

## Human Perfectibility: A Philosophical Approach to Contemporary Bioethics

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A happy life implies a healthy life. Overcoming illness and living long in good health, seems to be one of the goals in human life that has consensus regardless of the impact it can have on the environment. This goal concerns our happiness and tries to keep itself out of any moral judgment from the perspective of environmental ethics though many questions can be raised from this perspective.

But if the difficulties surrounding all these questions should leave some room for dispute on this difference between man and animal, there is another very specific quality which distinguishes them and about which there can be no dispute: faculty of self-perfection, a faculty which, with the aid of circumstances, successively develops all others, and resides among us as much in the species as in the individual. By contrast an animal is at the end of a few months, what it will be all its life, and its species is at the end of a thousand years, what it was the first year of that thousand [1].

These lines of Rousseau, which inaugurate the humanist thought of the eighteenth century, are not meant to be a eulogy of the progress of humanity. The optimism of the late eighteenth and nineteenth centuries did not survive the twentieth century abominations even committed by some nations. This question of the progress of humanity is addressed by Kant in one of his important pieces of writing where he treats this question outside the field of evolutionary biology. "If it is asked whether the human race at large is progressing perpetually toward the better, the important thing is not the natural history of man (whether new races may arise in the future), but rather his *moral history* and, more precisely, his history not as a species according to the *generic concept (singulorum)*, but as the totality of men united socially on earth and appropriated into peoples (*universorum*) [2].

We have three possibilities: perpetual regression, constant progression or eternal stagnation. This last possibility is probably the one favoured by Kant, who cruelly speaks of the nonsense of our species whose activity is compared to that of Sisyphus: the result of these advances followed by setbacks and constructions followed by destruction, is the inertia. However, for Kant revolution could well symbolize a moral disposition of humanity to progress.

The revolution which we have seen taking place in our own times in a nation of gifted people may succeed or it may fail. It may be so filled with the misery and atrocity that no right-thinking man would ever decide to make the same experiment again at such a price, even if he could hope to carry it out successfully at the second attempt. But I maintain that this revolution has aroused in the hearts and desires of all spectators who are not themselves caught up in it a sympathy which borders almost on enthusiasm, although the very utterance of

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this sympathy was fraught with danger. It cannot therefore have been caused by anything other than a moral disposition within the human race [3].

### **On the contrary, Rousseau had a poor opinion of our species**

It would be melancholy, were we forced to admit that this distinctive and almost unlimited faculty is the source of all human misfortunes; that it is this which, in time, draws man out of his original state, in which he would have spent his days insensibly in peace and innocence; that it is this faculty, which, successively producing in different ages his discoveries and his errors, his vices and his virtues makes him at length a tyrant both over himself and over nature [4].

The question of progress becomes central as soon as one leaves the traditional society for which the supreme value is the exact reproduction of the same since our ancestors considered it good. In the modern society, the moral feeling is not considered innate but constructed during the development of the human person through the encounter with the other resulting in the simultaneous showing forth of the consciousness of the other and of the self, which is a requirement of universality and reciprocity for the rules of morality. This implies that we must, as Kant says, treat the other as an end and never as a means. Kant has spoken only of the formal possibility of morality, but with the development of sciences the questions we ask ourselves are directed to concrete actions. When Rousseau speaks of perfectibility, it is a simple process of “accommodation” to use the language of Piaget: transformation of the human subject in contact with the object or environment, but by no means a moral development of the human person [5]. The problem facing us in the contemporary world becomes infinitely more complex than adapting to a changing environment, because it is we who transform it and must adapt to these transformations. The right to transformation raises the question of limits and of transgression.

### **Transgression and Freedom**

Of all the transformations that we are able, and we will be able to realize, the most problematic and therefore the most questionable are those which concern the human person. The immense advances of biology modify our status and self-representation. We are therefore at crossroads where science and ethics must neither oppose nor ignore each other but work together. The increase of knowledge, the development of science and technology, cannot ipso facto lead to the development of the human person. We do not lack of examples of technological achievements in countries with political totalitarianism. These advancements only serve human persons with ever greater means to become more harmful. Generally, those who use them are not the ones who invent and produce them and are therefore, for the most part, mere consumers whose responsibility is diminished while at the same time diluting that of the designers.

The recurring feature of “Frankenstein” [6] and other scary science fiction characters is transgression. But transgression of what? Laws of nature? Obviously not because we cannot transgress the laws of nature! It is the most universal and egalitarian laws that exist because no one can escape them. For this reason, they are the model of universal moral laws. We must therefore distinguish three kinds of legislation: laws of nature (laws produced by the experimental sciences), natural instinctive behaviours (conservation, reproduction, “taboo” of the consumption of meat of an animal of the same species or murder of an individual of the same species, etc.), and finally, human laws. Instinctive behaviours can be transgressed, albeit rarely, by the most advanced animals [7] and very often by human persons. This transgression is considered constitutive of the human person and indicative of a process of “humanization” in the animal as culture plays against instinct. Human laws can also be transgressed. But we cannot transgress the laws of nature but can exceed laws known to us at a given moment to go further as do our researchers in their perpetual search of scientific discoveries.

If we speak of transgression, it can only be in the field of culture including moral, legal, religious transgression. Freud [8] in 1913 and in 1929, and Lévi-Strauss [9] in 1949 wrote that the moment when the human person goes beyond nature (while retaining it) to enter culture is when his or her behaviour choice differentiates itself from the behaviour patterns registered in the natural codes and invents new legislation alongside natural legislation. The ability to escape from the determinism of instinct is specific to the human person and is represented by freedom. This freedom is only an ideal unless incarnated in the biological level and symbolized by random chance. The meeting of the genomes of the genitors led to billions of possible combinations, but cloning eliminates this randomness and

can be deterministic. Reproduction must be thought of as a new production and not a mere copy if we want to preserve this initial non-determination that evokes the idea of freedom. Any practice that tends either to treat the other as a means or to reduce chance (thus to determine birth) will be negatively perceived on the moral plane, but, at the same time, may be positively perceived in terms of desire.

The classic philosophical and theological debate on human freedom, namely allowing choice of the good must allow the choice of the evil come to the fore. Our desire is not a choice of the evil but of perfection, good health and if possible eternity. However, we would not give up our freedom as the very idea of desire would not make sense without it. This conflict is embodied in practices such as selection of embryos, cloning and the use of human organs as spare parts, which renews the question of soul-body dualism.

Our society is therefore caught between moral principles and desire for perfection, health, happiness and eternal life. Negatively, we must reckon with the fear of sickness and death, which are the corollaries of these desires. It is precisely for this reason that the intellectuals have a role that responds to a need for meaning. Let us remember that without these debates of intellectuals, we would still be slicing the necks of murderers with the approval of most citizens. Today, we look at the countries that practice the death penalty with disgust for a violence as it now seems to us as archaic. This is the answer we can make to the contradiction between the certainty that the best political regime is democracy because it corresponds to our humanist idea and the observation that people often defend a bad point of view and adhere to catastrophic ideologies. The only solution lies in our ability to change that allows democracy in which the intellectuals debate the legislative paradigm for a democracy.

The human person therefore has the power to legislate. It is also our law-making faculty that make us human persons, but it challenges the presupposition that we can understand and agree with one another as there is little chance that these new codes are a-priori universal. Thus when we speak of the improvement of humanity, it is necessary to ask the following questions: who judges it, according to what criteria and with reference to which system of value? How can a system of value be built to be credible, how can we pass from simple human rules to universal laws? How can we answer the obvious and banal accusation of ethnocentrism? When the accusation of transgression is brought against sciences especially against biology, what is transgressed?

At the first glance, it appears as a circularity that it is the human person who poses as judge of the improvement of humanity. The most common way to avoid this circularity is to have an external transcendental reference in relation to the human being. This is what could be called a fetishization mechanism or, to refer to another language, a projection mechanism. It consists in producing a system of values and norms of behaviour, then attributing them as ordained by a mysterious superior power by forgetting that they have always been transmitted by human persons from one generation to another. The infantile character of projection especially when the reference to the Father is explicit does not escape the critical analysis of psychoanalysts Freud and Lacan [10]. Human made norms and values become inviolable laws and irrefutable universals when sanctioned by a transcendent being.

Nevertheless, these laws sanctioned by a transcendent being are essentially different from the laws of nature. We can always transgress the laws of God (or gods) as one can transgress those of the parents and, consequently, those of the society. This is because a membership to the defined group adhering to these laws is necessary, but this is not the case for the laws of the falling objects.

Rousseau's assertion that the essence of human person is freedom, an idea taken up by all the humanism of the eighteenth century, completely transforms our relationship to laws and values. We do not receive them from a transcendent external being, but it is we who produce them. We can neither receive them nor deduce them because that would still presuppose an external reference. We can only therefore declare them by an inaugural act of freedom. We must admit human freedom. The question of ethics in life sciences is further complicated by the desire to reconcile moral sophistry with science, but also with many formalized religious beliefs, not to mention political, economic and commercial interests.

### Transgression and Limits

The universal declaration of human rights challenges all forms of totalitarianism, whether religious or political as the values emerging from any form of totalitarianism can only be an expression of the will to dominate or the bourgeois egoism that underlies economic

liberalism. What, then, would be the arguments which would make it possible to base the universal character of certain values from which these norms are derived, other than by relying on a conviction that is historically conditioned that they are just and good?

The ideal is to base this universality on the agreement of all humans or unanimity that is impossible but poorly symbolized in our democracies by the majority vote. There is, however, another Kantian argument, which is the non-contradictory nature of norms. Universality and non-contradiction are the rational foundations of morality and therefore of norms. Everyone would want them to the extent that they concern everyone in the same way. No one is thus favoured or excluded, whether an individual or a group, because it concerns all human persons. A detour through biology is helpful to provide scientific proofs to the idea of the Enlightenment defended by Kant that there is a single strain to the origin of our humanity [11].

The century of the Enlightenment is not the invention of equality and the universality of norms in so far as they are included in the very notion of norm. Otherwise, we would not speak of norms but of personal maxims. Norms apply to all in the same way. The real challenge is that the inclusive term “all” does not have the same meaning in a hierarchical conception of humanity, whether this hierarchy is based on social or ethnic status. We must resuscitate the eighteenth-century affirmation of unity and the indivisibility of humankind, which constitute the meaning of the idea of fraternity. The atrocities of the twentieth century are based on the negation of this assertion. Of course, nothing prevents, in principle, to modify norms according to evolutions that we cannot predict, the essential thing is that they remain egalitarian, the reciprocity being the condition of a possible universality.

Nevertheless, it is only by analogy with the laws of nature that we can speak of human norms since it is always possible to transgress or challenge the latter in so far as they do not impose themselves as do the laws of physics or biology. They remain the work of human freedom. This makes the discussion about them both indispensable and complex.

The possibility of transgression flows naturally from the normal functioning of the human person who is both rational and sensual. Our “unsociable sociability” makes us rationally want norms to be able to associate with others while constantly seeking to exempt us from them in pursuit of our desires and to isolate ourselves from others to the extent that they oppose our desires [12].

Transgression is more destabilizing when it results from an opposition between norms and ethical principles based on a historically and culturally produced morality, or even on a certain interpretation of the human rights. It is also in the name of a personal moral vision that there can be transgression of the law.

Finally, the most problematic is the transgression resulting from the opposition between two systems of collective values both of which have their legitimacy. Antigone is undoubtedly the prototype of this conflict that can be described as tragic when two legitimacies clash. Who can decide? When the third term is lacking to mediate, there can only be conflict and even violence. Who can decide between what my faith or my political ideal commands me and what the law of my city, of my country, commands me?

It is this type of transgression that poses a problem that cannot be solved concretely because transgression is necessary. When it comes to a conflict between duty, respect for the law, and desire, transgression of the law is not necessary (though common) but when it comes to a choice between two opposing laws, the choice of one is necessarily a transgression of the other. This is what our fictional literary or cinematographic narratives present on the scene: the transgression of divine laws (often called “natural order” or “laws of nature,” referring to a created nature because the background of the conflict is most likely always the opposition between creationism and evolutionism) by marginal scientists. There is no greater pride, than wanting to be equal to God by creating, transforming, pretending to improve His work or destroying His creation, by taking His place to dominate the world, making an alliance with the fallen angel. The most obvious transgressions in this register, which are no longer fictions, are production (assisted procreation, cloning, etc.), destruction (euthanasia, abortion, embryo sorting in preimplantation diagnosis, and why not contraception, homosexuality, etc.) and transformations (organ transplants, genetic modifications, etc.).

Therefore, literary and cinematographic fictions interpreted allegorically are also to be taken as warnings addressed to the scientific community. The danger is not posed by a crazy individual but by the entire scientific community driven by a certain desire. By the same ideal of advancing knowledge, as soon as new possibilities are open, the members of the scientific community inevitably engender desires or encounter them in society and meet opposition mostly from religious traditions. The new problem of bioethics lies precisely here. Human person has taken the place now unoccupied by God by desiring to control the whole of nature. This posture was already inscribed in the Cartesian programme, but it now exceeds the common imagination and creates both desire and anxiety, opening a possibility of exercising control over other beings. Several experiments on animals have offered both disturbing and exciting perspectives which, in any case, require us to ask ourselves the question of limits.

It is not necessary to detail here the incredible scientific progress that has been made in the field of the intimate knowledge of the living nor the prospects that it opens to long term. Suffice it to say that the same knowledge can lead to both therapeutics and eugenics, and that it is difficult even to distinguish when we move from one to the other. The boundary between healing and enhancing is sometimes too difficult to determine. Hence the extreme importance of a common reflection which we know in advance can only lead to an unsatisfactory compromise. Unsatisfactory because it is more than likely that all that is possible will be done, in one place or another, at one time or another ... Unsatisfactory because we are humans and never a human rule meets the support of all.

It is necessary here to denounce an argument that it is preferable to decriminalize certain illegal practices because everyone knows that they exist. Such an argument is unacceptable on the moral plane: it consists in deriving the norm from the fact, which disqualifies in advance any discussion of ethics. The norm is reduced to a result of a game of forces between different interests instead of being the ideal to which one tries to conform the reality of society.

Axel Kahn reports his conversation with James Watson, the co-discoverer of the double helix structure of DNA. As a convinced humanist, Axel Kahn spoke about human rights and was told that human person had no rights but only needs and if we talked about human rights, we could equally talk about the rights of other species [13].

Arguments from facts are advanced for abortion, drugs, euthanasia, cloning, surrogacy, etc. Decriminalization is disempowerment and probably a trivialization. That is why it must be used sparingly. The transgression of a prohibition can, in rare cases, be legitimate without being legal but it engages the responsibility of the one who transgresses. One could compare, proportionately, the question of euthanasia to the so-called right to lie which Kant is interested in. We will always find situations in which we think it is necessary to lie, but this engages our responsibility and leads us to assume the consequences. It is not a matter of making a general law for every individual case.

It would be a serious mistake to suggest (even though it weighed in the decision) that the decriminalization of abortion only resulted from the fact that it was practiced. This would hide all the moral reflection that is rooted in human rights, on the equality and freedom of women. For a humanist, norms should not be a mere reflection of reality independent of any reflection on good and evil, but it must have a function not only of regulation, but also of orientation and education.

### Conclusion

The community of intellectuals, represented by the multidisciplinary ethics committees, is in a very uncomfortable position even if its role is only advisory. It is not only a matter of thinking with the information provided by scientists and the Universal Declaration of Human Rights as a guide, but also of considering concretely "the various sensitivities."

The task is more difficult because in 1948, the General Assembly of the United Nations did not include all nations, especially the territories under their jurisdiction, territories that have since become nations, and who feel that they have had a vision of values imposed on them, which, if only for that reason, tends to be rejected. In the same way the Assembly could not obtain the positive vote of nations whose political systems were directly opposed to the idea of freedom, the first value of the Declaration.

There are many roots to the accusation of ethnocentrism: since politics is no longer crushing other cultures and their negative assimilation, since the process of decolonization with consequent stronger immigration, we seem to discover with astonishment that our values can be refused and transgressed, not by delinquency but by conviction. We have the impression that we cannot be more open and more tolerant than by saying that everyone is free of his opinions and his or her expression. By not wanting to impose anything one asserts in fact a value of tolerance and freedom which serves as a ferment to the challenge of the values that precisely deny non-humanist cultures under the yoke of fundamentalist appropriation of religions situating the origin of laws in transcendence or anti-humanist political totalitarianisms of the twentieth century in the name revealed truth scientific truth.

Nevertheless, this usually repeated charge of ethnocentrism is false and unjust. Ethnocentrism has been blind to the culture of the other through ignorance and especially contempt, one leading to the other. This lack of decentring gradually diminished and the frequentation of others, reflexive feedback on our history, growing interest in travel and many other educational factors made us grow up. But if the ignorance of the foreigner tends to diminish, it emphasizes for the same reason an opposition much more irreducible. Knowledge of others and respect can be acquired through education, but the conciliation of values is not established so far and the oppositions appear naked, stripped of the bad motives that mask them. It is easy to speak of ethnocentrism as if it were a problem of myopia when the issue is elsewhere: are human rights more than just a representation relating to a culture? Should we promote or abandon them at a time when the oppositions of values are not only between foreign cultures but within communitarian societies? We cannot solve them on a theoretical level because, precisely, it is not a question of contradictions but of oppositions, valuations and divergent interests.

We can be for gender equality and against abortion. We can be for freedom of sexual orientation and against the marriage of homosexuals or adoption by gay couples; we would like a perfect child while being against eugenics etc. But all these divergent positions do not lack arguments which, however, only rarely lead to the conversion of opponents. Let us add that the development of technology resulting from the research in biology poses many problems that are also sites of opposition.

In a secular society, we miss a guide and we must be our own guide. The major difficulty is how to do it as democratically as possible, gradually, with time and experience through public debates and scholarly publications, to find agreements that may give rise to legislation. It is difficult to know how it will be judged later, but a look at history can teach us that we must not fear transgression and the destruction of a certain number of rules held immutable. It is partly in this way that children become adults and have a little more chance to escape neurosis. Transgression and destruction are also constitutive of what we call humanity: it shapes us, allows us to build ourselves and evolve, just as the death of billions of cells shapes the living as a sculptor removes the useless matter from the shapeless mass to create a sculpture.

The problem posed by the development of biology that makes us fantasize about the perfect human being is a problem of legality because it is not a question of defining the good action but of prohibiting the bad action to set limits on freedom. However, it is also a question of constituting an ethic because the aim of the construction of boundaries is not pragmatic but moral. But in discussions about these limits we cannot arrive at all value systems and that is why it is important to ask how such a system is constituted and how it can have a legitimate claim to the universal duty to seek to impose on everyone.

To the question of the perfectibility of the human, if it is a matter of morals, my answer is, without hesitation, that it is perfectible: it is his freedom and that also falls under the common laws. Everything is possible, but the fact that it is perfectible does not imply that it is perfected. It is not the respect for or adhesion to any value but the agreement on a specific value that makes it universal in a concrete situation. The cosmopolitan ideal is present in the Universal Declaration of 1948 "as a common standard of achievements for all peoples and all nations." But this ideal is far from being realized. Nevertheless, we should remember that neither scepticism nor relativism allow us to move forward. The goal cannot be to agree with everyone but to make a choice: that of the most universally acceptable values that do not discriminate or treat any member of human society as a means.

If the question of the perfectibility of the human person concerns his or her biological being, it is probable that we will be able to find out defects that we can eliminate. Will we have solved the main anxiety of death or pushed it a little further? Let us not forget that death is at the very heart of life.

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2. Immanuel Kant. "Conflict of Faculties". (1979).
3. Kant. "Conflict of Faculties". 182.
4. Rousseau. "Discourse on the Origins of Inequality" 60.
5. Accommodation is a term developed by psychologist Jean Piaget to describe what occurs when new information or experiences cause you to modify your existing schemas. Rather than make the new information fit into an existing schema, you change the schema to accommodate the new information. See Jean Piaget, *The Origins of Intelligence in Children* (Madison: International Universities Press, 1992).
6. *Frankenstein or The Modern Prometheus* is a novel written by English author Mary Shelley that tells the story of Victor Frankenstein, a young scientist who creates a grotesque but sapient creature in an unorthodox scientific experiment.
7. See Axel Kahn and Christian Godin. "L'homme, le Bien, le Mal" (2008).
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9. See Claude Lévi-Strauss. "The Elementary Structures of Kinship". (1969).
10. Cf. Sigmund Freud, *The Future of an Illusion* (London: W.W. Norton & Company, 1989); Jacques Lacan, *Ecrits* (London: W.W. Norton & Company, 2007).
11. See Immanuel Kant. *Critique of Judgment*. "Oxford University Press" (2009).
12. In the Fourth Proposition of his work *Idea for a Universal History with a Cosmopolitan Aim*, Kant discusses his ideas of sociability to bring out his notion of 'unsocial sociability'. Kant sees our unsocial sociability as a spur to individual and social improvement. What makes sociability so difficult for us, Kant thinks, is the radical evil in the human will, which perversely leads us to freely choose what we ought to avoid. See Kant's *Idea for a Universal History with a Cosmopolitan Aim* (Cambridge: Cambridge University press, 2012).
13. Kahn and Godin., "L'homme, le Bien, le Mal". 292.

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