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METAHUMANIST POLITICS AND THREE TYPES OF FREEDOM

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Abstract

In this article I put forward some guidelines concerning the question: What is the best way of dealing with the norm of 'freedom' concerning questions of genetic enhancement? I wish to defend that a pragmatic hermeneutic approach which argues by means of analogies represents a more plausible way of responding to the various challenges in question than either a libertarian or a liberal social democratic one. Thereby, I focus on the topic of genetic enhancement, because it touches and challenges the most fundamental believes of human beings and it seems to me that it will be the topic which will be of particular relevance to law makers, ethicists, and philosophers for many years to come.

Keywords: Enhancement, genetic, liberalism, libertarianism, freedom

1. Introduction

I progress as follows. Firstly, I describe four different types of genetic enhancement, structurally analogous procedures with which we are already familiar, because I think analogies are an important tool for handling the ethics of emerging technologies, and the various, corresponding types of freedom. Secondly, I refer to two paradigmatic types of bioliberal positions and discuss some challenges they have to face so that a range of options, how to deal with moral questions concerning genetic enhancement in a liberal society, are being revealed. The paradigmatic positions are being represented well by John Harris [1], who can get classified as libertarian, and James Hughes [2], who upholds a liberal social democratic position. Thirdly, I present some outlines of a pragmatic hermeneutic approach concerning how to react to the challenges mentioned before, whereby I suggest a method of dealing with the moral challenges we have to face when we get confronted with problems related to new technologies of genetic enhancement.

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2. Genetic enhancement and three types of freedom

The following list of four types of genetic enhancement starts with measures which concern primarily ones own self and ends with measures which concern primarily ones children. Due to the different scope of who gets affected by the various genetic enhancement technologies, different ethical reflections become relevant. Basically, one can distinguish between autonomous and heteronomous versions of genetic enhancement. Concerning the autonomous versions, I will mention some differences which need to be considered when somatic and germ cells get altered. Concerning the heteronomous options, I will distinguish between technologies of genetic enhancement which focus of selecting and others which focus on altering an already given genetic makeup.

2.1. Autonomous types of genetic enhancement

Autonomous variants of genetic enhancement occur, when an adult wishes to change his genetic makeup which has successfully been done already, e.g. early in 2007, when Robert Johnson, who suffered from Leber's congenital amaurosis, was successfully treated at Moorfields Eye Hospital and University College London's Institute of Ophthalmology without any apparent side affects [3]. Transduction is one means of having altered ones own genetic makeup. It occurs when a gene gets altered by means of a modified virus which permanently (or temporarily) alters the genetic sequence of all cells. Thereby, the modified virus gradually changes the gene in question in all body cells. If the procedure thus changes a gene of a somatic cell, e.g. a diploid cell, then we have a case of genetic enhancement which primarily affects the person in question. As the altered cell is a somatic cell and not a germ cell, e.g. a haploid cell, the altered sequence does not get passed on to the person's children. In this context the first type of freedom becomes relevant.

2.1.1. Morphological freedom concerning ones somatic cells

So far, these types of treatment have only been done for therapeutic ends. However, it is a matter of dispute whether there is a clear cut distinction between a therapy and an enhancement and there are good reasons for rejecting such a distinction [4]. In any case, given the related methods of genetic enhancement become more reliable and the risk of side effects get reduced and it seems to be highly likely that the developments move into this direction, we will be faced with the question of whether such enhancements ought be legal or not.

Given that morphological freedom [5] or the right to alter ones own body is an important right in liberal societies and somatic cells are a part of ones own body, it is plausible to hold that we also ought be permitted to have morphological freedom concerning ones somatic cells by means of genetic enhancement procedures. Given that genetic alterations do not only concern ones

somatic cells but also ones germ cells, the issue gets more complicated, because it does not only concern ones own self but also that of ones offspring.

2.1.2. Morphological freedom concerning ones germ cells

Altering ones germ cells is an interesting case, because it involves ones own cells, i.e. ones germ cells, but it primarily affects others, i.e. ones offspring. As germ cells here are the cells of an adult, it can be seen such that the right to alter ones germ cells still falls under the norm of morphological freedom. Do I not have the right to alter my own germ cells, even though they might no longer be within my body but might already exist in vitro? Of course, germ line genetic enhancement, i.e. the genetic alteration of gametes or haploid cells, does not work yet, but if it worked, it would change the genetic makeup of all of a person's offspring.

In this case, it can get argued analogously to the first case. However, the issue gets more complicated, if the germ cells are no longer within ones body but outside of it. In this case, it might be more appropriate to talk about the freedom to alter what one owns instead of morphological freedom. This type of freedom is more limited than morphological freedom, however, because external things might also concern other people more than ones own body. There are limitations to what one is allowed to do with ones house.

The issue becomes even more complicated when we are dealing with heteronomous types of genetic enhancement, e.g. when the person to be enhanced is not ones adult self, but is ones offspring. In the case of germ line enhancement, we already have a special case which can be understood as lying in between an autonomous and a heteronomous version of genetic enhancement. However, in the case of heteronomous genetic enhancement adults make decisions about their offspring.

2.2. Heteronomous types of genetic enhancement

To make a decision for someone else, which influences their genetic makeup, is a far reaching decision. When discussing heteronomous types of genetic enhancement two paradigmatically different types need to be distinguished. They have been alluded to by Savulescu [6], but the impact of their distinctness has not been sufficiently considered, as two categorically different types of freedom become relevant in these two cases. In the first case, a specific already given genetic makeup is being selected. In the second case, an already present genetic makeup is being altered. I begin with the first option.

2.2.1. Selecting a genetic makeup

In 2011, there have been intensive political discussions in Germany concerning the ethical legitimacy of preimplantation genetic diagnosis (PGD), and it was decided that in certain very specific cases when grave diseases are

predicted, the selection procedure is supposed to be morally and legally legitimate. It is a move into the right direction, I think. What happens during this type of enhancement? Firstly, an in-vitro-fertilisation has to take place, then one or two cells from a fertilised egg get taken and their genetic make up gets analysed. On the basis of the analysis, the parents can decide whether the respective fertilised egg can get implanted or not. The parents do not actively influence or put together a genetic makeup, but merely have the possibility of choosing some genetic options among a great variety of genetic variants, given that many eggs were fertilised, as it is being done in the UK. Selecting a fertilised egg after an in-vitro-fertilisation and PGD is a procedure which differs significantly from the process of actually changing a gene or maybe even actually creating a complete genetic makeup concerning its morally relevant aspects. Which type of freedom becomes important in this context? I think procreative freedom is what is at issue here, and procreative freedom is also what is at issue when we select a sex partner with whom we wish to have offspring. I also hold that we have reasons to believe that there is a structural analogy between selecting ones partner in order to bring about a child and selecting a fertilized egg after an in vitro fertilization. In how far are these two procedures analogous? (The following passages were integrated from a former publication of mine [7].)

By choosing a partner with whom one wishes to have offspring, one thereby implicitly also determines the genetic makeup of ones kids, as 50 per cent of their genes come from ones partner, and the other 50 per cent from oneself. By selecting a fertilised egg, one also determines 100 per cent of the genetic makeup by means of selection.

One objection, which might be raised here, is that selecting a fertilised egg cell is a conscious procedure but normally one does not choose a partner according to their genetic makeup such that one has specific genes for ones child. However, it can get replied that our evolutionary heritage might be more effective during the selection procedure of a partner than we consciously wish to acknowledge. In addition, the qualities according to which we choose a fertilised egg after a PGD might not have been chosen as consciously as we wish to believe, but might be influenced more on the basis of our unconscious organic setup than we wish to acknowledge. It might even be the case, that the standards for choosing a partner and for choosing a fertilised egg might both be strongly influenced by our organic makeup and evolutionary heritage such that both are extremely similar.

A difference between these two selection procedures is surely that in the one case, one selects a specific entity, a fertilised egg, but in the other case a partner and therefore only a certain range of genetic possibilities. However, given the latest epigenetic research, we know that genes can get switched on and off which makes an enormous difference on the phenomenological level. Hence, it is also the case that by choosing a fertilised egg, we only choose a certain range of phenomenological possibilities of the later adult, as is the case by choosing a partner for procreative purposes.

The aforementioned comparison provides some initial evidence for holding that there is a structural analogy between choosing a partner for procreative purposes and for choosing a fertilised egg cell after PGD which again provides some reasons for regarding the following line of thought as plausible.

A liberal society allows its citizens to select ones partner in order to bring about a child.

As selecting a fertilized egg after PGD is structurally analogous to selecting a partner in order to bring about a child, it ought to be evaluated analogously.

The liberal state imposes few restrictions concerning the selection of a partner to bring about a child. (In Germany incest among consenting adults is legally forbidden which I regard as highly problematic. In Catholic Spain such behavior is legally legitimate by the way.)

Hence, the state also ought to impose few restrictions concerning the selection of a fertilized egg after a PGD.

The aim of this section was not to argue in favour of a liberal attitude towards selection procedures after PGD but to show the central importance of procreative freedom both when one is choosing ones partner as well as when one is choosing a fertilised egg after PGD.

2.2.2. Altering a genetic makeup

A different type of freedom becomes relevant when we are concerned with genetic enhancement by means of altering a genetic makeup, given that the decision is made by parents for their offspring. This can take place in the case of somatic genetic enhancement of foetuses, embryos or babies, e.g. by means of transduction, whereby a modified virus permanently (or temporarily) alters the genetic sequence of all cells. In that case educative freedom becomes central, because there are reasons for holding that there is a structural analogy between educating ones child and changing the genetic makeup of ones child by means of somatic genetic enhancement which I have shown in the article 'Beyond Humanism' [8]. Both procedures have in common that decisions are being made by parents concerning the development of their child, at a stage where the child cannot yet decide for himself what it should do. In the case of genetic enhancement we are faced with the choice between genetic roulette vs. genetic enhancement. In the case of educational enhancement we face the options of a Kasper Hauser lifestyle vs. parental guidance. On the basis of this analogy, the following argument can be suggested.

A liberal society allows its citizens to educate their children.

As changing the genetic makeup of ones child by means of somatic genetic enhancement is structurally analogous to educating ones child, it ought to be evaluated analogously.

To have the right to educate ones child does not imply that there are no restrictions concerning how the child can be treated.

As there are and ought to be restrictions concerning how to educate ones child, there ought to be restrictions concerning how to change the genetic makeup of ones child.

In liberal countries there is also the duty to educate ones child.

Analogously it can be argued that there ought to be the duty to change the genetic makeup of ones child.

Given this analogy and given the situation that in Germany we have compulsory education, it becomes plausible to also a demand a duty of genetic enhancement. As I and most citizens of Western civilizations regard such a state governed version of genetic enhancement, or should I say eugenics, as morally highly problematic, I recently suggested in a public talk as part of the *Bayreuther Dialoge 2010* to alter the law concerning compulsory education which we have in Germany into a *Bildungspflicht*/the duty to bring about *Bildung* in ones kids, which does not demand that children go to school but allows the possibility of home schooling or other options for educating ones child. Such a regulation is present in most other European countries such as Austria, Switzerland, France, Spain et cet. Even given a *Bildungspflicht* and the analogy between genetic enhancement and classical education, in certain circumstances genetic enhancement of ones children can become a duty. However, my main goal within this section was to show which type of freedom becomes relevant in the case of genetic enhancement, given that adults decide to alter the genetic makeup of their children, namely educative freedom.

3. Non-bioconservative challenges of bioliberal positions

In section two, I showed the relevance of freedom for decision making processes concerning moral challenges in the field of genetic enhancement. Morphological, procreative, and educative freedom are three different types of freedom which are relevant for the above mentioned versions of genetic enhancement. By revealing analogies between these types of genetic enhancement and traditional procedures, I suggested that an analogous evaluation of both types of procedures is appropriate. I also stressed that it is possible to draw analogies between new types of genetic enhancement and procedures with which we are already familiar with whereby I stressed the following three procedures: 1 Human beings change their own bodily feature – morphological freedom; 2 Human beings choose a partner for procreative purposes – procreative freedom; 3 Human beings educate their offspring – educative freedom. In section two, I describe some fundamental challenges various liberal positions have to face.

3.1. Libertarianism primarily focuses on the norm of (negative) freedom

The classical libertarian position is one which regards it as the duty of the state to uphold the rights of bodily integrity and the property of its citizens. All other social realms are open to free exchange and negotiations. According to this

position, it is regarded as an illegitimate paternalism of the state, if the state decides to intrude into the financial, ethical or social realm of its citizens beyond the areas mentioned above.

The problems related to such a position become particularly grave, if the field of genetic enhancement gets considered. The rich are able to afford the best treatments for remaining or becoming healthy and also for getting stronger and more intelligent and for living longer. Hence, the differences between the poor and the rich, the ill and the healthy and the simple-minded and the intelligent ones will increase permanently, so that we are likely to end up in a hierarchical system with enormous financial and social differences, far beyond the differences we already have. Such a system leads both to internal conflicts concerning the finances as well as to an endangerment for the system itself. It is highly likely that the rich, by being is a position of power, also wish to gain political power, whereby the libertarian system ends up by undermining itself. By solely focusing on freedom, there is the danger of bringing about structures of rigid domination which make people dependent and unfree. The situation can get even worse, if a libertarian system does not only lead to a hierarchical society with various social classes, but if biotechnologies manage to bring about posthumans so distant from contemporary human beings that they demand a special consideration on the political level. I am not claiming that the coming about of a posthuman has to have these consequences, but this risk cannot be excluded, I think. In any case, a libertarian political system seems to imply consequences which do not seem as appealing to myself and to many others I think, too. Henceforth, certain restrictions are needed in order to avoid the above mentioned problems.

3.2. Social democratic liberalism

The aforementioned reflections show reasons for stressing and considering the norm of equality as well as the norm of freedom, as it was pointed out by social democratic liberals. What are the consequences of such a position concerning genetic enhancement procedures? Given a social democratic liberal system, the state supports certain enhancement technologies which have proven to be particularly successful and effective such that they become available not only to the affluent but to whoever is keen on using them. It has the advantage that the most basic and most significant options become publicly available and only some mores specific ones or new developments do not have such a wide spread availability.

We have a similar way of handling vaccinations in Germany nowadays. We had obligatory vaccinations only until 1983 (Polio). Since then, the most important vaccinations have been offered by public health insurance companies and are publicly available in this way. Other more specific vaccinations are not being covered by public health insurances but need to be paid privately. Vaccinations are a widely practised enhancement technology. Genetic

enhancement technologies, if they become relatively safe and successful, could get treated analogously.

The problem I see with such a liberal social democratic position is that an overtly strong and too dogmatic consideration of the norm of equality leads to paternalistic intrusions of the state into the realm of the individual both in the financial realm as well as in the ethical realm. It strongly intrudes into the financial realm, because money gets taken away from the financially more successful and hence more affluent ones and it gets distributed such that all citizens have an equal share of certain basic benefits. In addition, such legal regulations also intrude into the ethical realm of the citizens. If genetic enhancement technologies are publicly available by means of public health insurance, then people who disapprove of these technologies, and many people still do, get forced to pay for theses technologies, even though they strongly reject them. Thereby, social democratic liberalism undermines central achievements of the enlightenment process.

During the Enlightenment, fights have taken place on various social and intellectual levels. Philosophers, citizens, soldiers and scientists attacked the leading Aristocratic and religious classes to free individuals from the ethical and financial domination of religious and Aristocratic leaders. Their goal was to gain freedom, i.e. negative freedom so that citizens eventually become able to live according to their own understanding of the good life which is a wonderful goal and a praiseworthy achievement. People no longer wanted to be forced by Aristocratic and religious leaders to support their affluent lifestyle financially and to be forced to live according to what the leaders regard as a good life, but wished to make up their own mind on how to live a fulfilled life. Organic constitutions of human beings differ significantly from one another and human dreams and fantasies and what is needed to live a good life differs significantly, too. All the various struggles which have taken place from the Renaissance onwards supported the fight for the right to live according to ones own concept of a good life and hence, negative freedom [9]. In many realms, this freedom has not been realised significantly yet, esp. when I am considering the bioethical regulations in Germany [9, p. 244-250]. The historical perspective has made me aware of the central importance of negative freedom. Hence, there is the danger that a too strong focus on equality undermines central and highly valuable achievements of the Enlightenment period. Therefore, I think that a dogmatic social democratic liberalism seems to me not as the appropriate response to future bioethical challenges either. In the third and final section, I will present some perspectives of my own suggestion concerning how to deal with freedom in the context of challenges related to genetic enhancement procedures.

4. Negative freedom and genetic enhancement

In section four, I present some reflections concerning what needs to be taken in account when new challenges of genetic enhancement procedures are being dealt with. Instead of a dogmatic libertarian or social democratic liberalist

solution, I present a rather hermeneutic pragmatism which is a further development of Vattimo's *pensiero debole* [10]. His position ends up in a hermeneutic communism, which does not adequately consider the achievement of negative freedom from my perspective. My own approach can rather be classified as a pragmatic metahumanist liberalism. However, both Vattimo as well as I explain what we put forward by means of a Nietzschean type of genealogy. By reference to historical processes it is possible to put the importance of freedom and equality into the appropriate perspective. At the end of the second section, I already presented traces of my line of thought which stresses that freedom is not an eternal truth but was gained as the result of long lasting class struggles during the Enlightenment.

As a dogmatic reliance upon a libertarian or a social democratic liberal position leads to problematic consequences, I suggest that it is advisable to take a more pragmatic approach which enables us to dynamically adapt to new challenges. To be pragmatic does not mean that no universally valid norm or basic integrity is given. I am suggesting a dynamic type of integrity, which considers the insight that negative freedom is a precious achievement which members of many interest groups and from many social and intellectual backgrounds have managed to establish during the previous 500 years. It is an achievement which we should not abandon too easily, as it has taken a long time to establish a wide spread recognition of this norm and many intensive fights on various levels were needed to bring about the realization of the importance of negative freedom.

To stress the importance of negative freedom does not mean that libertarianism is the most appropriate reply to our challenges, but it implies that only if too much negative freedom endangers itself, then equality ought to be considered further as long as the paternalistic intrusions implicit in the norm of equality do not impose too many, rigid, and strict restrictions upon the norm of negative freedom.

The norm of negative freedom is one, which always ought to be taken into consideration. The norm of equality which is derivatively connected to that of freedom also needs to have its adequate place in a legal system. In daily politics, it ought to be considered that if negative freedom brings about a too rigid and vast separation of the various social groups, then the aspect of equality ought to be considered further. If the decisions connected to the consideration of equality bring about a too rigid and intensive intrusion of the state into private realms, then the focus ought to move back to freedom, so that a dynamic and balancing dialectics between freedom and equality gets instantiated during which the historical achievement of the central norm of negative freedom must not be forgotten. In my recent monograph 'Menschenwürde nach Nietzsche' I spelled out in more detail the specific web of thought and implications connected to this approach [9, p. 232-266] Which consequences would such an approach have for our current and future bioethical challenges?

This position implies that morphological, procreative and educative freedom ought to be of central importance which also leads to the demand that legal regulations concerning enhancement technologies ought to consider the norm of freedom more than most laws in Western countries do today. However, this position does not imply that one must disrespect the historical and cultural embeddedness of each country, as it is based upon a historical narrative by means of which the current situation gets understood. I am not committing the genetic fallacy, because I am not claiming that the historical origin proves the truth of falsity of a currently given norm. I am a perspectivist, and according to this approach, every perspective is an interpretation, and this also applies to my own perspective. Being a perspective does not imply that it is false, but merely that it can be false which is the crucial distinction between a simple minded and an intellectually legitimate version of perspectivism. However, I am putting forward reasons in favour of the above mentioned position and I am trying to show why I regard it as the most plausible one.

To apply this approach in a specific situation currently implies in most European countries that changes towards a more liberal state of affairs are wanted, but also that such alterations need to be undertaken with care, because the future needs the past and it is not in the interest of human beings to be forced to adapt to fast, and radical changes. It also means that the same legal regulations are not appropriate for all countries. In Germany, we have to deal with the fascist past during which state governed eugenics has been practised. In the UK, it is already permitted to make research with animal-human hybrids, i.e. chimeras or parahumans. To face the bioethical challenges in the field of genetic enhancement implies that the past of a country gets taken into consideration because a significant group of citizens is still emotionally connected to them. On the other hand, the latest research also needs to be considered, an adequate dialectics between freedom and equality needs to be upheld, and the wonderful norm of negative freedom must not be forgotten, because it has enabled citizens to live in accord with their own wishes, desires and dreams so that they can realise their own concept of having a fulfilled life.

5. Conclusions

The aim of this paper was to put forward some guidelines concerning how best to deal with the norm of ‘freedom’ with respect to questions of genetic enhancement without falling into either a libertarian or liberal social democratic trap. By stressing the importance of a dynamic hermeneutic position which takes seriously the impact and relevance of structural analogies and which considers both the historical background of a country as well as latest research outcomes and the central norm of freedom, I wish to point out that even though we are lacking absolute guidelines, we have some reliable and plausible cornerstones which provide us with a basis for dealing with new challenges. I am referring to this approach as metahumanist politics. Concerning the latest challenges in the field of genetic enhancement, I showed in which way the norm of freedom is

relevant and in how far analogies between new technologies and already known procedures are given: 1. There is morphological freedom which gives us the right to alter ourselves which can also get applied to the realm of genetic alterations; 2. There is procreative freedom which gives us the right to genetically determine our offspring by choosing our partner which can also be applied to the field of PGD; 3. There is educative freedom which gives us the right and duty to provide our children with the best basis for their adulthood which can also be applied to the field of genetic enhancements. To apply these insights in the decision making processes of the various countries is a complex matter and cannot be done by means of some general remarks. Each decision depends upon a detailed prior study and a careful way of progressing such that both due respects is being paid to the past, present and future, whereby all dogmatic single minded solutions get rejected. A dynamic open minded enquiry with takes all the latest scientific and ethical insights and research outputs into consideration, but also attributes adequate respect to values and norms from which ones country has benefited immensely in the past, can lead to plausible solutions in the difficult field of contemporary bioethical challenges, and the moral challenges related to the topic genetic enhancement are clearly significant ones, as they touch the very basis of our understanding of humankind. Yet, I am hopeful that by progressing carefully, we can benefit significantly from the wonderful scientific progresses without having to worry too much about the corresponding dangers connected to any type of progress.

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