Michael J. Sandel. The Case Against Perfection Boston (Cambridge): Harvard UP, 2007.
Ethics in the Age of Genetic Engineering

dain for Graham's eugenics. And yet the standards Cryobank imposes on the sperm donors it recruits are no less exacting than Graham's. Cryobank has offices in Cambridge, Massachusetts, located between Harvard and MIT, and in Palo Alto, California, near Stanford. It advertises for donors in campus newspapers (and offers to pay up to $900 per month), and accepts fewer than 3 percent of the donors who apply.

Cryobank's marketing materials play up the prestigious source of its sperm. Its donor catalog provides detailed information about the physical characteristics of each donor, as well as his ethnic origin and college major. For an extra fee, prospective customers can buy the results of a test that assesses the donor's temperament and character type. Rothman reports that Cryobank's ideal sperm donor has a college degree, is six feet tall, and has brown eyes, blond hair, and dimples—not because the company wants to propagate those traits, but because those are the traits his customers want. "If our customers wanted high-school dropouts, we would give them high-school dropouts."[21]

Not everyone objects to marketing sperm. But anyone who is troubled by the eugenic aspect of

the Nobel Prize sperm bank should be equally troubled by Cryobank, consumer-driven though it be. What, after all, is the moral difference between designing children according to an explicit eugenic purpose and designing children according to the dictates of the market? Whether the aim is to improve humanity's "germ plasm" or to cater to consumer preferences, both practices are eugenic insofar as both make children into products of deliberate design.

LIBERAL EUGENICS

In the age of the genome, the language of eugenics is making a comeback, not only among critics but also among defenders of enhancement. An influential school of Anglo-American political philosophers calls for a new "liberal eugenics," by which they mean noncoercive genetic enhancements that do not restrict the autonomy of the child. "While old-fashioned authoritarian eugenicists sought to produce citizens out of a single centrally designed mould," writes Nicholas Agar, "the distinguishing mark of the new liberal eugenics is state neutrality."[22] Governments may not tell parents what sort

of children to design, and parents may engineer in their children only those traits that improve their capacities without biasing their choice of life plans.

A recent text on genetics and justice, written by bioethicists Allen Buchanan, Dan W. Brock, Norman Daniels, and Daniel Wikler, offers a similar view: The "bad reputation of eugenics" is due to practices that "might be avoidable in a future eugenic program." The problem with the old eugenics was that its burdens fell disproportionately on the weak and the poor, who were unjustly segregated and sterilized. But provided that the benefits and burdens of genetic improvement are fairly distributed, these bioethicists argue, eugenic measures are unobjectionable and may even be morally required.[23]

The legal philosopher Ronald Dworkin also defends a liberal version of eugenics. There is nothing wrong with the ambition "to make the lives of future generations of human beings longer and more full of talent and hence achievement," Dworkin writes. "On the contrary, if playing God means struggling to improve our species, bringing into our conscious designs a resolution to improve what God deliberately or nature blindly has evolved over eons, then the first principle of ethical individualism commands that struggle."[24] The libertarian philosopher Robert Nozick proposed a "genetic supermarket" that would enable parents to order children by design without imposing a single design on the society as a whole: "This supermarket system has the great virtue that it involves no centralized decision fixing the future human type(s)."[25]

Even John Rawls, in his classic work, *A Theory of Justice* (1971), offered a brief endorsement of liberal eugenics. Even in a society that agrees to share the benefits and burdens of the genetic lottery, Rawls wrote, it is "in the interest of each to have greater natural assets. This enables him to pursue a preferred plan of life." The parties to the social contract "want to insure for their descendants the best genetic endowment (assuming their own to be fixed)." Eugenic policies are therefore not only permissible but required as a matter of justice. "Thus over time a society is to take steps at least to preserve the general level of natural abilities and to prevent the diffusion of serious defects."[26]

While liberal eugenics is a less dangerous doctrine than the old eugenics, it is also less idealistic. For all its folly and darkness, the eugenics movement of the twentieth century was born of the aspi-

ration to improve humankind, or to promote the collective welfare of entire societies. Liberal eugenics shrinks from collective ambitions. It is not a movement of social reform but rather a way for privileged parents to have the kind of children they want and to arm them for success in a competitive society.

But despite its emphasis on individual choice, liberal eugenics implies more state compulsion than first appears.[27] Defenders of enhancement see no moral difference between improving a child's intellectual capacities through education and doing so through genetic alteration. All that matters, from the liberal-eugenics standpoint, is that neither the education nor the genetic alteration violates the child's autonomy, or "right to an open future."[28] Provided the enhanced capacity is an "all-purpose" means, and so does not point the child toward any particular career or life plan, it is morally permissible.

However, given the duty of parents to promote the well-being of their children (while respecting their right to an open future), such enhancement becomes not only permissible but obligatory. Just as the state can require parents to send their children to school, so it can require parents to use ge-

netic technologies (provided they are safe) to boost their child's IQ. What matters is that the capacities being enhanced are "general-purpose means, useful in carrying out virtually any plan of life. . . . The closer such capacities are to truly all-purpose means, the less objection there should be to the state encouraging or even requiring genetic enhancements of those capabilities."[29] Properly understood, the liberal "principle of ethical individualism" not only permits but "commands the struggle" to "make the lives of future generations of human beings longer and more full of talent and hence achievement."[30] So liberal eugenics does not reject state-imposed genetic engineering after all; it simply requires that the engineering respect the autonomy of the child being designed.

Although liberal eugenics finds support among many Anglo-American moral and political philosophers, Jürgen Habermas, Germany's most prominent political philosopher, opposes it. Acutely aware of Germany's dark eugenic past, Habermas argues against the use of embryo screening and genetic manipulation for nonmedical enhancement. His case against liberal eugenics is especially intriguing because he believes it rests wholly on liberal premises and need not invoke spiritual or theo-

logical notions. His critique of genetic engineering "does not relinquish the premises of postmetaphysical thinking," by which he means it does not depend on any particular conception of the good life. Habermas agrees with John Rawls that, since people in modern pluralist societies disagree about morality and religion, a just society should not take sides in such disputes but should instead accord each person the freedom to choose and pursue his or her own conception of the good life.[31]

Genetic intervention to select or improve children is objectionable, Habermas argues, because it violates the liberal principles of autonomy and equality. It violates autonomy because genetically programmed persons cannot regard themselves as "the sole authors of their own life history."[32] And it undermines equality by destroying "the essentially symmetrical relations between free and equal human beings" across generations.[33] One measure of this asymmetry is that, once parents become the designers of their children, they inevitably incur a responsibility for their children's lives that cannot possibly be reciprocal.[34]

Habermas is right to oppose eugenic parenting, but wrong to think that the case against it can rest on liberal terms alone. The defenders of liberal eu-

genics have a point when they argue that designer children are no less autonomous with respect to their genetic traits than children born the natural way. It is not as if, absent eugenic manipulation, we can choose our genetic inheritance for ourselves. As for Habermas's worry about equality and reciprocity between the generations, defenders of liberal eugenics can reply that this worry, though legitimate, does not apply uniquely to genetic manipulation. The parent who forces her child to practice the piano incessantly from the age of three, or to hit tennis balls from dawn to dusk, also exerts a kind of control over the child's life that cannot possibly be reciprocal. The question, liberals insist, is whether the parental intervention, be it eugenic or environmental, undermines the child's freedom to choose her own life plan.

An ethic of autonomy and equality cannot explain what is wrong with eugenics. But Habermas has a further argument that cuts deeper, even as it points beyond the limits of liberal, or "postmetaphysical" considerations. This is the idea that "we experience our own freedom with reference to something which, by its very nature, is not at our disposal." To think of ourselves as free, we must be able to ascribe our origins "to a beginning which

eludes human disposal," a beginning that arises from "something—like God or nature—that is not at the disposal of some *other* person." Habermas goes on to suggest that birth, "being a natural fact, meets the conceptual requirement of constituting a beginning we cannot control. Philosophy has but rarely addressed this matter." An exception, he observes, is found in the work of Hannah Arendt, who sees "natality," the fact that human beings are born not made, as a condition of their capacity to initiate action.[35]

Habermas is onto something important, I think, when he asserts a "connection between the contingency of a life's beginning that is not at our disposal and the freedom to give one's life an ethical shape."[36] For him, this connection matters because it explains why a genetically designed child is beholden and subordinate to another person (the designing parent) in a way that a child born of a contingent, impersonal beginning is not.[37] But the notion that our freedom is bound up with "a beginning we cannot control" also carries a broader significance: Whatever its effect on the autonomy of the child, the drive to banish contingency and to master the mystery of birth diminishes the design-

ing parent and corrupts parenting as a social practice governed by norms of unconditional love.

This takes us back to the notion of giftedness. Even if it does not harm the child or impair its autonomy, eugenic parenting is objectionable because it expresses and entrenches a certain stance toward the world—a stance of mastery and dominion that fails to appreciate the gifted character of human powers and achievements, and misses the part of freedom that consists in a persisting negotiation with the given.