

HUMAN DIGNITY BIOETHICS AND LAW

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Abstract

The concept of human dignity has appeared since Greek and Roman times. It continues with the development of Christianity and Islam, in the Middle Ages, the Renaissance and until nowadays. After 1945, it became an imperative revitalization and reinforced the concept of human dignity. Based on that, the obligation to respect the notion of human dignity has been included in international conventions and constitutional systems of many countries. With social and technological progress, human dignity also appears in health care, connecting law and bioethics concerning situations likely to arise from the start to the end of life. Human dignity represents human beings not only as of the central part of nature but as a component of harmony with others elements, aware of its responsibility for transformation and changing the system of production and consumption. Bioethics generally can be classified as a branch of ethics, but it is also interdisciplinary science; it's started in biology and medicine, developed in philosophy and ended in constitutions and laws.

Keywords: human dignity, bioethics, law, ethics, production, consumptions, philosophy.

Introductions

From philosophical view, the concept of human dignity is highly respected and treated as the basic foundation of human rights. It is an integral or unearned value that all humans share equally. Human dignity also calls us to action with distinctive urgency. Human beings react aggressively when human dignity is under essential threat. Based on our explanation, dignity can be defined as A wisdom of pride, which we must develop and respect in ourselves and a duty to protect other human beings.

In bioethics, the human dignity concept is connected, from embryo research and assisted reproduction to biomedical development, to care for the weak and the dying. The duty of this introduction is clarifying, the question of human dignity and its proper place in bioethics and law. Considering human dignity by default is a problematic concept when applied to bioethical issues and dilemmas. Another source for explanations and considering human dignity in current bioethical debates is the regular use of that notion (human dignity) in national constitutions, laws and international conventions and declarations.

Based on Universal Declaration of Human Rights (1948), the intrinsic dignity and the equality rights of all members of humankind are said to be "the foundation of freedom, justice, and peace in the world. At the level of national constitutions, there have been ratifications since 1945, and they refer explicitly to human dignity, as well as the elementary law of the states, which begins: "Human dignity is untouchable. Respecting and protecting human dignity is the duty of all state authority." Despite the fact that human dignity in these documents plays the role of a supreme

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value on which all human rights and duties depend, the meaning of human dignity is the final aim of humanity.

Instead, in practice, statements of human dignity reproduce a political compromise among different groups of interest that may well have quite diverse views about what human dignity means. In reality, the notion of human dignity serves here as a synonym for "whatever it is about human beings that reduces them to basic human rights and freedoms."

Definitions of human dignity

The notion of human dignity is the belief that all people hold a specific value that's protected solely by their human nature. It has to do with a person's intrinsic value. It is not related to their class, race, gender, religion, capacities, or any other factor other than them being human. In the beginning, it was associated much closer with someone who had a high-status ore, belonged to kingdoms or the religious community, or, at the very least, had money. (Jenny Teichman1996). The concept of dignity dates back to Roman times. Originally, dignity referred to a prominent position in society that was associated with individual accomplishments or governmental office. In the notion of human dignity in ancient Rome, the term Dignitas was mainly used in the context of politics. It was an expression of rank, status, honour, recognition and social standing. Cicero (106-43 BC) borrows the ancient Roman idea of Dignitas and continues to use it in the same way. At the same time, he explores the word's Stoic origins, pointing out that it describes an essential attribute of man who, as a rational being, stands apart from all other beings: reason allows man to make free, responsible decisions and so act morally. The reason, in the Stoic view, is considered as a divine representation within a human being, allowing a man to share in unlimited religious reason. (Remy Debes 2017) In accordance with Stoic philosophy, the concept of dignity started to be recognized as a universal human value; they put all human beings on equality by the fact that they were gifted with intelligence and were not slaves to their desires or instincts. This notion of universal human dignity blended with the theological construct of man's creation in the image of God. Today the notion means every human being is solely valuable and, therefore, ought to be given the highest respect and care. Based on the Universal Declaration of Human Rights, that concept was turned on its head. Article 1 states: "All human beings are born free and equal in dignity and rights." (Universal Declaration of Human Rights)

Simply by being human, all people deserve respect. Its logical conclusion Human rights are naturally derived from the concept of dignity. Legal adoptions in international declarations, conventions and national constitutions do not offer clear guidance on the notion of human dignity in bioethical controversies. Undoubtedly, the fact that human dignity is mentioned prominently in these documents opens the question, "What is the essence of human dignity?" Ideas from an Islamic perspective on human dignity can be analyzed from the legal (sharia law) and religious foundations for dignity in Islam.

Representing numerous suras, Islam sincerely promotes the granting of human rights and freedoms; the Koran also contains anthropology which unities human beings (not as created in the image of God, but as "Khalifah" (vicegerent) as a unique dignity.

Accordingly in Koran is written in sura Bakare 2/ 30, And [mention, O Muḥammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority."¹ They said, "Will You place upon it one who causes corruption therein and sheds blood, while we exalt You

with praise and declare Your perfection?"² He [Allāh] said, "Indeed, I know that which you do not know."

We can finalize that according to this, mankind is divinely honoured whether he is a believer or a disbeliever in God. Thus, honour is not focused on one group of people to exclude the other group. The dignity, which is obtaining from God's determination and kindness, includes all people regardless of race, colour, language or faith. Allah is not just the God of the Jews, the Christians or the Muslims. Based on Islam, Allah is the God of the universe.

Human dignity promotion entails a person's intrinsic value being acknowledged and respected. The principle of humanity denotes what every human being is entitled to. Every human being possesses human dignity. The moral domain should be in accordance with nature in a cosmic-centric model of human dignity. A person should try to comprehend the inherent order in this situation. Human beings are considered to have fundamental value from a religious perspective because they were made by God. In aspects of politics, human beings are state-oriented, which means dignity is what society ought to recognize as its foundation.

The notion of Bioethics

The field of bioethics is related to ethical dilemmas and debates on ethical questions emerging in developments in medical sciences, biology, healthcare, research, biotechnology, and ecology. Typically, these topics are approached from a variety of perspectives. Researchers bring knowledge and methodologies from different contexts to bioethical issues and conversations.

Bioethics is asking the questions of ethical issues developed from new circumstances and conditions related to the moral questions that came in the relations between medicine and life, biotechnology, medicine, politics, legal issues, and philosophy. In the subject of bioethics, operate and get involved philosophers, scientists, health managers, lawyers, anthropologists, theologians, and social workers each field contributes important insights. Bioethics is a two-part phrase that refers to the process of identifying, studying, and resolving or mitigating conflicts between conflicting ideals or purposes. The "bio" situates the ethical issue in a specific setting. The moral implications and applications of healthcare-related living sciences are generally concerned with the dilemmas from ethics and ideas that arise in the relations between life sciences, biotechnology, medicine, politics, law, and philosophy. (Osagie K. Obasogie, Marcy Darnovsky 2018)

It is a scientific field connecting a link between natural sciences like ecology, biology, medical sciences, and the values of human beings with the aim to attain the survival of both human beings and other species. Bioethics as science has addressed a broad path of human evaluation, starting from debates over the limits of life (questions of abortion, euthanasia), surrogacy, the organ donation issues, health and the right to refuse healthcare for questions of religion or culture.

The four principles of bioethics

In bioethics, four principles articulate and promote ethical principles and set specific standards; they attempt to describe a set of minimum moral conditions on the behaviour of health care professionals. (Darlei Dall'Agnol 2016).

The first principle, autonomy, as understood by philosophers, and accepted as an ethical principle, is that all persons have intrinsic and unconditional worth and, therefore, should have the power to make decisions made on rationality and moral choices; all these rights should be permitted to be done in the sake for self-determination of patients. The principle of autonomy obliges that health care professionals should respect the autonomous decisions of competent adults.

The second principle of beneficence in bioethics is obligation of authorities to act for the benefit of human beings and supports norms of ethics. Beneficence means obligations to protect the right of others, stop the destruction, eliminate circumstances that will cause injury, support individuals with disabilities, and rescue people in danger. Beneficence means that they should aim to do good, to promote the interests of their patients. The principle calls for not just avoiding harm but also promoting people their welfare.

The third principle, no maleficence, is the responsibility of professionals not to harm the client. This basic principle supports numerous ethical rules – do not kill, do not cause suffering, or hurt, do no harm, do not cause crime, and do not take from others the belongings of life. Finally, justice, as the fourth principle, holds that health care professionals should act honestly when the interests of different people or groups are in struggle. They are obliged to promote the equal distribution of health care resources. Justice is mostly understood as the equal and proper treatment of people. For bioethics, the most relevant justice is distributive justice, which refers to the impartial, equal, and suitable distribution of medical care resources based on justified norms that structure the terms of public cooperation. Despite these issues, the concept of justice can be used to think about ethical dilemmas in medicine and the life sciences. This is a significant addition because the primary goal of bioethics, according to the understanding of the discipline, is to discover where moral difficulties exist rather than to find remedies to them.

The role of law in the implementation of Bioethics

Understanding, explaining and defining law has occupied the minds of legal and political scholars, philosophers, and sociologists for centuries. The question of what the law is answered by different intellectuals and philosophers in so many various, strange and even paradoxical ways. Scholars have debated the philosophy of law for centuries, including the scope to which law refers to custom and social ordering, requires state-backed force and includes notions of justice. This paper bypasses these philosophical debates, and uses the term law or formal law in its most conventional reason to mean the laws of states—that is, laws that are officially from the legislative power of a given state—at the national or under the national level, whether they were passed by a legislature, ratified and approved, or otherwise legally formalized. Law we will define a system of rules composed and imposed through social or political institutions with the function to make, interpret, advocate, and enforce the legal rule and finally regulate the behaviour of citizens (David Beetham, C. Kevin Boyle 2009).

The legal system includes legislative jurisdiction and law implementation institutions and other social institutions and groups obligated to the functionality of the system. These legal systems include a huge network of laws and institutions, with legal power which fundamentally aren't good nor bad, the laws may provide difficulties, but they can also generate opportunities. In this context of the elaboration of law, we stress the need to find a balance between the important law on the bioethicist, and concern for studying the ethical implications of health care as a business, understanding the role of government in designing and implementing healthcare programs.

Understanding relations between laws and bioethics increase the attention of bioethics on the individual's best interests by focusing on the socio-economic and political factors that impact healthcare. The rise of awareness for bioethics at the end of the twentieth-century increased interest and growth in the development of laws related to these issues (Thomas May 2002).

From abstract questions and academic concerns to bioethics, through the law, regulation, and litigation, bioethics issues were soon turned into social policy. As a result, in medical ethics, they did adoption in truth-telling, informed consent, patient autonomy etc. It also emphasizes the implications of bioethical and legal advances on human dignity understandings. Laws and Bioethics boosts the traditional accent of bioethics on human dignity but together also focus on the socio-economic and political developments that shape healthcare and society. In this aspect, by connecting broad public healthcare issues to concerns about human dignity, we promote an understanding of worrying and complex situations and show the implications of bioethical developments for an understanding of social reality.

Conclusion

This paper has covered the basics of human dignity and bioethics founded on ethical principles and the role of law in their implementation of them. The basic topics that frame the issues of bioethics will continue to change. Bioethical issues will face permanent resolution and changes based on the nature of the problem. In the academic area, new scientific findings are coming, and there are administrative reforms, as well as legislative initiatives and judicial decisions. We must conclude that societies, human beings as well as our natural and social habitat are interrelated and vulnerable within natural, cultural, and political biotopes, desire for life, health, and happiness.

References

- Beetham, David, Boyle C. Kevin (2009). *Introducing Democracy: 80 Questions and Answers* by UNESCO.
- Dall'Agnol Darley (2016). *Care and Respect in Bioethics* Cambridge Scholars Publishing.
- Debes Remy (2017). *Dignity: A History*; Oxford: Oxford University Press.
- May Thomas (2002). *Bioethics in a Liberal Society: The Political Framework of Bioethics*; Johns Hopkins University Press.
- Obasogie K. Osagie, Darnovsky Marcy (2018). *Beyond Bioethics: Toward a New Biopolitics*; Los Angeles: University of California Press.
- Teichman Jenny (1996). *Social Ethics A Student's Guide*; New Jersey: Wiley-Blackwell.
- The Holy Koran
- The Universal Declaration of Human Rights (1948). United Nations General Assembly, New York.