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HUMAN REPRODUCTION IN THE TRANSHUMAN ERA: MAIN CHALLENGES FOR HEALTH LAW

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Abstract

Purpose. Since an intellectual movement called transhumanism (H+) is becoming more and more inseparable from worldwide technological progress, there is an ongoing debate about the possibilities to enhance human nature, especially its aspect related to the procreational dimension of a human being. Transhumanism is centered on the notion of morphological freedom and believes that society should implement a proactionary approach when it comes to improving the human condition. Some innovative techniques (preimplantation diagnostics, gene editing, and gestational surrogacy) are already deemed to take root in ordinary medical practice, thus, inevitably transforming the vision of human reproduction. However, transhumanism goes further and declares that all sentient entities are entitled to reproductive freedom, including through novel means (for example, creation of mind clones or solo parent children). Classical medical ethics, anthropological understanding of human procreation, and especially health care law, all face difficulties when trying to provide a solid answer to transhumanist thought.

Considering this entire context, the purpose of this paper is to analyze the theoretical background of human reproduction that emerges from the transhumanist approach, and to identify the main legal challenges.

Design/methodology/approach. The present review paper uses content analysis, generalization and descriptive social science methods.

Finding. Transhumanism, as one of the leading intellectual movements, presents a challenging vision of human reproduction and breaks almost all the boundaries in classical medical ethics. As a consequence, global health law will sooner or later face serious legal challenges.

Research limitations/implications. Although human reproduction can be considered in a very broad sense, in the present paper this term only considers technologies related to reproducing human offspring (or human offspring with desired characteristics). Topics such as human sexuality (as long as sexual dimension is considered to be a part of the

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reproductive dimension), pregnancy care, post-partum healthcare, and genital mutilation are all excluded from the scope of this research.

Practical implications. This research is intending to initiate a bioethical and legal debate on the transhumanist vision of the human being and its reproduction. All the findings and conclusions outlined here are the subject of a wider philosophical discussion, and especially on legal theoretical consideration regarding the trends in legislation for human reproduction practices.

Originality/Value. This analysis contributes to a deeper and more conceptual understanding of the human reproduction phenomenon, from a transhumanist standpoint. As the transhumanist movement is novel, but extremely influential, there is a growing need to research its intellectual challenges and possible legal answers.

Keywords: health law, human reproduction, medical ethics, reproductive freedom, transhumanism.

Research type: general review.