

OPINION**DIGNITY, REGENERATIVE IDEA**

* *Deepa Kansra*

AN ATTEMPT to understand the role of dignity in human rights is worthwhile and challenging. Popularly referred to as a “constitutional principle”, “moral precept”, or a “supreme virtue”, dignity has allowed legal systems to adopt evolutionary and impactful practices concerning the welfare of human beings. Defined also as the precursor and basis to the various human rights defined and adopted, dignity continues to facilitate the integration of diverse interests and stakeholders within the framework of human rights thought and practice. By embracing several values and interests, dignity has reached out to protect-preserve-provide for the worth of human beings as well those that cease to be or are not human beings. This introduces a student of human rights to expressions like “interspecies dignity”, “intergenerational dignity”, “trans human dignity”, and “posthumous dignity”, which are all opening the door for a new consciousness in the field of human rights. The proliferating interests of the non-human entities in the form of territorial sovereignty for animals, privacy of the deceased, rights for the dead to be found in case of war/conflict *etc.*, have been attached with an undeniable quality as that is readily found in the understanding of dignity of human beings. In the wake of such developments, there appears a strong sense of regeneration of dignity as a foundational principle, leaving the earlier formulations of personhood, sentience, capacity, and worth into disenchantment.

The fact of regeneration can be seen through the idea of posthumous dignity or dignity of the dead. Embarking yet again on the notions of human agency, human capacity, and rights of persons, the ever increasing claims and stakeholders in this area are altering the manner in which one understands human rights. The conundrum over whether the dead have rights or not is not precluding the issue from being of seminal importance in the study of human rights. With there being in existence social allegiance towards honoring the dead (body, will, and reputation) through social convention and the law, the initiation towards addressing newer interests and

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constructing rights and duties for the same is significant. Culminating in expressions such as rights of “past generations”, or rights of the “predecessors”, or rights of the “unidentified/missing”, several entities across the globe such as families, states, international tribunals have emerged as stakeholders in the recognition or preservation of the dignity of the dead. The realm of the dead appears to be having great significance on matters economic, social, cultural, and political. On the theoretical plane, the concerns over the dead generate interest in understanding, yet again, the essence of “life form” or “existence” beyond the realm of the physical body. In many ways, posthumous dignity appears to be taking human rights in a direction that establishes the intricate and undeniable relationship human life has with all of that ceases to be human or is not human. The initiations in this regard have manifested in declarations, resolutions, claims, and legal norms under the rights framework.

Another expression that validates the regeneration is trans- human dignity. In the field of bioethics, engaging with the issues of ethics, medicine, and law is a field writ large of developments which brings one closer to the consideration of the role of dignity as a benchmark-standard to determine decision making and practice. From a massive pool of diverse considerations like that of cloning, gene intervention, cognitive-physical enhancements, use of assisted reproductive techniques *etc.*, the objective of scientific research, the role of scientists and other stake holders has often been seen under the purview of norms like that of human dignity, and duties towards humanity/future generations. The question that arises is whether dignity facilitates an easy consideration of such issues? Does dignity mutate itself while being used to determine the use of technology to alter life form or the characteristics of the future generations? Can there be an inherent claim to human enhancement- cognitive/physical as a means to facilitate or enhance human dignity? Can there be a better/higher dignity of human beings with the use of bio-medical technology? The interface between bioethics and human rights evidently places the concept of dignity at a platform where it needs to accommodate the interest of humanity and stakeholders in this idea of life beyond form.

It is through the prism of escalating diverse interests, dignity reflects a distinct reflection of life and existence. While seeing all life forms as an intricate web of relationships, it's enriching to accept that human beings are not the only form identified as “life”, “natural”, “existence”, or “worthy”.