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ЛЮДСЬКА ГІДНІСТЬ

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Автор наводить різні точки зору стосовно того, що є людська гідність, розділяючи їх на три групи: а) питання надто теоретичне; б) питання не достатньо наукове; в) нема необхідності вести обговорення цього питання, оскільки кожен знає про людську гідність. Розглядаються три школи: телеологічна, деонтологічна і консеквентальна (послідовна). Автор пропонує читачам самим вибирати для себе будь-яку з теорій, що підтримує ідею про людську гідність.

Ключові слова: біоетика, людська гідність, наукові школи.

УДК 177

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ЧЕЛОВЕЧЕСКОЕ ДОСТОИНСТВО

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Автор приводит различные точки зрения касательно того, что есть человеческое достоинство, разделяя их на три группы: а) вопрос слишком теоретический; б) вопрос не достаточно научный; в) нет необходимости вести обсуждение этого вопроса, т. к. каждый знает о человеческом достоинстве. Рассматриваются три школы: телеологическая, деонтологическая и консеквенталическая (последовательная). Автор предлагает читателям самим выбирать для себя любую из теорий, которая поддерживает идею о человеческом достоинстве.

Ключевые слова: биоэтика, человеческое достоинство, научные школы.

I have chosen to discuss the topic that I believe to be the most important and fundamental of all: Human Dignity¹. I must admit that when I mention this most people think I am exaggerating. They usually say things like "it is too theoretical" or "it is not scientific enough" or "everyone knows that human beings have dignity, so why waste your time discussing it?"

To the first group of people, I can only repeat Aristotle's remark that "a small error in the beginning leads to large errors in the end". Anyone who has ever gone sailing knows that if he miscalculated slightly at the beginning of a long journey, he was hopelessly off course by the end. In other words, while it may indeed be a very theoretical topic, it needs to form the basis of our deliberations on all of the "practical" matters that we are so used to concerning ourselves with. I say this because if we start our ethical deliberations in the wrong place, then, barring extraordinary luck, we cannot hope to arrive at the right, or at least the best conclusions to our other questions.

To the second group, I always respond that it depends on what they mean by "scientific". If, by "scientific", they mean "empirically testable" then I say that to a certain extent they are right, but only to a certain extent. If they mean that we cannot devise a series of experiments where we assign different concepts of dignity to different groups of people, or where we altogether deny dignity to certain groups, in order to see what happens, then yes, they are right. We cannot possibly allow such experiments to occur. The reason for this, however, is precisely because human dignity is not the sort of thing one wants to play around with. This point leads into the third group of objections: that we all know human beings have dignity, so we don't need to talk about it.

Before that, I need to point out the way in which it is wrong to claim that human dignity is not empirically testable: we are all aware, particularly from 20th century history, that there have been disagreements concerning human dignity, and we have all seen the results. Various regimes denied dignity and worth to whole groups of people. Whether that denial was based on race, religion, capacity to perform certain tasks, or personal beliefs, is irrelevant. While we should never try to deny the dignity of humans based on their characteristics, simply as a means of testing out our concept of human dignity, fortunately we do not have to. History affords enough examples of

¹ Author's note: this is a transcription of a talk which he delivered at the 1st International Ukrainian Bioethics Conference in Kyiv on September 18th 2001. It will also appear in the conference proceedings. The author wishes to specify that the «informal» nature of the talk is based upon the nature of the conference, and the kind of talk it required. The author also wishes to thank the Ethics office of the Canadian Institutes of Health Research for permission to publish.

this that we may draw empirically verifiable conclusions without having to perform so horrid an experiment ourselves.

Notwithstanding the above, there is another way in which the concept of human dignity may be seen to be scientific. If we think of science as an organized system of thought about a specific subject based on proper reasoning, then at least we can accept that there are various competing theories of human dignity and we can verify them for internal consistency. The objection at this point is usually that we have no way of knowing, beyond internal consistency, that one notion of human dignity is any better than another, and that, since we do not have any external means for choosing between competing and incompatible schools of thought, the question cannot be scientific. This goes straight back to my earlier point; however, that we need not necessarily be able to construct experiments in order for there to be external verification of a given system of thought.

To the third group of people, I return, initially, to my response to the first group of objections: of course we all accept that human beings have dignity and worth; however, it does not follow from this that we all agree on who those humans are, or what that dignity consists in. In other words, while there is agreement in broad terms about human dignity, we still need to clarify what we think that dignity consists in, and to whom it applies. For, if we are mistaken either as to the term, "human" or "dignity" then we are necessarily mistaken when we combine them. Given that we all claim to start from the notion of human dignity, and clearly all of the biomedical guidelines from Nuremburg to the Belmont Report to CIOMS guidelines and beyond all do claim this, we had better figure out exactly what we mean by it.

My background is in philosophy, and, more specifically in ethics, so I am aware that given the limitations of space what follows is a somewhat simplified discussion of ethics. Bear in mind that my purpose in this presentation is to argue for the proposition that the question of human dignity is the most important bioethical question of all. In order to do this, I am going to describe different possible ethical theories and what they say about human dignity, before briefly discussing what I think is required to adequately protect that dignity. Also, I must point out that I do not intend here to argue for one particular theory over another. I do have my own opinion and my own preference in this respect, but I decided that this presentation would be most helpful if it surveyed the landscape rather than defending a particular point of view. I also hope to convince you all that none of us has a neutral frame of reference. While I acknowledge

that my discussion is a simplified account, I believe that ultimately, each of us, when thinking about these issues does fall into one of three schools of thought: teleological, deontological or consequentialist. It is true that none of these schools of thought is uniform, and that one may find a teleological thinker who has more in common with a deontological thinker than he does with another teleological thinker or vice versa; and it is also true that there are certain hybrid kinds of ethics such as the feminist ethic of care, or the neo-Marxist discourse ethic of Habermas, or even communitarian ethics which do not fit entirely into any of the three categories I am going to discuss; nevertheless, my point is that when we really get around to questioning the answers we give to our practical bioethical concerns, we discover that try as we might to avoid it, we do have a particular understanding of human dignity, and that it explains and underpins the answers we give.

A corollary to this is the notion that we would all be better off clarifying our starting principles before we get around to answering those practical questions. We would all do well to look before we leap. I mean by this that there is a real danger in taking for granted the importance of human dignity. While I believe that human dignity is a self-evident truth, we must never forget that in America, where the Declaration of Independence read, in part "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness", not only was slavery permitted, it was even defended by the Supreme Court. Remember also that it took many years before women were allowed to vote. In fact, in my own country, Canada, women were not given the right to be appointed to the Senate (one of our two national parliamentary bodies) until October 18th 1929, when the Privy Council in the United Kingdom overruled the Supreme Court of Canada and declared that under the terms of the British North America Act of 1867 (the Act which gave Canada independence from the United Kingdom) women were indeed persons, and so had rights. All of this is to say that it is not enough to hold human dignity to be a self-evident truth, we need to know what we mean by it.

I shall begin with teleology as it is the oldest of the three systems, dating back to the ancient Greeks. Aristotle is probably the foremost proponent of these theories, and the classic text would be the *Nicomachean Ethics*; however, in the context of human dignity, one should not overlook either the *De Anima* or the *Metaphysics*, for it is in those two works that he most explicitly discus-

ses the abstract notions of "matter" and "form" and "act" and "potency" which are essential to answering the question of what is man. In his ethical works, however, Aristotle places an emphasis on action, saying that "we know what a thing is by knowing what it does" and "every thing has a function." Accordingly, we need to know the function of man, and to do that, we need to know what is unique to man. For instance, we could not say "meat-eater" is the definition of man, both because there are things which are not men which eat meat, and because there are men who do not eat meat.

In response to the question "what is man?" Aristotle claims that he is a "rational animal" meaning by this both that he is a being capable of abstract self-originating thought, and that he is embodied. Rational could not be for Aristotle the definition of man, for he held that there were "separate substances" that were rational, but lacked embodiment. While a detailed discussion of Aristotle's metaphysics would take us too far afield, suffice it to say that for Aristotle, the intellect was a spark of the divine and it was this that gave man his dignity.

We know that Aristotle accepted slavery, and that indicates that for him at least, it was not enough to have the capacity for rationality, which he acknowledged all humans would have, by virtue of their humanity; rather, for him, in order to be possessed of human dignity, one needed more than the capacity for rationality, he needed to exercise it. In the *Politics*, for instance, he argues that "brute men", that is, men incapable of reasoning, are fit only to be the slaves of others. He argued that this was for their own good, as being incapable of reason they could not possibly be expected to care for themselves. As horrific as this sounds, it makes a certain kind of sense, especially given Aristotle's method. It is clear that man is neither the strongest nor the fastest of animals, so what gives him an advantage is his rationality. Man may not be able to out-wrestle or out-run a beast, but he can use his intellect to design weapons to defend himself, housing to protect himself or mechanical means of transportation to move himself. Anyone who proved to be incapable of this would, if left to himself not long survive. In this way one could say that a slave gives up a freedom (which he could not possibly enjoy anyway) in exchange for protection and the basic necessities of life.

A teleological account of human dignity need not countenance slavery; however, all one need do is adopt the position which I believe to be metaphysically stronger and acknowledge that the potential for rationality is what matters, and not its

development. I say that this is a metaphysically stronger position as it is in accordance with the dictum "from like causes you get like effects." That is, if two human beings give rise to a third being, that being, by virtue of its origins is also a human being. No one expects a fertilized human egg to become a cow or a pig, the simplest explanation of all is that what develops is another human being. An argument which places the emphasis on the capacity of the human being to become rational, simply by virtue of being human, is simpler and more coherent than the position which requires evidence of that capacity being actualized, because it must account for how something which is not human could be the product of the reproduction of something that is human.

From this starting point of rationality, Aristotle develops a whole theory of virtue and vice, which would also take us too far afield. It is however important to note that for Aristotle, flowing from his notion of "rational animal" is an entire theory of human nature that leads him to conclude that all actions either further or diminish human life. Those things that further man, he calls "virtues", and those things that diminish man he calls "vices". Moreover, as Aristotle himself so aptly put it "there are some things which the good man just will not do". In another passage, he says "those who think it acceptable to kill their mothers are not suitable for arguing with, only beating."

While teleological theories start from the question "what is man", deontological theories are less inclined to do so. Immanuel Kant is the most famous and probably the greatest deontologist. Kant was very influenced by Leibniz, and so, for Kant, most of the greatest truths were not demonstrable in the sensible world. Kant made a distinction between the world of things-in-themselves, which he called the noumenal world and the world of sensible things, or things-as they-appear, which he called the phenomenal world.

Given that physics was the greatest of all sciences at the time he was writing, Kant sought to apply the method of physics to philosophy. If physicists construct hypotheses to explain reality, Kant thought that philosophers should do the same. Just as a hypothesis' worth is determined by its ability to explain observable phenomena, and to predict new ones, so too did Kant think that God, the soul and eternal life could explain much that was puzzling philosophy. Moreover, they would do so in the same way as any other hypotheses would: better understanding of what was already known, and a capacity to further our knowledge by suggesting new lines of enquiry.

Also, given that the natural sciences do not see the things-in-themselves, but only their effects, so

too for philosophy. For instance, no one has ever seen gravity, only its effects. Likewise, no one has ever seen radio-activity, only its effects, be they the scorched remains of a nuclear test site, or the increased readings on a Geiger counter. The fact that we have never seen gravity as such, or radio-activity as such, does not cause us to doubt the existence of either. Moreover, both prove immensely useful to modern science. For Kant, this sort of method was exactly what philosophy needed. In terms of ethics, Kant would say that no one has ever seen God, or observed directly the soul, nor have they any experience of eternal life; however, none of that should impede those notions from coming into play in our reasoning.

Based on his larger philosophical project of attempting a Newtonian revolution for philosophy (of which my above remarks are a very cursory summary), Kant developed two formulations of what he termed the Categorical Imperative. They were called categorical as they were absolute, and not to allow of any exceptions. The two formulations are as follows: "always act in such a way that the maxim of your action can be willed as a universal law of humanity" and, "always treat humanity, whether in yourself or in other people, as an end in itself and never as a mere means." The first tells us that we should only perform a given action if we believe that everyone should, or at least could do likewise. The second says that we must never use other people. The legacy of this second formulation is our modern pre-occupation with autonomy and the corresponding requirement for informed consent. The first formulation, while fitting nicely with the scientific method's requirement for generalizability does not help us much if we pose the further question "why is or is not a given action permissible for everyone?" The second formulation goes some way to answering that question, and, it provides some common ground with teleology, as it allows for absolute prohibitions on some actions. However, if we ask "why should I not use anyone?" we are hard pressed to come up with a better answer than "because you would not want to be used yourself." To do this is to transform the second imperative into the first. It is not necessarily wrong to rest our defence of human dignity on the subjective feeling that we would not want to be used, so we should not use others; however, history is full of examples of people who do use others. While they might simply be bad people, we can at least ask the question "given how easily violated the categorical imperative is, how useful is it as a basis for human dignity?" It seems then as if we need something stronger than this subjective feeling to defend human dignity. For Kant, the answer was

duty. We all have a duty to obey the categorical imperative, and so, irregardless of our feelings, or of our desire to not be used, we must obey it.

On a more practical level, Kant formulated a series of perfect and imperfect duties based upon the categorical imperative. There was a perfect duty not to commit suicide as well as a perfect duty not to lie. The imperfect duties were to develop one's potential and to help others to do so.

Now we come to the last of the major theories: consequentialism. Simply put, consequentialism refers to theories which judge the morality of actions either exclusively or primarily by their consequences. The most prominent form of consequentialism is utilitarianism, and the most famous utilitarians were Jeremy Bentham and John Stuart Mill. Bentham's utilitarianism was very crude, and actually involved a pure calculation of the possible pleasures and pains of each action and then performing or not performing it accordingly. Mill was more sophisticated as he realized both that no one had the intellect to undergo such computations before each and every action, as the possible consequences of any action are too great to measure accurately and also that "it is better to be Socrates dissatisfied than a pig satisfied." However, Mill still maintained the basic Benthamite premise that pleasure is the greatest good and pain the greatest evil.

If we look for an answer to the question "what is man" in utilitarian thought, we do not find an explicit answer. The major problem with Bentham, at least if we agree with Aristotle that every thing has a function, is that man is not alone in feeling pleasure or pain. So we are at a loss as to why one should privilege, as the basis of morality, something which is not unique to man. Later utilitarians, especially Peter Singer, rather than seeing this as an objection view it as a strong point. According to Singer, animals also have this capacity for pleasure and pain, and so, for instance, a pig is of more worth than a new born baby because it has a more highly developed nervous system and so is more "sentient." Notice what this does to our concept of human dignity; far from strengthening it, it erodes it. According to this strain of utilitarian thought, there is no longer anything special about man. Singer goes so far as to call any system of thought which gives man a privileged place "speciesism."

I mentioned that Mill was not so crude as Bentham and that he allows for different values to be attached to different kinds of pleasure or pain. According to Mill, one who has an experience of higher and lower pleasures will give greater importance to the higher ones, and so, presumably would be willing to suffer physical pain for

the sake of honour, or would be willing to endure tiredness in order to feel the pleasure of scientific discovery. There would appear to be a problem here. How can pleasure itself be the standard against which pleasure is measured? If we are going to evaluate pleasure not in and of itself, but compared to other things, then pleasure can no longer be the standard we use to judge things. Why should I prefer the joy of a promotion to the thrill of watching a good sporting event unless I have some reason to believe that professional advancement is better than passive amusements. And if I do have some reason to believe that one kind of pleasure is better than another, then that standard is something other than pleasure itself. You may at this point suspect that that standard would be either duty or else some other overarching principle such as a belief that one action contributes more to the purpose of human life than does the other. I hope that by this point you can also see that the first answer is the one given by Kant, and the second is the one given by Aristotle.

I said that I was not going to argue for a particular position and that I was merely going to discuss the three possible answers which could be given to the question "what is man" it now looks as though I have gone against that and that I have argued against consequentialism. That is, it would seem as though consequentialism either does not admit of the concept of human dignity, or else, in an attempt to justify it, relies either on teleology or deontology. Admittedly, this conclusion would not be a fair one. While it is true that some consequentialists do explicitly argue that there is nothing special about human life, and while others do rely heavily on teleological or deontological premises, it is also true that some have attempted to work out theories that do address this tension, rather than dismissing or denying it. What I am unable to discuss here are the more sophisticated versions of consequentialism. I am thinking of people like Derek Parfit, who has probably devoted more time to this problem than any other consequentialist thinker, or Thomas Hurka who attempts to argue for a given conception of human nature while maintaining a consequentialist position. I am not saying that it is impossible for a consequentialist theory to answer the question "what is man" or to explain and justify human dignity, only that this school of thought has the hardest time of it. Bear in mind that being more difficult does not necessarily mean that it is wrong. Relativistic physics is infinitely more difficult than Newtonian, but that does not make it wrong. For now, I am only asking you to accept that consequentialism has the hardest time when viewed from the perspective of human dignity, and I shall

end by suggesting some ideas that I believe any ethical theory must account for if it is to adequately protect human dignity. I leave it up to you to determine for yourselves which, if any of the three theories I have outlined can best account for this.

I believe that the first and most important point is that any theory which claims to respect human dignity must be unconditional. A theory which claims to respect human dignity but which places conditions on it is incapable of protecting dignity. For what is human dignity if not an unconditional claim which each of us makes, by virtue of our humanity to be respected by others. If our theory allows for one group of people to exclude another from the protections due to us as humans, then it cannot be said to protect any of us. We each require the humility to admit that the moment we allow conditions to be placed on humanity, then we are at a loss to defend ourselves against others who would use their concept of human dignity to exclude us. This does not imply that we must adopt a relativistic position concerning morals, for we may disagree profoundly with another while still acknowledging his humanity. The great Robert Spaemann writes that the face of every person we meet radiates this unconditional dignity. He notes that "I must not kill this or that person is more evident than the abstract proposition I must not kill anyone".

The second point that I wish to make is a variation of the first. Any theory of human dignity must account for the difference between someone and something. We may make use of things, but not of persons. A theory which enables us to transform persons into things is not well placed to defend human dignity. If we reflect for a moment on the difference between persons and things, we can come up with a few essential characteristics. While we use expressions like "I love my car" or "I love soccer", we all know that we do not really mean that. At the very least we would all find it strange for father to say that he loves his son in exactly the same way as he loves his job. Persons allow for a reciprocal communion which things do not. I might claim to love my job, and it might give me great satisfaction, but it can never respond to me. My work might fulfill a particular need in my life, but it cannot engage me at the core of my being. This is because work is a thing, and so it is an object external to myself which I may manipulate as I please. Only persons are capable of being truly internalized and so of being not merely objects, but also subjects. A person may truly be a part of me. This intimacy of persons comes out most clearly in the institution of marriage. The classical doctrine of marriage holds that out of the two bodies one person (*de duo*

carne unum personam), and in the classic formulation of the marriage vows, the words "what God has joined, let no man put asunder" are spoken, indicating the degree of unity which is possible between two persons.

Finally, I believe that an adequate theory of human dignity must account for the paradox that a person is more than the sum total of his parts. Again, we need only think of a close friendship, or a loving relationship. Clearly there are things which we like about the other, and things which we do not like. None of us, however, sat down and added up the pros and the cons of the friend or lover, and decided that it would be advantageous to enter into the relationship. We would find this crass. The point of friendship illustrates that we like and respect the other as more than a collection of character traits or physical attributes. Again, Spaemann notes that tales like Kafka's *Metamorphosis* only make sense if we acknowledge that a person is more than a collection of traits. The point is, the character is still a person even though he has become a bug. If we were merely the sum total of our parts, we could not make sense of such a tale. In addition, Aristotle goes so far as to say that a friend is an *alter ego*, or another self. If we do not wish to be-

come ourselves objects, then we must not make others objects.

In closing, I wish to bring up one final example. Maximillian Kolbe was a Franciscan priest whom the Nazi's imprisoned in Auschwitz simply because he was a priest. One day, a prisoner in his unit escaped. In response, the Nazi's condemned 10 prisoners to death by starvation. One of those chosen was a Jewish man. Upon learning that he was chosen, he began to cry out that he was a married man with a family and that he did not want to die. Kolbe, hearing this, took pity on him and asked the guards to take him instead. The astonished guards agreed, and Kolbe died in place of a man he did not know, and whose religion he did not share. In 1982, Pope John Paul II canonized Kolbe as a martyr, reasoning that while Kolbe had not died because of his Christian faith, but because of his desire to save another human being, he was still worthy of the title martyr. This was because his heroic act of self-sacrifice was a reminder to all that human life has an unconditional worth and that no one is more valuable than anyone else. In other words, what Kolbe's act tells us is that any theory of human dignity must be strong enough to shine through even where others are doing their best not to acknowledge it.