DIGNITAS

a publication of THE CENTER FOR BIOETHICS & HUMAN DIGNITY • VOLUME 19 • NO 3 • FALL 2012

REVISITING 'JUNK DNA': EPIGENETICS AND ENCODE

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When the completion of the Human Genome Project was announced in 2001, scientists, the media, and the president considered it a breakthrough that promised to lead to cures for many diseases. As it turns out, the Human Genome Project was more like a parts list for a Boeing 777: the fact that we had the parts did not mean we knew how they fit together.[1]

A follow-up study was needed to determine what these parts do and how they relate to each other. This study took the form of the Encyclopedia of DNA Elements Project, or ENCODE. A recent *Nature* article discussing the completion and findings of ENCODE summarizes the status of genome research following the project: "First they sequenced it. Now they have surveyed its hinterlands. But no one knows how much more information the human genome holds, or when to stop looking for it."[2]

ENCODE began in 2003 with the mission to "catalogue the 'functional' DNA sequences that lurk there [in the genome's non-coding regions], learn when and in which cells they are active and trace their effects on how the genome is packaged, regulated and read."[3] The project is a collaborative effort of over 32 laboratories in various countries. Its early phase, from 2003-2007, looked at the coding regions of DNA.[4] In 2007 scientists began looking at the non-coding regions, which do not directly code for amino acids. Their findings are published in 30 papers documenting functionality in the non-coding regions of DNA.[5]

Prior to ENCODE, scientists were able to identify about 1% - 2% of the genome as coding for the construction of proteins; however, they were unable to account for the rest of it. What they found was that the human genome is anything but a simple, linear model of progression through a DNA-to-RNA-to-amino acids-to-proteins process. It is certainly more than a repository of evolutionary relics no longer needed by the body, as some contended. Within the regions of the genome that had been labeled "junk" or "noncoding" or "retroviruses" lies another layer of complexity signaling for epigenetic factors.

Scientists have known for some time of the existence of epigenetic factors—parts of the genome that affect gene expression and regulation, but are not part of the genetic sequence of A, T, G, or C. What is surprising is the extent to which the non-coding region of DNA has now, in light of the findings of ENCODE, been implicated in these factors.

Two key epigenetic factors are methylation and histone packing. Methyl is a chemical group (CH3 -) that attaches to DNA nucleotides. These methyl groups serve as "flags" signaling when genes should be turned on or off or when regulator proteins need to be recruited. While every cell within an organism may have the same genetic sequence, each of these cells usually has a unique methyl landscape. A histone is a wound up ball of DNA that packs the DNA in such a way that the entire sequence is able to fit within the nucleus of a cell. It turns out that the three-dimensional orientation of the histone packing helps activate or de-activate certain regions of DNA.

These findings have several implications for bioethics. On a practical level, the epigenetic factors, particularly methylation, are some of the key players in converting induced pluripotent stem cells into certain cell types. Apparently, the methylation landscape serves as a signal that tells the cell its future identity. Furthermore, problems in the methylation landscape have been shown to cause some diseases, including certain cancers. On a philosophical level, these findings call into question the reductionistic assumptions endemic in science and medicine. The genome is much more complex than was once thought. The idea that "one gene codes for one trait" has been laid to rest. While there are a few cases of single genes that code for certain diseases (such as Huntington's Disease), this is the exception, not the rule. In other words, the GATTACA-like scenario of building a "standard option" embryo with "selective upgrades" has become an outdated notion based on a simplistic view of the genome.

1 Cf. Nova, "Cracking the Code of Life," http://www.pbs.org/wgbh/nova/body/cracking-the-code-of-life.html (accessed October 12, 2012).

2 Brenden Maher, "ENCODE: The Human Encyclopaedia," *Nature* 489, no. 7414 (September 5, 2012), http://www.nature.com/news/encode-the-human-encyclopaedia-1.11312 (accessed October 12, 2012).

3 Ibid.

4 The ENCODE Project Consortium, "Identification and Analysis of Functional Elements in 1% of the Human Genome by the ENCODE Pilot Project," *Nature* 447, no. 7146 (June 14, 2007), http://www.nature.com/nature/journal/v447/n7146/full/nature05874.html (accessed October 12, 2012).

5 The ENCODE Project Consortium, "An Integrated Encyclopedia of DNA Elements in the Human Genome," *Nature* 489, no. 7414 (September 6, 2012), http://www.nature.com/nature/journal/v489/n7414/full/nature11247.html (accessed October 12, 2012).

BY PAIGE COMSTOCK CUNNINGHAM, JD
EXECUTIVE DIRECTOR

SCHOLARSHIP IN COMMUNITY

How do you actually "do" scholarship? It is a fair question, and an important one. At CBHD, we firmly believe that *scholarship happens in community.* Let me give you a few examples of what that means.

In August, I was invited to participate in a Charitable Dialogue for the graduate students at Trinity Evangelical Divinity School (known on campus as "TEDS") and Trinity Graduate School. Dr. John Kilner (director of the MA Bioethics program), Dr. Dennis Magary (Chair, Old Testament), and I discussed Christians and healthcare. How should we think about this as Christians?

Each of us took a different slice: Dr. Kilner commented on Jesus' ministry of healing and the Bible's special concerns for the health-related needs of the most vulnerable. Dr. Magary brought insights from the Old Testament on justice and care for the poor. Finally, I concluded with historical reflections on definitions of "health," insights from the early church, and contemporary obligations. Students were invited to ask questions. Dialogue. Question. Response. Scholarship in community.

In preparation, I "dialogued" with Gary Ferngren's *Medicine and Health Care in Early Christianity.*[1] His research illuminated my understanding of the long Christian tradition of medical philanthropy. I also included reflections on the meaning of "health," which were inspired in part by Dr. Monique Chireau's plenary address from our 2012 summer conference. Along the way, I discussed my ideas with Dr. Michael Sleasman (Managing Director and Research Scholar at CBHD). The three panelists interacted before the discussion, sharing our outlines.

Why do we spend so much time on these concerns? Because ideas have consequences. Serious ideas demand serious responses. Soundbites simply won't do the job.

In the past, I have represented an organization that engages in the public square, advocating for pro-life public policies. Advocacy does demand rapid responses, driven by the 24/7 news cycle, and reactive, short-term, time frames that drive Congress and state legislators. Many of these issues can be characterized by pithy phrases. However, when the task is making ethical judgments about issues that are emerging on the horizon, a quick response is inadequate.

That's why we did not immediately issue a statement when Craig Venter and his team announced their creation of a "synthetic cell."

More recently, we witnessed thoughtful scholarship in community at our consultation on "The Ethics and Theology of Synthetic Gametes." Hosted by CBHD's Academy of Fellows, a team of six scholars probed the implications of reproductive technologies that could create an embryo with three genetic parents. They walked us through why parents want a child "of their own," a Roman Catholic perspective on the theology of donor insemination, the philosophical and theological meaning of gametes, issues raised by creating gametes from stem cells, and concerns related to four methods of producing synthetic gametes.

During the day-long consultation, participants observed scholarship in action. Dr. Ben Mitchell proposed one position in the morning, but suggested a revision in the afternoon, prompted by questions and discussion. Although these distinguished experts share the same respect for embryonic human life, their presentations were distinct. By the end of the day, we had greater clarity, but also a realization that more work needs to be done.

Of course, an academic's recommendation may have been worked out in the solitude of the research library. Even then the work does not begin *ex nihilo*, but is steeped in mental dialogue with texts and

The Center for Bioethics & Human Dignity (CBHD) is a Christian bioethics research center at Trinity International University.

"Exploring the nexus of biomedicine, biotechnology, and our common humanity."

Dignitas is the quarterly publication of the Center and is a vehicle for the scholarly discussion of bioethical issues from a Judeo-Christian Hippocratic worldview, updates in the fields of bioethics, medicine, and technology, and information regarding the Center's ongoing activities.

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Subscriptions to *Dignitas* are available to members of CBHD. For student membership, the rate is $30/calendar year; regular member is $75/calendar year. CBHD membership also includes a subscription to *Ethics & Medicine: An International Journal of Bioethics*, as well as several other benefits.

Submissions & Correspondence
Inquiries about permissions for use, as well as any editorial correspondence and manuscript proposals should be directed to Michael Sleasman by email (msleasman@cbhd.org). Manuscript proposals should be in MS Word, use endnotes for all references, and follow *The Chicago Manual of Style.*

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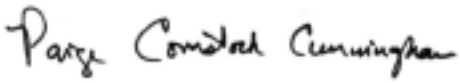
ideas, be they ancient or contemporary. Yet, until a recommendation has been tested by others, its soundness is uncertain. Interactions with the ideas may occur, for example, in private conversations, public debate, Q&A, or by email.

Emerging, and converging, technologies are often more like "Magic Eye" puzzles to be discerned than they are like jigsaw puzzles to be assembled according to the picture. (You may remember magic puzzles with a 'hidden picture' you might detect by staring through the puzzle until it emerges into view.) Upon first glance, the implications of the technology are not clear.

It takes time, patience, determination, and shared expertise to understand what the technology is, how it works, and what it does for and to human beings. We consider both its purpose and its potential consequences, both good and ill. One of the most important tasks is to ask the right questions. Only after doing that hard work are we prepared to suggest, with humility, ethical conclusions.

The protracted nature of scholarship in community is one of the reasons we offer so few unequivocal ethical statements on our website. Of course, there are other considerations, but taking the time to do credible research is at the top of our list.

As you read this issue of *Dignitas*, think about your own role as a contributor to this serious engagement. The number of those who embrace human dignity and our common flourishing is a handful, compared to the vast army of those willing to negotiate away the lives of the vulnerable, weak, ill, disabled, and aged. But, in community, illuminated by the power of the Holy Spirit, we can progress in our ability to faithfully carry out the task we have been appointed to with both courage and conviction.



1 Gary B. Ferngren, *Medicine and Health Care in Early Christianity* (Baltimore: Johns Hopkins University Press, 2009).

CALL FOR PARTICIPATION:

FROM THE EDITORIAL STAFF OF *DIGNITAS*

As you may have noticed, over the past few years we have expanded the length of *Dignitas*, and are including a wider range of materials in each quarterly issue. Additionally, we have regularly solicited responses to the various commentaries and articles that appear in *Dignitas* in order to inspire charitable dialogue between our readers and those who contribute material to this publication. To expand that invitation, we invite you to consider submitting reviews or commentaries on articles in other journals or recently published books relevant to bioethics. We are also quite interested to receive article submissions that engage in specialty or emerging areas of bioethics, particularly in the areas of biotechnology, clinical & medical ethics, disability ethics, emerging technology, genetic ethics, global bioethics, nursing ethics, and public health.

Those interested in submitting a manuscript are encouraged to email an abstract of the proposed piece (article or book for a review, abstract for an article) to Michael Sleasman (msleasman@cbhd.org). Abstracts will be reviewed by CBHD's research staff to offer guidance to increase the potential for publication in *Dignitas.* Final manuscripts should be submitted in MS Word, use endnotes for all references, follow the *Chicago Manual of Style*, and also include the attachment of a recent cv or resumé. Manuscripts are carefully reviewed by the editorial staff with the standards of rigorous scholarship; as a result we cannot guarantee publication. As Paige Cunningham commented in the Director's Desk column, we invite you to participate in *scholarship in community*.

Additional Guidelines:

Letters should reference the original piece in *Dignitas*. When appropriate we may invite the original author to respond to the Letter. Letters must not be longer than 700 words and will be subject to editorial review, though exceptions may be granted.

Reviews & Commentaries serve to unpack the key arguments of recent publications (journal articles or books) and to engage them in critical dialogue. Authors should review publications in areas that best match scholarly expertise. Lengths of reviews and commentaries can range from 300-1300 words. Those desiring to submit reviews or commentaries longer than 1300 words should contact Michael Sleasman (msleasman@cbhd.org).

Articles are major treatments of a particular subject relating to bioethics and human dignity. Pieces should demonstrate a commitment to a Christian position and an appreciation for the wealth of the Hippocratic tradition. Authors should only submit articles in areas of scholarly expertise. Articles must be at least 2000 words, but not more than 6000 words in length, excluding endnotes.

CHRISTIAN EXPLORATIONS IN THE CONCEPT OF HUMAN DIGNITY

BY SUSAN HAACK, MD, MA, FACOG
CBHD ASSOCIATE FELLOW

Introduction

What does it mean to say that humans have "dignity"? The term "human dignity" has become common parlance in recent decades, particularly in political and ethical discourse where its use ranges from titular to foundational. It is trumpeted noisily as the warrant of many autonomous rights and is also the cornerstone of many international documents instituted for the promotion of peace and human rights. The resulting pervasiveness of the term, however, has masked the extent to which its substance has been lost,[1] for despite its prevalence, the concept today remains elusive and largely descriptive, defying definition. "Human dignity," it seems, is recognizable, yet indefinable.

Historically, the meaning of the term has varied with the philosophical tide, reflecting the particular philosophical framework of the era. Yet despite the fact that "human dignity" is not a specifically Christian term, the impact of Christianity on the concept is nevertheless unmistakable, for while the classic notion of dignity as "worth" in an aristocratic and comparative sense still exists, it has been largely supplanted in the Western world by dignity as egalitarian and non-comparative. This change in meaning is attributable to the importance of Christian theological anthropology and the Incarnation on Western thought.

There exist several distinctions within the semantic domain of human dignity which must be recognized. In particular, dignity as quality refers to those excellences that set humans apart both as individuals and as a species, and is largely ascribed; conversely, dignity as equality is that dignity possessed by virtue of membership in the human species and is an inalienable aspect of our personhood, understood broadly. The derivation of this dignity is contingent upon the distinction to which one is referring—whether that of quality or of equality—and is the object of much discussion and debate. Opinions regarding the source of dignity vary widely, ranging from one of many human capabilities to that of an inalienable gift of the God in whose image we were created. In considering the options, one must be cognizant of the fact that only a source of dignity grounded in a non-degreed capacity will result in a dignity that can be ascribed to all.

Much of our contemporary understanding of human dignity was birthed out of conflict, with war being the impetus for reflection on the issue, pushing it to the forefront of political discourse. Yet in the midst of this reflection, its substance has been gutted of any religious understanding, leaving only an empty form. Despite Christianity's historical impact, it is only in recent decades that this primarily philosophical term has been appropriated by Christian writers as a means for referencing the concept of the *imago Dei* in public discourse, an act that has infused it with greater substance. Recognizing the intention behind this appropriation, many have clamored for elimination of the term, proposing the substitution of terms such as "rights" or "autonomy" which carry no religious presuppositions. Consequently, the controversy over the concept has raised many profound questions: what is entailed in human dignity? Does dignity apply only to humans? How is the dignity of humans different from that of other creatures? And why does it matter? Despite the apparent ambiguity of the term "human dignity," one's understanding of the concept has profound implications for bioethical policies including health, gender and work, abortion, stem cell research, animal rights, cloning, and distributive justice.[2]

Christian anthropology has much to contribute to the conversation, for it rests on the centrality of the *imago Dei* and of divine giving as the ground of human

dignity and well-being.[3] We are equal to each other precisely because none of us is the maker of another—we have all received our life equally as a gift from the Creator.[4] For in fact each of us was given infinite significance, as a gift, by a personal Creator, which is the foundation of our human dignity;[5] and of all creation, humankind alone was granted that significance by our creation in the image of God. Moreover, dignity as gift also carries tasks and obligations appropriate to good stewardship of that gift, an aspect lost in a purely secular understanding of the concept. In the end, only a theological anthropology can give us an absolute concept of dignity, one that applies to all humans in all circumstances and conditions, and that can justify our responsibility toward one another. Only the concept of dignity grounded in humankind as created in the image of God bestows the same dignity on all of us, without shadow of turning.[6]

Historical Development

The idea of human dignity has had a spotty and discontinuous history. Originally conceived as a purely philosophical concept, it first appeared in the writings of the Roman Stoics Cicero and Seneca, where it was a term of distinction indicating "worthiness," "honor," or "human excellence."[7] As such, it was an exceedingly undemocratic concept.[8] The earliest systematic reflection on the concept of human dignity was not undertaken until the late 15th century when Giovanni Pico della Mirandola published an essay entitled, "The Oration on the Dignity of Man" (1486). Mirandola grounded human dignity in a collection of human capacities including the capacity for intellectual achievement, the human ability to emulate the dignity and glory of the angels, the importance of the quest for knowledge and the capacity for ascent and self-transformation by means of free will.[9] Human dignity remained grounded in human capacities for about a century, until the term was commodified by Thomas Hobbes (1588-1679). For Hobbes, human dignity referred not to meritorious human excellence but to the value of a human being as determined by the marketplace: "Human dignity, the public worth of a man, which is the value set on him by the commonwealth."[10] A thicker understanding of the concept of human dignity had to await the reflections of Immanuel Kant (1724-1804) who maintained that human dignity could not be understood in terms of "value," because, as an instrumental concept, "value" could not be applied to human beings who are "ends in themselves."[11] Human dignity signified the intrinsic worth of humanity, rooted in human agency,[12] an understanding that governed philosophical thought until late in the 20th century. It was then that it came under more intense scrutiny from contemporaneous thinkers who moved away from the idea of agency. Ernst Bloch (1885-1977) sought a source of human dignity in human nature and natural law—in the "orthopedia of upright carriage." Intriguingly, Bloch understood human dignity to be grounded in human rights rather than rights in dignity, as is commonly comprehended.[13] Another contemporary philosopher, George Kateb, approaches human dignity as an existential value, not a moral one, distinguishing between the worth of animals and of humans on the grounds that humans alone are partly "non-natural" (presumably by possession of a mind); hence humans have an incomparably higher status than any animal and alone can serve and be stewards of nature.[14]

While the term "human dignity" has been increasingly employed in religious writings of the 20th century, it is not found in Hebrew or Christian scriptures, and hence is not a religious term per se. The Christian term expressing the notion of human dignity was *imago Dei*, humans as the image of God. As noted earlier the impact of Christianity on the concept of human dignity is unmistakable. The Greek notion of comparative dignity was transformed by contact with Christian egalitarian dignity rooted in the notions of humankind as the image of God and of God becoming human.[15] These concepts were later ushered into philosophical circles through the writings of Kant.

Recent shifts in the secular arena, however, have sought to eliminate the religious voice from the public square and religious presuppositions from secular ideologies, maintaining that religious teachings are mere "props" which always give way to Enlightenment thinking. Accordingly, secularism provides a suitable alternative by doing away with unwarrantable claims about God and the soul and contenting itself with the concept of the mind, a uniquely human possession.[16] Such shifts have prompted a corresponding alteration in terminology among Evangelical and other Christian writers. In an effort to shed "religious baggage," maintaining the substance of the concept apart from the "religious" form, Christian writers have shifted from use of the term *imago Dei* to that of human dignity. Nevertheless, there have been accusations from the secular community, which has perceived in the use of "human dignity" by Christians a veiled attempt to smuggle religious concepts into the conversation. Disregarding the accusations, some scholars, like Kateb, continue to seek a secular understanding of human dignity, not simply to avoid religious presuppositions, but as a hedge against the loss of the idea of human dignity in the event that "theology goes down."[17] Such secular perspectives though suffer from a deadly deficiency: a lack of grounding for the concept, for without a judge who is wholly external to us and who ascribes to us our dignity and worth, our self-declarations of dignity are based merely on wishful thinking,[18] and hence shifting sand. Reflection on the nature of humanity and of God simply cannot be pulled apart, since humanity can be understood only by reference to the divine. This fact is apparent in our historical inability to do so.[19]

Aspects of Dignity

As can be seen from the above discussion, and given the inherent ambiguity of the term "human dignity," it is essential that one discern the sense in

which the term is being used in any particular context, for several nuances have been recognized and distinguished. For example, Daniel Sulmasy distinguishes between three different approaches to the use of the term "human dignity:"

> 1) Attributed dignity: also referred to as "imputed dignity," it is a dignity which is ascribed by others. It is a dignity that is dependent on the beliefs, desires, purposes, preferences, interests, and expectations of another,[20] and as such it can be achieved or lost, recognized or ignored. The instrumental or commodified dignity of Hobbes would be considered a subset of this category.
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> 2) Intrinsic dignity: the dignity or value that something has by virtue of being the kind of entity that it is.[21] For humans, it is an egalitarian dignity that is expressive of the inherent worth of all humans simply by being human. It is a vital aspect of our identity and as such, it is discovered, not ascribed, is inalienable, and is independent of human opinions about a person's worth. As such, it is the ground of moral entitlements in the socio-political realm.[22]
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> 3) Inflorescent dignity: that dignity which is a function of the expression of human excellence.[23] It is a comparative dignity that focuses on the distinction between humans and other species, not the distinction between individual humans. It is grounded in the manifestation of human moral, rational, and intellectual achievements.

Recognizing that the ambiguity of the term originates in the ambiguous nature of the human being, a being marked by exceptional powers and capacities, but also weaknesses and vulnerabilities, Gilbert Meilaender seeks to distinguish human dignity from personal dignity: human dignity is that which encompasses the excellence of human achievement while personal dignity is that dignity which all possess as human beings even in their weaknesses, a dignity not of the species but of the individual being.[24] "A person not only shares in the value of the species but also occupies a unique and distinctive position entirely his or her own that transcends species membership. Thus though all human beings share in human dignity they are not interchangeable."[25] According to Meilaender, the floor of human dignity is the "ethic of equality" observed in personal dignity—the valuing of all humans in light of their common humanity; the ceiling of human dignity is the "ethic of quality" entailed in human dignity—the valuing of life when it embodies certain exceptional human characteristics or enables certain human experiences.[26] In making this distinction between comparative and non-comparative aspects of human dignity, Meilaender attempts to preserve the personhood and sense of dignity of those human beings who lack particular human capacities and to "honor and uphold that peculiar in-between character of human life,"[27] a life that is neither beast nor God.[28]

A distinction between various uses of the term is of vital importance for a proper hermeneutic of any writing that employs the term "human dignity."

Sources of Dignity

Just as there are distinct uses of the term "human dignity," so also there are many divergent opinions as to the source of that dignity. Some alternatives advanced as sources of human dignity are as follows:

> 1) Human nature: Dignity is seen as species-dependent, inherent in our nature and activity as human beings, a nature which includes our creaturely in-betweenness, and activity which manifests itself in living a life that befits a creature existing somewhere between beast and God.[29] But what activities are included? Do we only consider those excellences of the human creature that set us apart from the beasts, or do we also consider the mundane aspects of how we are born, how we die, and the quality of our relationships?[30] How is our death, as the destiny of all human creatures, related to our nature? Is it to be acknowledged as an aspect of our creaturely existence or an unqualified evil to be overcome?[31] Meilaender has suggested that "to grow old, to wear down, and even to die—and to know and acknowledge this as part of life's trajectory—is fitting for a creature who is neither beast nor god, and whose dignity consists in being human."[32]
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> 2) Embodiment: While Kant universalized the concept of dignity by relating it to personhood and personhood to the rational, moral life, he ignored embodied existence. But dignity must go beyond rational personhood to embrace embodied human life,[33] for the body is our place of personal presence.[34] It must include the respectability of our embodied ordinary humanness. For human life is marked not only by characteristic powers and capacities but also limits and weaknesses associated with bodily existence. Human dignity must honor and uphold that peculiar in-between character of human life.[35]
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> 3) Creatureliness: Closely related to embodiment, this criterion acknowledges that human dignity is a possession of beings who exist in a middling state, a state of in-betweenness, who are neither beast nor God (Aristotle, Augustine), who are a little lower than angels (psalmist), who reside in a realm between the best and the worst we can be.[36]
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> 4) Rationality: Dignity belongs to those in possession of a rational nature, who have the capacity to reason and to make free choices. One consideration, however, is that rationality is a degreed property which would also confer a graduated status on dignity. Can the dignity of a human be rightly based on a property that differs in degree?
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> 5) Autonomy and free will: Human dignity is understood to be so thoroughly grounded in our capacity for

autonomous agency that "human dignity" and "autonomy" are often viewed as synonymous or at least interchangeable. But since autonomy is not an absolute and unchanging possession those who lack autonomy would also lack dignity. Moreover, given the distinctions above, one would have to determine whether such a loss of autonomy would be a loss of inherent or imputed dignity. Correspondingly, some have defined human dignity by our freedom of choice and respect for that freedom, a freedom that entails the ability to be the author of one's own life. But are these adequate bases for the definition of human dignity? Are freedom and consent of singular importance to our humanity? Does being human mean nothing more than the freedom to shape and reshape ourselves? Or does it also mean honoring the embodied character of our life and affirming some of its limits?[37] In reality, the moral force of autonomy is rooted in our inherent dignity.[38] Persons do not have dignity because they are autonomous; they are autonomous because they have dignity. Respect for persons must include respect for their autonomy, but it cannot be reduced to that alone for to do so would be to render an anemic and shallow definition of humanness and human dignity, one that fails to honor the entirety of our embodied existence.[39]

6) Moral agency or the human capacity for virtue: Closely related to autonomy and free will, human dignity is felt to be a function of our ability to act as moral agents, apprehending distinctions between right and wrong and altering our behavior accordingly. More specifically it may be the human capacity for virtue. Here human dignity is grounded in the ability to exhibit virtue or human excellence, manifested by how we live our lives, not by how long.[40] But again, as a degreed property, it would exclude those who lack the ability to alter the quality of their lives whether

MANDATE, CONTINUED ON PAGE 10

RECLAIMING DIGNITY IN A CULTURE OF COMMODIFICATION

BY JENNIFER MCVEY, MDIV
EVENT AND EDUCATION MANAGER

The language of a truly balanced global bioethics respects all human persons and guards the value of the individual and their role in their community. . . . We respect human persons, because we are made in the image of God.
-Paige Comstock Cunningham, JD, CBHD Executive Director[1]

The Center for Bioethics & Human Dignity held its 19th annual summer conference, *Reclaiming Dignity in a Culture of Commodification*, July 12-14th, on the Deerfield campus of Trinity International University. For the past several years the staff of CBHD has been building our global women's health initiative. This initiative seamlessly brings together the ethos, vision, and mission of the Center by addressing human dignity and promoting rigorous research and reflection in an important area of bioethics. There has been a notable void of Christian reflection as it relates to bioethics and global women's health. We believe we are positioned to make a unique contribution to this conversation that will positively impact the lives of girls, women, and communities. This year's conference developed into a pivotal event, forwarding our global women's health initiative and work in developing HER Dignity Network to broaden that engagement.

The conference emphasized the theological foundation of true dignity, specifically focusing on women and girls and the bioethical issues they face globally. Women and girls in the developing world are often overlooked in broader conversations of health and well-being. The hope of the Center's staff for this conference was to inspire broader engagement with deep-seated issues related to the treatment of women and girls and their equal consideration in our global community.

Michael Sleasman, PhD, CBHD's Managing Director & Research Scholar, opened by eloquently framing the discussion for the weekend, acknowledging that there has been a lack of attention given to this area within Christian bioethics. He was followed by a distinguished program of plenary speakers: Paige Cunningham, JD; Pia de Solenni, SThD; Monique Chireau, MD, MPH; Charmaine Yoest, PhD; and C. Ben Mitchell, PhD.

What are we actually referring to when we talk about "Reclaiming Dignity in a Culture of Commodification"? What is "commodification"? And why is it important for bioethics?

A simple definition of commodification is that it is to turn something into a commodity, something to be bought and sold. However, commodification encompasses much more, going beyond economic activity to distort the lens through which even other people are viewed. In her opening plenary address, Cunningham employed Scott Altman's work, suggesting:

> The term 'commodification' has many meanings; it can refer to actions that: (1) violate a duty of respect for persons by treating the person as a thing that can be sold; (2) alter a person's moral status so that the person becomes a thing without a will; (3) alter the sensibilities of people directly involved in market transactions by causing them to regard each other as objects with prices rather than as persons; and (4) alter the sensibilities of people who learn about or live in a society that permits the sale of persons but who do not participate in such transactions themselves.[2]

Commodification is the direction our culture has moved, whether consciously or unconsciously, and the church is not exempt. Given this definition, we are all susceptible. So is it inevitable that bioethics will baptize this toxic mindset? Is it impossible for Christian bioethics to resist the temptation? Or is there a better way forward?

Through stories and staggering statistics, Cunningham identified ways in which women and girls are being commodified around the world, emphasizing that "compassionate caring and acting justly are essential aspects of Christian bioethics." The challenges facing women and girls are not solely 'women's issues,' they are community concerns. As she reminded us, "practices that undermine human dignity matter to all of us."[3] We are not strictly autonomous beings; our actions, or at times inactions, have ramifications beyond us and our own families. Dr. Yoest affirmed that radical autonomy and isolated individualism leads to a decline of dignity.

These are a few of several unifying themes throughout the plenary addresses. The speakers also emphasized that human dignity ultimately is grounded in being created in the image of God. Dr. de Solenni expanded upon this theme in depth during her address, stating, "Men and women may have their differences, but they have a fundamental sameness and

equality insofar as they are made in the image and likeness of God. No other religion outside the Judeo-Christian tradition is so audacious."

During her plenary address, Dr. Chireau further painted the landscape of women's health issues around the world using the data of several key studies. She asserted that

> Restoration and reclamation of the dignity, and therefore health, of women, family, community and society will only occur when humans in general, and women specifically, are considered in their totality, able to make free moral choices in accord with God's design and will, and are equal partners in building a just and virtuous society. . . . Our commitment to restoring and reclaiming dignity . . . requires not only that we love our neighbor, but that we don't love the things God hates.[4]

Dr. Mitchell gave the concluding plenary, unpacking philosophical viewpoints about "who owns our body?" and arguing that commodification is incompatible with a Christian worldview.

At the wrap-up of the conference a sense of hope emerged. In her opening plenary, Cunningham pointed point towards how we may move past practices and attitudes of commodification, borrowing from Margaret A. Farley's idea of "compassionate respect." She stated "Compassionate respect is a disposition, an attitude; it is also action, encompassing both virtue and caring deeds." [5] She went on to quote Farley, saying

Clockwise from the left to right: Monique Chireau, MD, MPH, attendees at a plenary session, Charmaine Yoest, PhD, Michael J. Sleasman, PhD, Pia de Solenni, SThD, Paige Comstock Cunningham, JD, and C. Ben Mitchell, PhD., deliver their plenary addresses at the 2012 Summer Conference.

> Compassionate respect's 'requirements will include whatever will actually allow it to lead to the assistance of the ones who need care' and it must take into account the actual reality of the person for whom we are caring. Finally, it includes the reality of the one who cares—their abilities, limitations, and their relationship with the person who is cared for.[6]

Compassionate respect for human persons, regardless of gender, is fundamental to our human dignity and common humanity, and it is fundamental to a more noble way forward for a life-affirming approach to global bioethics issues.

I would like to personally invite you to attend our 2013 summer conference, *Health & Human Flourishing*, July 18-20th. We are embarking on a significant year for CBHD. Please join us as we celebrate our 20th anniversary as a bioethics research center. This conference promises to be as thought provoking as in years past as we hear from our confirmed plenary speakers: Francis Cardinal George, OMI, Allen Verhey, PhD, Bart Cusveller, PhD, and William B. Hurlbut, MD. Hope to see you there!

1 Paige Cunningham, "*Reclaiming Her Dignity: From Commodification to Community*" (plenary, CBHD, Deerfield, IL, July 12, 2012).

2 Scott Altman, "(Com)modifying Experience." *Southern California Law Review* 293 (1991): 295-296.

3 Cunningham, "Reclaiming Her Dignity."

4 Monique Chireau, "Women's Health and the Health of the Family, Community, and Society: Cause or Effect?" (plenary, CBHD, Deerfield, IL, July 13, 2012).

5 Cunningham, "Reclaiming Her Dignity."

6 Cunningham, "Reclaiming Her Dignity," quoting Margaret Farley, *Compassionate Respect: A Feminist Approach to Medical Ethics and Other Questions* (Mawah, NJ: Paulist Press, 2002), 33.

MANDATE, CONTINUED FROM PAGE 7

due to their physical condition or social circumstances.

7) Relationality: Dignity is believed to have a relational component, but even here, our notions of the relational component vary. Some envision it as a gradated relational property of social status that serves as source of individual distinction,[41] while others find dignity in the relationships which bind and obligate us.[42] This latter understanding can be illustrated by the case of parents and children, who are bound by love and acceptance, not necessarily by choice.[43] Jürgen Moltmann understands this relationality as derivative of our imaging God, an image which involves human beings in fellowship before God and in covenant relationship with Him and others.[44] Similarly, James Luther Mays maintains that our identity and destiny are derived from our relationship to God, a relationship which is not formal and external but constitutive, bestowing on humans our ultimate meaning. As such, it is an existential category, not a biological one.[45] While such human relationality is generally true, it, too, is a degreed property, and one shared in degree with other creatures. Is it, therefore, an adequate criterion for human dignity?

8) Sanctity: Human dignity is grounded in the sanctity of human life—in the fact that humans, created in the *imago Dei*, are set apart by God from the rest of creation and for His purposes. The term "sanctity" is actually preferred by some over "dignity," for unlike "dignity," "sanctity" contains its own justification: in "sanctity," "set-apartness" is grounded in God, whereas "dignity" has no grounding other than the variegated assertions of others.[46] Humanity cannot be adequately explained apart from our relation to God, a relationship which impacts our concepts of shared human dignity as well as the dignity of each person.[47] Ultimately, respect for the dignity of the other is grounded not in our relation to each other but in our relation to God.[48]

9) *Imago Dei:* From the Judeo-Christian perspective, the dignity of mankind has its roots in the fact that every human being is an image and reflection of God. Of all creation, human beings alone are destined to live before the face of God in the fullness of their lives and in all life's relationships—political, social, economic, and personal. They alone of all creatures are called to respond to and be responsible to God in the world, acting on God's behalf. Dignity is, therefore, derivative, arising from the claim of God upon all persons.[49] Humanity's worth throughout Scripture is not intrinsic but a derivation of creation after God's likeness. It depends entirely on humanity's possession by God and on God's decision to esteem and redeem it.[50] Moreover, a comprehensive understanding of dignity must encompass both our origin and destiny. Our origin is in the image of God, but that origin is consummated in the resurrection—the end which was intended from the beginning.[51]

Human dignity is a many-splendored concept that can be realized only through the full recognition of its complexity.[52] Given this complexity, dignity cannot be reduced to any one feature, but must include the aggregate of human capacities including our knowledge, self-consciousness, moral agency, creativity, language and rationality.[53] As noted earlier, however, only a theological anthropology gives us an absolute concept of dignity, one that applies to all humans in all circumstances and conditions.[54]

Theological Approach

Christian anthropology rests in the centrality of the *imago Dei* and of divine giving as the ground of human dignity and well-being.[55] We noted earlier that we are equal to each other precisely because we have all received our life equally as a gift from the Creator.[56] This gift encompasses the "poverty of our perfections" making us equal in worth if not equal in talent.[57] For in fact each of us was given infinite significance, as a gift, by a personal Creator which is the foundation of our human dignity;[58] and of all creation, humankind alone was granted that significance by their creation in the image of God. Dignity as gift, grounded in the *imago Dei* and imbued with relational responsibilities implicitly carries tasks and obligations appropriate to good stewardship of that gift and relationship.[59] The reflection on the nature of humanity and of God are intricately tied together, as human "being" is ultimately understood by reference to the divine.[60] Moreover, as a conferred gift, dignity is to be discovered, not in social convention, but in God's acts toward humankind, in particular the monumental act of salvation through the incarnation of His Son.[61] In addition, humanity cannot be adequately explained apart from an ongoing relationship with God, a relationship which shapes our understanding of human dignity, both corporate and individual.[62] Respect for dignity ultimately is grounded not in our relation to each other but in our relation to God.[63]

A theological approach to human dignity must also refer to both our origin and our destiny, for human dignity is both gift and promise. The human experience of dignity relies on balancing the dignity we possess as a gift with the fuller dignity we are promised and toward which we are called.[64] Our end is in the resurrection, which was intended from the beginning, for our beginning is in the image of God which is consummated in the end, through the Son. It is all of a piece, a part of the divine narrative.[65]

Current Debate

As noted in the introduction, current perspectives on human dignity were birthed out of conflict: war was the impetus for our contemporary reflections on human dignity, for it seems that one becomes most aware of dignity when it is challenged or threatened.[66] Yet due to the ambiguous elasticity of the definition of dignity, combined with the fear that the term is a shroud for smuggling religious ideologies into the secular political arena, some have called for its elimination, recommending replacement of the term by "autonomy" or "rights." They see "human dignity" as an attempt to impose a radical political agenda, fed by fervent religious impulses, onto American biomedicine.[67] But can dignity be reduced to either autonomy or rights without significant remainder? The contemporary crisis in "dignity" has resulted from the fact that modern culture has stripped the concept of human dignity of its original and sustaining theological and ecclesial context without supplying an alternative.[68] To think theologically about dignity as gift represents a very different approach from the discourse about rights to which dignity is often tied in contemporary thought. Dignity as gift carries tasks and obligations appropriate to good stewardship of that gift; rights talk carries no such obligation.[69]

Furthermore, others have argued that religious ideas are not only unavoidable, they are necessary for a liberal democracy.[70] Paul Ramsey saw human dignity as entailing respect—not respect that poses a duty to refrain from interfering with the rights of privacy and autonomy of individual self-determination, but respect that poses a duty of responsiveness to the individual, affirming their worth, honoring their wishes, and tending to their needs. He construed the respect of dignity as protection of the vulnerable, not promotion of autonomy.[71] Respecting dignity means "do no harm."

In an attempt to avoid the metaphysical messiness of the concept of a "nature," some have advocated varying sets of capabilities that would qualify an entity for the designation of "dignity." But often the lists include not individual capabilities but societal rights (bodily integrity, being free from violent assault, opportunities for sexual satisfaction, etc.).[72] But if the concept of human dignity is to be a substantial one, the criterion for dignity cannot be simply accidental attributes or societal attributions, nor can the criterion for moral worth differ in degree. The criterion must be the possession of a property that does not differ in degree, and therefore it must be attributable to our nature. If relationship with God is not foundational to human dignity, that dignity becomes something that can be conferred or withheld by other finite institutions or entities, and hence a mere social construct.[73] Consequently, concern ought to center on persons, not properties.[74]

Importance of Human Dignity

Despite the apparent inherent ambiguity, human dignity is not an eradicable concept, for it is inextricably linked to our Western concept of human rights. But how does dignity relate to and differ from rights? Some have attempted to distinguish rights from dignity, claiming that rights are possessed equally whereas dignity is a degreed possession or attribute; therefore rights alone should be the basis of public policy and protection, whereas dignity should remain merely a personal or private goal.[75] A unique approach is seen in the writings of Ernst Bloch and Leon Kass, both of whom argue that human dignity is located in the assertion of one's rights and hence a derivative of rights.[76] Moltmann, on the other hand, has suggested that the distinction is implied in the very terms themselves: since "human rights" is a plural term, and "human dignity" is singular, the singular dignity of the human being takes precedence over the many rights which are entailed in being human.[77] Moreover, since dignity is derived from God's claim upon all persons, the rights and duties which emerge from this understanding of dignity belong not only to the species but to each individual within the species, and are thus inalienable, indivisible, and are required for the full flowering of human dignity[78] Dignity in the sociopolitical realm is therefore the source and ground of the moral status on which our understanding of inalienable human rights is based—the foundation of all human rights.[79] Yet when severed from its theological and ecclesial moorings,

human dignity cannot support the ethical and metaphysical weight that modern "rights-talk" places on it,[80] attesting again to the indissoluble nexus of anthropology and theology.

The concept of human dignity is also crucial to one's perspective on contemporary bioethical issues such as transhumanism. The key concern is whether human dignity is located in our human nature or in our ability to transcend our human nature. For the transhumanist, human dignity must be defended against the natural limitations and indignities of embodied human life—disease, deprivation, decay, and death. Hence, our dignity is to be discovered in our ceaseless self-overcoming.[81] Yet in this conception, our dignity is contingent upon securing freedom from our own nature, and to the extent that we fail to do so we will remain undignified.[82] So we must consider: what is the place and role of suffering and "indignity" in human dignity? Do such "indignities" detract from our "dignity," or are they aspects of it? How does the way in which we deal with suffering impact our dignity? Are there limits to be observed in our efforts to remove causes of suffering and improve bodily function? Such questions ultimately lead to considerations of the goal, or *telos*, of life and the role of health, body, and medicine in that light.[83]

There are several arenas in biotechnology that seek to modify human behavior through technological advances such as drugs, neuro-enhancement, or germ line genetic manipulation—techniques which necessarily bypass human agency, raising the question of the role of agency in human dignity. Do such advances, while perhaps raising our attributive dignity simultaneously diminish our intrinsic dignity?[84] Or is our dignity located only in the ends of our efforts, and not the means as well? Some advocates of these technologies maintain that dignity can be augmented through the enhancement of human qualities only when such enhancement is an authentic response or a free and personal choice, thereby maintaining the role of personal agency. Hence a trait acquired through a voluntary, deliberate choice of technology may be more authentic than that with which we were born; it may add to the dignity of the resulting trait, compared to possession of the trait by default. From this perspective, our self-shaping contributes to our dignity. But it is also acknowledged that such enhancement could potentially lead to a loss of dignity if the process of self-creation is done out of conformity or in response to media—in other words, if the choice is not "free." The value of enhancement is therefore contingent upon one's motivation, which is likewise true of refraining from enhancement.[85] But given the pervasive influence of the media in our culture, is such a "free choice" possible today?[86] Moreover, how are we to think of human dignity in light of individuals who lack moral agency?[87] From a Christian perspective, humans are dignified by an act of divine communion; we are drawn by the resurrection into relational communion, a communion by which we are created and recreated—a gift from beginning to end. We have received it and are promised the fullness of the gift in the end. Therefore the primary concept is, and ought to be, not human but divine agency.[88]

Closely related to the issue of the dignity of enhancement is the relationship of human dignity to human flourishing. What does it mean for humans to flourish? For many, material progress is vital to any concept of human flourishing, apart from any notion of immaterial or spiritual flourishing. But as unified beings consisting of an inseparable body and soul, we cannot achieve material flourishing apart from immaterial flourishing, nor can dignity pertain to the physical condition apart from the metaphysical. And yet the converse does not seem to hold: one can be dignified in their character and soul in spite of undignified physical conditions. Is the same true for flourishing? Can one flourish in character in the midst of physical deprivation? Just as there are distinctions between the aristocratic and egalitarian notions of dignity, so too with flourishing: there is a dignity of being as well as a dignity of flourishing, both of which belong to the dignity of humanity, created in the image of God.

The impact of technologies on what it means to be human brings into focus the question of the relationship between technological activity and "human becoming." What is the significance of human engagement with its tools and technology? Elaine Graham has suggested that tools and technologies are such an integral part of human material culture that they shape not only our engagement with the world but our very existence in it—our ontology; they are such an inextricably vital aspect of our experience of what it means to be human that we cannot conceive of ourselves independent of our tools and technologies.[89] This observation raises the question of the role and relationship of technologies to the *imago Dei*: As created co-creators is our technological and scientific creativity part of our dignity, or is our dignity derived from the ways in which we use those tools—in the service of goodness and beneficence for our neighbor?

Conclusion

The concept of human dignity is indeed a nuanced one, encompassing the capacities for excellence found in our species as well as the vulnerabilities and weaknesses of the individual as created and loved by God. It is not bestowed by persons or institutions, and does not derive meaning from any human action or status: it is a gift given and universally shared,[90] encompassing the poverty of our individual and corporate perfections. Rather than a placeholder for ethical biases and commitments, as has been claimed, human dignity in fact reveals a far nobler, more robust vision of what it means to be human, referencing the essential and inviolable core of our humanity. In reality, the term "human dignity" is not as ambiguous as it is complex because the human component of the term is a multidimensional being that defies definition, a creature of in-betweenness, who exists somewhere between the beasts and God. To define human dignity is ultimately to describe the meaning of being human.[91] To be human is to be regarded as a mystery

in a way that is analogous to God as mystery,[92] and hence the dignity which is the mark of our human beingness will always be mysterious. Thus in the ambiguity and paradoxical nature of the term human dignity is located the height of human excellence as well as the floor below which our respect should not fall. It encompasses an ethic of quality as well as an ethic of equality.[93] True human dignity is located in the convergence of the two—of the aristocratic and the egalitarian, of quality and equality, in the dignity of flourishing as well as the dignity of being.[94]

1 R. Kendall Soulen and Linda Woodhead, "Introduction," in *God and Human Dignity*, R. Kendall Soulen and Linda Woodhead, eds. (Grand Rapids: Eerdmans, 2006), 2.

2 Martha Nussbaum, "Human Dignity and Political Entitlements," in the President's Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington, DC: President's Council on Bioethics, 2008), 374–376.

3 Soulen and Woodhead, "Introduction," 19.

4 Gilbert Meilaender, *Neither Beast Nor God: The Dignity of the Human Person* (New York: New Atlantis Books, 2009), 96.

5 Peter Lawler, "Commentary on Meilaender and Dennett" in *Human Dignity and Bioethics*, 279.

6 Fraser Watts, "Human Dignity: Concepts and Experiences," in *God and Human Dignity*, 249.

7 Daniel Sulmasy, "Dignity and Bioethics: History, Theory, and Selected Applications" in *Human Dignity and Bioethics*, 471.

8 Gilbert Meilaender, "Human Dignity: Exploring and Explicating the Council's Vision" in *Human Dignity and Bioethics,* 260.

9 Stanford Encyclopedia of Philosophy, "Giovanni Pico della Mirandola" on-line database at http://plato.stanford.edu/entries/pico-della-mirandola (accessed 15 Mar 2012).

10 Tomas Hobbes, *Leviathan* (New York: Dutton, 1950), 104.

11 "Dignity," Wikipedia, http://en.wikipedia.org/wiki/Dignity (accessed Feb 18, 2012).

12 Ibid.

13 Ernst Bloch, *Natural Law and Human Dignity* (Cambridge: MIT Press, 1987), xi, xvii, xxix.

14 George Kateb, *Human Dignity* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2011), 23.

15 Meilaender, "*Human Dignity,*" 261, 284.

16 Kateb, *Human Dignity*, 26.

17 Ibid., xi.

18 Ibid., x.

19 Watts, "*Human Dignity,*" 247.

20 Sulmasy, "*Dignity and Bioethics*," 473, 475

21 Ibid.

22 Edmund Pellegrino, "The Lived Experience of Human Dignity," in *Human Dignity and Bioethics*, 517.

23 Sulmasy, "Dignity and Bioethics," 473.

24 Meilaender, *Neither Beast Nor God,* 5.

25 Ibid., 94.

26 Ibid., 99.

27 Ibid., 5. Leon Kass recognizes a similar distinction between "basic human dignity" and the full human dignity of human flourishing. Cf. Leon Kass, "Defending Human Dignity," in *Human Dignity and Bioethics*, 299.

28 Aristotle, *Politics,* trans. Benjamin Jowett, bk. 1, http://www.constitution.org/ari/polit_01.htm (accessed July 1, 2012).

29 Meilaender, "Human Dignity," 275.

30 Meilaender, *Neither Beast Nor God,* 5.

31 Ibid., 72.

32 Ibid., 73.

33 Leon Kass, "Defending Human Dignity," 313. Cf. Nussbaum, "Human Dignity and Political Entitlements" in *Human Dignity and Bioethics*, 363.

34 Meilaender, *Neither Beast Nor God*, 23.

35 Ibid., 5.

36 Charles Rubin, "Human Dignity and the Future of Man," in *Human Dignity and Bioethics*, 168.

37 Meilaender, *Neither Beast Nor God,* 80.

38 Pellegrino, "The Lived Experience of Human Dignity," 523.

39 Meilaender, *Neither Beast Nor God*, 81.

40 Ibid.,17.

41 Nick Bostrom, "Dignity and Enhancement," in *Human Dignity and Bioethics*, 176.

42 Meilaender, *Neither Beast Nor God,* 25.

43 Ibid., 26.

44 Jürgen Moltmann, *On Human Dignity: Political Theology and Ethics*, Introduction and trans. M. Douglas Meeks (Philadelphia: Fortress, 1984), 25.

45 James Luther Mays, "The Self in the Psalms and the Image of God," in *God and Human Dignity*, 33.

46 David Gelernter, "The Irreducibly Religious Character of Human Dignity," in *Human Dignity and Bioethics*, 395.

47 Meilaender, *Neither Beast Nor God,* 18.

48 Ibid., 95.

49 Moltmann, *On Human Dignity*, 11, 23.

50 C. Clifton Black, "God's Promise for Humanity in the New Testament," in *God and Human Dignity*, 180.

51 Hans Reinders, "Human Dignity in the Absence of Agency," in *God and Human Dignity*, 123.

52 Don Browning, "Human Dignity, Human Complexity, and Human Goods" in *God and Human Dignity*, 300.

53 Kateb, *Human Dignity*, 160, 169, 173.

54 Watts, "Human Dignity," 249.

55 Soulen and Woodhead, "Introduction," 19.

56 Meilaender, *Neither Beast Nor God*, 96.

57 Ibid., 99. Cf. Meilaender, "Human Dignity," 266.

58 Lawler, "Commentary on Meilaender and Dennett," 279.

59 Helmut Thielicke, *Theological Ethics: Volume 1: Foundations*, William H. Lazareth, ed. (Philadelphia: Fortress Press, 1966), 151-152.

60 Linda Woodhead, "Apophatic Anthropology," in *God and Human Dignity,* 234.

61 Soulen and Woodhead, "Introduction," 6.

62 Meilaender, *Neither Beast Nor God,* 18.

63 Ibid., 95.

64 Watts, "Human Dignity," 251.

65 Reinders, "Human Dignity in the Absence of Agency," 123.

66 Soulen and Woodhead, "Introduction," 9.

67 Meilaender, *Neither Beast Nor God,* 82.

68 Soulen and Woodhead, "Introduction," 2.

69 Watts, "Human Dignity," 255.

70 Gelenter, "The Irreducibly Religious Character of Human Dignity," 388.

71 Richard John Neuhaus, "Human Dignity and Public Discourse," in *Human Dignity and Bioethics*, 217.

72 Nussbaum, "Human Dignity and Political Entitlements," 377.

73 Christoph Schwöbel, "Recovering Human Dignity," in *God and Human Dignity,* 53.

74 Patrick Lee and Robert George, "The Nature and Basis of Human Dignity," in *Human Dignity and Bioethics*, 412-416.

75 Lawler, "Commentary on Meilaender and Dennett," 283.

76 Bloch, *Natural Law and Human Dignity*, xi; See also Kass, "Defending Human Dignity," 317-318. However in *The Beginning of Wisdom*, Kass sees humans, created in God's image, as sharing characteristics of God, yet existing between beasts and God. For Kass, humans are not good but must become good. In this text Kass doesn't link dignity with rights as he does in his later works. Leon Kass, *The Beginning of Wisdom: Reading Genesis* (New York: Free Press, 2003), 36-40.

77 Moltmann, *On Human Dignity*, 9

78 Ibid., 23, 35. See also Mays, "The Self in the Psalms and the Image of God," 36-37.

79 Sulmasy, "Dignity and Bioethics" 485.

80 Soulen and Woodhead, "Introduction," 15.

81 Rubin, "Human Dignity and the Future of Man," 157.

82 Lawler, "Commentary on Meilaender and Dennett," 250.

83 R. Kendall Soulen, "Cruising Toward Bethlehem: Human Dignity and the New Eugenics," in *God and Human Dignity*,104.

84 Kass, "Defending Human Dignity," 297.

85 Bostrom, "Dignity and Enhancement," 183-185.

86 Ibid.

87 Reinders, "Human Dignity in the Absence of Agency," 123

88 Ibid., 138-139

89 Elaine L. Graham, "The "End" of the Human or the End of the "Human," in *God and Human Dignity*, 263-265.

90 M. Douglas Meeks, "Introduction" in *On Human Dignity*, x.

91 Ibid., ix.

92 Soulen, "Introduction," 22.

93 Meilaender, "Human Dignity," 255.

94 Nussbaum, "Human Dignity and Political Entitlements," 351.

TOP BIOETHICS STORIES: JUNE-AUGUST 2012 EDITION

BY HEATHER ZEIGER, MS, MA
RESEARCH ANALYST

"**Gruesome Photos Put Spotlight on China's One-Child Policy**" by Bo Gu, *NBC News*, June 14, 2012.

> Feng Jianmei, 22 years old and seven months pregnant, was dragged out of her relative's home, carried and shoved into a van that headed straight to a hospital on June 2. . . . Thirty hours later, on the morning June 4, she gave birth to a dead baby girl. (http://tinyurl.com/ca2bbyu)

Many people are aware that China has a one-child policy for urban residents and a two-child policy for rural residents whose first child is a girl. It was not until this story about Feng Jianmei broke, however, that many realized how China enforces these family planning policies. Feng is shown lying next to her dead baby after being kidnapped and forced to undergo a late-term abortion against her will.

"**Baby Contest: Couples Compete for Free IVF – Is this Exploitation or Generosity?**" by Bonnie Rochman, *Time*, June 19, 2012.

> The Sher Fertility Institute selected three couples out of 45 who had submitted personal, emotionally wrenching videos in order to win a free IVF cycle. For one judge, choosing her favorites felt like 'playing God'. (http://tinyurl.com/83grv6j)

The Sher Fertility Institute hosted a contest in which its judges selected three winners from among forty-five submitted videos. The winners would receive a free IVF cycle, and the Sher Fertility Institute received plenty of publicity. However, the ethics of the contest have been hotly debated, particularly in light of the fact that, once finalists were selected, the contest moved to Facebook, where "the chance to make a baby for free came down to a social-media popularity contest."

"**Supreme Court Upholds Health Care Law, 5-4, in Victory for Obama**" by Adam Liptak, *New York Times*, June 28, 2012.

> The Supreme Court on Thursday upheld President Obama's health care overhaul law, saying its requirement that most Americans obtain insurance or pay a penalty was authorized by Congress's power to levy taxes. The vote was 5 to 4, with Chief Justice John G. Roberts Jr. joining the court's four more liberal members. (http://tinyurl.com/af6ytjt)

In what was deemed a landmark Supreme Court case, *National Federation of Independent Businesses v. Sebelius, Secretary of Health and Human Services, et al.*, otherwise known as the Affordable Care Act case, upheld the provisions within the Act requiring individuals to purchase health insurance or risk being fined. In a 5-4 vote, with Chief Justice Roberts as the surprising swing vote, the Court justified the individual mandate by identifying it as a type of tax. The Court did not consider the individual mandate as falling under Congress's authority to regulate interstate commerce, and the Court did not uphold the Act's Medicaid expansion.

"**From a Vial of Mom's Blood, a Fetus' Entire Genome**" by Sharon Begley, *Reuters*, July 4, 2012.

> For the second time in a month, scientists have announced that a simple blood test, rather than more invasive tests such as amniocentesis, can determine a fetus's genetic make-up, identifying mutations causing any of about 3,000 inherited disorders that arise from a glitch in a single gene, such as cystic fibrosis. (http://tinyurl.com/axsf5d6)

A new technique for prenatal genetic testing, currently in trial stages, would allow doctors to determine a baby's genetic makeup without having to do a risky amniocentesis or chorionic villus sampling. This technique requires only a blood sample from the mother. From this single sample, the doctor and mother can obtain genetic information on thousands of inherited diseases at twelve-to-thirteen weeks, rather than fifteen-to-eighteen weeks with amniocentesis. This technique raises questions regarding accuracy of genetic information and ethics of terminating a pregnancy based on that information.

"**Start-up Attempts to Convert Prof Hawking's Brainwaves into Speech**" *BBC*, July 6, 2012.

> An American scientist is to unveil details of work on the brain patterns of Prof Stephen Hawking which he says could help safeguard the physicist's ability to communicate. (http://tinyurl.com/ct79mgv)

Stephen Hawking was first diagnosed with ALS in 1963, and since then his ability to control his body has degraded while his mental capacities have remained intact. Hawking has been able to communicate through an infrared sensor in his glasses that detects small movements in his cheek, but his ability to communicate has also gradually diminished. Some ALS patients eventually enter a type of locked-in state in which they are no longer able to communicate at all. Now a team is developing a device, the iBrain, which can record brain wave activity through EEG technology. The iBrain may allow someone with no motor abilities to communicate, but it also raises questions about cybernetics and privacy.

"**Performance Enhancement: Superhuman Athletes**" by Helen Thompson, *Nature*, vol. 487, issue 7407, July 18, 2012.

> Science alone cannot resolve the ethical conundrum presented by this debate. But it can shed light on the purely technical question: if performance-enhancing techniques were allowed, how far could the human body go? (http://tinyurl.com/czghfqp)

The summer Olympics are notorious for sparking debate and controversy over enhancement, particularly drug enhancement. However, new

technologies pose questions of mechanical and physiological enhancement as well. Technologies such as ligament replacement therapy, Oscar Pistorius' prosthetic blades, and prospective "gene doping" all raise questions as to how to maintain fairness in sports and whether regulations should be tightened or more technologies allowed.

"**FDA Claims over Stem Cells Upheld**" by David Cyranoski, *Nature*, vol. 488, Issue 7409, July 27, 2012.

> A court decision on July 23, 2012 could help to tame the largely unregulated field of adult stem-cell treatments. The US District Court in Washington DC affirmed the right of the Food and Drug Administration (FDA) to regulate therapies made from a patient's own processed stem cells. The case hinged on whether the court agreed with the FDA that such stem cells are drugs. (http://tinyurl.com/aghg3a5)

Stem cell therapies have been largely unregulated in the U.S. because of their ambiguous classification as a type of drug, technique, or alternative medicine. Furthermore, the stem cell therapies in question involve taking a patient's own bone marrow and using it in the same patient to treat joint pain. Now, after hearing a case brought by the FDA against Regenerative Sciences (Broomfield, CO), the U.S. District Court has ruled that stem cell treatments must follow the regulatory standards set by the FDA, as the stem cells are sufficiently adulterated to be considered a biological drug product.

"**Whooping Cough Vaccine too Weak to Protect against Disease?**" by Lara Salahi, *ABC News*, July 31, 2012.

> The Diphtheria, Tetanus, acellular Pertussis (DTaP) vaccine for children has not been as effective in protecting against whooping cough as the older version that was available nearly two decades ago, according to a study published today in the Journal of the American Medical Association. (http://tinyurl.com/abvo7ag)

Whooping cough has made a comeback lately, and doctors say part of the reason may be a safer, newer version of the pertussis vaccine. The newer vaccine, used since the 1990s, has fewer side-effects and is thought to be safer than the original pertussis vaccine. It does not, however, have the same longevity; children need to receive a booster shot at twelve years old. Most of the cases of whooping cough in this particular case are in children who received the vaccine but not the subsequent booster.

"**Many Egg-donor Recruiters Ignore Ethical Standards**" *Fox News*, August 10, 2012.

> A sizable share of the U.S. organizations recruiting egg donors online don't adhere to ethical guidelines, including failing to warn of the risks of the procedure and offering extra payment for traits like good looks, according to a U.S. study. (http://tinyurl.com/aracacs)

A study in the journal *Fertility and Sterility* brought to light what many have suspected for years: there is a problematic lack of regulation in the egg-donor industry. While the American Society for Reproductive Medicine (ASRM) does have guidelines, including a minimum donor age of 21 and a discouragement of monetary compensation for physical or mental features, it has no power to enforce these standards on non-member organizations. Most of the websites in the study did not follow ASRM's guidelines. Many were IVF clinics or agencies that connect women to IVF clinics.

"**Court Reaffirms Right of Myriad Genetics to Patent Genes**" *New York Times*, August 16, 2012.

> A panel of the United States Court of Appeals for the Federal Circuit upheld Myriad's right to patent "isolated" genes known as BRCA1 and BRCA2, which account for most inherited forms of breast and ovarian cancer. (http://tinyurl.com/beky4de)

Myriad Genetics applied for patents on the genes BRCA1 and BRCA2, as well as its methods for comparing and analyzing DNA sequences. The Court granted the patent on the genes, which are known markers for risk of breast cancer, but denied the patent on the methods for analyzing DNA sequences. The case was brought by the ACLU, which argued that patenting genes violates First Amendment rights as well as patent laws because genes are a "product of nature."

EVENTS

Research Library

CBHD hosted Trinity International University's Rolfing library staff in mid-Sptember for an information session on CBHD and an introduction to our bioethics research library. Paige and Michael shared about renovations, the vision for our research library, and information about the collection, as well as basic information about the work of the Center and our various electronic resources.

Collaboration

Just prior to our annual summer conference proceedings, CBHD hosted the ethics committee of the Christian Medical and Dental Associations. While the Center annually hosts this committee in the Fall, this was the first time that they joined us in conjunction with our annual summer conference. During the conference, CBHD hosted a meeting of several individuals from the Commission for Reproductive Health Service Standards.

Also during the conference the Center hosted the meetings surrounding two of our initiatives. The first was the third annual meeting of our Healthcare Ethics Council (HEC) which is intended to draw together healthcare professions across the broad spectrum of disciplinary training, extending from the broad clinical/medical community on to the chaplaincy and hospital administrators. Additionally, the Center hosted an information session on a newly forming community, HER Dignity Network related to our initiative on global women's health.

MEDIA RESOURCES

CBHD.org on Twitter: @bioethicscenter

Bioethics.com on Twitter: @bioethicsdotcom

The Bioethics Podcast at thebioethicspodcast.com

Facebook Cause at causes.com/cbhd

Facebook Page at facebook.com/bioethicscenter

Linked-In Group at linkd.in/thecbhd

YouTube at youtube.com/bioethicscenter

The Christian BioWiki www.christianbiowiki.org

STAFF

PAIGE CUNNINGHAM, JD

- In July, Paige was interviewed by Melinda Schmidt from Moody Radio's Midday Connection for their new podcast series *Bring to Mind* to air sometime in the Winter.
- Delivered the inaugural plenary at the annual summer conference, "*Reclaiming Her Dignity: From Commodification to Community.*"
- Guest lectured on beginning-of-life issues in the Intensive Bioethics Institute.

HANS MADUEME, MD, PHD

- Published a review essay: "Some Reflections on Enns and The Evolution of Adam: A Review Essay," *Themelios* 37/2 (2012): 275-86
- Hans gave a lecture at L'Abri: "Evangelicals Debating Adam: The Musings of a Theologian," L'Abri Fellowship Friday Lecture in Rochester, MN.
- In June successfully defended his dissertation and graduated from Trinity Evangelical Divinity School with his PhD in Theological Studies.
- In July started as assistant professor of theological studies at Covenant College in Lookout Mountain, Georgia.
- In July delivered a combined session lecture on "The Use of Scripture in Christian Bioethics" for the Center's preconference courses.

MICHAEL SLEASMAN, PHD

- In July, Mike was interviewed by Melinda Schmidt for *Bring to Mind* which aired later in the Fall. The interview on technology and the Christian life of the mind was the inaugural episode launching the new podcast.
- Opened and closed the annual summer conference with sessions titled, "*Framing the Discussion*" and "*Reframing the Discussion*"
- Taught the Advanced Bioethics Institute and guest lectured in the Intensive Bioethics Institute on "Competing Approaches to Bioethics" and the Undergraduate Bioethics Institute on "Research Ethics."
- Interviewed in August by Lianne Laurence from the Society to Explore and Record Christian History on "Biotechnology and Christian Thought" as part of background research for a section in the 12th volume of their Christian History Series.

MICHELLE KIRTLEY, PHD

- Spoke in August during a panel discussion on "Dignity" at the Faith in Law: Great Objectives Gathering.

STAFF TRANSITIONS

- Last issue we mentioned several transitions over the summer in our part-time staff. In the late summer and early fall the Center welcomed a few new individuals in part-time roles: Joel Chopp (Research Assistant); Jessica Wilson, MDiv (Research Analyst); and Heather Zeiger, MS, MA (Research Analyst).
- In addition the following transitioned into new roles with CBHD: Michelle Kirtley, PhD (Bioethics & Public Policy Analyst) and Hans Madueme, MD, PhD (Research Associate)

ON THE CBHD BOOKSHELF

ARTICLES OF NOTE: **For those interested in knowing what books and articles the Center staff have been reading**

- Chapman, Audrey, and Courtney Scala. "Evaluating the First-in-Human Clinical Trial of a Human Embryonic Stem Cell-Based Therapy." *Kennedy Institute of Ethics Journal* 22, no. 3 (2012): 243-261.
- Cherry, James. "Epidemic Pertussis in 2012 – The Resurgence of a Vaccine-Preventable Disease." *New England Journal of Medicine* 367, no. 9 (2012): 785-787.
- Constable, Robert. "Catholic Social Teaching and the Ethics of Care." *Social Work & Christianity* 39, no. 2 (2012): 151-171.
- Cramer, David. "Recovering the Christian Practice of Dying: A Response to Stanley Hauerwas' "Finite Care in a World of Infinite Need."" *Christian Scholars Review* 41, no. 4 (2012): 357-366.
- Elliott, Carl. "Justice for Injured Research Subjects." *New England Journal of Medicine* 367, no. 1 (2012): 6-8.

COMING SOON: UPDATE ON "THEOLOGY AND ETHICS AND SYNTHETIC GAMETES" CONSULTATION