

# BEGOTTEN, NOT MADE

• Robert Spaemann •

“There is only one admissible criterion for human personhood: belonging biologically to the human family.”



Wherever cloning becomes the subject of discussion, viewpoints and arguments begin to diverge wildly. Perhaps it would be worthwhile to bring some order into the debate. The British Parliament's decision to permit cloning research on human embryos in the first fourteen days of development has two different ethical aspects. Both are questionable, and for similar reasons; nonetheless it is better to keep them clearly distinct. The first regards cloning as such, as well as every intervention into the human genetic sequence and thus into the qualitative identity of future or already existing human beings in the first stages of their development. The second has to do with the “use” of human embryos.

## *1. Genetic manipulation*

The nature of the human species as well as every individual human nature owes itself to a series of chance events, so what's wrong with replacing chance with rational planning? So goes the argument in favor of genetic manipulation. What is wrong with systematically improving the human gene pool?

We can see best what is wrong in the visions of those who find it especially good. At the notorious Ciba symposium held in the 1960s, all of this seemed to lie in the still-distant future, so that participants were careless enough to declare these visions openly.

The idea was to produce intelligent human beings who were better suited to the conditions of modern life and even to the demands of interplanetary travel, and who would be more disease-resistant. But we would also need human beings who were genetically “worker bees,” natural slaves happy to perform nothing but menial tasks. The objection that no parents would consent to breed such slave-children did not hold water, it was thought. Once the qualitative identity of future human beings can be planned, the eventual planning can no longer be left to the parents, despite World Health Organization Professor Judith Mackay’s recent statement in Berlin that “whoever desires offspring will in the future be able to choose his or her child’s hair color or IQ.”

A society made up only of Einsteins or Boris Beckers is as impossible as a society that, because of either tradition or fashion, produces predominantly male or female children. A planned economy of human biology would be inevitable, as Huxley already foresaw. But, as we have witnessed over the last half a century, collective social planning is decidedly inferior to a conglomeration of countless daily exchanges. The countries that engaged in this great experiment will need decades still to recover from its consequences. Nevertheless, they can recover. The damage is reversible. The consequences of planning human biology would not be.

Above all, however, we lack the criteria for undertaking a systematic improvement of the human gene pool. What is a desirable human being? Should he be more intelligent or happier? Or more warm-hearted, creative, easily satisfied, robust, sensitive? One only has to pose the questions to recognize their absurdity. Besides, it would be unbearable hubris on the part of the generation now alive to wish to dominate succeeding generations so fully that they would owe the particular shape of their being to the chance preferences of their forefathers. Unfortunately, reality constantly outstrips our horrific visions. The Human Fertilisation and Embryology Authority, which oversees in-vitro fertilizations in England, is now officially planning to permit the selection of deaf babies for deaf parents and the selective destruction of healthy embryos. The spokeswoman for the Royal Institute for Deaf People explains, “In the case of deaf spouses who submit to in-vitro treatment and choose to have a deaf child, their choice is authoritative. We would support them in this choice.” There no longer seem to be any limits to insanity. Of course each person owes his genetic makeup to his parents’ preference for one another. But this preference precisely does not arise

from detailed wishlists of individual characteristics of offspring. “Don’t think that I thought of you when I went with your mother,” we hear from Gottfried Benn.

The direct socializing of children, their education, presupposes their genetically characterized existence. Education is far from programming the future according to the wishes of those now living. The future is the result of that which future human beings make of what was given to them. To want to have this, too, in our grasp, that is, to want to replace upbringing with breeding, as Sloterdijk proposes, would destroy what binds us to our children: the shared naturalness of our genesis. “Begotten, not made,” says the Nicene Creed of the Son of God. But that holds true for every origin of a human being that is worthy of a human being, even of those human beings who don’t believe in anything like a Son of God.

Special objections against the cloning of human beings have long since been raised, most pregnantly from Hans Jonas. Human beings have a right to an open future, and so they have a right not to have to live with a 30- or 60-year-old monozygotic twin before their eyes. Even if someone were to try to frustrate the expectations of his environment in this regard, he would still be negatively fixated on this twin or triplet. Moreover, a person’s advantages are always the result of a felicitous combination of talent and historical situation. Since we cannot reproduce unique historical situations, there is no sense in producing genetic identity. The attempt to shut out the element of time shows the idea of such manipulation for what it is: a perversity.

*Gene Therapy.* There is only one kind of genetic manipulation that does not appear to be affected by these objections: therapeutic interventions in the genetic sequence designed to remove dispositions to various diseases. Here we are not dealing with any sort of “improvement” of the human being, but with the removal of clear defects. But what is a clear defect? A deviation from the norm? From “health” in the sense of the World Health Organization’s definition of health? A failure, then, to reach the bar of a proposed optimum of objective performance and subjective well-being under what happen to be the conditions of a given civilization? This definition of health more or less corresponds to what the Greeks understood under the term “eudaimonia.” By its measure, the dissidents of the former Soviet Union were in fact mentally ill. They were maladjusted and suffered under the dominant normality. In fact—this tops off everything—they actually *wanted* to suffer.

The psychiatric medications to which they were subjected probably would have, over time, been rendered superfluous by genetic interventions. Things would not have gone so far as suffering at all. And of course, not so far as the suffering to which we owe many of the masterpieces of poetry and music.

Health here can only mean: the normative minimum of an organism's capacity for independent survival without great pain. There are diseases. And to belabor the market analogy once more, the market has for a long time now been distorted through modern medicine's ability to hinder natural selection. Should it be illicit to compensate for this distortion through therapeutic interventions on the genetic level? One can argue that so-called somatic gene therapy is in the end simply a variant of traditional medical intervention, provided that unintentional alterations to the patient's genetic sequence can be excluded with certainty.

Nevertheless, given the current state of the art, we must exclude interventions in the genetic sequence even in these cases, because attempts to establish a successful technique unavoidably require research that creates and destroys embryos. The fertilized eggs which are used and destroyed in the service of medical research would have had a chance at a human life had they not been so used.

## *2. The use of human embryos*

Now we come to the second ethical aspect of the British Parliament's decision. We hear talk of "therapeutic cloning." Unfortunately, however, this talk is semantically misleading. What is going on here with human embryos is not therapy, but its opposite: killing. That is, certain existing embryos are killed in the service of a scientific experiment that perhaps one day in the future may help an indefinite number of people to lead a better life. And this in spite of the fact that science is already well on its way toward reaching the same goal with adult stem cells.

The ethical objection to this is clear: we are dealing with an offense against human dignity, which forbids the subjugation of some human beings exclusively as a means to the goals of other human beings. Against this objection, we hear it said that human beings in the early stages of their lives are not human beings and therefore have no human dignity. The conclusion of the English Parliament does not rest on this thesis, but rather on the authorita-

tive opinion of British legislation that the embryo's human status begins with so-called "nidation," the implantation of the fertilized egg in the uterus fourteen days after conception. I will not discuss this position here. In England, it might still be possible for someone to argue that those who fear a slippery slope with unforeseeable consequences are exaggerating. In Germany, it is not.

For there is a newly-appointed minister of the Federal Republic of Germany, an expert bioethicist to boot, who calmly draws just these unforeseeable consequences. In an article in the *Tagesspiegel*, Julian Nida-Rümelin questions not only the human dignity, that is, the character of being an end in itself, of the embryo before nidation; he questions the human dignity of all human entities who are not "capable of self-respect."

"Respect for human dignity," he states, "is appropriate where the preconditions are fulfilled such that a human being can be devalued and have his self-respect taken away from him . . . . The self-respect of a human embryo cannot be damaged." The self-respect of a year-old infant cannot be damaged either, nor that of a severely mentally handicapped person, nor of a person who is asleep. Christian Geyer has already drawn our attention to the frightening extent of the circle to which Nida-Rümelin denies human dignity. To be sure, Nida-Rümelin has not renounced his earlier acute criticism of consequentialism, or the idea that there is something like unconditional, categorical duties. But, like Peter Singer and Norbert Hoerster, he does not number respect for the dignity of every human being among these duties. He has nothing against the "use" of embryos, even if, for other reasons—probably similar to the ones I have enumerated—he disapproves of human cloning.

When philosophers debate behind closed doors, every monstrosity must be allowed to be brought forward, and appeal to authority is permitted at most as a prima-facie argument. When, on the other hand, a minister of our country, in his first public contribution to a discussion following his nomination, declares his opposition to the first article of the German Constitution as interpreted in a legally binding way by the Federal Constitutional Court, without finding this interpretation worth mentioning, there is cause for concern. The jurisprudence of the constitutional court consistently follows the judgment it formulated two decades ago: "Where human life exists, human dignity is due to it; whether the bearer of this dignity is conscious of it and knows how to defend it is not decisive. The potential capacities present from the beginning

of human existence are sufficient grounds for human dignity” (*Judgments of the Constitutional Court*, vol. 39, 1, p. 41).

This judgment expresses the exact opposite of Nida-Rümelin’s statement cited above. It declares a practice that follows from his statement to be an offense against the fundamental principle of our constitution. Admittedly, Nida-Rümelin (like Norbert Hoerster) is right in this: the protection the constitution demands for the unborn turns out to be scanty indeed, given the principles it sets forth.

The philosophy professor Nida-Rümelin is free to hold that the court’s sentence is false, or that it is “constitutional lyricism,” but the fundamental right to freedom of opinion includes utterances contrary to the constitution and, happily, is not subject to any law of political correctness. A bearer of political office, on the other hand, may not allow himself to express anti-constitutional opinions with impunity. Such expressions of opinion occasion serious fear for the legitimate political order and, what is more, for the lives of thousands of human beings who do not meet the official criteria for human dignity and therefore are only the objects of the “respect” that prescribes laws for the prevention of cruelty to animals, even for pigs before we slaughter them. We must not fool ourselves: not a few of our contemporaries’ thoughts have already begun to turn in this direction.

### *3. Persons—versus human dignity?*

Let us place ourselves for a moment in the pleasant anarchy of philosophical discussion, where only argument counts. It is thinkable, after all, that people like Norbert Hoerster are right when they suggest that we give up the idea of human rights and replace it with “personal rights.” Only those human beings who meet certain criteria count as persons, for example, those who possess the active capacity for self-respect, so that personal dignity would be offended only by acts that take away a human being’s self-respect.

Nida-Rümelin does not understand this category to include actions against human life, but rather a lack of “respect for an individual lifestyle and its values, norms, and convictions.” This respect can naturally be offered only to those beings who possess such convictions. Unfortunately, everything about this thesis is false. There are obviously human beings who have been exploited and

treated in the most demeaning fashion without suffering any loss of self-respect on that account. The self-respect of the executioners of 20 July 1944 was presumably not damaged any more than that of their victims by what they did.

But I do not want to pin down Nida-Rümelin's argument at its weakest point. Let us turn it to his advantage and say that only those actions which contradict the self-respect of their victims offend human dignity. Thus, only those people possess human dignity who are conscious of this dignity and therefore are capable of self-respect.

In philosophical discussion, too, there are rules governing burden of proof as well as the duty to substantiate one's claims. The thesis of those who wish to substitute personal rights for human rights and to deny personhood to a large portion of the human family bears a great burden of proof, for this thesis contradicts the entire ethical tradition, not only of Europe, but of humanity. The correct premise behind it is that we human beings acknowledge personal dignity because the normal members of the human family have certain characteristics, such as self-consciousness, self-respect, and so forth. The problem starts when proponents of this thesis go on to argue from this premise that only those members have a claim to respect who actually can exercise these characteristics.

If this were the case, we would actually be respecting the characteristics and states, but not the bearers of them, who are sometimes in such states and sometimes not. The most important representative of this radically empiricist theory, Derek Parfit, claims that the human being who awakes from sleep is another person than the one who fell asleep, since the person stops existing when he falls asleep. This is in fact logically consistent, but it is an extremely counterintuitive conclusion that merely reveals the absurdity of the premise.

When we become conscious that we are hungry, our hunger does not begin only with our consciousness of it. Rather, the same hunger that was first unconscious then becomes conscious. Each of us says, "I was conceived on such and such a date and born on such and such a date," and children ask their mother, "What was it like when I was still in your tummy?" The personal pronoun "I" refers not to the consciousness of an "I," which none of us had in the womb, but rather to the nascent living being, the man who only later learned to say "I." And has learned to say "I" only because other human beings first addressed him as "thou" before he could say "I." Even if this being never learns to say "I" because of some

disability, he belongs as a son or daughter, brother or sister to a human family, and therefore to the human family, which is a community of persons. There is only one admissible criterion for human personhood: belonging biologically to the human family.

It sounds complicated, but David Wiggins merely expresses more precisely the intuition of most human beings when he writes, “A person is any living being that belongs to a species whose typical members are intelligent beings, equipped with reason and reflection, and whose physical equipment typically enables them to consider themselves as the same thinking individuals at different times and in different places.”<sup>1</sup>

If this is the case, then scholastic speculations regarding the temporal beginning of personhood are superfluous. Thomas Aquinas believed in the replacement of a preliminary vegetative soul with a spiritual and immortal soul created by God in the third month of gestation. The English Parliament believes life begins on the fifteenth day. These are all idle speculations. The fertilized egg contains the complete DNA-blueprint. The origin lies for each of us in something prior to all thought. At every moment, it is imperative that we regard what has been conceived by human beings and develops autonomously into an adult human form as “someone” and not as “something,” for example, as an organ warehouse that may be exploited for another’s benefit. It does not matter how much this other may be suffering. We know that even the hypothermia experiments in the Nazi concentration camps were performed for the sake of other sufferers.

Luckily, so far Nida-Rümelin has spared us a widespread argument that is really nothing but a form of moral blackmail: the whole embryo affair is going to happen anyway, and if we don’t do it, others will take over the lucrative business. This argument marks the end of morality. Even in nature, human beings can meet a violent death. And in the end, we must all die. But must we or may we therefore kill? No one is responsible for everything that happens. But we are responsible for what we do.—*Translated by Michelle K. Borras.* □

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<sup>1</sup>David Wiggins, *Sameness and Substance* (Oxford, 1980).