

Legal and Ethical Milestones of “Random Human Nature” Principle

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Abstract

The accelerating progress of Genetics and its wondrous practical benefits has surprised ethical and legal experts. This time, physical sciences surpass ethical and legal considerations and pioneers of genetic evolution all over the world; feel less concern about moral judgments.

In this lecture, I suggest a criterion for monitoring genetic prenatal interventions which evaluates morality and legitimacy of what human does contrary to natural phenomenon of gestation. I call it “Random Human Nature Principle”. The principle is supported by at least three ethical milestones.

First basis is prohibition of decision making instead of fetus. Fetus, though at least in its first stages of development, lacks enough capacity to be counted as human, has enough respect to have right of life. This involves the right to be born and there is no doubt that we shall let the near future baby decide him/herself about the physical and mental characteristics and other than the sole exception named below, there is no emergency condition for others’ intervention. So, there is no authority for others to impose their wish to future baby by means of “discretion justifications”.

Second basis is forbiddance of human instrumentalism. To promote human features like intelligence or height reduces human position to a product which we intend to create as well as possible.

The third milestone is considering human variety as gift rather than defect. Building a society consisting of people with identical physical and mental properties, will lead to social stagnation and deprives humankind of opportunities which are provided due to human natural diversity. This differentiation is required to develop a civilization and should not be noticed as a privilege-defect confrontation.

Finally, there is a key concept in determining borders of this principle application: “Genetic disease or disorder”. This shall be the sole exception regarding accurate calculation of its boundaries.

Introduction

Diversity is the rule of nature. Although there are many similar creations within a certain species, it seems not possible to recognize two exactly same existents. Suppose two identical twins. Since their genomes are the same and regarding our cognition of genetic resemblance significance, these twins are genetically, the most similar humans at all. However, there are many unique features-whether physically or psychologically-which predicate to their independent personality and unique identity [1]. This distinction even though between identical twins indicates diversity that I call “random human nature”.

This argument may lead to an opposite conclusion. It may be discussed that natural possibility of creation of identical twins, demonstrates a counterexample for human nature diversity. But it must be noticed that identical twins include just 0.03 percent of world population and therefore, should not be regarded as a base for argument. Moreover, researches show that even identical twins with the same genome, express their genes differently. So, diversity shows off within different ways of genome expression among identical twins [2].

The focus of this article is to evaluate ethically legitimate scope of prenatal genetic manipulation and genome engineering. In this study, legal consideration matters too but as ethics shall be the source of genome regulations; the milestones of my idea are generally moral-based.

The first milestone of random human nature principle is “prohibition of decision making instead of the fetus”. Genetic intervention before embryo transfer to mother’s uterus, will lead to changes in mental and physical characteristics in the baby [3]. This power is an obvious instance of violation of future human autonomy. It may be argued that fetus is not

a human until its birth and this fact, undermines validity of claimed principle. But, Fetus, though at least in its first stages of development, lacks enough capacity to be counted as human, has enough respect to have right of life. This involves the right to be born and there is no doubt that we shall let the near future baby decide him/her about the physical and mental characteristics through social interaction and education. Although human genome does not constitute whole personality of a person, its key role in personality development is not deniable. A consistent interaction among human genome, education and living environment which I call “personality triangle” demonstrates that others intervention in fetus genome may directly affect baby born future. Do we have any right to decide instead of a future-person thing which may be affected by our discretions? Albeit necessity brakes all rules [4] but genetic discretions are hardly considered as necessary. Except genetic disorders or diseases that harm fetus physical or mental health, other

1 - There is an Islamic legal maxim which states: “Necessity authorizes prohibitions”.

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scales of discretion may lead to an unnecessary slippery slope which converts the fetus to an instrument for others ambitions.

Here, the second milestone arises. Second basis for random human nature principle is "forbiddance of human instrumentalism". To promote human features like intelligence or height reduces human position to a product which we intend to create as well as possible. Prescription of genetic prenatal intervention without any distinct criterion results in commencement of an endless competition among parents or even after a while among states to create a super human with unnatural abilities and exaggerated talents. This is definitely what Immanuel Kant had warned us not to be involved [5]. Fetus, as a future human shall not become an "object" of our goals and interests. It might be argued that routine human life requires benefitting of others through legitimate means like contracts and prenatal genetic intervention has no meaningful difference. Some believe that it is not instrumentalising but a progress which benefits both the future human and genetic manipulation beneficiaries. The same counter argument as mentioned above rejects this idea too. Legitimate benefitting prerequisites capacity of option for all parties involved. Fetus lacks this capacity. Moreover, there is no urgent condition for ignoring fetus disqualification and prescription of others authority over its personality. So, what do we have to call a genetically manipulated fetus other than an instrument for others wishes? If intervention is not necessary, it is aggression to future human right of autonomy. During thousands years of human history, it is the first time to have a chance to determine "what" will be born. It is so promising to do so as well as it is worrisome to determine what instead of whom will be delivered.

The third and last milestone of random human nature is about considering random as a "gift" not a defect. Building a society consisting of people with identical or similar physical and mental properties, will lead to social stagnation and deprives humankind of opportunities which are provided due to human natural diversity. This differentiation is required to develop a civilization and should not be noticed as a privilege-defect confrontation. Nature acts and reacts intelligently. During thousand years of human history, this interaction between human and nature has been proven, often by disadvantages taken from human disturbance and disappointing results of mankind ambitions. As I believe, the key to terminate this kind of harmful interaction is to respect the nature as it is and to abandon committing unnecessary measures. Necessity breaks all rules. So, prenatal genetic intervention in cases of genetic disease or disorder treatment justifies others right of discretion, since human is the end and any attempt to keep near future human away of health threats is morally and legally well justified. Moreover, genetic manipulations for purpose of preventing any harm to fetus health are justifiable by the same argument. But in other cases, treatment substitutes by enhancement and three above mentioned milestones forbid others decision making for fetus genome.

In addition to mentioned principles, there are some other reasons in favor of limitation of genome manipulation to treatment cases. First, it should be noticed that although human values and advantages are generally interpreted similarly, diversity in perceptions of human perfection and different understandings of human aesthetics, results in several judgments of the changes should be done in human genome. It is likely to consider intelligence as a gift, but one may argue that extreme genius annoys the gift owner in the routine life which is full of

stupid behavior and irrational thoughts. So, as it seems, even having the highest degree of a positive qualification may be regarded as annoying rather than helpful.

Other obstacle to prescription of genome manipulation is transferability of prenatal genetic manipulations through next generations. Here, decision making instead of fetus, not also affects its life after birth, but also changes next generations genome and in other words, imposes genetic changes to more than just a fetus [6].

Moreover, it has to be discussed whether any new medical ability involves a new protected right for mankind or there are some other necessary factors to consider a new ability as a born right. Human reproductive cloning is an example of aggression of medical science to ethics area. We have enough knowledge and technology to enhance human genetic features, but this capability does not give us enough reason to practice it. First, ethics should authorize application of new medical technologies. Then, law helps the new born right to be well established and protected. This procedure is not done yet in genetic manipulations area. So, until then, prudence should be respected as the basis.

Conclusion

Human prenatal genetic manipulation is irrational and subsequently has to be legally limited to cases of disease or disorder treatment. Any attempt to change the attitude of future baby in order to enhance its features has to be regarded as misuse of parental or state power. Genetic evolution requires medical ethics evolution. Not big enough to be human, but it will be soon. Respect this to be born thing's right of life; a life safe of others ambitions shadow.

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