



# Human dignity: A fundamental guiding value for a human rights approach to fisheries?



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## ABSTRACT

Recently, a human rights approach has been center-staged within fisheries governance as a response to the limits of private property rights in reducing insecurity and vulnerability among fishers and fishing communities. Despite its growing adoption in international legal frameworks and among civil society organizations, the conceptual pitfalls of the human rights approach to fisheries (i.e., its neoliberal tendencies and the neglect of collective rights and social duties) raised by critical scholarship remain largely unsettled, leading to practical concerns about whether such a framework will ultimately benefit fishers on the ground. To further contribute to the debate, this article presents a nuanced discussion of the human rights perspective by introducing the concept of human dignity. Specifically, it argues that human dignity, with its greater conceptual scope and depth, could act as a foundational value with which to mitigate some of the shortcomings of the human rights approach. The purpose here is suggestive rather than definitive and is aimed at highlighting the link that has not been clearly made between human rights and human dignity. I argue that heightened attention to human dignity has the potential to create wider support for the human rights approach and ultimately help facilitate its efficacy in fisheries.

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## 1. Introduction

Human rights have increasingly been center-staged in fisheries governance discourse in recent years [1–9]. Assisted by the latest adoption of the Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries by the United Nation's Food and Agriculture Organization (FAO) [10], the major aim of a human rights approach is to ensure compliance of human rights as the basis for fisheries development and governance. More specifically, such an approach argues that the social–political vulnerability and livelihood insecurity experienced by fishers can fundamentally hinder their capacity and commitment to serve as motivated resource stewards [4]. Given this position, focusing solely on fishing rights reform as part of what are known as 'rights-based' strategies (sensu [11]) through privatizing access and conferring exclusive individual quotas or collective territorial rights, is unlikely to alone produce successful outcomes in long-term resource governance. Rather, a broader effort to secure fishers' basic rights (e.g., rights to food, rights to decent work and livelihoods, and rights to a healthy environment) that condition their well-being needs to be emphasized too [4,5]. Therefore, the advocates of this emerging view have reasoned that invoking human rights thinking and its

implementation through (some already existing) national and international legal frameworks provide the most effective means to address crucial vulnerability constraints in fisheries governance [3,4,7]. In this regard, the human rights based approach is articulated to be an essential mechanism with which to advance the social, economic, and civil standing of poor and marginalized small-scale fishers and fishworkers around the world [5].

Despite its well-intended and progressive aims, the human rights approach to fisheries has been criticized for its conceptual weaknesses. According to some, the shortcomings of the human rights approach, which arguably have remained unresolved, arise in part because of inadequate in-depth a priori discussions about the concept of human rights as well as due to the limited empirical understanding of how to use such an approach [6,12]. One of the major criticisms has been that a human rights approach aids the continued penetration of neoliberalism into fisheries [12]. This fear is the result of the human rights discourse stemming from a Western liberal-democratic philosophy, in which freedoms, autonomy, and rights become the inviolable prerogative of every individual within society [13,14]. In this view, making decisions based on one's independent judgment abstracted from his or her social roles and buttressed by regimes of private property becomes the foundation for exercising innate rights [15]. Critics have warned that the emphasis on private individuals and their personal claims to the basic material conditions of life could invite an

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ongoing expansion of rational economic transactions and market-based solutions in fisheries while simultaneously causing the erosion of the cultural, historical, and social makeup of fishing communities [12]. Consistent with this concern, human rights based language, such as that of food security and human well-being, now appears in the promotion of neoliberal style fisheries management interventions [16] that include catch shares, export-oriented industrial aquaculture, and other forms of ocean grabbing (see [17,18]). The Global Partnership for Oceans under the auspices of the World Bank presents another example of the neoliberal use of human rights language (see [19]). Ironically, the use of human rights “talk” by the proponents of private property rights turns on its head the logic of human rights advocates who have advanced human rights discourse precisely to highlight the limitations of neoliberal property rights approaches.

A related concern for the human rights approach is the incompatibility between human rights, which are predicated on discrete individual entitlements, and collective rights, which confer indivisible privileges to social groups. Human rights are private, individual, and autonomous, meaning that they are inherent to all people and unmediated by social relations [15]. On the contrary, collective rights only make sense in the context of a group and cannot be divided or made transactable by individuals. Further incompatibility may arise because group rights could result in treating the group members unevenly, while excluding non-members altogether. In other words, the claim for collective rights is about reasserting the value and tradition of the community over the individual, even if it results in an inequalitarian and inequitable distribution of benefits to members, strictly speaking [15]. Such a stipulation that denies universal access to and a share of the basic economic resources would imply a blatant violation of an individual human right. Ruddle and Davis [12] contend that most fisheries in the world, especially small-scale fisheries, are still embedded in social relationships, associated with particular geographical meanings and organized according to a collective right to participate in fishing life and livelihoods. They have argued, therefore, that promotion of a human rights approach could disfranchise fishing communities by overturning their socio-cultural foundations and allowing further permeation of individualized and commoditized fishing rights. In this regard, they have emphasized instead the notion of group rights akin to what is expressed in the UN Declaration on the Rights of Indigenous Peoples as the locus of rights-based advocacy in fisheries.

The third concern is that of who the ‘duty-bearers’ are in terms of fulfilling human rights requirements. In fisheries as well as elsewhere, human rights are conceived of as held and claimed by individuals primarily in relation to society, and more typically to society in the form of the state [14,15]. Representing a particular effort to re-configure the basic form of the relationship between the modern individual and the state [20], the human rights discourse encourages citizens (e.g., fishers) to hold duty-bearers to account in safeguarding their basic rights protected by law and the moral order, for example, with regard to rights to food, health care and social insurance. In fisheries, these duty-bearers would typically include the state fisheries management agencies and possibly other authorities such as lawmakers and the maritime police as well as international donor agencies and global civil society [4,9]. Critics have, however, questioned the validity of the key assumption held by many fisheries researchers that the state can be relied upon to serve the best socio-economic interests of its citizens [12,13]. That the state can be the major contributor to the realization of basic human rights while at the same time possibly be the greatest violator of these rights has been the case many times, including the recent instance of human rights infringements by the Icelandic government through its promotion of the individual transferable quota (ITQ) system [21] (see also [22–24] for other

examples where the state and other levels of government have failed to protect fishers and the basic fishing conditions). In fact, this ambivalence of the state as credible duty-bearers has long been recognized in general human rights literature on genocides and famines [14,25].

In addition, scholars have also paid attention to the important distinction between duty and entitlement within human rights discourse [14,26]. In the general theory of rights, individuals’ duties to society are an essential cornerstone of any rights-based regime [27]. In the human rights thinking, however, because of the fact that the fulfillment of social obligations is not a precondition for having or exercising inherent human rights, the concomitant social duties of the individual have been greatly underemphasized [20,27–29]. This negligence of the human right-holder’s duties to society has been problematized by Garrett Hardin in the natural resource context. In his “tragedy of the commons” thesis as well as other writings that followed, he argued that reproductive choice as a universal human right would lead to an overpopulation problem because human rights discourse fails to stress and make allowances for the individual’s duty towards society while only protecting self-motivated decisions to childbirth [30,31]. Given the high birth rates in developing countries, he reasoned that this disjuncture would inevitably result in collective demise [32]. In other words, he suggested that the human rights claim, which is undeniably a demand upon fellow beings, must proceed in a morally responsible manner and with proof of its value to the community [31,32].

The question of duties that come with rights is also a significant issue in fisheries. Broadly speaking, we can ask ourselves about historical overfishing and the subsequent decline of target species and biodiversity in the quest for development and advancement of human well-being [33,34]. Was resource stewardship robust enough in our thinking and action in relation to our fish-taking endeavor? More recently, there has been a call to recast a right to fish (such as an ITQ) into a privilege to fish, with attendant responsibilities and stewardship obligations levied on the fishing industry in the form of “social contracts” or “social responsibilities” [35–37]. Moreover, the link between human rights and responsible fisheries is being duly recognized by some fisherfolk organizations and community representatives [38]. Nevertheless, how something as fundamental and inviolable as human rights is to be attached with, and even become conditional upon, the duties of the right-holder is a paradox that fisheries scholars concerned with human rights advocacy have neglected to give adequate consideration.

As such, a human rights approach to fisheries can only be used successfully if it is predicated on making sense of these conceptually knotty issues. If rigorous discussions are not forthcoming, the approach may invoke further resistance perhaps resulting in the weakening of the concept on the ground. If unheeded by empirical and theoretical evidence too, a human rights approach may even be criticized for being overly ideological. Yet, trying to fully resolve these issues could run the risk of being caught in a long-running and broad-disciplined moral philosophical debate about the efficacy of human rights, well beyond the purview of fisheries alone. In the spirit of offering a pragmatic, yet conceptually-grounded, “solution” to this dilemma, this article introduces the idea of human dignity. Although it is a relatively well-theorized notion closely related to human rights, it has been accorded little attention in fisheries thus far. This article does not claim to be a comprehensive philosophical reflection of the human dignity scholarship (and human rights for that matter). Its aim is, rather, to provide a concise review of the human dignity concept to the extent that it sufficiently deals with the concerns raised in the human rights approach to fisheries. In doing so, I show that the potential pitfalls of human rights thinking described above can be

better understood and negotiated when its link to human dignity is made clearer.

In the remainder of this article, the concept of human dignity and its relationship with human rights is first outlined. The subsequent sections explore what human dignity may offer in terms of addressing the potential pitfalls of the human rights approach. Finally, the article concludes with a reflection on the usefulness of human dignity as a guiding value for the human rights perspective in fisheries governance.

## 2. What is meant by human dignity?

### 2.1. The widespread appeal and usage of human dignity

Human dignity is a familiar concept in human rights discourse. In fact, it is prominently featured in major international and national legal instruments and humanitarian policy documents. For instance, Article 1 of the Universal Declaration of Human Rights states that “all human beings are born free and equal in dignity and rights” [39]. Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights include language about dignity both in their Preambles and in the texts of several articles. Furthermore, the major conventions on the Rights of Children, the Rights of Migrant Workers, and the Rights of Disabled Persons have all included references to dignity, affirming its significance in the human rights context.

A major impetus to the use of human dignity in the international sphere arose when it was used as the central organizing principle of the Vienna World Conference on Human Rights in 1993 [40]. The ensuing Vienna Declaration and Programme of Action adopted dignity in their provisions dealing with various areas of human rights, such as the right to development, the treatment of indigenous peoples, women's rights, and the abolition of extreme poverty and social exclusion. In fisheries, in addition to the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, human dignity is most recently cited in the FAO Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries, as the term appears alongside human rights in three places in the text (see [10]).

Human dignity is also explicitly codified in the domestic constitutions of many countries including Mexico, Germany, Italy, Cuba, Japan and South Africa [25,40]. Most notably, the 1949 German Constitution (i.e., the Basic Law) declares in its very first sentence in Article 1 that: “the dignity of man is inviolable. To respect and protect it shall be the duty of all state authority” [41]. Likewise, the South African Constitution has referred to human dignity as one of the founding principles of the Republic [29].

### 2.2. The meaning of human dignity vis-à-vis human rights

Given the frequent and pivotal mention of human dignity internationally and nationally, it becomes crucial to understand its meaning in relation to the human rights perspective. Many scholars have theorized that human dignity can be viewed not only as an independent moral-philosophical standard, but also as the source of human rights, that is, the supreme value upon which a list of rights derives [14,25,40,42–45]. In other words, human dignity forms an a priori justification for the existence of human rights, and in turn human rights becomes a means to realizing human dignity [46]. Support for such reasoning is evidenced in major international declarations such as the 1975 Helsinki Accords and the International Covenant on Civil and Political Rights. For instance, the International Covenant on Economic, Social and Cultural Rights states in the Preamble that “these rights derive

from the inherent dignity of the human person” [47]. Similarly, the Basic Law in Germany proclaims that respect for human dignity is the reason why “the German people acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world” [41]. Interestingly, an anecdote involving Eleanor Roosevelt, the first chairperson of the preliminary UN Commission on Human Rights, reaffirms this connection. When responding to a question about the use of human dignity in the drafting of the Universal Declaration of Human Rights, she was reported to have said that it was included “in order to emphasize that every human being is worthy of respect... it was meant to explain why human beings have rights to begin with” (quoted in [40], p. 677).

Human dignity can be further distinguished from human rights in terms of its universal scope across cultures. While human rights standards are somewhat contentiously regarded as “an artifact of modern Western civilization” lacking cultural basis in non-Western places ([14], p. 303) (also see Amartya Sen's rebuttal [48]), it is generally understood that the notion of human dignity has developed in all societies [15]. Donnelly ([14], p. 303) explains:

It is regularly argued that human rights are not a Western discovery and that non-Western societies have long emphasized the protection of human rights. Such claims, however, are based on a confusion of human rights and human dignity. A concern for human dignity is central to non-Western cultural traditions, whereas human rights, in the sense in which Westerners understand that term, namely, rights (entitlements) held simply by virtue of being a human being are quite foreign to, for example, Islamic, African, Chinese, and Indian approaches to human dignity. Human rights are but one way that has been devised to realize and to protect human dignity.

Donnelly [14] continues by saying that, for instance, although Islamic traditions reflect a strong concern for human dignity, it is neither equivalent to a concern for nor a recognition of human rights. In other words, there exist many societies and institutions that strive to achieve human dignity but in a manner entirely independent of human rights [14,15,49]. In this view, human rights are simply one particular expression of human dignity.

Human dignity has thus enabled different societies, East and West, capitalist and non-capitalist, religious and anti-religious to converge on a “common language” ([40], p. 710). At the same time, the understanding of dignity is context-specific varying from jurisdiction to jurisdiction, as what constitutes human dignity (i.e., “what it means to be human and have a dignified life with fellow human beings”) could only develop through interactions within and across cultures [14,25,40]. Howard ([15], p. 83) has therefore defined human dignity “as the particular cultural understandings of the inner moral worth of the human person and his or her proper political relations with society”, recognizing multiple and culturally specific interpretations.

### 2.3. Two conceptual traditions of human dignity

The general human dignity literature distinguishes between two leading conceptions of human dignity: a ‘meritocratic’ (or ‘aristocratic’) and a ‘democratic’ one (see [45,50]). The former, which originates from the ancient Roman virtue, *dignitas*, is contingent upon merits, honors and status. It is a term of distinction. It not only differs from individual to individual, but it can also be acquired or lost depending on one's conduct in society. In this sense, dignity and respect are accorded to someone because he or she has a particular rank in accordance with his or her accepted social role [25,40,50]. Alternatively, it may also be lost as a result of neglect or due to committing vices. Consistent with this view,

Friedrich Nietzsche wrote that individuals gained dignity only when they performed an instrumental function: “every human being... only has dignity in so far as he is a tool of the genius, consciously or unconsciously;... the absolute man possesses neither dignity, nor rights, nor duties; only as a wholly determined being serving unconscious purposes can man excuse his existence” (quoted in [40], p. 661).

On the contrary, the democratic conception of dignity is egalitarian and absolute. It is guaranteed in all persons in equal share simply by virtue of being human and thus cannot be damaged or disowned, in principle. Such a view of dignity is understood to have originated from the classical writing of Cicero [40]. Because humans are endowed with capacity for reflection and reason and are not simply geared to chasing bodily satisfactions, Cicero said that Man embodies a certain worth that no other living beings possess [25]. This view of dignity as inherent and special to all humans was later reinforced by the Judeo-Christian belief that Man is made in the image of God, thus further distinguishing Man from other creatures [40,45]. In the Enlightenment era, through the thinking of philosophers such as Immanuel Kant, the idea of human dignity came to mean that individuals should be treated as ends and not simply as means to an end. In other words, humans have dignity to the extent that they are recognized as autonomous individuals having the capacity to make their own choices and determine their own destinies [25]. Subsequently, not being able to do so would mean incurring indignity and shame.

### 3. Can human dignity help mitigate the concerns identified with the human rights approach?

#### 3.1. Human dignity and neoliberal influences

The ‘democratic’ tradition of human dignity has laid a basis for the notion of human rights as popularly conceived of in the present day, including those inscribed in the Universal Declaration of Human Rights [20,40]. When personal freedom and autonomy provides the foundation for human rights, and consequently help realize human dignity, the state is tasked to reduce interference in matters of personal morality [20]. Further, when every person is to be equally and discretely assured of human rights, such as rights to food, healthcare, and social insurance, the state can again focus intervention at the individual level or at the group of individuals. A society’s basic well-being thus becomes a matter of achieving an aggregate of individual human rights. Howard and Donnelly [20] argue that the maintenance and legitimization of human rights requires a *liberal* regime. In particular, they contend that in the provision of social-economic rights, “the traditional liberal attachment to the market is not accidental: quite aside from its economic efficiency, the market places minimal restraints on economic liberty, and thus maximizes personal autonomy” ([20], p. 805).

Probing further, several critical scholars have argued that adherence to human rights creates a tendency for the state to side with a neoliberal agenda. Governance through human rights is aimed at enabling the basic freedoms of individuals in a way that fosters their own aspirations. This is not incompatible with neoliberalism’s push towards entrepreneurial freedoms, more specifically the reinterpretation of freedom as less political intervention and more private self-government. Odysseos ([51], p. 767) explains that the state’s governing of citizens’ socio-economic welfare through codification and enforcement of rights not only empowers citizens as rights-holders, but also allows for cost-effective governance through a market logic. In ‘governmentality’ terms, a strong human rights discourse produces subjectivities among rights claimants, who are made amenable to self-government and

act as a partner to the state’s neoliberal strategies [51]. Consequently, the human rights paradigm may be taken as a counterweight by neoliberal advocates to help undo the common allegations that the ideology of market liberalization is exacerbating the marginalization of the vulnerable and disadvantaged in the world [51]. In other words, people could claim that neoliberal strategies are actually helping to reduce extreme poverty and injustice by aligning with and strengthening people’s human rights – a concern pointed out by Ruddle and Davis [12] in the context of fisheries.

Relying on wider conceptual traditions, the notion of human dignity opens up a different possibility of advancing human well-being without being attached to the vagaries of neoliberal tactics. Human dignity rooted in ‘meritocratic/aristocratic’ respect and honor does not openly support the call for individual-based free and equal human beings but instead speaks to communitarian societies where community membership and traditions are highlighted and the autonomy of individuals discouraged. This does not necessarily mean that in such settings humiliation and deprivation are widespread and acute, at least in theory. Citizens gain dignity and respect because they are part of a community (sometimes embodied in the state) performing prescribed social roles [20]. With greater consideration for others, reciprocal social and economic protections are enabled, ensuring people a basic share of social resources and opportunities [20]. Hence, a socially responsible and culturally respectful kind of human dignity can be achieved by most people as they earn a “secure and dignified place in society” ([20], p. 809) – a route to dignity that diverges from the human rights approach and is less influenced by neoliberal tendencies.

#### 3.2. Human dignity and collective dignity

Human rights’ emphasis on individualism, entitlement and the discretionary control of the right-holder raises questions as to the feasibility of so-called group or collective rights. We see that many indigenous groups are now making collective rights claims. The distinction between individual and collective rights is an important one. Howard ([15], p. 83, original italics), for instance, explains that when indigenous groups make collective rights claims “they are not primarily interested in the human rights of the individual members of their collectivities. Rather, they are interested in the recognition of their *collective dignity*, in the acknowledgment of the value of their collective way of life...” Collective dignity, by defending a certain communal way of life, is often linked to a group identity forged through shared elements such as language or culture, which form part of the private dignity of group members [52].

It is generally understood that the idea of human rights as conventionally conceived directly challenges (and is thus made incompatible with) collective rights [14,15]. In many non-Western societies, dignity still frequently embodies acceptance of group rules and norms and is associated with social constraints [15]. The idea that an individual can autonomously realize one’s dignity by asserting his or her human rights independent of group aspirations appears to be largely in violation of many societies’ cultural beliefs about how social life ought to be organized [15]. Legesse ([53], p. 129), offering an African perspective, asserts that “if Africans were the sole authors of the Universal Declaration of Human Rights, they might have ranked the rights of communities above those of individuals, and they might have used a cultural idiom fundamentally different from the language in which the ideas are now formulated.”

My point of departure is that human dignity constitutes a useful concept which is diverse and comprehensive enough to support both perspectives of individual and collective rights and

potentially bridge the seemingly irreconcilable divide between them. Schachter ([42], p. 850–851) notes that “the idea of human dignity involves a complex notion of the individual. It includes recognition of a distinct personal identity, reflecting individual autonomy and responsibility. It also embraces a recognition that the individual self is a part of larger collectivities and that they, too, must be considered in the meaning of the inherent dignity of the person”. This duality can be further elucidated: in modern life, individuals are increasingly at greater liberty to choose and dispose group membership at their will. Yet, group identification manifested through social networks, rituals and a sense of belonging are what inevitably couches them in a social context [27]. Hence, dignity allows for the assertion of self-serving demands based on individual choice but only to the extent that those demands are moored by group ties. A German Constitutional Court’s ruling ([54], p. 316, italics added) effectively captures this delicate connection between individual and collective dignity:

The free person and his dignity are the highest values of the constitutional order. The state in all of its forms is obliged to respect and defend it. This is based on the conception of a man as spiritual-moral being endowed with the freedom to determine and develop himself. *This freedom within the meaning of the Basic Law is not that of an isolated and self-regarding individual but rather of a person related to and bound by the community.* In the light of this community-boundedness it cannot be “in principle unlimited”. *The individual must allow those limits on his freedom of action that the legislature deems necessary in the interest of the community’s social life;* yet the autonomy of the individual has to be protected.

### 3.3. Human dignity and duties of the state and the individual

The idea and practice of human dignity thus becomes most meaningful through interactions within the *community*, the latter being defined as “a group of citizens all of whom feel a sense of mutual responsibility for each other’s welfare” ([27], p. 5). Being conscious of the community in pursuit of human dignity can mean being respectful of group rules, norms and fellow members, consequently emphasizing the entitlements of society over those of the individual [43]. Collective dignity seen as such then goes beyond the negative duties implied by the Kantian version of human dignity – simply requiring that individuals act in a way that does not violate the dignity of others. Insofar as negative duties are concerned, the disciplining of one’s freedom to ensure the same respect for others becomes primarily a constraint on one’s own behavior, that is, each bearer of dignity constitutes a strict limit to others’ actions [25,43]. It is likely that these are also the type of duties most closely associated with human rights standards. The human dignity concept entrenched in the notion of community broadens the scope of duty to also firmly engage with positive duties, such as the provision of a minimum standard of living and the protection of cultural values. Concerned with positive obligations to safeguard human dignity rather than mere passivity or non-interference characterized with negative duties, individuals as well as the state gain an added moral impetus to actively secure the essential living conditions of their fellow citizens [40]. Jentoft ([55], p. 375) has recognized this active role of community in the fisheries context “...as far as freedom is concerned, communities come with a catch. To be a member of a community involves commitments and responsibilities that may hold you back. If needed, other members may be of assistance, but they will be concerned about what you are doing”.

Positive duty to assist in the well-being of others can spill into the realm of environmental protection. Rogge [56] affirms that the realization of human dignity is “only possible where steps are

taken to protect the environments on which people depend for their basic needs”. This obligation is in fact all the more crucial in natural resource-based contexts such as fisheries. In addition, there are major discussions on the active role of human dignity in international fora. For example, the Responsibility to Protect principle reinforces the active duty of third-party states and/or the international community to intervene in foreign jurisdictions in cases of extreme inhumane conditions, should those with primary responsibility to defend and promote human dignity fail to do so [25].

As such, human dignity brings rights and duties together and creates a stronger relationship between a human’s basic worth and his or her proper obligations to society [43]. The scope of human dignity thus permits giving serious attention to social duties embedded within a particular culture and group – something that the human rights perspective alone, largely focusing on individual entitlements and negative duties, may come to neglect.

## 4. Discussions

Over the course of the 20th century, human dignity played a significant role in shaping several important social and political developments. Human dignity acted as a key organizing value to oppose the Nazi ideology and the Holocaust in the post-second World War period, thus helping to foster the proliferation of a human rights paradigm in international law, domestic constitutions and political and legal theories [40]. Furthermore, it served as a central concept in the civil rights movement in the United States (e.g., see [57]). More recently, it is being prominently featured in discussions on the ethics of biomedical research (e.g., see [58,59]).

What function can human dignity serve in a fisheries setting? Based on the arguments presented in this article, I argue that human dignity is a concept more culturally sensitive, conceptually inclusive, and mutually responsible than human rights, and therefore can offer a robust perspective in guiding fisheries governance.

Taking Andrew Clapham’s ([60], p. 545–546) categorization as a useful starting point, human dignity can find applied meanings in at least four aspects in the fisheries context. It can be used to (1) prohibit discrimination, humiliation, or degradation of small-scale fishers and fishworkers by both state and non-state actors as well as by other fishers in competing sectors; (2) create the necessary conditions for each fisher to have their essential socio-economic and livelihood needs satisfied; (3) assure fishers of the possibility for independent thought and action (i.e., individual choice) and the conditions for self-realization; and (4) recognize that the protection of fishers’ group identity and culture are essential for the protection of their personal dignity. While the first and second points are already well-emphasized and established in human rights thinking (see [4,5]), it is the third point and its political-economic implications, as the critics argue, that have been crucially under-discussed and under-exposed in the current debates about human rights in fisheries (see [12,13]). Furthermore, a profound addition of human dignity lies in the fourth point which aims to embrace social justice and collective dignity of fishers that arise from sustaining respect for particular fishing cultures and idiosyncratic community norms.

Human dignity, unlike human rights, is thus imbued with a capacity to afford both “the politics of equal dignity” (i.e., “universally the same, an identical basket of rights and immunities”) and “the politics of difference” (i.e., “the unique identity of an individual or group, their distinctness from everyone else”), borrowing Charles Taylor’s ([61], p. 38) stipulation. In other words, dignity of fishers is derived not only from bestowing upon them

equal rights and treatment vis-à-vis other segments of society, but also recognizing their distinctiveness and unique identity. It follows that human rights and group differences can be best articulated jointly through the notion of dignity.

The mobilization of human dignity in fisheries does not require reinventing the wheel. As mentioned earlier, human dignity is already featured conspicuously in many relevant international human rights documents and domestic constitutions, including the Universal Declaration of Human Rights, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, and the Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries. Hence, in many cases, human dignity has already been given a legal and political base from which it can be operationalized so as to influence fisheries policy. In addition, the work of many important civil society organizations and inter-governmental agencies, such as the International Collective in Support of Fishworkers (ICSF), the World Forum of Fisher Peoples (WFFP) and the Food and Agriculture Organization (FAO), who have been supportive of human rights approaches, complements a human dignity approach, as they have been partnering directly with fishers and government delegates at various scales. What is required, however, is to elevate the purview of human rights principles to reflect the higher organizing value of human dignity. Such a reflective (and normative) exercise is in line with a growing plea in fishery governance literature to be more deliberative and explicit about 'meta-level' governance elements, such as values and norms, that underlie all applied efforts (see [62,63]). Thinking in terms of human dignity, therefore, represents a subtle but significant shift in how we approach human rights thinking in fisheries.

A higher level ideal of human dignity implied in this paper, however, does not suggest that human dignity is a utopian concept. For instance, adhering to the aristocratic meaning of dignity in the absence of a committed spirit of fairness and social protection could engender corruption, nepotism, or other forms of elite capture by those of a superior rank, potentially exacerbating injustice and jeopardizing the dignity of less privileged members. The customary norms and practices of fishing communities, too, have at times displayed these elements of injustice (e.g., see [64,65]). In addition, westernization, modernization, and development have increasingly severed fishers from the small, supportive community in which they were once embedded, leaving them vulnerable and isolated without the support and safety net of "traditional" societies. Against the social, economic, and political forces of modern market economies and bureaucratic states that far too often appear to be insensitive and aggressive, human rights may have become a logical and necessary means of assuring the dignity of citizens, including fishers, across the globe [14]. To that effect, many states now increasingly view human rights as a contemporary political manifestation of social justice and an expression of ethical aspirations [66].

In sum, the human rights perspective, distinguishing itself from the narrowly defined property rights paradigm, is becoming a key organizing force in fisheries governance. At the same time, the human rights approach has been left open to misinterpretation and criticism due to its historical emphasis on individual entitlements as opposed to collective rights and duties as well as due to the relative lack of debate so far. Here, I have suggested that human dignity presents a reconciling concept that can strengthen the position of the human rights approach with respect to fulfilling its aim of reducing vulnerability and insecurity of fishing people. Hence, the human rights perspective and its implementation in fisheries is expected to stand on stronger ground with human dignity as its fundamental guiding value – that is, human rights should ultimately be about promoting the individual and collective dignity of fishers and fishing communities.

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