



Title	What is 'Human Dignity'? : Biotechnology and Human Dignity
Author(s)	Kurata, Nobuo
Citation	北海道大学文学研究科紀要, 118, 35-44
Issue Date	2006-02-28
Doc URL	http://hdl.handle.net/2115/34105
Type	bulletin (article)
File Information	118_P35-44.pdf



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What is ‘Human Dignity’? Biotechnology and Human Dignity

Nobuo KURATA

1. Human dignity and the human embryo

The phrase ‘human dignity’ is used in some debates on bioethical problems, for example whether it is morally permissible to destroy human embryos to obtain ES cells (embryonic stem cells) or not. The phrase ‘human dignity’ is also used in legal or political debates, in newspaper articles, in bioethical education, and during sophisticated philosophical arguments. It is sometimes argued that various biotechnologies used for humans, such as reproductive cloning, therapeutic cloning, and genetic enhancement, infringe on human dignity.

But what does the concept ‘human dignity’ encompass? Can we use the concept of human dignity to answer various difficult bioethical problems? What is the basis for the normative validity of the concept?

New biotechnologies are often sensationalized. For example, ‘cloning technology’ is often associated with ‘a cloned human being’, the kind that appears in SF movies. But the success rate of reproductive cloning technology is so low that it cannot be used as ordinary reproductive technology and so it is no longer a primary target of ethical arguments. Instead it is therapeutic cloning, which combines cloning technology with ES cell technology that raises serious moral problems. ES cell technol-

ogy is said to have a great potential for regenerative medicine, because it can be used to produce artificial human body tissues and cells for transplantation. ES cells derived from the human cloned embryos could be differentiated to produce artificial tissues, which do not cause immunological rejection (somatic cell nuclear transfer technique or therapeutic cloning).

But to obtain ES cells, we have to make use of human embryos as a source for these cells and the embryos are destroyed in this process. If implanted into a womb, a human embryo will become a fetus and in turn a baby. Therefore, we cannot treat a human embryo as ‘matter’ like other body tissues and cells (for example, blood and skin). Maybe our intuitive aversion to using ES cells is based on the fact that they are derived from human embryos.

The most important ethical problem with ES cell research is that of the moral status of the embryo. Do embryos have the properties and features necessary to be regarded as the objects of moral considerations? Are we able to think of embryos as having some moral status though they do not have consciousness or reason?

The term ‘human dignity’ is used in the first article of the Japanese law known as “the clone ban act” (2000). In the “Guideline for derivation and usage of human ES cells”(2001), the phrase ‘human dignity’ is also used. In addition, the phrase ‘human dignity’ is used in several international agreements on bioethical matters. For example, this phrase is used in the “Universal Declaration on the Human Genome and Human Rights” by UNESCO (1997).

But can we argue that a human embryo has ‘human dignity’? Some people maintain that the concept of human dignity doesn’t have any validity in our secularized society and that it doesn’t have strong persuasive force in the non-Christian world, because the phrase itself has its

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roots in Christian tradition. Some has the opinion that it is 'inflation' of the concept of human dignity to apply it to a fetus or even to a human embryo (Birnbacher).

In Japan, when discussing the bioethical problems of the embryo, the concept of 'human dignity' doesn't seem to be so persuasive. However, when the phrase 'human dignity' (or *Menschenwürde* in German) is used in arguments about bioethical problems in the occidental world, it is usually rooted in the deep cultural traditions, and therefore carries adequate force, though with subtle differences in nuance. But in Japan, the term 'Ningen no songen' (human dignity) is not based on any religious or philosophical tradition as it is in Europe and America.

As for many biotechnologies, it is possible to restrain their utilization because of the difficulties involved with realization and safety concerns. For example, the success rate of the reproductive cloning technology is far too low to apply it to human beings. The realization of regenerative medicine with ES cell technique is often said to be very difficult. If the possibility of its practical use is not very high, then it will never be morally permissible to destroy human embryos one after the other for research.

In addition to that, biotechnology sometimes leads to the exploitation of the female body. For example, tens of unfertilized eggs are necessary to make a human cloned embryo and to obtain ES cells, but how do researchers get them and from whom? Perhaps some unscrupulous researchers might be tempted to buy ovum from women in developing countries for researches of ES cells.

But even if all such problems were settled, some might still feel resistance to destroying any human embryo. There may be some inherent part of human existence that should not be manipulated or controlled. Perhaps the embryo contains this inherent human quality. The phrase

‘human dignity’ expresses the normative value of that quality.

2. Human Dignity as a basis of human rights

Some doubt whether the concept of human dignity can be used as a key concept to draw conclusions in bioethical debates in our pluralistic society. But on the other hand, the concept of human dignity is thought to have universal normative validity as the basis for various rights.

In both the West and the East, the value of ‘dignity’ (*dignitas* or ‘Songen’) was regarded as a value belonging to only noble men. But today, it is thought that all people are endowed with dignity universally regardless of their social status or their birth. The concept of human dignity implies that all people are equal in rights and in their values regardless of their status. The value of human dignity is expressed in some international agreements about rights, such as the Universal Declaration of Human Rights. (**Article 1.** All human beings are born free and equal in dignity and rights…)

Roughly speaking, from the point of the history of ideas, the concept of ‘human dignity’ in the Western cultures has had two trends. One is Hebraism, which considers human beings to be made in the ‘image of God’ (*imago dei*). The other is Hellenism, according to which a human being is regarded as a rational and autonomous agent. The latter conception was also accepted in the modern view of human beings via the Renaissance and modern European thought. Such a conception can claim universal validity even today, but the former cannot necessarily do so. Some argue that the concept of ‘human dignity’, which is derived from the Jewish and Christian concepts of creation in the ‘image of God’, cannot have normative validity in our secular world. It is also argued that it cannot be applied to bioethical debates outside Europe and the United

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States, especially in regions where most people don't have Christian values. But 'human dignity' in the latter sense, is a secularized and universal value, without any religious elements and without any thought patterns particular to Europe.

So is it possible to give some metaphysical basis to this concept of human dignity? Out of numerous discussions, I would like to take a glance at Kant's metaphysical grounding of human dignity.

3. Kant on Autonomy

According to Kant, we have to treat a person as an entity with 'dignity (Würde)', that is, 'an end in himself'. Each person should never be employed as only the means, but has the right to be treated as 'an end in himself'. And 'dignity' is the value of the owner of such rights. In other words, 'dignity' is the value of 'an end in himself', that is, the entity which shouldn't be used as a tool or means for other purposes. The value of 'dignity' rejects the entity being the object of dealings in the market. This means that the value of 'dignity' is beyond the value of 'matters(Sache) or properties', which are exchangeable for something else. Therefore dignity is an absolute value. 'Dignity' of someone is essentially different from instrumental (technical or pragmatic) values in that she or he should not be utilized in the attainment of other goals.

Kant thought that the basis of the value of 'human dignity' is in the 'autonomy of the will'. In other words, it is the potentiality for a person to act morally. For Kant, autonomy is not only a self-made decision. 'Autonomy of the will' is also the determination of the will by human reason entirely free from natural causal necessities including one's desire. In other words, Kant thought that the basis of human dignity lies in human reason, which enables freedom from natural causal necessities.

So in this way, Kant provided a metaphysical answer for the basis of human dignity.

However for Kant, the principle of ‘an end in himself’ doesn’t apply to each individual separately, but to ‘the humanity (Menschheit) in each person’. The second formula of Kant’s categorical imperative is “Act so that you treat *humanity*, as much in your own person as in the person of every other, always at the same time as an end and never merely as the means.” In other words, Kant thought that the value of dignity is not the value of each person, but of ‘humanity’.

4. Can we apply the concept of ‘human dignity’ to the debate on human embryos?

No one doubts that ‘human life’ in the biological sense exists from the moment of fertilization. However we can’t attribute to an embryo the same rights given to an adult person. It is impossible to assert that embryos can claim equal respect and protection as adult humans.

Some argue that an embryo has some moral status already at the time of fertilization. They think this because the genetic identity of a person is determined at the time of fertilization, consequently the personal life of an individual starts at that time. Other people think that ‘personhood’ or ‘the moral status’ develops gradually, as a zygote becomes a blastocyst and finally a fetus.

On the other hand, some types of arguments in bioethical discussions use ‘the theory of personhood’. This theory combines human intellectual abilities to human rights. According to this theory, only a being with reason and self-consciousness is regarded as a ‘person’, in other words the subject of the right to life. This theory justifies the taking of a life, which doesn’t meet this condition, such as a fetus. In ‘the theory of

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personhood', 'human dignity' is the value of such a 'person'. In this theory, the value of person is based on the human intellect, including abilities such as the ability to think and reason. So the advocates of this theory argue that we cannot attribute human dignity to a being unless it possesses reason and other recognizable characteristics of human intellect. Therefore, according to this theory, embryos don't have dignity, because an embryo doesn't have any intellectual faculties. But I cannot agree to such an opinion. So we have to seek other arguments to save the moral value of embryos.

Another part of the argument is that we need to minimize the pain of sentient beings. Utilitarian ethicists support this position. But an embryo in its early stage is not sentient. Therefore, the principle of minimization of pain does not apply in this case.

In the ethical debates about the destruction of embryos, the concept of 'Sanctity of Life' (SOL) seems rather more appropriate than the concept of human dignity. In other words, to resort to the value of life seems to be more helpful than thinking about the concepts of personhood and dignity. But the concept of SOL is often used with a 'Christian' tone. However, it doesn't follow that the concept of SOL is empty in regions with no Christian tradition, as the 'sanctity of human life' is a universal value. Even those who believe in other religions or those who don't have any religious beliefs might admit the value in this concept. The concept of SOL can be accepted in a secularized way, as R. Dworkin, an American legal philosopher, attempted to show in his book "Life's Dominion".

In any case, we can't deny that an embryo has the value that is indicated by the phrase 'the sanctity of life' (SOL). But SOL is the value of the life of each **individual** human being (including the fetus and the embryo) whereas 'human dignity' isn't simply the value of each individual human life. 'Human dignity' is the value peculiar to humans as a species

and is also the value of the whole class of mankind. ‘Human dignity’ isn’t simply the ‘dignity of each individual’, which is protected by respecting the rights of an individual person. ‘Human dignity’ is based on the value indicated by the more abstract word ‘humanity’.

Indeed, ‘human dignity’ is embodied in human rights, but the value of it is not limited to the ‘dignity of each individual person’. Kant considered ‘human dignity’ not only as the value of the rights of each individual, but as the value of ‘humanity’, which is a universal value belonging to all the mankind. Following Kant’s lead, we should investigate the meaning of such a value.

The value of ‘human dignity’ is one of ‘humanity’, which is inherent in each person, and it is the value of a normative fact that someone is ‘human’. Because ‘humanity’ equals ‘being human’, human dignity means the universal value for the mankind as a class.

The meaning of the word ‘human’ is not solely biological. If ‘human’ in the concept of ‘human dignity’ is limited to ‘Homo sapiens’ in the biological sense, to respect the value of human dignity implies only “the bion (biological individual) belonging to Homo Sapiens as a species should be respected.” But if dignity is regarded as the value of the humanity, its meaning goes beyond the biological sense.

In the end, our various obligations as humans can be reduced to our observance of the principle of ‘human dignity’ or ‘humanity’.

5. Humans as the takers and the guardians of responsibility

It is because an embryo becomes an entity that can be called ‘a person’ in the future, that we attribute a kind of moral value to an embryo. An embryo is not just a heap of cells. If implanted into a

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womb, an embryo grows into a baby.

An embryo is someone's 'potential child'. For the woman who donated an embryo or an ovum for an embryo, the embryo is 'her own (potential) child'; therefore she might be likely to think that the embryo has some values and meanings.

To get an ES cell for research, it is necessary to destroy a human embryo. To destroy an embryo is to destroy 'what could be a person in the future'. If implanted, an embryo becomes 'someone's child'. A human embryo is also the entity with the potentiality to become 'our child', that is, a member of our moral community or of mankind as a class. This is why we cannot destroy a human embryo.

Indeed, it is difficult to comprehend an embryo as 'a person' or 'an owner of rights'. But what exactly makes up the 'humanity' that the owner of dignity has? Is it to have reason? Or is it to have high intellectual functions? Is it to have self-consciousness? Or is it to have the ability of language or some form of communication?

Hans Jonas regards our responsibility to an infant as a prototype of responsibility. Jonas's conception of responsibility is 'responsibility to someone who depends on us'.

I think that 'humanity' consists in 'the ability to take responsibility of others'. Only human beings can take responsibility. The moral community of mankind is supported by this responsibility. Such humanity also belongs to an embryo, as it will become a taker of responsibility.

Since we are capable of taking responsibility, it is necessary for us to continue to take responsibility for those who depend on us. Thus we can maintain the metaphysical and normative value of 'responsibility to vulnerable beings' in our society.

The future of an embryo depends on us, but not in the same way as our children do, but in a more abstract way. Nonetheless we have a

responsibility to such a vulnerable being.

What we have to ask is not whether an embryo has human dignity or not, but what attitude should we have toward an embryo.

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