Towards a Plurality of Bodily Affordances

Stefan Lorenz Sorgner

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TOWARDS A PLURALITY OF BODILY AFFORDANCES

STEFAN LORENZ SORGNER¹

Abstract

Even though we have moved away from Catholic understanding of procreation, there is still a long way to go to legally and morally accept that procreation can be realised by means of a great plurality of techniques. I will describe four techniques, which potentially or actually offer human beings new procreative options. People who wish to use these techniques often get treated paternalistically in a violent manner and get hindered from realizing their deepest wishes and longings. It is highly questionable whether such regulations are in tune with the basic guidelines of a liberal democratic society. Hence, I argue that still a lot needs to be done in this respect in most countries all over the world.

Keywords: Procreation, natural law, IVF, PGD, hybridisation, incest, threefold biological parenthood.

From a catholic perspective, the highest love is the love of god, agapē. And the strongest human beings are dedicated to this kind of love, the priests. If this is the case, does it imply that it would be best, if human beings died out? This would at least be the case, all human beings managed to live in accordance with agapē. However, the Catholic Church has realized that most human beings are not strong enough to live agapē in its best manner, but cannot let go of their bodily desires. Consequently, marriage was introduced for the weaker human beings who cannot dedicate themselves to agape only. This is at least what

¹ John Cabot University, Rome. Email: <sorgner@gmx.net>. 
Corinthians, 1, 7 states explicitly. Marriage is the sole institution on the basis of which it is permissible to give in to one’s bodily desires. However, it is morally condemnable from a Catholic perspective, if someone gives in to this drive solely for the sake pleasure, because every bodily aspect has its own specific natural function, and moral acts are acts in accordance with the specific goals our various bodily parts have. The *telos* of the sexual organs is reproduction. Hence, reproduction needs to be the goal of every sexual intercourse. You may experience pleasure and express your love by having sex, but it is condemnable, if you do not wish to reproduce yourself when having sex:

Sexual pleasure is morally disordered when sought for itself, isolated from its procreative and unitive purposes.²

Many people have moved away from this understanding of bodily affordances. In the meantime, new technologies, and revised moral standards, in particular a central recognition of the norm of negative freedom, have increased the amount of procreative methods. We are no longer dependent on a man and woman from two different families who get married and make love in order to have offspring. Still, many means of procreation, which represent practical possibilities, are still legally forbidden in many liberal enlightened, and technologically advanced countries. To live and accept plurality and to move away from a Catholic understanding of bodily affordances, many norms, rules and laws still need to be altered. The examples incest, hybridisation, three biological parenthood, and selection after IVF and PGD reveal how concepts of the good embedded in legal constitutions still infringe upon the autonomous decisions of adult parents concerning acts where no one gets harmed.

I will make some short comments upon each one of the above cases. Incest among adults is legal in Spain but illegal in Germany. Recently, there was the case of a brother and sister in Germany who grew up separately, met as adults, fell in love and had children together.

² To be consulted http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a6.htm (last time accessed at December 7, 2018).
The state threatened them to put the father into prison, if they decide to have further children. The couple did not obey and the father was put into prison (Sokol 2012). There were merely two adults who are in love with each other and who wish to have a family. No one was harmed. Nevertheless, the concept of the good which is part of the legal constitution does not regard such a partnership as appropriate. A radically pluralist concept of the good acknowledges that such a partnership can be an appropriate one (Ranisch 2014, 158-159).

Hybridisation as an issue came up as an issue when scientists in the UK decided to make research with human-animal hybrids or parahumans. Between 2008 and 2011, more than 150 such embryos were created, but also had to be destroyed after a certain amount of time (Johnson 2011). The question remains why it is necessary to destroy these embryos eventually. They do not represent a threat to human dignity, because the concept ‘human’ clearly does not apply to them. In addition, by means of hybridisation, the likelihood of our survival might eventually even be increased, if we managed to include the appropriate genes from another species into our own genetic make-up. The following research undertaken by Dutch scientists supports this suggestion. They altered Zebra fishes genetically such that they are able to make photosynthesis and thereby gain part of their nutrition. The fishes turn slightly green as a consequence of this procedure. Zebra fishes and human beings are genetically not too different from one other. Given the population development, and the issue of overpopulation, the question of our limited resources is an urgent one. Maybe, such modifications or hybridisations will be one solution for this challenge. In addition, given the planned Mars missions, such procedures might be one way of solving the question of providing a sufficient amount of nourishment for future space

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travellers. The little green human beings known from science fiction literature might even represent the future of our species.

The next topic which reveals how stronger concepts of the good limit our procreative freedom is that of threefold biological parenthood (Sample 2015). In the US a special type of infertility treatment called Cytoplasmic Transfer was legal for a limited amount of time by means of which between 30 and 50 children were realized who have three biological parents. Now, a different method was developed by means of which the issue of three biological parents needs to be addressed anew. It concerns parents with specific mitochondrial diseases who wish to have biologically related children. Several techniques have been developed so that they can be realised. One option is to remove the nucleus from the cell with the defective mitochondria and then combine it with a healthy donor cell in which the original nucleus had been removed. In this case, there is an egg cell with DNA from two mothers, as the nucleus contains DNA as well as the mitochondria from the cytoplasm of the other cell. This cell can get fertilized, whereby one could get a three-parent child.

This technique not only offers mothers with mitochondrial defects the possibility of having a biologically related child, but also lesbian couples or a partnership consisting of two women and one man the possibility of having a biologically related child. Should the three people also get the right to get married, if this was in their interest? In Colombia, the union of three men has already become legally recognised (Brodzinsky 2017). So far, the technology has been applied successfully in the case of animals. I am happy to say that the UK is the first country which has approved the use of this technology given a mitochondrial genetic disease of a potential mother (Sample 2018).

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The final procreative issue I wish to address here is that of selecting a fertilized egg after in vitro fertilization (=IVF) and preimplantation genetic diagnosis (=PGD). Technologically, this option is already available and functioning; yet, there have been massive debates in various countries, in how far these selecting procedures ought to be legitimate. The legitimacy of this procedure varies significantly from country to country. One of the central issues in this respect is that of the moral status of fertilized eggs which varies significantly in the various states in the world. As it is metaphysically unclear whether the fertilized egg has a special status or not, it should be up to the parents to decide which moral status gets attributed to their fertilized egg (Sorgner 2013a, 157-185).

Furthermore, elsewhere I have shown in detail that selecting a fertilized egg after IVF and PGD is structurally analogous to selecting a partner for procreative purposes, and in the same way as the government ought to respect the procreative freedom of its citizens when they are choosing their procreative partners, they ought to do the same when the choice concerns fertilized eggs (see Sorgner 2014, 199-212).

By selecting a fertilized egg, you determine 100 percent of your child’s genes. Yet, by selecting a procreative partner, you also select 100 percent of your child’s genes, as 50 percent of the genes come from yourself and the other 50 percent come from your partner. Yet, it also needs to be stressed that in both cases, your child is not selected entirely. By choosing your partner, you only choose a wide range of genetic possibilities of your child. By choosing a specific fertilized egg, you do not entirely determine your child genetically, because due to epigenetic processes the relationship between your child’s genes, and whether a gene is turned on or off gets influenced which significantly alters the phenomenological qualities of your child. Hence, in both cases a certain range of possibilities is determined, but this is not the case concerning the exact genetic makeup of your child. This argument shows, why the right of procreative freedom should apply to both procedures in an analogous manner.

Each one of the four topics concerning procreative options shows, in which way a legally valid stronger concept of the good can influence the autonomous choices of adults, even though no harm is being done to anyone by using the technologies in question. People who wish to use
these technologies get treated paternalistically in a violent manner and get hindered from realizing their deepest wishes and longings (Sorgner 2013b, 55-60).

It is highly questionable whether such regulations are in tune with the basic guidelines of a liberal democratic society, and hence, I think a lot needs to be done in this respect in most countries all over the world. Even though, we have moved away from Catholic understanding of procreation, there is still a long way to go to legally and morally accept that procreation can be realised by means of a great plurality of techniques.

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