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Bioethics: A view on the contemporary discussion in Germany compared to Asia

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Abstract

What is understood by the term "bioethics" varies widely. Whereas in Germany the focus of the discussion centres on biotechnological issues like Preimplantation Genetic Diagnosis (PGD), research on human stem cells and cloning, in Asia the concept is understood more broadly including among others environmental ethics, animal rights and medical ethics. This article tries to set out the discussion going on in Germany on two rather different levels: On the one hand, it is a legal discussion on whether research on human stem cell should be allowed and whether to put forward PGD. On the other hand, this discussion is entangled with a highly speculative discussion on the issue of manipulation the human genes – if ever possible – in order to improve the human genes. The main aim of giving this account of the ongoing deliberations in Germany is to introduce this discussion to the Asian context in order to enrich the discourse in bioethics going on here.

1. Introduction

Coming from Europe, one experience in an Asian country is that the discussion running under the title "Bioethics" has barely something in common with the discussed issues in Europe. In Europe in general, and especially in Germany, the discussion's focus lays nearly exclusively on the legal matters concerned with the issues of Preimplantation Genetic Diagnosis (PGD), embryonic stem cell research and cloning. Moreover, this discussion about legal matters in biotechnological research is somehow overlapped by a highly speculative discourse on Peter Sloterdijk's "Rules for the Human Zoo" [54] [55] and Jürgen Habermas' "Future of Human Nature" [56]. This discussion focussed on the question, whether we should manipulate our genetic makeup in order to create "better" human beings; whatever "better" might mean.

In the Asian context the concept of Bioethics appears to be rather broader and not so much concerned with legal matters. It includes issues concerned with the environment, with health care, animal rights and others – or, to summarize it, with the "love of life" [57] in general.

The aim of this article is to stipulate a productive discussion by introducing the basic lines of the discussion on bioethics in Germany into the Asian context. I will start this paper by giving some remarks on bioethics putting emphasis on the problematic linked with this concept. I will then draw attention and set out the techniques that will be discussed. The next point is to sketch out the speculative discussion which started in Germany in 1999. In France this discussion is known under the name of "The Sloterdijk Habermas scandal" [58]. Finally, I will draw attention to the actual debate about research on PGD, on embryonic stem cell and cloning which is discussed in politics, public and academics alike in Germany.

2. Some remarks on the concept of Bioethics

Nowadays, Bioethics is a frequently used concept in academic as well as in public debate. Twenty perhaps even ten years ago, only very few people were familiar with the concept of bioethics. Thus, bioethics appears to be a rather recent phenomenon in the history of philosophy. The question then arises what is this bioethics discussion all about.

A recent book entitled "The fiction of bioethics" supposed to reflect on the fictional character of the whole concept of bioethics evaporating – as it were – when examined closer. However, the book turns out to reflect on the implications of literary texts when taken as case studies. It urges that the way of representation affects the way moral problems are examined. [59] But the title would perfectly make sense in order to explain the fact, that the concept of "bioethics" is applied to very different areas. And sometimes one cannot help the idea, that the catchword bioethics is simply used in order to have better chances to get government funding for a scientific research project. [60]

A narrow concept that is mostly applied in Germany understands bioethics as follows: bioethics is concerned with the ethical questions that arise due to the new possibilities given through technological innovations in the field of medicine and biology. However, sometimes bioethics is understood in a broader sense including the moral questions about all actions of human beings that might help or harm other organisms. In this broad sense, bioethics can barely be distinguished from "applied ethics". Indeed, as it is put

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[55] SLOTERDIJK, Peter: Regeln für den Menschenpark. Ein Antwortschreiben zu Heideggers Brief über den Humanismus, Frankfurt am Main: Suhrkamp, 1999. Even though that this book iniciated a excited public debate, it has not been translated into English.

[56] HABERMAS, Jürgen: Die Zukunft der menschlichen Natur. Auf dem Weg zu einer liberalen Eugenik?", Frankfurt am Main: Suhrkamp, 2001. A translation of this book has been published 2003 by Polity Press: „The Future of Human Nature"translated by Hella Beister and William Rehg.

[57] MACER, Darryl R.J.: Bioethics is Love of Life: An Alternative Textbook, Christchurch, N.Z.: Eubios Ethics Institute, 1998

[58] Sloterdijk, p. 59

[59] CHAMBERS, Tod: The fiction of bioethics: cases as literary texts, London/New York: Routledge, 1999

[60] The reason for this in Germany is a change of government policy. The vast majority of universities in Germany are run by the government. As the government want to make these institutions more effective, it tries more and more to grant money for certain research projects within the university rather then to the university as such. And projects which can show that they are for some interest for economic application are more likely to be successful.

in "A Cross-Cultural Introduction to Bioethics", bioethics is in many cases simply the new name for what has formerly been discussed under the heading of ethics.[61]

3. The bioethical issues discussed in Germany

As already noted, in Germany normally the narrow sense of bioethics is applied. Due to new technological inventions at the beginning of human life and at its end these questions arise. The technologies at stake are PGD, research on embryonic stem cell and cloning.[62] So I will briefly explain the biological facts concerning these technologies before entering the ethical discussion.

3.1 Pre-Implantation Genetic Diagnosis (PGD)

As we know, it is not the stork that brings the children. And the fact, that there are less and less children born in Western countries, is not due to the fact that the number of storks has decreased as well. However, one reason of the decline of population in European countries is the increase of infertility.[63] *In vitro* fertilization was developed as a means to help infertile couples to have their own children. It is a technique where egg cells of a woman are fertilized outside her body. It is a major treatment to overcome infertility, when ordinary conception failed. At the same time, it is the necessary prerequisite for PGD. Thus, I will set out the basics of IVF before turning to the techniques of PGD.

IVF was successfully applied for the first time in 1978. Since then it has undergone different improvements as well as a large extension. In Germany for example around 10,000 children are born every year through IVF, which sums up to 1 – 2% of all children.[64] Fifteen years ago, probably less then 1.000 children were born in Germany through IVF.[65]

To put it in a short form, the process of IVF runs as follows: Hormonal treatment stimulates multiple developments of human eggs. Through surgery these eggs, on average around 9, are removed. In a culture media, these human eggs are brought together with male sperm in a ratio of about 1:75.000. In about 50% to 70% of the cases fertilization takes place after around 20 hours.[66] After some days of cultivation, the embryo has reached the 8-cell-stadium, and up to three embryos are implanted in the woman's womb.[67] In around 25 -30 % a clinical pregnancy can be established, and in around 15 – 20% a child is born.[68] It is important to note that in order to increase chances of pregnancy several human eggs are fertilized and up to three are transferred after cultivation.[69]

PGD takes profit of the situation, that the first stages of the development of the embryo take place outside the woman's womb. Three days after fertilization, a single cell is removed from an 8-cell embryo through micromanipulation. This can be done without causing damage to the embryo. This cell is then analyzed for chromosome or genetic anomalies, and due to the outcome of the analysis, the embryo is then transferred to the woman's womb or not. Thus, PGD is a method of testing embryos for diseases in order to select the genetically healthy ones for transfer. The goal of this testing is to increase the possibility of establishing a pregnancy with a genetically healthy child.[70]

3.2 Research on embryonic stem cells

IVF is not only prerequisite for PGD but also for the research on embryonic stem cells. However, unlike PGD, the goal of doing research on embryonic stem cells is not the well being of children but rather understanding the functioning of cell evolution and finding therapies for incurable diseases.

After IVF, the embryo develops within 4 to 5 days to the blastocyst stadium, where a cell differentiation between the inner cell mass and the trophoblast already takes place. The inner cell mass, also known as the blastocyst, is then removed and the embryo destroyed. The cells of the blastocyst are embryonic stem cells. They are still undifferentiated and possess the potentiality to differentiate in all different cell types. In order to get a stem cell line, it is required to place a

[61] MACER, Daryl (ed.): A Cross-Cultural Introduction to Bioethics, Christchurch, N.Z.: Eubios Ehtics Institute, 2006, p. 11

[62] At the end of life, especially the question concerning euthanasia initiates bioethical debate. That this discussion was intensified in the last ten years is due to the medical and technical innovations that allow to maintain the life of elderly patients much longer, than a generation or two ago.

[63] Bernhard Irrgang speaks of a dramatic increase of infertility that has doubled in the last fifty years in Western countries. (See: IRRGANG, Bernhard: Einführung in die Bioethik, München: UTB 2005, p. 135)

[64] See: DIR-Jahrbuch 2004, p. 7. http://www.deutsches-ivf-register.de/jahresbericht.htm (on 5/19/06). According to the free encyclopedia Wikipedia, in Denmark even 4% of all children are conceived through IVF (see: http://en.wikipedia.org/wiki/In_vitro_fertilization).

[65] In 1990, only about 7.000 IVFs have been conducted with a probability of around 15% of finally giving birth to a child, it is likely that the total amount did not surpass 1000. Especially, if one takes in account the technological progress in this new technology (i.e. IVF) that has been achieved in the last 15 years. That implies that the success rate was well below 15%. (See: DIR-Jahrbuch 2004, p. 7, http://www.deutsches-ivf-register.de/jahresbericht.htm on 19may 2006)

[66] See: DIEDRICH, Klaus/LUDWIG, Michael: Überblick über die medizinischen Aspekte der Reproduktionsmedizin, in: Das Bundesministerium für Gesundheit (Ed.): Fortpflanzungsmedizin in Deutschland. Baden-Baden 2001, pp. 32 – 39

[67] Sometimes one waits until the blastocyst stadium, around 2 days later, when the embryo has 50 – 150 cells, for implantation. See e.g.: http://www.ivf-infertility.com/ivf/blastocysts.php (on 5/20/06)

[68] These numbers refer to Germany. We will later see, why the numbers might be different in other countries. (see: DIR-Jahrbuch 2004, p. 7. http://www.deutsches-ivf-register.de/jahresbericht.htm (on 5/19/06)

[69] Technically, there can be more then three embryos transferred. However, there is an increasing possibility of multiples pregnancy. It is for that reason that the German legislater has limited the number of transfered embryos to three.

[70] The selection through PGD avoids that genetically damaged embryos are transfered which will not have a chance to successfully implate. This is the reason why PGD might increase the possibility of pregnancy. However, there has not been done sufficient reasearch on this matter to decide.

single stem cell in a Petri dish and provide sufficient nutrients for growth. The stem cell will divide as long as it has enough nutrients and stay undifferentiated and thus available for research. However, the development of an embryonic stem cell line is not as easy and straightforward as it seems to be. To establish a stem cell line, is a difficult task, only successful in very few cases. So it was not until 1998, that the first human stem cell line was established.[71] Instead of getting human stem cell lines through IVF, it might be possible to get them through cloning, which will be discussed in the next section.

The purpose of the research on embryonic stem cells is to understand the logic of cell differentiation better and maybe to be able to provide therapies for diseases such as Parkinson and Alzheimer's disease in future. But the knowledge so far is too little to tell, whether embryonic stem cell can ever be applied for therapies.[72]

3.3 Cloning

It was the birth of Dolly, the first cloned mammal, in 1997 that brought cloning to public attention. Technically, cloning means producing individuals, which are genetically identical. That can be done by mere embryo splitting, which just separates two embryonic cells, or by somatic cell nucleus transfer. In the second case, the DNA of a cell of the organism to be cloned is put in a human egg which had its nucleus removed. After the fusion of the nucleus with the denucleated egg cell, the embryo should – theoretically – take the same development as an embryo produced by fusion of sperm and egg cell.[73]

Asking about the purpose of cloning, it has to be differentiated between cloning for reproductive purpose and cloning for research or therapeutical purpose. The first one tries to achieve a living organism genetically identical with the cell donor. It is widely regarded in the academic community as well as in the politic community to be immoral to try to clone a human being for reproductive purpose. The moral evaluation is different in the case of cloning for research purpose. The goal of cloning for research purpose is more or less the same as in doing research on embryonic stem cell: It may help to get knowledge about the differentiation of cells and – in the future – serve as therapy for diseases.

3.4 Summary of the techniques discussed

To summarize the biotechnical issues discussed, it can be said that they derive with the exception of cloning from IVF. All of them are much elaborated techniques, which are combined with much technological know-how and high costs. As it can be seen by this sketch of the bioethical question, the discussion running under the label of bioethics is heavily depending on the spread of technologies and on culture.

I will now turn to the discussion on bioethics in Germany, which, as already mentioned, takes place on different levels. I will start with what I call the "speculative level", on which bioethics was introduced to a public audience.

4. The Sloterdijk Habermas Debate

4.1Sloterdijk's paper on "Rules for the Human Zoo"

If one looks for a starting point of bioethics becoming a public issue, than the paper presented by Peter Sloterdijk in July 1999 in the castle of Elmau in Germany is one.[74] The title of his paper was: "Rules for the Human Zoo". The speech of Sloterdijk was incorporated in a conference on Heidegger and Lévinas, which was attended by an international group of philosophers and theologians from mostly European and American countries. In September and October of the same year an agitated and controversial debate was going on, that had Sloterdijk's paper as its starting point.[75] So the question arises what this paper was about that led to so much public notice.

Knowing the bioethical discussion that followed from Sloterdijk's paper, one is surprised that his main concern is a discussion on humanism. Especially, Sloterdijk is concerned with Heidegger's letter on humanism. The starting point of his paper is a quote from the German poet Jean Paul that books are bulky letters to friends.[76] With this quotation, one is already close to the essence of humanism, which consists in – as Sloterdijk points out – a model of literary society. A humanist society is then one that is bound together by shared readings, by a sort of literal canon. This shared literal canon is central to what holds the society together. But humanism is not just a movement that functions as an amalgam for society; it is directed against the falling back of humanity into barbarism. There is a permanent fight to be fought in order to civilize human beings, understood as animals under influence, for not letting them fall back in a wild and barbarian ages. And it is seen as the task of humanism to avoid the relapse in barbarism. This task should be achieved through cultivation by means of a shared literal knowledge.

But the humanistic age is over, as Sloterdijk puts it. Due to the medial mass culture, especially radio and

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[71] Vgl. SCHNEIDER, Ingrid: Beschleunigung – Merkantilisierung – Entdemokratisierung? Zur Rolle von Patenten in der embryonalen Stammzellforschung, in: Fuat S. Oduncu et al. (Ed..): Stammzellenforschung und therapeutisches Klonen, Göttingen 2002, pp. 211 –245

[72] DEUTSCHER BUNDESTAG (Hrsg.): Zweiter Zwischenbericht der Enquete-Kommission „Recht und Ethik der modernen Medizin" – Teilbericht Stammzellforschung, Drucksache 14/7546, 12.11.2001, pp. 16 – 25. This report of the German parliament is also online as a full version in German and as a excerpt and motion in English. See: http://www.bundestag.de/parlament/gremien/kommissionen/archiv15/ethik_med/dokumente/index.html (on 5/20/06)

[73] In practice, there are many technical problems linked with cloning. Evidence of these problems is that until today no cloning of a human embryo has been achieved.

[74] There was an article pubished in "The New Atlantis" in 2004, which presents this rather speculative discussion and draws special attention to the German Nazi past and the biases linked with this past. (BROWN, Eric: The Dilemmas of German Bioethics, the New Atlantis, Spring 2004 – 53)

[75] For an account of the unfolding of the debate see Sloterdijk, p. 57-60

[76] See Sloterdijk, p. 7

television, we are living in a post-humanistic age. It is no longer that a literal canon or common readings are crucial for the cohesion of society. It is at this point, where Heidegger's letter on humanism comes in. The point of Heidegger is not to revitalize humanism but rather to question the roots of this very concept. Because two parts of the concept of humanism run against Heidegger's conviction. First, Heidegger opposes the idea of human beings as *animal rationale*, as rational beings. Then he asks "whether the essence of man primordially and most decisively lies in the dimension of *animalitas* at all".[77] He opposes the view that human beings are animals under influence; a conviction that is at the core of humanism. The second critique is that the concept of humanism tries to put on the human beings dominating their world and imposing – as it were – their will on Being. The proponents of humanism try to master the world even though this should be achieved by literal education and not primarily by technical conquest. This target of mastering the world contradicts the central idea of *Gelassenheit* (letting be) of the philosophy of latter Heidegger.

Whereas Heidegger unfolds his philosophy evolving around the human being as shepherds next to the clearance of Being (*Lichtung des Seins*), Sloterdijk is trying to give the discussion about the end of humanism a different turn. And there it is where finally the bioethical issues come in. It is in the clearance that incarnation takes place.[78] But not only its peaceful parts like writing and reading, but this clearance is also a place of fights and selection. Behind the force of civilization, there is a different force at work: behind the force of reading (*lesen*), there is the force of selecting (*aus-lesen*). Lectures and selections have more in common than one is willing to think.[79]

The stage is set for Sloterdijk's claims that caused a highly emotional debate in Germany. As well as through books (lections) human beings have educated and reared, as well it might be made through selection. So we will enter truly in a not only technical but anthropo-technical age. Once humankind has achieved this power of selection, it cannot retreat behind the veil of ignorance. If humankind still does not want to use this power and still want to blame a higher power for his destiny – like God or chance or the others – then this indicates human immaturity. A refusal of using this acquired power is, as Sloterdijk argues, out of question. What has to be put in place are rules how to use this anthropo-techniques. Thinking not only in centuries but in millenniums, Sloterdijk sees our time at the edge of the ages: the age of books has come to an end. In the centuries to come, human beings will have to take important decisions concerning the future of its own kind.

Even though that Sloterdijk puts forward a clear cut argument that humankind has no choice of using its new genetic knowledge or not – it simply *has* to use it – he somehow retreats and explains that it is not sure that the development will lead to a change of explicit planning of our genetic makeup. But with this lecture of Sloterdijk, the initial step was done for a public debate.

4.2 The debate initiated through Sloterdijk

What happened then was an excited public debate, which was joined by nearly all philosophers of rank in Germany: Ernst Tugendhat, Manfred Frank, Ludger Lütkehaus, Ludger Honnefelder, Günter Figal, Micha Brumlik, Robert Spaemann and others.[80] Jürgen Habermas, the probably best known living German philosopher, did not enter the discussion, until he was directly attacked by Sloterdijk who claimed that Habermas has initiated the critique on his speech.[81]

Most, if not all, philosophers were very critical about Sloterdijk's ideas of "Rules for the Human Zoo". As an example, the view of the chairman of the general society for philosophy in Germany, Jürgen Mittelstraß, probably was shared by most of the disputants: "Sloterdijk has naively and unsteadily trespassed all scientifically and philosophically justifiable limits."[82] Even though that Habermas, as mentioned above, has not entered the discussion but for a short letter to the editor, this debate was labelled – at least in France – "The Sloterdijk Habermas scandal". However, Habermas was already preoccupied with bioethics and published his reflection on that issue in his book "The Future of Human Nature. Towards liberal eugenics?" exactly two years after Sloterdijk's paper in 2001.

4.3 Jürgen Habermas "The Future of Human Nature"

The starting point of Habermas' book is an analysis of technological invention, which led to the issues discussed in bioethics. On the one hand, the medicine of reproduction has made impressive progress since the first successful *in vitro* fertilization in 1978. In less then 30 years, the techniques of artificial reproduction have become more and more elaborated and are applied in more and more cases. In fact in Germany the number of IVF-treatments has doubled every 4 years since the early 1980ies.[83] Through IVF human stem cell got accessible

[77] And he continues: „Are we really on the right track toward the essence of man as long as we set him off as one living creature among others in contrast to plants, beasts, and God?" (Heidegger, Martin: Letter on Humanism, in: Heidegger Martin: Basic Writings, edited by David Farrell Krell, New York: HarperCollins, 2nd ed. 1993, p. 227)

[78] See Sloterdijk, p. 37

[79] See Sloterdijk, p. 43

[80] For an account of all articles published in German newspapers, see: http://www.uni-oldenburg.de/EthikProjekt/Liste_der_Artikel.htm (on May 22, 2006) and for an account on the philosophers that entered the debate see: http://helmutwalther.privat.t-online.de/sloterd.htm (on May 22, 2006)

[81] This attack of Sloterdijk on Habermas opened a meta-debate involving the relation (or non-relation) of Habermas and Sloterdijk, on which I will not enter.

[82] http://www.petersloterdijk.net/international/texts/en_texts/en_texts_PS_psychonaut.html (on May 9, 2006)

[83] In 1982: 742 treatments, 1986: 4201 treatments, 1990: 8651 treatments, 1994: 23.684 treatments, 1998: 45.459 treatments and in 2002: 87.044 treatments. However, it can be expected that due to a legal change in Germany (patients have to pay a

for human genetic analysis and experiments. On the other hand, the genetic knowledge has increased enormously and it human genome project has achieved to decode the whole of the human genome. It is the coming together of medicine of reproduction and genetic engineering, Habermas argues, that raises new ethical questions. Especially, the ethical question arises about Preimplantation Genetic Diagnosis (PGD) and future prospects of breeding of organs and therapeutical inventions that change the genetic makeup.[84]

These interventions at the beginning of human life would constitute a liberal eugenics. They would be "eugenics", because a selection is made through PGD between embryos that are life worthy and ones that are not life worthy. This eugenics would be "liberal" because the decision whether to apply a selection is in the hand of the single person using these techniques and not dictated by the state.[85] The speculative question Habermas asks is, whether this liberal eugenics applied on a large scale would change our self-understanding as human beings.

For Habermas, there are two reasons, why our self-understanding as human beings would be damaged due to genetic engineering. Firstly, the possibility of an autonomous life would be in danger. Secondly, the free egalitarian exchange of persons within society could no longer be guaranteed.

Turning to the first reason, Habermas' argument runs as follows: It is part of our self-understanding as human persons to decide about our own life. We plan our life as autonomous persons and make our choices according to our beliefs. Being children however, we do not have this freedom to decide about our life as this decision is normally taken by our parents. However, education works through the medium of questions and answers. There is always a possibility to oppose what one is taught. In the case of genetic engineering, the medium of formation is no longer question and answers. Genetic programs would not allow the children to raise their voice.[86] The determination caused by genetic enhancement would be definitive, in contrast to the determination by education.

Imagine – making Habermas point plausible with an example – that your parents have chosen a genetic makeup that will fit perfectly for becoming lawyer. However, in your adolescent time you desperately want to become an artist, but your parents simply say that they have chosen genes for you to become a lawyer. It will be distinctly more difficult to oppose your parents, if they have chosen a genetic makeup for you becoming a lawyer, then if they have just provided you with the best education of becoming a lawyer. Or as Allen Buchanen puts it comparing these two forms of formation: "The force of feeling locked in may well be different."[87]

The second argument Habermas is putting forward is that genetic engineering would affect the equality in society. Not only the relation between parents and children would exist, but a new form of relation would come into existence: the one between genetic designers and the object they designed, i.e. the genetic enhanced children. Unlike in the relationship between parents and children, where the children can oppose and counteract the education of their parents, the objects genetically designed cannot counteract their design and designer.

Of course, these two arguments rely heavily on the development of genetic engineering and it is not at all sure, that such knowledge about the working of genes will ever be available. Moreover, it can be asked whether Habermas' arguments only work on the presupposition of genetic determination. Habermas is aware of the danger of falling into genetic determination. However, he seems sometimes in his book to have too much belief in the power of genetic regulation.

4.4 Making sense out of this debate: Some Remarks

First of all it has to be noted that Sloterdijk and Habermas argue on different levels. Sloterdijk's focus is on the far future of human beings and them becoming their masters not only about the outer nature but also about their own human nature. The formation of humankind should not only happen through lectures but also through selections. Habermas concerns are the actual political decisions in Germany about PGD and research on embryonic stem cell. However, he tackles this question in a consequentialist way asking where this technology might lead. And coming from the picture of liberal eugenics, he criticizes the technologies that might lead towards it.

Thus, it turns out that both philosophers have more in common, than one might expect due to their very different starting points. They both share a concern about using the means of genetic technology to manipulate human beings. Whereas Sloterdijk looks forward to these possibilities of genetic engineering, Habermas is sceptical about them and fears that they might damage our self-understanding as human beings.

Both books can serve as an interesting starting point of discussion, asking about the relation between technology and human beings and about the question in what our human being consists in. However, as already pointed out, this discussion takes place on a speculative level assuming a successful development of genetic knowledge and embryo manipulation.

Apart from the so-called Sloterdijk debate (or Sloterdijk Habermas scandal) there is foremost a legal discussion going on in Germany about the question whether PGD and research on embryonic stem cell should be allowed. Behind these two subjects, the

certain amount for their treatment), the growth rate will be significant smaller. (DEUTSCHES IVF REGISTER 2002, p. 7. See: http://www.deutsches-ivf-register.de/ under „Jahresberichte")

[84] Habermas, p. 34f.

[85] Authoritarian eugenicists would do away with ordinary procreative freedoms. Liberals instead propose radical extension of them." (Nicolas Agar quoted in Habermas, p. 87) In Germany, one is particularly careful about any kind of authoritarian eugenics due to the totalitarian past in the first half of the 20th century.

[86] See Habermas, p. 123

[87] Allen Buchanan quoted in Habermas, p. 106 (footnote)

question about right rules for IVF treatments seems to be still unsettled.

5. The bioethical discussion in Germany about PGD and research on embryonic stem cells

In general, one can say that the public and political discussion in Germany is focussing on the beginning of human life and its end, i.e. on the question of euthanasia. The discussion about euthanasia I will not enter as it is a completely different question, which would go beyond the scope of this article. The bioethical questions at the beginning of life however evolve around what was discussed by the book of Habermas.

It is the question whether PGD and research on embryonic stem cells should be allowed. The decision taken by the parliament was to forbid PGD and to set narrow limits to the research on embryonic stem cells. Prior to both decisions a parliamentary commission was set in place and the political decision was accompanied by public as well as academic debate.

The reason why the parliament decided against PGD was first and foremost that it contradicts existing law. German law rules that human life starts with the fusion of the nucleus of the sperm with the ovum. As PGD takes place two days after "conception", a human embryo would be used for a purpose other then his life – namely for testing. A second reason why PGD was not allowed was that it consists in selection. It was viewed as not in accordance with the human dignity that embryo is considered as life worthy only after testing.

In the case of research on embryonic stem cells, the solution found was not that straightforward. Research is only allowed on imported stem cells that were gained before the 1st January 2002 in order to avoid that for research purpose more embryos will be destroyed. In only allowing to do research on existing stem cell lines, it is avoided that more and more embryos are used for research purposes.

To summarize, it can be said that the German legislators took a lot of pain in carefully deciding what should be allowed and what not. Of course, there was vehement critique from economic pressure groups who wanted to allow especially research on embryonic stem cells in order to catch up technologically with other countries. But there was critique as well from religious groups arguing that any research on embryonic stem cells should be prohibited, because it makes one partisan to the usage of embryos for other purposes then reproduction.

6. Conclusions

It was shown in this article that the discussion on bioethics in Germany takes place on a speculative level on one hand and on the legal level on the other hand. The speculative discussion led by Sloterdijk and Habermas evolved around the question whether humankind should start to take evolution in their own hands, if this ever is possible. However, Sloterdijk is not so much concerned about what is possible in the next couple of years or decades, but rather he thinks, as he says, in centuries or millenniums. Having in mind such a vast period of time, he suggests that humankind should actively elaborate anthropo-techniques. Habermas, on the other side, is sceptical about Sloterdijk's vision and sees our human self-understanding as autonomous and equal beings in danger. Not only might genetically designed children be less free, society as whole might be damaged as new unequal relations will come into existence.

The legal discussion, which I briefly set out, on the other hand is concerned with the new technological possibilities of PGD and research on embryonic stem cells. In the last couple of years the parliament set up different commissions discussing these issues. The result was a rather sceptical point of view of these techniques, and the German legislators followed the view of the commissions and prohibited PGD and only allowed research on embryonic stem cells within narrow limits.

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