Mainstream Eugenics: A Moral Imperative?

Any discussion of eugenics must begin with a definition of the term itself. While the most basic meaning, etymologically speaking, is "well-born," (Hampton) Francis Galton, cousin to Charles Darwin, first defined the term eugenics as primarily:

> the science of improving stock, which is by no means confined to questions of
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> judicious mating, but which, especially in the case of man, takes cognisance
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> of all influences that tend in however remote a degree to give to the more
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> suitable races or strains of blood a better chance of prevailing speedily over
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> the less suitable than they otherwise would have had. (quoted in Harvard Law Review)

Clearly, the contentions that some moralists have with eugenics stem from the latter half of Galton's definition. Galton, in a rather egregious manner, has falsely associated the entire concept of eugenics with a particular ideology, in this case the idea that there are "inferior" races that should be actively prevented from producing progeny. The idea that certain peoples should be encouraged to breed, while others should be discouraged from doing so, gives rise to the terms positive and negative eugenics, respectively (Hampton). The search for examples of either need not consume us unduly. Any practice that advocates race supremacy, white, black, or otherwise necessarily advocates positive eugenics to propagate that race—white couples having white kids, black couples having black ones; The laws imposing sterilization of those deemed mentally feeble (first enacted in the US by Indiana in 1907) are principal examples of negative eugenics.

The problems with these terms, positive and negative, are readily apparent. The use of them, especially in the latter case, recalls the repugnant acts committed in their name. Unfortunately, in the minds of some, eugenics has become synonymous with these acts, when in fact eugenics, strictly speaking, is a purely scientific expression (or should be).

Nonetheless, considering that eugenics does involve the direct manipulation of life, the ethics involved are of primary concern. In this paper, I will present the moral arguments raised by opponents of eugenics and present refutations to them. I will then argue that the best course of action regarding the future of eugenics, in the form of genetic selection and genetic enhancement, should be to incorporate some of the basic tenets of what Nicholas Agar calls liberal eugenics (Fox), but that this laissez-faire liberality should be tempered by a limited amount of government regulation.

Before discussing the arguments against eugenics, it seems appropriate to discuss exactly what eugenic practices are being maligned. At its most basic, any person who chooses a mate based on how he or she wants their future kid to "turn out" is practicing eugenics. This practice has been occurring for generations, most especially among royals, with mixed results, and few would argue that it is unethical. Certainly, the decision of whom we choose to marry and why stands outside the purview of anyone but those whom it directly affects, with few exceptions (obviously, the state will step in occasionally, as in the case of polygamy or child marriage). Overall, however, the right to marital privacy forbids interference by the state in "activities relating to marriage, procreation, contraception, family relationships, and child rearing and education," and that right would seem to extend to new procreative technologies, like in vitro fertilization (Harvard Law Review). Likewise, any parent who imposes piano lessons on his kids for the purpose of trying to improve musical ability or cognitive function, while not practicing eugenics specifically (as it is a practice that occurs after the offspring is born), is hoping to attain results similar to those produced by eugenics. One might argue that it is unfair that some children receive this special education while others don't, perhaps

because some parents have more discretionary income than others, but one would be hard-pressed to argue that it should be prohibited on moral grounds. Such practices occur all the time and are generally accepted. These previous arguments, regarding procreative liberty and the argument by analogy, form the basis of what Nicholas Agar calls liberal eugenics. Liberal eugenics further holds that the use of eugenics should be (1) voluntary as in free from coercion, (2) individualistic, on a child-by-child basis by individual families, and (3) without government intervention (Fox). The proposed mechanism for liberal eugenics, is of course, genetic selection and enhancement. In spite of the seeming logic of the preceding suppositions however, some moralists argue that when one starts applying these arguments to genetic manipulation, they do not hold up.

What is being attacked then is the practice of stock improvement as it applies toward direct genetic interference via gene selection and gene enhancement. Gene selection as we currently understand it, arose as a natural result of pre-implantation genetic diagnosis, "the process by which an embryo is microscopically examined for signs of genetic disorders" (Baird). Should a disorder be discovered, the afflicted embryo can be terminated or if discovered at a pre-implantation stage, as with IVF, an egg without the disease bearing genes may be chosen (Steere). Antenatal screening thus feeds directly into genetic selection. Perhaps the most obvious way in which this occurs is the use of antenatal screening to determine the sex of the child. Presumably, parents could choose to terminate embryos whose sex was not preferable to them. Such practices already occur in some states, China being the one that most readily comes to mind. It should be noted however that in China, there are strict laws that govern population control. Though some argue that allowing parents here to choose their child's sex could

lead to an imbalance in the male-to-female ratio, by and large studies have shown that in countries where procreation choices are largely left up to the family unit, as in the United States, there does not seem to be any drastically preferred choice of boys over girls, or vice-versa (Fox). Gene enhancement involves the alteration of genes to produce a desired effect (Baird). The arguments for and against gene selection and gene enhancement are slightly different as we will come to see.

While the prospect of gender bias can be refuted rather swiftly, other aspects of genetic manipulation cannot be so easily dismissed. One such question is in regards to new behavioral genetics, which as the name suggests, has to do with genes that affect how a person acts. Studies of a Dutch family with a disproportionately large number of criminal offenders in the male line have already discovered a gene present in all the male members of the family afflicted with aggressive criminal tendencies. The abnormal gene, located in the Monoamine Oxidase (MAO) region, is conspicuously absent in the males of the family who do not engage in criminal activities, and indeed "did not exhibit *any* abnormal or criminal behaviour" (Fox). Indeed, the Dutch scientists involved in the study have already discovered the mechanism that the abnormal gene affects that predisposes the abnormal gene-carrying males toward aggressive behavior. The question becomes is it ethical to remove this gene from the equation, if with genetic selection it is possible to do so? Or to put it in a somewhat blunter fashion, is it permissible to terminate a fetus that has an undesired gene?

In the past decade, several authors have argued that while ethics must always be paramount before engaging in any sort of eugenics en masse, it is easier to promote genetic selection than it is genetic enhancement. When moralists argue against genetic

selection, they typically bring up the supposition that it might potentially harm the child. In a way though, genetic selections nullifies this argument. The rationale follows this logic: if via genetic selection, parents choose an embryo without certain genes, and the child in the future decides he wants the genes, can he argue that he has been harmed? In short, no. The reason is that, had the parents chosen to bear an embryo with the gene, that embryo would be a different person than the one arguing that he has been harmed. Similar perhaps, but not the same man. Presumably, existence without a certain gene is better than no existence at all (Savulescu). As long as he has any sort of quality of life whatsoever, he cannot argue he has been harmed. In genetic enhancement however, the supposition is made that the same child would have been chosen regardless of which genes he possessed. In theory then, if his parents chose not to alter those genes, he could feasibly claim he has been harmed.

The argument is also put forward that genetic manipulation denies the child's autonomy. If a child is born with a certain set of genes and he knows that these genes will help him in certain careers, then he will choose to pursue those life paths because it would be absurd to do otherwise. Genetic selection denies the child the "right to an open future" as proposed by Joel Feinberg in his *Freedom and Fulfillment* (Savulescu). This argument fails on three levels. First, genes are not a direct indicator of behavior. Environment also influences choices. Second, knowledge of genes does not necessarily limit choice; knowledge informs choice. Knowing one has a certain set of genes is a form of self-knowledge and self-knowledge is "essential information to being fully autonomous" (Savulescu). Thirdly, if a person's choices might result in destructive behavior, Feinberg argues that it is "justified in interfering with his liberty in order to

protect him from harm" (qtd. in Savulescu). Such is the case when the government

forcibly hospitalizes people who attempt suicide.

Furthermore, moralists argue that gene manipulation is a violation of the child's

right to privacy. On reflection though, child's privacy issues are violated in this manner

all the time by parents if it is necessary for the child's wellbeing. The final major

argument that deals directly with harm to the child is the notion that screening, especially

for genes that affect behavior, could lead to certain unrealistic expectations of that child,

but again, genes are only one of a long list of factors that influence how one turns out

(Savulescu). They are not the be all and end all for determining how one's offspring will

act.

Arguments against genetic manipulation also favor the idea that eugenic selection

could have more lasting social ramifications. For example, if parents all want their

children to have certain genes, this may lead to a lack of diversity in the population.

Likewise, people without certain genes might be discriminated against by those with said

genes (and vice-versa). In practice though, evidence suggests that even when faced with

having a child with undesirable genes, ten percent of parents choose to bear the child

anyway, so diversity is maintained. As to discrimination, real world situations prove that

there are "a great many minority qualities which are not discriminated against and only a

few which are" (Savulescu). And in those cases in which discrimination exists, the

preferred choice is not to try to remove the minority, but to educate those who engage in

discrimination. In any case, it is not a strong enough argument to claim that genetic

selection as a whole should be summarily dismissed. Since genetic selection can be

defended from the moral standpoint, the question becomes how to implement it into

society.

Nicholas Agar, as stated previously, argued that eugenics should be voluntary, individualistic, and state-neutral. I would argue that he is perhaps being somewhat idealistic. As the arguments above plainly show, there are some who would find points of contention with eugenics no matter what argument is produced. Unfortunately, liberal eugenics only succeeds in countering arguments, not in arguing for eugenics itself. Where liberal eugenics arguments stop short however, Dov Fox's Theory of Offspring Enhancement picks up. Fox argues that (1) parents are morally obligated to carry out practices that enhance natural primary goods (memory, general cognitive functioning, resistance to near-universal harmful traits such as paraplegia) and (2) parents are permitted to enhance their children in the area of non-primary goods, height or tonal pitch for example (Fox). Fox argues this point in the following manner: liberal ideology is based around freedom of choice and autonomy. The state, however, is justified in stepping in for someone's own good when the person involved is not capable of free choice or when that person would presumably be grateful to the state for usurping autonomy at a future date. Such reasoning, when applied to children, justifies the fact that certain rights are denied to children (the right to vote, the right to own property) because they are not in a position to "do right" by themselves. This also applies to the state mandating such institutions as vaccinations, immunizations, and public schooling. Since good health is a value that is useful for any life path that children might choose to embark on, it is presumed that the child would give consent if he or she were in a position to do so and so the state is justified in stepping in.

The autonomy of liberalism being thus preserved, within certain limits, Fox next

goes on to show how state intervention can actually circumvent many of the arguments advanced against liberal eugenics. First, by mandating certain baseline natural primary goods (resistance to disease, improved memory, etc.) for all, the state can raise quality of living, and pay for it through taxpayer subsidies, as with public schooling. Second, in liberal eugenics, where enhancement is entirely up to the parent, there is a risk that parents could deliberately engineer a child with certain disabilities (as in the case of two deaf parents who specifically selected an embryo from a sperm donor whose family had a history of deafness). Whereas liberal eugenics can only argue that life with a disability is better than not having existed at all, with some state regulation, parents could be barred from deliberately selecting disabling traits, thus sidestepping the matter entirely. Third, while liberal eugenics simply argues that a child's "right to an open future" is always limited in some ways by parents and their expectations and that other factors are also involved, and that genetic selection is just an extension of this fact, by placing certain minimums of enhancement in the hands of the state (which has far less influence than immediate environmental factors, including how parent's raise their kid), the child's autonomy is preserved more fully.

Of course, it is far easier to argue that eugenics should be permitted and even actively promoted, than it is to decide how exactly to implement it. In fact, there is legal precedent for the state to step in and regulate eugenics. In the case of *Jacobson v. Massachusetts*, it was decided by the Massachusetts Supreme Court that it was within the state's power to force its citizens (in this case, Jacobson) to submit to a vaccination in the interests of public welfare (Harvard Law Review). In regards to public safety, the courts have often held that the public good outweighs personal freedom. If more genes like the

ones in the MAO region are discovered, genes that predispose certain individuals to violence, the state may well be justified in removing those genes from the individual before the threat manifests. That said, the courts have sometimes shown a troubling inability to recognize when human rights are being violated in the name of progress. One need only recall the case of *Buck v. Bell*, when a young woman was forced to undergo sterilization on the grounds that she was mentally feeble and any babies she would produce would likewise be mentally feeble. The state was thus justified in sterilizing her for the good of the public welfare. Needless to say, nowadays this can clearly be seen as a violation of Miss Buck's due process and civil rights on several levels.

Needless to say, it is a fine line to walk. Less than a hundred years ago, state regulation of eugenics led to the genocide of over 6 million people. There is clearly the need for some long, deep thought with the input of people both familiar with the science itself and with public policy, on the subject. No one wants a repeat of the tragedies that were carried out in the name of eugenics. But, as I hope I have shown, eugenics in itself isn't implicitly wrong. Strong arguments can be made in its defense, as well as for its adoption into mainstream society. By combining some of the basic principles of liberal eugenics but limiting them somewhat through state regulation, as proposed by Dov Fox in his Theory of Offspring Enhancement, we can at least, see a possible mechanism by which eugenics can be integrated into the system, much like public education. Certainly, there is nothing wrong with a desire to have improved health and mental fortitude for all, and if eugenics can advance that, I would argue that it is a moral obligation to at least investigate the means of implementing eugenics into society.

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