How Liberal is (the Liberal Critique of) a Liberal Eugenics?*

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ABSTRACT

This article critically surveys the current bioethical and politico-philosophical debate about the ethical permissibility of a so-called 'liberal eugenics' and argues that neither the liberal argument for nor the liberal argument against human genetic enhancement is internally consistent as, ultimately, each ends up violating the very liberal principles it nonetheless pretends to defend. In particular, it will be shown that while the argument against a new eugenics necessarily entails a preemptive dehumanization of any potential enhanced form of life, the argument for it threatens to reduce any non-enhanced form of life to a "wrongful life" or a life not worth living. It will therefore be concluded that the specific stakes of this contentious issue cannot be grasped within a liberal conceptual framework.

Introduction

Recent progress in molecular biology and genetics has opened up the way for the deliberate manipulation of the human genome. Although there are still numerous technical barriers that have to be overcome before human genetic modification will become a standard medical procedure "the question is no longer whether we will manipulate embryos, but when, where, and how" (Stock, 2003, p. 2). The most direct benefit of genetic technologies will be in the prevention and healing of disease. But in addition to this obvious use, it will also be possible to employ these technologies for the purpose of human

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genetic enhancement. That is, if we can identify the gene(s) for phenotypic characteristics like height, strength, intelligence, and temperament, then it will be possible to use this knowledge to design human beings according to our personal preferences.

In bioethical and politico-philosophical debates about genetic technologies, these developments are usually framed in terms of a return of eugenics. The central assumption guiding much of the literature on the subject is that if genetic technologies produce eugenic effects, then they are also morally unacceptable. Most recently, however, some commentators have taken a different approach to this issue. They argue that there is nothing intrinsically wrong with the goals of eugenics as such and that its moral acceptability depends on the values and principles of the political ideology that regulates its implementation in society (Agar, 2007; Dworkin, 2000; Harris, 2007). They reject as unjustified any comparison that might be drawn between the project of human genetic enhancement and earlier morally reproachable eugenic practices by arguing that the new eugenics will be firmly rooted in the core liberal principles of state neutrality and individual autonomy. Liberal critics of human genetic enhancement, on the other hand, claim that this attempt to integrate the eugenic ideal into a liberal framework is bound to fail and that it will inevitably corrupt the central tenets of political liberalism to the point of its becoming something different altogether (Fukuyama, 2002; Habermas, 2003; Sandel, 2008).

In this article, it will be argued, however, that both liberal responses to the challenge of human genetic enhancement are internally inconsistent, as both are bound to lead to conspicuously illiberal conclusions. More specifically, it will be shown that while the liberal argument in favor of enhancement threatens to deprive all non-enhanced forms of human existence from any intrinsic value, the liberal argument against enhancement threatens to do exactly the same with regard to all future enhanced forms of human existence

1. The Liberal Eugenics

It is notable that few advocates of the new eugenics are willing to call the practice they support by that name. John Harris, for example, prefers to speak of "deliberate selection" (Harris, 2007, p. 4) and Gregory Stock favors the term "human self-design" (Stock, 2002, p. 3). These authors' reluctance to use the term 'eugenics' obviously has much to do with the dark shadow that still

hangs over earlier attempts to make improvements to the biological foundations of human existence. Many critics are indeed afraid that the emergence of a new eugenics will also prompt the return of some of the horrific acts committed in the field's name, such as the atrocities committed by Nazi eugenicists. This association is so strong that occasionally, when a practice is referred to as eugenic, it is in fact being described as morally reproachable (Wilkinson, 2008; Paul, 1992). Apparently, the mere use of the label is enough to indicate that it refers to a field of practices that any reasonable person would find morally objectionable. Conversely, those who argue in favor of a new eugenics are almost invariably accused of offering a thinly veiled justification of Nazism.

Yet despite its inglorious history, the concept of eugenics continues to attract enthusiastic supporters. There appears to be something undeniably appealing in the essential idea of eugenics, something that prevents us from rejecting it in its entirety. Who, after all, would not want to give his or her child the best possible genetic endowment? Convinced that the potential benefits of genetic technologies in human reproduction are too valuable to renounce on the basis of past abuses, advocates of a new eugenics therefore argue that the main question is not whether the Nazi eugenics program was abhorrent but whether the atrocities committed in the name of eugenics were not in fact the result of the underlying Nazi ideology rather than something intrinsic to the field of eugenics itself. Provided that the eugenic goal of 'enhancing' human beings still enjoys universal support and approval, and that the moral acceptability of eugenics depends on the values and principles of the political ideology regulating its implementation in society, then, they suggest, it might still be possible to devise a form of eugenics that is compatible with the basic tenets of contemporary liberal democracy.

Nicholas Agar, one of today's most vocal advocates of a new eugenics, has argued that the central principles of liberalism provide ample guidance for avoiding the moral pitfalls of earlier forms of eugenics: "[T]he addition of the word 'liberal' to 'eugenics' transforms an evil doctrine into a morally acceptable one" (Agar, 1998, p. 135). In his view, the most important difference between the authoritarian eugenics of the past and the liberal eugenics he envisages is simply the degree of control that the state has over the reproductive choices of its citizens: "While old fashioned authoritarian eugenicists sought to produce citizens out of a centrally designed mould, the distinguishing mark of the new liberal eugenics is state neutrality" (ibid., p.

137). State neutrality is, of course, central to any liberal democratic system which aims to protect the principle of value pluralism. In its original formulation, the principle of value pluralism was primarily intended to safeguard freedom of religion and expression, but liberal eugenicists believe that it is broad enough to cover the freedom to use genetic technologies in the field of reproduction (Robertson, 1994). This means that governments must refrain from interfering not only with the more ordinary reproductive choices of its citizens but also with new reproductive choices made possible by genetic technologies.

Another important reason why liberal eugenicists are convinced that there is no need for moral panic in the face of a new eugenic era is that they think that there is no morally relevant difference between shaping humans by making modifications to their environment and shaping humans by making modifications to their genes (Agar, 1998, p. 137). They argue, for example, that if parents are allowed and even encouraged to increase their children's intelligence by providing them with the best possible education, then they should also be allowed to pursue the same goal through genetic technologies. There are two aspects to this claim. First, it allows liberal eugenicists to refute the common argument that genetic intervention is substantially more intrusive than any other influence we may have over the development of another human being. Second, if there is no substantial difference between genetic intervention and other influences that parents have over the development of their children, then there is also no need to develop new ethical guidelines and legal regulations for genetic technologies, because the freedom to use such technologies is already protected by the existing right to reproductive freedom (Harris, 2007, p. 75).

Yet, some critics have argued that there is indeed nothing morally suspect about human genetic modification as such but that one should nonetheless distinguish between genetic intervention for therapeutic purposes and intervention for enhancement (Walters & Palmer, 1997, p. xviii; Campbell et al, 1999, p. 76). There are two assumptions inherent to this argument. The first is that there is an objective difference between genetic interventions that aim at restoring the capacities of the body to their 'normal' state and interventions that aim at raising them above this state. The second assumption is that this distinction corresponds to the moral boundary between permissible and impermissible uses of genetic technologies. In other words, this argument holds that there is nothing morally wrong with using genetic technologies to

heal people, but that it is impermissible to use them to boost human capacities above what is normal, or for that matter, below what is normal (Scully, 2001).

While this argument appears to possess the merits of simplicity and fitness for practical application, both of its assumptions have met with severe criticism from liberal eugenicists. John Harris, for one, thinks that "enhancements are not plausibly defined relative to normalcy, to normal species functioning, nor to species-typical functioning" (Harris, 2007, p. 36). According to him, these notions "play no part in the definition of harm and therefore no part in the way the distinction between therapy and enhancement is drawn" (ibid., p. 46). He gives a striking example to illustrate this. Suppose it was possible to use genetic technologies to slow down or even halt the ageing process. If we would only allow genetic intervention to restore normal functioning, then we would have to forsake this clearly benevolent use of genetic technology because it would not simply restore our body to normal functioning but actually enhance it beyond its normal state. In other words, since it is perfectly normal for us to die of the diseases of old age, this intervention would go beyond the therapeutic use of genetic technologies and would therefore be morally unacceptable. As a libertarian consequentialist, Harris believes that the moral imperatives either to provide therapy or enhancement derive from the fact that we value minimizing harm and maximizing benefits. What counts in deciding if it would be permissible to use genetic technologies is not the fact of whether an individual's current state deviates from normal functioning, but the cost/benefit calculation regarding the body's "possible functioning" (ibid., p. 53). That is to say, the only pertinent questions are whether the harm the technologies aim to prevent is serious enough and whether the benefits they aim to produce are valuable enough to take the risks.

2. In Defense of Human Nature

Some critical liberal observers have argued, however, that the proposed marriage between eugenics and liberalism will not so much redeem the former of its authoritarian drift as corrupt the central principles of the latter to the point of its becoming something different altogether. This argument can take a variety of different forms, but the basic assumption is that modifications to the human genome threaten to disrupt something that is valuable in itself. Consequently, since our very understanding of human dignity and its legal reflection in human rights is founded upon the notion of human nature, then

genetic modification could ultimately signal the end of the central principles of liberal democracy. In The Future of Human Nature, Jürgen Habermas therefore argues that human nature should be legally protected against genetic enhancement. Yet he founds this claim on a very specific understanding of what it essentially means to be human. What he seeks to protect are not the 'species-typical' characteristics and behaviors of homo sapiens, but "the conditions under which the practical self-understanding of modernity may be preserved" (Habermas, 2003, p. 26). He argues that once we achieve a reflexive understanding of the necessary conditions for "our capacity to see ourselves as the authors of our own life histories" (ibid., p. 25), we will realize that a liberal eugenics contradicts these conditions and should therefore be rejected. Central to Habermas's argument is the notion that dignity is not a property one possesses simply by virtue of being human, but that it is the distinctive mode of being of a "communicatively structured form of life" (Ibid., p. 72). What he means by this is that we are only able to understand ourselves as free and autonomous agents worthy of respect in the context of a moral community that consists of equal members interacting with each other on the basis of norms and reasoning. Thus, when Habermas states that the danger of genetic technologies lies in their power to change human nature, he means that their free deployment threatens to undermine the very foundations of the moral community.

To demonstrate why this is so, Habermas invites us to consider that our lifeworld is still largely 'Aristotelian,' in the sense that we tend to make automatic distinctions between "what is manufactured and what has come to be by nature" (ibid., p. 46). This distinction is morally relevant insofar as it motivates us to adopt a particular mode of action when dealing with entities belonging to either one of these realms: while inert, inorganic entities are open to various forms of technical-instrumental intervention, self-regulated organic entities are not. According to Habermas, this is due to the fact that we spontaneously feel 'empathy' for organisms which seem to possess a certain amount of subjectivity, no matter how minimal. We remain committed to this logic in the case of genetic interventions carried out on embryos for therapeutic purposes, firstly because our actions in this case are still guided by the natural processes of growth inherent to this prenatal form of life, but also because we imagine how the future person might give consent for any intervention that could prevent or cure a debilitating condition. In the case of genetic enhancement, however, a very different scenario emerges. Here, prospective parents are not treating the embryo as another subject who will

come to be on an equal footing with them, but as an object they can simply dispose of if necessary. In other words, if the relationship between parent and child is reduced to that of producer and product, they will never be able to meet each other as equal members of the moral community.

According to Habermas, then, liberal eugenicists make the mistake of focusing solely on the freedom enacted in parental choice, while the proper question to ask is what consequences genetic intervention will have for the programmed person's "capacity of being oneself" (ibid., p. 57) on which one's ethical self-understanding as a free and autonomous member of a liberal egalitarian society depends. It is true that if "we experience our freedom with reference to something which, by its very nature, is not at our disposal" (ibid., p. 58). then the situation of the programmed person is not fundamentally different from that of an individual born "the natural way," for neither have had any say in the genetic traits and characteristics they are endowed with. The crucial question to ask, however, is if it makes any difference whether these traits are the result of natural chance or of the deliberate intervention of a third person. Liberal eugenicists tend to play down the impact of this intervention on the existential situation of an enhanced individual by suggesting that there is no substantial difference between improving a person by modifying her social environment and doing so by modifying her genes. In his view, however, while a genetically unenhanced person always retains the option of rejecting or reappraising her parents' attempts to shape her personality through socialization, the enhanced person "who is at odds with genetically fixed intentions is barred from developing (...) an attitude towards her talents (and handicaps) which implies a revised self-understanding and allows for a productive response to the initial situation" (ibid., p. 62). Moreover, a liberal eugenics would not only deprive the genetically enhanced person of the spontaneous self-perception of being the singular author of her own life, but also create the child's permanent and irreversible social dependence on the parent, which "is foreign to reciprocal and symmetrical relations of mutual recognition proper to a moral and legal community of free and equal persons" (ibid., p. 65).

3. The New Eugenics and the self-negation of Liberalism

It should be clear, then, that this debate mainly revolves around the question of whether the new eugenics concurs with or contradicts the central principles of

liberalism. Clearly, much depends on the actor that is given priority in this discussion: while liberal eugenicists tend to emphasize the parent, liberal critics believe that special consideration should be given to the prospective child. This difference of emphasis explains why the former group considers state neutrality in the domain of reproduction to be a sufficient guarantee of the liberality of the new eugenics. They argue that if the state remains neutral in this matter and does not intervene to enforce a particular conception of the good to be sought through genetic modification, then, by giving parents more control over which genetic traits their children will inherit, a liberal eugenics will actually strengthen the freedoms associated with reproduction. Critics, on the other hand, point out that the main threat to the central tenets liberalism no longer comes from potential state intervention but from parents themselves. According to this group, it is not the freedom of parents that is at issue but the freedom of the children born to them.

On the face of it, this way of framing the new eugenics debate may not be entirely satisfactory, for it gives the impression that liberal eugenicists believe there should be no moral or legal limitations whatsoever to the reproductive liberty of parents. This is obviously not the case. As with other individual liberties, reproductive choices tend to be judged for acceptability against John Stuart Mill's principle of harm. As is well known, this principle broadly states that one is free to act as one chooses, as long as one's actions do not cause harm to others. The problem in the specific case of genetic enhancement is, however, that the limit of individual freedom is not set by potential harm done to fellow citizens but to human beings who do not yet exist. One of the most influential approaches to this complicated issue was developed by Derek Parfit, and is known as the "nonidentity argument" (Parfit, 1984). The example Parfit gives is that of a 14-year-old girl who decides to have a child. Intuitively, we would be inclined to believe that she is likely to harm her child because, by dint of having such a young mother, the child is likely to receive "a bad start in life" (ibid., p. 358). Furthermore, we would probably also believe that it would have been better for her child if the mother had waited longer to conceive, for then her child would have had better chances in life. Parfit shows, however, that this is an inaccurate appraisal of the situation. If the girl had indeed waited longer to have a child, this child would have been the product of a different egg and a different sperm. It would, in other words, have been a different child. The further implication of this is that the child born to her at the age of 14 has not been harmed, since the condition of this particular child should be compared

not to that of the hypothetical child born a couple of years later but to the condition of not being born at all. In other words, being born to a 14-year-old mother is no worse for a child than being born to, for example, a 24-year-old mother, because the alternative is not being born at all. One of the conclusions that has been drawn from this argument is that in reproductive freedom, the threshold of harm should be set at the point where the child would have been better off not being born. The underlying rationale is that all forms of life which fall short of this threshold constitute a "life not worth living" or a "wrongful life" (Feinberg, 1986).

Obviously, the problem that some liberal eugenicists have with this argument is not that it would give prospective parents too little reproductive liberty, but that it would give them too much. Indeed, very few are willing to accept the ultimate conclusion to which this argument seems to lead, namely that parents' reproductive liberty should be so wide as to include even the freedom to endow their children with a physical or psychological disability. Yet, according to the nonidentity argument, a child would usually not be harmed by such an anomalous reproductive choice, for very few cases are likely to arise in which a child would find herself in such terrible conditions that it would have been better for her not to be born at all. It would, for example, be very difficult to maintain that being born deaf is worse than not being born at all. In order to escape this conclusion, liberal eugenicists usually fall back on what is called the principle of procreative beneficence, which, in one version, states that parents "should select the child, of the possible children they could have, who is expected to have the best life, or at least as good a life as the others, based on the relevant available information" (Savulescu, 2001, p. 413). Broadly, this principle entails that parents are morally required to give their children the best possible genetic endowment. It is clear, however, that this principle is still much too formal to prevent parents from endowing their children with a disability

How, then, do liberal eugenicists attempt to resolve this conflict between the principles of reproductive freedom and procreative beneficence in the case of selecting for disability? One solution could be, first, to define disability as a diseased state and subsequently argue that deliberately creating a disabled child constitutes a clear violation of medical deontology. This solution would not be wholly satisfying, though, because it would be necessary to reintroduce an objectivist notion of normality or normal functioning against which a given condition could be assessed. This is a solution that liberal eugenicists wish to

avoid at all costs. John Harris has therefore proposed defining disability as "a condition that someone has a strong rational preference not to be in and one that is moreover in some sense a harmed condition" (Harris, 2007, p. 91). To determine whether a given condition is a harmed one, he suggests using what he calls the "emergency room test:"

I have in mind the sort of condition for which if a patient presented with it unconscious in the emergency room of a hospital and the condition could be easily and immediately reversed, but not reversed unless the doctor acts without delay, a doctor would be negligent were she not to attempt reversal. (Ibid.)

According to Harris, the main advantage of this conception of a harmed condition is that it is not defined in relation to the state of nonexistence, or to normal functioning, but "relative to possible alternatives" (ibid., p. 92). Suppose, he explains, that someone was brought into the hospital with her little finger severed at the first joint and it could be sewn on again. Although it would obviously be absurd to maintain that the missing end joint of this person's little finger meant that her life would be not worth living, there are nonetheless good moral reasons to maintain that the hospital staff would harm the patient by failing to reattach the finger. According to Harris, the same holds true for all other injuries, diseases and disabilities.

Catherine Mills has fiercely criticized this definition of disability, firstly because it neglects the simple fact that "some disabilities are neither irreversible nor removable" (Mills, 2011, p. 22) and secondly because it uses the perspective of an "able-bodied person" (ibid.) as the standard against which to evaluate a given condition. Yet, though this criticism may certainly hold true in the present, Mills seems to ignore the fact that Harris develops this argument in relation to genetic modification technologies of the future. What he actually suggests is that when we have the choice to have a child either with or without a disability, we have good moral reasons to choose the second option. Another factor that critics have overlooked is that, as genetic science advances, it is likely not only to increase reproductive freedom and the responsibilities that come with it, but also to change the standards against which we seek to measure a harmed condition:

> It is normal now, for example, to be protected against tetanus; the continued provision of such protection is not merely permissive. If the AIDS pandemic continues unabated and the only prospect, or the best prospect, for stemming its advance is the use of gene therapy to insert genes coding for antibodies to AIDS, I cannot think that it would be coherent to regard making available such

> therapy as permissive rather than mandatory (Harris, 2007, p. 93; emphasis added).

We cannot think of a stronger argument against deliberately endowing one's children with a disability. What Harris is saying here is that if parents have the power to prevent their child being born with a disease or disability, they should have not merely the freedom to use this power, but "the obligation to pursue human enhancement" (ibid., p. 9) Harris's argument is not that the state should intervene to enforce this obligation—in his view, it is a moral obligation we have to our children—but we have no reason to assume that such demands will not be formulated as soon as these technologies become more widely available.

If, upon closer examination, the liberal eugenicists' argument for the freedom to intervene in the genetic make-up of future generations resembles an argument for the obligation to intervene, then it is seems that the critics are right to conclude that "liberal eugenics is a betrayal of liberal philosophy" (Fox, 2007, p. 24). Curiously, this is not how they themselves reach this conclusion. As we have showed, the danger that many see in a liberal eugenics is that it might change human nature. Habermas has developed what is probably the most sophisticated version of this approach. His main point of critique is that being endowed with specific genetic traits and characteristics will deprive the programmed person of "an unobstructed future of his own" (Habermas, 2003, p. 63). The idea is that a person who learns that some of her talents, skills and abilities were not given to her by "nature" but by means of the deliberate intervention of another person will find it impossible to understand herself as the singular author of her own life.

Interestingly, however, the underlying idea of this argument did not originate in the context of a discussion about the consequences of new genetic technologies. What actually prompted Joel Feinberg to write his seminal essay 'The Child's Right to an Open Future' (1980) was a series of lawsuits in which members of the Amish community challenged compulsory schooling laws in various states of the USA. As is widely known, the Amish live an extremely secluded life, far removed from the complexity of the modern industrialized world. In Wisconsin v. Yoder the United States Supreme Court ruled in favor of an appeal made by the Amish community, noting that by forcing Amish children to attend state schools the State of Wisconsin infringed on their constitutional religious rights. In his essay, Feinberg disagrees with this decision by arguing that the Amish way of life infringes on Amish children's

right to an open future by prematurely closing off many of the other ways of life available in a free liberal society.

It seems somewhat odd that Habermas refers directly to Feinberg's essay in his argument against enhancement technologies (Habermas, 2003, p. 124), for two reasons. Firstly, by likening attempts to shape children by altering their social environments to attempts to shape them by altering their genetic profiles, he actually seems to be pursuing one of the strategies that liberal eugenicists employ to argue the opposite of what Habermas himself intends. As explained above, if there are no substantial differences between genetic intervention and the other influences that parents have over the development of their children, then there is no reason to allow the latter while rejecting the former. Secondly, at the core of Habermas's argument lies the contention that while the effects of "a pathogenic socialization process" can always be "revised by critical reappraisal" (ibid., p. 62), this is impossible in cases of genetic intervention. If, as it appears, he actually disagrees with Feinberg's view on the intrusiveness of certain educational practices, why then does he claim to base his own argument on it?

The most plausible explanation for this confusion seems to be that Habermas wishes to retain the structure of Feinberg's reasoning but not its content. That is to say, he agrees with him insofar as we should be especially concerned about a child's right to an open future, but disagrees with him insofar as he rejects the notion that the greatest threat to this right comes from a "pathological" socialization process. Liberal eugenicists often liken the effects of socialization to those of genetic intervention in order to argue that the latter is no more problematic than practices that are now routinely accepted as part of normal parenting. Habermas would be unlikely to disagree with the argument that parents' reproductive freedom should also encompass genetic interventions. As soon as priority is given to the perspective of the 'passive receiver,' however, then a very different picture emerges. After all, whereas socialization occurs at a moment when a child is already able to respond to the actions of her educators, genetic intervention occurs before the child has even entered into existence and the resulting individual will therefore be unable to respond effectively to his or her producer's intentions:

> (...) such an imposition from within the community, even if it is excluded from the relationships obtaining between morally acting persons, must nevertheless not be confused with an external or alien determination of the natural and mental constitution of a future person, prior to an entry into the moral community (ibid., p. 79).

Most critics revert to the notion of human dignity in order to oppose these kinds of interventions. However, this road is not open to Habermas because it entails giving full rights to unborn life and in his view, it is clear that the question of whether "the in vitro embryo were already 'another,' who possessed completely valid basic rights (...) can hardly be answered in the positive given the premises of an ethically neutral constitutional order" (ibid., p. 77). If it is already extremely difficult—if not impossible—to reach consensus on the question of when life begins, then these problems are only likely to increase in the case of genetic intervention, for gene modification can be performed not only at the zygote and embryo stages, but also in sperm and egg cells. It seem quite reasonable to assume that few would be willing to accept the absurd consequences that would follow from giving sperm and egg cells full human rights. While the proposed dilemma is quite clear, however, the same cannot be said about Habermas's solution to it. When he contends that "legal protection might come to be expressed in a right to a genetic inheritance immune from artificial intervention" (ibid., p. 27), then it remains far from evident who might be the beneficiary of this right. Since he rejects the idea of giving such a right to prenatal forms of life, he seems to mean that it would be bestowed upon the adult enhanced person. But how could such a person ever exercise her right to a genetic endowment free from artificial intervention, given that this irreversible act would have taken place well before she was a position to do so?

There is more to be said here, though. For what the debate between the advocates and opponents of a liberal eugenics makes evident is that the emergence of enhancement technologies is likely to be accompanied by a growing tendency to impose severe normative constraints on certain potential forms of life. This is clear enough in the argument of someone like Habermas, who draws on a normative conception of human nature to argue against genetic enhancement. What has not been sufficiently emphasized thus far, however, is the fact that any attempt to give normative content to human nature may be mobilized politically to exclude those who deviate from this norm (Mendieta, 2003). That is not to say that these authors' conceptions of human nature could serve as grounds for excluding certain vulnerable groups, such as the disabled or the mentally ill, from the moral community. Instead, it could be said that these definitions preemptively deny any genetically enhanced being that may be brought into existence in the future the status of human being. What else could Habermas mean when he writes that "[t]his new type of relationship

[between programming parent and programmed child, author's remarks] offends our moral sensibility because it constitutes a foreign body in the legally institutionalized relations of recognition in modern societies" (Habermas, 2003, p. 14; emphasis added)? This statement seems, moreover, to cast further doubt on the effectiveness of Habermas's call for a right to a genetic constitution free from genetic intervention. If an enhanced person is barred from establishing reciprocal relationships with 'normal' human beings, and thus from entering the moral community of equal citizens, on what grounds, then, may such a person appeal to this right in the first place? Again we must ask who the bearers of this right would be if the only individuals to have an interest in it were denied legal subjectivity?

This tendency is not absent from the discourse of liberal eugenics, however. Quite the contrary, in fact. As explained above, many liberal eugenicists seek to avoid some of the more distressing consequences of the nonidentity argument by tempering the right to reproductive liberty with the principle of procreative beneficence. The ultimate result of this argument is that parents would have the obligation both to prevent their children from being born with a disability or with a disease and to boost their capacities to a maximum. We should not lose sight of the justification behind this line of reasoning, however. What liberal eugenicists reject is not the notion of 'wrongful life' as such, but only the criteria which are to be used to determine what forms of life are included in this category once genetic technologies become available. What they are actually arguing, therefore, is that while it may be true that it is currently better, for example, to be born deaf than not born at all, this may change once we have the power to choose between a deaf child and a hearing child. If it is true, on the other hand, that the emergence of genetic technologies will progressively raise the threshold of harm, then we are also about to witness a steady increase in the number of forms of human existence that will have to be categorized as wrongful life. It remains to be seen how far this category can be stretched but perhaps, in the not too distant future, human beings as we currently know them will all be judged as having a 'life not worth living.'

Conclusion

Human genetic modification is still in its infancy, but the issues discussed above suggest that liberal political and moral philosophy remains rather ill equipped to address this controversial field, in the sense that the two positions

appear to be conceptually inconsistent: ultimately, both lead to conspicuously illiberal conclusions. After all, as we have argued above, while the argument against a new eugenics necessarily entails a preemptive dehumanization of any enhanced form of life, the argument for it threatens to reduce any non-enhanced form of life to the status of wrongful life. The final analysis might conclude, then, that any kind of liberal response to the challenges of the new eugenics unwittingly produces a form of life devoid of any intrinsic value. This is not to say that this outcome is inevitable, but clearly we will need to rely on an alternate interpretative framework if we wish to gain a more precise understanding of this contentious issue.

REFERENCES

Agar, N. (1998). Liberal eugenics. *Public Affairs Quarterly, 12*, 137–155.

Agar, N. (2004) *Liberal Eugenics: In Defence of Human Enhancement.* Oxford: Blackwell.

Campbell, A., Gillet, G., & Jones, D.G. (1999). *Medical Ethics*, 2nd edition. Oxford: Oxford University Press.

Dworkin, R. (2000). *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.

Feinberg, J. (1980). The Child's Right to an Open Future. In Aiken, W., & LaFollette, H. (eds.), *Whose Child? Children's Rights, Parental Authority, and State Power*. Totowa: Rowan & Littlefield.

Feinberg, J. (1986). Wrongful life and the counterfactual element in harming. *Social Philosophy and Policy, 4*, 145–178.

Fox, D. (2007). The Illiberality of "liberal eugenics". *Ratio, 10*, 1–25.

Fukuyama, F. (2002). *Our Posthuman Future. Consequences of the Biotechnological Revolution*. London: Profile Books.

Galton, F. (1883). *Inquiries Into Human Faculty and its Development.* London: J. M. Dent & Company.

Habermas, J. (2003). *The Future of Human Nature*. Cambridge: Polity Press.

Harris, J. (2007). *Enhancing Evolution: The Ethical Case for Making Better People*. Princeton: Princeton University Press.

Mendieta, E. (2003). Communicative freedom and genetic engineering. *Logos*, *2*, 124–139.

Mills, C. (2011). *Futures of Reproduction. Bioethics and Biopolitics*. Dordrecht: Springer.

Parfit, D. (1984). *Reasons and Persons*. Oxford: Clarendon Press.

Paul, D.P. (1992). Eugenic Anxieties, Social Realities, and Political Choices. *Social Research, 59*, 663–683.

Robertson, J.A. (1994). *Children of Choice: Freedom and the New Reproductive Technologies*. Princeton: Princeton University Press.

Sandel, M.J. (2008). *The Case Against Perfection. Ethics in the Age of Genetic Engineering*. Cambridge, MA: Harvard University Press.

Savulescu, J. (2001). Procreative beneficence: why we should select the best children. *Bioethics*, *15*, 413–426.

Scully, J.L. (2001). Drawing a line: Situating moral boundaries in genetic medicine. *Bioethics, 15*, 189–204.

Stock, G. (2002). *Redesigning Humans: Our Inevitable Genetic Future*. Boston/New York: Mariner Books.

Walters, L., & Palmer, J.G. (1997). *The Ethics of Human Gene Therapy*. New York: Oxford University Press.

Wilkinson, S. (2008). "Eugenics talk" and the language of bioethics. *Journal of Medical Ethics, 34*, 467–471.