



Chapter Eleven

Human Dignity and Human Rights Terms in Transition

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The terms *human dignity* and *human rights*, having circulated in Europe for some time, remain quite new in many other parts of the world, making their entry into the cultures and countries of our planet in different ways. In some, both terms have arrived together, in others, one has become known and then the other, while elsewhere one is seized on as salient and the other means little. In addition, whether the terms are seen as linked, and which precedes or serves as the foundation for the other, differs from place to place. There is no universal consensus about the meaning of these terms across all cultures. What we are witness to is the negotiation of the ways these terms may be relevant and meaningful at this moment in historical time, in very particular places, a stage that necessarily precedes wider agreement on what the words shall mean in practice. This is to be expected, given that what is really being negotiated in each case is the nature of social structure, social change, and cultural life, which is particular to each culture. This chapter provides a review of what people in various places are making of these words in relation to their culture at this time.

Background

In more ancient philosophical concerns for dignity in the European world, the works of Cicero and Giovanni Pico della Mirandola (who was cited in my interviews with Egyptian protesters regarding their demand for dignity for his work on Islam) viewed dignity as universal to all human beings, holding all human beings to be equal. Philosopher Jean-Jacques Rousseau did not talk directly about dignity, but he talked about an *amour-propre* (meaning “self-love”) and an *amour de soi* (meaning “love of self”), two different concepts not to be confused with the meaning of ego which has a negative connotation. For Rousseau, the *amour de soi* can be dangerous as it could inflate the ego; on the other hand, the *amour-propre* that he associated with *dignité* (“dignity”) was positive and desirable because individuals needed to love themselves in order to thrive in their societies. Rousseau’s practical definition of dignity stressed that individuals conscious of their worth can be more productive than those who are not.

Moving from these early reflections on the individual’s worth in relation with a prosperous society, more recent attempts to view human dignity as part of a human rights framework reinforces the interdependent relation between individuals and the state. It is in the interest of states to recognize the worth of individuals so that they are empowered actors in the development of these states. However, with the prevalence of neoliberal economic development models in which income inequality is often inherent to profit maximization, the state is faced with a dilemma: continue its recognition of the centrality of human rights and jeopardize the optimal expansion of a capitalist economic model, or sacrifice capitalist development to stay faithful to its need to empower all its citizens equally. The ongoing, overriding concern with economy seems to jeopardize respect for human rights and human dignity, yet the protection of human rights is vital to the well-functioning of democracies despite any economic costs. It should be noted that this is a utilitarian approach to human rights and conflicts with the view that both are intrinsic and unconditional in character. Within what we now call Western Civilization,

this seems to be the state of the two terms at present. What about in the rest of the world?

A Postcolonial Overview

The independence process in colonized territories of the 20th century involved a claim for the full rights of natives. As globalist Diana Brydon puts it, the history of postcolonialism is first the history of human rights.¹ While there may be disagreements with this broad statement, it is important to recognize the centrality of demands for human rights in formerly colonized societies since the process of human discrimination was deepened by foreign occupation and became two-dimensional (from within and from outside). Given the violence-ridden aftermath of independence in postcolonial societies, many scholars in postcolonial studies have expressed an overall concern that there has been a failure of the human rights discourse in these societies. On the one hand, these failures are sometimes credited to historical silencing reflecting a subordination of the human rights struggles in societies of the Global South to other agendas. As a result, some scholars suggest getting these historical accounts not only from history textbooks but also from different locals' narratives. On the other hand, an alternative worth exploring is whether the discourse of human rights in postcolonial societies has reactively benefitted from this silencing by becoming a stronger demand for human rights (El Bernoussi, 2015). This could also serve a pragmatic use of the concept of human dignity to empower political agency (Kateb, 2011).

Historian Michel-Rolph Trouillot sheds light on the important process of subverting the past as a mechanism of epistemic violence against a population: dispensing of people's histories as an act of violence. In his book *Silencing the Past* (1995), Trouillot presented the case of the Haitian Revolution as a "non-event," meaning a historical moment that did not get appraisal as a historical event. However, the actual events that shook Saint-Domingue (renamed Haiti) from 1791 to 1804 were very symbolic of a claim of human rights as slaves successfully led a revolution against their "masters." The Haitians

could be said to have spoken a claim to human rights in the language of action. This giant event in the history of humanity was dismissed from major historical accounts (for instance in school curricula). One can recognize there was an interest in sabotaging such a giant event when the slave trade was still profitable to capitalist expansion.

The question of legality of equal rights for all individuals was clearly at stake, not only in Haiti, but also in the process of modern capitalist expansion in general, and here Joseph Slaughter proposed that “the gap between what everyone knows and what everyone should know poses human rights as a question of both literacy and legislation, as much matters of literature as of law.”²

Slaughter was among those, in postcolonial studies, who led the trend to explore narratives in dealing with the question of human rights in societies of the Global South (2009). Yet, it is important in such critiques to be aware of the pitfalls of narratives of victimization that oppose the “them” to the “us.” This binary is even more problematic in the contemporary context of hybridization in globalization, in which one sees increasing feelings of transnationalism and supranationalism that unify people and causes beyond borders (Scholte, 2005). In his call for a more humane global society, Jan Scholte proposes to “subordinate all transplanetary governance to human rights standards” and calls for developing “a legally binding and enforced transplanetary bill of rights” (2005, p. 396). Here we see the wide span in the embrace of “human rights” as a concept, from narrative silence regarding the revolution in Haiti to claims of human rights as transplanetary.

In the absence of such ambitious plans as proposed by Scholte, other critical scholars preferred to go back to history to evaluate the failures of the human rights discourse in societies of the Global South instead of projecting a plan for the future. One issue revealed is a tendency of human rights movements in postcolonial societies to target only local repression and dismiss connections with external hegemonic powers. By contrast, the case of Burma/Myanmar with the struggle of activist Aung San Suu Kyi for human rights and democracy is an alternative and to some extent a model for postcolonial human rights

action because the parallel between the local and the global was made (Chowdhry and Nair, 2002). At the same time, critical theorist Sheila Nair who also looked at the Burmese model noted that, in the field's literature, there is "a neglect of the impact of economic globalization on the creation and maintenance of an effective human rights framework" (2002, p. 257).

Pheng Cheah's work filled the gaps created by the neglect in dealing with the impact of the neoliberal development model on postcolonial societies. In *Inhuman Conditions, Cosmopolitanism, and Human Rights*, Cheah shows that individuals are shaped by their specific context, which challenges the ambition of the new cosmopolitanism, as proposed by Scholte: operating communally under intergovernmental institutions. Cheah adds that global capitalism is the context for most people; capitalist globalization constitutes a context for human rights in which the inhuman, defined as the imposition of limits on an individual's being what she or he aspires to be, battles the human for the sake of money and power (2006). This critique stresses the centrality of economic inequalities inherent to the capitalist model that not only concern actors within a market but also communities and states within an integrated world economy. The need for a dignity approach in the management of the economy becomes even more vital to the planet (Lindner, 2012).

In *Fictions of Dignity* (2012), critical theorist Elizabeth Anker goes back to the need for looking at narratives to understand the question of human rights in societies of the Global South. Anker enumerates several novels that represent such narratives and among them there is *Woman at Point Zero* (1975) by Egyptian feminist Nawal El Saadawi. Anker explains that a mismatch between the fiction of human dignity and bodily restrictions enforced by modern legal structures create an anxiety surrounding human rights discourse in the Global South, as seen with the case of feminism in Egypt in El Saadawi's novel for instance (2012).

Anthropologist Partha Chatterjee's message concerning rights in postcolonial societies is, by contrast, somewhat hopeful because he suggests that economic adversity might present opportunities for

democratization. While postcolonialist Gayatri Spivak famously asked in her notorious essay (1988), “[Can] the subaltern speak?” Chatterjee’s work on political society (2011) seems to retort that, in some way, the subaltern has found subversive ways to create democratic processes for a society of rights and so become empowered. This postcolonial society, as defined by Chatterjee, is opposed to a civil society and operates outside a political system to influence the regime. This political society is like a fringe society who does not use civism but rather bargains for its survival outside of the legal space of state actions (for instance, by being bribed by the state or enjoying state tolerance even in illegality, as with squatting). One might wonder if insistence and bargain are sufficient for the subaltern to “speak,” but it could be, at least, a step forward in order for her to be heard. Nonetheless, one should remember that postcolonial societies inherited a system of “free use of violence” in which this bargaining can be cut short due to oppressive postcolonial regimes that brutalize individuals’ rights and liberties (Bayart, 1993; Crowder, 1984 [1976]; Mamdani, 1996).

In addition, Chatterjee’s suggestion concerning the divide between two societies in postcolonial India finds similarities with postcolonial Egypt, where struggles and attempts for democratic negotiations were notoriously repressed. Indeed, comparative political scientists Alfred Stepan and Graeme Robertson investigated the dearth of democracy in many Arab societies and argued that it was not caused by the dominance of Islam in these societies, since other Muslim societies in Southeast Asia performed better in democracy indicators (Stepan and Robertson, 2003). It was, therefore, the peculiarity of the Arab context and the problem with the local identity that seemed better leads in the Stepan and Robertson’s study on democratic problems in the region.

Postcolonial literature has repeatedly pointed out the issues of human rights discourses in the Global South, but if we take into account the dynamic nature of societies molding themselves to changing needs, it seems that alternative spaces can present ways for systems of rights to operate in these societies. In the case of Egypt, human rights are an ongoing concern since the birth of the new

postcolonial state. The regional context is also similar in this concern and is challenged by several forces in the case of Egypt as an Arab state; this could in turn challenge the creation of a stable identitarian context for human rights.

In short, once the focus shifts from Western Civilization proper to the postcolonial world, we find the concept *human rights* being given meaning in relation to multiple frameworks, frequently at the same time: the postcolonial situation, specific countries and local cultures, and the context of globalizing capitalism. The meanings and place of the term in society, and the tensions and conflicts surrounding it, differ in each context, as do the practices (for example, silencing, “speaking” through action, bargaining outside of legal space, declarations of transplanetary value status).

In all of this we have been discussing the term *human rights*, but a second term has come into the discourse as well, that of *human dignity* and with it the question of the relationship between the two concepts.

Dignity as a Human Right in Egypt

In the case of human rights in Egypt, Saad Eddin Ibrahim, a human rights activist and academic, has been vocal about democracy; his virulent criticism toward Mubarak’s government cost him several legal trials. In 2003, he was acquitted after being condemned for “undermining the dignity of the state and tarnishing its reputation.”³ This is an interesting case of endowing a nonhuman entity, in this case the State, with a seemingly human characteristic, namely dignity. Ibrahim stressed the need to respect human rights in Egypt; for him, protection of human rights is vital for a genuine democratic establishment. Ibrahim has also called the U.S. Congress to condition its military aid to Egypt on improvements in the country’s human rights records. Moreover, he has called for the conditioning of U.S. aid on freeing civilian political prisoners who were still facing trial in military courts under martial law during Mubarak’s regime.

It is important to note that human rights activism in Egypt aims to attain legislative reform to establish institutions and laws for the

protection of human rights and to fight corrupted structures and mechanisms that facilitate the mistreatment of citizens by the state. For instance, a major concern in this reformatory movement aims to separate the dignity of the state and the dignity of the individual. Indeed, the 1971 Egyptian Constitution, which was amended in 2007 (in the most recent case before the uprisings), declared: "Man's dignity is a natural reflection of the nation's dignity, now that the individual is the cornerstone in the edifice of the homeland, the land that derives its strength and prestige from the value of man and his education" (Proclamation, Section Four). This discussion could be seen as problematic because relating national dignity to individual dignity undermines the concept of human dignity as self-worth and as an independent notion from any form of national consideration. Dignity also may become the state's "property," in which case an individual cannot embody her or his own dignity.

An important episode of human rights violations and the problematization of human dignity in contemporary Egypt can be seen in the case of the arrest of the fifty-two men caught in a floating gay nightclub called the Queen Boat on May 11, 2001, in Cairo. In this arrest, fifty men were charged with "habitual debauchery" and "obscene behavior," under Article 9c of the Law Number 10 of 1961 on the Combat of Prostitution.⁴ The other two men were charged with "contempt of religion," under Article 98f of the Penal Code. All of the men pleaded innocent.⁵

The Queen Boat trial, also known as Cairo 52, presented a case in which the lack of clear condemnation for the activities in the gay nightclub led to the use of proxy condemnations that punish debauchery and obscenity and led to infringements of human rights. At the time, many critics of the government denounced the media's political use of this trial to justify the state's arbitrariness in using proxy condemnations, instead of making efforts to address the case in a more just manner.

Cairo 52 is a case of gay rights violation as accounted for by several international organizations for human rights; however, in countries where gay rights are not recognized, the case was perceived as a defen-

sive circumstance for the state. In a completely different case, but also one of proxy condemnations, to protect what is seemingly morally correct, could be an infringement of the rights of the individual. This case happened in France in the Morsang-sur-Orge's dwarf-tossing issue in 1995, in which the local mayor, in the name of the dwarves' *dignity*, prohibited the tossing contest. After appealing in different levels of administrative courts, the concerned plaintiff reached the French Council of State that acts both as a legal adviser to the executive branch and as the supreme court for administrative justice. Despite strong controversy about the judge's dismissal of the plaintiff's calls for the freedom of action and the freedom of expression, the mayor won the case and succeeded in prohibiting the contest in the name of human dignity (Rosen, 2012). This shows the ability of the state to actually bestow and enforce dignity even if it acts against the protection of freedom of action.

In this French case, or in Cairo 52, it seems that protecting human morals by enforcing rights and laws may lead to overwhelming state intervention in an individual's social life, leading to a decreased agency. Therefore, we can imagine that the enforcement of such legislation may even create feelings of assault on one's dignity, in the name of a communitarian sense of dignity that is safeguarded by the state.

Clearly, meanings assigned to human dignity not only differ at times, but are also, at times, in conflict with one another, as witness the tension between individual dignity and the perceived dignity of the community or state. At other times they are linked, as when human dignity is perceived not only as desirable but as itself a human right.

Expressions of Dignity as a Human Right in 2011

In the early events of the Arab Spring, acts of self-immolation were poignant symbols of self-inflicted harm to denounce state humiliation. In the case of Egypt, one of the early revolutionary slogans was "Bread...freedom...human dignity." It is interesting here to stop at the choice of the wording "human dignity" ("*karama insaniyya*") instead of simply "dignity." One possibility, and this is only speculation, is to

ask whether the use of “human” is related to the discourse of “human development” and “human rights.” The reference to “human” can also serve the attempt to establish an individual dignity distinct from a national dignity. Such relationships would make sense to a certain extent of the incongruous choice of saying “*karma insaniyya*” over simply “*karama*” (i.e., “dignity”). At the same time, referring to human rights in the slogan served the need to denounce state humiliation and torture, which were targeted by protesters in the Arab Spring uprisings.

A major figure of these uprisings in Egypt was Wael Ghonim, a Google employee who created a Facebook page called “We Are All Khaled Saeed” to denounce the brutal torture and killing of the young cyber activist, Khaled Saeed, by Egyptian police on June 6, 2010, due to his release of sensitive information on corruption cases in Egypt. Saeed’s killing had a more significant impact on larger segments of the Egyptian society because this time the young cyber activist was more of a normal citizen (rather than a marginal). Sympathy with the case of Saeed and of Ghonim was, therefore, greater. Ghonim was imprisoned, but his popularity led to an important outcry against his arrest, which consequently led to his freeing. After being freed from jail, Ghonim’s first words included the need to restore the “dignity” of all Egyptians.⁶

On Dignity as a Human Right

Is dignity one among several human rights, and so protected by a commitment to the framework of human rights? Or is the framework of human rights anchored in human dignity, with human rights protected by a commitment to a sense of intrinsic human dignity? There is no single answer today, the relationship between the two being still in contention. The answer depends very much on who is answering it, and where.

After World War II, the 1948 United Nations Universal Declaration of Human Rights, which Egypt ratified, had been an instrument to monitor peace in societies and used human dignity as a founda-

tion for those rights (Ishay, 2008; Lawler, 2009). Indeed, dignity is part of the larger institutionalization of human rights, an important gain in the history of humanity that provided a framework for more equality between different ethnic factions. However, is dignity itself a clearly protected right? The answer varies among countries: law may not always protect dignity. Freedom of speech, freedom of religion, freedom of assembly and freedom to petition for redress of grievances, are, on the other hand, cases of rights for which an individual can expect protection from governmental intrusion in a more forthright manner. By contrast, some perceive *dignity* as something that an individual earns by hard work and accomplishment, assuming of course the government does not get in the way. In that view, protecting such dignity can be achieved if the right to pursue dignity is protected, but this is not the same as an inherent right to dignity that applies to all, earned or not. Many post-independence regimes in the Middle East and North Africa do not even prioritize human rights protection and make use of discourses of dignity without treating people with dignity.⁷ Indeed, in such regimes, there is a dichotomy between a political discourse that promises protection of dignity while accounts of human rights violations are not addressed.⁸ It seems that these political discourses of dignity focus more on urgent needs of recognition or just plain demagoguery to shift blame for governance issues onto external enemies (perhaps foreign powers, perhaps perceived internal threats, as with the government opposition), rather than embodying genuinely ethical behavior by treating people with dignity.

The concept of human dignity is, in theory, ingrained in philosophies of human rights. However, the abstract nature of human rights philosophies seems to omit any convincing understanding of human dignity; most detractors of the concept of dignity view it as nothing but a catch phrase. In contrast, Charles Beitz (2013) examined this lack of “texture” in the human dignity discourse and proposed to formalize human dignity within the concrete structure of bioethics. Beitz noted that the current *human rights* discourse bases all of human rights (civil, economic, social, and political) on the principle of recognizing human dignity.⁹ This framework is particularly present in the

case of the German Constitution in which dignity is the source of all rights. To Beitz such statements undermine a clear and independent understanding of human dignity. What then is dignity? He proposes to frame the answer in a context of rights derived from bioethical considerations. This way, human dignity would be determined by specific cultural conditions that concern the bioethical considerations of different religious and ethnic groups and also sexual minorities. Again the question: is human dignity a universal or not?

Complicating the matter further, the modern Universalist claim in human rights discourses has often been undermined by the reality of economic development led by a national or local elite in power, which is the case in societies such as Egypt. The theme of dignity as a human right is consequently problematic in the context of significant economic inequalities between states and within states. This could prompt us to look for something more “basic” than dignity conceived as a human right and more in line with dignity as an intrinsic need for survival and recognition. This intrinsic nature of dignity as a demand for recognition is also particularly useful to consider when negotiating conflict resolution among warring parties (Hicks, 201). As it stands today in many countries, it seems that dignity as a human right does serve primarily as a catch phrase used to join a global project of universalism rather than something to abide by. Nonetheless despite the apparent illusion of human rights protections in societies of the Global South, the models provided by success in the struggle for rights by globally marginalized groups (such as LGBT communities, for instance) encourage a strategic political use of both human rights and human dignity concepts as bargaining processes for empowerment.

However, this too is contentious. When the United States Supreme Court ruled in favor of same-sex marriage, the majority opinion celebrated the recognition of the dignity of all the people and particularly their dignity in their sexual orientation. Yet, in a minority opinion, Federal Justice Clarence Thomas argued that there is a misunderstanding, in the United States, of human dignity as a constitutional right when, in reality, there is not a single mention of dignity in

the U.S. Constitution. Justice Thomas added that, even without a constitutional right to dignity, people should not feel that they are in a reduced mode of being. Justice Thomas stated: “Slaves did not lose their dignity (any more than they lost their humanity) because the government allowed them to be enslaved.”¹⁰ For Justice Thomas, the problem of claiming that human dignity is assaulted, or not granted, is a way of implying that the people who suffered injustices in human history did not have dignity. Justice Thomas continued:

Those held in internment camps did not lose their dignity because the government confined them. And those denied governmental benefits certainly do not lose their dignity because the government denies them those benefits. The government cannot bestow dignity and it cannot take it away.¹¹

Justice Thomas also argued that people seem to expect a state intervention by which human rights and human dignity are bestowed, a position he rejects. In his view, human dignity is inherent and independent of how a person is or isn't treated by the state. A great many people, however, view a government policy used to subjugate people as a way to humiliate those people, served as a way to make them feel that they have in fact lost their dignity. To give one example from the current refugee crisis: A Danish policy approving seizure of valuables from refugees is being viewed as an assault on their dignity.

In contrast to Justice Thomas's views, the state is often targeted by dignity demands, as seen with the protesters of Tahrir square in 2011 who called for a state that respects and protects the *karma insaniyya* (human dignity) of the Egyptian people (this was also one of the main slogans of the uprisings). From the uprisings' slogan of human dignity, it seems that the state is held responsible for human rights protection and protection of human dignity, and that it had failed in this task. In the context of state and individuals' contention over rights, Martha Nussbaum stressed that contention between agency and victimhood is a fertile terrain for the development of human rights discourses for marginalized groups (2003). The recognition of

victimhood is particularly important as a recognition of otherness, which is often missing in Universalist human rights discourses that minimize or dismiss otherness.

In the case of Egypt, human rights seemed to be less central in the political discourse of Nasser, which was more concerned with national dignity (Hopwood, 1993). Sadat, on the other hand, used a discourse of political freedoms to first ally with the regime's opposition, the Muslim Brotherhood, against factions in the regime that resisted him (Waterbury, 2014). Sadat's propaganda, which used a language of freedom for political ends, was, however, inconsistent with his ongoing use of systems of torture of the opposition, in the style of the Eastern German state security commonly known as Stasi, inherited from Nasser's era and enhanced with the establishment of the Central Security Forces (CSF) (which were particularly targeted in the 2011 protests). After the assassination of Sadat, Mubarak came to power and played with opposing factions to consolidate his rule, but also continued with repressive methods (McDermott, 2012). Unlike Nasser's socialist context, both Sadat and Mubarak favored a context of economic liberalization but one in which the benefits were limited to a small elite. Again in these two liberal economic contexts before the Arab Spring, it was hard to picture a prosperous environment for the development of a society of rights or recognition of dignity in Egypt, both of which were demanded in the 2011 uprisings. Such difficulties were not uncommon around the planet

Summary

At this time, the understandings of human rights and human dignity remain in flux, varying widely depending on the country, the culture, the vantage point (global, universalist vs. local, particular). The terms may be used as catchphrases covering over abuses or as tactics in consolidating power. Joining with the global universalist project may serve the interests of power while subverting those of the marginalized, or may be used by the marginalized to develop empowerment at the expense of the state. Both terms embody deep

and widespread aspirations for a better life, but their acceptance and application in practice are still very much embedded in the actual struggles over power, victimization, and wealth across the planet. Both concepts, however imperfectly committed to today, side with a desire for less humiliation, less exploitation, better life circumstances, and greater dignity for all human beings, the wish enshrined in the United Nations' Universal Declaration of Human Rights.

Notes

1. Diana Brydon's lecture on "Postcolonial and Global Approaches to Human Rights" delivered at the University of Manitoba on September 1, 2012.
2. Ibid.
3. American Sociological Association, announcement. "Egyptian Sociologist Ibrahim Is Acquitted", April 2003.
4. "Egypt: Egyptian Justice on Trial — The Case of the Cairo 52". *OutRight Action International*. October 15, 2001.
5. Ibid.
6. *The Crunch*, 2011. "Wael Ghonim's First Interview after Jail Release" by Alexia Tsotsis, February 7, 2011.
7. Freedom in the World 2014: The Annual Survey of Political Rights and Civil Liberties. Rowman & Littlefield, 2014.
8. Ibid.
9. The Helsinki Act of 1975, an act that marked the success of peace discussions during the Cold War, is an example in which it was agreed that the human dignity predetermined all human rights.
10. Raw Story, 2015. "Clarence Thomas holds some pretty horrifying views on human dignity," by Travis Gettys, June 26, 2015.
11. Ibid.

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