

Human Dignity and Human Rights: A Universal Language for Bioethics

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One of the aims of the Universal Declaration on Bioethics and Human Rights (UNESCO) is to “promote respect for human dignity and protect human rights”.¹ Here are two overarching principles at work, ensuring that the biomedical sciences fulfill their task within an ethical framework. The principle of respect for human dignity is a universal moral concept, meant to be applied in human encounters. Protecting human rights underscores the legal principle of not only affirming the fundamental equality of all human beings, but equally safeguarding it. These two principles are universally defined, but are ordinarily specified by the particular value system of individual cultures in which they are employed. It is within such particular cultural application that their relevance stands out. The thrust of this paper is that, since principles are general action guides, they actually constitute a universal language for the analysis and evaluation of all human conduct. However, there is also recognition of the fact that moral contexts vary from culture to culture, and that while the scope of the two principles above is not restricted by any particular culture, it is indeed those cultural specifics of each moral context that constitute the framework within which the principles become operational. As general action guides, I will argue that these principles lack moral relevance outside of those particular cultural settings wherein they are contextualized. Without such relevance, these principles become meaningless mantras. I will further show that such principles do not merely uphold values informed by particular cultures, but they are an embodiment of values inherent to human nature in general. Consequently, these principles do not just serve as instruments for addressing issues peculiar to “Western bioethics” or any other particular cultural setting in an exclusive sense, but are also used for moderating bioethics discourse that transcend particular cultural boundaries. I will further explain that such universal discourse is potentially instructive with regards to how cultural universals are viewed in relation to the cultural particulars, and that this discourse essentially becomes a lingua franca for cross-cultural dialogue in bioethics.

Keywords: dignity, human rights, ethical discourse, bioethics lingua franca, equality, cultural values, personhood

1. Introduction

The *Universal Declaration on Bioethics and Human Rights* (UNESCO, 2005) stresses respect for human dignity and protecting human rights as one of its aims. Bioethics is a relatively new discipline, with its roots formally grounded in the Western world. Bioethics has also been generally described as a social response to moral issues and problems engendered by the technological development in medical science.² Inasmuch as this

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background may seem very unique to the discipline, the issues that brought about the discipline are life issues, which affect every human being. Wherever there are humans, there are life issues that need to be addressed. In light of this, I stress the fact that while bioethics may have developed within the Western cultural environment, the issues it addresses are not simply Western issues, but human life issues. The concepts and moral principles in the bioethics literature, while mostly associated with a Western cultural background, are not essentially Western. They speak to issues that lie at the core of a distinctively human element, namely, human response to moral challenges and problems of daily living. Hence, these concepts and principles are, in essence, universal. In response to several unethical research studies involving human subjects that were conducted between 1932-1972 (Zimmerman 1997, 1-4), the Belmont Report was issued in 1979, and the resulting ethical principles have since been adopted as an ethical framework for protecting the rights of human research subjects, not only in the US but worldwide.³ This further underscores the universal nature of our subject matter.

The principles enunciated by the UN—*Declaration on Bioethics and Human Rights* are universal principles. Also, they are meant to be applied in all human situations which are by no means limited to the Western milieu. Considering this, I am of the opinion that these principles are to be taken, not simply as tools for engaging issues that are peculiar to particular cultural contexts, but also for moderating bioethics discourse that transcend cultural boundaries. This concern is echoed in the *Declaration's* emphasis on the need to balance respect for cultural diversity and pluralism with an equal respect for human dignity and human rights (UNESCO Art. 12). To effectively do this, I will first examine the concept of human dignity. Second, I will examine the concept of human rights, using the differences between the Western and African concept of personhood as example of how cultural factors can impact the actual protection of human rights. Here, I intend to argue that while culture is a universal human phenomenon, some cultural elements are only validly so within particular cultural contexts. Third, I will discuss how universal concepts, as those enunciated by the *Declaration*, can be applied to particular cultural contexts, and also argue that such application essentially serves as a platform for the recognition of certain values as intrinsic to human nature in general. The discourse generated by the common recognition of those values that are intrinsic to the human nature ultimately becomes a *lingua franca* for cross cultural dialogue in bioethics.

2. Human Dignity: A Foundational Moral Concept

The human person is intrinsically endowed with a sense of right and wrong, as well as a characteristic instinct for upholding the right conduct in human interactions. The concept of dignity is indicative of certain intangible goods⁴ that lie at the core of being human. In other words, human dignity is not to be taken as some quality that could be ascribed to a person either as a result of one's conduct or in accordance with law. Instead, it is rooted in the very act of being. A core tenet of many religious traditions is the fact that the human being is God's creation, not human production. As God's creation, all humans share in the mysterious nature of the divine. This participation in the divine essentially means that there is a mysterious element to the human person, which not only distinguishes humans from other lower animals but also serves as basis for the uniqueness of each individual person. The *Universal Declaration on Bioethics and Human Rights* stresses "respect for human dignity ... by ensuring respect for the life of human beings" (UNESCO 2005, Art. 2c). Implied here is the fact that life is a fundamental good upon which a claim is made to dignity. It also means that dignity is an intrinsic aspect of human life, something not subject to human arbitrary choice either for the self or in interpersonal relationships. Now, since life is not of anyone's making, but something all humans share in common, the

common good of the human community dictates that all our human actions aim at a common goal, which promotes human flourishing. To embark on such goal is not merely working for one's individual good but for a fundamental good at the core of being human.

Some have explained human dignity simply as autonomy. Kant's principle of autonomy emphasizes the importance of the self as the sole rightful legislator in terms of determining how to conduct the self. If human dignity was to simply mean autonomy, which rests partly on the individual's ability to express the self-independently; that could mean human dignity would only be applicable in individuals who are able to exercise their rational power in expressing the self. This raises an issue with regards to those who lack the capacity to express the self, i.e., exercise autonomy. I am of the view that human dignity should not be construed as either the ability to reason and make choices freely or the capacity to exercise rights. If it were so, the appeal to human dignity ceases to be objective. It is rather the experience of being gifted with life which is not something quantifiable. Dignity subsists in human experience, so awesome that no one can fully comprehend it. This is not an experience restricted just to people who could boast of having achieved something tangible in life, for instance, accomplished adults, academics, students, parents, etc.. It is the experience of being, which equally connotes recognition of other humans who partake of that fundamental good so indispensable to living, although not subject to human ownership. As such, all equally regard this reality as being of an essential value to the common good. In light of this, the concept of human dignity could be explained as something deeply entrenched in the human natural instinct for the preservation of its own species. Such instinct emanates from the singular appreciation for human life. Respect for human dignity would mean the mutual recognition of our individual giftedness, which is not so much of acting in one capacity or another as it is of the very act of being itself in each individual human.

Arguing in favor of the right of every human person to religious freedom, the Second Vatican Council cites human dignity as the basis for such right. It further identifies the essence of human dignity as reason and free will with which each human being is endowed. This natural endowment necessitates that the individual naturally takes responsibility for one's conduct and also recognizes a sense of moral obligation to seek the truth.⁵ It should be noted here that human dignity is not based on the performance of action, but rather on the mere fact of certain natural powers the human being is endowed with. Being endowed with reason and free will not only implies the actualization of certain natural potentials in human personal conduct, it primarily underscores the human transcendental quality, as well as the uniqueness of each individual human being, that through the use of reason, the human person makes choices freely is not an end of itself, but simply a means to one's true end, which is not of a corporeal nature. Hence, the need to recognize that respect for human dignity is inextricably tied to the essence of every human being. In light of this, I wish to point out that human dignity is not to be viewed as a tool in the physical sense, with the expectation that its content could be singularly applied to a given issue in policy matters. Such view is not just misleading, it is essentially a reductionist approach depriving the concept of human dignity of its proper significance and rendering it ineffective in public discourse of moral issues.

Human dignity is such an abstract concept, and it is easy to be reduced to a mere mantra without any actual implication for real life situations. Besides, it could also be taken to mean anything for anyone since some have actually argued that it lacks content, which has subsequently led some to regard it as a useless concept.⁶ I would caution here, however, that this would be a misunderstanding of this concept. The concept *dignity* depicts an indescribable element of the human nature and it would be quite misleading to want to

subject it to concrete evidence and analysis. As human interpersonal relations are not only based on mere concrete evidence, so the concept of human dignity should not be simply examined or analyzed on the basis of what is visibly observable. Respect for the dignity of each human being is at the core of interpersonal human relationships, whereby the manner with which one individual perceives, approaches, and responds to the other is not based on just the physical appearance of the other, but the idea that there lies in each individual a goal or end of a transcendental nature.

Additionally, Kant's second formulation of the categorical imperative is helpful in understanding the notion of human dignity. According to him, human existence is an end in itself.⁷ Such is the case for each individual human being, as well as for the entire human race. The thought of existence as an end in itself is not derived from any concrete observable reality but in the innate moral sense of the human nature. According to this moral sense, all humans, regardless of one's social, cultural, or ideological leanings, either detest certain things as disvalues or embrace certain particular things as values. The notion of dignity is essentially grounded in such moral sense which is a universal human characteristic, hence the basis for the respect equally attributed to all humans. Promoting respect for human dignity is to be aware of the moral sense intrinsic to human nature, as well as upholding the common object of such human natural instinct, which is the fundamental good of life. Concretely, this means no individual should relate to another as if the other were a piece of object merely *used* to carry out a task. Such would not only be a violation of the intrinsic worth of the other, it is a negation of the very being of the other. Human dignity is at the core of each individual's being. In other words, dignity is not accorded a person but innate to each individual's being. The principle of respect for persons stipulates that individuals be treated either as autonomous agents or as persons with diminished autonomy entitled to protection (The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research 1979). The importance of the protection accorded to the human person essentially underscores the dignity of each individual which must be respected.

3. The Instrumentality of Human Rights

Morally, a right is a standing accorded an agent by virtue of one's moral status, which could be that of being human, a person, a citizen, a prisoner, etc.. The right could also be legally based on the fact that is accorded by law. In his treatise on justice, Thomas Aquinas identifies *right* as the object of justice (Aquinas, *S.T.* II-II, q. 57, a. 1). He further describes rights under two classifications, namely natural rights and positive rights. Justice implies equality, which is obtained in the relations from one to another. For there to be equality, an agent must act accordingly towards others. The goal of such action is to be just, which is only possible when the agent does the right, i.e., the right thing. It is in doing the right thing towards others that *rights* are upheld. A thing could be ascribed to an individual in two ways, either by one's very nature or by agreement or consent. When a thing is ascribed to one according to one's nature, it is natural right, for instance, right to life. But when it is apportioned to one according to an agreement or contract, it would be understood as a positive right, for instance, workers' right to compensation. This is recognized as positive right because it is in conformity with promulgated laws (Aquinas II-II, q. 57, a. 2).

Another type of right, which is a consequence of an individual's right to certain things, is also widely recognized. Here, one's right to a thing effectively restrains others from certain actions that could negatively impact the concerned individual. This type of right is known as negative right. Recalling how the concept of dignity is said not to be based on human accomplishment but rather grounded in the very nature of the human

species, the concept of right is also not just grounded in positive law. It is primarily grounded in the natural law, which Aquinas describes as the participation of the rational creature in the divine (*Summa Theologiae*, I-II, q. 91, a. 2). Taking the natural law as basis for human rights essentially means that the determination of rights, as well as its content, is an exercise grounded in the very act of being. In accordance with the natural law, human reason is ordinarily aware of the moral limits inherent in human nature for the right ordering of creation. Right is essentially a constitutive property of all humans. It is not to be determined by individual abilities or accomplishments. Right, in this sense, is understood as a quality inalienable to human existence. The *Universal Declaration of Human Rights* stresses the freedom and equality of all human beings in dignity and rights, on the basis of reason and conscience with which all are endowed. On the same basis, the document urges all to act towards one another in a spirit of brotherhood (UNESCO 2005, Art. 1). John Paul II underscores this same spirit of brotherhood in stressing how, in accordance with the natural law, the human person can recognise the sacred value of human life from its very beginning until its end, and equally affirm the right of every human being to have this primary good respected to the highest degree (John Paul II 1995, No. 2). On the basis of this human good which is naturally and equally endowed, all share a common ground. That common ground is the moral and legal status requiring that one relates to others in accordance with the natural law, which specifies the moral order for human interactions. Hence, the concept of right does not only underscore respect for the intrinsic worth of human beings, it virtually safeguards the fundamental equality of all human beings. Since dignity is described as a principle that requires more concrete legal norms to make it functional in real life situations, the concept of human rights with its emphasis on proper self conduct in concrete human interactions effectively does this.⁸

Recourse to human rights as a compliance tool in enforcing ethical standards in biomedical research and clinical care has often come under criticism as an imposition of Western values on non-Western societies (Andorno 2009). This criticism is voiced by Westerners and non-Westerners alike. It is argued that since the bioethics discipline grew out of the Western cultural milieu, the principles been employed as its analytical tools are necessarily Western. Consequently, applying such principles in non-Western cultural environment is a form of cultural imperialism. Considering the principle of respect for human dignity, I would say that this criticism is oblivious of the fact that issues addressed by bioethics are issues that essentially challenge the universal notion of the intrinsic worth of human beings, irrespective of the particular cultural context in which an issue is being addressed.

The principle of respect for human dignity is universally grounded in the objective composition of the human nature. It is this universality that is affirmed each time the global community jointly rebukes or condemns certain actions against humans, regardless of their particular cultural context, as crimes against humanity. Examples of such moments in history include the Nazi human experimentation during World War II and Tuskegee Syphilis study conducted in the US between 1932 and 1972. Condemnations of the atrocities carried out against the human person in these two instances are not just widely expressed; they equally cut across cultural boundaries. Wherever the exercise of determining rights due to particular individuals is separated from the universal foundational principle of respect for human dignity, the necessary outcome is an indiscriminate violation of human rights. Outside of such particular contexts whereby individual human rights are effectively recognized and guaranteed, a universal principle lacks relevance as an action guide. Thus, the link between the universal moral framework and particular moral contexts is a necessary step towards developing a common language for global bioethics discourse. The recognition of individual human rights

thereby becomes a particular tool for implementing the principle of respect for human dignity, which serves as a universal action guide. While the universal principle rises above individual cultural biases, protecting individual human rights can only be effected within particular cultural contexts.

At this juncture, I give a brief illustration of how the link between these two principles helps foster a global bioethics language, by examining the concept of personhood. Personhood is a universal concept, but with particular cultural content, with every culture, there is an underlying value system. At the same time, every culture endorses human existence as a value by the way life is embraced and celebrated by a people of particular places. However, different cultural beliefs and local customary practices significantly impact how each culture defines a person. For instance, Western individualistic culture defines a person on the basis of certain characteristics of a lone individual, whereas African communitarian culture bases the definition of personhood on the community to which one belongs (Mbiti 1970, 141). Regardless of how a person is defined by particular cultures, the unparalleled appreciation for human life is a universal phenomenon. Respect for human life is a common ethical value, which equally serves as justification for the protection of human rights. Human life is recognized and equally expressed as a good by peoples worldwide. Aquinas defines the good as that which is desirable, meaning it is that which a being desires for its full actualization in accordance with its nature (Aquinas 1947, I, q. 48, a. 1). Here, the notion of good could be related to the notion of human good that is essential to human well being. Humans seek the good naturally, since it helps us live well and flourish. In light of the nature of good, it is obvious that it is an indispensable element of human life, without which no human being can be recognized as such. It is the idea of the good that is at the heart of the concept of human rights, which is basically the same for both Western and African concept of personhood. In other words, the essence of human rights is human good. At the heart of human good are core-values of the human species. Examples of such values include awareness of one's uniqueness, appreciation of beauty, participation in human community, personal agency and moral virtue, which is the human natural disposition to act rightly irrespective of the particular context (Jordan 2010, 184). However, the actual determination of good can only be done within particular cultural contexts, which necessarily subjects the exercise to local customs and particular cultural practices. Human good, which is the basis for the inherent dignity of every individual human, is equally the object of human rights. It makes no difference whether it is a Western or an African cultural context; the object of human rights is safeguarding the good of the human species. Here, the idea of human good is determined by human reason and the desire to be fully actualized.

4. Discovering a Bioethics Lingua Franca

Inasmuch as the birth of bioethics is recognized to have taken place in the Western cultural environment (Jonsen 1993, S2), the issues it addresses transcend the Western cultural context. Its subject matter is inclusive of issues arising from the social sciences and the natural world, which are issues that are very pertinent to human life and wide-ranging societal values. A hallmark of the contemporary society is pluralism of ideas, which has subsequently emphasized the need for a common effort toward a unifying societal value system. Cultural peculiarities are so pronounced in the contemporary world, but they do not necessarily imply disarray in the global community. The Western culture cherishes the autonomy of the individual person. In that worldview, a person is ordinarily considered so when one is able to act free of unnecessary interference from others. Hence, the emphasis is on the sole individual in the determination of personhood. On the other hand, the African culture strongly emphasizes the place of the community as the reference point in defining personhood.

Here, the emphasis shifts from the individual to the community, whereby personhood assumes a communal rather than individual identity. These two approaches are not to be viewed as necessarily negating each other, but as complementing each other in specifying a more complex and universal concept.

The complementary nature of the two approaches is inherent in the fact that no single approach fully grasps the essence of the human person. Hardly does one make absolute claim to autonomy to the point where one ceases to be in relation with other individuals. And while relating to others it may not necessarily imply the loss of autonomy, the influence of others in one's life could mean acting out of deference to another. Individual autonomy, in this instance, is modified and can hardly be considered strictly individual. Human life experience of being in relation clearly portrays how inexhaustible each of the above concepts of personhood is. Recognizing this inherent complementarity of the two approaches necessitates a compromise, which subsequently serves as a common ground in the quest for a *lingua franca* in the global bioethics discourse. Language is a tool employed in communicating core values underlying a culture. Thus, the common language employed in the universal appreciation of human life as an essential good of the human species, necessarily becomes a universal language for bioethics discourse.

In addition, the core principles employed in bioethics discourse are essentially derived from the very act of being. The objective of these principles is human good as determined by reason, which is a distinctive human quality. The basis for these core bioethics principles is human rights, which are primarily grounded in human nature. Now, just as human nature is a universal phenomenon, its essential manifestations would equally be a universal phenomenon and should serve as a common ground for the global bioethics discourse. Thus, bioethics principles should be considered as a necessary foundational tool in the development of a bioethics *lingua franca*. This is because that they are rooted in the human reality, which is an experience shaped by cultural factors that are partly universal and partly particular in nature. Besides, bioethics principles can be described as implementation tools as far as spelling out human rights in particular contexts goes. For instance, the Western analysis of the principle of respect for autonomy dominant in the literature is not to be taken as a one-size-fits-all model. Application of the principle should take cognizance of the individual cultural context. Ideally, this principle, as well as other bioethics principles, should be taken as a framework within which the local context is interpreted and analyzed to make sure that the respect due a person is guaranteed. This approach effectively makes a cross-cultural bioethics discourse possible.

Furthermore, as rights are inherent in human nature and since the object of human rights is human well being, bioethics principles which are derived from those rights are essentially of a universal import. Human good is a universal goal and regardless of the differences in how different cultural entities seek to attain this goal, the global bioethics discourse should focus on the enterprise of securing human good. The ultimate goal of such enterprise is to establish the common ground upon which various cultures around the world can engage on issues relating to human well being.

Finally, the significance of a bioethics *lingua franca* needs to be outlined. First, it affirms the inherent dignity of every human being. Here, a common language presupposes a shared value system among those who subscribe to a common ideal, which in this instance is the unconditional worth of every human being. Second, it serves as an interpretive tool for implementing the principle of respect for human dignity, as well as other bioethics principles, in individual cultural contexts. A bioethics common language enhances translating principles into concrete action, both in particular instances and at the global level. Third, it underscores the

global commitment to social justice. As the objective interest of justice is human right within a relational framework, the common language at its service would not only unite people together, but equally forestall any conduct that could undermine the equality upon which justice is established. Fourth, it encourages an appreciation of cultural diversity, while contributing to the preservation of human good in the global community. Having a universal language for bioethics discourse would, on the one hand draw attention to the pluralism of ideas in the global community, while on the other hand lead to an appreciation of human values across cultural boundaries.

5. Conclusion

The quest for a bioethics *lingua franca* should not be viewed as a project subject to public opinion, whereby the moral force of the end product would be determined by public approval. Rather, it is something that is essentially a natural consequence of every human interaction within the context of the biomedical and scientific advancement. It is a language that rooted in the human nature. Scientific explorations into better improving the human condition are only a means towards securing the human good, not an end in itself. Science is at the service of humankind, and for that reason, the core essential value of human dignity alone serves as the moral reference point for the scientific project of improving the human condition. The principle of respect for human dignity essentially focuses on the intrinsic worth of every human being, which is not to be determined by what the person has, does, or produces but for who the person is (John Paul II 1995, 23). Human dignity connotes the very act of being, which constitutes the essential basis for the rights of every individual human. Since the object of human rights is human good, which is also supposedly the goal of the bioethics discipline, I am of the opinion that human rights language equally serve as a universal language for bioethics.

Finally, having argued above that bioethics issues are issues bordering on the universal notion of the intrinsic worth of human beings, and since human rights are said to be ascribed on the basis of our human natural endowments, the search for a bioethics *lingua franca* need not reinvent the wheel. Our focal point should rather be on the fundamental nature of the human species. Rooted in that nature are the core of human values, which should be documented and preserved as such. The subsequent exercise of publicly articulating those values both enhances a shared sense of value among people of varied cultural backgrounds, and equally fosters a common understanding. The essential elements of a bioethics universal language are the shared sense of value and the common understanding that human good is that which all humans equally desire for their well being.

Notes

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1. *Universal Declaration on Bioethics and Human Rights*. Art. 2c (2005). Henceforth, cited as UNESCO.
 2. This idea is well developed by Jonsen (1993).
 3. The ethical principles put forth by the Belmont Report: *Respect for Persons*, *Beneficence* and *Justice*. These principles are universally accepted as the ethical framework for all biomedical and behavioral research involving human subjects.
 4. See Matthew Jordan's association of dignity with human goods in Roberto (2010).
 5. See the Declaration on Religious Freedom by the Second Vatican Council (1965, Art. 2).
 6. This is Macklin's view and the basis for arguing against the concept of dignity in *British Medical Journal* (2003).
 7. This is derived from Kant's Principle of autonomy, which underscores the human act of choice, a free exercise.
 8. See Roberto Andorno's opinion on the recourse to human rights approach in *The Journal of Medicine & Philosophy* (2009).

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