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## *Human Rights and Transhumanism: From Natural Rights to Trans-Natural Rights*

**Abstract:** This text explores the evolution of human rights throughout the 20th century. The text analyses the transition from traditional conceptions of human dignity rooted in human nature to emerging notions influenced by transhumanist ideologies. The analysis delves into contrasting perspectives on human dignity, comparing the Aristotelian-Christian tradition, which values the unity of body and soul, with materialist philosophies that prioritize intellect over physicality. The document outlines how these philosophical shifts have led to the emergence of “disembodied dignity” and the promotion of “anti-natural” and eventually “trans-natural” rights, which prioritize individual will over inherent human nature. Through historical analysis and philosophical inquiry, this text examines how these evolving ideologies have influenced legal interpretations, societal values, and the trajectory of human rights discourse.

**Keywords:** anti-natural rights, human dignity, human nature, transhumanism

During the 20<sup>th</sup> Century, human rights have become a universal philosophy used to express a certain conception of mankind. The dismantling of this conception can be observed and analysed through the prism of human rights. Such an undertaking is possible because there exists a close correlation within the concept of “human rights” between humanity and the rights associated with it: they mutually define each other. Moreover, human rights have become humanity’s social mirror; it how we represent and recognise who we are. Each transformation of these rights has the effect of retouching the portrait of humanity.

It is interesting to analyse this evolution by comparing the original intention of the authors of the Universal Declaration of Human Rights in 1948, to the evolutionary interpretation that has been ascribed to it by international judicial bodies, particularly the European Court of Human Rights. The law possesses the advantage of

being a rational discipline which makes its mark on society through a succession of normative texts elaborated upon with great care and attentiveness. An analysis of the evolution of human rights also permits the objective observation of the idea that international judicial bodies, and Western society in general, determine what it means to be a human being.

Our understanding of *human nature*, respect for which constitutes the source of all human rights, has been made the focus of a veritable revolution over the last several decades, to the point where practices formerly prohibited out of respect for human dignity are now promoted as “new” human rights, criticism of which is essentially forbidden. It is possible to understand this revolution by using, as an analytical basis, two competing conceptions of human nature and dignity, according to which individuals are either embodied or disembodied beings (I). The progressive affirmation of a disembodied view of humanity stretches the interpretation of natural human rights and drives the emergence of anti-natural rights, and even trans-natural rights (II).

### **I. Embodied Dignity and Disembodied Dignity**

It is possible to highlight the nature of this problem by recalling the clash between the two competing conceptions of dignity: that of Aristotelian and Christian thought, and that promoted by materialist and atheist philosophies. Put simply, the former posits that humanity receives its dignity from human nature, or from God, while the latter argues that humanity is the author of its own dignity. In the first case, man accepts himself as he is; that is, as a created being composed of both a body and a spirit. His dignity is embodied, the perfection of which is found in conducting himself according to the nature that accompanies it. In the second case, man sees himself as an essentially spiritual being, a will that emerges and frees itself from matter. His dignity is therefore disembodied, and his aim is always to transcend true reality and create his own. As a consequence, his physical body possesses no greater dignity or value than that of an animal.

This distinction between embodied and disembodied dignity enables us to understand the transformation of human rights that has recently occurred. Depending on the conception of human dignity one chooses to adopt, human rights will take on very different directions and meaning; they are always a form of expression, whether of natural rights or of individual will. Indeed, the drafters of the great post-war declarations were unable, and neither wanted, to make a choice between

these two approaches. This absence of agreement does not signify an ideological draw, however, since the removal of references to God always constitutes a victory for the atheist faction. By remaining silent on the origin of human dignity, the Universal Declaration presents itself as a proclamation by man concerning his rights and his own self-worth. This self-determined dignity has, in turn, permitted international institutions to subject the concept of human rights to the whims of individual will and to deduce from it a multitude of new substantive rights, independent of an external standard of right and of justice.

### **A. Embodied Dignity**

In the Aristotelian and Christian tradition, man is by nature a harmonious union of body and soul. This nature possesses dignity because it reflects the image of its Creator. Synthesizing the writings of Aristotle and the Gospels, Saint Thomas Aquinas insisted on the fact that the human body possesses dignity, even though it is man's ability to reason and his possession of free will that most closely reflects the image of God [De Koninck 2014: 13-25]. Aristotle had previously emphasized that the soul and the body are one<sup>1</sup>.

Saint Augustine [XXI, 10] declared that the defining characteristic of man is that he is "a union" between body and soul, different from the angels who do not possess a body, and equally different from animals who do not possess a soul. Man's supreme attribute is that he is both at the same time.

While other animate beings (animals and plants) are essentially prisoners of their nature and conditioned by it, man possesses a certain liberty that makes him capable of and responsible for his own personal development. From conception until death, the purpose of every human life is to realize in himself the potential of human nature, i.e., to humanize oneself. The more one develops oneself in accordance with human nature, the more one gives witness to human dignity. This expresses the value of the nature which every person shares and is called to live in accordance with to the utmost of his abilities.

The Romans saw in this fundamental desire of accomplishment a duty, that of "perfecting human nature in oneself and to respect it in others" [Villey 1983: 87].

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<sup>1</sup> "The first grade of actuality of a natural body having life potentially in it" [Aristotle, n. 412 at 27-28].

They called this *Humanitas*. In recognizing the dignity stemming from their common nature, men become obliged to respect it in themselves and in others, that is, to live in a dignified manner. It is this duty toward oneself and others, based in the dignity of our shared human nature, which generates *obligations*: the duties and natural rights in which we all share.

### ***Human nature is good***

If human nature is worthy, it is above all because it is good. The idea of the natural goodness of nature is not self-evident, especially when one considers suffering and death. But for Judeo-Christians, nature is good because it is the work of a good God who noted, seeing all that he had done on the sixth day of creation, “*that it was good, and even very good*” (Genesis 1; 31).

Moreover, the nature of man is excellent because he was created in the image of God. True, original sin has hurt it, but the incarnation of Christ and his sacrifice on the cross restore the dignity of man and raise it for, choosing to become a man, God gives him a dignity that no other creature, even angelic, can claim. Saint Leo the Great [n. 7, 26] (V<sup>th</sup> century) thus sums up the Christian conception of dignity “*Awake, O man, and recognize the dignity of your nature! Remember that you were created in the image of God. If, in Adam, it was degraded, in Christ it was restored*”.

### ***Universal dignity and fraternity***

Human nature is shared, in inheritance, by all the descendants of Adam. Fraternity and dignity are therefore universal; all men participating in it regardless of their differences, because they find their source more deeply than in race, nation, education or sex. They find it in the common human nature which is itself an intention of God. This is where dignity is inherent<sup>2</sup> to the person. Universality perfectly accepts diversity and inequality of condition. Moreover, by charity, Christ teaches love of thy neighbour, even and especially when he is a foreigner and therefore different and beyond the demands of justice. Such charity is realized in acts of fraternity with God.

### ***To live worthily is to fulfil one's nature***

The desire for fulfilment and perfection is a universal law. Everything in man, as in every living being, animal or plant, tends irresistibly to be fulfilled according to

<sup>2</sup> A quality is inherent if it is necessarily contained within a person or a thing; it is an inseparable property.

its nature. Fire tends to spread, the seed to become a plant, the flower a fruit, the child a civilized adult, etc. Man is born unfinished but contains within himself all the potentialities of human nature. While other beings live as prisoners of their nature, conditioned by it, man has a certain freedom that makes him responsible for his own accomplishment. From conception to death, all the effort of a human life is for each one to fulfil in oneself the potentialities of human nature: to be humanized. The Romans saw in this desire a duty, that of “*perfecting human nature in oneself and respecting it in others*” [Villey 1983: 87].

They called it *Humanitas*. By recognizing their dignity, men are thus obliged to respect their common nature in themselves and in the other, namely, to live with dignity.

From this desire and duty of perfection arises a natural morality by virtue of which a thing is good or bad according to whether it contributes to the accomplishment of human nature or not. For example, instruction and physical activity are particularly good in that they allow children to grow.

Quoting Aristotle<sup>3</sup>, St. Thomas observes that “*good is what all beings desire*”, it is “*what each thing seeks insofar as it desires its perfection*” [De Koninck 2014: 45-60].

Good is therefore determined by human nature: things are good or bad according to whether they are suitable to human nature or not. It is human nature that is at the origin of morality, hence the importance of knowing this nature. The Greek and then Christian philosophers distinguished four fundamental aspects (ST Ia, IIae, q. 94, a. 2): man is by nature a – being – living – social – spiritual. Each of these aspects is a good which produces in man a special inclination: like any *being*, man desires to maintain his existence. Like any *living being*, man desires to give life. As a *social* (or political) *being*, man desires to live in society.<sup>4</sup> Finally, as a *spiritual being*,<sup>5</sup> man desires to know the truth and God. Everything that answers these desires is good, all that hinders them (death, sickness, loneliness, error) is an evil. From these inclinations, it is possible to determine rules of conduct, in other words, morality. This morality is natural because it derives from human nature: it is the way, the “*straight path*” through which the person accomplishes his being,

<sup>3</sup> This thought constitutes the basis of Aristotle’s *Ethics* [1094a].

<sup>4</sup> Jean-Jacques Rousseau opposed this understanding by arguing that society corrupts men.

<sup>5</sup> By “spiritual” one must understand endowed with a mind, that is, capable of reflecting and thinking about itself.

his human nature: it is the “*natural moral law*”, the “*law engraved in hearts*” [ibid.]. Accessible through reason.

Thus, this “*natural law*” does not create good, but it is good that determines the law. Reason deduces the law of the desired good, as one deduces a path from a goal to attain. By observing this law, the person accomplishes himself and finds his good there.<sup>6</sup>

Contrary to this classical and Christian understanding of the human person and of his natural rights, another equally ancient philosophical tradition advocates a diametrically opposed conception of the human being, his dignity and his rights. This other tradition shares with the fallen angels a contempt for body and matter.

### **B. Disembodied Dignity**

At the opposite end of the spectrum, the disembodied conception of human dignity does not recognize the unique value of man except for his intellectual capacities. This line of thinking has very ancient roots. For Plato [Apology of Socrates: 67a], the body was the “prison of the soul”: man is “nothing other than a spirit” which “uses the body”. The body is thus an obstacle to the acquisition of knowledge, and therefore ought to be discarded.<sup>7</sup>

This conception has forcefully imposed itself upon Western society since the end of the 19<sup>th</sup> Century, being realized through the fusion of materialist and evolutionist thinking. According to these theories, man is not created, and thus does not have a fixed nature, but rather is engaged in a continuous process of progressive evolution through which the spirit (intelligence and will) emerged from biological life, which had previously emerged from inanimate matter. Thus, man’s dignity is self-created and will increase indefinitely to the point where he can emancipate himself from matter and take control of his life. Thus, human dignity is indexed to the degree of one’s biological evolution. Under this view, a “weak-minded” or mentally handicapped person is “less human” than an engineer; the humanity of a foetus is measured by the level of its intellectual development. This vision drives human rights toward the doctrine of transhumanism and perceives the enslavement of the body to the mind as a better and more enlightened form of humanity.

<sup>6</sup> For a current synthesis on natural law, see [ITC 2009].

<sup>7</sup> “We shall, I think, be nearest to knowledge when we avoid, so far as possible, intercourse and communion with the body, except what is absolutely necessary, and are not filled with its nature, but keep ourselves pure from it” [Plato, Phaedo, n. 67a].

This also explains the ideological validation of abortion, euthanasia, eugenics, and even transsexualism, practices which, until very recently, were prohibited in the name of the opposite principle of respecting the individual as a united “body and soul“.

This reduction of humanity to the mental dimension alone has direct consequences for the origins and the contents of our rights.

The materialist and evolutionist idea that humanity has elevated itself over time and will free itself from the natural world is the driving force behind the acceptance of behaviours that contradict nature and the stigmatisation of natural things as overly constraining and vulgar. It no longer is sufficient for us to live in domination over nature; rather, it is necessary that we detach ourselves from it to realise a new form of mastery, one borne out of our intellect and individual will and not from natural instinct or chance. Furthermore, the individual should not only dominate but enslave matter to extract and lift himself out of it. If man is the result of pure chance, if he originated from matter and is nothing but a fortunate primate, he then occupies an eminent position without having been placed there by someone greater than him, and his dignity does not come from God but must instead be self-determined [Brague 2013]. His dignity is therefore a movement, turned toward the future, of emancipation from the material realm and of spiritual elevation. It is constituted both of opposition and domination: the more the mind opposes the body, the more it emerges from material constraints, the more dignified man becomes. The body considered by itself, separate from the mind, does not possess any dignity of its own.

The dependence of the mind upon the body is thus treated as a form of indignity. Fatigue, hunger, old age, illness, sexuality, and other physical needs are often resented as humiliations, while the mind’s domination over the body is considered a form of exaltation. To attach human dignity to the mind alone promotes the devaluation of the body and its reification. The contempt for nature and for our natural origin appears particularly in biology. For example, artificial procreation and the practice of eugenics is exalted as more human and thus more dignified than procreation achieved through natural sex. Moreover, biological parentage – that based on the donation of sperm and the physical carrying of a child – is cast as being less human and worthy of fewer rights than parentage based on mere mental “intention.“

Today, the European Court of Human Rights no longer holds to the notion of dignity in its ontological sense, attached directly to the truths of human nature. Following the example of the United States Supreme Court,<sup>8</sup> it now systematically couples it with the notion of individual liberty by affirming that “The very essence of the Convention is respect for human dignity and human freedom”<sup>9</sup>.

There understood, respect for human dignity no longer opposes the domination of the will over the body, but in fact requires it. This reasoning discretely effects the abandonment of dignity as something inherent to each human being – as proclaimed in 1948 – in favour of a reflexive understanding that contradicts human nature.

The differences between these two conceptions of human dignity enables us to explain the dramatic evolution of human rights that has occurred over the last several decades.

## **II. The Three Stages: Natural Rights, Anti-Natural Rights, and Trans-natural Rights**

I propose three steps for surveying the historical course of human rights since 1948. While the rights recognised in 1948 reflected “natural human rights,” individualism has pitted the mind and the body against each other to make the will prevail over the constraints of our physical nature. This has produced new “anti-natural individual rights,” such as the right to euthanasia or to abortion, by which the individual affirms the domination of the will over and against the body. These anti-natural rights open the door to what I qualify as “trans-natural” rights (transcending nature), which are manifested in the conviction that the mind can redefine nature, and that the enslavement of the material to the intellectual is a form of human progress and liberation. These rights provide the legal framework needed to support the philosophy of transhumanism, from which stem other rights such as euthanasia, the acquisition of a child, or a change of one’s gender.

### **A. Natural Human Rights**

From the desire for human perfection and the duty of *Humanitas* flows a natural morality under which something is good or evil based on whether it contributes

<sup>8</sup> See: [Planned Parenthood v. Casey, 505 U.S. 833, 851 (1992)].

<sup>9</sup> See particularly: [Pretty v. The United Kingdom, n° 2346/02, 29 April 2002, § 65; Christine Goodwin v. The United Kingdom [GC], n° 28957/95, 11 July 2002, § 90].



(or not) to the development / accomplishment of human nature in each person. For example, academic instruction and physical activity are particularly good in that they permit the growth and development of children. The good is thus determined by human nature: things are good or bad according to whether they conform to and support this nature. It is human nature that also lies at the root of morality, and from whence comes the importance of knowing what that morality is. Both the Greek philosophers and Christian theologians (ST Ia, IIae, q. 94, a. 2) have identified and distinguished four fundamental aspects of human nature: man is by nature a living, social, and spiritual “being“. Each one of these aspects is a good which produces in man a special inclination: like all *beings*, man desires to preserve his own existence. Like all *living* beings, man desires to transmit life. Like all *social* (or political) beings, man desires to live in society. And finally, like all *spiritual* beings,<sup>10</sup> man desires to know God and the truth. Everything that responds to and furthers these fundamental desires is good, and everything that obstructs them (death, illness, solitude, error) is bad. This morality is natural since it flows directly out of human nature: it is the “right path“ by which a person achieves his being, i.e., accomplishes his natural end: it is the “natural moral law.“ Additionally, this “natural law“ does not create the good, but rather reflects it and is determined by it. Reason enables us to deduce this “law of goodness“ in the same way we perceive the path toward reaching a desired goal. By observing the moral law, a person fulfils his purpose and therein finds his wellbeing. The natural moral law flows therefore out of human nature, from which it also receives its universality and its authority.

After the War, the new international formulations of human rights attempted to reflect, as much as possible, the principles of natural law in order to, in the words of President Roosevelt, permit the advent of a “global moral order“ [Roosevelt 1941]. International law concerning human rights has therefore been focused on protecting each person’s exercise of the faculties by which we tend to realise our humanity, and simultaneously against arbitrary interference by the State.

It thus results that by observing the characteristics of human nature, the substance of human rights can also be identified. Thus, the observation that man is by nature a *living, social, and spiritual being* reveals that human rights must protect life and the physical integrity of each person (being), then their ability to found a family

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<sup>10</sup> Spiritual must be understood as endowed with a mind, that is, capable of thinking and reflecting upon himself.

(living being), then that of self-association and expression (social being), and finally their freedom of conscience (spiritual being). The protection of these faculties aims in the end to reduce obstacles to our self-development and fulfilment in harmony with all four dimensions of human nature. Human rights are therefore *natural* in that they are deduced from the direct observation of human nature. Because they find their origin in human nature, human rights and dignity are referred to as “inherent” by the Universal Declaration; this implies that they are not granted by the state, but rather that they pre-exist it and that the state must respect them in order to respect humanity. Therefore, no one can claim to create them; they theoretically escape the power of the state and of legal positivism. This is perfectly expressed by the American Declaration of the Rights and Duties of Man (Bogota, 1948), which declares that “the essential rights of man are not derived from the fact that he is a national of a certain state but are based upon attributes of his human personality.”

It is thus the consideration of the nature and dignity of the human being that allows us to establish with finality the substance, the authority, and the universality of human rights. It is based upon a sufficiently simple and humble conception of man and of social life, i.e., human society; and at the same time, it essentially establishes limits on the breadth of an individual’s rights, exactly the opposite of the anti-natural and trans-natural rights that we are about to describe.

### **B. Anti-Natural Individual Rights**

“Anti-natural individual rights” result from the disembodied conception of human dignity. We therefore pass from a peaceful and harmonious conception of human nature to one marked by militancy and dissatisfaction, according to which each person should increase his power over himself and over his environment to elevate his individual dignity. We pass from the idea of ability and accomplishment to that of power or domination. This therefore becomes a conception of rights founded on principles of opposition and confrontation, for these rights deny rather than redefine, as is illustrated by the right to abortion or to euthanasia.

This new “right” to power over one’s body is essential, if not axiomatic. It serves to justify individual practices contrary to the former conception of ontological dignity, such as violent and “unnatural” sexual behaviours, forms of consensual torture, sterilisation, gender reassignment, abortion, or even suicide. The right to “control over one’s body” has progressively replaced the opposite principle of

the inalienability of the human body according to which no one can act against himself, even if it is fully consensual. This inversion of principles illustrates perfectly the current passage from a harmonious, unified conception of the human being to a thoroughly dualist mindset.

In effect, while the principle of inalienability refers to respect for man as a harmonious and indissoluble combination of body and mind, the right to control over one's body tramples the unity of body and mind and sets up a dichotomy between an individual's will, the possessor of the right, and his body, the object of that right. It affirms the primacy of the will over the body, and even *against* the body. This consequently reduces human dignity to the will alone, from where the current fad individual autonomy has arisen.

### **C. Trans-Natural Rights**

The human rights of 1948 reaffirmed the existence of human nature, of human dignity, and of the primacy of the human person. In the second stage, individualism set human nature at odds with itself, exalting the mind over matter to make the individual will prevail over the body. Finally, in the third and penultimate stage, transhumanism affirms that the mind has the power to transcend nature and transform itself. Each step in the process – from natural rights to anti-natural rights and finally to trans-natural rights – leads to new developments in the understanding of human rights.

Anti-natural rights offer individuals the freedom to deny human nature and everything that accompanies it (life, the body, the family, religion, and traditions). They exist for no reason except to negate those rights which already exist. In this way, they are nihilistic and create nothing, only destroying the norms which express and protect human nature. By contrast, the new set of rights emerging currently orients human will not only against, but over and above nature, by setting out to redefine and transform it. These rights pretend to create something new, thus making them trans-natural: the legal expression of and support for the philosophy of transhumanism. While the individual affirms himself by denying nature, the trans-human dominates and redefines it. Transhumanism no longer attacks natural morality in a direct fashion, as did individualism, but instead works upstream, upon physical reality and the natural support of moral norms. The technique and the discourse of human rights work together: once the first has transformed reality, the second normalises this transformation by making it the object of new trans-natural rights.

These three generations of rights have different ends. Natural rights were aimed above all at the objective of protecting the human being to enable him to fulfil the potentialities of his nature, while anti-natural rights are carried by the ideal of liberation or *emancipation* of the individual, and trans-natural rights are aimed at the progressive *improvement* of humankind. These trans-natural rights are focused on those desires which exist outside of nature and which in fact transcend it. They expand and multiply at the same rate by which scientific and technological advances increase our power. Many of these rights have already appeared, such as that of giving birth to a child with selective genetics, or that of changing one's exterior appearance to match that of the other sex. The rights of abortion and euthanasia, in contrast, are anti-natural because they negate and destroy reality. After an adolescent period of self-affirmation that denies and opposes nature, the human mind has entered a stage of adult desire and seeks to achieve domination over it. For the transhumanist, this act of transcendence is the expression of human power and the achievement of a greater form of human dignity.

Transhumanism penetrates the medical profession as soon as it is employed for any purpose other than healing. We can identify the beginning of transhumanism in the abandonment of the principle that medical treatment must be preceded by a therapeutic need and directed toward a therapeutic end. Until the law of 27 July 1999<sup>11</sup>, Article 16-3 of the French Civil Code stated that "There may be no infringement of the integrity of the human body except in case of therapeutic necessity for the person," which prohibited all procedures on the body lacking a therapeutic justification, even with the consent of the person involved. This principle excludes, for example, the ability to perform medical experiments that do not directly benefit the patient in a manner proportionate to the risk incurred. In a ruling dated 27 June 1913,<sup>12</sup> the Court of Lyon therefore condemned a scientist for having undertaken a consensual experiment on a person without compensation, on the basis that "such a convention could not be admitted as compatible with human dignity."

This principle was reaffirmed after the Second World War. Moreover, a man who conducted sterilisations was condemned<sup>13</sup> for making voluntary cuts and injuries because he could not "invoke voluntary consent to the operations as a shield

<sup>11</sup> Law n° 99-641 of 27 July 1999, Law Providing for Universal Healthcare Coverage.

<sup>12</sup> Lyon, 27 June 1913, D. 1914, 2.73.

<sup>13</sup> Case of the Bordeaux Sterilisations: Cass. Crim., 1 July 1937, Rev. Sc. Crim., 1937, 680.

against penal responsibility, as those involved were unable to give him the right to violate laws regulating public order in operating on their bodies.<sup>14</sup>

Medicine must therefore only be used to “heal”; such is its limit out of respect for human dignity and its corollaries: the principles of the inalienability and sanctity of the human body. This limit, however, has been swept away during the past few decades, like most of those which rested on a conception of human dignity based on human nature.

In France, this occurred first through laws legalising contraception and abortion, which chipped away at the principle that pregnancy is not a form of illness or disease. Subsequently, the law of 20 December 1988<sup>15</sup> authorised pharmaceutical laboratories to conduct studies on healthy volunteers without “direct therapeutic ends” and without compensation.<sup>16</sup> The interest of collective scientific progress and the free consent of these “human guinea pigs” were used to justify this new approach. Then, in 1999, Article 16-3 was amended by the substitution of the adjective “medical” for the word “therapeutic”, thereby authorising widespread violations of the integrity of the human body. Aesthetic surgery thus found its wings. Since then, the legislature has authorised sterilisation as a form of contraception in 2001,<sup>17</sup> then purely cognitive research on human beings by the law of bioethics passed on 9 August 2004, and then research on human embryos in 2013, with more to follow.

It is sufficient for a judge to recognise the desire of an individual to benefit from a particular medical technique as falling under the domain of private life for it to become protected and evaluated as a “human right.” For example, the European Court of Human Rights has ruled that the “desire” of a couple “to procreate a child

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<sup>14</sup> In fact, a person proceeding with such contraception could be subjected to severe criminal penalties (Art. 222-1, 222-9 of the French Penal Code), and to disciplinary sanctions: according to Art. R. 4127-41 C of public health, “no mutilation procedure may be undertaken without a serious medical motive and, except in cases of emergency or impossibility, without the patient’s informed consent.

<sup>15</sup> Law n° 88-1138 of 20 December 1988.

<sup>16</sup> This law influenced the extension of the Helsinki Declaration of June 1964, such as that made in Tokyo in 1975, which permitted medical research devoid of direct personal benefits to patients. The Declaration introduced a fundamental distinction within “clinical” research, between that “with an essentially therapeutic goal,” and that “with a purely scientific objective” lacking any therapeutic benefit to the person upon whom the research is performed.

<sup>17</sup> Law n° 2001-588 of 4 July 2001.

who is not affected by the genetic disease of which they are healthy carriers and to resort to medically assisted procreation and PGD<sup>18</sup> is protected by the right to respect for private and family life. It has also followed this up by speaking of a “right to bring into the world a child who is not affected by genetic disease.”<sup>19</sup>

Thus, transhumanism has already infiltrated human rights: its principles simply wait for favourable circumstances in which to deploy their power for the transformation of man. Transhumanism is not incompatible with human rights; it is simply the individualist and technical extension of them, indeed the blossoming of that which would give these rights the capability to accomplish the promise of happiness formulated in the 18<sup>th</sup> Century. Transhumanism is opposed to the *personalised*, embodied version of human rights, but not to the nationalist form they took in 1789, which foreshadowed those of the disembodied individual. It is useless, in this environment, to count on human rights as a method for opposing the dangers of transhumanism. On the contrary, they are one of the greatest contributors to this folly.

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<sup>18</sup> ECHR, *Costa and Pavan v. Italy*, n° 54270/10, 28 August 2012, § 57.

<sup>19</sup> *Ibid.*, § 65.