dignity that, as in its original meaning, never dies.”

Fabre-Magran.

The Fabre-migrant conception of Human Dignity is most definitely based on a clear statutory conception of Human Dignity.

b. Hennette Vauchez and the function and structure of Dignitas:

Hennette Vauchez bases her argumentation on James Q Whitman’s analysis but pushes it a step further by doing a more legal and practical analysis of the concept³²⁸. She argues that human dignity shares a similar function but a similar structure to that of ‘Dignitas’. She puts forward three main characteristics of this reappraisal theory. The first is the obligations and duties that come with human dignity, which seem close to commitments and responsibilities that one would find depending on one's office. Secondly, she shows how the law of insult and defamation is highly dependent on Cicero's laws of professionals.³²⁹ She finally touches upon the issue of inalienability. In terms of functions, she argues that both conceptions are at the basis for a legal obligation, “By many aspects, *dignitas*, and contemporary dignity are similarly oriented towards grounding legal obligation (or prohibition)”³³⁰. Both serve as particular obligations towards oneself. We must maintain our rights to life and our human dignity. Those specific obligations are based on very uncertain rights (guarantee to human dignity). The way she puts it is obvious: “Every human is a repository (but not a proprietor)³³¹ Of a parcel of humanity, in the name of which she may be subjected to several obligations that have to do with this parcel of preservation at all times and in all places”. She analyses one of the most illustrative examples of where *dignitas* in itself remains in modern societies, within the law of professionals, in comparison to the law of insults and defamation.

³²⁸ Stéphanie Hennette-Vauchez, 2008, p.13-14.

³²⁹ Cicero, *On Duties*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1914).

³³⁰ Stéphanie Hennette-Vauchez, 2008, p13.

³³¹ C. Labrusse-Riou, ‘Servitudes, servitudes’, in B Edelman C.Labrusse *-Riou, *l’homme, la nature et le droit*.

These laws apply separately in terms of defence against insult and defamation.³³² We still see a link between *dignitas* and offices in contemporary society. This means that in most countries, there is a form of legal protection and obligation that says that one should be dignified enough to exercise in a public office and that any breach of professional dignity can lead to professional sanction. This conception is not only mentioned for governmental and public officials but also usually applied to doctors, physicians and legal positions. This plays a high role in many societies. For instance, she argues that in French law, almost half of the judgement refers to *dignitas* instead of Human Dignity (around 49.8%)³³³. The rules of defamation and insults apply to offices, especially public officials, who are insulted in public. It is a particular type of protection, and those who are insulted outside their workplace no longer possess this type of protection. This shows how the use of dignity in these cases is intended to protect the offices more than the person as a human within humankind. On the one hand, it protects regular life, while on the other, it protects a position of office. Therefore, it shows how the concept of *dignitas* has survived the turn to Human Dignity. We see a clear illustration of how, in certain parts of our society, a form of *dignitas* is still upheld. Finally, both *dignitas* and dignity are considered inalienable, but the international courts and community offer no convincing answers for why. Human dignity is supposed to be inherent in everyone. Human dignity does not have a clear and straightforward definition; it is ambiguous and out of grasp for individuals. This meant the same for the dignity of the office and the men. It is something to be embraced and respected. She contends that "the notion of humanity has been used as a mediator between the individual and human dignity," a concept that encompasses both eternity and temporality. Human dignity is related to humanity in modernity, allowing it to serve the same function as the concept of social dignity, which links individuals and their assigned duties.³³⁴

3.4.2. Human Dignity as a tool to uphold conservative ideas?

Going further than human dignity as statutory protection of humanity, in more recent years, specific legal theories have argued that human dignity is used as a tool to uphold naturalist and even conservative stances. Many say that the fact that Western laws build upon so much dignity protection does not come from the inherent nature of human dignity. It used as something that everyone must argue about. As Henette Vauchez puts it, "Who opposes Human Dignity?"³³⁵ We will not have time to look deeply into each of the criticisms. Still, instead, we will take three clear and practical examples from Western laws where human dignity is used as a way to uphold specific conservative ideas, as well as contrast those ideas with how human dignity is shown to fight these same conservatives' ideas.

³³² For instance : article 433-5 of the French Penal code: "Constituent un outrage puni de 7.500 euros d'amende les paroles, gestes ou menaces, les écrits ou images de toute nature non rendus publics ou l'envoi d'objets quelconques adressés à une personne chargée d'une mission de service public, dans l'exercice ou à l'occasion de l'exercice de sa mission, et de nature à porter atteinte à sa dignité ou au respect dû à la fonction dont elle est investie".

³³³ J. Ziller, *Égalité et Mérite. L'Accès à la Fonction Publique dans les Etats de la Communauté Européenne*, (Bruxelles: Bruylant, 1988) and the examples cited at 290: "les fonctionnaires doivent, dans le service comme dans leur vie privée, éviter tout ce qui pourrait porter atteinte à la confiance du public ou compromettre l'honneur ou la dignité de leurs fonctions" (arrêté royal belge portant le statut des agents de l'Etat, 2 octobre 1937) ; or at 305 : "Le fonctionnaire doit, dans et hors ses fonctions, éviter tout ce qui altérerait la dignité de ses fonctions ou sa capacité à les exercer, susciterait scandale ou compromettrait les intérêts publics" (statut général luxembourgeois des fonctionnaires de l'Etat, loi du 16 avril 1979).

³³⁴ Stéphanie Hennette-Vauchez, 2008, p.14.

³³⁵ Stéphanie Hennette-Vauchez, 2008, p1.

This part is crucial in deepening our nuanced understanding of Human Dignity to show that this concept is more of a shade of grey, if anything. Concepts and words have power. They can be twisted and manipulated to do what we want them to do.³³⁶ Does this mean that valuing Human Life as something we should inherently protect is terrible? Probably not, but does this mean that we should ensure much better protection of Human Dignity and question some of its use? Absolutely. We cannot work on a concept without a critical stance, without going back to Enzo De Traverso's³³⁷ works and understanding the political and social implications surrounding such a concept. This is a position that I have kept in mind throughout my thesis; concepts must be distinct from their socio-economic context, and doing so would be a mistake. However, does this mean that conceptual one may say utopia should be scrapped? I do not believe in this stance, and I think that ideological guiding principles like Human Dignity, where each one's inherent right to life is respected, are something to strive for and use as a guiding principle. It can be used in the case of Human Dignity to measure policies and their impact on the population, but it could be used to imagine a better-structured society. There is a power in the imagined worlds that one cannot deny. However, this is the more optimistic side of the question. Yet, discussing Human Dignity without looking at the critics cannot exist because how would we know which concept to use better? Moreover, this part will help us shed an even brighter light on the complexity and multi-layered nature of Human Dignity. There is a pretty novel issue that appeared in the 20th century: how the relationship between the State and Christianity now highly revolves around the concept of 'dignity'³³⁸. The concept of Human Dignity, in itself, is sometimes used by a religious organisation to uphold specific religious ideas, especially the sacredness of life, without directly referring to clear religious rules. It is crucial when using concepts in a more practical analysis that concepts are constructed, complicated, and can even be ambiguous. Human Dignity is a conceptual tool that alternates between an empowering concept and a contract status of Humanity. This will simply be some short example and analysis to illustrate it.³³⁹

The second instance we will look at is the question of abortion. This is usually debated under two types of dignity: on the one hand, they describe it as the dignity of the unborn foetus. On the other hand, certain NGOs use the dignity of the mother and the dignity of having a dignified life and being born wanted in their various campaigns. Most individuals, companies and states who try to render abortion illegal use the concept of Human Dignity in all the stages of life, from fertilisation itself. This is arguing for the dignity of life at all stages to restrict, even suppress, women's fundamental right to bodily autonomy³⁴⁰. The defence of 'sanctity of life' was critical and decisive in the overturn of *Roe v Wade*, which gave abortion rights to women in the United States.³⁴¹

³³⁶ Pasquale Annicchino, "Friends of the Court: Christian Conservative Arguments on Human Dignity Before the U.S. Supreme Court and the European Court of Human Rights," *BYU Law Review* 46, no. 5 (2021): 1201-1234

³³⁷ Enzo Traverso, *The Origins of Nazi Violence*, trans. Janet Lloyd (New York: The New Press, 2003).

³³⁸ Brett Scharffs, Andrea Pin, and Dmytro Vovk, "Christianity, Human Rights, and Dignity: Squaring the Triangle," *BYU Law Review* 46, no. 5 (2021), p1150.

³³⁹ Brett Scharffs, Andrea Pin, and Dmytro Vovk, "Christianity, Human Rights, and Dignity: Squaring the Triangle," *BYU Law Review* 46, no. 5 (2021), p1150-1153.

³⁴⁰ Pasquale Annicchino, "Friends of the Court: Christian Conservative Arguments on Human Dignity Before the U.S. Supreme Court and the European Court of Human Rights," *BYU Law Review* 46, no. 5 (2021): 1201-1234

³⁴¹ Steve Clarke, "The Sanctity of Life as a Sacred Value," *Bioethics* 36, no. S1 (2022): S7-S17, <https://doi.org/10.1111/bioe.13094>.

It took away women's right to abortion and even criminalised abortion in many states. Many pro-life defenders justified this decision as a way to protect universal Human Dignity, that "a foetus is a human life. They contend that all human life should be protected as a matter of human dignity"³⁴². Moreover, some jurisdictions in the US have already passed forbidding abortion after 20 weeks - again using human dignity as a justification, "The same is true of laws designed to "protect []the integrity and ethics of the medical profession" and restrict procedures likely to "coarsen society" to the "dignity of human life."³⁴³ They use the same justification that was applied in the post-World War II reconstruction period: this idea that by getting an abortion,, we are not only harming the dignity of a foetus, we are harming the universal dignity of everyone, which goes back to the idea that when we harm individual dignity, we harm universal human dignity. This example, even if it is a bit outside the scope of our study, by taking place in the US, it is deeply illustrative of this almost double role of Human Dignity.

While it was used as a way to defend religious and anti-abortion ideas, in the same trial, it was also strongly used to defend and affirm the protection of women's human dignity. "Whether or not they choose to parent, they will experience the profound loss of autonomy and dignity that coerced pregnancy and birth always impose."³⁴⁴ It is also argued that to take away women's right to abortion would be to let the state act on women's intimacy, autonomy and human dignity. "To allow a State to exert control over one of "the most intimate and personal choices" a woman may make is not only to affect the course of her life, monumental as those effects might be. *Id.*, at 851. It is to alter her "views of [herself]" and her understanding of her "place[...] in society" as someone with the recognised dignity and authority to make these choices."³⁴⁵ To forbid abortion is argued to be a violation of Human Dignity. This use of Human Dignity as a protection of our right to intimacy and choice can be found many times again, and it shows the power of this concept. Seeing that pro-choice in this document uses more dignity than pro-life illustrates practically why this concept still matters and should be brought back to its original and universal meaning. It should be carefully used as a guiding principle. It is linked to autonomy, which deeply goes back to the UDHR definition of Human Dignity³⁴⁶.

"Yet they are standing up for our universal rights to dignity in the most intimate of realms of sex and reproduction: we owe them our vocal support and our visible solidarity."

Amnesty International's Secretary General Agnès Callamard.

³⁴² United States Supreme Court, on writ of certiorari to the United States Court of Appeals for the Fifth Circuit, (Kavanaugh, J., concurring). June 24, 2022, p1.

³⁴³ United States Supreme Court, on writ of certiorari to the United States Court of Appeals for the Fifth Circuit, (ROBERTS, C. J., concurring). June 24, 2022, p4.

³⁴⁴ United States Supreme Court, on writ of certiorari to the United States Court of Appeals for the Fifth Circuit, (BREYER, SOTOMAYOR, and KAGAN, JJ., dissenting). June 24, 2022, p40.

³⁴⁵ *Ibid.*

³⁴⁶ United Nations General Assembly, Universal Declaration of Human Rights, Preamble and Article 1, December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

So, What is Human Dignity?

What concept of human dignity will we be using to evaluate the current French policy reform? Throughout these chapters, the long religious, philosophical and political debates that were born around this idea of ‘dignitas’, ‘dignity’ and ‘Human Dignity’ were presented. Going through this deep analysis and close reading of ancient authors was essential to understand this concept, its meaning and roots while constantly reflecting on it. It was an essential analysis as no idea is entirely detached from its philosophical, political and religious roots.³⁴⁷ This also allowed us to transition towards the second tradition of human dignity, a much more legal one based on laws, obligations and duties. Human Dignity is the inherent value of each individual, that human possesses simply from being humans. It is a value that needs to be upheld and protected. In the legal contemporary system, Human Dignity is defined as living an autonomous, equal and free life.

By putting in parallel both the philosophical and legal tradition and reflecting on the debates that surround such a concept, we had no choice but to question whether such a complicated, vague concept could be helpful in a technical and practical analysis of our politics, actions, and policies. Those debates are important and meaningful and need to be highlighted. They have still shown the power of human dignity and its capacity to push forward certain symbols, ideas, and political actions. Human Dignity is a powerful tool that, in the last century, has been used as a protective tool of our humanity but also as a reactionary instrument that restricts and violates Human Dignity as defined in the UDHR. The fact that we can still go against the more conservative argumentations by referring to the concept of Human Dignity illustrates its power and importance in using inherent rights to defend a dignified life matters. In this context, Human Dignity is almost always connected to human rights. This is especially measured with the highly exponential jurisprudence that we now have: human rights protect our autonomy and attain our human dignity. This means that violating our human rights stops us from fully achieving an autonomous life where we can make our own choices since we are not given the full capacities. Therefore, they are not given the capabilities to live a life of dignity and to have our human dignity and humanity upheld and protected. Indeed, since most international treaties define their main goals and values as upholding human dignity, the Human Rights and obligations that are enshrined, therefore, are directly linked to human dignity. We were able to examine carefully all of the many sorts of rights that are protected.

³⁴⁷ Brett Scharffs, Andrea Pin, and Dmytro Vovk, "Christianity, Human Rights, and Dignity: Squaring the Triangle," *BYU Law Review* 46, no. 5 (2021): 1139-1199.

“The ultimate goal of human rights is the protection of human dignity. It follows that implementing these rights will lead to all people living in freedom, justice, and peace. Only if they are taken as a whole can these rights guarantee human dignity. This is why all human rights must be protected at the same time. We believe that it is not just civil and political rights that must be protected, but also economic and social rights”

Joseph Wresinski,

“All Human Rights for All People”

February 1982,

Chapter IV : Social Human Dignity, or the Protection of our Social Human Rights :

Seeing the importance of Human Dignity as a guiding principle constantly reminding us of the values of our inherent worth, could open debate on many cases. We could discuss the extent to which international legal system and international governmental organisations uphold the human dignity of global citizens, we could discuss and debate the idea of religious states and laicity, this is a wide, broad and once again, ambiguous system. Unfortunately, many political issues are plaguing our modern societies, and using Human Dignity, in its contemporary meaning, as a guiding light in dealing with those issues that are deeply interesting to study, and face through the lens of Human Dignity, a situation in which it would be exciting. When it came down to choosing this case study, of the French social issues, it was influenced by many factors³⁴⁸.

Political philosophy can be deeply important and guiding when looking at practical issues, because, everything has a context, everything is infused with ideology and political ideas, and we have been deeply influenced by a right-wing, neoliberal ideology that pushed aside social rights as a simple issue of a free market for many, many years now, and the consequences are dreadful³⁴⁹.

This last chapter will not only look at why Human Dignity is relevant when it comes to such practical and real issues of social rights, look at how using Human Dignity can give back social rights their primacy they seem to have lost to civic and political rights, highlighting the indivisibility of Human Rights and the dangers of the neoliberal ideology, the guiding light that human dignity can be to welfare states when making their social policy, and finally this will be applied to the case study of the current French reform of the RSA, leading to a general observation of the French state of social rights, and opening to the general issue of poverty as a violation of Human Dignity as well as the importance in implicating people living in poverty in the fight against the constant violation of Human Dignity they face, and the reach towards a dignified life.

4.1. Justifying and Applying Social Human Dignity to Social Policy Design: Rationale and Methodology:

4.1.1. Human Dignity as a guiding principle when faced with social issues:

We could assess the importance and relevance of Human Dignity as a guiding principle in the legal context. But can such philosophical, abstract principles apply and be truly useful in the light of the practical, societal issues of social rights, poverty, and social policies? Some scholars argue that: “yes”, especially in our current ideological trends of ultra-capitalism and neoliberalism, it is even more crucial.

³⁴⁸ Other issues could fit this framework, my inspiration for this thesis was actually a previous work in the class of “history of European Constitutionalism” where I questioned whether the use of the constitutional article 49.3 of the French constitution in the context of the French pension reform was anti-constitutional or not. Other issues come to mind that would’ve been deeply interesting too, such as the current liberalisation of the health care system and hospital in French and its impact on equal access to health, and therefore on protection of Human Dignity.

³⁴⁹Yerkin Buribayev et al., "Human Dignity – The Basis of Human Rights to Social Protection," WISDOM 16, no. 3 (2020): 143–155, <https://doi.org/10.24234/wisdom.v16i3.404>.

This was an argument that was highly developed by Sandra Liebenberg³⁵⁰, and Yerkin Buribayev³⁵¹. The concept of human dignity, far from being a mere philosophical abstraction, provides a robust framework for addressing concrete social issues and shaping effective social policies. It bridges abstract human rights principles and the tangible realities of poverty, inequality, and social exclusion. In itself, Human Dignity underlies and justifies Human Rights, as a protection of our dignity, Human Rights serve as a ground to enforce substantive values³⁵². Human Dignity takes away the blame for inequality and violence (civic, social, and political issues) from individuals towards the society itself, it gives the society responsibility for its malfunctioning and reminds us that it should not be the individual to face, and try to survive those dysfunctions, society, states have the responsibility to make sure, each human dignity, in all its form is respect. Human Dignity in the context of social rights, serves as a reminding that we have to respect the equal worth of people living in poverty³⁵³.

It reminds us that Human Dignity requires ensuring people have access to basic material necessities and an adequate standard of living³⁵⁴. Social and economic rights because not values of commodities, not a result of free market distribution, but a universal human right that serves the protective and upholding role towards human dignity, as much as civic and political rights do³⁵⁵. It is important and relevant to use Human Dignity in the context of social rights, keeping in mind its legal and contemporary meaning, this reminds us that to be self-determined, to be able to make your own choices and to live an autonomous and dignified life must possess the financial necessary means. If someone is working, living to survive, it is not living in dignity but surviving. It undermines and damages one's inherent worth. Many social theorists have looked at it and again and again highlighted the violence of living in poverty on one's dignity³⁵⁶. In his la Sorbonne Speech, Father Joseph Wresinski³⁵⁷ stated:

“For the poorest, it appears that only a campaign to have all human rights respected can safeguard their human dignity. Is it not precisely our preoccupation with the achievement of now one category of human rights, now another, that has made us lose sight of what ought to be the very purpose and *raison d'être* of all these rights, namely, the recognition of the inalienable dignity of every human being? What other reason or excuse can there be for our societies allowing some of their members to be exposed to a destructive misery beyond poverty and life's uncertainties and failing to mobilize all their resources to put an end to that disgrace?”

(Joseph Wresinski, Paris, June 1983.)

³⁵⁰Sandra Liebenberg, "The Value of Human Dignity in Interpreting Socio-Economic Rights," *South African Journal on Human Rights* 21, no. 1 (2005): 1–31, <https://doi.org/10.1080/19962126.2005.11865126>.

³⁵¹Yerkin Buribayev et al., "Human Dignity – The Basis of Human Rights to Social Protection," *WISDOM* 16, no. 3 (2020): 143–155, <https://doi.org/10.24234/wisdom.v16i3.404>.

³⁵²Yerkin Buribayev et al., 2005, p 150.

³⁵³Liebenberg, "The Value of Human Dignity in Interpreting Socio-Economic Rights," p5-6.

³⁵⁴Yerkin Buribayev et al., 2005, p145.

³⁵⁵Liebenberg, 2005, p5-6.

³⁵⁶Liebenberg, 2005, p12.

³⁵⁷Joseph Wresinski, "Echec à la misère," speech at La Sorbonne, Paris, June 1, 1983, accessed September 5, 2024, <https://www.joseph-wresinski.org/fr/wp-content/uploads/sites/2/2016/07/No5-CahiersBaillet-Sorbonne.pdf>

It is interesting to note, that NGOs tied to a religious creator, constantly use the term dignity in their fight and even their name ATD (*Agir tous pour la dignité – Acting all for dignity*), we are constantly reminded of the religious origin of dignity, even if it is used in a secular context, this is a quite fascinating observation.

Overall, it reminds us of the importance of social rights, and their primacy, but also reminds us of an often-forgotten dimension of Human Dignity: its social dimension. This dimension is often pushed in the background for the more individualistic, negative freedom understanding of Human Dignity. For instance, we can look at Nussbaum's capabilities approach³⁵⁸, which is a provisional list of Human capabilities that should be secured for all, it is criticised for being quite reductive, but it is the first example of how socio-economics rights are more than the bare minimum and that social rights and social policies, based on Human Dignity should aim to go beyond mere survival to enable human flourishing, she gives the example of associational development, it gives us as set of criteria.

Such ideas are also found within Schachter's analysis of Human Dignity³⁵⁹. He describes the duality between the subjective and objective aspects of Human Dignity, on the one hand, how one feels or thinks about another and how one treats another, is crucial to understanding how human dignity operates at two levels: the personal and societal level. Schachter's analysis moves beyond abstract concepts to identify concrete manifestations of dignity³⁶⁰. This includes the satisfaction of essential needs for everyone and the elimination of conditions that denigrate individual worth.

Schachter explicitly connects human dignity to material conditions, stating that it requires addressing "degrading living conditions and deprivation of basic needs."³⁶¹ This directly ties the concept of dignity to social and economic rights. Through this analysis, it shows how Human Dignity can be linked to both civic and political rights, and it demonstrates the versatility of Human Dignity. By emphasising the objective aspect of dignity (how one treats another), Schachter's analysis implies societal and governmental responsibilities in upholding human dignity through social policies and actions.

To Conclude, overall, using Human Dignity in the context of social policies provides a basis for establishing social minimums and floor levels of protection. It requires a high burden of justification for policies that fail to meet basic needs. Moreover, Human dignity can also be given the form of an interpretative tool and be used to guide the interpretation and implementation of social rights in concrete cases.

4.1.2: The Existing Framework of Social Human Dignity:

a. The international Law Framework of Socio-economic rights and their connection to Human Dignity.

As pointed out in the previous subchapter, the international legal system might be one of the most developed in terms of enshrining a form of social dignity (but the enforcement is questionable unfortunately, why little court decision outside political and civic rights). There are many instances and social rights that are linked to Human Dignity where in international law tools are protected.

³⁵⁸Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000)

³⁵⁹Oscar Schachter, "Human Dignity as a Normative Concept," *The American Journal of International Law* 77, no. 4 (1983): 848–54, <https://doi.org/10.2307/2202536>.

³⁶⁰Ibid.

³⁶¹Ibid.

This means that our understanding of Social Human Dignity already exists and has some legal, clear basis too. I was able to assess this standard of social Human Dignity through a census of the international law instrument.³⁶² The analysis of the UDHR commitment to Human Dignity and Social Rights is important, as well as the later instrument which would have a lot on social rights and workers' dignity, however, it would also play a dividing role by only focusing on social rights through the question of works, and not civic or political rights, which as we previously mentioned have quite problematic consequences. In the Universal Declaration of Human Rights (UDHR), the first article reaffirms our commitment to upholding Human Dignity as an inherent and inviolable value³⁶³. In the fundamental, first true enshrining of Human Dignity, the social dimension was here and was understood. It was put forward that to achieve one's dignity, a society should assure social security, as well as social, cultural, and economic rights (Article 22)³⁶⁴. To be able to achieve the "free development of his personality", means to live a dignified life where one self-determines, makes its own rational choice, and reaches its autonomy. Another important characteristic of Human Dignity is the right to favourable remuneration, as well as for an individual family, this remuneration should allow each individual to live in dignity. This means that states, to assure Human Dignity, should not offer social protection to cover the deficit of the free market but ensure that our job market offers wages and salaries high enough for one to live in dignity. This international treaty was completed by the International Covenant on Economic, Social and Cultural Rights (ICESCR)³⁶⁵, this covenant fully focused on social, economic, and cultural rights, found within its preamble a mention of Human Dignity twice, reaffirming the commitment to our inherent value and its protection from our Member States. Article 13 mentions, "they agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms". Showing that access to equal education is fully part of Human Dignity.

The International Labour Movement (ILO)³⁶⁶ also mentions Human Dignity. The International Labour Organisation (ILO) is a United Nations specialised agency that promotes workers' rights, encourages adequate employment opportunities, strengthens social protection, and fosters discourse on workplace concerns. The International Labour Organisation (ILO) was founded in 1919 as part of the Treaty of Versailles and became the United Nations' first specialised agency in 1946. In ILO Recommendation No. 202³⁶⁷ on Social Protection Floors, Human Dignity is mentioned twice in direct relation to Social Rights. The ILO Recommendation No. 202 on Social Protection Floors, adopted in 2012, encourages member countries to develop and maintain social protection floors as a core component of their national social security systems. In part I, objectives, scope, and principles of the recommendation, in article 3. (f), it is written "respect for the rights and dignity of people covered by the social security guarantees", and in part II: Article 8. (b): "respect for the rights and dignity of people covered by the social security guarantees".

³⁶²See annex III, p130.

³⁶³United Nations General Assembly, Universal Declaration of Human Rights, 217 A (III), December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

³⁶⁴United Nations General Assembly, *Universal Declaration of Human Rights*, 217 A (III), December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, Art. 22.

³⁶⁵UDHR, 1948, Article 12.

³⁶⁶ International Covenant on Economic, Social, and Cultural Rights (ICESCR). United Nations, Treaty Series, vol. 993, 3.

³⁶⁷ International Labour Organization. *Social Protection Floors Recommendation, 2012 (No. 202)*. Geneva: International Labour Organization, 2012. <https://www.ilo.org/publications/social-protection-floors-recommendation-2012-no-202>.

The UN Convention on the Rights of the Migrants³⁶⁸, passed in 1990 aims to safeguard the rights of all migrant workers and their families, regardless of legal status. Article 70 mentions that the State should ensure that the working and living conditions of migrants and their family members, should respect the standard of “fitness, safety, health and Human Dignity”.

The UN Convention on the Rights of Persons with Disabilities (CRPD)³⁶⁹ was passed in 2006 to ensure that people living with disabilities have full and equal access to all human rights. In this convention, Human Dignity is mentioned 9 times, the inclusion of social human dignity is found in Article 16.4 about health, welfare, self-respect (going back to the achievement of autonomy).

The UN Convention on the Rights of the Child (CRC)³⁷⁰, adopted in 1989, is an international treaty designed to preserve and advance the rights of all children worldwide. Human Dignity is mentioned eight times in this Convention, the direct link between Human Dignity and Child Welfare is found in the preamble, however the link between social rights and human dignity is only found once, in Article 37, concerning the family rights, to live with their family.

Overall, there is a commitment to social rights in the international framework, moreover, social rights are fully linked to the achievement of Human Dignity. Therefore, from a quick analysis of major international law instruments, there is at least an enshrining some Human Dignity and creating some component of it that comes back in the analysis I will base my table of analysis on. For instance, in the Convention of the Children, we see that ensuring family relationships and that parents can fulfil their social duties is part of protecting Human Dignity, because it is a relationship that deeply defines who we are as humans.

This is a component that we will pay specific attention to in assessing Human Dignity. Social Rights have to some extent an enshrinement within international law. There is an understanding that intrinsic values cannot be respected without a minimum material and social assistance³⁷¹.

4.2: How can Human Dignity be used to guide and evaluate the social policies of welfare states?

4.2.1. The conditionality of financial assistance and the undermining of welfare States

To go deeper into our analysis of the neoliberal States and their undermining of Human Dignity and state responsibility we can look at the general, global trend of how States have slowly but surely changed their approach to social security from financial assistance to the idea of fulfilling duties. The idea is that financial assistance because not a universal right, but, conditional to one fulfilling certain duties, and obligations, public benefits became conditional.

³⁶⁸United Nations, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted December 18, 1990, New York: United Nations, 1999, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-worker>

³⁶⁹United Nations, *Convention on the Rights of Persons with Disabilities*, adopted December 13, 2006, New York: United Nations, 2008, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

³⁷⁰United Nations, *Convention on the Rights of the Child*, adopted November 20, 1989, New York: United Nations, 1990, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

³⁷¹Yerkin Buribayev et al., 2020, p152.

This goes back to the general trends of marginalizing and dividing Human Rights, one would never have to fulfil certain obligations to be protected from humiliation, violence, or discrimination, yet, one should fulfil strict conditions to make sure one has food on the table at the end of the day. It shows once again the devastating effects of dividing Human Rights.³⁷²

This trend is general, it is found within the United Kingdom with the NLG, where they present work as the best way for social inclusion. In the US we have the ‘Personal Responsibility and Work Opportunity Act’ passed by Bill Clinton in 1996, that introduced time limits and work rules for government assistance³⁷³, and the TANF (Assistance for needy family), the use of ‘needy’ is highly negatively connotated, and this assistance is only provided for a maximum of two years³⁷⁴. It creates a narrative of discrimination, those who do not have work are by choice, and if they don’t try harder, why should we help them? It glosses over any systemic and structural issues and reduces the responsibility to the individual³⁷⁵. It underlines once again, the neoliberal approach where human life is reduced to what it can produce. Making human rights conditional has become accepted when it comes to Social Rights, using Human Dignity in this context reminds us that there is no conditionality to live a dignified life. Human Dignity is mentioned to justify objectively negative policies for people’s social conditions and rights.

Self-reliance and self-respect become presented as being the basis of people’s well-being, this only increases the government’s power over their citizens³⁷⁶. Those policies will force one to take any job, even one that does not allow you to live a dignified life, to make sure not to lose your financial benefit. It discriminates and prejudices the image of the citizen living with financial benefits towards the rest of the society, and therefore themselves. Moreover, can dignity be found only through the workforce.

The notions of Human Dignity, self-reliance, and self-respect are manipulated in others to be used against People Living In Poverty, it suppresses their autonomy, and their capacity to choose their work, and it sometimes forces them out of the social benefits system. This trend of conditioning Social Rights and Social Benefits has only grown stronger, however, going back to Social Human Dignity, as we saw before, allows us to remind ourselves of the importance of striving for one’s autonomy, freedom of choice, equality, and finally our mutuality³⁷⁷. It reminds us of the duties of States, which have in their constitution and legal system, at the international and European level, committed to the protection of Human Dignity. Taking Human Dignity as a criterion of evaluation, helps us guide and evaluate the achievement of a welfare State in terms of their commitment to Human Dignity, in terms of increasing autonomy and mutuality. It allows us to evaluate their performance through specific and general criteria³⁷⁸.

³⁷²Chak Kwan Chan and Graham Bowpitt, *Human Dignity and Welfare Systems* (Bristol: Bristol University Press, 2005), <https://doi.org/10.46692/9781847421425>.

³⁷³"H.R.3734 - Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Congress.gov, 104th Congress (1996), accessed September 9, 2024, <https://www.congress.gov/bill/104th-congress/house-bill/3734>.

³⁷⁴U.S. Department of Health and Human Services, "Temporary Assistance for Needy Families (TANF)," Office of Family Assistance, accessed September 9, 2024, <https://www.acf.hhs.gov/ofa/programs/temporary-assistance-needy-families-tanf>.

³⁷⁵Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p4-5.

³⁷⁶Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p6.

³⁷⁷Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p9-10.

³⁷⁸Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p11.

a. Methodology of evaluating Welfare States' protection of their citizens' dignity again: social participation, respect, equality, and self-determination:

i. Aiming to protect both Autonomy and mutuality in Social Policies:

Social Human Dignity is crucial for understanding and assessing social issues and policies because it centres on the intrinsic value of human life. By basing ourselves on Social Human Dignity, considering its social dimension and mutuality, we can come up with a certain number of criteria that enable us to evaluate but also orientate states' policies, especially welfare States policies for them to work towards giving their citizens a dignified life. As we were able to define the general aim and usefulness of social Human Dignity, first within the general context of social issues in the neoliberal world, and then in the context of social policies in a weak welfare state society, we will look now more clearly at what type of criteria exist, what they help to respect, in the context of the comparative analysis that was made by Chak Kwan Chan and Graham Bowpitt³⁷⁹ It is a deeply complete analysis which is highly inspiring to me. I will use their matrix and what they defined as the principle that a welfare state should respect and use, to properly achieve Human Dignity, as a basis for my case study. Chak Kwan Chan and Graham Bowpitt present six different policy objectives that help one to reach and live their life with Human Dignity, based on its definition as achieving autonomy and mutuality³⁸⁰.

Autonomy is defined as an intrinsic capacity to respect when devising social policy. Policies should aim at giving an individual a true independent choice in their life, this is directly associated with the Kantian understanding of Human Dignity. Rational beings possess Human Dignity, should be able to make decisions, and "pursue personal or social objectives."³⁸¹ Policies that protect individuals Human Dignity should assure their autonomy and self-determination, this also means assuring the conditions for this autonomy, meaning freedom from violence, discrimination, sufficient income...³⁸² Yet possession of an autonomy and rational choice does not equal a complete human existence; rather, our natural abilities can only be developed via the process of socialisation. This means another deeply important intrinsic capacities that should be protected: mutuality³⁸³. Mutuality is a dimension of human dignity that is less highlighted when discussing human dignity, however, the authors remind us of its importance and the place of mutuality in protecting human dignity. States should put in place policies that aim at respect and social participation, respect simply due to us by the fact that we are human and deserve equal treatment and be allowed to rationally develop³⁸⁴. Social human dignity refers to policies that guarantee individuals are completely integrated into society, allowing them to carry out their responsibilities and experience a sense of belonging. These policies respect people's interdependence as social beings, emphasising the relevance of both social and psychological well-being. Such policies help individuals thrive and contribute meaningfully to the world around them by addressing their need for acknowledgement and creating conditions that encourage it³⁸⁵.

³⁷⁹Chak Kwan Chan and Graham Bowpitt, *Human Dignity and Welfare Systems* (Bristol: Bristol University Press, 2005), <https://doi.org/10.46692/9781847421425>.

³⁸⁰Ibid

³⁸¹Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p14

³⁸²Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p15

³⁸³Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p22

³⁸⁴Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p13-22.

³⁸⁵Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p13-22.

ii. Evaluating the protection of Human Dignity in a Welfare country:

To effectively evaluate the welfare policies of states, particularly in terms of their adherence to the principle of Social Human Dignity, a set of criteria has been established. These criteria are derived from the fundamental aspects of what constitutes a dignified life, rooted in both philosophical understandings of dignity and practical considerations of what people need to thrive. These six categories creates a first table of evaluation to assess autonomy and mutuality.³⁸⁶

First, These specify six categories to consider while assessing Human Dignity's influence in developing social policy. Welfare state policies aimed at defending human dignity should ensure "health for action,"³⁸⁷ which means that to be autonomous, one must have strong bodily and psychological health, as well as the ability to act rationally (autonomy) and participate in society (mutuality). Health is critical; for people to engage in society and reach their full potential, social services should provide sufficient resources for good food as well as enough psychological support, because these are essential to living a dignified life, not just surviving. Second, Social policies should aim at allowing individuals to fulfil their social and personal duties³⁸⁸, especially in terms of family, one should be able to take care of their family members, take care of their family duties as it is highly traumatising and dehumanising to be separated from one's family members, if one is unemployment, he still has the rights, to be given enough social protection in other to meet children's need, physical, social and educational needs. If they don't have the financial resources, the state should take over. Moreover, parents will usually sacrifice their well-being and dignity to protect their children, this means that assuring the capacity of parents to fulfil their duties, allows them to fulfil their human dignity. Third, Social Welfare policies should also aim at promoting Social Integration³⁸⁹, you need a sense of attachment and a sense of belonging, as well as security, social policies should ensure adequate resources and social integration. A positive social atmosphere directly impacts the quality of interaction. The government and welfare authorities should maintain a positive image of welfare recipients to maintain a normal and positive socialisation between those who do not need social benefits.

Fourth, Social Policies that aim at achieving Social Human Dignity, should respect Humans as rational beings, meaning they should ensure a form of Human Learning and self-determination³⁹⁰. Human Learning³⁹¹ comes back to the duty to cultivate our capacities, human education, and cultivation, this is also through human learning that we can distinguish how dignity advances, and human learning should also be done in a dignified respectful way, without any violence, discrimination...

Fifth, Self-determination³⁹² is also crucial to protect our Human Dignity, this direction is towards autonomy 'competence, control and achievements', a dignified human being has the right and capacity to control their life, and to be a critical person. To respect one's autonomy, one should be given at least the opportunity to make life-affecting choices rationally.

³⁸⁶See Annex VI, p140.

³⁸⁷Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p24.

³⁸⁸Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p25.

³⁸⁹Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p26.

³⁹⁰Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p26.

³⁹¹Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p26.

³⁹²Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p27.

This is highly dependent on the previous categories, as physiological and psychological needs should be met to make rational choices. To support their citizens' Social Human Dignity, the States should ensure that individuals can undertake national actions, based on a sound and substantive reason, to make choices reduced to needs, and survival, is not autonomous and is dehumanising. In a welfare system, and in our member states where there has been a clear commitment to Human Dignity both in the constitution and legal framework, we need to maximise the freedom of welfare recipients, as well as their possibilities to participate in social policies. Individuals in states that aim to reach human dignity, should be empowered to manage their own life.

Finally, sixth Welfare States should promote equal value.³⁹³ If you constantly consider Human Dignity and its achievement, your policies are underpinned by the principle that all Humans are equal due to their intrinsic value, therefore they should receive equal treatment, and social participation (because once again, we measure equality by comparing ourselves to others). We judge ourselves in comparison to what others have, live for, and therefore equality is deeply social, this is why equality is not only about equality of opportunities, capacities, but Welfare States should have social integration as an objective.

This process and characteristic, which I will deepen to adapt a bit more to what I have learned in the field, is highly useful. It translates our human quest for autonomy and mutuality, it helps us translate a highly abstract, philosophical concept into clear characteristics and criteria that should be reached, while constantly keeping in mind that we are talking about human beings, and their inherent values, not percentages, but real humans that feel, suffers and deserve deep respect, and deserve, just by existing deep respect and dignity. This shows why Social Human Dignity is so important and useful in tackling social issues. It brings human life and human value to the forefront and gives us a tool to fight against a world based on greed, economic productivity, and ultra-capitalism. It also justifies us to defend the Welfare States outside the economic and socialist ideologies, since Human Dignity, is something that was accepted by almost every country, long ago, before the economic crisis, and to this day, countries are still committed to, reminding them of the social dimension of human dignity, we are given a political, philosophical and practical argument.

Now that we have seen what Social Human Dignity should aim at, within Social Policies, we will have a look at the current state of social human dignity, within International Law, European Union Law, Member States law, and once again, a comparative focus between France and Germany. I will also consider this legal framework to precise the previous table of evaluation, for my case study. This is why this tedious process of justifying and defining Human Dignity and its social dimension was crucial in my thesis because my case study will fully rely on it.

³⁹³Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p28.

4.2.2: Poverty as a Violation of Human Dignity:

One of the main arguments I will use to analyse whether a social policy respects and protects Human Dignity is to what extent it allows individuals to overcome poverty and live a financially and socially dignified life. This comes from the first assumption that Poverty is, in many ways a form of violation of Human Dignity. Before moving into the practical analysis of social policy, I want to give one final justification by showing how Poverty is a form of Human Dignity violation in itself. Moreover, the study of various violent characteristics of facing poverty will also be integrated into my general table of evaluation. Poverty is in many ways proven to violate one's claim to Human Dignity. To comprehend whether a social policy protects (or violates) Human Dignity, we have to quickly look at the various forms of Human Dignity that occur when one has to face Poverty and live without enough money to sustain essential needs. It is vital to understand not only what it means when social policies do not allow people to get out of poverty but also how it impacts human dignity. Many studies look at the effect of Human Dignity on individuals. I choose to focus on two main research, first and a combined research of ATD Fourth World and Oxford University, on the multidimensionality of poverty³⁹⁴, and second, a report from the United Nations Special Rapporteur on Extreme Poverty and Human Rights: Olivier de Schutter³⁹⁵.

a. The hidden dimensions of poverty:

This first study is highly relevant because it goes into the financial aspect of Poverty, mostly the financial aspects. It looks at various aspects of poverty and their interdependence on one another and how they reinforce one another. Moreover, it is deeply interesting because it is based on a specific methodology known as “the Merging of Knowledge”³⁹⁶. The Merging of Knowledge is an inclusive methodology that fosters interaction among people experiencing poverty and social exclusion, policymakers, scholars, and practitioners. The purpose is to generate new knowledge based on lived experience, practice, and academic research. This is a methodology that I believe to be deeply important when talking about Poverty and the lived experience of poverty. I believe it was the last missing piece to have a fully complete analysis of Social Human Dignity, and more so, Poverty and the violation of Social Human Dignity.

This is a critical study because it looks at poverty deeper than employment and financial issues, revealing the usually “hidden” dimension of poverty. With the more familiar privation (lack of decent labour, insufficient income, material and social privation), there are also relational dimensions of poverty. These are understood as social mistreatment, institutional mistreatment, and unrecognised contribution. Finally, what is called the “heart of the experience”, is the issue of feeling disempowered when facing a life in poverty (reminds us of the autonomy dimension of Human Dignity), and the physical and mental suffering, due to the conditions, but also the constant struggle and resistance against poverty.

³⁹⁴R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, *The Hidden Dimensions of Poverty* (Montreuil: Fourth World Publications, 2019),

<https://www.atd-quartmonde.org/wp-content/uploads/2019/12/Hidden-Dimensions-of-Poverty-20-11-2019.pdf>.

³⁹⁵Olivier De Schutter, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America, UN Human Rights Council, Seventy-seventh session, July 13, 2022. A/77/157. , <https://www.ohchr.org/en/documents/reports/a-hrc-38-33-add-1>.

³⁹⁶Fourth World-University Research Group, *The Merging of Knowledge* (Montreuil: Fourth World Publications, 2007), 490 pp., ISBN 978-0-7618-3751-0.

Those nine dimensions of poverty are highly interdependent and worsen one another; they usually live all at once and rarely in isolation. They vary depending on the place of living (city, countryside...), the time and duration of poverty (children living in poverty...), cultural belief in the society concerning poverty, identity and the question of intersectionality and finally, environment and environmental politics, as people living in poverty are suffering first of the consequences of climate change and the politics, usually fail to consider them, making sometimes their situation even worse³⁹⁷. I will integrate those dimensions into our previous table of evaluation as they correspond to many dimensions of Human Dignity. And will allow us to evaluate whether the social policies alleviate those violations of human dignity directly linked to poverty or reinforce them.

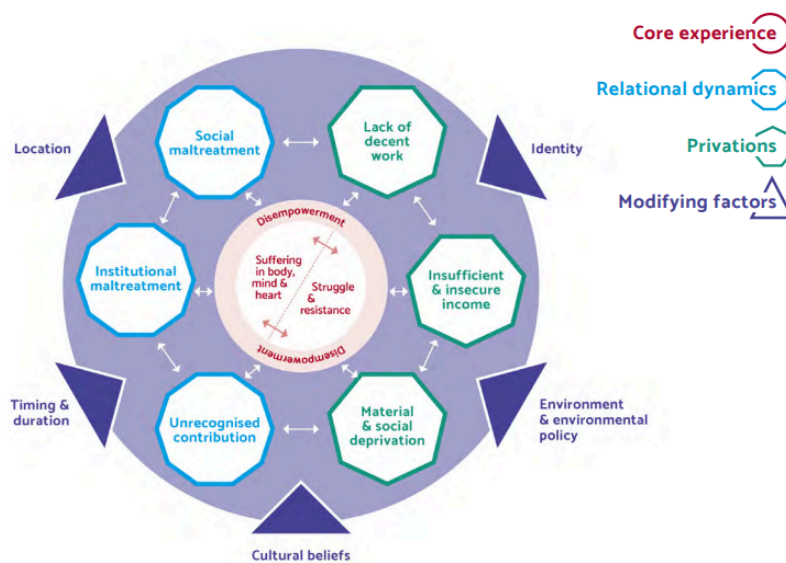


Figure 1
ATD Fourth World - Oxford University diagram on the dimensions of poverty, Jan 2019

i. The core of the experience

The core experience corresponds to disempowerment which leads to suffering in the body, mind and heart, as well as struggle and resistance. Disempowerment³⁹⁸ is known as a lack of control and dependency on others due to multiple constrained choices, a lack of control and dependency on others resulting from several constrained choices. This corresponds to the category of self-determination and the general component of Human Dignity: ‘autonomy’. Poverty is experienced as a lack of control; options and choices are restricted due to life conditions and circumstances, and there is little margin for error as the consequences are severe. People experiencing poverty are regularly accused of making bad decisions, they usually face “unthinkable choices between unpalatable options”. They frequently have little power over the decisions made on their behalf by those in positions of authority. To put it in other words; “Poverty may mean compliance and forced dependence on others resulting in dehumanisation and loss of dignity”.

³⁹⁷R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p8-9.

³⁹⁸R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p15.

This disempowerment and dependency lead to a vicious circle and difficulty in getting out of poverty, as well as increasing feelings of insecurity and fear. Another dimension is the experimentation of suffering in the body, mind and heart; this corresponds to the category: “Physical and psychological well-being”. Living in poverty means experiencing “intense physical, mental and emotional suffering”.³⁹⁹ This suffering happens in parallel to a sense of disempowerment as the individual feels as if they cannot do anything about it. Many studies prove the physical impact of Poverty, shortened lifespan due to bad mental and physical health, directly linked to the environment. The everyday demands of survival, poor diet, and inadequate housing all have been proven to shorten people's lives⁴⁰⁰. Individuals living in poverty struggle to recourse to preventive care and may live in polluted areas. Obesity and malnutrition can be prevalent. “Poor health caused by multiple privations leaves people physically and emotionally scared.”⁴⁰¹ The impact of poverty on mental health is sometimes underestimated. Still, it leads to highly negative thoughts and emotions: Living in continual anxiety about what could happen, losing the scarcity of resources, and constantly thinking about how one may be able to survive and nourish their family, to make ends meet. There is stress and anxiety directly related to the uncertainty that comes with living in poverty. Moreover, one may experience high shame due to their living conditions, and societal expectations. There is a form of despair and frustration when it comes to the reproduction and intergenerational dimension of poverty. It takes five generations to overcome poverty, and this leaves parents in a sense of hopelessness for an improvement for themselves and their children. These living conditions and negative thoughts can lead to anger, depression, and self-medication with alcohol used as a temporary relief from this suffering. To put it in other words “When people internalise daily experience of injustice and dehumanisation, this undermines their self-esteem.”⁴⁰² Living in poverty is a violation of Human Dignity and therefore, social policies should alleviate those impacts.

Finally, there is the dimension of “struggle and resistance”⁴⁰³: this corresponds to the ongoing struggle to survive that people living in poverty constantly experience and the various forms of resistance that are put forward to face the multiple abuses of a life in poverty. “Struggling and resisting are intimately linked in people’s effort to survive, achieve inner balance and to enable themselves, and particularly their children, to have a better life.”⁴⁰⁴ Usually unrecognised by our contemporary society, this struggle and resistance take many different forms.

ii. Relational Dynamics of Poverty

The relational dynamics of poverty are grounded in the interactions that occur daily between people, institutions, and social groups of all kinds. They demonstrate how the attitudes and behaviours of various social groups toward one another influence poverty. People living in poverty have to face forms of institutional maltreatment. This corresponds to the incapacity of national institutions to respond appropriately to the needs of people living in poverty through actions or inaction. It translates into ignoring their needs, humiliation and harmful behaviours.

³⁹⁹R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p16.

⁴⁰⁰R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p16-17.

⁴⁰¹R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p16

⁴⁰²Ibid

⁴⁰³R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p17-18.

⁴⁰⁴R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p18.

“Formal institutions, public and private shape the negative experience of poverty through public discourse and the design and implementation of policy and services, and also, through their neglect of, and failure to listen to people living in poverty”⁴⁰⁵. Institutions and welfare governments are given the responsibility to tackle poverty but their inability to do so is blamed on the individual living in poverty. Social policies tend to increase the discrimination and perception of people living in poverty instead of overcoming them⁴⁰⁶.

Social mistreatment is another form of abuse and violation of one’s Human dignity that individuals living in poverty face. It refers to how they are negatively regarded and poorly treated by other people and informal groups. Society and the public’s behaviours towards people living in poverty are “characterized by a negative judgement, stigma and blame”⁴⁰⁷. When experiencing poverty, individuals are usually excluded and ignored even if those behaviours aren’t even conscious, and when they are, usually results in a lack of understanding of people living in poverty. There is a highly accepted form of blaming individuals for living the way they do, that they are ‘lazy’, not willing to work and that it would never happen to those living in a higher socio-economic category. This social mistreatment also creates a framework for institutional mistreatment to settle in. This mistreatment is even worsened when considering intersectionality and one’s ethnic minority or gender for instance.

These two categories, as well as the following, do not go into only one category of evaluation. Usually, here, they correspond to the category “equal values”⁴⁰⁸ but also “social integration” since it shows that citizens aren’t treated equally due to their socio-economic background and that the image in society usually blames them for their conditions. Finally, the study touches upon unrecognised contributions. This dimension directly fits into “human learning”⁴⁰⁹ as well as “social integration”⁴¹⁰. The knowledge and skills of people living in poverty are rarely seen, acknowledged or valued. People living in poverty face prejudice from institutions and society and are presumed to be incompetent. However, “People survive through resourcefulness.” They find different ways of creating.

iii. The material, financial, cultural and social privations of poverty:

On the other hand, privation is the absence of financial, material, cultural, and social resources. People experiencing poverty are faced with many privations. They deal with a lack of decent work⁴¹¹, They are refused access to well-paying, secure, regulated, and dignified employment. Individuals with a lower socio-economic background usually start working at a younger age and tend to experience exploitation, bad treatment and humiliation. The study shows how ‘Dignified employment’ is rare and individuals are compelled to commit to a unfit job, putting their health at risk.

⁴⁰⁵R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p20.

⁴⁰⁶In the study, their cite a social practitioner to illustrate the length of which people living in poverty experience institutional mistreatment : “People no longer dare to go to the town hall because they are not well-received, they no longer want to go there to process administrative formalities”. (The hidden dimension of Poverty, 2019, p21).

⁴⁰⁷R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p21.

⁴⁰⁸Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p24.

⁴⁰⁹Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p25.

⁴¹⁰Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p26..

⁴¹¹R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p25.

They have little to no positive influence on their life paths, and may even exacerbate their feelings of insecurity. Those jobs are usually not unionised, which means people are more likely to face exploitation in its various forms (being fired without warning or payment, sexual abuse...). People living in poverty also face insufficient and insecure income. This is an important dimension, especially in my coming case study; it is about “having too little income to be able to meet basic needs and social obligation, to keep harmony within the family and enjoy good living conditions”⁴¹². This directly corresponds to many categories, such as the fulfilment of duties, social integration, and self-determination. Moreover, insufficient incomes mean that individuals may go into debt to cover basic needs, making them more vulnerable to exploitation and dependent on other individuals.

At last, this study looks at material and social deprivation, which directly refers to the deprivation of “the goods and necessary service to live a decent life and participate fully in society”⁴¹³. These resources include an adequate supply of nutritious food, appropriate clothing, sanitary housing, clean water, a reliable source of energy that provides security and privacy, non-discriminatory education in well-equipped schools, reasonably priced, easily accessible, and high-quality dental and medical care, dependable public transportation, and a safe environment. These categories are also highly important and do not fit into one single category, the lack of access to medical and dental care fits into “physical and mental health”⁴¹⁴, while education fits into “fulfilling duties”⁴¹⁵. The modifying factors are important to show the component that intensify and mitigate poverty. However, as it is a general case study, it will not be integrated to the final table of evaluation⁴¹⁶.

b. Poverty and the anti-poor prejudice:

i. The structural anti-poor discrimination:

One core component of Human Dignity is protection against violence and discrimination, as cited in article 7 of the UDHR: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”⁴¹⁷. However, when living in poverty one faces much discrimination. The first study already touched upon this idea beforehand. However, the Report is quite revolutionary and goes even deeper into this issue of socio-economic discrimination, by defining what Olivier de Schutter calls the “anti-poor prejudice” and by using the neologism “povertyism”⁴¹⁸, a combination of poverty and racism⁴¹⁹.

⁴¹²R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p26.

⁴¹³R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p27.

⁴¹⁴Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p26.

⁴¹⁵Chan and Bowpitt, *Human Dignity and Welfare Systems* (2005), p27.

⁴¹⁶R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019, p30.

⁴¹⁷United Nations General Assembly, *Universal Declaration of Human Rights*, 217 A (III), Article 7, December 10, 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁴¹⁸S. Turkington, “A proposal to amend the Ontario Human Rights Code: recognizing povertyism”, *Journal of Law and Social Policy*, vol. 9 (1993).

⁴¹⁹Using this term reminds us of the intersectionality of poverty, depending on one’s ethnicity and gender, the experience of poverty may be worsened by other societal obstacle. This study will not unfortunately have time to go over the intersectional dimension of poverty, however this only strengthen the argument. Indeed, when one faces racism in a society, their human dignity is violated, therefore facing both a form of racism and socio-economic discrimination only increases the violation of human dignity, the same mechanism applies to sexism and socio-economic discrimination.

Once again, going back to the turn to neoliberalism and the meritocratic view of our contemporary society, there is a clear form of ‘anti-poor prejudice’, people experiencing poverty are labelled as “lazy” and they get blamed for their situation. It presents poverty as an individual failure, particularly in nations with less developed and protective welfare systems⁴²⁰. This discrimination possesses a highly systemic nature, it is structural and comes from globalisation, liberalism and neoliberalism. These types of discrimination are found at every level of economic production⁴²¹. We witness these types of discrimination at the international, regional and national levels.

There is a clear form of discrimination in national countries between the wealthiest and the poorest. That discrimination includes all spheres of life, from education, housing, employment, and health, which are mutually reinforcing. This means these discriminations call for structural solutions, and those are usually hoped to be found within social policies. However, since anti-poor prejudice is so widespread in the system, the perpetrator and the public authorities tend to rationalise their behaviour, as it is accepted in the overall society. Employers, for instance, frequently discriminate against potential hires because customers demand that staff members present well and adhere to "right" cultural norms⁴²². Parents may also put pressure on school administrators to maintain the school's social homogeneity. Finally, residents of a particular neighbourhood⁴²³ fear that their property value will decrease if the neighbourhood becomes more diverse, which forces tenants to only rent to appropriate individuals who fit within the community.

ii. The issue of employment:

Olivier De Schutter highlights how the employment sphere is a particularly interesting case where self-reinforcing discriminatory behaviours appear⁴²⁴. People living in poverty are led to make fewer investments in their qualifications to gain access to better-paying jobs when they are faced with prejudice and discrimination. Therefore, they face discrimination in the employment market due to the lower incentives from the social institutions around them to build their human capital. People living in poverty additionally lack relatable role models who would help them gain confidence as a result of this discrimination⁴²⁵.

They face discrimination when accessing the job market, but even when succeeding, they will also face further discrimination. When they work for a manager who thinks they are lazy and is prejudiced against them. They might perform worse, which would only reinforce that manager's negative perception of them. This is a particular form of discrimination that has been called “stereotype fear”⁴²⁶, the fear of judgement and confirming this judgement, therefore undermining self-confidence. This has been documented in ethnic minorities too.

⁴²⁰Olivier de Schutter, 2022, p5.

⁴²¹Olivier de Schutter, 2022, p6. It exists at the international level (between the global south and the global north, the issues of dependency theory) the regional level (discrimination between the west and eastern part of the European Union during the 2008 crisis, cutting their public finances, naming them as ‘PIGS’ in the media, and finally at the national level, which will be of our area of study for this thesis.

⁴²²C. R. Sunstein, “Why markets don’t stop discrimination”, *Social Philosophy & Policy*, vol. 8 (1991).

⁴²³Olivier de Schutter, 2022, p7.

⁴²⁴G. S. Becker, *The Economics of Discrimination* (Chicago, Illinois, University of Chicago Press, 1957); R. A. Epstein, *Forbidden Grounds: The Case against Employment Discrimination Laws* (Cambridge, Massachusetts, Harvard University Press, 1995).

⁴²⁵Penelope Lockwood and Ziva Kunda, “Superstars and me: predicting the impact of role models on the self”, *Journal of Personality and Social Psychology*, vol. 73, No. 1 (1997)

⁴²⁶Dylan Glover, Amanda Pallais and William Pariente, “Discrimination as a self-fulfilling prophecy: evidence from French grocery stores”, *The Quarterly Journal of Economics* (2017).

There is also a high representation of individuals with a lower socio-economic background in the unemployment percentage due to the previous discrimination presented and the structural and societal obstacles. This once again reinforces the negative perception of employers that see this as a proof of lack of motivation, willingness to work or lack of capacity⁴²⁷. This discrimination is an obvious violation of human dignity because it severely limits the opportunities available to people from different social backgrounds, making it harder for them to escape poverty and creating a vicious cycle of violence in the process. It is a systemic issue that reproduces within each level of our societal system, and therefore, it justifies using human dignity even more when discussing social and welfare policies. As Olivier de Schutter concludes: “As a result of these entrenched mechanisms, negative stereotypes about people in poverty will not disappear on their own, nor will they be wiped out by market competition alone”.⁴²⁸

The welfare policies should directly aim at protecting people living in poverty from these various hidden dimensions of human dignity and the anti-poor prejudice because it protects universal Human Dignity. After all, when protecting individual human dignity we protect the dignity of Humankind. In our general evaluation framework, we will question whether the new RSA reforms allow individuals to overcome the violation of human dignity directly caused by living in poverty. Moreover, France must recognise the fact that the socio-economic situation can be the basis for discrimination by banning it in 2016. By clearly defining the impact of poverty and various violations of Human Dignity, we understand the importance of Human Dignity in social policies. Due to the widespread social and institutional mistreatment, those multiple cases of abuse or their Human Dignity tend to be accepted and rationalised. However, they shouldn't. They are abuses forbidden by international and European law.

Using Human Dignity in this context would bring back the responsibility of welfare states to protect every single one of their citizen's human dignity, without discrimination. However, social policies that would allow individuals to face the various abuses of poverty and even worsen their situation, would not respect the principle of Social Human Dignity. We will apply the following table of evaluation to our following case study. We will be able to define and use a table for the assessment with various components of Human Dignity to evaluate to which extent a social policy protects human dignity. This table of evaluation will combine both the study from Chan Kwan, ATD Fourth World and Olivier de Schutter⁴²⁹.

⁴²⁷Eva Van Belle and others, “Why are employers put off by long spells of unemployment?”, *European Sociological Review*, vol. 34, No. 6 (2018).

⁴²⁸Olivier de Schutter, 2022, p8.

⁴²⁹See: 4.3.2, b, i, page97-98. :

CASE STUDY: The French 2023 RSA Reform:

4.3: Evaluating a social policy through the lens of Social Human Dignity:

Having established the concept of Social Human Dignity and developed a framework for evaluating social policies, we now turn to a concrete application of these ideas. This section will examine the recent reform of France's "*Revenu de Solidarité Active (RSA)*" through the lens of Social Human Dignity. The reform of the RSA offers a deep referent debate as it illustrates the shift in global social policies that have slowly turned towards the conditionality of financial aid. It also provides us with an eye-opening look into the general concerns of the French slow neoliberal reforms of their social system. We'll start looking at the RSA's history and evolution, from its predecessor to its current form, focusing on its reception by different politically inclined media. Then, we will critically assess the current reforms, detecting probable violations of Social Human Dignity using the criteria stated in the previous section. Finally, I will broaden our perspective to consider the overall state of social rights in France and reflect on the fundamental question of whether poverty itself constitutes a violation of Human Dignity. Through this case study, we aim to illustrate the practical utility of Social Human Dignity as a guiding principle for crafting, monitoring, and modifying social policies. To study a new and not yet highly covered subject, I did a media monitoring with various journals to show the diversity of opinions and be thoroughly familiar with the methods of territorial experimentation. I also worked on the official French government website and the official law text⁴³⁰. To tackle the issues of the "RSA reconditionné," we have to look at its history first, meaning what came before and what is currently being reformed.

4.3.1: The History of the French RSA

a. From the RMI to the RSA

1988 (RMI) □ 2003 CI-RMA et Décentralisation □ 2008 (RSA) □ 2021 (RSA reconditionné)

The RMI, which was created in 1988 in the context of the laws against poverty and discrimination, was a basis before the establishment of the RSA. The RMI was designed to target individuals who did not have a sufficient income to meet their basic needs even while working (understood as 'travailleur pauvre' in French, poor workers), those who did not have access to unemployment benefits (chomage) or had exhausted their unemployment benefit. It was made available for individuals who were at least 25 years old and had low or non-existent income. It was created as a way to face the issues of unemployment, and in a logic of work insertion, its financing is given to the States based on "national solidarity"⁴³¹. There were high parliamentary debates⁴³² on the definitions of insertion, the conditions and the income given. Still, there was a high consensus on the idea that it should be financed by the States, as the fight against poverty was to be understood as a national priority rather than to be decentralised towards the departments.

⁴³⁰See : annex IV, p132.

⁴³¹ Anne Eydoux and Carole Tuchszirer, *Du RMI au RSA : les inflexions de la solidarité et de la gouvernance des politiques d'insertion*, Document de Travail No. 134 (Rennes: Université Rennes 2, CEE, Centre d'études de l'emploi, November 2010).

⁴³²LCP, "Réforme du RSA: les députés appelés à se prononcer sur la loi pour le plein emploi," LCP, accessed 8/8/2019, <https://lcp.fr/actualites/reforme-du-rsa-les-deputes-appeles-a-se-prononcer-sur-la-loi-pour-le-plein-emploi-223552>.

The State would also direct the mechanism of employment and professional formation. If the financing came from the States, territories collectively and departments, it was accepted in the animation and management of the social integration mechanisms⁴³³. However, specific resistance and opposition were coming from the right-wing parties, arguing that the mechanism needed to be decentralised or that it would invite local actors to rely on the financing without putting the actual effort into integrating their citizens⁴³⁴. The amount of the RMI would vary based on the recipient household composition, such as the number of people and children, but the base amount for a single individual was 440 euros. For a couple without children, it was around 660 euros per month. A couple with one child would receive 792 euros, a couple with two children would receive 924 euros per month, and so on...⁴³⁵ This opposition may not have been the majority. However, under the government of Jean-Pierre Raffarin, this opposition put forward the first reforms of this social minimum income. This new reform completely decentralised the RMI at the regional level, this level that now ensures the financing and the directing of the insertion mechanism⁴³⁶. Another mechanism of insertion was also created, “CI-RMI”, which was a part-time, short-term work contract associated with decreased social protection. This reform would put aside the question of poverty, focusing entirely on the issue of unemployment and, therefore, insertion into the work market. On the other hand, the RMA was given to those receiving the RSA as a way to accompany them in their work insertion. It was another specific type of contract that would allow a particular kind of employment, such as a part-time job, primarily in the public sector. It allowed employers to employ RMI recipients at a reduced cost. Since the government would subsidise part of the wages, it was seen as a support mechanism to reintegrate within the market. While the RMI was created in the context of the law of the fight against socio-discrimination, the 2003 reform was a complete turn on a labour understanding of poverty, without taking into account any of the other difficulties and conditionalities that may stop one from entering the workforce⁴³⁷. However, these reforms and the overall mechanism were highly criticised for various reasons. The highest criticism was the non-inclusion of workers living in poverty. In 2006, 7.9 million people were experiencing poverty, and 1.5 million had a job and still didn't earn enough to live. This was highly mediated, and the RSA was created with the idea that everyone should have access to a minimum revenue, even those who work. This criticism and the critical advocacy coming from NGOs and politicians led to the creation of the RSA in 2009.⁴³⁸

b. The creation of the RSA

After the decentralisation and many issues raised concerning the RMI, a new reform was put together. Though presented as more socially inclined, it still confirmed the orientation of the previous RMI reform, meaning the high focus placed on ‘employment’ through a higher focus on ‘insertion’. This focus on the job market was put forward to the creation of ‘contrat unique d’insertion’ (unique contract of insertion), to which all RSA recipients could have access without discrimination on the level of indemnity. Moreover, the RSA does not only replace the RMI but also the API (allocation of isolated parents)⁴³⁹.

⁴³³ Anne Eydoux and Carole Tuchsirer, 2010, p10

⁴³⁴ Anne Eydoux and Carole Tuchsirer, 2010, p6-8

⁴³⁵ Ibid

⁴³⁶ Ibid

⁴³⁷ Ibid

⁴³⁸ Bernède, Marianne. *Le RSA, une révolution sociale*. Paris: Edition Autrement, 2008.

⁴³⁹ Anne Eydoux and Carole Tuchsirer, 2010, p12

The RSA was meant to assure each household a guaranteed income. The reform was created in 2009 with three main objectives in mind. First, suppress the effects of the RMI that would make ‘inactivity’ traps (choosing not to work on purpose to benefit from the RSA and pushing for a return to employment). Second, fight against poverty of families and workers in situations of poverty (travailleurs pauvres). Finally, make the system more understandable and reachable, less complicated, and less bureaucratic. The calculation of those that can benefit from the RSA, meaning people living in poverty (workers or not), is based on EUROSTAT⁴⁴⁰ calculation, and the only criteria considered are the financial criteria. One is supposed to be living in poverty when their income available by a unit of consumption is inferior to the poverty threshold (which itself is calculated at 60% of the median standard of living for individuals). There are already a lot of issues with this calculation since it can exclude certain workers in poverty or certain family members when the income level of the overall household compensates for their wages (or lack of salary). Indeed, the definition of those eligible to receive the RSA is based on the overall income of the household and not the individuals. The Revenu de Solidarité Active (RSA) in France uses a specific equivalence scale to assess eligibility and benefit levels, which differs from but is comparable to the EUROSTAT scale used in poverty measuring. This measure considers family composition, distinguishing between adults, couples, and children over and under the age of fourteen. While taking into account household economies of scale, the RSA scale might result in different eligibility outcomes for seemingly similar family patterns. For example, it assigns varying weights to children based on age and family composition, thereby leading to inequities in access to benefits. For a single individual, the amount of the RSA is €635,70, which would increase by the number of children and the overall situation. Like this, it is difficult to have an exact calculation as it is quite a variable income⁴⁴¹. This quick overview of eligibility calculation shows that some issues existed with the RSA before its reform. For instance, in a 2018 research⁴⁴², it was calculated that the current calculation of the RSA excluded 28% of workers living in poverty.

Moreover, another problem arose concerning the RSA, and that was the particular issue of non-recourse⁴⁴³. This is when households that have the correct eligibility and should receive the RSA; specific households need access to social institutions and mechanisms. They aren’t well-informed about the conditions. The non-use usually appears to concern the people furthest from the institutions, which would often be most in need of access to the RSA⁴⁴⁴. More precisely, in 2018, 34% of eligible households did not benefit from the RSA. As Rémi Le Gall, in his study, puts it, this level of non-recourse is “massif et problématique.”⁴⁴⁵ Two social challenges arose from the RSA: eligibility and ‘non-recourse’ (non-use).

⁴⁴⁰European Commission. “Glossary: At-Risk-of-Poverty Rate.” Eurostat Statistics Explained. Last modified August 2021. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:At-risk-of-poverty_rate/fr.

⁴⁴¹The RSA was beforehand 607 euros but increased of 4,6% in April 2024. See: "Montants RSA 2024 : quel est le montant du RSA selon votre situation ?," Aide-Sociale.fr, accessed September 12, 2024, <https://www.aide-sociale.fr/montants-rsa/>.

⁴⁴²Chareyron Sylvain. Pauvreté et non-recours aux dispositifs sociaux : l’étude du RSA « socle seul ». In: Économie & prévision, n°213, 2018-1. pp. 41-59.

⁴⁴³Chareyron Sylvain, 2018.

⁴⁴⁴Blundell R., Fry V. et Walker I. (1988). “Modelling the Take-up of Means-Tested Benefits: The Case of Housing Benefits in the United Kingdom”, *Economic Journal*, vol. 98, n° 390, pp. 58-74.

⁴⁴⁵Yannick L’Horty, Rémi Le Gall, and Sylvain Chareyron, "Au-delà de la fraude sociale, le non-recours à l’allocation pose un problème bien plus important," *The Conversation*, June 24, 2022, <https://theconversation.com/au-dela-de-la-fraude-sociale-le-non-recours-a-l-allocation-pose-un-probleme-bien-plus-important-184061>

However, the following reform did not focus on its access but more on what is considered by the government to be the main issue, meaning the inactivity trap and those who profit from the system while the hard-working French pay for it⁴⁴⁶. The reform was mainly framed as dealing with social fraud, not to mention the issue of exclusion and non-recourse. In reality, non-recourse is, in number, much higher than any recourse to the RSA.⁴⁴⁷

4.3.2: Does the RSA violate Social Human Dignity?

a. The RSA Reform and Experimentation?

i. Loi Plein Emploi (18/12/2023):

The new RSA reform is part of a more extensive law that was passed on the 18th of December 2023, called “Loi Plein Emploi⁴⁴⁸” (full employment law). This law led to the creation of a new social operator, “France Travail” (Work France). This operator will replace the former operator who is concerned with job searching and unemployment income, known as “Pôle Emploi” (Labour Pole). This new operator was created with the objective in mind of having a reinforced mission to return to the job market with social and economic insertion. This new operator was designed with two main goals: first, better support and guidance to individuals unable to find a job by themselves and second, reinforcing the support and guidance of enterprises in employment. This creation will be followed by the creation of a “réseau pour l’emploi” (network for employment), which pertains to the guidance, support, and orientation of unemployed individuals seeking employment those in difficult situations of social insertion. As well as answering the employer's needs and demands⁴⁴⁹. This led to a possible creation of a “Comité national pour l’emploi” (national committee for employment) that will look over the rules and functioning of the network for jobs and its strategic orientations at the national level. Such a committee is also created at the regional and departmental level with the “Comité territorial pour l’emploi” (Territorial Committee for Employment)⁴⁵⁰. This new network of operators places a high focus on employment and social and economic insertion⁴⁵¹, which means a lot of consequences and changes for individuals. It means a generalised inscription of all individuals unemployed by 2025. This concerns job-seeking individuals currently at “Pôle Emploi.” All the RSA receivers and those who are in the process of asking for it, as well as their significant others (officially linked, married, for instance, or living together and declared...), and all individuals living with disabilities that receive the guidance from another specialised social operator named CAP Emploi. Each of these three cases is deeply interesting, with various possible ways to study and evaluate their respect for Social Human Dignity.

However, we will, as previously announced, focus on the second case: the RSA reform. Further discussion will be based on answering questions such as: what does this law mean to the RSA receiving, what changes, what are the new conditions imposed on them, and so on?

⁴⁴⁶Martin Hirsch, Assemblée nationale, séance du 25 novembre 2008

⁴⁴⁷Yannick L’Horty, Rémi Le Gall, and Sylvain Chareyron, 2022.

⁴⁴⁸ France, Loi n° 2023-1196 du 18 décembre 2023 pour le plein emploi, JORF n°0293, 19 décembre 2023, texte n° 2, ELI: <https://www.legifrance.gouv.fr/eli/loi/2023/12/18/MTRD2313163L/lo/texte>.

⁴⁴⁹ Loi n° 2023-1196 du 18 décembre 2023.

⁴⁵⁰ Loi n° 2023-1196 du 18 décembre 2023.

⁴⁵¹ We can question this statement from the government, as it seems to be only focused on one form of insertion, the economical one through the jobs, and it erases many of the other issues and multidimensionality of poverty.

ii. Le RSA reconditionné:

The 18 December 2023 law has many consequences for the RSA and those who receive it or can accept it. Indeed, as said before, there will be a generalised inscription by 2025 for all those who are RSA applicants and recipients. They will then benefit from a global diagnostic and orientation in terms of employment, career, and future jobs. This guidance is supposed to be highly personalised, with the advisor knowing the individuals and their needs. Shortly after this guidance, they will sign a “contrat d’engagement” (an engagement contract), which will replace previous forms of insertion contracts. This is a contract signed between the working individuals, the employers and the states. This contract is an obligatory condition to receive the RSA income, which consists of at least 15 to 20 hours of activity a week, which the government defines as formation activity. These hours can be decreased following the global diagnosis depending on the individual situation (health issues, single parents without any solution to look after the children). This possibility of decreasing the hours of “formation activities”, wasn’t in the original law but was added by an interpretation of Constitutional Council: *"cette durée devra être adaptée à la situation personnelle et familiale de l'intéressé et limitée au temps nécessaire à l'accompagnement requis, sans pouvoir excéder la durée légale du travail en cas d'activité salariée"*. The activities are various, from learning to make a CV to participating in greenery work, taking care of greenery in the city, and so on. Those activities aren’t reimbursed outside the RSA income. This law also developed a new form of “instant penalty.”⁴⁵²

Without a legitimate justification, one is not allowed to miss one's activity and obligations from the engagement contract. The terms used in this article are fascinating. It is said that those obligations are repetitive positive acts to find a job. It also means that refusal of a job offer can be considered a violation of the contract and, therefore, a reason to sanction the individual. Indeed, in the following paragraph of Article L.5412-1.III.⁴⁵³ One is not allowed to refuse a job offer without a legitimate justification, or the individual will be sanctioned. The sanctions are of two steps. First is the suspension of the income. If the individual regulates their situation within three months, the income will be retroactively given back⁴⁵⁴. However, suppose the violations are repeated and not regulated. In that case, the most severe breaches can be followed by the partial or total withdrawal of income and removal from official national jobseekers’ lists⁴⁵⁵. These breaches will be evaluated through regular control from “France Travail” agents, as well as the writing of a logbook for the recipients. To refuse to be submitted to inspection is also considered a violation of the contract⁴⁵⁶: « 3° Si le bénéficiaire refuse de se soumettre aux contrôles prévus au présent chapitre ».

iii. The RSA Experimentation :

At first, this contract was experimented with in 18 regions, and since spring 2023, it has experimented in 47 regions⁴⁵⁷. The official website of the French government constantly

⁴⁵² Loi n° 2023-1196 du 18 décembre 2023, Art. L. 5412-1.-I.

⁴⁵³ Article L.5412-1.III: “When the jobseeker refuses, without legitimate reason, to draw up or update the commitment contract mentioned in article L. 5411-6, the replacement income mentioned in article L. 5421-1 is suspended, in whole or in part.”

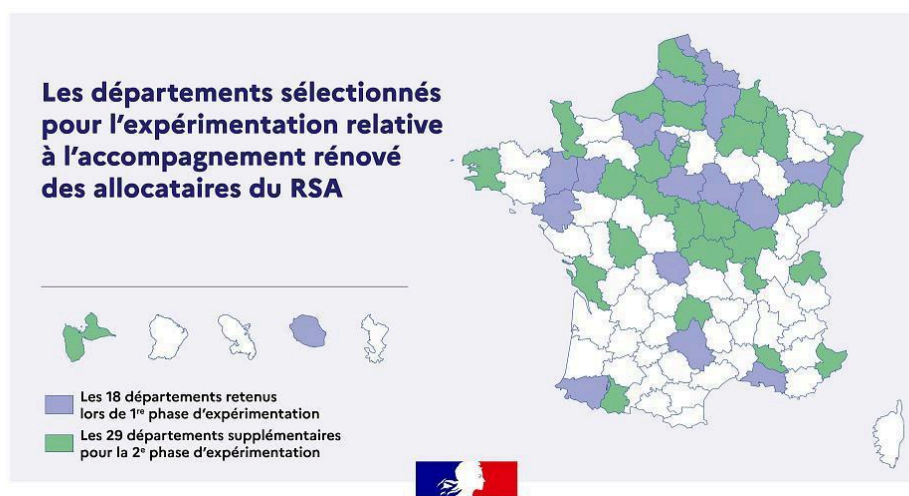
⁴⁵⁴ Loi n° 2023-1196 du 18 décembre 2023, Art. L. 262-37.-I. - VI.

⁴⁵⁵ Loi n° 2023-1196 du 18 décembre 2023, Art. L. 5426-1.-I

⁴⁵⁶ Loi n° 2023-1196 du 18 décembre 2023, L'article L. 262-37. Translation: “If the recipient refuses to submit to the controls provided at the beginning of this chapter”

⁴⁵⁷ These departments are : in the first phase: l’Aisne, l’Aveyron, les Bouches-du-Rhône, la Côte-d’Or, la Creuse, l’Eure, l’Ille-et-Vilaine, la Loire-Atlantique, le Loiret, la Mayenne, la métropole de Lyon, le Nord, les Pyrénées-Atlantiques, La

describes and reminds us that this reform keeps in mind the support and guidance of the recipient of RSA, and those experiments had to put forward a reinforced guidance process. The objectives of these experiments target three types of actors: individuals in situations of unemployment, long-term jobs and sustainable professional projects. For the enterprise, to allow them better recruitment and gain new competencies. And public authorities should decrease the unemployment rate and social costs. The initiative is said to be based on co-construction and constant cooperation between the involved actors, cooperation between the individuals, the territorial agent, and the enterprises, and learning together from the positive experience to build a better-generalised system. The experiments are described to take five main steps: first, the identification of the RSA recipients; second, the rapid orientation. Third, putting in place the personalised guidance. Fourth, a shared diagnostic is created to define the social needs and the way to return the individuals to the job market; and fifth, contact through employment, professional immersion, and operational preparation.



(In blue are the first 18 departments during the first phase of experimentation, and the departments in green are the 29 departments in the second phase of experimentation).⁴⁵⁸ There are no clear reports on the experience as it is still pretty early)

I was able to find various articles about experimentation in many regions, which shows how a new process has been put together. For instance, in le Val de l'Oise⁴⁵⁹, this reform led to the creation of what is called a “Green Brigade.” This brigade is described as a team constituted of agents in insertion. They take care of greeneries and pavements. It was created in 2020 with a dozen workers. It is described as highly successful and will be integrated into the new reform. In this region, the experimentation is seen as highly successful.

Réunion, la Somme, les Vosges, l'Yonne et les Yvelines. And in the second phase : le Pas-de-Calais, la Seine-Maritime, l'Oise, les Ardennes, la Marne, la Meuse, l'Alsace, la Saône-et-Loire, le Rhône, l'Allier, le Cher, le Loir-et-Cher, la Sarthe, l'Eure-et-Loir, l'Essonne, le Val-de-Marne, les Hauts-de-Seine, la Manche, le Finistère, la Charente-Maritime, la Vienne, le Cantal, la Haute-Savoie, le Territoire de Belfort, la Haute-Saône, le Vaucluse, les Alpes-Maritimes, les Hautes-Pyrénées et la Guadeloupe. See: Ministère des Solidarités et des Familles, "RSA : Extension de l'expérimentation à 47 départements," Solidarites.gouv.fr, accessed September 2024, <https://solidarites.gouv.fr/rsa-extension-de-lexperimentation-47-departements>.

⁴⁵⁸Picture from: Ministère des Solidarités et des Familles, "RSA : Extension de l'expérimentation à 47 départements,"

Solidarites.gouv.fr, accessed September 2024, <https://solidarites.gouv.fr/rsa-extension-de-lexperimentation-47-departements>.

⁴⁵⁹ Christophe Lefèvre Le 5 avril 2024 à 13h48, “Val-d’oise : CES Allocataires Du RSA Forment La Brigade Verte Du Département,” leparisien.fr, April 5, 2024, <https://www.leparisien.fr/val-d-oise-95/val-doise-ces-allocataires-du-rsa-forment-la-brigade-verte-du-departement-05-04-2024-MJGHN27T4BDPDGZGBNG7DJJB7U.php>.

On the other hand, in la Seine Saint Denis⁴⁶⁰, they decided to no longer participate in this experimentation as they were worried about mistakes in the generalised inscriptions and massive radiation from the unemployed list. In the Loiret⁴⁶¹, the department president, Marc Gaudet, wanted to universalise the RSA reform that had been experimented with since July 2024. However, he had to renounce it because the “France Travail” was overloaded and couldn’t support and guide the recipient sufficiently as it lacked people and resources. He believes that it is a “Good reform, which takes into account individual career paths and the notion of a legitimate impediment for people who are a long way from employment”⁴⁶². Opinions about this experimentation are mixed. Some see it as an opportunity, while others see it as a violation of social and human rights, as something directly aimed at workers in a situation of poverty.

iv. The public reaction to the reform, justification, and opposition:

To be able to get the most actual and crucial information on this reform, how it has been going, and what type of information was found, through a media moderation, looking at many French journals, sorting them according to their political orientation. This allowed to gauge the position of political ideas on these reforms and gave me a good idea on which actors and which political parties supported or not the reform, what were their arguments, based on which actor was interviewed, what they would say. I was able to get a mapping of the position of the most essential French Journal on this reform, and it then allowed me to map the same for the most important political actors. Unfortunately, the individuals directly concerned by this reform are rarely interviewed and asked about this reform in the major newspapers and more in local or NGO newspapers⁴⁶³.

Opinion	Far Left:	Left:	Centre-Left:	Centre:	Centre-Right:	Right:	Far Right:
Strongly Against	Lutte Ouvrière	L'Humanité					
	Révolution Permanente	Libération					
Leaning Against			Mediapart				
			L'Obs				
			Le Monde				

⁴⁶⁰ Leo Da Veiga, “RSA : La Seine-Saint-Denis Se Retire de l’expérimentation ‘ France Travail ,’ ” Les Echos, March 28, 2023, <https://www.lesechos.fr/pme-regions/ile-de-france/rsa-la-seine-saint-denis-se-retire-de-lexperimentation-france-travail-1919623#:~:text=PACA-,RSA%20%3A%20la%20Seine%2DSaint%2DDenis%20se%20retire%20de%20l,20%20heures%20d’activit%C3%A9%20hebdomadaire>.

⁴⁶¹ François-Xavier Rivaud Le 11 janvier 2024 à 16h14, “RSA Sous Conditions: Pas de Généralisation à Tous Les Allocataires Du Loiret Avant 2025,” leparisien.fr, January 11, 2024, <https://www.leparisien.fr/loiret-45/rsa-sous-conditions-pas-de-generalisation-a-tous-les-allocataires-du-loiret-avant-2025-11-01-2024-5RQ2PLYRZG5CO7IQ4VDGRJAQ.php>.

⁴⁶² « bonne réforme, qui prend en compte le parcours individuel et la notion d’empêchement légitime pour des gens qui sont très éloignés de l’emploi ».

⁴⁶³See annex IV, p129.

Do not position				Les Échos			Valeurs Actuelles
							Présent Hebdo
Leaning For					L'Express		
					Le Figaro		
Strongly For					Le Point	Le Parisien	

The opinion position used corresponds to the following:

“Strongly Against” implies having a highly violent and, to the fullest extent, opposed perspective to the reform. This journal uses words and metaphors such as “social war”⁴⁶⁴ and “attacks”⁴⁶⁵, as well as “offensive”⁴⁶⁶ and argues that the reform is a direct attack and “weapon”⁴⁶⁷ and undermines workers’ rights. Making their lives more difficult has meant that social benefits can be suppressed by putting individuals in even more precarious situations. The main argument presented is that this is a form of exploitation of individuals through underpaid work. They also argue that social aids should not be conditioned and limited⁴⁶⁸.

“Leaning Against” concerns a journal that presents both arguments but is clearly against the reform. It uses less of a strong vocabulary by either stating facts, using statistics, or talking about “increasing the suffering of workers”⁴⁶⁹, and it will increase discrimination and violations of rights for RSA recipients⁴⁷⁰. It is presented as infantilising workers and

⁴⁶⁴L'Humanité. “France Travail : le RSA conditionné à 15 heures d’activités, l’Assemblée a adopté le projet de loi plein emploi.” Accessed September 11, 2024. <https://www.humanite.fr/social-et-economie/loi-plein-emploi/france-travail-le-rsa-conditionne-a-15-heures-dactivites-lassem-blee-a-adopte-le-projet-de-loi-plein-emploi>.

⁴⁶⁵Lutte Ouvrière. “Réforme du RSA : une attaque contre tous.” March 6, 2024. https://www.lutte-ouvriere.org/journal/article/2024-03-06-reforme-du-rsa-une-attaque-contre-tous_729731.html.

⁴⁶⁶Révolution Permanente. “RSA conditionné : une offensive historique qui vise l’ensemble du monde du travail.” Accessed September 11, 2024. <https://www.revolutionpermanente.fr/RSA-conditionne-une-offensive-historique-qui-vise-l-ensemble-du-monde-du-travail>.

See also: Révolution Permanente. “Généralisation du RSA conditionné : une offensive historique contre le monde du travail.” Accessed September 11, 2024. <https://www.revolutionpermanente.fr/Generalisation-du-RSA-conditionne-une-offensive-historique-contre-le-monde-du-travail>.

⁴⁶⁷Lutte Ouvrière. “Réforme du RSA : une arme pour appauvrir et diviser les travailleurs.” June 21, 2023. https://www.lutte-ouvriere.org/journal/article/2023-06-21-reforme-du-rsa-une-arme-pour-appauvrir-et-diviser-les-travailleurs_721287.html.

⁴⁶⁸Lutte Ouvrière. “RSA : nouvelles attaques programmées.” May 16, 2023. https://www.lutte-ouvriere.org/journal/article/2023-05-16-rsa-nouvelles-attaques-programmees_668033.html.

⁴⁶⁹See: L’Obs, “Le versement du RSA sera conditionné à 15 à 20 heures d’activité, confirme Borne,” L’Obs, April 27, 2023, <https://www.nouvelobs.com/politique/20230427.OBS72686/le-versement-du-rsa-sera-conditionne-a-15-a-20-heures-d-activite-confirme-borne.html>.

See also: L’Obs, “Responsabiliser, accompagner ou punir : les allocataires du RSA en ligne de mire,” L’Obs, April 27, 2023, <https://www.nouvelobs.com/chroniques/20230427.OBS72679/responsabiliser-accompagner-ou-punir-les-allocataires-du-rsa-en-ligne-de-mire.html>.

⁴⁷⁰Mediapart. “RSA conditionné : la Seine-Saint-Denis se retire de l’expérimentation.” March 28, 2023. <https://www.mediapart.fr/journal/france/280323/rsa-conditionne-la-seine-saint-denis-se-retire-de-l-experimentation>.

Mediapart. “Conditionner le RSA à une activité : il faudrait que Macron vive la pauvreté pour savoir ce que c’est.” March 23, 2023.

unemployed individuals. They also worry about the increase in non-take-ups. The arguments are close to those presented by the journal and more placed on the far-left side of the political spectrum⁴⁷¹.

Interestingly enough, certain journals do not truly position themselves on the reform. Journals such as “Les Echos” or extreme-right-positioned journals tend to mostly present both arguments, describing the reform without truly positioning themselves. However, the extreme right party (Rassemblement National) opposed the vote for the reform.

“Leaning For” we see more centre, right-wing positioned journals, with two trends: one focusing on “systemic issues”⁴⁷² and one on “individual failures”⁴⁷³. On the one hand, the centre-right is generally supportive of the reform. They present the RSA in general as an insertion social insertion tool, as only applicable to finding a job, and therefore the previous RSA has failed⁴⁷⁴. The new reform is necessary and crucial to motivate and ensure the social insertion of the unemployed⁴⁷⁵.

<https://www.mediapart.fr/journal/france/230322/conditionner-le-rsa-une-activite-il-faudrait-que-macron-vive-la-pauvrete-pou-r-savoir-ce-que-c-est>.

Mediapart. “RSA conditionné au bénévolat : l’Alsace mitigée après l’avoir testé.” October 23, 2023. <https://www.mediapart.fr/journal/france/231023/rsa-conditionne-au-benevolat-l-alsace-mitigee-apres-l-avoir-teste>.

Mediapart. “Nous vivons sur le fil : mobilisation contre le RSA sous conditions.” December 14, 2023. <https://blogs.mediapart.fr/ag-precaires-grenoble/blog/141223/nous-vivons-sur-le-fil-mobilisation-contre-le-rsa-sous-conditions>.

⁴⁷¹Le Monde, “Le conditionnement du versement du RSA risque-t-il d’accroître le non-recours à cette aide sociale ?” Le Monde, October 10, 2023,

https://www.lemonde.fr/les-decodeurs/article/2023/10/10/le-conditionnement-du-versement-du-rsa-risque-t-il-d-accroitre-le-non-recours-a-cette-aide-sociale_6193481_4355770.html.

Le Monde, “Réforme du RSA : des élus socialistes accusent le gouvernement de légiférer à l’aveugle,” Le Monde, September 27, 2023,

https://www.lemonde.fr/politique/article/2023/09/27/reforme-du-rsa-des-elus-socialistes-accusent-le-gouvernement-de-legiferer-a-l-aveugle_6191196_823448.html.

Le Monde, “RSA : la règle des 15 à 20 heures d’activités obligatoires est irréalisable, et le pouvoir le sait très bien,” Le Monde, June 26, 2023,

https://www.lemonde.fr/idees/article/2023/06/26/rsa-la-regle-des-15-a-20-heures-d-activite-obligatoires-est-irrealisable-et-le-pouvoir-le-sait-tres-bien_6179226_3232.html.

⁴⁷²Le Figaro, “Conditionner le RSA à des heures d’activité : un dispositif difficile à appliquer,” Le Figaro, March 22, 2022, <https://www.lefigaro.fr/social/conditionner-le-rsa-a-des-heures-d-activite-un-dispositif-difficile-a-appliquer-20220322>.

Le Figaro, “Les premiers pas encourageants de la réforme du RSA,” Le Figaro, October 26, 2023, <https://www.lefigaro.fr/social/les-premiers-pas-encourageants-de-la-reforme-du-rsa-20231026>.

⁴⁷³Le Figaro, “RSA conditionné : Matignon dévoile les 29 nouveaux départements concernés par le dispositif,” Le Figaro, March 1, 2024,

<https://www.lefigaro.fr/conjoncture/rsa-conditionne-matignon-devoile-les-29-nouveaux-departements-concernes-le-dispositif-20240301>.

⁴⁷⁴L’Express, “France Travail : la réforme du RSA, une petite bombe statistique,” L’Express, November 16, 2023,

<https://www.lexpress.fr/economie/politique-economique/france-travail-la-reforme-du-rsa-une-petite-bombe-statistique-TIPZKIIOWNDUFLGFBP477X27OY/>.

L’Express, “Le RSA est un échec collectif : Olivier Dussopt, Agnès Verdier-Molinié... le débat inattendu,” L’Express, September 5, 2023,

<https://www.lexpress.fr/economie/politique-economique/le-rsa-est-un-echec-collectif-olivier-dussopt-agnes-verdier-molinie-l-e-debat-inattendu-XFN6XO2JB5AL7OX7SGMQBRGITE/>.

L’Express, “Olivier Dussopt : conditionner le versement du RSA, c’est une vraie mesure de gauche,” L’Express, July 11, 2023,

https://www.lexpress.fr/economie/olivier-dussopt-conditionner-le-versement-du-rsa-c-est-une-vraie-mesure-de-gauche_2183059.html.

⁴⁷⁵L’Express, “Loi plein emploi : verdict de l’Assemblée après les passes d’armes sur le RSA,” L’Express, April 20, 2023, <https://www.lexpress.fr/informations/loi-plein-emploi-verdict-de-l-assemblee-apres-les-passes-darmes-sur-le-rsa-DRNFN3WLMFCOXK4RTDHLMO5SOE/>.

L’Express, “Réforme du RSA : France Travail, le projet de loi pour le plein emploi adopté à l’Assemblée,” L’Express, March 15, 2023,

<https://www.lexpress.fr/economie/emploi/reforme-du-rsa-france-travail-le-projet-de-loi-pour-le-plein-emploi-adopte-a-l-assemblee-MPVQUXXSANHP7FGAZF6VOGBBMQ/>.

Those journals usually argue the current system has failed to help people exit poverty and find employment. They present it as a new tool of insertion, made better and more adapted to guide the worker back to the job market⁴⁷⁶.

“Strongly For” journals are mostly right-wing oriented. They present increased conditionality as fair given RSA is funded by workers on the right, and they are strongly supportive of the reform. It emphasises less the systemic issue of unemployment but emphasises individual responsibility. They say that recipients have responsibilities and duties when receiving social aid⁴⁷⁷. They argue that hard workers who financed the RSA with their taxes deserve accountability from the recipients. They usually quote the term “trap of inactivity”⁴⁷⁸, meaning that social aids that do not have any conditionality push individuals to rely on the social benefit without trying to find a new job. The supposed failure of the previous system is due to individual responsibility and will. It presents the reform as necessary to guide people back to the workforce and highlights the positive results from regional experiments⁴⁷⁹.

Overall, the articles that were found concerning the reform barely focused on the perspective of people who were directly involved with the effects of that reform. We have opinions from stakeholders on both spectrums, but there is an apparent lack of data collection through interviews and similar methods. Some individuals do get interviewed in a minority of newspapers. Most reactions from them are adverse, showing a sense of exploitation. There is one article about the green brigade in which the participants actually have shown more or less positive feedback. People taking care of the greeneries talk about a sense of belonging to society. However, others point out that it is a real job that could be paid as such and socially recognised as such.

L'Express, "RSA : 15 heures d'activités obligatoires, sanction... les détails de la nouvelle réforme," L'Express, February 27, 2023,

<https://www.lexpress.fr/politique/rsa-15-heures-dactivites-obligatoires-sanction-les-details-de-la-nouvelle-reforme-J62VUVMWPRHLPFAJ2PRNMDFEVI/>.

⁴⁷⁶Le Point, "RSA sous conditions : j'ai cru que j'allais devoir travailler," *Le Point*, March 25, 2024, https://www.lepoint.fr/video/rsa-sous-conditions-j-ai-cru-que-j-allais-devoir-travailler-25-03-2024-2555890_738.php#11.

Le Point, "Le RSA bientôt sous conditions," *Le Point*, April 28, 2023, https://www.lepoint.fr/politique/le-rsa-bientot-sous-conditions-28-04-2023-2518143_20.php#11.

⁴⁷⁷Le Parisien. "Il y a des signaux positifs : quel bilan pour l'expérimentation du RSA sous conditions ?" March 14, 2024. <https://www.leparisien.fr/economie/il-y-a-des-signaux-positifs-quel-bilan-pour-lexperimentation-du-rsa-sous-conditions-14-03-2024-YARTJD7XAZEIZKMXUXNCRFMIY.php>.

⁴⁷⁸Le Parisien. "RSA dans le Val-de-Marne : la révolution est en marche pour l'insertion des allocataires." March 11, 2024. <https://www.leparisien.fr/val-de-marne-94/rsa-dans-le-val-de-marne-la-revolution-est-en-marche-pour-linsertion-des-allocataires-11-03-2024-N>

⁴⁷⁹Le Parisien. "RSA dans le Val-de-Marne : la révolution est en marche pour l'insertion des allocataires." March 11, 2024. <https://www.leparisien.fr/val-de-marne-94/rsa-dans-le-val-de-marne-la-revolution-est-en-marche-pour-linsertion-des-allocataires-11-03-2024-N>

4.3.3, Evaluating the RSA Reform through the Lenses of Social Human Dignity:

a. Methodology and table of evaluation:

i. Final table of the assessment:

Policy Debate	Areas of comparison	The hidden dimension of poverty to overcome
Physical and Psychological well-being	<ul style="list-style-type: none"> - Financial assistance for buying daily necessities to maintain health - Healthcare for physical functioning Psychological support for mental health. Training welfare workers and administering a welfare system that addresses recipients' psychological needs. - Decent housing - Healthy diets 	<ul style="list-style-type: none"> - Insufficient and insecure income: too little income to meet basic needs and enjoy good living conditions -Material and Social deprivation (sufficient nutritious food, affordable quality housing, reliable energy supply, health and dental care, mental care, safe and secure environment) -Lack of decent work: denied access to fairly paid, safe, secure, regulated and dignified work - Suffering in the body, mind and heart: shortened lifespan, physical, mental and emotional suffering
fulfilling Duties	<ul style="list-style-type: none"> -support to parents to fulfil duties - Education 	<ul style="list-style-type: none"> - Material and Social Deprivation (providing children with affordable quality housing, sufficient nutritious food, a safe and secure environment, and non-discriminatory education in well-equipped schools) - Insufficient and insecure income: too little income to meet social obligations and keep harmony within the family.
Social integration	<ul style="list-style-type: none"> - Support recipients in participating in social and cultural life. - Welfare images of recipients presented by the states. (Public representation and reception, the way the policy is framed, social stigma, cultural representation...) 	<ul style="list-style-type: none"> - The 'Anti-poor' prejudice: people in poverty blamed for their conditions, "unwilling", "lazy" -Social Mistreatment -Institutional mistreatment
Human Flourishing	<ul style="list-style-type: none"> - Learning and developing useful skills 	<ul style="list-style-type: none"> -Struggle and resistance: unrecognised competencies and skills -unrecognised contributions
Self-determination	<ul style="list-style-type: none"> - Participation in policymaking - receiving benefits promotes self-determination. - Decent work (give definition) 	<ul style="list-style-type: none"> -disempowerment, poverty as a lack of control, limited options and choices
Equal Value	<ul style="list-style-type: none"> - Value of all people regardless of differences 	<ul style="list-style-type: none"> - The 'Anti-poor' prejudice: "lazy", "unwilling", not the correct social norms and therefore discrimination from society, discrimination to find a decent job, the "stereotype fear", lower incentive from the social institutions around them to build their human capital, discrimination in accessing the job market, discrimination when obtaining a job, long term period of unemployment seen as a sign of lack of capacities and laziness. - Socio-economics background as a form of discrimination - Social Mistreatment - Institutional mistreatment

ii. Explanation of the table of evaluation:

This evaluation table combined the Kwan Chan Study, ATD Fourth World, and Olivier De Schutter, taking into account all of those various studies on Human Dignity, welfare states, and poverty. We can devise a table of evaluations that will be used as the methodology for working on the case study.⁴⁸⁰ The first methodology allowed us to comprehend the general criteria that should be protected in others to uphold one's human dignity and achieve both autonomy and mutuality in the specific context of welfare states⁴⁸¹. Since a human is a rational being, free of choice but living in a society where human life also means socialisation. Those categories are physical and psychological well-being, fulfilling duties, social integration, Human Flourishing, self-determination and equal value. Those categories reflect the opportunities that the government should provide to recipients of welfare policies to aim for autonomy and mutuality and to promote respect and social participation in society. These elements are necessary to improve human dignity and serve as a foundation for assessing how welfare states respond to and advance human dignity. Those categories imply a form of direct consequences on social policies. For instance, a policy must ensure that financial aid is enough to cover essential needs. A policy must ensure that the image of the recipient in the society is positive and allow them to integrate in the social life⁴⁸². Those categories will be used to look at whether the RSA allows and respects it. Therefore, studying the law text and the arguments both from the government authorities, the opposition to this reform and people living in poverty, we will try to answer those categories one by one, applying them to the reform.

The second methodology allows going further into the duty of government when it comes to social policies. It's defined beforehand that human dignity is a systemic violation of human dignity that states should tackle and protect individuals from. Moreover, putting those dimensions in parallel to the previous categories, we see that poverty stops those categories from being achieved due to the various discrimination, deprivation and suffering that come with living in poverty. The hidden dimension of poverty⁴⁸³ will be directly integrated into the analysis of the policy in the case study. Still, in the following table, I wanted to show clearly which categories correspond to which dimension. Each of the nine categories falls into one of the evaluating categories, demonstrating the high impact of poverty on (social) Human Dignity.

Moreover, one dimension does not strictly correspond to only one category of evaluation. Disempowerment falls into self-determination due to the constrained choice and dependency on others when you live in a financially insecure environment. Moreover, dependency on someone for financial and social survival takes away one's autonomy in many ways. Social Mistreatment and Institutional mistreatment are a bit trickier as they fit into almost every single category. Indeed, the abuse and discrimination from institutions and informal social groups impact social integration, equal value, and self-determination, as the choices are once again restricted. Material and social privations are other ones that fall into almost every category; being denied access to essential goods and services affects particularly one's physical and psychological well-being.

⁴⁸⁰See 4.3.3, b, i. p97-98.

⁴⁸¹R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019.

⁴⁸²R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019.

⁴⁸³R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019.

It also particularly impacts the capacity to fulfil their social duties (due to a lack of access to quality schooling) and human flourishing (as when one is surviving, they do not have time to develop their non-survival capacity). This suffering is projected through mind, body and soul since poverty has been proven to have many detrimental effects on one's mental and physical health⁴⁸⁴. Not every category was used as some do not apply to my current case study or wouldn't be possible to measure (modifying factors, struggle and resistance).

The study of Olivier De Schutter's⁴⁸⁵ 'anti-poor prejudice' study was fascinating to further our understanding of the systematic discrimination that people living in poverty face, defining the systemic oppression that resulted from a highly neoliberal world. I did not create a separate category for this characteristic but instead added it to the hidden dimension of poverty, which already mentions the socio-economic dimension. Therefore, the 'anti-poor' prejudice is integrated into the category of 'social integration'. Indeed, the constant discrimination and negative perception of people living in poverty do not allow them to integrate and be sociable fully. There is a social policy that points out that Human Dignity should aim at reducing discrimination. It also fits into the 'equal categories' values. Indeed, the anti-poor prejudice not only impacts socialisation and the image of the recipient, but it also has a direct impact on how they are treated as less equal by society. This directly comes back to institutional and social mistreatment. Therefore, in both cases, a social policy should aim at tackling the prejudice and discrimination faced by people living in poverty.

b. Analysing the findings: does the RSA promote and respect Human Dignity?

The table of evaluation applied to the case study⁴⁸⁶ allows us to see that more elements seem to violate than to advance. Social Human Dignity. This is mainly because the RSA income is insufficient to overcome poverty, especially the fact that it can be suppressed. In both cases, the individual faces the violation due to living in poverty and the fear of the situation worsening in case of a sanction. There are two types of breaches of human dignity, one of which is directly linked to the policy, and the other is the issue of rendering social benefits highly conditional. The second concerns the issue with the RSA as a social policy and its reform, which does not allow people to escape poverty. We saw that social policies should aim to further one's human dignity and aim to fight against poverty, as it is a constant violation of one's dignity. However, in this case, the social policy only allows one to survive financially and socially barely⁴⁸⁷.

i. Physical and Psychological well-being:

First, this reform does not protect one's physical and psychological well-being as it is a survival income that can be taken away. Meeting one's needs for food and health is not a conditionality. It is a human right that allows one to live in dignity. However, many individuals argue that the RSA in itself is not enough to live. This was already too low of an income to protect the individual's dignity.

⁴⁸⁴ For more precision about the categories, see:

⁴⁸⁵R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019.

⁴⁸⁶See Annex IV, p131..

⁴⁸⁷See annex VII, p142, for table of evaluation.

The fact that it can be suppressed and is conditional is already a clear violation of Human Dignity and as recipients put it, “avec le RSA on ne vit pas, on survit” (with the RSA, we don’t live, we survive)⁴⁸⁸. Moreover, a social policy that protects human dignity should ensure that one has enough financial support to cover essential needs. Those who receive the RSA are considered too financially insecure to do so and, therefore, receive economic benefits. Yet, due to the complexity of the administrative process, even before the reform, there was a high number of non-recourse⁴⁸⁹. Non-recourse refers to those who could benefit from the RSA. There is not one single explanation for non-recourse. Some individuals do not have access to transportation to join their social centres. However, receiving the RSA is a complicated administrative path that means many meetings and constant reunions to prove that they deserve this income, do not know their rights, and are not well-informed or oriented. Recipients of the RSA described it as “Parcours du combattant”(obstacle course)⁴⁹⁰, and in 2018, 34% of the households eligible to receive the RSA did not make recourse to it⁴⁹¹. This illustrates once again the importance of institutional mistreatment against people living in poverty, that these reforms only increase. Indeed, one now has to reach the 15 hours required to write a logbook and regularly report to one's orientation advisor.⁴⁹² This reform only complicates the access to financial aid, which would allow individuals to cover their essential needs barely. A recent study showed that the number of non-recourse cases has increased since the new reform due to the conditionality and strict sanction that can be given to one. It added that the number of individuals joining the job market hasn't increased yet⁴⁹³.

⁴⁸⁸Michel N., quoted in "Avec le RSA, on ne vit pas, on survit," Le Monde, June 1, 2010, last modified June 2, 2010, https://www.lemonde.fr/politique/article/2010/06/01/avec-le-rsa-on-ne-vit-pas-on-survit_1366247_823448.html.

⁴⁸⁹R. Bray, M. de Laat, X. Godinot, A. Ugarte, and R. Walker, 2019.

⁴⁹⁰The translation doesn't quite convey the hardship meant by this term: “*parcours du combattant*” is literally understood as “Warrior’s course”. A 34 Women, receiving the RSA following a burnout says: “Etre au RSA c’est un parcours du combattant”, she describes her obstacle course: “*Pendant 2 ans et demi j’ai été baladée de conseillers en conseillers, j’ai été intégrée à des parcours qui ne me convenaient pas. Les seules qui m’ont aidé comme elles l’ont pu ont été les assistantes sociales de la structure qui me suit et qui ont compris que j’étais en détresse psychologique, elles m’ont donc orienté dans un parcours santé. Pour justifier le parcours santé, il faut que votre médecin, ici en l’occurrence ma psychiatre, remplisse un document qui atteste votre maladie. Il faut savoir également qu’étant au RSA j’ai obligation d’avoir à jour mon contrat avec le département sinon plus de RSA. Donc tous les 3 ou 6 mois j’ai un rendez-vous avec une assistante sociale pour parler de moi, ma santé, mes projets. Je dois en gros dire ce que je compte faire, c’est comme si j’avais des devoirs à remplir et si je ne l’ai fait pas, le département peut me tomber dessus. A chaque rendez-vous c’est un stress en plus, parce que oui ça va faire 4 ans mais je sors à peine la tête de l’eau depuis quelques mois. Je ne peux pas encore travailler mais je me fixe comme objectif de passer mon permis, pas évident quand on est au RSA mais à 34 ans on demande à maman un « crédit »*”.

Translation: “For 2 and a half years I've been bounced from counsellor to counsellor, I've been put on paths that didn't suit me. The only people who helped me as much as they could were the social workers at the organisation that follows me, who realised that I was in psychological distress, so they referred me to a health pathway. To justify the health pathway, your doctor, in this case my psychiatrist, has to fill in a document certifying your illness. You should also know that as I'm on RSA, I'm obliged to keep my contract with the département up to date, otherwise I won't get any more RSA. So every 3 or 6 months I have an appointment with a social worker to talk about myself, my health and my plans. Basically, I have to say what I'm going to do. It's as if I've got homework to do, and if I don't do it, the department can come down on me. Each appointment is even more stressful, because yes, it's been 4 years, but I've only just got my head above water in the last few months. I can't work yet, but I've set myself the goal of getting my driving licence, which isn't easy when you're on RSA, but at 34 you're asking your mum for a ‘loan’”

⁴⁹¹Cyrine Hannafi, Rémi Le Gall, Laure Omalek, and Céline Marc, "Mesurer régulièrement le non-recours au RSA et à la prime d'activité: méthode et résultats," DREES, Les Dossiers de la DREES 92 (2022), accessed September 10, 2024, <https://drees.solidarites-sante.gouv.fr/publications-communique-de-presse/les-dossiers-de-la-drees/mesurer-regulierement-le-non-recours-au->

⁴⁹²Ministère des Solidarités, de l'Autonomie et de l'Égalité entre les femmes et les hommes. “Accompagner les bénéficiaires du RSA.” Ministère des Solidarités et des Familles. Accessed September 27, 2024. <https://solidarites.gouv.fr/accompagner-les-beneficiaires-du-rsa>.

⁴⁹³Johanna Buchter, Arthur Delaporte, Simon Rumel-Sixdenier, and Guillaume Mathelier, "Face à la casse du RSA, nous opposons la nécessaire mise en place d'un revenu minimum d'existence," Fondation Jean Jaurès, September 14, 2023, accessed September 10, 2024,

Furthermore, when one lives in poverty, he does not contribute to the pension fund. Therefore, they have reduced access to social security even if they work for 15 hours a week. A policy that respects one's dignity should ensure access to social security and health care. Moreover, as we defined before, the calculation of the RSA remains under the poverty line; this means it does not protect the recipient from the various violations of Human Dignity that come with a life in poverty. The primary violation found in this category is material privation. A social policy that upholds human dignity entails providing adequate funds to meet necessities as well as for healthcare, worker training, decent housing, and a balanced diet. Nevertheless, when one has insufficient and insecure income, access to these necessities is challenging, if possible. When living in poverty, there is a lack of adequate housing with energy poverty, lack of access to sanitation, and difficulty in meeting their needs and covering basic expenses. There is a lack of proper clothing, intimacy, and lack of resources can also mean a dangerous environment where health can deteriorate⁴⁹⁴. With poverty comes an endangered health and a shortened lifespan. There is a lack of access to preventive care, mental health care and therapy. The constant worry about how to make ends meet and survive the month means a more heightened chance of getting mental health issues like anxiety, depression, addiction... In France, mental and dental care are some of the most expensive and less accessible ones. This shows that in terms of physical and psychological well-being, the new reform violates Human Dignity. Once again, their situation is already one of survival, a condition that could worsen if their income is suppressed. Human rights and survival income become conditioned to one's capacity to work for 15 hours a week without considering the reason for living with RSA. Many individuals are unable to work due to mental and physical issues or personal responsibility (taking care of a family member) because losing their survival income would be a catastrophe⁴⁹⁵. For instance, Raphaël⁴⁹⁶ lives with the RSA. He lives in the countryside and doesn't possess a driving licence. Losing the minimum income for him would mean becoming homeless⁴⁹⁷. There are some positive aspects that seem to be going in the direction of protecting Human Dignity, such as offering a minimum income to cover one's essential needs, allowing them to survive, and providing minimum access to social security. However, the conditionality of such rights makes those positive aspects too weak. The reforms do not protect human dignity in the sense of assuring one's physical and psychological well-being.

<https://www.jean-jaures.org/publication/face-a-la-casse-du-rsa-nous-opposons-la-necessaire-mise-en-place-dun-revenu-minimum-dexistence/>.

⁴⁹⁴Cyrine Hannafi, Rémi Le Gall, Laure Omalek, and Céline Marc, "Mesurer régulièrement le non-recours au RSA et à la prime d'activité: méthode et résultats," DREES, Les Dossiers de la DREES 92 (2022), accessed September 10, 2024, <https://drees.solidarites-sante.gouv.fr/publications-communique-de-presse/les-dossiers-de-la-drees/mesurer-regulierement-le-non-recours-au->

⁴⁹⁵ It is important to note that we assist at a conditionalisation of a survival income in a dreadful economic times when we witness an inflation in every single essential needs categories: In 2023, the price of food increased from 18%, energy product and electricity of 10% last august, that add to the 15% augmentation last February, of 7.1% of the price of rent. In total, price in July 2023 are 12% higher than in January 2020. And while the cost of life increase, the survival income doesn't, becomes conditional (Solidaires. "Réforme du RSA: Contre l'exploitation de la misère sociale." Solidaires. Accessed September 10, 2024. <https://solidaires.org/sinformer-et-agir/actualites-et-mobilisations/locales/reforme-du-rsa-contre-lexploitation-de-la-misere-sociale/>.)

⁴⁹⁶Raphaël, quoted in: "RSA: Témoignages de Bénéficiaires Qui Racontent Leurs Galères," Frustration Magazine, accessed September 9, 2024, <https://www.frustrationmagazine.fr/rsa-temoignages/>.

⁴⁹⁷Full quotation: "Simple : si on me retire le RSA alors que je vis en campagne, j'ai pas le permis j'ai pas le choix de survivre avec 500 euros de merde ! je suis obligé de me nourrir qu'avec de la merde surgelée, je peux rien faire ! Donc simple si on me le retire je deviens SDF (...) Déjà que j'ai pas d'avenir si en plus on m'empêche de vivre avec le minimum (...)" Translation: 'Simple: if the RSA is taken from me even though I live in the countryside, I don't have a driving licence, I have no choice but to survive on 500 euros worth of shit! I'm forced to feed myself on frozen shit, I can't do anything! So if they take it away, I'll be homeless (...) I've already got no future if they don't let me live on the minimum (...)'.

ii. Fulfilling duties:

In terms of fulfilling duties, the RSA should ensure that individuals can fulfil their social responsibilities. This is especially concerning the care and support parents provide for their children, as well as good access to education. On a positive note, single parents with children are excluded from having to work between 15 and 20 hours to receive the RSA. However, this does not consider a couple with children, where two may be sharing responsibility. If the mother, for instance, stays at home and receives the RSA while the father works, she is now obliged to be employed and can no longer take care of the kids. Mothers sometimes receive the RSA while being in a couple with a working partner, but as individuals, they lack enough time to take care of their children. Women make up 54% of the RSA recipients. Forcing those 15 hours of work means they will no longer be able to stay home when needed, and this might create new spending for childcare⁴⁹⁸. For instance, there is the testimony of a woman who cannot work due to having to take care of her disabled child. She asks “*Si on me supprime le RSA, comment vais-je pouvoir subvenir aux besoins de ma famille ?*”⁴⁹⁹ (if we suppress the RSA, how will I be able to provide for my family). This means either having to pay for a nanny or put the children in kindergarten. Even if kindergarten is free, this can add to the overall costs of the family, in terms of transportation and so on⁵⁰⁰... Moreover, multiple studies have proven the discrimination that appears in education for Children living in poverty. Here are forms of high trauma and discrimination that may push parents to keep their children away from school and heighten the possibility of intergenerational reproduction of poverty. When living in poverty, there is a lack of access to non-discriminatory education. Once again, to respect one’s Human Dignity, a social policy and a welfare government should ensure that individuals can fulfil their duties. Here, it focuses on the fulfilment of their duties as parents, and the RSA does not make the following possible: it does not take into account the various parents’ situations. It does not allow parents to live above the line of poverty. Therefore, children find themselves living in poverty, too. Poverty weakens the ties and harmony within the family due to the high level of placement that is really quick instead of trying to find a family solution. The ability to fulfil one’s duties towards family ties is deeply important in protecting one’s dignity, and the RSA policy and reform do not allow this; therefore, they also violate human dignity in this category.

iii. Human Flourishing:

In terms of Human Flourishing, this is a more tricky category. On the one hand, it does bring new skills through the formation. However, the obligatory dimension of those new skills to keep one’s survival income hurt one’s autonomy, as well as one’s equal value within society. On the other hand, since one remains living under the line of poverty and could fall further into a precarious financial situation, having to work day to day to survive means less time for non-survival skills. Moreover, there is the issue of unrecognised competencies, what they do to survive and resist poverty, the importance of solidarity and aid they might give to each other. It gives a terrible reflection on oneself to constantly be talked about as a “freeloader”.

⁴⁹⁸“RSA: Témoignages de Bénéficiaires Qui Racontent Leurs Galères,” *Frustration Magazine*, accessed September 9, 2024, <https://www.frustrationmagazine.fr/rsa-temoignages/>.

⁴⁹⁹ Louise, quoted in: “RSA: Témoignages de Bénéficiaires Qui Racontent Leurs Galères,” *Frustration Magazine*, accessed September 9, 2024, <https://www.frustrationmagazine.fr/rsa-temoignages/>.

⁵⁰⁰ATD Fourth World, *Building a Future Without Poverty for Children: Parents and Society Together*, ed. Moya Amateau, Celestine Greenwood, Naomi Norberg, interpretation and translation by Marjorie Orcullo and Robyn Vogel (2024).

Camille explains that many people that live with the RSA have an important role in associative work, but it isn't recognised. Camille says that *“Le poids des personnes au RSA dans l'associatif n'est jamais pris en compte quand on nous traite de profiteurs.”*⁵⁰¹ This also reflects on their social integration, and the mental-well being, being constantly treated as “freeloader” has an impact on the way society looks at people living with RSA and treats them (social mistreatment) and the way individuals see themselves, creating feelings of shame and hopelessness. All those categories are interdependent and feed off each other.

iv. Social integration:

Social integration is highly negatively impacted by these reforms, especially due to the public discourse on these reforms. Some of the highest authorities in France, from the former Prime Minister Elizabeth Borne to the French President, said publicly many times that this was a way to deal with individuals who abuse the social system. It was a way to stop people who did not want to work to enjoy the fruits of labour of the ‘hard-working’ French. President Macron said :*«Si [ceux qui n'ont pas de travail, ndlr] veulent profiter de la solidarité nationale pour réfléchir à [leur] vie, j'ai du mal à l'entendre. Parce que cette solidarité nationale, c'est ceux qui bossent qui la paient.»*⁵⁰² He accuses those who receive the RSA from those who work and pay for national solidarity and this is something he cannot accept. This highly reinforces the “Anti-poor prejudice”, presenting those who are long-term unemployed and need the RSA as “lazy”, and “unwilling to work”. It then, in return justifies the social and institutional mistreatment that they receive. They end up being seen by the public as being complacent and only wanting to be assisted by the social system. It does not tackle any of the systemic issues as presented by Olivier de Schutter in the employment market⁵⁰³. It does not challenge the prejudice employers have towards people who have gone through long-term unemployment, on the contrary, it reinforces them. It also affects the natural feeling of belonging to the environment as humans are born in society. They are by default social, so feeling as an outsider enhances the difficulties of survival too.

v. Self Determination:

Self-determination is essential when discussion the violation of Human Dignity. Here, autonomy is not respected, and one cannot self-determine in his job, as if refused the job offered, they will lose the income. Once again, it is considered that human rights because they are financial and social somehow can be conditional and that this does not impact human dignity, however, I spent the better half of this chapter proving the contrary. The feeling of powerlessness that living in poverty creates due to financial dependency will therefore be increased by this reform. First, the isn't sufficient, and now, it creates an obligation to take underpaid work. Moreover, this law was fully constructed without the first concern, people living in poverty.

⁵⁰¹Camille, quoted in: "RSA: Témoignages de Bénéficiaires Qui Racontent Leurs Galères," Frustration Magazine, accessed September 9, 2024, <https://www.frustrationmagazine.fr/rsa-temoignages/>.

⁵⁰²President Emmanuel Macron, quoted in: Libération, “RSA sous condition : le gouvernement compte lancer une expérimentation à l'automne,” Libération, accessed 25 September 2024. https://www.liberation.fr/economie/social/rsa-sous-condition-le-gouvernement-compte-lancer-une-experimentation-a-lautome-20220804_6H6EIOCUGVARTBAPDMCOYC5QUQ/.

⁵⁰³Olivier De Schutter, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America, UN Human Rights Council, Seventy-seventh session, July 13, 2022. A/77/157. , <https://www.ohchr.org/en/documents/reports/a-hrc-38-33-add-1>.

When looking at the debate we see that there wasn't any committee created addressing poverty, non-governmental organisations that have direct access to people living in poverty weren't at all consulted in the process making of such a law and when we read an article about this law, the people living in poverty are rarely ever questioned about how they feel. However, there are some elements of self-determination that could be seen. Indeed, the social diagnostic is individualised and supposed to be adapted to one's social and financial needs and interests. However, this is complicated by the lack of resources and professionals given to put this reform into practice. This also highly illustrates the issue of institutional mistreatment being justified by social mistreatment, the view of people living with the RSA is of those refusing to work. However, there are many situations, and most people who live with the RSA without a job are actually unable to work. It can be a mental or physical health issue,, it can be a personal responsibility over a family member, or it can lack of common transportation or private transportation.

There is not one single type of person that possesses the RSA, but the fact is that the number of those who fraud and profit from the RSA are amplified⁵⁰⁴. non-recourse to the RSA is actually superior to fraud. This is a discourse purposefully done to justify institutional mistreatment⁵⁰⁵. It also justifies the social mistreatment that we mentioned in the previous category "social integration". Moreover, there is the issue of lacking access to dignified works (that comes back to the dimension of poverty: social and material privation). Many RSA recipients describe a situation of exploitation terrible working conditions that made them give up on finding a job. Most individuals would like to work to achieve financial dependency and self-determination, but the choices are once again, limited and constrained. There is a high feeling of disempowerment that this policy does not tackle, on the contrary seems to increase. It is important to note that there is a form of individualised guidance that is put forward, and certain individuals have mentioned to feel useful and integrated to the society when doing those 15 hours of work. However, the Jean Jaures study shows that those 15-hour-long jobs do not result in a majority of cases in employment. This allows employers to live off the short term, producing a very inexpensive labour force instead of opening a real job to fill those places. Therefore, it does not improve the job market effectively. Individuals have mentioned, "*si tu veux me faire travailler, pourquoi pas me donner un vrai job alors?*" But may they also say that they want to work in a dignified and decent manner⁵⁰⁶.

vi. Equal Value:

Finally, the last category concerns equal value and inherent human dignity, which aims to protect our universal equality, autonomy and freedom. Equal value is something that politicians should cultivate while making social policies, making sure that their policies do not place part of society on a lesser foot than others. It is complicated to argue that it gives an equal value to people who are recipients of the RSA, mainly due to the violent image that has been cultivated against them.

⁵⁰⁴See annex V, p141.

⁵⁰⁵Yannick L'Horty, Rémi Le Gall, and Sylvain Chareyron, "Au-delà de la fraude sociale, le non-recours à l'allocation pose un problème bien plus important," The Conversation, June 24, 2022, <https://theconversation.com/au-dela-de-la-fraude-sociale-le-non-recours-a-l-allocation-pose-un-probleme-bien-plus-important-184061>

⁵⁰⁶ATD Quart Monde, "Un travail digne pour toutes et tous," ATD Quart Monde, accessed September 10, 2024, <https://www.atd-quartmonde.org/un-travail-digne-pour-toutes-et-tous/>.

They have been presented as “lazy”, “unwilling to work”, “and taking money from the hard-working French people”. Moreover, there is a lack of recognition of what they do every day. Their struggle and battle aren’t considered as worthy because of the need for social benefit. The way this policy has been presented is in a humiliating, disrespectful manner. It violates freedom and autonomy, as well as the equal dimension of human dignity. It creates a form of discrimination against the recipient of the RSA by creating a public discourse around them that is highly negative, which reinforces social mistreatment. Finally, once again, the RSA maintains individuals in situations of poverty and, with the conditionality, could make it even worse. Inequality of treatment is a significant cause of poverty and can take two primary forms: institutional and social mistreatment. When institutions impose these conditionalities, they fail to address the needs of those living in poverty, which is what is meant to be the case when it comes to institutional mistreatment. It doesn’t tackle systemic discrimination, nor the discrimination within the institution. It is based on the idea that long-term unemployment is a choice. However, people living in poverty, on the contrary, usually claim they want to work and have access to a decent job. Usually, they do not have access to such opportunities. They can no longer refuse those jobs, and it ends up violating their autonomy, equality, freedom and especially their Human Dignity.

To conclude, even though there are some positive aspects of going back to work. This welfare policy do not outweigh the negative impact of rendering access to a survival income conditional. It makes it no longer a human right but first an obligation rather than a right: « *La logique qu’on porte, c’est celle de dire que les devoirs ouvrent les droits, et non l’inverse. Ce ne sont pas les droits qui ouvrent les devoirs* »⁵⁰⁷, according to Prime Minister Gabriel Attal, illustrates once again how the discrimination and prejudice against people living in poverty and needing to receive the RSA is deeply ingrained and accepted at all levels of governance. This reform does not fit into the protective narrative of Human Dignity, even if it uses it as a justification. It further the privations of individuals living in poverty, their fear and anxieties, and it increases their negative perception and the overall ‘anti-poor prejudice’ in the public discourse, justifying more institutional and social mistreatment. It fits into a general neoliberal trend within French social policies. With policies such as the liberalisation and privatisation of hospitals, the French school system... Human dignity as a social policy tool might remind the government of its commitment to human life before the world economy, a commitment they legally engaged themselves in international, national and European law⁵⁰⁸.

⁵⁰⁷Gabriel Attal, Quoted in: "Réforme du RSA : voici la liste des 47 départements concernés par l'expérimentation." *Le Parisien*, March 2, 2024. <https://www.leparisien.fr/economie/emploi/reforme-du-rsa-voici-la-liste-des-47-departements-concernes-par-l-expérimentation-02-03-2024-QTOSFZNBBRFLCYW6MRDORS66A.php>.

⁵⁰⁸Brookes, K. (2021). *The Spread of Neoliberalism in French Public Policies: Is There a French Exception?* In: *Why Neo-Liberalism Failed in France*. Palgrave Studies in Classical Liberalism. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-82188-3_3

Conclusion:

This thesis has sought to answer two questions, first can human dignity serve as a viable framework for evaluating social policies? Secondly, how to apply this framework to a specific policy reform and asking whether or not these policies respect Human Dignity. This analysis revealed that Human Dignity is not only relevant but crucial when faced with social issues. Indeed, in an ultra-neoliberal world, it is important to remind ourselves constantly that social rights are Human Rights. There is a clear tendency to condition Social Rights and present them as an individual responsibility, erasing the constant systemic abuse and the roots of international socio-economic inequalities. It shows strikingly that except for a few exceptions, Human Dignity isn't associated with social rights in the national constitution. And while there is a link between social rights and Human Dignity in the UDHR. It lacks clear and generalised social standards. It allows for situations of extreme poverty that aren't tackled properly in government that nevertheless are committed at all legal levels to the protection of Human Dignity.

Human Dignity serves as a reminder of our intrinsic value as people and our entitlement to a life of dignity. A value that isn't only moral but a legal duty from States authorities. Thus, it is the responsibility of the government and authorities to guarantee that every citizen has access to enough resources and income to lead a life of dignity. Social policies should aim at offering equal access to goods and services to all its citizens. It should fight against socio-economic discrimination in all its forms, not strengthen it. The findings show that the current political trends of conditioning financial aid violate Human Dignity in various dimensions. Therefore, the specific case of the RSA Reform, which conditions survival financial aid to 15 hours of unpaid work, violates Human Dignity as well. Indeed, the amount of the income does not allow one to tackle their fundamental need, and furthermore the fact that such a survival income could suppress is a clear violation of Human Dignity. This social reform does not protect, and uphold people experiencing poverty's dignity. This thesis contends that Human Dignity was found not only to be crucial in the social policies and the fight against poverty, but crucial to remind us, as humanity, that social rights aren't less important than civil or political rights. They are inherent parts of our Human Dignity. Moreover, on the practical level it is a more than useful guiding principle to assess the impact on people living in poverty and their everyday condition outside the labour logic that underpin this particular reform.

The scope of study is restricted to specific legal and philosophical interpretation, it is a highly western, if European-centric study. These limitations are explained by the fact that the case study was focused on a European Country, why a long philosophical tradition. Therefore, to give a relevant definition of Human Dignity, to our case study, certain geographical choices had to be made. However, this does not allow us to look at the others, non-western understanding of Human Dignity, that was ultimately encountered when working on the textual analysis of Human Dignity. Human Dignity comes from the latin "*dignitas*", however, other interpretations existed before the Latin languages itself.

By comparing and expanding our understanding of Human Dignity to non-western traditions, it would allow us to expand the application of Human Dignity to non-western systems. For instance, in the Egyptian Empire, the idea of Human Dignity is intimately linked to the godly figure of Ma'at⁵⁰⁹. She is a personification of truth, balance, harmony, and divine order. Ma'at was not only a principle of justice but also guided individual and collective ethical conduct. James Ferguson⁵¹⁰ suggests that reflecting on the natural order in Ancient Egypt, we not only found a conceptualisation of Human Dignity close to our contemporary understanding but an idea of individual worth intrinsically linked with our relationship with Human Justice, intergenerational justice, justice, nature, and the ecological need for sustainability. This non-western perspective, is only one of many and already offers us the possibility to debate on the deeply rational and anthropocentric understanding of Human Dignity, and opens questions about how much of our Human Dignity can we protect, if we don't protect the environment it lives in.

⁵⁰⁹“The Instruction of Amenemope.” In *The Context of Scripture*, Vol. 1, edited by William Hallo and K. Lawson Younger, 116–122. Leiden: Brill, 2003.

⁵¹⁰Ferguson, R. James. *The Ancient Egyptian Concept of Maat: Reflections on Social Justice and Natural Order*. Research Paper Series, no. 15. Centre for East-West Cultural & Economic Studies, Bond University, 2016, 1-81.

Bibliography:

Primary Sources:

Aquinas, Thomas. *Summa Theologiae*, vol. 14–22. Nürnberg: Anton Koberger, 1496.

Arendt, Hannah. *The Origins of Totalitarianism*. Cleveland and New York: The World Publishing Company, 1958.

Aristotle, *Nicomachean Ethics*, trans. W. D. Ross (Kitchener: Batoche Books, 1999).

Assembly of the Republic. *Constitution of the Portuguese Republic*, April 2, 1976 (as amended to 2005).
<https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf>.

Augustine, Saint. *City of God*. Translated by Marcus Dods. New York: The Modern Library, 2002.

Belgian House of Representatives. *The Belgian Constitution*, February 17, 1994.
https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

Bernardi, Bruno, ed. *Jean Jacques Rousseau: Du Contrat Social*. Paris: Flammarion, 2011.

Bernède, Marianne. *Le RSA, une révolution sociale*. Paris: Edition Autrement, 2008.

Bouyid v. Belgium, Grand Chamber, European Court of Human Rights, Application No. 23380/09. Judgment, Strasbourg, 28 September 2015.
[https://hudoc.echr.coe.int/eng#%7B%22itemid%22:\[%22001-157670%22%7D](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-157670%22%7D)].

Buchter, Johanna, Arthur Delaporte, Simon Rumel-Sixdenier, and Guillaume Mathelier. "Face à la casse du RSA, nous opposons la nécessaire mise en place d'un revenu minimum d'existence." *Fondation Jean Jaurès*, September 14, 2023. Accessed September 10, 2024.
<https://www.jean-jaures.org/publication/face-a-la-casse-du-rsa-nous-opposons-la-necessaire-mise-en-place-dun-revenu-minimum-dexistence/>.

Charrak, André, ed. *Jean Jacques Rousseau: Émile Ou de l'éducation*. Paris: Flammarion, 2009.

Cicero, Marcus Tullius. *De Officiis*. Translated by Walter Miller. Cambridge: Harvard University Press, 2005.

Cicero, Marcus Tullius. *On Ends*. Cambridge, MA: Harvard University Press, n.d.

Cicero, Marcus Tullius, and Clinton Walker Keyes. *De Re Publica ; De Legibus*. Cambridge, MA: Harvard University Press, 1961.

Cicero, Marcus Tullius. *M. Tulli Ciceronis de Domo Sua ad Pontifices Ratio*. Oxford: Clarendon Press, 1939.

Cicero, *On Duties*, trans. Walter Miller (Cambridge, MA: Harvard University Press, 1913).

Constitution of the Italian Republic, January 1, 1948, https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf.

Constitution of 1812 (Cadiz Constitution), accessed September 16, 2024, https://en.wikisource.org/wiki/Spanish_Constitution_of_1812

Conseil Constitutionnel. Décision n° 94-343/344 DC du 27 juillet 1994, Loi relative au respect du corps humain et loi relative au don et à l'utilisation des éléments et produits du corps humain, à l'assistance médicale à la procréation et au diagnostic prénatal. Available at: https://www.conseil-constitutionnel.fr/decision/1994/94343_344DC.htm.

Conseil Constitutionnel. Décision n° 94-359 DC du 19 janvier 1995, Loi relative à la diversité de l'habitat. Available at: <https://www.conseil-constitutionnel.fr/decision/1995/94359DC.htm>.

Congreso de los Diputados. Spanish Constitution, December 29, 1978. https://www.congreso.es/constitucion/ficheros/c78/cons_ingl.pdf.

Congress.gov. "H.R.3734 - Personal Responsibility and Work Opportunity Reconciliation Act of 1996." 104th Congress 1996. Accessed September 9, 2024. <https://www.congress.gov/bill/104th-congress/house-bill/3734>.

Covenant of the League of Nations, accessed August 13, 2024, <https://www.ungeneva.org/en/about/league-of-nations/covenant>.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 December 1984, General Assembly resolution 39/46. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, United Nations General Assembly. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

Convention on the Rights of Persons with Disabilities, adopted 13 December 2006. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

Convention on the Rights of the Child, adopted 20 November 1989. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

Croatian Parliament. The Constitution of the Republic of Croatia, December 22, 1990 (as amended to 2010). https://www.sabor.hr/sites/default/files/uploads/inline-files/CONSTITUTION_CROATIA.pdf

Déclaration des droits de l'homme et du citoyen (DDHC). Extrait des procès-verbaux de l'Assemblée nationale, des 20, 21, 22, 23, 24, 26 août et 1er octobre 1789. Paris: Baudoin, 1789.

De Schutter, Olivier. Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to the United States of America. U.N.U.N. Human Rights Council, Seventy-seventh session, July 13, 2022. A/77/157. <https://www.ohchr.org/en/documents/reports/a-hrc-38-33-add-1>.

Diderot, Denis, and Jean le Rond d'Alembert. *Encyclopédie: Ou dictionnaire raisonné des sciences, des arts et des métiers*. Edited by Alain Pons. Paris: GF, 1986. ISBN 9782080704481.

Diderot, Denis, Antoine Petit, Charles Gabriel Venel, Charles Georges Le Roy, Louis de Jaucourt, Edme Mallet, et Antoine Boucher d'Argis. "L'Homme (Morale)." In *Encyclopédie*, 35 vols. Paris, 1751–1772.

Diderot, « Pyrrhonienne ou Sceptique, philosophie », in *Encyclopédie*, 35 vols. Paris, 1751–1772.

Diderot, Petit, Venel, C. G. Le Roy, Jaucourt, Mallet, Boucher d'Argis, «L'Homme (Morale)», in *Encyclopédie*, 35 vols. Paris, 1751–1772.

Dossetti Giuseppe, *Scritti politici 1943-1951*, ed. Giuseppe Trotta (Genova: Marietti, 1995), accessed September 15, 2024, <https://www.dossetti.eu/1995-giuseppe-dossetti-scritti-politici-1943-1951/>.

Directive 2006/54/E.C.E.C. of the European Parliament and of the Council of July 5 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Article 2: definition, paragraph (c), and (d).

Directive 2012/29/E.U.E.U. of the European Parliament and of the Council of October 25 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/J.H.A., Art.16.

Dumarsais, César Chesneau. "Le Philosophe." In *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers*, par une société de gens de lettres, edited by Denis Diderot and Jean le Rond d'Alembert, Vol. 12. Neuchâtel: Société typographique, 1778–81.

European Union. Charter of Fundamental Rights of the European Union, October 26, 2012. Official Journal of the European Union C 326/391.

European Union. Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, December 13, 2007. Official Journal of the European Union C 306, December 17, 2007.

European Union. Treaty on the Functioning of the European Union, March 25, 1957. Official Journal of the European Union C 326, October 26, 2012.

European Charter of the Rights and Responsibilities of Older People in Need of Long-Term Care and Assistance, June 2010. Available at: https://www.age-platform.eu/sites/default/files/22204_AGE_charte_europeenne_EN_v4.pdf.

European Court of Human Rights. *Convention for the Protection of Human Rights and Fundamental Freedoms*. Accessed 8/8/2019. https://www.echr.coe.int/documents/d/echr/Convention_ENG.

European Court of Human Rights. K.A. et A.D. c. Belgique, 17 February 2005. In *Recueil Dalloz* 2005: 2973. Commentary by M. Fabre-Magnan, "Le sadisme n'est pas un droit de l'homme."

Fabre-Magnan, M. "Le sadisme n'est pas un droit de l'homme." *Recueil Dalloz* 2005: 2973.

Fanon, Frantz. *The Wretched of the Earth*, trans. Richard Philcox (New York: Grove Press, 2004).

Federal Ministry of Justice. Basic Law for the Federal Republic of Germany, May 23, 1949, last amended September 28, 2020. https://www.gesetze-im-internet.de/englisch_gg/.

Ficino, Marsilio. *Platonic Theology, Volume 1: Books I–IV*. Edited by James Hankins. Translated by Michael J. B. Allen. Cambridge, MA: Harvard University Press, 2001.

France. Loi n° 2023-1196 du 18 décembre 2023 pour le plein emploi. JORF n°0293, 19 décembre 2023, texte n° 2. E.L.I.: <https://www.legifrance.gouv.fr/eli/lo>

Frustration Magazine. "RSA: Témoignages de Bénéficiaires Qui Racontent Leurs Galères." Accessed September 9, 2024. <https://www.frustrationmagazine.fr/rsa-temoignages>

Germany. Weimarer Reichsverfassung. 1919. Amended 2017. Accessed 8/8/2019. https://www.jura.uni-wuerzburg.de/fileadmin/02160100-muenkler/Verfassungstexte/Die_Weimarer_Reichsverfassung_2017ge.pdf.

Griffin, Miriam. "Dignity in Roman and Stoic Thought." In *Dignity: A History*, edited by Remy Debes, 47–65. Oxford: Oxford University Press, 2017.

Grotius, Hugo. *On the Law of War and Peace*. Edited by Stephen C. Neff. Cambridge: Cambridge University Press, 2012.

Hellenic Parliament. *The Constitution of Greece*, June 11, 1975 (as revised by the parliamentary resolution of May 27, 2008). <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>.

International Covenant on Civil and Political Rights (ICCPR). United Nations, Treaty Series, vol. 999, 171.

International Covenant on Economic, Social, and Cultural Rights (I.C.E.S.C.R.). United Nations, Treaty Series, vol. 993, 3.

International Labour Organization. *Social Protection Floors Recommendation*, 2012 (No. 202). Geneva: International Labour Organization, 2012. <https://www.ilo.org/publications/social-protection-floors-recommendation-2012-no-202>.

International Convention for the Protection of All Persons from Enforced Disappearance, adopted 20 December 2006. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-prot-ec-tion-all-persons-enforced>.

Jaucourt, Louis de. "Passion: Les plaisirs & les peines des sens." In *Encyclopédie*, Paris, 1751–1772.

Kant, Immanuel. *Groundwork of the Metaphysics of Morals: A German-English Edition*. Edited by Jens Timmermann. Translated by Mary Gregor. Cambridge: Cambridge University Press, 2011.

L'Express. "France Travail: la réforme du RSA, une petite bombe statistique." November 16, 2023. <https://www.lexpress.fr/economie/politique-economique/france-travail-la-reforme-du-rsa-une-petite-bombe-statistique-TIPZKIIOWNDUFLGFBP477X27QY/>.

L'Express. "Le RSA est un échec collectif: Olivier Dussopt, Agnès Verdier-Molinié... le débat inattendu." September 5, 2023. <https://www.lexpress.fr/economie/politique-economique/le-rsa-est-un-echec-collectif-olivier-dussopt-agnes-verdier-molinie-le-debat-inattendu-XFN6XO2JB5AL7OX7SGMQBRGITE/>.

L'Express. "Loi plein emploi: verdict de l'Assemblée après les passes d'armes sur le RSA." April 20, 2023. <https://www.lexpress.fr/informations/loi-plein-emploi-verdict-de-lassemblee-apres-les-passes-darmes-sur-le-rsa-DRNFN3WLMFCOXK4RTDHLMO5SOE/>.

L'Express. "Olivier Dussopt: conditionner le versement du RSA, c'est une vraie mesure de gauche." July 11, 2023. https://www.lexpress.fr/economie/olivier-dussopt-conditionner-le-versement-du-rsa-c-est-une-vraie-mesure-de-gauche_2183059.html.

L'Express. "Réforme du RSA: France Travail, le projet de loi pour le plein emploi adopté à l'Assemblée." March 15, 2023. <https://www.lexpress.fr/economie/emploi/reforme-du-rsa-france-travail-le-projet-de-loi-pour-le-plein-emploi-adopte-a-lassemblee-MPVQUXXSANHP7FGAZF6VOGBBMQ/>.

L'Express. "RSA: 15 heures d'activités obligatoires, sanction... les détails de la nouvelle réforme." February 27, 2023. <https://www.lexpress.fr/politique/rsa-15-heures-dactivites-obligatoires-sanction-les-details-de-la-nouvelle-reforme-J62VUVMWPRHLPFAJ2PRNMDFEVI/>.

Lewis, Charlton T., and Charles Short. A Latin Dictionary. Perseus Digital Library. Accessed April 22, 2024. <https://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0059%3Aentry>

Le Nouvel Observateur. "Le versement du RSA sera conditionné à 15 à 20 heures d'activité, confirme Borne." April 27, 2023. <https://www.nouvelobs.com/politique/20230427.OBS72686/le-versement-du-rsa-sera-conditionne-a-15-a-20-heures-d-activite-confirme-borne.html>.

Le Nouvel Observateur. "Responsabiliser, accompagner ou punir les allocataires du RSA : en ligne de mire." April 27, 2023. <https://www.nouvelobs.com/chroniques/20230427.OBS72679/responsabiliser-accompagner-ou-punir-les-allocataires-du-rsa-en-ligne-de-mire.html>.

Le Monde. "Le conditionnement du versement du RSA risque-t-il d'accroître le non-recours à cette aide sociale ?" October 10, 2023. https://www.lemonde.fr/les-decodeurs/article/2023/10/10/le-conditionnement-du-versement-du-rsa-risque-t-il-d-accroitre-le-non-recours-a-cette-aide-sociale_6193481_4355770.html.

Le Monde. "Réforme du RSA : des élus socialistes accusent le gouvernement de légiférer à l'aveugle." September 27, 2023. https://www.lemonde.fr/politique/article/2023/09/27/reforme-du-rsa-des-elus-socialistes-accusent-le-gouvernement-de-legiferer-a-l-aveugle_6191196_823448.html

Le Monde. "RSA : la règle des 15 à 20 heures d'activités obligatoires est irréalisable et le pouvoir le sait très bien." June 26, 2023. https://www.lemonde.fr/idees/article/2023/06/26/rsa-la-regle-des-15-a-20-heures-d-activites-obligatoires-est-irrealisable-et-le-pouvoir-le-sait-tres-bien_6179226_3232.html.

Les Échos. "Les débuts encourageants de la réforme du RSA." September 11, 2024. <https://www.lesechos.fr/economie-france/social/les-debuts-encourageants-de-la-reforme-du-rsa-2047139>.

Les Échos. "Le débat : faut-il permettre aux moins de 25 ans de toucher le RSA ?" September 11, 2024. <https://start.lesechos.fr/au-quotidien/budget-conso/le-debat-faut-il-permettre-aux-moins-de-25-ans-de-toucher-le-rsa-1178499>.

Les Échos. "Pour ou contre l'ouverture du RSA aux 18-25 ans ?" September 11, 2024. <https://start.lesechos.fr/societe/egalite-diversite/pour-ou-contre-louverture-du-rsa-aux-18-25-ans-1257896>.

Les Échos. "France Travail : RSA, ce que prévoit le projet de loi plein emploi." September 11, 2024. <https://www.lesechos.fr/economie-france/social/france-travail-rsa-ce-que-prevoit-le-projet-de-loi-plein-emploi-1950084>.

Les Échos. "RSA : ce qui est grave c'est de ne pas pouvoir en sortir." September 11, 2024. <https://www.lesechos.fr/idees-debats/cercle/opinion-rsa-ce-qui-est-grave-cest-de-ne-pas-pouvoir-en-sortir-1396938>.

Le Figaro, "RSA Conditionné: Matignon Dévoile les 29 Nouveaux Départements Concernés par le Dispositif," March 1, 2024, <https://www.lefigaro.fr/conjoncture/rsa-conditionne-matignon-devoile-les-29-nouveaux-departements-concernes-le-dispositif-20240301>.

Le Figaro, "Conditionner le RSA à des Heures d'Activité: Un Dispositif Difficile à Appliquer," March 22, 2022, <https://www.lefigaro.fr/social/conditionner-le-rsa-a-des-heures-d-activite-un-dispositif-difficile-a-appliquer-20220322>.

Le Figaro, "Les Premiers Pas Encourageants de la Réforme du RSA," October 26, 2023, <https://www.lefigaro.fr/social/les-premiers-pas-encourageants-de-la-reforme-du-rsa-20231026>

Le Point. "RSA sous Conditions: 'J'ai Cru que J'allais Devoir Travailler'." March 25, 2024. https://www.lepoint.fr/video/rsa-sous-conditions-j-ai-cru-que-j-allais-devoir-travailler-25-03-2024-2555890_738.php#11.

Le Point. "Le RSA bientôt sous Conditions?" April 28, 2023. https://www.lepoint.fr/politique/le-rsa-bientot-sous-conditions-28-04-2023-2518143_20.php#11.

Le Parisien. "Réforme du RSA: Voici la Liste des 47 Départements Concernés par l'Expérimentation." March 2, 2024. <https://www.leparisien.fr/economie/emploi/reforme-du-rsa-voici-la-liste-des-47-departements-concernes-par-lexperimentation-02-03-2024-OTOSFZNBBFRCLCYW6MRDORS66A.php>

Le Parisien. "Il y a des Signaux Positifs: Quel Bilan pour l'Expérimentation du RSA sous Conditions?" March 14, 2024. <https://www.leparisien.fr/economie/il-y-a-des-signaux-positifs-quel-bilan-pour-l'experimentation-du-rsa-sous-conditions-14-03-2024-YARTJD7XAZEIZKMXXUXNCRFMIY.php>.

Le Parisien. "Expérimentation du RSA sous Conditions dans le Val-de-Marne: Une Révolution Opaque pour les Syndicats." June 6, 2024. <https://www.leparisien.fr/val-de-marne-94/experimentation-du-rsa-sous-conditions-dans-le-val-de-marne-une-revolution-opaque-pour-les-syndicats-06-06-2024-73PKD4WAZFEF7N3625XASIRVQI.php>.

Le Parisien. "RSA sous Conditions: Pas de Généralisation à Tous les Allocataires du Loiret Avant 2025." January 11, 2024. <https://www.leparisien.fr/loiret-45/rsa-sous-conditions-pas-de-generalisation-a-tous-les-allocataires-du-loiret-avant-2025-11-01-2024-5RQ2PLYYZGP5CO7IQ4VDGRJAO.php>.

Le Parisien. "Val-d'Oise: Ces Allocataires du RSA forment la Brigade Verte du Département." April 5, 2024. <https://www.leparisien.fr/val-d-oise-95/val-doise-ces-allocataires-du-rsa-forment-la-brigade-verte-du-departement-05-04-2024-MJGHN27T4BDPDGZGBNG7DJJB7U.php>.

Le Parisien. "RSA dans le Val-de-Marne: La Révolution est en Marche pour l'Insertion des Allocataires." March 11, 2024. <https://www.leparisien.fr/val-de-marne-94/rsa-dans-le-val-de-marne-la-revolution-est-en-marche-pour-linsertion-des-allocataires-11-03-2024-NPA2R322GFFU7ALJMLW5S77XKY.php>.

League of Nations. "Covenant of the League of Nations." 1919. <https://www.un Geneva.org/en/sections/resources/league-nations-covenant>.

Le Gall, Rémi, Sylvain Chareyron, and Yannick L'Horty. "Au-delà de la fraude sociale, le non-recours à l'allocation pose un problème bien plus important." The Conversation. September 6, 2023. <https://theconversation.com/au-dela-de-la-fraude-sociale-le-non-recours-a-lallocation-pose-un-probleme-bien-plus-important-210359>.

Libération. "RSA sous condition : le gouvernement compte lancer une expérimentation à l'automne." August 4, 2022. https://www.liberation.fr/economie/social/rsa-sous-condition-le-gouvernement-compte-lancer-une-experimentation-a-lautomne-20220804_6H6EIOCUGVARTBAPDMCOYC5QUQ/.

Libération. "La Seine-Saint-Denis refuse le RSA conditionné et fustige une grave entorse à notre République." March 28, 2023. https://www.liberation.fr/societe/la-seine-saint-denis-refuse-le-rsa-conditionne-et-fustige-une-grave-entorse-a-notre-republique-20230328_UAJHJFR2HVBNNPPSXB4TNGVFRU/.

Libération. "Avec le RSA, on est sur un revenu si faible qu'il ne peut pas se négocier." December 30, 2022. https://www.liberation.fr/economie/social/avec-le-rsa-on-est-sur-un-revenu-si-faible-quil-ne-peut-pas-se-negocier-20221230_JABLQSMILTJCH3FKWSZQB77XPAE/.

Lutte Ouvrière. "Réforme du RSA : une attaque contre tous." March 6, 2024. https://www.lutte-ouvriere.org/journal/article/2024-03-06-reforme-du-rsa-une-attaque-contre-tous_729731.html.

Lutte Ouvrière. "Réforme du RSA : une arme pour appauvrir et diviser les travailleurs." June 21, 2023. https://www.lutte-ouvriere.org/journal/article/2023-06-21-reforme-du-rsa-une-arme-pour-appauvrir-et-diviser-les-travailleurs_721287.html.

Lutte Ouvrière. "RSA : nouvelles attaques programmées." May 16, 2023. https://www.lutte-ouvriere.org/journal/article/2023-05-16-rsa-nouvelles-attaques-programmees_668033.html.

L'Humanité. "France Travail: le RSA conditionné à 15 heures d'activités, l'Assemblée a adopté le projet de loi plein emploi." Accessed September 11, 2024. <https://www.humanite.fr/social-et-economie/loi-plein-emploi/france-travail-le-rsa-conditionne-a-15-heures-dactivites-lassemblee-a-adopte-le-projet-de-loi-plein-emploi>.

L'Obs. "Le versement du RSA sera conditionné à 15 à 20 heures d'activité, confirme Borne." April 27, 2023. <https://www.nouvelobs.com/politique/20230427.OBS72686/le-versement-du-rsa-sera-conditionne-a-15-a-20-heures-d-activite-confirme-borne.html>.

L'Obs. "Responsabiliser, accompagner ou punir: les allocataires du RSA en ligne de mire." April 27, 2023. <https://www.nouvelobs.com/chroniques/20230427.OBS72679/responsabiliser-accompagner-ou-punir-les-allocataires-du-rsa-en-ligne-de-mire.html>.

Loi n° 2023-1196 du 18 décembre 2023 pour le plein emploi. JORF n°0293, 19 décembre 2023, texte n° 2. ELI: <https://www.legifrance.gouv.fr/eli/loi/2023/12/18/MTRD2313163L/jo/texte>.

Loi n°92-683 du 22 juillet 1992 portant réforme des dispositions générales du code pénal. JORF n°169 du 23 juillet 1992. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000359434/>.

Loi n°2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes. JORF n°0179 du 5 août 2014. https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000029333494.

Loi n°2016-87 du 2 février 2016 créant de nouveaux droits en faveur des malades et des personnes en fin de vie. JORF n°0028 du 3 février 2016. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000031970253>.

Magna Carta, 1215. Accessed April 22, 2024. <https://www.nationalarchives.gov.uk/treasures/magna-carta/>.

Manetti, Giannozzo, and Brian P. Copenhaver. *On Human Worth and Excellence*. Cambridge, MA: Harvard University Press, 2019.

Mediapart. "RSA conditionné : la Seine-Saint-Denis se retire de l'expérimentation." March 28, 2023. <https://www.mediapart.fr/journal/france/280323/rsa-conditionne-la-seine-saint-denis-se-retire-de-l-experimentation>.

Mediapart. "Conditionner le RSA à une activité : il faudrait que Macron vive la pauvreté pour savoir ce que c'est." March 23, 2023. <https://www.mediapart.fr/journal/france/230322/conditionner-le-rsa-une-activite-il-faudrait-que-macron-vive-la-pauvrete-pour-savoir-ce-que-c-est>.

Mediapart. "RSA conditionné au bénévolat : l'Alsace mitigée après l'avoir testé." October 23, 2023. <https://www.mediapart.fr/journal/france/231023/rsa-conditionne-au-benevolat-l-alsace-mitige-e-apres-l-avoir-teste>.

Mediapart. "Nous vivons sur le fil : mobilisation contre le RSA sous conditions." December 14, 2023. <https://blogs.mediapart.fr/ag-precaires-grenoble/blog/141223/nous-vivons-sur-le-fil-mobilisation-contre-le-rsa-sous-conditions>.

National Assembly of the Republic of Bulgaria. *Constitution of the Republic of Bulgaria*, July 12, 1991. <https://www.parliament.bg/en/const>.

Nussbaum, Martha. *Creating Capabilities: The Human Development Approach*. Cambridge: Harvard University Press, 2011.

Nussbaum, Martha C. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press, 2000.

Niethammer, Friedrich I. *Der Streit des Philanthropinismus und Humanismus in der Theorie des Erziehungs-Unterrichts unserer Zeit*. München: Omnia Mikrofilm-Technik, 1979.

National Assembly of the Republic of Poland. *The Constitution of the Republic of Poland*, April 2, 1997. <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.

National Assembly of the Republic of Slovenia. Constitution of the Republic of Slovenia, December 23, 1991. <https://www.us-rs.si/media/constitution.pdf>.

National Council of the Slovak Republic. The Constitution of the Slovak Republic, September 1, 1992. <https://www.prezident.sk/upload-files/46422.pdf>.

NVO. "RSA : la réforme anti-pauvres." January 10, 2024. Accessed September 11, 2024. <https://nvo.fr/rsa-la-reforme-antipauvres/>.

Paine, Thomas. The Rights of Man: Being an Answer to Mr. Burke's Attack on the French Revolution, 2nd ed. (London: J.S. Jordan, 1791), accessed September 12, 2024, <https://oll.libertyfund.org/titles/paine-the-rights-of-man-part-i-1791-ed>.

Parliament of the Czech Republic. Constitution of the Czech Republic, December 16, 1992. <https://public.psp.cz/en/docs/laws/constitution.html>.

Pico della Mirandola, Giovanni, Francesco Borghesi, Michael Papio, and Massimo Riva. Oration on the Dignity of Man: A New Translation and Commentary. Cambridge: Cambridge University Press, 2016.

The Holy Bible: New International Version. Grand Rapids: Zondervan, 1984. Accessed 13 May 2024. <https://www.biblegateway.com/>.

The preamble of the Constitution of October 27, 1946. Available at: <https://www.elysee.fr/en/french-presidency/preamble-to-the-constitution-of-october-27th-1946>.

Pico della Mirandola, Giovanni, Francesco Borghesi, Michael Papio, and Massimo Riva. Oration on the Dignity of Man: A New Translation and Commentary. Cambridge: Cambridge University Press, 2016.

Pope Pius XI, *Casti Connubii* (1930), in *Encyclicals of Pope Pius XI*.

Pons, Alain, ed. *Encyclopédie: Ou dictionnaire raisonné des sciences, des arts et des métiers*. GF, n° 426. Paris: 1986. ISBN 9782080704269.

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty in All Circumstances, Vilnius, May 3, 2002.

Republic of Cyprus. The Constitution of the Republic of Cyprus, August 16, 1960. http://www.parliament.cy/images/media/assetfile/Syntagma_EN.pdf.

Riigikogu. Constitution of the Republic of Estonia, June 28, 1992. <https://www.riigiteataja.ee/en/eli/530102013003/consolide>.

Révolution Permanente. "RSA conditionné : une attaque en règle contre les chômeurs." March 23, 2022. Accessed September 11, 2024. <https://www.revolutionpermanente.fr/RSA-conditionne-une-attaque-en-regle-contre-les-chomeurs>.

Révolution Permanente. "Généralisation du RSA conditionné : une offensive historique contre le monde du travail." January 30, 2024. Accessed September 11, 2024. <https://www.revolutionpermanente.fr/Generalisation-du-RSA-conditionne-une-offensive-historique-contre-le-monde-du-travail>.

Roosevelt, Franklin D. "Annual Message to Congress," January 6, 1941, Records of the United States Senate, S.E.N. 77A-H1, Record Group 46, National Archives. <https://www.archives.gov/milestone-documents/president-franklin-roosevelts-annual-message-to-congress>.

Schuman Declaration, May 9, 1950, accessed September 15, 2024, <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-01-en.pdf>.

Saeima. The Constitution of the Republic of Latvia, February 15, 1922 (as amended to 2016). <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

Seimas of the Republic of Lithuania. The Constitution of the Republic of Lithuania, October 25, 1992. <https://eseimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.21892?jfwid=-wd7z8ivg5>.

Solidaires. "Réforme du RSA: Contre l'exploitation de la misère sociale." Solidaires. Accessed September 10, 2024. <https://solidaires.org/sinformer-et-agir/actualites-et-mobilisations/locales/reforme-du-rsa-contre-l-exploitation-de-la-misere-sociale/>.

Schumann Declaration, May 9, 1950. Accessed September 15, 2024. <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-01-en.pdf>.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted 15 December 1989, General Assembly resolution 44/128. Accessed 8/8/2019. <https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and>.

Traverso, Enzo. The Origins of Nazi Violence, trans. Janet Lloyd (New York: The New Press, 2003).

The National Archives (U.K.U.K.). Magna Carta, 1215. <https://www.nationalarchives.gov.uk/treasures/magna-carta/>.

The Instruction of Amenemope. Chapter 5 and Chapters 20-21, composed during the New Kingdom (1300-1075 BCE).

The Constitution of the Kingdom of Norway, translated 1814. Accessed 8/8/2019. [https://en.wikisource.org/wiki/The_Constitution_of_the_Kingdom_of_Norway_\(1814\)](https://en.wikisource.org/wiki/The_Constitution_of_the_Kingdom_of_Norway_(1814)).

The Constitution of Greece. Accessed 8/8/2019. <https://ecnl.org/sites/default/files/files/2021/GreeceConstitution.pdf>.

Thibault, F. "Ambitions and Evaluation: The Active Solidarity Income." *Economie et Statistique* 467–468 (2014): 51–59. <https://doi.org/10.3406/estat.2014.10246>.

Thomas Aquinas. *Summa Theologiae*, vol. 14–22. Nürnberg: Anton Koberger, 1496.

United Nations. International Bill of Human Rights. <https://www.ohchr.org/en/international-human-rights-law>.

United Nations General Assembly. Universal Declaration of Human Rights. December 10, 1948. Paris. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

UNICEF. "A Child's Right to a Dignified Life: An Overview of International Treaties and Their Impact on Children's Rights." Accessed September 12, 2024. <https://www.unicef.org/what-we-do/child-rights>.

United States Supreme Court. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit (B.R.E.Y.E.R., SOTOMAYOR, and KAGAN, JJ., dissenting). June 24, 2022.

United States Supreme Court. Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women's Health Organization et al. No. 19–1392. Argued December 1, 2021—Decided June 24, 2022—Supreme Court of the United States. https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.

United States Supreme Court. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit (Kavanaugh, J., concurring). June 24, 2022.

United Nations. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Adopted December 18, 1990. New York: United Nations, 1999. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>.

United Nations. Convention on the Rights of Persons with Disabilities. Adopted December 13, 2006. New York: United Nations, 2008. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

United Nations. Convention on the Rights of the Child. Adopted November 20, 1989. New York: United Nations, 1990. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

U.S.U.S. Department of Health and Human Services. "Temporary Assistance for Needy Families (T.A.N.F.)." Office of Family Assistance. Accessed September 9, 2024. <https://www.acf.hhs.gov/ofa/programs/temporary-assistance-needy-families-tanf>.

Valeurs Actuelles. "Le Sénat adopte deux articles pour durcir les conditions du RSA." July 11, 2023. Accessed September 11, 2024. <https://www.valeursactuelles.com/politique/le-senat-adopte-deux-articles-pour-durcir-les-conditions-du-rsa>.

Vialatoux, Joseph. "Dignité du groupe? Ou de la personne humaine?: Physique et métaphysique de l'ordre des valeurs," in *La personne humaine en péril*, Semaines Sociales de France (1932).

Wackenheim v. France. Communication No. 854/1999, U.N.U.N. Doc. CCPR/C/75/D/854/1999 (2002). U.N.U.N. Human Rights Committee, Seventy-fifth session, July 15, 2002. <http://www1.umn.edu/humanrts/undocs/854-1999.html>.

Wresinski, Joseph. "Echec à la misère." Speech, La Sorbonne, Paris, June 1, 1983. Accessed September 5, 2024. <https://www.joseph-wresinski.org/fr/wp-content/uploads/sites/2/2016/07/No5-CahiersBaillet-Sorbonne.pdf>.

Secondary Sources:

Abat Ninet, Antoni. "Human Dignity in Denmark." In *Handbook of Human Dignity in Europe*, edited by Paolo Becchi and Klaus Mathis, 212–226. Cham: Springer Nature Switzerland AG, 2019.

Annicchino, Pasquale. "Friends of the Court: Christian Conservative Arguments on Human Dignity Before the U.S.U.S. Supreme Court and the European Court of Human Rights." *B.Y.U. Law Review* 46, no. 5 (2021): 1201-1234.

Albouy, Valérie, Anne Jaubertie, and Arnaud Rousset. "Inequality and Poverty on the Rise in 2021." *Insee Première*, no. 1973 (November 14, 2023). <https://www.insee.fr/en/statistiques/7436191>.

A.T.D. Fourth World. *Building a Future Without Poverty for Children: Parents and Society Together*. Edited by Moya Amateau, Celestine Greenwood, and Naomi Norberg. Translated by Marjorie Orcullo and Robyn Vogel. London: Routledge, 2024.

A.T.D. Quart Monde. "Un travail digne pour toutes et tous." Accessed September 10, 2024. <https://www.atd-quartmonde.org/un-travail-digne-pour-toutes-et-tous/>.

Bas de Gaay Fortman. "Equal Dignity in International Human Rights." In *The Oxford Handbook of Human Dignity*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Oxford: Oxford University Press, 2014.

Becchi, Paolo, and Klaus Mathis, eds. *Handbook of Human Dignity in Europe*. Cham: Springer Nature Switzerland AG, 2019.

Becker, G. S. *The Economics of Discrimination*. Chicago: University of Chicago Press, 1957.

Bray, R., M. de Laat, X. Godinot, A. Ugarte, and R. Walker. *The Hidden Dimensions of Poverty*. Montreuil: Fourth World Publications, 2019. <https://www.atd-quartmonde.org/wp-content/uploads/2019/12/Hidden-Dimensions-of-Poverty-20-11-2019.pdf>.

Bray, Rachel. "Droits, Justice et Dignité," ATD Quart Monde International, December 3, 2023, <https://www.atd-quartmonde.org/droits-justice-et-dignite/>.

Buribayev, Yerkin, Zhanar Khamzina, Dinara Belkhozhayeva, Gulmira Meirbekova, Gulnur Kadirkulova, and Liudmila Bogatyreva. "Human Dignity – The Basis of Human Rights to Social Protection." *WISDOM* 16, no. 3 (2020): 143–155. <https://doi.org/10.24234/wisdom.v16i3.404>.

Byk, Christian. "Is Human Dignity a Useless Concept? Legal Perspectives." In *Human Dignity in Bioethics and Law*, ed. Charles Foster. Oxford: Hart Publishing, 2011, 364–367.

Chan, Chak Kwan, and Graham Bowpitt. *Human Dignity and Welfare Systems*. Bristol: Bristol University Press, 2005. <https://doi.org/10.46692/9781847421425>.

Cadinu, Maria, Anne Maass, Alessandra Rosabianca, and Jeff Kiesner. "Why do Women Underperform Under Stereotype Threat?" *Psychological Science* 16, no. 7 (2005): 572–578.

Capps, Patrick. *Human Dignity and the Foundations of International Law*, 1st ed. (Oxford: Hart Publishing, 2009).

Chareyron, Sylvain. "Pauvreté et non-recours aux dispositifs sociaux : l'étude du RSA 'socle seul.'" *Économie & Prévision* 213, no. 1 (2018): 41–59. <https://doi.org/10.3406/ecop.2018.8230>.

Conway, Martin. "Catholic Politics or Christian Democracy? The Evolution of Inter-war Political Catholicism." In *Political Catholicism in Europe 1918-1945*, edited by Wolfram Kaiser and Helmut Wohnout, 235–252. 1st ed. London: Routledge, 2004. <https://doi.org/10.4324/9780203642467>.

Copenhaver, Brian. "Dignity, Vile Bodies, and Nakedness: Giovanni Pico and Giannozzo Manetti." In *Dignity: A History*, edited by Remy Debes, 139–143. Oxford: Oxford University Press, 2017.

Darwall, Stephen. "Equal Dignity and Rights." In *Dignity: A History*, edited by Remy Debes. Oxford: Oxford University Press, 2017.

De Blois, M. "Self-Determination or Human Dignity: The Core Principle of Human Rights." In *To Baehr in Our Minds: Essays on Human Rights from the Heart of the Netherlands*, edited by A. Hendriks and J. Smith. Utrecht: Netherlands Institute of Human Rights, 1998.

Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women's Health Organization et al. No. 19–1392. Argued December 1, 2021—Decided June 24, 2022—Supreme Court of the United States. https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.

Doroszewska, Katarzyna. "Human Dignity Concepts in Judicial Reasoning. Study of National and International Law." *Review of European and Comparative Law* 43, no. 4 (2020): 119-137. <https://doi.org/10.31743/recl.8257>.

Dupré, Catherine. *The Age of Dignity: Human Rights and Constitutionalism in Europe* (Oxford: Hart Publishing, 2015).

Debes, Remy. "Human dignity before Kant", *Dignity a history*, Oxford, 2017.

Epstein, R. A. *Forbidden Grounds: The Case Against Employment Discrimination Laws*. Cambridge, MA: Harvard University Press, 1995.

European Commission. "Glossary: At-Risk-of-Poverty Rate." *Eurostat Statistics Explained*. Last modified August 2021. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:At-risk-of-poverty_rate/fr.

European Union Agency for Fundamental Rights and Council of Europe. "Introduction to European Law Relating to the Rights of the Child: Context and Key Principles." In *Handbook on European Law Relating to the Rights of the Child*, February 2022.

Eydoux, Anne, and Carole Tuchsirer. *Du RMI au RSA: les inflexions de la solidarité et de la gouvernance des politiques d'insertion*. Document de travail No. 134. Rennes: Université Rennes 2, CEE, Centre d'études de l'emploi, November 2010.

Fourth World-University Research Group. *The Merging of Knowledge*. Montreuil: Fourth World Publications, 2007. ISBN 978-0-7618-3751-0.

Ferguson, R. James. *The Ancient Egyptian Concept of Maat: Reflections on Social Justice and Natural Order*. Research Paper Series, no. 15. Centre for East-West Cultural & Economic Studies, Bond University, 2016, 1–81.

Glover, Dylan, Amanda Pallais, and Peter M. DeMarzo. "The Ethics of Work and the Pursuit of Dignity." In *Dignity: A History*, edited by Remy Debes, 47–65. Oxford: Oxford University Press, 2017.

Griffin, Miriam. "Dignity in Roman and Stoic Thought." In *Dignity: A History*, edited by Remy Debes, 47–65. Oxford: Oxford University Press, 2017.

Hannafi, Cyrine, Rémi Le Gall, Laure Omalek, and Céline Marc. "Mesurer régulièrement le non-recours au RSA et à la prime d'activité: méthode et résultats." *DREES, Les Dossiers de la DREES* 92 (2022). Accessed September 10, 2024. <https://drees.solidarites-sante.gouv.fr/publications-communique-de-presse/les-dossiers-de-la-drees/mesurer-regulierement-le-non-recours-au>.

Hennette-Vauchez, Stéphanie. "Human Dignity in French Law." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 368-374. Cambridge: Cambridge University Press, 2014.

Heselhaus, Sebastian, and Ralph Hemsley. "Human Dignity and the European Convention on Human Rights." In *Handbook of Human Dignity in Europe*, edited by Paolo Becchi and Klaus Mathis, 970. Cham: Springer, 2019. https://doi.org/10.1007/978-3-319-28082-0_44.

Hill Jr., Thomas E. "Kantian Perspectives on the Rational Basis of Human Dignity." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth. Cambridge: Cambridge University Press, 2014.

Hunt, Lynn. *Inventing Human Rights: A History*. New York: W.W. Norton & Company, 2008.

Hunt, Lynn. "The Soft Power of Humanity." In *Inventing Human Rights: A History*, 176–214. New York: W.W. Norton & Company, 2007.

Hollenbach, David. "A Relational Understanding of Human Rights: Human Dignity in Social Solidarity," in *Human Dignity and the Common Good in the Americas*, ed. David Hollenbach and Thomas Massaro (Washington, D.C.D.C.: Georgetown University Press, 2002), 1487–1506.

Lynn Hunt, "Torrents of emotions": reading novels and imagining equality, *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2008).

Imbach, Ruedi. "Human Dignity in the Middle Ages (Twelfth to Fourteenth Century)." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus

Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 64–73. Cambridge: Cambridge University Press, 2014.

Ignatieff, Michael. *Human Rights as Politics and Idolatry*. Princeton, NJ: Princeton University Press, 2001. 53–72.

Josiah Ober, "Meritocratic and Civic Dignity in Greco-Roman Antiquity," in *The Cambridge Handbook of Human Dignity*, ed. Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth (Cambridge: Cambridge University Press, 2014), p53–63.

Kent, Bonnie. "In the Image of God: Human Dignity after the Fall." In *Dignity: A History*, edited by Remy Debes, 73–97. Oxford: Oxford University Press, 2017.

Lanneau, Régis. "Human Dignity in France." In *The Handbook of Human Dignity in Europe*, edited by Paolo Becchi and Klaus Mathis, 259–280. Cham: Springer Nature Switzerland AG, 2019. <https://doi.org/10.1007/978-3-319-28082-0>.

Le Gall, Jean-Marie. *L'Ancien Régime (XVIe-XVIIe siècles)*. Paris: Presses Universitaires de France, 2013. ISBN 2130617611.

Liebenberg, Sandra. "The Value of Human Dignity in Interpreting Socio-Economic Rights." *South African Journal on Human Rights* 21, no. 1 (2005): 1–31. <https://doi.org/10.1080/19962126.2005.11865126>.

Louis L. Snyder, ed., *Documents of German History* (New Brunswick, and NJ: Rutgers University Press, 1958), 385–92, *The Constitution of the German Empire of August 11, 1919* (Weimar Constitution).

Matsumura, Takeshi. *Dictionnaire du français médiéval*. Edited by Michel Zink. Paris: Les Belles Lettres, 2015.

Marc, Céline, et Rémi Le Gall. "Les politiques publiques contre la pauvreté : état des lieux et perspectives." *Les Dossiers de la DREES 90* (2023). Accessed September 10, 2024. <https://drees.solidarites-sante.gouv.fr/publications-communique-de-presse/les-dossiers-de-la-drees/les-politiques-publiques-contre-la-pauvrete-etat-des-lieux-et-perspectives>. v

Marc, Céline, and Pucci, M. "Le RSA-activité est-il ciblé sur les travailleurs pauvres au sens d'Eurostat?" *Politiques sociales et familiales* 104, no. 1 (2011): 19–36. <https://doi.org/10.3406/caf.2011.2593>.

Maritain, Jacques. *Man and the State* (Chicago: University of Chicago Press, 1951).

McCrudden, Christopher. "Human Dignity and Judicial Interpretation of Human Rights." *European Journal of International Law*, July 17, 2008. Available at S.S.R.N.: <https://ssrn.com/abstract=1162024>.

Meyer, Michael J. "Kant's Concept of Dignity and Modern Political Thought." *History of European Ideas* 8, no. 3 (1987): 319–32.

Miller, David. "Human Dignity and Human Rights." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 369–378. Cambridge: Cambridge University Press, 2014.

Ministry of Justice, Finland. *The Constitution of Finland*, June 11, 1999. <https://finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>.

Ministère des Solidarités, de l'Autonomie et de l'Égalité entre les femmes et les hommes. "Accompagner les bénéficiaires du RSA." *Ministère des Solidarités et des Familles*. Accessed September 27, 2024. <https://solidarites.gouv.fr/accompagner-les-beneficiaires-du-rsa>.

Miklós Maróth, "Human Dignity in the Islamic World," *The Cambridge Handbook of Human Dignity*, April 10, 2014, 155–62, <https://doi.org/10.1017/cbo9780511979033.018>.

Müller, J. W. "Reconstruction Thought: Self-Disciplined Democracies, People's Democracies," in *Contesting Democracy: Political Ideas in Twentieth-Century Europe* (New Haven: Yale University Press, 2011), 125–55.

Mavronicola, N. "Bouyid v Belgium: The 'Minimum Level of Severity' and Human Dignity's Role in Article 3 ECHR." *Cyprus Human Rights Law Review* 1 2016.

Rosen, Michael. *Dignity: Its History and Meaning*. Cambridge, MA: Harvard University Press, 2012.

Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015).

Samuel Moyn, "The Secret History of Constitutional Dignity," *Yale Human Rights & Development Law Journal* 17 (2014): 39, <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1121&context=yhrdlj>.

Schachter, Oscar. "Human Dignity as a Normative Concept." *The American Journal of International Law* 77, no. 4 (1983): 848–54. <https://doi.org/10.2307/2202536>.

Stanford Encyclopedia of Philosophy. "Constitutionalism." Accessed 8/8/2019. <https://plato.stanford.edu/entries/constitutionalism>.

Steenbakkens, Piet. "Human Dignity in Renaissance Humanism." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 85–92. Cambridge: Cambridge University Press, 2014.

Stone, Ralph, ed. *Wilson and the League of Nations*. Toronto: Holt, Rinehart & Winston of Canada Ltd, 1967.

Theo Verbeek, "Rousseau and Human Dignity," *The Cambridge Handbook of Human Dignity*, April 10, 2014, 117–25, <https://doi.org/10.1017/cbo9780511979033.013>.

Vasak, Karel. "A 30-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights." *The UNESCO Courier* 30, no. 11 (1977): 28–29, 32. <https://unesdoc.unesco.org/ark:/48223/pf0000048063>.

Waldron, Jeremy. *Dignity, Rank, and Rights*. Oxford: Oxford University Press, 2012.

Walton, Charles, and Steven Jensen. *Social Rights and the Politics of Obligation in History*. Cambridge: Cambridge University Press, 2022. <https://doi.org/10.1017/9781009008686>.

Wacquant, Loïc. *Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe*. Oxford: Oxford University Press, 2003.

Westerman, Pauline C. "Human Dignity in Legal Contexts." In *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, edited by Marcus Düwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 108–116. Cambridge: Cambridge University Press, 2014. <https://doi.org/10.1017/CBO9780511979033.012>.

Weltz, Jacques. "Human Dignity in Jewish and Christian Thought." In *Dignity: A History*, edited by Remy Debes, 115–135. Oxford: Oxford University Press, 2017.

Whitman, J.Q. *Enforcing Civility and Respect: Three Societies, (1999-2000)* 109 *Yale Law Journal*, 1279; *The Two Western Conceptions of Privacy: Dignity Versus Liberty, (2003-2004)* *Yale Law Journal*; *On Nazi Honor and New European Dignity*, in *Darker Legacies of Law in Europe*, edited by C. Joerges and N.S.N.S. Ghaleigh,

Yair Lorberbaum, "Human Dignity in the Jewish Tradition," *The Cambridge Handbook of Human Dignity*, April 10, 2014, 135–44, <https://doi.org/10.1017/cbo9780511979033.015>.

Annexes:

Annex I: Census of Human Dignity in early European constitutions

Constitution	Year	Mention of Human Dignity/Dignity	Components of Human Dignity	Link
San Marino	1600	no direct mention	X	https://web.archive.org/web/20070929001535/http://www2.omniway.sm/sanmarinoguide/aboutsanmarino/sanmarinoguide_get_par.php3?PARAM=29
Corsica	1755	no direct mention	X	http://pasqualepaoli.free.fr/2/2.html
Polish-Lithuanian Commonwealth	1791	no direct mention	Human dignity was underlined by the extension to all urban inhabitants of the medieval noble privilege of no imprisonment without trial "neminem captivabimus nisi iuri victum."	Butterwick, Richard. The Constitution of 3 May 1791: Testament of the Polish-Lithuanian Commonwealth. Warsaw: Polish History Museum, 2021. https://polishhistory.pl/wp-content/uploads/2021/Konstytucja_en_www.pdf
Norwegian Constitution	1814	no direct mention	Article 100: freedom of press and opinion End paragraph " it has maintained them for futurity, and, by a sage distribution of the power, secured civil Liberty and that public order which the executive power is obliged and able to preserve. "	https://en.wikisource.org/wiki/The_Constitution_of_the_Kingdom_of_Norway_(1814)
Constitution of the Netherlands	1815	no direct mention	Article 1: general guarantee of equality. Article 6: freedom of religion... Article 7: freedom of opinion/thought/conscience, freedom of press... Article 15: Protection from unjustified restraint, right to pre-trial release.	https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Netherlands-Constitution.pdf
Constitution of Belgium	1831	Reference to "dignitas"	"All Belgians are equal before the law; they alone are admitted to civil and military employments, with such exceptions as may be established by law for particular cases", freedom in article 7 "Individual liberty is guaranteed.",	https://www.constituteproject.org/constitution/Belgium_1831

Spanish Constitution	1812	Reference to "dignitas", Article 213: "The Cortes shall fix the annual provision for the king's household, which shall be commensurate to the high dignity of his person". "The regency shall see that the education given to the minor king be suited to his high dignity, and conformable to the plan which shall be adopted by the Congress."	X	https://en.wikisource.org/wiki/Spanish_Constitution_of_1812
Constitution of Luxembourg	1841	No direct mention	Article 41: Individual freedom and equality "Aucune disposition ne peut être prise qui soit contraire ; 1° A l'égalité des Luxembourgeois devant la loi, sans distinction de croyance religieuse, de rang, ni de naissance ; 2° A la liberté des opinions religieuses et de l'exercice des cultes ; 3° A la liberté individuelle qui consiste dans le droit de n'être poursuivi et arrêté, ni distrait de son juge naturel que dans les cas et dans la forme déterminés par la loi ; 4° A l'inviolabilité du domicile, hors les cas prévus par la loi ; 5° A la paisible possession et jouissance des biens, sans préjudice aux dispositions sur l'expropriation pour cause d'utilité publique ; 6° A l'admissibilité des Luxembourgeois seuls, ou de ceux qui leur sont assimilés, aux emplois publics."	https://legilux.public.lu/filestore/eli-et-at/leg/memorial/1841/a51/fr/pdf/eli-et-at-leg-memorial-1841-a51-fr-pdf.pdf
Constitution of Denmark	1849	X	X	no found
Prussian Constitution	1850	No direct Mention	Article 5: Personal freedom, Article 4: equality "All Prussians shall be equal before the law. Class privileges shall not be permitted. Public offices, subject to the conditions imposed by law, shall be uniformly open to all who are competent to hold them." Article 12: Freedom of religion, Article 22: Freedom of instruction,	https://en.wikisource.org/wiki/Constitution_of_the_Kingdom_of_Prussia
Swiss Federal Constitution	1848	No direct Mention	Article IV: "All Swiss are equal in the eyes of the law"	https://www.parlament.ch/centers/documents/de/BV_1848_EN.pdf

Annex II: Census of Human Dignity in European Union Constitutions:

	Constitutional Law
Austria	no direct reference
Belgium	Article 23 "Everyone has the right to lead a life in keeping with human dignity." ok
Bulgaria	Art.4, "The Republic of Bulgaria shall guarantee the life, dignity and rights of the individual and shall create conditions conducive to the free development of the individual and civil society."
Croatia	Article 25 of the Croatian Constitution explicitly states, "Everyone shall be guaranteed respect for and legal protection of personal and family life, dignity, reputation and honour."
Cyprus	No direct references but protection is included: Article 7 of the Cypriot Constitution states, "Every person has the right to life and corporal integrity,"
Czech Republic	Art.1; "All people are free and equal in dignity and in rights."
Denmark	No direct references
Estonia	Art.10; "Human dignity and other fundamental rights and freedoms shall be respected and protected."
Finland	Section 1; "The constitution shall guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society."
France	no direct references
Germany	Article 1; "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."
Greece	Article 2, "Respect and protection of the value of the human being constitute the primary obligations of the State."
Hungary	Art 2; "Human dignity shall be inviolable. Every human being shall have the right to life and human dignity."
Ireland	No direct references
Italy	Article 3, (1); "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions" Art 41; (1): "Private economic enterprise is free. It may not be carried out against the common good or in such a manner that could damage safety, liberty and human dignity".
Latvia	Article 95; "The State shall protect human honour and dignity."
Lithuania	Art.21, "The dignity of the human being shall be protected by law."
Luxembourg	No direct references
Malta	No direct references
Netherlands	No direct references
Poland	Art.30; "The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities."
Portugal	Art. 1, "Portugal is a sovereign Republic, based on the dignity of the human person and the will of the people and committed to building a free and just society."

Romania	Art. 1: "Human dignity, the rights and freedoms of citizens, the free development of human personality, justice and political pluralism represent supreme values and shall be guaranteed."
Slovakia	Art.12, "People are free and equal in dignity and in rights."
Slovenia	Art.10 (1)"Everyone has the right to personal dignity and safety."
Spain	Art.10(1), "The dignity of the person, the inviolable rights which are inherent, the free development of the personality, respect for the law and for the rights of others are fundamental to political order and social peace."
Sweden	No direct references

Annex III: Census of the Social Dimension of Human Dignity in International Law:

Instruments	Year	Type	Key Provisions
Universal Declaration of Human Rights (UDHR)	1948	Declaration	Article 22
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	Treaty	Articles 6-15
UN Convention on the Rights of Migrants	1990	Treaty	Article 70: HD and living conditions, not less favourable than nationals, fitness, safety, health...
ILO Decent Work Agenda	1999 (ongoing)	Policy Framework	Promoting jobs, rights at work, social protection and social dialogue
ILO Recommendation No. 202 on Social Protection Floors	2012	Recommendation	Minimum social protection standards
UN Convention on the Rights of Persons with Disabilities (CRPD)	2006	Treaty	Articles on dignity and social inclusion: 9 times mention of dignity, Art.16.4 (health, welfare, self respect, autonomy.
UN Convention on the Rights of the Child (CRC)	1989	Treaty	Article 23 (decent life, self reliance, participation in the community = mutuality), Article 37: duties, fulfilling family duties, rights to family

Annex IV: Media Moderation of the RSA Reform:

Journal	Political Orientation	Main Arguments For Reform	Main Arguments Against Reform	Tone	Key Sources Quoted	Notable Statistics	Articles analysed
Lutte Ouvrière	Extreme Left	-La seule politique qui puisse faire avancer les intérêts des travailleurs est d'imposer des embauches massives, en répartissant le travail entre tous, et des salaires qui permettent de vivre correctement. L'argent existe pour cela, du côté des comptes en banque des capitalistes.	Says that the numbers used by Attal, numbers of vacant jobs does not translate into the reality lived by workers, a lot of job announcements does not correspond to real jobs -propaganda anti-unemployed (Droits et devoirs, sanction, contrôle : cette propagande gouvernementale justifiant la réforme du RSA, est largement relayée dans les médias.) -En obligeant les bénéficiaires du RSA à accepter du travail sous-payé, via les 15 heures obligatoires, l'État va faire pression à la baisse sur les salaires de tous. -Nombre de salariés naviguent entre chômage et emplois précaires. Même ceux qui ont un emploi fixe ont toutes les raisons de ne pas se sentir protégés. Dans chaque famille, l'un ou l'autre est passé par la case chômage. C'est aussi pour cela qu'une attaque contre les chômeurs est une attaque contre tous les travailleurs. -La nouvelle loi prévoit la suspension de l'allocation, puis sa suppression, en cas de non-respect du contrat d'engagement. Tout va donc dans le sens de contraindre ceux qui se retrouvent sans emploi à accepter n'importe quel travail, obligeant ceux qui en ont encore un à accepter n'importe quel salaire.	very negative, used a lot as the terms, an attack against all, against all workers -"Réforme du RSA : une arme pour appauvrir et diviser les travailleurs " -Réforme du RSA : "une attaque contre tous " -RSA, la réforme antipauvres -RSA : nouvelles attaques programmées -fight, attacks, FOR the boss AGAINST the workers -increase the discrimination		- Problème de non-recours: Les travailleurs qui n'ont plus pour vivre que cette allocation d'un montant de 607 euros par mois, pour une personne seule, sont aujourd'hui deux millions, sur les trois millions qui y auraient droit. Un tiers des personnes éligibles au RSA en effet ne le réclament pas, faute de connaître leurs droits ou du fait de « l'illisibilité des règles et leur extrême complexité d'usage », pour reprendre les constatations faites par le Conseil d'État en 2021. -Marie, journaliste-pigiste à 29 ans, diplômée de Sciences Po Lille et d'une école de journalisme, et contrainte d'alterner périodes de piges et de RSA, manifeste aussi de l'inquiétude : « On va travailler gratuitement ? Mais une allocation n'est pas un salaire. Et puis cette réforme m'a vachement inquiétée, ça veut dire quoi ? Les mois où je ne travaille pas, je devrai faire du bénévolat ? »	https://www.lutte-ouvriere.org/journal/article/2024-03-06-reforme-du-rsa-une-attaque-contre-tous_729731.html https://www.lutte-ouvriere.org/journal/article/2023-06-21-reforme-du-rsa-une-arme-pour-appauvrir-et-diviser-les-travailleurs_721287.html https://nvo.fr/rsa-la-reforme-antipauvres/ https://www.lutte-ouvriere.org/journal/article/2023-05-16-rsa-nouvelles-attaques-programmees_668033.html

Révolution n Permanent e	Extreme Left		-ouvre à travers cela de nouvelles possibilités d'exploitation à bas coût, Cette guerre ouverte à l'encontre des plus précaires passera évidemment par un renforcement du flicage par les nouvelles conditions que Macron souhaite imposer.	-fight, attacks, SOCIAL WAR: Guerre sociale Généralisation du RSA conditionné : une offensive historique contre le monde du travail -Offensive anti-précaires « RSA conditionné » : une offensive historique qui vise l'ensemble du monde du travail -offensive against all workers but also the work market and world of work -est une nouvelle mesure du projet de guerre sociale qu'adopte Macron -policing 'flicage' of the condition of access to social benefit -war declaration, a legla attacks against unemployed"	Cite the interview of Elisabeth Born at L'Obs: Élisabeth Borne a tenté de se délimiter dans l'entretien accordé à L'Obs de la mesure proposée par Valérie Pécresse, qui est pour le coup beaucoup plus explicite sur la volonté de faire travailler à bas coût les bénéficiaires du RSA avec la formulation de « travaux d'intérêts généraux ». Mais elle intègre parmi les différents exemples d'activités imposées une découverte des métiers à travers « des immersions en entreprise », tout en réfutant le fait que cela soit un travail à part entière.	-On parle pour rappel de 65% des personnes bénéficiaires qui survivent en dessous du seuil de pauvreté	https://www.revolutionpermanente.fr/RSA-conditionne-une-offensive-historique-qui-vise-l-en-semble-du-monde-du-travail https://www.revolutionpermanente.fr/RSA-conditionne-une-attaque-en-regle-contre-les-chomeurs https://www.revolutionpermanente.fr/Generalisation-du-RSA-conditionne-une-offensive-historique-contre-le-monde-du-travail
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L'Humanité	Far Left	<p>- cite Olivier Dussopt, no free work or voluntary work, but formation activity, it is a way to overcome the issue of financial aids that do not offer counterbalance and therefore stuck individuals into extreme poverty</p>	<p>-- claire hédon: reinforcement of obligation, discrimination, and violate the right and liberty of the beneficiaries of social aids, - left wings: social war, infantilize, take the autonomy and will only make them more precare -Clémentine Autain: absurdity of the reform, many poor worker, what will you do, for them to work more, will still work under the poverty threshold - CGT Pôle Emploi: give the employers a form of short term manoeuvre that will not get a real salary</p>	<p>-« Une machine à broyer » -cite both arguments from the left and the right wings parties -> puts much more weight, and usually ends the articles with the arguments from the left wings, seems to balance more towards the left wings, and anti policy argument -« une usine à gaz », « déclaration de guerre sociale » -in others article much more engaged, and criticizing the project as a direct attack against people living in poverty Loi « plein-emploi » et RSA : LR et Renaissance main dans la main pour s'en prendre aux plus pauvres (a political alliance of right wing and center to attack the poorest)</p>	<p>- clémentine Autain, Claire Hédon, Left Wings deputies in general, CGT Pôle Emploi Un texte porteur de bouleversements inédits, défendu avec le soutien des Républicains et dénoncé par la gauche comme une « une déclaration de guerre sociale ». « Ce n'est pas du travail gratuit, ni du bénévolat », mais des activités de formation ou d'insertion, avait fait valoir Olivier Dussopt pour justifier ces activités obligatoires, pourfendant le « totem » d'une aide « sans contrepartie » qui « enferme » dans la précarité. Défenseur des droits. Claire Hédon, dans un texte très argumenté, avait ainsi estimé que « ce renforcement des obligations d'insertion socioprofessionnel le porte des atteintes disproportionnées ou discriminatoires aux droits et libertés des bénéficiaires du RSA » et a dénoncé une remise en cause des principes mêmes du système de protection social français. « La réforme du RSA du gouvernement est une machine à broyer. Elle va fabriquer des Daniel Blake à la chaîne (du nom</p>		<p>https://www.humanite.fr/social-et-economie/loi-plein-emploi/france-travail-le-rsa-conditionne-a-15-heures-dactivites-l-assemblee-a-adopte-le-projet-de-loi-plein-emploi</p>
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					d'un film de Ken Loach, mettant en scène un homme malmené par les services sociaux, N.D.L.R.) », avait ainsi réagi, à la tribune de l'Assemblée, le président du groupe des députés socialistes, Boris Vallaud. « Ce texte est un nouveau texte de guerre sociale ! Après celui sur les retraites, après les multiples entailles au code du travail que vous organisées depuis que vous êtes au pouvoir », a également lancé à l'exécutif le député PCF, Pierre Dharréville, au cours des débats		
Libération	Left-wing	Present the RSA as a tool of social/work insertion that has been failing, therefore should be reformed to be better, and more work integration focused -> through the terms of accompagnement, logiciel commun, rendre plus accessible TAKE THEM OUT OF ISOLATION	Une déclaration qui ne convainc pas Nawel Benchlikha, copilote du collectif Jeunes à la CGT. «C'est l'équivalent du travail dissimulé, une allocation n'est pas censée être assujettie à un travail. Dire que les personnes au RSA ne font pas l'effort de travailler est révoltant, personne ne veut vivre avec 590 euros par mois.»	Less ideas of a social war, less 'violent words' but still negative and against the reform "Quand un Etat maltraite, humilie, appauvrit une partie de sa population, tout le monde en pâtit."	Les Echos Macron saying: «Si [ceux qui n'ont pas de travail, ndlr] veulent profiter de la solidarité nationale pour réfléchir à [leur] vie, j'ai du mal à l'entendre. Parce que cette solidarité nationale, c'est ceux qui bossent qui la paient.» Ces heures d'activités «ne seront pas du travail gratuit», avait défendu le ministre du Travail, Olivier Dussopt, dans les colonnes du Parisien fin juillet. Hors de question pour Stéphane Troussel, qui rappelle dans sa missive que le RSA «est un droit fondamental», qui permet d'assurer aux personnes sans ressources un niveau minimum de revenus, et qui	«sept ans après l'entrée au RSA d'une cohorte d'allocataires, seuls 34% en sont sortis et sont en emploi – et parmi ceux-ci, seul un tiers est en emploi de façon stable». Les autres sont restés au RSA (42%) ou en sont sortis sans travailler pour autant (24%). L'expérimentation devrait concerner un peu moins de 40 000 bénéficiaires du RSA (sur 1,8 million). L'objectif est de l'élargir progressivement pour arriver à une généralisation début 2027. Le renforcement de l'accompagnement représente un budget d'environ 500 euros par personne.	https://www.liberation.fr/economie/social/rsa-sous-condition-le-gouvernement-compte-lancer-une-expérimentation-a-lautomme-20220804_6H6EIOCUGVARTBAPDMCOYC5OUO/ https://www.liberation.fr/societe/la-seine-saint-denis-refuse-le-rsa-conditionne-e-le-fustige-une-grave-entorse-a-notre-republique-20230328_UAJHJFR2HVBNNPSXB4TNGVFERLU/ https://www.liberation.fr/economie/social/avec-le-rsa-on-est-sur-un-revenu-si-faible-quil-ne-peut-pas-se-negocier-20221230_JABLOSMLTJCH3FKWSZQB77XPAE/

					«ne saurait se mériter par un quelconque engagement dans un accompagnement intensif». «La mise au travail de toutes et tous quoiqu'il en coûte ne peut être l'objectif unique et prioritaire des politiques publiques"	
Mediapart	Left-wing	- Shows that the experimentation in Alsace led to contrasted opinions, some against and some highly defending the reform.	- against the reforms, give voice directly to those who benefit from the RSA, mention how this will be highly negative to the workers. Look at the different experiences in various regions: Alsace and Seine Saint Denis, shows the failure of Saint Denis.	Less ideas of a social war, less 'violent words' but still negative and against the reform "Quand un Etat maltraite, humilie, appauvrit une partie de sa population, tout le monde en pâtit." Mention mistreatment and humiliation coming from the government. More ambiguous, uses terms as "RSA conditionné au bénévolat : l'Alsace mitigée après l'avoir testé"	« Il faudrait qu'il vive la pauvreté pour savoir ce que c'est », s'indigne une jeune coiffeuse de formation. « Ça va se faire au détriment des travailleurs », s'inquiète surtout Romain, ex-ingénieur.	https://www.mediapart.fr/journal/france/280323/rsa-conditionne-la-seine-saint-denis-se-retire-de-l-experimentation https://www.mediapart.fr/journal/france/230322/conditionner-le-rsa-une-activite-il-faudrait-que-macron-vive-la-pauvrete-pour-savoir-c-e-que-c-est https://www.mediapart.fr/journal/france/231023/rsa-conditionne-au-benevolat-l-alsace-mitigee-apres-l-avoir-teste https://blogs.mediapart.fr/ag-precaires-grenoble/blog/141223/nous-vivons-sur-le-fil-mobilisation-contre-le-rsa-sous-conditions
L'Obs	Center-left	- Elizabeth Borne: « Ce qu'on veut, c'est permettre à tous les bénéficiaires du RSA de retrouver un emploi », « un contrat d'engagement réciproque avec des droits et des devoirs » « sauf cas particulier » « Il ne s'agit pas de les faire travailler sans les payer, mais de leur permettre de découvrir des métiers, de se former si besoin. C'est ça, les 15 à 20 heures dont on parle. »	-Martin Hirsch: « transformer un allocataire en main-d'œuvre sans droit », « une régression sociale » - Fondation Jean Jaures: vient de publier une note proposant une réforme ambitieuse du RSA. Elle montre que les sanctions n'ont rien donné de bon sur l'emploi, tout en aggravant la souffrance sociale.	- First article: describe the reform and present both arguments, do not give their own opinion, present Martin Hirsch and Elizabeth Borne opinion. -Second Article more engaged, talk about punishment, says it increases social suffering, talk about "le gros rouge qui tache", sciences political concept which is when the power goes after immigration, intellectual and here, the unemployment, or workers in situation of poverty, and on the other hand glorifies what they perceive as the "real hard working french	- Martin Hirsch - Elizabeth Borne - Fondation Jean-Jaures and the report which analysed the reform	https://www.nouvelobs.com/politique/20230427.OBS72686/le-versement-du-rsa-sera-conditionne-a-15-a-20-heures-dactivite-confirme-borne.html https://www.nouvelobs.com/chroniques/20230427.OBS72679/responsabiliser-a-compagner-ou-punir-les-allocataires-du-rsa-en-ligne-de-mire.html

Le Monde	Center-left	<p>-L'objectif affiché est de résoudre les problèmes de réinsertion auxquels le RSA était censé répondre. Car, depuis son institution en 2009, ce revenu n'a pas permis « à lui seul de sortir de la pauvreté », et pour ses bénéficiaires « l'accès à l'emploi reste difficile », soulignait la Cour des comptes en 2022.</p>	<p>- Question how this reform risks to increase the risk of non-take up. The articles point out how non-take up is already high and how might this reforms will only increase it, due the the strenghtening of the conditions, and reinforcement of sanctions. This increase risks of discouraging individuals. - Left wings deputies: Arthur Delaporte et Jérôme Guedj ont réclamé au gouvernement une évaluation des effets des sanctions actuelles imposées aux allocataires. - Mister Guedji got a provisional report from the CNAF (Caisse des allocations familiales) in June 2022, which precise they do not dispose of enough statistic yet, and that those partial datas should be considered with high caution: Sur ce seul mois, 31 500 personnes « appartenant à un foyer bénéficiaire du RSA faisaient l'objet d'une sanction pour non-respect des obligations du contrat d'engagement réciproque », à la suite d'un contrôle ou en raison d'une absence de déclaration de ressources. Dans un peu plus de 40 % des cas, cette sanction prenait la forme d'une suspension du versement du RSA quand les autres voyaient leur allocation réduite. -underline the lack of clear statistics -Points out the alliance with the right wings to strenghten and stricthen the mechanism -Points out how the new mechanism and 15 to 20 hours rules is unrealisable and the government knows it, reminds that the RSA was supposed to be a 'survival income' and should stay a right. They go as far as questioning the whole focus of the RSA since 2009 on activity and insertion,</p>	people"	<p>- more neutral language but seems to present the arguments against the reforms, back up with research and statistic, still mostly even only report arguments against the reforms but less vocabulary of suffering, more technical analysis of the issues</p>	<p>- La cour des compte -le député socialiste Arthur Delaporte, conditionner le RSA à des heures d'activité risque pourtant d'avoir un effet contreproductif, en « créant du non-recours aux droits ». -Based on two studies: https://theconversation.com/au-dela-de-la-fraude-sociale-le-non-recours-a-l-allocation-pose-un-probleme-bien-plus-important-184061 and https://dares.travail-emploi.gouv.fr/publication/rapport-final-du-comite-national-devaluation-du-revenu-de-solidarite-active-rsa</p>	<p>- Dans sa note, la CNAF explique que la sanction « semble avoir un impact sur le droit au RSA à moyen terme ». Quatre mois après, « la proportion de personnes qui vivent dans un foyer ne bénéficiant plus d'un droit au RSA croît sensiblement », passant de 1 % en juin 2022 à 47 % en octobre 2022. La proportion de bénéficiaires du RSA baisse sensiblement aussi sur cette même période, passant de 53 % à 35 %. La CNAF assure que les sanctions entraînent « fréquemment une sortie du droit, puisque pour près de la moitié des cas, aucun calcul de droit n'est réalisé en juin 2023 ». Un an après la sanction, 7 500 personnes, soit 24 % des personnes sanctionnées, ont été exclues ou radiées des foyers allocataires de la branche famille et ne touchent plus aucune des prestations versées par les CAF.</p> <p>https://www.lemonde.fr/les-decodeurs/article/2023/10/10/le-conditionnement-du-versement-du-rsa-risque-t-il-d-accroitre-le-non-recours-a-cette-aide-sociale_6193481_4355770.html https://www.lemonde.fr/politique/article/2023/09/27/riforme-du-rsa-des-elus-socialistes-accusent-le-gouvernement-de-legiferer-a-l-aveugle_6191196_823448.html https://www.lemonde.fr/idees/article/2023/06/26/rsa-la-regle-des-15-a-20-heures-d-activite-obligatoires-est-il-realizable-et-le-pouvoir-le-sait-tres-bien_6179226_3232.html</p>
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			presenting it as a social rights.				
Les Échos	Center (Economic focus)	- look at the results of the regional experimentation, presented as encouraging results -Tool to motivate and assure social insertion of the unemployed -How it is helpful in terms of social rights, since it is beneficial for those unemployed to find a new jobs - Tool to achieve full employment - Cite and react to the opposition arguments, and the failures of insertion and employment of the previous RSA mechanism, and what is truly bad is that : RSA : ce qui est grave, c'est de ne pas pouvoir en sortir, after 5 years people are still benefiting from the RSA meaning the mechanism is a failure - Would allow to deal with the issue of non-recours	- argue that the RSA should be accessible before 25 years old (clémence Boyer)	- present both arguments but mostly positive and defend the reform, presents the RSA as an insertion and a tool about work and employment, which has been failing, and is therefore bettering with the reform -not directly blaming individuals for not finding a job, but more the system and therefore this reform is a good way to help people finding a new job, it is an helpful reform for unemployed individuals (something good, not a punishment) - react to the opinion from the left wings	- «Macron veut mettre les pauvres au travail», «Être pauvre devient une infraction», «Une violence inouïe» : Jean-Marie Vanlerenberghe, Pierre Vanlerenberghe et Patrick Debruyne reviennent sur quelques-unes des réactions d'opposition à Emmanuel Macron, dès l'annonce de son programme présidentiel, en particulier sur la question du RSA.	- Plus de 40 % des allocataires du RSA le sont depuis plus de cinq ans.	https://www.lesechos.fr/économie-france/social/les-debuts-encourageants-de-la-reforme-du-rsa-2047139 https://start.lesechos.fr/actualite/budget-consolidation/le-debat-faut-il-permettre-aux-moins-de-25-ans-de-toucher-le-rsa-1178499 https://start.lesechos.fr/société/egalité-diversité/pour-ou-contre-louverture-du-rsa-aux-18-25-ans-1257896 https://www.lesechos.fr/économie-france/social/france-travail-rsa-ce-que-prevoit-le-projet-de-loi-plein-emploi-1950084 https://www.lesechos.fr/ideas-debats/cercle/opinion-rsa-ce-qui-est-grave-cest-de-ne-pas-pouvoir-en-sortir-1396938
Le Figaro	Center-right	- help to reintegrate individuals into the job market - with the resentment of all individuals and their engagement in voluntary work, it helps figure out the fragilities and the obstacles to returning to work.	- criticize the implementation possibility of the reform, how complicated it will be for social institutions to put in place the "guidance" mechanism and the monitoring and evaluation that each individuals respect their 15-20 hours a week, how to provide them and	- in both les échos and Figaro: use the term "encouraging" concerning the reform - present both argumentations, in a much more neutral way, show the high difficulties that will be faced by trying to enforce these reforms -criticize the link between employment/activity as an old "whim" (lubbie) - Described as a "casse-tête" (Chinese puzzle) for the responsible social institutions	- le premier ministre Gabriel Attal a indiqué que le «Revenu de solidarité active» (RSA) sous conditions, déjà expérimenté dans 18 départements depuis décembre 2022, sera étendu cette année à 47 territoires. «pour accompagner de façon rénovée et intensive le retour à l'emploi de 100%»		https://www.lefigaro.fr/conjoncture/rsa-conditionnelle-matignon-devoile-les-29-nouveaux-départements-concernés-le-dispositif-20240301 https://www.lefigaro.fr/social/conditionner-le-rsa-a-des-heures-d-activité-un-dispositif-difficile-a-appliquer-20220322 https://www.lefigaro.fr/social/les-premiers-pas-encourageants-de-la-reforme-du-rsa-20231026
L'Express	Center-right	- not free or voluntary work but a way to fight and overcome the symbol of financial aids without any conditions that trap individuals into precarity (cite Olivier Dussot) - also defend the sanction, respecting the original promise of RSA, to allow individuals to integrate themselves within the job market. - the money from the RSA come from hard working individuals, which deserve to ask for accountability from those who benefit of the RSA	- present the opposition arguments: - extreme right (RN): Le gouvernement veut continuer de martyriser les Français, a attaqué le député lèpéniste Victor Catteau. - NUPES (left wing coalition): how you know need to deserve solidarity	- present both opinions, but the majority of the article mainly cites the minister of Labour who carried the law and defended it. The left-wing arguments mostly take up few lines, at the end of the articles - use the world "failure" to describe the RSA - blames individuals for refusing to return to the workforce	- Cette solution va dans le bon sens en fixant les 15 heures comme un objectif, s'était réjoui lors des débats Olivier Dussot, qui était réticent à graver un volume horaire peu adapté à certains et impossible à proposer à tous. - L'argent du RSA, ce n'est pas de l'argent magique, c'est l'argent de ceux qui travaillent et de ceux qui cotisent, qui ont le droit de demander des comptes, a fait valoir le député LR Philippe Juvin. - Sandrine Rousseau, c'est la fin de cette promesse que nous ne laisserons jamais personne au bord de		https://www.lexpress.fr/informations/loi-plein-emploi-verdict-de-lassemblée-après-les-passes-darmes-sur-le-rsa-DRN-FN3WLMECOXK4RT-DHLMQ5S0OE/ https://www.lexpress.fr/économie/emploi/reforme-du-rsa-france-travail-le-projet-de-loi-pour-le-plein-emploi-adopte-a-l-assemblée-MPVOUX-XSANHP7FGAZF6VO-GBBMO/ https://www.lexpress.fr/politique/rsa-15-heures-d-activités-obligatoires-sanction-les-détails-de-la-nouvelle-reforme-l62-VUVMWPRHLPFAJ2-PRNMDFEVI/ https://www.lexpress.fr/économie/politique-eco

					la route car il faudra désormais mériter la solidarité. - Les nouvelles conditions pour le RSA sont un régime de coercition, d'infantilisation, a renchéri le communiste Pierre Dharréville, tandis que la députée LFI Danielle Simonnet a fustigé une loi de maltraitance et de régression sociale sans précédent.		https://www.lexpress.fr/economie/politique-economique/le-rsa-est-un-echeccollectif-olivier-dussopt-agnes-verdier-molinie-le-debat-inattendu-XFN6XO2JB5AL7O-X7SGMOBRGITE/ https://www.lexpress.fr/economie/olivier-dussopt-conditionner-le-versement-du-rsa-c-est-une-voie-mesure-de-gauche-2183059.html
Le Point	Center-right	- guiding individuals back to the workforce by guiding and supporting them better (Macron) - each activity is adapted to difficulties and an obstacle to return to the workforce, to verify that the receiving individuals are in an activity they must fill out a "carnet de bord" (log book) -Isabelle Roubty, directrice de l'agence local de France travail: "l'experimentation au 10 mars, à 894 entrée et 45% d'accès à l'emploi pour ceux qui ont au moins cinq mois d'accompagnement"	- Dominique Perles: Ambitious to imagine generalizing this mechanism but cannot be done with the current financial resources allocated by the government -Cite Martin Hirsch declaration against the reform.	- Present both arguments, neutral tone but mostly focus and highlights the argument defending the reforms, countering the argument against, presenting the positive aspect of the reform, but no direct attack on the individuals	- Le 17 avril, s'exprimant à la télévision, Emmanuel Macron avait prévenu : « Nous doublerons d'efforts pour ramener vers le travail le plus de bénéficiaires du revenu de solidarité active (RSA) en les accompagnant mieux. » - Dominique Perles, Isabelle Roubty, Emmanuel Macron, Martin Hirsch		https://www.lepoint.fr/ideo/rsa-sous-condition-s-j-ai-cru-que-j-allais-devoir-travailler-25-03-2024-2555890_738.php#11 https://www.lepoint.fr/politique/le-rsa-bientot-sous-conditions-28-04-2023-2518143_20.php#11
Le Parisien	Right-wing	- look at the results of the regional experimentation "There are some positive signals", again "encouraging results" -intensive guidance, support, close to a form of coaching, with personal individualized guidance (CV making...) -in the Loiret: « bonne réforme, qui prend en compte le parcours individuel et la notion d'empêchement légitime pour des gens qui sont très éloignés de l'emploi », good reform, going in the right direction but cannot generalise it before 2025 because it would overload the social institutions - positive, create of a "green brigade" with those receiving the RSA to take care of middle school greenery and roadsides, this was necessary for the city as there have been an increase of "incivility" in the region (Marie-Christine Cavecchi), this was such a succes, they are creating another brigade.	- in one article presents the reaction for a trade union, denouncing the opacity of the process of this reform.	- highly positive about the reforms, blames individuals and present that you have duties that than open up to rights not the contrary (you respect your duties and than you can receive survival income, not about the system but the issue of individuals) - do not mention opposing views, except on technical issue like "opacity" but not the arguments by the left wings of work and social exploitation -success of the mechanism,	« La logique qu'on porte, c'est celle de dire que les devoirs ouvrent les droits, et non l'inverse. Ce ne sont pas les droits qui ouvrent les devoirs », a expliqué Gabriel Attal - « Il y a un vrai besoin, en raison notamment de l'augmentation des incivilités, explique Marie-Christine Cavecchi, présidente (LR) du département. C'est important notamment dans les Espaces Naturels Sensibles. Et on ne veut pas que nos routes départementales deviennent comme les bretelles d'autoroute. En plus, ce sont des personnes en insertion, à qui on met le pied à l'étrier. Ça permet de leur redonner l'envie, le rythme du travail, le savoir être et le savoir-faire ». « On se sent utile, car	Fin septembre 2021, le nombre de bénéficiaires du RSA était estimé à 1,91 million de foyers. Le montant total engagé était de près de 2,90 milliards d'euros au troisième trimestre 2021, poursuivant la diminution amorcée à la fin de l'année 2020, selon la Caisse nationale d'allocations familiales. Une dizaine de conseillers ont déjà été recrutés à Montargis, tandis que le réseau d'entreprises capables d'accueillir cette main-d'œuvre « parfois exclue de l'emploi depuis des années », poursuit son développement. Lancée en avril 2022, la brigade verte du département du Val-d'Oise réunit depuis deux ans une dizaine d'agents en insertion, chargés de nettoyer les espaces verts.	https://www.leparisien.fr/economie/emploi/reforme-du-rsa-voici-la-liste-des-47-departements-concernes-par-l'experimentation-02-03-2024-OTOSFZNBRRFRLCYW6MRDORS66A.php https://www.leparisien.fr/economie/il-y-a-des-sigaux-positifs-quel-bilan-pour-l'experimentation-du-rsa-sous-conditions-14-03-2024-YARTJD7XAZEIZKMXUXNCRFMIV.php https://www.leparisien.fr/val-de-marne-94/experimentation-du-rsa-sous-conditions-dans-le-val-de-marne-une-revolution-opaque-pour-les-syndicats-06-06-2024-73PKD4WAZFEF7N3625XASIRVOI.php https://www.leparisien.fr/loiret-45/rsa-sous-conditions-pas-de-generalisation-a-tous-les-allocataires-du-loiret-avant-202

					<p>on travaille pour préserver les espaces verts, souffle Francisco, de Sarcelles. En plus, on est au contact de la nature. » Le quinquagénaire veut emmagasiner de l'expérience. « J'ai déjà travaillé comme agent de maintenance en intérieur mais, à 55 ans, c'est difficile de retrouver un travail. Maintenant, il faut être polyvalent. » Thomas, ancien électricien qui a multiplié les missions d'intérim depuis la crise sanitaire, sans trouver d'emploi fixe. « Depuis que j'ai commencé, je retrouve le goût du travail, souffle le jeune homme (31 ans), également originaire de Sarcelles. C'est un nouveau départ. »</p>		<p>5-11-01-2024-5RQ2PLYRZGP5CO7IO4VDGRJAO.php https://www.leparisien.fr/val-d-oise-95/val-dois-ces-allocataires-du-rsa-forment-la-brigade-verte-du-departement-05-04-2024-MJGHN27T4BDPDGZGBNG7DJJB7U.php https://www.leparisien.fr/val-de-marne-94/rsa-dans-le-val-de-marne-la-revolution-est-en-marche-pour-linsertion-des-allocataires-11-03-2024-NPA2R322GFFU7ALJMLW5S77XKY.php</p>
Valeurs Actuelles	Far-right		- present some left wing arguments: how the left wing asked for suppressing two article that only focused on the duties of those who ask for the financial aids, and it is an attack against people living in poverty and poverty.	- present both arguments, only one article, do not seem to position themselves on the issue	- « centré uniquement sur les devoirs du demandeur », a contesté la sénatrice socialiste Emilienne Poumirol. « Rien n'est dit sur les moyens que l'Etat mettra en place » pour assurer l'accompagnement des demandeurs d'emploi, a-t-elle critiqué. Et de fustiger un texte qui, selon elle, « s'attaque aux pauvres, mais surtout pas à la pauvreté » -Pour sa part, le ministre du Travail Olivier Dussopt a jugé le dispositif « équilibré ». « Il nous paraît fondamental d'avoir un accompagnement qui soit le plus personnalisé possible, mais aussi le plus efficace possible,		<p>https://www.valeursactuelles.com/politique/le-senat-adopte-deux-articles-pour-durcir-les-conditions-du-rsa</p>

					parce que le but de toute façon, c'est le retour à l'emploi », a-t-il expliqué.		
Présent Hebdo	Far-right	no article found	no article found	no article found	no article found	no article found	no article found

Annex V:

Key Areas for achieving autonomy and mutuality:⁵¹¹

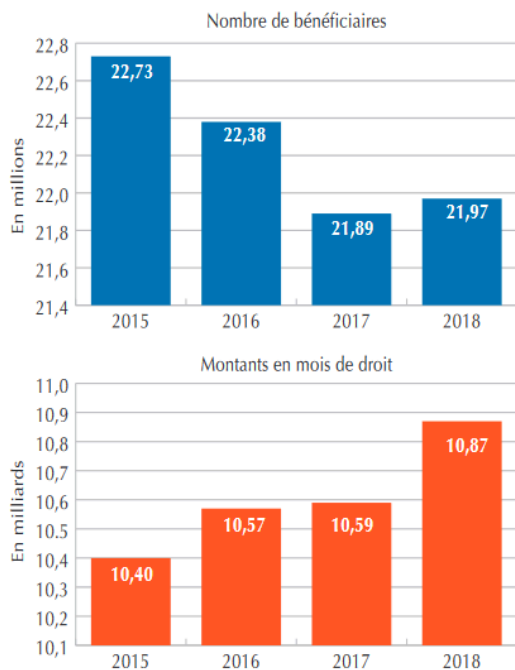
Policy Objectives	Areas of comparison	Achieving Autonomy	Achieving mutuality
Physical and psychological well-being	<ul style="list-style-type: none"> Financial assistance for buying daily necessities for maintaining physical health. Health care for physical functioning. Psychological support for mental health. Training of welfare workers and the administration of a welfare system deal with recipients' psychological needs. Decent housing Healthy diets 		
Fulfilling caring duties	<ul style="list-style-type: none"> Support for parents to fulfil duties of care in health, education, and social activities. 		
Social Integration	<ul style="list-style-type: none"> Support recipients in participating in social and cultural life. Welfare images of recipients presented by the states. (Public representation and reception, the way the policy is framed, social stigma, cultural representation...) 		
Human Learning	<ul style="list-style-type: none"> Government's ideas about human learning. Support and opportunities for recipients' learning and developing skills. 		
Self Determination	<ul style="list-style-type: none"> Opportunities and extent to which recipients can participate in policymaking. The extent to which receiving benefits promotes self-determination. 		

⁵¹¹Chan and Bowpitt, Human Dignity and Welfare Systems (2005), p29.

	<ul style="list-style-type: none"> • Decent work • Recognition and participation in the devising of social policies. 		
Equal Value	<ul style="list-style-type: none"> • Government's attitudes towards the value of different social groups. • Special programs for meeting the special needs of disadvantaged groups. • Equal treatment in terms of age, gender, race or class. 		

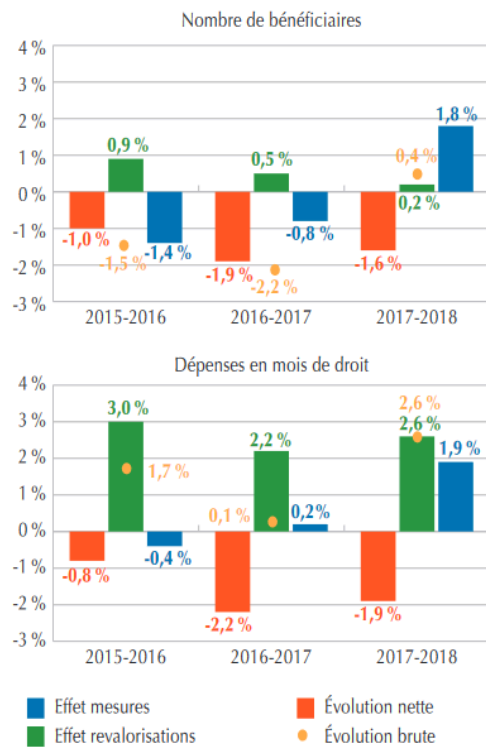
Annex VI: Evolution of the RSA numbers (2015-2018):

Graphique 3 – Évolution annuelle du nombre de bénéficiaires du Rsa et des montants versés (montants et effectifs cumulés sur l'année) – données semi-définitives



Source : Cnaf-Dser (fichiers statistiques Allstat FR2).
Champ : bénéficiaires du Rsa gérés par les Caf, France entière.

Graphique 4 – Décomposition des évolutions annuelles du Rsa – données semi-définitives



Source : Cnaf-Dser (fichiers statistiques Allstat FR2).
Champ : bénéficiaires du Rsa gérés par les Caf, France entière.

Annex VII: Table of evaluation RSA Case Study:

		RSA Reconditionné	
Policy Debate Area	Areas of Comparison	Negative	Positive
Physical and Psychological Wellbeing	<ul style="list-style-type: none"> - Financial assistance for buying daily necessities to maintain health - Healthcare for physical functioning - Psychological support for mental health. - Training welfare workers and the administration of a welfare system to deal with recipients' psychological needs. - Decent housing - Healthy diets 	<ul style="list-style-type: none"> - Survival income: 607,75 euro, conditioned and can be suppressed, does not allow overcoming the poverty line, the policy maintains individuals in poverty. - Survival income can be suppressed worsening their already precarious living situation. - Remain under the poverty line and can lose their survival income. - Insufficient and insecure income - Material and social deprivation - May create more spending to achieve those 15 hours, and less time to focus on job-search. - Lack of access to decent work: cannot refuse the job offered to them, or they will lose their survival income. - living in poverty means physical, mental and emotional suffering (fear and anxiety of losing the survival income). - Lack of access to preventive health and dental care. - No contribution to the pension fund. . 	<ul style="list-style-type: none"> - income that helps to meet certain individual basic needs - access to social security (C2S) - individual training and personalised professional path
Fulfilling Duties	<ul style="list-style-type: none"> -support to parents to fulfil duties - Education 	<ul style="list-style-type: none"> - Do not consider couples with children to be excluded from the 15h, if one parent works and the other stays at home, and can no longer receive the RSA, how to take care of the kids? Kindergarten? Transportation cost (cf chantier famille). - Remain under the poverty line and can lose their survival income. - Material and Social Deprivation (providing children with affordable quality housing, sufficient nutritious food, a safe and secure environment, and non-discriminatory education in well-equipped schools) - Insufficient and insecure income: too little income to meet social obligations and keep harmony within the family. 	<ul style="list-style-type: none"> - single parents are excluded from the 15-hours - Family-friendly childcare at the kindergarten
Social integration	<ul style="list-style-type: none"> - Support recipients in participating in social and cultural life. - Welfare images of recipients presented by the states. (Public representation and reception, the way the policy is framed, social stigma, cultural representation...) 	<ul style="list-style-type: none"> - Presenting survival income as conditional - Unemployed individuals are unwilling to work, conditioning the survival income and therefore will force them to work. - Opposing “hard-working French” that pay for “those who refuse to work”. - “First comes obligation, later rights”. - Feeds into the “Anti-poor prejudice” - Institutional and Social Mistreatment. - Do not acknowledge the structural and systemic issues of living in poverty, and blame the individuals. 	<ul style="list-style-type: none"> -Some recipients have mentioned a feeling of usefulness and this being the only way for them to find work.
Human Flourishing	<ul style="list-style-type: none"> - Learning and developing useful skills 	<ul style="list-style-type: none"> - Remain under the poverty line and can lose their survival income - Living to survive, making ends meet, and having little to no time for hobbies, social skills and habits. 	<ul style="list-style-type: none"> - new skills learned through the jobs and formation (CV making, professionalisation)
Self-determination	<ul style="list-style-type: none"> - Participation in policymaking - receiving benefits promotes self-determination. - Decent work (give definition) 	<ul style="list-style-type: none"> - Conditionality of the survival income means no choice and self-determination for their job. - Obligated to accept a job or lose their survival income. 	<ul style="list-style-type: none"> - in one interview, people living in poverty talk about "feeling of usefulness" and "participating in society"

	- Recognition of one's participation to society	<ul style="list-style-type: none"> - Obligated to work 15 hours a week, cannot refuse the activity. - Lack of participation from people living in poverty in devising the policy: what they ask is decent, dignified work like everyone else in the society. - Work but job not recognised as such. - Disempowerment: dependency, lack of control and constrained choice. 	- collective social diagnostic and general professional orientation, made in co-construction with the individual concerned, supposed to be adapted to their financial and social needs
Equal Value	- Value of all people regardless of differences	<ul style="list-style-type: none"> - Feeds into the Anti-poor prejudice, in public opinion and the justification of the reforms (do not maintain an equal level of socialisation). - Remain under the poverty line and can lose their survival income: maintain individuals in an unequal situation. - Increase discrimination due to lack of resources or skill sets instead of tackling the systemic issues. - Increase social and institutional mistreatment. 	<ul style="list-style-type: none"> - feeling of usefulness, and participation in society - individualised program, pertains to individual social and financial needs with worker-trained

Italian Summary:

Questa tesi esplora il concetto di Dignità Umana e il suo significato storico, filosofico e culturale. Approfondisce l'impatto della Dignità Umana sulla creazione e valutazione delle politiche sociali, nello specifico nel contesto della lotta contro la povertà. L'indagine fornisce un'analisi storica della Dignità Umana, dalle sue origini fino alla sua inclusione legale nel sistema giuridico internazionale, nazionale ed europeo. Esamina anche l'influenza del Cristianesimo e dell'Illuminismo sulla comprensione della Dignità Umana. Inoltre, la tesi applica il concetto di Dignità Umana alle questioni sociali contemporanee, in particolare analizza l'impatto delle politiche sociali sulla dignità delle persone in condizione di povertà. Nello specifico si concentra sul caso studio della Riforma RSA del 2023. Si propone di rispondere a una domanda cruciale: si può utilizzare la Dignità Umana per ideare e valutare le nostre politiche sociali?

Nel 2021, 9,1 milioni di persone in Francia vivevano sotto la soglia di povertà, identificata come inferiore a 1.158 euro al mese. Questo problema colpisce più del 14,5% della popolazione francese e ha implicazioni profonde, dall'inadeguatezza abitativa, alle sfide fisiche e mentali, fino all'impossibilità di accedere ai servizi essenziali. Dopo aver lavorato a stretto contatto con persone in condizione di povertà durante il mio tirocinio, è diventato evidente che una preoccupazione ricorrente è la costante violazione della loro Dignità Umana. Ho lavorato per sei mesi con ATD Quart Monde, un'organizzazione non governativa che combatte la povertà, coinvolgendo in maniera diretta le persone in condizione di povertà nelle decisioni politiche che li riguardano. Ho lavorato a stretto contatto con persone in condizione di povertà per sei mesi, durante i quali ho operato sul campo attraverso dibattiti e discussioni. Infatti, gli individui soggetti a condizioni di povertà hanno continuamente parlato delle violazioni della loro Dignità. Dalla privazione materiale, come il reddito insufficiente per coprire i bisogni fondamentali e la mancanza di alloggi e vestiti decenti; alla privazione sociale, come la deprivazione socioeconomica e i pregiudizi verso chi vive nella disoccupazione, considerato pigro o svogliato. Nonostante la gravità della situazione, le attuali misure governative hanno ridotto gli aiuti finanziari, peggiorando le difficoltà e le condizioni di vita delle persone in povertà. L'uso frequente del termine "Dignità" è stato estremamente significativo, in quanto era evidente che stessero rivendicando il diritto a essere trattati con rispetto e uguaglianza; il diritto a essere trattati con Dignità. Questa tesi è stata motivata dalle testimonianze delle persone in condizione di povertà e dall'uso del concetto di Dignità Umana nel dibattito sociale da parte dei politici francesi. Esamina come il riconoscimento della Dignità Umana possa influenzare lo sviluppo delle politiche sociali, specialmente quelle contro la lotta alla povertà.

Questa ricerca è prima di tutto un'analisi storica della Dignità Umana, a partire dalle sue origini latine nel termine "dignitas" al concetto cristiano di "Imago Dei", passando attraverso la tradizione illuminista fino al suo legale inserimento all'interno delle leggi nazionali, internazionali ed europee. Questa analisi storica è cruciale per comprendere correttamente il

contesto storico stratificato che ha visto lo sviluppo di questo concetto. Per rendere questa definizione il più accurata possibile, la tesi ha attinto da una varietà di fonti primarie.

Ho analizzato trattati filosofici, romanzi, testi fondamentali, fonti classiche, documenti storici e legali e testi religiosi fondamentali. Questa analisi storica è focalizzata alla comprensione dell'uso del termine Dignità Umana, o Dignità, e al suo contesto culturale e politico, identificando il suo significato in ogni periodo e come ha o non ha influenzato la nostra comprensione contemporanea della Dignità Umana. Per molti secoli, la Dignità Umana è stata associata alla stratificazione sociale. Veniva intesa come qualcosa che si possiede, ma non in maniera egualitaria. La dignità non è stata considerata come un concetto universale fino all'Illuminismo, il quale ha determinato il suo passaggio dal significato strettamente religioso a quello laico. Tuttavia, l'influenza del Cristianesimo e della religione sulla comprensione della Dignità Umana non deve essere sottovalutata. Infatti, la nascita del Cristianesimo ha portato a una forma di dignità "universale", legata alla nostra natura umana. Nelle Scritture cristiane, poiché Dio ci ha creati a sua immagine, ci è stata data una dignità propria, superiore al resto della creazione corporea. Tuttavia, essa è stata persa e degradata dal peccato originale, quindi ciò che rimane della nostra dignità "divina" è la possibilità di riguadagnare attraverso la scelta razionale e la vita spirituale. Dopo la "caduta", la Dignità Umana esisteva solo nella nostra capacità di agire razionalmente verso la salvezza; creando uno dei primi riferimenti alla Dignità Umana in relazione diretta alla razionalità.

La razionalità è centrale nella comprensione contemporanea della Dignità Umana. Infatti, Immanuel Kant, uno dei pensatori più influenti nella definizione del concetto, descrive la Dignità Umana come il nostro valore intrinseco, che possediamo non per status ma per la nostra autonomia razionale. In seguito, la tesi esamina il primo costituzionalismo, il cattolicesimo politico e l'importante consacrazione della Dignità Umana nel primo articolo della Dichiarazione Universale dei Diritti Umani (UDHR), che afferma che "Tutti gli esseri umani nascono liberi ed eguali in dignità e diritti". Questo rivela che la Dignità Umana è il valore intrinseco che ogni individuo possiede, legato alla sua capacità di agire moralmente e che giustifica un trattamento universale basato su uguaglianza, autonomia e libertà. La Dignità Umana non si guadagna né si concede, semplicemente 'è'. Tuttavia, l'analisi storica ha evidenziato la mancanza di uno standard sociale chiaro quando si discute della protezione della Dignità Umana. Nella Dichiarazione Universale dei Diritti Umani, la Dignità Umana è stata associata ad alcuni standard sociali necessari per una vita dignitosa. Tuttavia, nella pratica, questi standard non sono definiti chiaramente e la Dignità Umana è raramente menzionata nelle politiche sociali, se non in riferimento alla restituzione della dignità individuale tramite il lavoro. Tuttavia, studi hanno dimostrato che nel mondo contemporaneo avere un lavoro non è sufficiente per superare la povertà. Includere le questioni sociali e i diritti umani come parte della nostra Dignità Umana universale porterebbe a maggiori benefici e alla loro protezione.

Quest'analisi ha portato a una maggiore comprensione dei concetti fondamentali e a un'interpretazione più complessa degli aspetti sociali, legali e filosofici legati alla Dignità Umana. L'indagine ha contribuito a identificare i cambiamenti storici, le tendenze tematiche e

le contraddizioni che hanno aiutato a raggiungere un quadro più completo per valutare la dignità in circostanze diverse. Permettendomi, così, di valutare l'impatto delle politiche sociali sulla Dignità Umana delle persone che vivono in condizioni di povertà.

Inoltre, per garantire una comprensione completa della Riforma RSA del 2023, questa tesi ha analizzato il testo legale e ha realizzato un'analisi approfondita dei contenuti mediatici, esaminando un'ampia gamma di pubblicazioni online provenienti da un ampio spettro politico, dall'estrema sinistra all'estrema destra. Questo mi ha permesso di valutare anche la risposta politica e pubblica a questa riforma.

Questa tesi è stata inoltre ispirata sia dalla situazione attuale in Francia, sia dal bisogno collettivo di comprendere le cause profonde della crisi sociale degli ultimi dieci anni; dalla crisi dei gilet gialli (2018-2020), alla crisi della riforma delle pensioni (2022), fino alla riforma del RSA del 2023. La riforma del RSA è stata presentata come un modo per ridurre il numero elevato di disoccupati, spingendo gli individui a intraprendere una nuova attività lavorativa. Infatti, il RSA è un reddito di 635,70 € al mese, concesso a coloro che sono considerati al di sotto della soglia di povertà (calcolata al 60% del tenore di vita mediano per gli individui) e che non riescono a soddisfare i propri bisogni fisiologici autonomamente. Questo reddito viene dato a coloro che non hanno accesso ai sussidi di disoccupazione o che sono considerati 'lavoratori poveri', termine che le persone in condizioni di povertà rifiutano, poiché riduce la loro condizione alla loro situazione economica. Questi lavoratori hanno un salario troppo basso per riuscire a superare la soglia della povertà, e il reddito RSA è stato fortemente criticato per non essere sufficiente per garantire una vita dignitosa. Inoltre, molti hanno lamentato la complessità del processo amministrativo per riceverlo. Questa complessità ha portato a un alto numero di 'non ricorsi' (famiglie idonee al RSA che non ne fanno richiesta). Tuttavia, la critica che ha ricevuto maggior attenzione dai media è stata l'idea che questo reddito fosse destinato principalmente a incoraggiare il ritorno al lavoro. La grande percentuale di disoccupati e beneficiari del RSA è stata citata come prova dell'inefficacia del programma e della necessità di una riforma. Nel 2023, una riforma generale del lavoro ha posto la condizione di sottoporsi a una formazione o di lavorare senza retribuzione 15 ore settimanali. Questa riforma solleva indubbiamente la questione di se i diritti sociali siano un diritto umano e una componente della Dignità Umana, oltre a interrogarsi su cosa implichi il loro essere condizionati. Basandomi su una tabella di valutazione elaborata da studiosi, usata per definire come valutare la protezione della Dignità Umana nei sistemi di Welfare, e dopo aver dimostrato che la povertà, con le sue discriminazioni e privazioni materiali e sociali, costituisce una violazione della Dignità Umana, ho progettato una tabella di valutazione che esamina alcuni componenti della Dignità Umana che dovrebbero essere protetti nelle politiche sociali, per garantire la protezione della Dignità Umana. Questa parte metodologica ha anche permesso di dimostrare la rilevanza della Dignità Umana nelle politiche sociali e nelle questioni sociali. Le domande principali che questa tesi ha cercato di affrontare sono se sia rilevante utilizzare la Dignità Umana nel contesto delle politiche sociali e, una volta definita, se la riforma attuale del RSA rispetti e protegga la Dignità Umana di tutti.

Questa analisi ha dimostrato che la Dignità Umana non è solo rilevante, ma cruciale quando si affrontano questioni sociali. Infatti, in un mondo ultra-neoliberale, è importante ricordare costantemente che i diritti sociali sono diritti umani. La Dignità Umana serve a ricordare il nostro valore intrinseco come persone e il nostro diritto a una vita dignitosa.

Pertanto, è responsabilità del governo e delle autorità garantire che ogni cittadino abbia accesso a risorse e redditi sufficienti per condurre una vita dignitosa. Le politiche sociali dovrebbero mirare a offrire accesso equo a beni e servizi a tutti i cittadini e dovrebbero combattere la discriminazione socioeconomica in tutte le sue forme, non rafforzarla. I risultati dimostrano che le tendenze politiche attuali, che condizionano gli aiuti finanziari, violano la Dignità Umana in varie dimensioni. Pertanto, il caso specifico della riforma del RSA, che condiziona il reddito di sopravvivenza a 15 ore di lavoro non retribuito, viola anch'esso la Dignità Umana. Infatti, l'ammontare del reddito non permette di soddisfare i bisogni fondamentali e il fatto che questo reddito di sopravvivenza possa essere revocato non protegge né preserva la dignità delle persone che vivono in povertà.

Questa tesi sostiene che la Dignità Umana non solo è stata trovata cruciale nelle politiche sociali e nella lotta contro la povertà, ma è fondamentale per ricordarci, come umanità, che i diritti sociali non sono meno importanti dei diritti civili o politici, in quanto parte integrante della nostra Dignità Umana. Inoltre, a livello pratico, la Dignità Umana è un principio guida più che utile per valutare l'impatto sulle persone che vivono in povertà e sulle loro condizioni quotidiane al di fuori della logica del lavoro che sta alla base di questa particolare riforma.