

Respecting dignity: A fundamental element of the ethical being's existence

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Abstract

Human dignity is a pivotal concept in contemporary ethical, political, and legal discourse. However, divergent and sometimes conflicting interpretations of human dignity contribute to confusion across various discussions. Given that all human beings possess inherent moral potential, each individual is endowed with universal dignity. The extent to which people develop their moral potential varies.

Discussing an individual's dignity, as in other medical specialties, cannot be separated from forensic medicine as a distinct medical discipline. In conclusion, the authors assert that establishing medical facts, or the truth ascertained through expert examination, serves justice by ensuring dignified treatment of the deceased, their family, and relatives.

Key words: dignity, ethics, forensic medicine, human remains

Introduction

When we contemplate and discuss the role of human dignity - not only within bioethics, but especially therein - a notable deficiency emerges due to the dual roles that are fundamental to this concept: the first being a comprehensive principle in politics (regrettably, all too prevalent in contemporary discourse) and the second, a moral standard in the care for another being.

In daily life, the notion of dignity is most often linked to patient care, thus associating it primarily with the medical field (Jacelon, 2003; Lindwall and Lohne, 2021; Rylance, 1999). However, this is a simplified and limited perspective that does not facilitate the practical application of respecting dignity. It should be clarified that neither politics nor the exclusive application in medicine can fully

elucidate this complex ethical element, which is intimately connected to the psychological architecture of each individual.

The importance of dignity as a standard for patient care, illustrated through specific examples, has been proposed by Jonathan Mann (1998) and other scholars. These examples aim to provide guidance on the taxonomies of dignity (Jacobson, 2009).

In the course of the last few decades, the definition of 'human dignity' has been at the forefront of intense debates regarding its role in bioethics, particularly in political documents addressing biomedical issues (Hayry, 2004; Macklin, 2003; Winter and Winter, 2018). This concept serves as the foundation of the international human rights framework established following World War II and, more recently, as the basis for international documents related to bioethics adopted by intergovernmental organizations such

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as the UN, UNESCO, and the Council of Europe (Andorno, 2013). It is erroneous to dichotomize the application of dignity into 'improper' (as a general principle) and "proper" (as a specific vision for patient care). Objectively, there is no inherent conflict between these two perspectives on human dignity. Instead, they can be viewed as complementary expressions of the broadly accepted belief that all human beings possess equal and innate value (Capron, 2003).

After 1945, the entire international system, as well as the legal frameworks of democratic countries, have been founded on the premise that individuals inherently possess dignity and, therefore, "hold" fundamental rights. In contemporary political theory, the *raison d'être* of the state is precisely to promote and ensure respect for dignity and rights. This presupposes that legal norms do not conjure human rights from nothing; rather, human rights are not whimsical creations of legislators. Instead, individual states and the international community are morally obligated to recognize that all people are entitled to fundamental rights, emanating from the dignity inherent in every human being. This premise underpins the Universal Declaration of Human Rights, which asserts that "Everyone has the right to recognition everywhere as a person before the law" (Article 6). Notably, legal systems portray the concept of "human dignity" not merely as a metaphysical hypothesis or legal fiction but as an essential foundation for the equitable functioning of human society (Andorno, 2013). All human beings indeed merit unconditional respect, irrespective of age, gender, physical or mental abilities, ethnic origin, religion, skin color, political beliefs, socioeconomic status, or any other condition or circumstance. It is essential to underline that the notion of intrinsic human dignity is not solely predicated on the biological fact of belonging to the species *Homo sapiens*. Contrarily, it is based on the incontrovertible reality that a human being is an entity capable of comprehension, self-awareness, love, self-determination through judgment and choice, and expression through art, among others. These extraordinary abilities distinctly differentiate humans as a species from all other known beings (even if these capacities are not currently present in all individuals, or not equally), rendering every human being absolutely unique, invaluable, and irreplaceable. Should other entities exist in the universe, they, too, would possess inherent dignity (Sulmasy, 2007). The articulation of human dignity and its defining, embodying the fundamental demand for justice for every individual, suggests that "every person has an inviolability founded on justice that even the welfare of society as a whole cannot override" (Rawls, 1973). International law offers valuable insights for understanding the concept of dignity by firstly affirming that dignity is "inherent... to all members of the human family" (UDHR, Preamble), secondly, that all human beings are "free and equal in dignity and rights" (UDHR, Article 1), and thirdly, "these rights arise from the inherent dignity of the human person", International Covenant on political and civil rights

(ICCPR, 1976) and International Covenant on Economic, Social and Cultural Rights, Preambles, (ICESR, 1976). This last declaration is particularly pivotal: if fundamental rights are rooted in the intrinsic value of every human being, and not merely the capricious decisions of legislators or the international community, then they cannot be revoked by any authority. If the entire international legal framework for human rights is based on the concept of human dignity, the increasingly explicit and widespread invocation of this term is indeed remarkable.

The joint appeal to human dignity and rights is manifest in the three UNESCO declarations related to bioethics: the Universal Declaration on the Human Genome and Human Rights (UN, 1997), the International Declaration on Human Genetic Data (UNESCO, 2003), and the Universal Declaration on Bioethics and Human Rights (UNESCO, 2005). Dignity, as it pertains to living individuals, holds the same significance for human remains, with a prevalence of legal and medical texts regulating the handling of the deceased.

The dignity of the corpse

When discussing the dignity of an individual, as in other areas of medicine, we cannot separate it from forensic medicine as a distinct specialty within the medical field. Defining the dignity of a living individual is inherently challenging; this task becomes even more complex when applied to human corpses. The complexity is further amplified by the contentious debate over the possibility and nature of harm that can be inflicted upon a deceased person (Caswell and Turner, 2021; Harris, 2013; Kaufman, 2014; Taylor, 2014). It would not be ethically acceptable for work in the forensic medicine specialty to be detached from the undoubtedly necessary ethical approach (Imogen, 2023; Matejic and Otasevic, 2010). When conducting autopsies, forensic doctors are professionally engaged in what is perceived as a moral challenge (Munch et al., 2024). This applies to all aspects of forensic medicine, ranging from examining bodily injuries and assessing potentially harmed individuals in cases of physical contact, sexual abuse, to expert evaluations in various types of legal cases, and autopsies of deceased individuals. The most sensitive aspect for the "public", undoubtedly, are the autopsies of bodies. For those who are not medically literate and are influenced by external factors, without a deep understanding of the subject, autopsies can be deemed unacceptable. This attitude often leads to autopsies being falsely and ignorantly criticized and rejected, under the guise of quasi-religious or customary views, which are essential for any intelligent person with a reasonable perspective on the needs of the judiciary, medicine, and particularly the needs of families. We must not forget that in the majority of cases, considering the time elapsed from a distressing event to the performance of an autopsy, everything unfolds under conditions of high emotional

turbulence among the deceased's relatives. The questions raised by the deceased's relatives during the autopsy demand thorough explanations, a calming of tensions, and focused professional work that will inevitably lead to the truth. Uncovering the truth about incidents related to the body reflects the respect for the individual's dignity, as truth in every aspect of daily life is a dominant factor in respecting the dignity of a human being. When referring to a human being, we consider the individual regardless of their socioeconomic status, level of intelligence, medical condition, and their status in society. In short, every individual possesses dignity that must be respected, and under no circumstances should this dignity be violated (Benaroyo, 2004; Hervé, 2017).

Attacking an object of high symbolic value reveals a lack of respect for its worth. This same argument applies when "addressing" the human corpse, which for many holds significant symbolic value. Primarily, a corpse clearly represents and symbolizes the deceased individual to whom the body belonged. On the other hand, the dignity of the body, before any scientific approach, may symbolically be violated through the desecration of the corpse. History is replete with instances where the body of a deceased enemy was desecrated to humiliate the deceased person. A classic example is the murder of Cicero, whose body was publicly mutilated and displayed in the Roman Forum. As Michael Rosen has observed, "one of the characteristics of the most violent and destructive acts of the 20th century was the humiliation and symbolic degradation of the victims" (Rosen, 2012).

Working with the deceased is a highly specific type of work. Although legislators and the broader public demand dignified treatment of corpses, the legal status of the corpse is not uncontested, nor is it clear what constitutes dignified treatment of the deceased. Our view is that the rules for performing autopsies and the autopsy techniques, which will enable the goals of the autopsy to be achieved, are part, as in any profession, of the fundamental elements for the undeniable respect for the dignity of the corpse. We pose the crucial question: would refraining from performing an autopsy and leaving the case unresolved preserve dignity more than revealing the truth? In our opinion, preserving the dignity of the corpse is achieved solely through the truth communicated to those who were not only formally and legally but also emotionally closest to the deceased, as long as their memory of them lives on.

According to Holczabek (1998), it is likely understandable to everyone that the human corpse is relegated to the background, but the deceased is afforded the full knowledge and skills of the physician. On one hand, this argument aligns with philosophical positions advocating for dignified or respectful treatment of human corpses, serving the interests of the deceased person. On the other hand, it is noticeable that doctors in inappropriate working conditions view this as an intrusion on the dignified treatment of human bodies (Dees, 2019). In Schwarz's (2021) study, an online survey was conducted,

showing that 84.54% of physicians and 100% of autopsy technicians stated that considerations of the deceased's dignity should play a role in everyday autopsies. In the same study, 45.87% expressed that conditions surrounding the autopsy need to be improved to ensure an ethically appropriate treatment of the corpse. However, we must acknowledge that it is not always feasible to focus on the environment where the case is analyzed, especially when the case demands swift action regardless of the conditions. In our opinion, resolving the case contributes more to preserving the body's dignity than the loss of time in finding somewhat dignified or "dignified" working conditions. To be more precise, resolving the case should take precedence, even over the dignity of the corpse, compared to the working conditions. The question of performing autopsies under institutional conditions is another matter, but it is beyond the scope of this paper.

Conclusion

Establishing medical facts, or rather, the truth determined through expertise, serves justice and benefits medicine by treating the dead body, its family, and relatives with dignity. Emotions should be within normal limits, but the application of the rules and skills contained in forensic medicine, namely the autopsy, should be conducted according to the established autopsy protocols. Ultimately, we may conclude that resolving the case is a *conditio sine qua non* for preserving the dignity of the corpse.

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Резиме

Почитување на дигнитетот - основен елемент на постоењето на етичкото суштество

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Клучни зборови: дигнитет, етика, форензична медицина, човечки труп

Човечкото достоинство е клучен концепт во современите етички, политички и правни студии. Меѓутоа, луѓето имаат различни, дури и спротивни сфаќања за човечкото достоинство, што предизвикува конфузија во различните дискурси. Бидејќи сите човечки суштества имаат морален потенцијал, секој поседува универзално достоинство. Различни луѓе го развиваат својот морален потенцијал во различни размери.

Кога зборуваме за достоинство на личноста како во другите специјалности на медицината, така не можеме да го одвоиме ниту од судската медицина како посебна специјалност во медицината. Во заклучокот, авторите наведуваат дека утврдувањето на медицинските факти, односно вистината утврдена со вештачење, се користи во служба на правдата со достоинствено однесување кон мртвото тело, неговото семејство и роднини.

