

The Status of the Human Being: Manipulating Subject, Manipulated Object, and Human Dignity

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ABSTRACT

The manipulating subject is designated as person. The nominalist view of person is now prevalent; persons are assumed to be individuals making free choice. However, although an action itself does not exert a great influence, the aggregation of individual actions might beget a worldwide and nonreversible catastrophe in our times of technological civilization. Therefore, Hans Jonas points out that we should regard humankind as one agent responsible for future generations. Genetic intervention does not directly infringe human dignity, since an embryo is not yet a person. However, if it grows up to be a person, the asymmetry between the person and those programming the person's genes will undermine the equality between members of the moral community. Therefore, Jürgen Habermas propounds humankind's ethic that guards the prenatal human life from genetic manipulation under the concept of dignity of human life. Thus, when we endeavour to found moral consideration about technological manipulation of human beings, the nominalist view of person is not sufficient, but the universal idea of humanity is requisite for it.

1. SUBJECT MANIPULATING NATURE

Through technological advances, human beings have increased their ability to manipulate nature. Beginning in the seventeenth century, modern science and the

technology based on it have permitted the planned and systematic manipulation of outer nature, i.e.. the environment, in which human beings live. Furthermore, inner nature, the human body itself, became an object of experimental medical manipulation in the nineteenth century. The progress of biomedicine has rendered this manipulation ever more potent.

The contrast between outer nature and inner nature may be grasped intuitively. However, these spatial metaphors cannot exactly correspond to truth. If inner nature is the object of manipulation, it is no longer 'inside,' but rather 'outside' the subject who handles it. Accordingly, the subject must be regarded as an entity that can, in some sense, be disentangled from its body. As with other bodies, human bodies belong to nature. Thus, the manipulating subject itself is not situated in nature, as if it alone stands apart from the whole of nature under its control.

What existing concept precisely expresses the nature of the subject? There are various candidates: human beings, humankind and person. The concept of person appropriately emphasises the subjectivity of the subject, since it usually denotes beings that have continuous self-consciousness and can act intentionally. As indicated, this subjectivity can in some sense be disentangled from the body. Given this, it is appropriate to ponder in what sense a person can be detached from her body.

The concept of person separate from her body is found in Locke, who argues that 'should the soul of a prince, carrying with it the consciousness of the prince's past life, enter and inform the body of a cob[b]ler, ... every one sees he would be the same person with the prince...' (Locke 1997: 339). Although Locke's assumption is based on imagination, the advances of biomedical technology seem to have moved in the direction of his conclusions. Transplantation medicine has realised the prince's situation, at least on the level of organs. It would even more closely approximate reality if a person could transform or enhance her body at will.

Why does the person wish to have such powers? The reason is that the person's body is an essential condition that realises or hampers her intentions and directly influences her consciousness or mental states. Therefore, the body is pre-given to the person; a person is thrown into her bodily situation. This fact does not mean that such a person is devoid of freedom and inevitably constrained by her body. Indeed, the person is moved by the desires stemming from the body. These desires can be called ones of the first order ('She desires x'). However, the person can approve or disapprove of them. A person has not only desires of the first order, but also those of the second order ('She desires/does not desire that she desires x'). It requires taking a

propositional attitude to have desires of the second order (For a discussion of orders of desire, see Frankfurt 1997: 14). For example, an alcoholic has the inclination to drink. Nevertheless, he may not desire to have such an inclination. It is in the desires of this second order that the person is a free subject. However, even this freedom can be undermined by the body. When a patient suffering from unbearable pain wishes to be terminally sedated, the result is that she will lose consciousness forever. Therefore, such a wish amounts to the decision to cease existence as a person or a free subject.¹ This observation suggests that the human person cannot be ontologically abstracted from her body.

2. SUBJECT AS PERSON

Nevertheless, the concept of a person as a free subject must be assumed in the setting of medical practice, because medical intervention in a human body is only justified by the subject's acceptance. A person *has* her body, and the body *is* at once the person. The idea that a person's body is her property can be traced back to Locke once again. When a person reaches out a hand and gains from nature something that has not yet been occupied by others, the person is entitled to own it. The movement of a limb forms labour, which in turn establishes the right to property. This reasoning presupposes that every person has property of her body. Denying property of one's own body would abolish the concept of property outright. However, the entitlement to one's body has never been secured by any labour. From where does it come? Is it extrapolated as *sine qua non* for establishing property in general? However, Locke assures it without referring to a further foundation: 'Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this nobody has any right to but himself' (Locke 1823: 353). Here, the phrase 'his own person' means nothing other than his own body. The subject of this sentence, 'man', stands for person. Accordingly, the sentence above is equivalent to saying that every person has property of his own person. Therefore, Locke's foundation of property of a person's own body is extremely paradoxical. Nevertheless, we can (and even cannot help but) maintain it, since it expresses a truth: the body *is* the person. It is so obvious that we tend to say that the body is the person rather than that it is her property,

1. In contrast to the desires of the first order ('I desire x') and the desires of the second order ('I desire/do not desire that I desire x'), man may conceive of the highest order of desire: 'I desire that I desire/do not desire that I desire x'. However, such a desire means nothing other than that 'I desire to exist as a person'.

consistent with Warren's claim that 'it would be very odd to describe, say, breaking a leg, as damaging one's property, and much more appropriate to describe it as injuring oneself' (Warren 1973: 44, emphasis by Warren). Thus, the human person cannot be ontologically abstracted from her body. Nevertheless, ethical considerations require this detachment.

By definition, a person should be intrinsically respected. In Kantian ethics, the action of intentionally putting an end to an existent person is, even if done by the person herself, the infringement of duty, because such an act destroys the humanity in the person (Kant 1968: 429). In contemporary bioethics, however, such actions as the inducement of terminal sedation, euthanasia, and physician-assisted suicide are sometimes regarded as ethically permissible. The justification for them consists in affirming that the person judges her present predicament as not compatible with her personality that has been created throughout her life. The concept of 'personality' is material, because it refers to something that is idiosyncratic, i.e., embracing certain character traits of the individual person; while 'personhood' is a formal concept that denotes the universal conditions necessary to be a person. Indeed, it is because the human being meets the criteria of personhood that her self-decision² should be respected. However, the fact of her being a person does not indicate what she should choose. Even the measures of what nullifies the most essential condition for being a person, i.e., consciousness, are justified, only if they are adopted by the person herself. In this procedure, only personhood is referenced. However, the person in general, which Kant called 'humanity', receives less attention in this case. Thus, the subject manipulating nature is no more than an individual. What does it mean to respect any human person without appealing to the universal idea of humanity?

3. HANS JONAS' INSIGHT

One possible answer to this question is given by Hans Jonas. He started his intellectual career by studying Gnosticism under the great influence of his mentor, Martin Heidegger. At first, Jonas thought that Gnosticism could be elucidated by applying Heidegger's concept to it: human existence is thrown into the world. However, he was startled by Heidegger's assumption of the presidency of the University of Freiburg

2. In bioethics, the terms 'self-decision' and 'autonomy' are sometimes supposed to be interchangeable, but I retain the concept of 'autonomy' for the Kantian context. A decision based on inclination may be called 'self-decision', but not 'autonomy' in the Kantian sense. According to Kant, a confirmation of inclination is no more than heteronomy.

under the Nazi regime. Jonas wondered how this could happen. The meaning of his first research changed completely. Indeed, he was never in error in underscoring a common point between Gnosticism and modern existential philosophy: the alienation of human beings from nature (Jonas 1991: 327). Because human beings have no place in the order of nature, they have no nature and no norm is afforded by it. Therefore, their decisions are judged as authentic only by the fact that they make them (Jonas 1991: 334). According to Jonas, Heidegger's collaboration with Nazism is an instance of the immorality brought about by this process. Since Heidegger's ontology is devoid of norms for distinguishing 'calls' of being, it is possible to listen to even Hitler as a voice of being (Jonas 1964: 229). After World War II, Jonas developed a philosophy of the organism. It meant a farewell to his mentor. (Despite Wolin's calling him one of Heidegger's children, we maintain with LaFleur that this epithet cannot cover Jonas's whole philosophical career (Wolin 2001; LaFleur 2008; Shinagawa 2012).) He intended to establish an ontology that integrates human beings into nature.

His insight may be applied not only to existentialism, but also to modern thought in general, because it dismissed Aristotelian cosmology and denied values and ends inherent in nature. The evolution of contemporary technology has been encouraged by this mechanistic view of nature. It is self-evident that Jonas proceeded to engage with the problem of technology. He proposed an ethical theory that censures the global destruction of the ecosystem: the imperative of responsibility (Jonas 1984a). The collective effects of our activities have brought about the present ecological crisis. An individual action itself does not exert a great influence, but can be diluted in the global environment. However, the aggregation of our individual actions might beget a worldwide and nonreversible catastrophe. Therefore, we should regard ourselves as *one* subject, i.e., as humankind. Thus, the problem of modern technology obliges us to tackle a metaphysical question about whether and why humankind should exist (Jonas 1987: 48). Humankind is the only being who can be responsible. We should bear responsibility for future generations and ecosystems, since their survival is threatened by our behaviour and the weight of responsibility is functionally related to our power.

4. HABERMAS' IDEA OF HUMANKIND'S ETHIC

Jürgen Habermas also offers an ethical consideration of technological intervention in human nature. He criticises 'liberal eugenics' that entrusts individuals with the deployment of gene technology. If expectant parents intervene in the genes of their embryos, the latter become the mere instruments for fulfilling the formers' desire (Habermas 2001: 58). In his terminology, the term 'moral' prescribes the mutual equivalent respect of persons; in other words, it involves the prohibition of turning persons into mere instruments, which is an infringement of human dignity. By contrast, the word 'ethic' in Habermas's sense denotes the norms of behaviour of the specific community. A person must be born and grow up in a specific community with a culture and tradition. The person forms her conception of how to live, appropriating and sometimes even resisting the ethic of her community. The choice of how to live belongs to the 'ethical' consideration. In contrast to 'ethical' norms, 'moral' norms enable people with different values to live and let live. Therefore, they cannot depend on a specific culture and tradition. Nevertheless, some 'moral' norms can be appropriated into an 'ethic'. For example, mutual respect for persons is more or less maintained in the 'ethic' shared by modern and enlightened communities.

Now an embryo does not belong to the moral community, since it is not yet a person. Accordingly, gene intervention does not infringe human dignity. However, when the embryo has become a person, a past intervention cannot be undone. The asymmetry between the person and those programming the person's genes undermines the equality between members of the moral community. Habermas proposes, therefore, not in the moral, but in the ethical sphere. When we prefer living a moral life, offering others equal respect, we must not only acknowledge human dignity, but also the dignity of human life, even in the prenatal stage. He calls this the 'moralization of human nature' (Habermas 2001: 48, 123). He concludes that the technological intervention in human genes should be regulated by the idea of humankind's ethic (*Gattungsethik*). This idea of humankind's ethic presupposes that humankind has managed to evolve a global community in which mutual respect can be acknowledged as one of its ethical norms.

Jonas and Habermas differ. Most fundamentally, Jonas undertakes the establishment of a metaphysic, while Habermas insists that any metaphysic cannot be presupposed in contemporary society which embraces a variety of values. However, both believe that (1) the technological manipulation of nature requires the supposition of

humankind as its subject and (2) its justification depends on an appeal to the idea of what humankind should be. Jonas maintains that in the whole of nature, humankind alone bears a responsibility. Retaining the Kantian concept of human dignity, Habermas insists that the concept of humankind comprises all possible members of the moral community who must be equally respected.

5. THE DIVIDE BETWEEN PROPONENTS AND OPPONENTS OF APPEALING TO THE UNIVERSAL IDEA OF HUMANKIND

One must, however, raise the question whether man can specify which technological interventions are acceptable by appealing to the concept of humankind. Indeed, the prescription given by Jonas and Habermas may not be practical. Technological advance may be fettered by Jonas's idea of the heuristics of fear. According to Jonas, 'We know much sooner what we do not want than what we want. Therefore, moral philosophy must consult our fears prior to our wishes to learn what we really cherish' (Jonas 1984b: 27, Jonas 1984a: 63-4). Some passages from Habermas's work may be described as comprising a 'dramatized and hardly realistic scenario' (Birnbacher 2001: 123, translated by Shinagawa) or as an 'apocalypse' (Feese 2003: 38, translated by Shinagawa). I agree with Birnbacher and Feese, for example, about the following passage: '[research on embryo and preimplantation diagnosis] *exemplify* a risk that is combined with the perspective of "breeding of human beings"' (Habermas 2001: 122, translated by Shinagawa, emphasis by Habermas). Accordingly, these philosophers are often also criticised for sanctifying nature and shielding it from technical procedures. For example, although Habermas himself affirms that 'moralization of human nature does not mean a problematic re-sacralization' (Habermas 2001: 48, translated by Shinagawa), Birnbacher regards Habermas's view as a sanctification of nature by forcing us to choose between the alternatives: 'Is human being as humankind free to transform his own nature as well as the outer nature? Or should "human nature" be considered as sacrosanct?' (Birnbacher 2006: 170, translated by Shinagawa). This condemnation, however, misses the mark, because the concept of humankind in Jonas's and Habermas's sense is not scientific (*Homo sapiens*), but ethical; these philosophers focus on the attitude that humankind should take.

For example, Habermas rejects the cloning of human beings, because the cloned is 'made' as a sheer means for fulfilling the end set by the person who 'makes' the cloned embryo from his somatic cell. Indeed, we can refute this claim by pointing

out that the cloned is in fact not a sheer means. In the case of a human being born by cloning, we can impress upon him that he can live as a free person independent of his maker's will. If we could isolate him from his maker from birth, he would conceive himself to be a free person just like other people. Thus, cloned people are no doubt persons. Nevertheless, we cannot dismiss Habermas's claim as nonsense. As long as the clone maker's motive is to produce the clone as a tool for fulfilling his purpose, his conduct is morally impermissible, because the maker intends to infringe human dignity in a possible member of humankind. Here, moral value of action is not determined by its consequence, but by its motive.

The divide between proponents and opponents of appealing to the universal idea of humankind does not only consist in the difference between the deontological and consequentialist stances. More important is the difference in the significance of the universal concept. It is not unconditionally respected to be an individual as such, but the universal idea of humanity affords the individual human being dignity. The universal idea of humankind or humanity (these two concepts can be expressed with one German word, '*Menschheit*') is found in a person as something beyond individual desires. In this sense, it denotes the transcendence of human beings. As Kant correctly states, 'the human being is indeed unholy enough, but the humanity in his person must be holy to him' (Kant 1979: 102, translated by Shinagawa).

On the contrary, the subject manipulating nature as an individual is a genuinely nominalist concept. For example, Engelhardt assures that '[t]he concept of *Menschenwürde* [human dignity], if it is to be more than a reminder not to use persons without their consent, must depend on a particular vision of proper human conduct' (Engelhardt 1996: 209). Taking the nominalist view, the mediating concept of human dignity is not thought to be dispensable to esteem the will of each party combined by conduct. A person's desire is also regarded as given in that its fulfilment is taken for granted. The subject will not give it up, unless the satisfaction of desire leads to a long-term disadvantage. This conception of a person is actually none other than the concept of *homo economicus*; the individual subject is a participant in the market rather than a member of moral community.

This observation does not entail the claim that no ethical norm is operant here. There is the normative prescription against the global crisis of the ecosystem, which is prohibited as an external diseconomy. The infringement on human dignity, in such acts as fraud, robbery, and so on, is also precluded, since it leads to destruction of the market system. Summing up, these norms are required only to satisfy our own

desire in the long run. The possession of desires is approved and accepted as a given premise. However, they cannot be esteemed without foundation. It is because the idea of human dignity affords each person the right to be respected as ends as such that we should care for fulfilment of a person's desire. Nevertheless, the market as a system of desires tends to forget it. A reflection on the concept of *homo economicus* can be also found in a splendid economist's writing. Sen raises the question of 'whether there are a plurality of motivations, or whether self-interest *alone* drives human beings' (Sen 1987: 19). He also reminds us of two origins of economics, one of which was Aristotle's ethics as related 'to the end of achieving "the good for men"' (Sen 1987: 4). Even if human nature in the biological sense can be technologically transformed under the pursuit of an individual person's desire, as liberal eugenics endorses, it will not contribute to human nature in the sense of humanity, but rather encourage human beings merely to satisfy their individual desires.

The divide between proponents and opponents of appealing to the universal idea of humankind also does not consist in the difference between the conservative and liberal stances. The universal idea of human dignity is not necessarily advocated by those philosophers who are thought to be conservative or communitarian. For example, Sandel writes that 'Habermas is right to oppose eugenic parenting, but wrong to think that the case against it can rest on liberal terms alone' (Sandel 2007: 80), because he stands by the defenders of liberal eugenics insisting that designer children are as autonomous as children born the natural way. Nevertheless, he offers his sympathy with Habermas's emphasis on the significance of the uncontrolled beginning of a life and connects this idea with his notion of giftedness. However, his case for it is somewhat consequential: 'An appreciation of the giftedness of life ... conduces to a certain humility. It is, in part, a religious sensibility. But its resonance reaches beyond religion' (Sandel 2007: 27). Whether man favours humility over freedom to genetically design one's children is an issue about how to live; it is a choice in the ethical dimension, in Habermas's sense. Indeed Habermas's ethic of humankind (*Gattungsethik*) is an ethic, but it requires that we should continue to live in a moral community, namely, a community in which each member is equally respected. By contrast, Sandel's justification for giftedness is devoid of moral consideration which can be expected to be accepted beyond ethical differences. Therefore, it is unlikely to become predominant in a contemporary pluralistic society. (Furthermore, it is a complete duty not to infringe human dignity, while it is an incomplete duty to have the

virtue of humility.) This lack renders Sandel's stance conservative or communitarian. It proves in turn that appealing to human dignity does not stem from a conservative point of view.

6. CONCLUSION

As we have seen, the manipulating subject is assumed to be separated from the whole of nature under its control. In fact, it cannot be ontologically disentangled from its own nature, its body. This detachment is required by the ethical assumption that technological intervention in the body is justified by the consent of the subject owning the body. If this subject is assumed to be an individual unrelated to the universal idea of humanity, the consideration is not ethical, but rather economic. It is natural that the proponents of this line of thought do not admit the legitimacy of their opponents' claims, because the thought of the former is genuinely nominalist. In addition, they tend to stigmatise the latter as conservative, since the concept of transcendence was cultivated in religious tradition. However, the ideas stemming from it, such as human dignity, have been integrated into secular society, since the respect for the individual will must be founded on what is common to all human persons. Therefore, the nominalist view is devoid of foundation. The universal idea of humanity or human dignity lays the foundation of moral consideration about technological manipulations of human beings, when we ponder about which such manipulations should not be done to human beings as manipulated objects, and about which of them humankind as manipulating subject may morally hope to develop and execute.

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