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RELATIONSHIP BETWEEN SOCIETY, RIGHTS AND THEIR DUTIES, FROM ETHICS AND HUMAN DIGNITY

SUMMARY

The research aims to relate society, rights and duties, from the ethical conception of society. For this, some references to the concept of society are briefly addressed, then a brief analysis of rights and duties is presented from social ethics, on human dignity and on dignity and human rights. The methodology used to prepare it is documentary, with a qualitative approach and a descriptive level, supported by hermeneutics. It is concluded that by recognizing that we live within ethics, as well as law, we understand the different meanings of the causes of the necessary relationships that exist between various elements of history and their order, while taking into account the multiple perspectives and criteria of the meanings of the norm from their obligations and rights to be able to live in society.

KEYWORDS

Ethics, dignity, human rights, society.

I. INTRODUCTION

These brief lines are intended to address some notes on the relationship between society, rights and their duties. From the ethical conception, society, can be seen from several concepts as consensus of union between several people, set of people who live under common rules among other meanings, but goes further, given the existence of the need of man to relate to others, since human behavior is oriented to relate to other people.

The research aims to relate society, rights and their duties, from the ethical conception and human dignity. To this end, some references to the concept of society are briefly addressed, then a brief analysis of rights and duties from social ethics, on human dignity and on dignity and human rights is presented.

Society is seen as a social association (Giddens, 2003), its basic structure is economic (Marx, 1970), it is considered as a system in stable equilibrium (Parsons, 1982), and it is organized in an association to have an impact on the environment (Gruson, 2010).

The importance of ethics revolves around the coherence of what is lived, the value that makes us people, according to our principles; I know it is or I don't know it's ethical, there is no middle ground. In this modernity there are strong and uncertain times, morality is diluted in the fog of conscience, so the world needs coherent men and women, who are beacons, who act in accordance with the principles and values they preach (Puello, 2019).

From a philosophical and religious perspective, the concept of human dignity has a long historical trajectory. However, from a legal point of view, it was not recognized until the middle of the century. Human dignity acquired relevance with Kant, but only materialized with the positivization of law in the texts of international law and in the national constitutions that emerged after the Second World War. For some authors, human dignity is the foundation of the public ethics of modernity, as a *prius*[1] of political and legal values and the principles that derive from those values.

This article does not intend to study this debate in depth, the arguments are examined within a broad framework of perspectives on society, rights and their duties, from the ethical conception and human dignity.

The elaboration of this research is documentary, with the application of a qualitative methodology at a descriptive level, supported by hermeneutics, and an analysis of the scientific articles considered relevant to the subject consulted from the EbscoHost, SciELO, Latindex and Dialnet Databases was carried out. The analysis of the information was done through a significant reading of literature. The triangulation of the information by source was carried out, finally, the results were discussed and compared with the theoretical sources that support the research.

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1 Latin Legal Dictionary. PRIUS: First, first; which denotes priority of time or place or preference: the action is a power that constitutes the *prius* of the judgment in which the exercise of the jurisdictional activity culminates. Available in: https://www.drleyes.com/diccionario-juridico-latin/prius

II. Society, brief references to the definition

The Royal Spanish Academy (2022) points out that the word society comes from the Latin sociĕtas, -ātis, and defines it as the "set of people, peoples or nations that coexist under common rules" and from the edge of the organization as the "natural or agreed grouping of people, organized to cooperate in the achievement of certain ends" (web document). It can then be said that society arises to satisfy complex human needs, since the human being is sociable by nature.

For the philosopher Plato, society has a threefold meaning:
1. The human being has a nature that forces him to live in society with other human beings in order to survive.
2. To achieve good and happiness, the human being also needs to live in society because only in the just state can the human being achieve justice.
3. The organization of society has its origin in the human nature that is projected in it: if the human being has three souls, in society there are three different classes and each of them corresponds to one of the souls of the individual.

Thus, the concept of society goes further, because that need of man to relate to others originates the social relationship, based on the fact that human behavior is oriented to relate to other people and that they share opinions, values, beliefs, common habits, and interactions. From another point of view and analyzing the concept of the Royal Spanish Academy (2022), society can also be seen as a group, considered as the "total fabric" of social relations. Now, society can also include any multiplicity of groups, it can encompass many class organizations, for example, the society of friends, the society of graduates of a university, clubs, lodges, fraternities, professional organizations; From the point of view of families, this society can be seen as kinship groups or circles of friends. For example, Hurtado (1998), in relation to society, schematizes it from the following points, in Figure 1 presented below:

Figure 1. Society
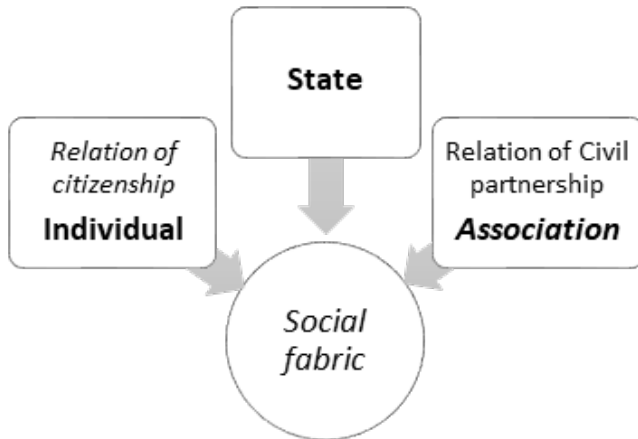
Source: Own elaboration based on Hurtado (1998), p. 1.

For Giddens (2003), the term "society" has two main meanings. "One is the generalized connotation of 'social association' or interaction; the other is the meaning according to which "a society" is a unit whose limits separate it from other societies that surround it" (p.194).

All societies are social systems, but they all, at the same time, are constituted by the intersection of multiple social systems. Create intersections between them and form inter-company systems, with forms of creation between societies of various types. "All these can be studied as systems of domination in terms of relationships, autonomy and dependence that occur between them" (Giddens, 2003, p.195).

For Giddens (2003, p.195), societies can be defined as social systems that "stand out" with respect to other systemic relations in which they are inserted, because their structural principles are defined and concur to produce a conglomerate of institutions.

1. Society: commitment or acceptance?

To begin this point it is important to specify or provide an idea of social structure.

> (Social structure in sociology), the social structure is the concept that describes the form that the global system of relations between individuals takes, to explain the systematic relationships that link members of a certain community, although they are not at any time in direct contact.[2]

The structure, determines the character and core of human social activities, and is born from those activities, is a product of them. It represents a general and abstract concept of sociology, since it can be understood in a cultural context, or institutional or in the field of social stratification.

Leve -Strauss refers that the structure in general is a mental construction that derives from the contemplation of social realities; it is an abstract and latent model in social reality, of which social agents or actors are not aware, which the researcher must discover and interpret through a law or an explanatory model of reality (Soriano, 1997, p.250).

For Giddens (2003), in the ''Theory of structuration'', it is observed as structure ''rules and resources with recursive implication in a social reproduction'' (p.32); the same author further defines ''Structure'' as ''normative elements and codes of significance: two aspects of rules'' (p.32).

Marx as a sociologist of industrialization, reflects on a society that is no longer the society of the market, but that of the factory. It is not concerned with ensuring respect for the rules of law, and therefore of morality, which permit the peace and justice indispensable to trade; observes an industrial world in which men are reduced to the state of a commodity (Touraine, 1994, p.82)

Starting from the dialectical conception of historical materialism of Marx's sociology, two aspects are observed: (1) the economic basis of the social system (Marx does not separate society from nature, he argues that the social dimension is fundamental); (2) the sociology of conflict and change (sociology integrates conflict

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2 Definition; [online]; word consulted: structure; Available in: http://www.definicion.com.mx/estructura.html

as an "essential" aspect of society and as a factor of social change). For Marx the social system is composed of two subsystems "structure" and "superstructure" between both there is a dialectical relationship.

For Marx, the basic structure of society is economic and is constituted by: (1) the productive forces (means of production and labor power) and (2) the relations of production (determined by the possession of the productive forces). The superstructure is made up of the forms of consciousness or ideology: the set of images, ideas, symbols, values, in which society becomes aware and legitimizes social reality.

Now, society from functional equilibrium or structural functionalism of Talcott Parsons (1982), is considered as a system in stable equilibrium and its interest focuses on determining what these factors of the equilibrium of the system are. According to this premise, the first factor of equilibrium is the normative character of social structures, embodying ideals and values accepted by individuals and the second factor is the functional character of social structures, which is maintained in balance to the extent that each of their needs corresponds to a structure that satisfies them.

With regard to social structures, such as associations, it is relevant at this point to highlight the approach of Hurtado (1998), when he pointed out that:

> If the individual in orientation with the "association" can organize themselves in community relations, which if it is of adscriptive relationships does not reach to constitute elective social fabric. This fabric only occurs in relations of elective status, and it is how it allows it to achieve civil society relations if the social fabric has the state as a reference.

> Therefore, the individual needs mediations to address the state in orientation. (...) Without mediation between the individual and the state, the imposing bureaucracy emerges, which is nothing more than an apparatus identifying the state. (p.3)

For Gruson (2010), "An association is organized to have an impact on the environment" (p.6). This is how the associative fact of this, entails,

> ... to the public consideration interests, ways of operating, motives and reasons, all things that make collective life sensitive to new (or dissident) readings of the environment, to new problems as well as to new solutions, to new projects as to new enjoyments (Gruson, 2010, p.7).

In this same order of ideas can be found theories on the concrete structures of society, for example, the associations that are briefly presented at this point, and there are also the institutions, which are considered as generating mechanisms of order and social cooperation to which they apply norms of conduct and customs considered as obligatory observance for a society. Therefore, institutions as structures and mechanisms of social order in the human being, are one of the main objects of study in the social sciences (sociology, law, political science and economics).

Answering the question posed in the subtitle presented, we must see institutions as systems of control, above all of social control, which appears with the development of conventions on how to conduct and develop in society, and how they relate to each other. As conventional norms regulate behaviors, that is, they are modes of behavior considered good or bad by a group or by society. These modes of behavior when planted in that human being is transmitted between these people, which becomes a matter of effective mutual control, in which each person becomes an agent of conventions and traditions (depending on how he adheres to them) approving or disapproving the behavior of others.

The institution is the way in which the human beings of a certain society or collective relate, seeking the greatest benefit for the group. They are the uses, habits, customs or norms by which the social and economic relations between the members of the group are governed, in which the norms are accepted and there is a commitment to respect them.

2. Towards modernity

Quoting Bueno (1987), at this point on society, the author who works with the theme of barbarism and civilization, refers that "The advent of civilization is a progressive process whose dialectical form is always the same: the *connexivization*

of intercultural relations, from the propagation of non-symmetrical relations (of domination and exploitation) on which symmetrical relations of higher material level can be built, and, with them, realizing the *transitivity* of that "identity" that it considers constitutive of human society" (p.16). Therefore, the formation of society comes from that progressive process of intercultural connections that build relationships and the most important thing that must permeate in time the recognition of its effective transitivity of its cultural processes to recognize it.

However, for Max Weber modernity is defined by the rationality of the media and opposes it to the rational view of values, which translates more concretely into the opposition of the ethics of responsibility, characteristic of modern man. This is the Weberian picture of the modern world: the coexistence of everyday rationalization and an occasional war of the gods.

This Kantianism coined Weber, gave rise to moderate expressions in European countries, inspiring, for example, the creators of the French secular school in the late nineteenth century, who the vast majority were Protestants and their secularism was in no way aggressive with respect to religious convictions. These men wanted only to draw firmly the boundary between private convictions and public life, within which the school should be placed, and they maintained that only rational and critical thought should be recognized. Separation of Church and State that certainly suited a "progressive" middle class and thus defended itself from the Catholic bourgeoisie but also from the revolutionary workers' movement that questioned this moderate tolerance in the name of another project of society. (Touraine, 1994, p.95)

The disappearance of the metasocial foundations of morality implied the triumph of social morality, utilitarianism and functionalism. It is good what is useful to society. Let us be good citizens, good workers, good parents or good children. The idea of law cannot be separated from the idea of duty, even if in the end the constituents have decided not to speak of duties in the Declaration of the Rights of Man and of the Citizen. But is that society which each one must serve, only the general will of which Rousseau speaks and to which the State (the magistrates) must be subordinated? To the separation of Church and State must be added the most important and even more radical separation of society and the State, which

implies discarding the very idea of society understood as a whole, as a system or social body and emphasizing the opposition between the idea of society and the reality of social life. Open, changing, plural reality. (Touraine, 1994, p.96)

Foucault, among many others, has denounced this tendency of modern societies to extend the field of moralization. It was no longer only a question of not transgressing the commands of the gendarme, but also of believing in them, of adjusting feelings and desires to the rules of social success. (Touraine, 1994, p.97).

Modernity brought with it two trends: "one, sustained in the possibility of controlling and transforming reality with the rational use of material and human resources; and another that promotes the recognition that individuals should be subjects of social change" (Daza, 2010, p.62). However, the expressions of modernity were concentrated in the first tendency, so that, "modernity was only defined by the effectiveness of instrumental rationality, by the domination of the world that science and technology made possible" this perspective does not give a complete idea of modernity, it hides its half: "the emergence of the human subject as freedom and as creation" (Touraine 1994, p.205).

For Daza (2010), "the concept of modernity is quite widespread today" (p.63). It is a polyvalent notion, which brought with it the idea of progress, extended as a cultural program in whose process of implantation varied social, institutional and cultural forms emerged. "For Habermas, the reflexivity of society is a characteristic of modernity" (Daza, 2010, p.73).

III. Rights and Duties from social ethics

1. Ethics

The word ethics that comes from the Greek "êthos" meant in its origin, stay, place where one lives. Subsequently, Aristotle gave a twist to the term, associating it with the way of being, the character, the way of life that we are molding in our existence. Ethics was considered as second house or acquired nature, not inherited as is biological nature. In this virtue, it is based that a person can mold, forge or build his way of being, that is, his "êthos" that expressly means habit or custom,

corresponds to the Latin concept of *mos, moris*, habit, custom and way of life that we have been appropriating (Puello, 2019, p.18).

"Ethics" thus understood is concerned above all with the meaning or purpose of human life as a whole, it is concerned with the good or ideal of the good life and happiness. These others are the themes on which ethical theories of Aristotelian and hermeneutic orientation have focused. In "ethics" even the highest ends that guide the existence of man or the members of a community as such, and through which they believe they can achieve happiness or the supreme good, are revealed or already given.

For De Zan (2004), when mentioning the term "*ethos*", it can be described as a set of beliefs, attitudes and ideals that configure a way of being of the person, or the "basic cultural personality" of a human group, as conceived by anthropologists. That is why "ethics" refers in this sense to a conception of the good life, to a model of the virtuous life and to the lived values of a person or a community, embodied in its practices and institutions.

Pre-modern traditional societies have functioned most of the time as units cohesive by a monolithic system of homogeneous ideas, beliefs and values, deeply rooted in their own history, which founds a univocal way of conceiving "the natural", the good and the ideals of life of man and the community, that is, a cultural *ethos* that configures and defines a strong collective identity (De Zan, 2004).

The advance of the process of modernization, the social, territorial and professional mobility of broad social sectors, the opening to the world, globalization, etc., have eroded and put in crisis the remains of that type of traditional culture and static identities, linked to the corporate structures of premodern societies that some communitarians would like to restore or maintain. and have spread other values that have to do with private life and individual freedom to choose different life plans, to seek other horizons outside the place of origin, changing inherited roles and social positions, etc. (De Zan, 2004, p.25).

For De Zan (2004, p.36), In premodern societies these spaces of "ethics", of morality and law, of civil society and the State were fused in a still undifferentiated way. But the complexity of modern and postmodern societies, multicultural, pluralistic and

democratic, requires that we work carefully with these differences, delimit their autonomies and deploy the richness of their relationships.

2. Social or Public Ethics

According to Capella (2008), cited by Seijo and Villalobos (2011), social or public ethics deals with the actions of a human being, its direct effects fall on the property of others, including the norms of behavior in coexistence, in front of others.

In this sense, social ethics allows any relationship beneficial to the parties, prohibits any relationship harmful to at least one party, and only obliges the fulfillment of freely agreed contracts. A human being can participate or not in a relationship freely, according to his will, respected, or coerced (Seijo and Villalobos, 2011, p. 100).

A person relates or refrains from doing so voluntarily when he perceives a benefit in his decision. If she is forced to relate she suffers a loss. Only in a voluntary relationship do all participants benefit and none is harmed. In any violent relationship, at least one party is harmed. (Seijo and Villalobos, 2011, pp. 100-101).

For Stob (1982), cited by Seijo and Villalobos (2011, p.101), "social ethics is concerned with the moral conduct of individuals, as well as collective and super-individual realities. Their concern for the individual is socially qualified."

Social ethics is the branch of ethics whose object is the establishment of the norms that govern the conduct of the individual within society, both in relation to other people and to institutions. Ethics is the rational behavioral dimension of morality and it is thought that today morality no longer represents solid and generalized patterns. Social ethics is instructed in norms and moral principles of collective life in an institutional and non-institutional environment, however, it establishes the necessary complement of individual ethics, which considers the commitment of the individual with respect to others and to himself (Seijo and Villalobos, 2011, p. 101).

Social ethics is in conjunction with the individual ethics of each of the people who make up society, social ethics is what is actually accepted as good, and what is

decided to abide by within it, for and with others, that is, "respect for third parties" (Seijo and Villalobos, 2011, p. 101).

In this way, the subject of ethics is also a historical subject because in the agility of the present it recovers its own and others' practice, the cultural, social and personal context evolves, preparing the conditions for a desirable future. Moreover, with his instructive activity, he creates culture, creates himself and gives meaning to history. In addition, education must situate the individual about his future in life, it must guide him towards the use of culture as a good; and similarity with their environment, as a means to increase their quality of life (Seijo and Villalobos, 2011, p. 101).

The social context permeates the relationships between individuals and between the collectives that make it up, in a framework with intrinsic relationships that encourage the behavior and actions of people, which is why complex human reality involves man to act well or badly. However, collective and individual labor practices cannot be exempt from this assessment, since they are not only done by a human being, but also those who practice them are women and men prepared to serve (Seijo and Villalobos, 2011, pp. 101-102).

Consequently, all knowledge implies a responsibility, so that the knowledge of a science, an art or a technique is also accompanied by the responsibility to use it well, such is the case of work spaces, where the dignity of human life plays a preponderant role when acting and executing actions of daily work (Seijo and Villalobos, 2011, p. 102).

Camps and Giner (1998) theorize that "the individual does not invent his ethical principles because before his birth, the human being is already circumscribed to a certain context with respect to which he will have to conduct himself"; Ethical behavior involves a series of conditions related to the individual: state of consciousness, initiative, autonomous capacity, will, sense of community, sense of cooperation and participation.

Hegel (2007), points out that the ethics of the individual is divided into three parts: the family that endows values, the society that judges and imposes rules and the state that applies those rules. Therefore, the subject of ethics is the human

being and, indeed, society. Ethics is the individual duty in a composite or public structure. In this sense, ethics has a double representation: individual and social. The fundamental property of ethical conduct is to be in function of the collective, by virtue of this, ethics is expressed in individual and group actions that store correspondence with the customs, rules and values of a social group (Seijo and Villalobos, 2011, p. 102).

According to Roldan (2009), there are efforts to distinguish between individual ethics and social ethics. Thus, guidelines have been created to create life in society, to regulate the cooperation of the members of society. Each guild has its own ways of acting, that is, its own ethics. In every human entity there is an extensive implicit consensus to respect and abide by the norms of the social group to which it belongs. But, at the same time, there is a natural guideline to reveal firmness towards the rules that somehow does not fit the dynamics of daily living together and this can lead to disobeying or violating the rules (by abuse, benefit, disagreement), so society must adapt its ethical standards so that the majority finds them meaningful in line with a socio-geographical and historical-political context (Seijo and Villalobos, 2011, pp. 102-103).

IV. Human Dignity

In this first vision, human dignity is presented from legal hermeneutics, it is considered one of the most polysemic values for its spiritual, ethical, philosophical, legal and even anthropological dimension (López, 2018).
The values express the profile of man resulting from a cultural context and a concept of nation, having as a premise that the foundation of the formation of the human being is respect for the dignity of each one, for what he is, without taking into consideration what he has or represents. Values, as cognitive-affective functional units, produce the regulation of the behavior of human beings from the formation of their own convictions. (Amaro, 2014).

Values, as social constructs, have various dimensions: personal, family, professional, social and their construction is carried out in the scenarios where human beings carry out their material and spiritual life, as can be seen in Figure 2, (Amaro, 2014).

Figure 2. Formation of Values.

Fig. 1. Formación de valores.

Source: Amaro (2014)

In any civilization, behaviors are regulated by rules that indicate what is the expected behavior of the people who make up that society.

However, throughout history, people have needed the recognition of the other to form their identity. Identity is something that is constructed as a shared experience, through a network of human relationships (Hannah Arendt). The idea of recognition is a common element in the process of understanding the uniqueness and plurality of the subject. Therefore, recognition and identity are two indispensable elements to understand the meaning and meaning assigned to the person and their dignity (López, 2018).

In this sense, Peces-Barba (2004), affirms that "human dignity is a horizon, a duty to be that can be realized in the dynamism of human life, always limited, always conditioned historically and temporally in the term of our existence" (p. 49).

Table 3 below refers to the process of the idea of human dignity from classical to modernity.

Table 3. *Idea of Human Dignity*

LA IDEA DE LA DIGNIDAD HUMANA					
	Tradiciones				
	Época clásica	*Época medieval*	*Renacimiento*	*Ilustración*	*Modernidad*
Proceso de retroalimentación entre las tradiciones	→	→ ← Retroceso	→	→	→
Idea	Autonomía impuesta siguiendo pautas morales y sociales	Imagen de Dios	El hombre como "milagro"	Ser autónomo	Persona humana (universalidad)
Concepción antropológica	Ser político Ciudadano del mundo	Naturaleza humana mala	Naturaleza humana buena	Naturaleza humana buena, pero corruptible	Concepción antropológica abierta, plural e inclusiva

Source: López, 2018, p.139.

It is for this reason that the delimitation of the legal content of the concept of dignity of the person requires recourse to various sources of a political and moral nature, also considered as a transcendental concept for contemporary constitutionalism, since from the postwar period human dignity is presented as the constitutional axiological core that gives meaning to every democracy. Human dignity acquired relevance with Kant, but only materialized with the positivization of law in the texts of international law and in the national constitutions that emerged after the Second World War. (Mendieta and Tobón, 2018, p.279).

The recognition of human dignity was limited to a few, but with the passage of time the concept expands to generalize and recognize it as a founding principle of the social and democratic State of law (Mendieta and Tobón, 2018, p.280). "Human dignity stands as a sine qua non element of every democratic model." (Mendieta and Tobón, 2018, p.281)

Human dignity is "the basic value that underpins human rights, which tend to make explicit and satisfy the needs of the person in the moral sphere" (Pérez, 1984, p. 318-319).

Would not meeting needs be a state of poverty? Making a parenthesis to the subject and taking it to the economic field, as mentioned in previous lines, society is organized to have an impact on the environment, hence the instruments of participation are accompanied by recommendations for the State to improve its public policies, but inequalities can conspire against the effective implementation of poverty alleviation projects and thus slow down development. "The deficiencies become even more noticeable because social programs obey a management model that departs from the traditional conception of the administration of public affairs" (Cimadamore and Lizárraga, 2008, p.16)

Development is imbricated with the model of representation, so the participation of civil society implies an alternative vision to the models of representation typical of democratic capitalisms, the managerial model of the State also calls into question the very foundations of the idea of good governance. Participation and decentralization are considered cornerstones of poverty reduction programs, although they are questioned because participation and decentralization are not projects developed from the national states themselves, but have their origin in the strict conditions imposed by international financial organizations (Cimadamore and Lizárraga, 2008).

Continuing with the theme of dignity, several authors have pointed out that poverty has a lot to do with the deprivation of basic economic resources. Sen (2002), stresses that the important thing is not the deprivation of resources per se, but the deprivation of capacities to realize them; in other words, realize personal freedom in the development of their capacities and desires. It cannot be measured in a precise and generalizable way.

Guevara (2011), citing the United Nations Development Programme, points out that "poverty is defined as the denial of freedoms, capacities, rights and opportunities of people to have a long, creative and healthy life, acquire knowledge, have freedom, dignity and self-respect" (p.1).

But it is no less important, because it corresponds to a universally recognized human phenomenon that is expressed by the term "dignity". Dignity is intimately linked to human vulnerability. It could be said, then, that dignity is the intrinsic force of vulnerability, it is its inviolable character.

Dignity is, in other words, a minimum requirement and a criterion of judgment of a development process. Dignity in the development process is a minimum and a maximum; It is a requirement and a goal. There may be economic growth, but if the dignity of human persons is not respected and strengthened in this process, it does not represent true development.

In this same sense, Garzón Valdés (2006) defends this positive vision through a social dimension as a starting point "for all the rules of human coexistence that pretend to have some moral justification" (p.260), which promotes greater development and consolidation (López, 2018, p.146).

Therefore, society in the ethical sense is a society in which all human beings who integrate it recognize, respect and mutually realize their human dignity. Dignity depends on external factors and internal factors. Its external factors are recognition, respect, and concrete conditions (cultural, material, economic, political, among others). But most of all, it is about respecting and preserving the human dignity of access to sustainable employment or a piece of land that can be cultivated.

According to Kliksberg (2005), a political struggle that grants a fairer distribution, first of all, part of what could be called a politics of dignity. In this sense, the human capacity to see oneself even in adverse circumstances, as a complete and integral person and, therefore, "the strengthening of this capacity, expressed as human dignity, must be seen as a minimum requirement and a criterion of ethical judgment of the development process" (Seijo and Villalobos, 2011, p. 107).

From the above it can be specified that the life of the human being revolves around a social sphere, hence a normative, economic and social order must be constituted that is at the service of it and that allows each man to cultivate his own dignity. Human dignity requires man to act according to his conscience and his free choice; So men, being more aware of their own dignity, will be able to respect each other.

V. Dignity: Duties and Human Rights

Article 1 of the American Convention on Human Rights (ACHR) or Pact of San José, Costa Rica (1969/1978), recognizes that the essential rights of man are based on the attributes of the human person. The Latin term persona comes from the verb personare, which means "to resonate, to echo", for this concept person is who has a voice by himself. From this derives the notion of Roman law: "Person is the subject of law incommunicable to another" (*persona est sui juris et alteri incomunicabilis*), for Roman law the person is subject of rights and duties, but that recognition was subject to external conditions (status civitatis).

In the Christian thought that crystallizes in the Middle Ages, the person acquires a particular preeminence (Gilson, 1981).

The theological speculation of the Middle Ages led to a definition of person given by Boethius (1979) "person is an individual assumption of rational nature" (Culleton, 2018, p.150). It is an ontological definition that uses categories from Aristotle's philosophy. This notion was widely used by medieval scholasticism. By not establishing conditions to be a person, it extends to all men and not just to some.

Kant emphasizes the value of the person as an end in itself, so Millan Puelles (1976) points out that for the German philosopher personality and humanity are identified. "Humanity itself is a dignity, because man cannot be treated by any man as a simple means but always at the same time as an end and in this precisely lies his dignity (Millan Puelles 1976). For Kant what has dignity is the condition for something to be an end in itself, it is man who gives himself his own dignity. For legal positivism, social values are those that in each case determine society, it is evident that human rights are then linked to a certain historical, social or cultural situation.

On the other hand, in twentieth-century philosophy, collectivist and materialistic ideologies are born that tend to reduce and even annul personal dignity. From collectivism, human individuality only acquires value and meaning in the whole of the State. Therefore, the person must subordinate his own interests to the higher end of the State.

From the socio-critical paradigm of the Frankfurt school, Habermas (2010) considers that human dignity is "one and the same everywhere and for every human being" (p. 9) and considers it an "absolute validity" (p. 10). He further points out that human rights are as products of a religious and metaphysical vision. These qualifiers are expressed by Habermas (2010), limiting himself to pointing out that classical human rights declarations "betray their religious and metaphysical origins" (p. 10).

Habermas (2010), affirms that it is precisely human dignity "the conceptual hinge that joins the morality of equal respect for each subject with positive law and democratic legal production, in such a way that its interaction in favorable historical circumstances could result in a political order based on fundamental rights" (p.111)

"The concept of Human Rights is only understandable as the legal guarantee of values that are prior and independent of any act of valuation. Before these values are estimated, they are in fact estimable" (Barrio, 2007, p.132).

For Peces-Barba (2004), human dignity is the "foundation of the public ethics of modernity, as a *prius* of political and legal values and the principles that derive from those values"

The ontological or innate dignity is what underlies human rights as stated in article 1 of the Universal Declaration of Human Rights: "All men are born free and equal in dignity and rights" and article 3 which says: "Every man has the right to life, liberty and security as a person.

The Inter-American Court of Human Rights, in its advisory opinion OC-4/84, of January 19, 1984, Series A, No. 4, stated the following:

> The notion of equality flows directly from the unity of nature of the human race and is inseparable from the essential dignity of the person against which any situation which, because it considers a particular group superior, leads to its treatment with privilege is incompatible; or conversely, considering him inferior, treats him with hostility or in any way discriminates against him in the enjoyment of his rights that are recognized to those who do not consider themselves to be in such a situation of inferiority. It is not permissible to create differences in treatment between human beings that do not correspond to a single and identical nature (Para. 55).

Consequently, society must be at the service of the human person and not the other way around, as collectivism seems to propose. The primacy of the human person constitutes one of the central points of the Christian conception of man: "the beginning, the subject and the end of all social institutions is and must be, the human person" (Pastoral Constitution, n.d., Gaudium et Spes n.25,1).

1. Rights and duties: moral dignity

Morality and Law refer to the free behavior of people, of human beings; "... from one's own human dignity what emerges primarily are not the rights but the duties of man" (García, 2012, p.514). Table N°4 on some contributions is presented below:

Table N°4. Contributions of the classical tradition.

Cicero and the duties	Thomas Aquinas: right and debit	Homework: From Kant to Classical Realism
Part of Natural Law as a guiding principle: "Law is the Sum Reason inherent in Nature that orders what must be done and prohibits the opposite"

It has little to do with the "autonomy of the will" in its modern form, for it is not consciousness that is the guiding parameter, but knowledge. of the objectivity of "ought to be".

For Cicero, there is an intimate overlap between reason, the good, the Natural Law, the law it prescribes, and the performance of duties to its compliance. | The Natural Law is mandatory of the fulfillment of duties and obligations.

What is just, (what corresponds to each party in a relationship of justice), has a double aspect: of law and of debt; The first of them looks at the holder of the right, since he manifests what he has to receive, and the second looks particularly at the subject of the right. justice, the one who has to give.

The dignity of the person is manifested in the "ought to be" that comes from his intellectual knowledge and his freedom.

The debit arises from legal justice, all members of society are debtors, we all benefit from its existence and therefore we all owe it what corresponds. | For Kant, morality is based on the "categorical imperative" that commands to fulfill the duty given by conscience, but by the same duty without assigning any material content to it.

The fulfillment of duty does not have as its main parameter the difficulty, but the objectivity of the good and the greatest. realization that implies its fulfillment. |

Source: Martín, 2017, pp. 86-90

2. Modern and Postmodern Dignity

To speak of modern dignity is to refer a little to Kant, who most forcefully spread the notion of dignity written in contemporary declarations and constitutions. For Kant, the only thing that can be done is to surrender to *a fact that* imposes

itself on practical reason: the moral imperative, which commands in any case to respect the person as an end in itself, but making it clear that this imperative does not presuppose any knowledge of what the person himself is. "Hence, it is only possible to clarify the concept of human dignity that is given by its connection with that of freedom" (Barrio, 2000, cited by Martín, 2017, p.80).

The paternity of Kantian "autonomy of the will" has been read in many theories today, such as that of Tristram Engelhardt, who argues that not all human beings are persons, raising his distinction between persons in the strict sense (self-conscious, rational beings, free in their moral choices) and human biological life; although Engelhardt quotes Kant for whom the notion of person is identified with the "possession of the self". "This immanentist interpretation of the concept of human dignity is typical of modern anthropocentrism that has magnified it by granting it a self-sufficiency and self-merit based solely on freedom and, therefore, on the much talked about autonomy of the will" (Martín, 2017, p.81).

Human dignity, in modernity, appears in an intellectual context that has overcome historical vicissitudes, placing itself in a process of humanization and rationalization that accompanies the person and society. For which, when the reflection of dignity is made within an area that corresponds to a well-ordered society, reality is not described, but the duty to be of it. Hence, human dignity serves as an initial referent, a starting point and also a final horizon, a point of arrival, for what could be called a just positive right (Fish-Beard, 2003, pp.67-ss).

For Martín (2017), postmodern dignity lies in the fact of legislation, the law had a general scope, prioritizing above all things the principle of equality, thus, universal premises are inserted as "the recognition of the intrinsic dignity of all members of the human family"

> ... Postmodern "dignity" differs from its modern ancestor in that it requires the recognition of the attempt to self-produce its own human constitutive according to its own desires, which must have concomitantly the endorsement of juridicity. If until now dignity penetrated as a foundation in the common horizon of humanity, now the foundation is individuality, because more than "equal" we are different and diverse (Martín, 2017, p.83).

It can be said that today human rights are not only considered as an ethical expression of law, but as the legal expression of human dignity; Human rights, originally conceived as an instrument to defend the individual from the actions of the authority that could affect or attack his dignity. "Thus, in a pragmatic way, legal norms are now considered fair when they respect, protect and promote human rights; and the actions of the authority are legitimate when they are respectful and promoters of human rights" (Martínez, 2013, p.55).

VI. Conclusions

There is an intrinsic and necessary coexistence between society and social-legal subjects from the duties and rights, since the rational system of social norms of conduct compels compliance with the legal frameworks that regulate internal and international relations from the customary norm.

Ethics and Law are not simple but complex categories. Ergo, ethics, like law, form solid units, because a world without ethics, or moral order, or without legal order is not conceived. Therefore, we call social reality ordering because in each case it encompasses a heterogeneous set of customs, modes, rationalities and paradigms, in such a way that they form an inseparable totality, and similarly we call it ordering to emphasize that there is a certain order of reasoning-vital relationships as a whole.

Social ethics is in conjunction with the individual ethics of each of the people who make up society, social ethics is what is actually accepted as good, and what is decided to abide by within it, for and with others, that is, "respect for third parties". That is why all knowledge implies a responsibility, so that the knowledge of a science, an art or a technique is also accompanied by the responsibility to use it well.

It is for this reason, that by recognizing that we live within ethics, as well as law, we understand the different meanings of the causes of the necessary relationships that exist between various elements of history and its ordering, while taking into account the multiple perspectives and criteria of the meanings of the *norm* from its *obligations* and *rights*.

With regard to human dignity, which we know always allows unfinished reflections,

tendencies and critical tensions, in these times of "modernity", it arises in an intellectual context that has overcome the historical vicissitudes, placing itself in a process of humanization and rationalization that accompanies the person and society, for which, when the reflection of dignity is made within an environment that corresponds to a well-ordered society, Reality is not described, but the duty to be of it. Hence the importance of reflecting on the importance of duties within society, as Benedict XVI pointed out, duties *delimit rights because they refer to an anthropological and ethical framework in whose truth rights are also inserted and thus cease to be arbitrary[3]*.

Therefore, throughout this research evolution positions and currents of analysis of Kelsenian positivist tradition have been presented, but also of iusnaturalist tradition. By transcending *legal realism,* it is intended to counteract that the right is not reduced only by judgments issued by the competent authority. In such a way that, by showing the classical positions of thought held here as the Aristotelian, Ethics and Law are conceived as the path of political *justice*; thus since Aristotle, the way of *being good* of man is the reason of law and ethics, and this turns out to be the fundamental element. Therefore, with certainty it can be affirmed that *Aristotle's ethics*, originating in the individual or collective custom of virtues, is successively the ethical basis of the norms, duties, and rights that reward or punish the conduct of individuals and states, and this is constitutive of the ethical, moral and legal order of the just world that we want to build.

We know that there are still too many questions to be resolved and a long way to go around "human dignity", we simply intend to outline a little that undeniable relationship between the rights and duties of society framed in ethics and human dignity.

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3   Benedict XVI (2009). Caritas in Veritate. Rome. São Paulo

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