

# A Not-So-New EUGENICS

## Harris and Savulescu on Human Enhancement

BY ROBERT SPARROW

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John Harris and Julian Savulescu, leading figures in the “new” eugenics, argue that parents are morally obligated to use genetic and other technologies to enhance their children. But the argument they give leads to conclusions even more radical than they acknowledge. Ultimately, the world it would lead to is not all that different from that championed by eugenicists one hundred years ago.

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As Nick Agar noted in the pages of this journal in 2007, there now exists a significant body of work in bioethics that argues in favor of enhancing human beings.<sup>1</sup> Writers including Gregory Stock, Lee Silver, Nick Bostrom, Julian Savulescu, John Harris, Ronald Green, Jonathan Glover, and Agar himself have suggested that there is little reason to fear the scientific application of genetic technologies to human beings, as long as the choice of whether—and how—to use them is left up to individuals.<sup>2</sup> They argue that a “new” or “liberal” eugenics, which would be pluralistic, based on good science, concerned with the welfare of individuals, and would respect the rights of individuals, should be distinguished from the “old” eugenics, which was perfectionist, unscientific, concerned with the

health of the “race,” and coercive.<sup>3</sup> According to the advocates of the new eugenics, the horrors associated with the old eugenics should not prevent us from embracing the opportunities offered by recent advances in the biological sciences.

Two of these writers in particular, John Harris and Julian Savulescu, have independently advanced the argument for human enhancement with especial fervor in their recent works. In *Enhancing Evolution: The Ethical Case for Making Better People*, Harris takes to conservative critics of enhancement with gusto and argues that a commitment to human enhancement follows naturally from our willingness to accept the improvements in our welfare and capacities that other technologies have made possible.<sup>4</sup> Moreover, he suggests, a proper concern for the welfare of future human beings implies that we are *morally obligated* to pursue enhancements.<sup>5</sup> Similarly, in a series of influential and oft-cited articles in prestigious medical and bioethical journals and in

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edited collections published by major academic presses, Julian Savulescu has argued that we are morally obligated to use genetic (and other) technologies to produce *the best children possible*—a strong claim indeed!<sup>6</sup> Savulescu has also used his role as director of the Oxford Uehiro Centre for Practical Ethics to promote human enhancement in the popular press.<sup>7</sup>

When learned professors at the University of Manchester and Oxford start to agitate on behalf of enhancing human beings, it behooves us to take notice. For reasons that will become obvious below, I hope that Savulescu and Harris are wrong about the existence of an obligation to enhance future human beings, but it is not my intention to try to establish that here. Rather, my purpose is to point out that if we have such an obligation, then its implications are much more radical than Harris or Savulescu admit. Both Harris and Savulescu approach the ethics of human enhancement from a consequentialist perspective.<sup>8</sup> Given the notoriously demanding nature of consequentialism and its lineage as a philosophy of radical social reform, one might expect that their conclusions would include a strong role for the state in encouraging or even requiring people to meet their obligations to have better babies. Instead, both Harris and Savulescu deny that the state should pursue eugenic goals and insist that the decision about whether to pursue enhancement (and which enhancements to pursue) should be left up to individuals. There is, therefore, a tension between their consequentialism and their (apparent) libertarianism when it comes to the rights of individuals to use—or not use—enhancement technologies as they see fit.<sup>9</sup> Only through a very particular and not especially plausible negotiation of the uneasy relationship between their moral theory and their policy prescriptions can Harris

and Savulescu obscure the fact that the gap between the new and the old eugenics is not that large at all, and that their philosophies have implications that most people would find profoundly unattractive.

### Consequentialism and Enhancement

The two technologies that offer the most realistic prospect of achieving dramatic improvements in the capacities of human beings in the foreseeable future are preimplantation genetic diagnosis (possibly in combi-

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nation with “embryo splitting”) and somatic cell nuclear transfer. PGD allows parents to learn about the genetics of the embryos they have created through in vitro fertilization, so that they can choose which embryo to implant into a woman’s womb and try to bring to term. It is currently widely used as a powerful technique to prevent the birth of children with severe disabilities. The use of PGD for enhancement would involve selecting embryos on the basis of genes for “above-species-typical” capacities. Our rapidly improving knowledge of human genetics, especially since the completion of the human genome program, has greatly increased the potential of using PGD to this end. Employing “embryo splitting” in conjunction with PGD would improve its efficiency as an enhancement technology by allowing the creation of multiple, genetically identical copies of a desirable embryo, increasing the chances of successfully implanting an

embryo with those genetics.<sup>10</sup> Should somatic cell nuclear transfer cloning of human beings become possible, then parents could create children with the genome of some existing person who has above-species-typical characteristics.

Consequentialism has a distinct theoretical advantage when it comes to discussing the ethics of these technologies. Both PGD and SCNT involve choosing *which people are born* rather than enhancing the traits of *existing* persons. As Derek Parfit observed, such decisions are not “person affecting”: there is no particular person who will be better or worse off depending on how the decisions are made, because if the decisions are made differently, then a different person is brought into the world.<sup>11</sup> It is difficult for nonconsequentialist moral theories to gain any purchase on decisions of this sort. Rights-based or Kantian approaches founder because, in the absence of an

affected individual, decisions about enhancement are only about how we treat embryos, rather than how we relate to rational agents, and attributing “rights” to embryos has extremely counterintuitive implications in other policy areas.<sup>12</sup> Moreover, insofar as we are concerned with the rationality of future agents, some enhancements might be desirable because they might *facilitate* rational agency. Perhaps virtue ethics stands a better chance of generating conclusions about the appropriate attitude toward enhancement,<sup>13</sup> or about the impact that altering human nature would have on future human beings’ capacity to exercise important virtues.<sup>14</sup> However, it is difficult to develop an uncontroversial account of the virtues that has enough content to motivate definite conclusions about the appropriate attitude toward enhancement. And while altering human nature might have implications for the nature and role of the virtues,

it is extremely unlikely to make virtue itself impossible. In any case, it is not clear that we have any good reason to prefer the virtues associated with existing human character traits over the virtues enhanced human beings might have.<sup>15</sup>

However, insofar as decisions about embryo selection are about worlds containing different sorts of people—and different amounts of happiness—consequentialism can deal with them with ease. For instance, a consequentialist approach quickly generates what is—for most people—intuitively the right answer when we are considering decisions about whether to use PGD to prevent the birth of children with severe disabilities.<sup>16</sup> It is difficult indeed not to think that parents who are at risk of conceiving a child with a serious genetic disorder, and who are offered a choice to use PGD to identify and select against embryos suffering from this disorder, do something wrong if they fail to make use of the technology. A compelling analogy can be made between this case and a case where parents could remedy an environmental hazard that would have the same effect on their child. In both cases, the outcome of parental inaction is a child born with a serious disability. Yet the latter case is “person affecting,” whereas the former is not. Because decisions about whether to use PGD (and about which embryo to select if we choose to use it) do not harm or benefit any individual, non-consequentialist approaches struggle to explain why we have any reason to select the healthy embryo using PGD. Consequentialism, on the other hand, implies that we should select a healthy child for the same reason we would act to prevent harm to an existing child—in order to minimize the amount of unnecessary suffering in the world. If we think parents have strong reasons to avoid the birth of children with severe disabilities, this suggests that consequentialism has a crucial role to play in determining the ethics of decisions about what sort of people there should be.

However, as both Harris and Savulescu have pointed out, a concern with the amount of happiness in the world suggests that we should not be content with *reducing* suffering and unhappiness.<sup>17</sup> Instead, consequentialism suggests that we should act so as to *increase* the amount of happiness—or perhaps welfare—in the world.

Thus, once we adopt a consequentialist perspective, the argument for enhancement follows straightforwardly. As Harris puts it, if something is an enhancement, that means that it benefits individuals. We should act so as to promote the well-being of individuals. Therefore, we should pursue enhancements.<sup>18</sup> There is, perhaps, some room to argue about the possibility that certain enhancements, despite being good for those who enjoy them, will generate “negative externalities” and will impose a cost on the rest of society, especially if these enhancements are available only to those able to pay for them. Indeed, I will suggest below that this is both much more likely and much more significant than either Harris or Savulescu acknowledge. However, such concerns will at most establish a case against particular enhancements; they are unlikely to rule out enhancements altogether. Thus, while there may be reasons to be cautious about some sorts of enhancements, the distinction between therapy and enhancement itself is morally irrelevant, and we should, for the same reason as we pursue therapies, pursue enhancements.<sup>19</sup>

In a moment I will turn to examine the question of the *means* we should adopt to bring about a world of enhanced human beings. However, it is worth pausing to highlight some of the more *outré* features of *what* it is, precisely, that we might be obligated to bring about. Many of the implications of the new eugenics are genetic interventions that in substance—if not in motivation—look very much like those advocated by the “old” eugenics.

To begin with, it is worth noting that genetic technologies might provide a new way of increasing the amount of happiness in the world: they might allow us to simply engineer happier people. If happiness is a subjective state—a warm inner glow, as it were—then we may well be able to make future generations happier by manipulating the base level of various neurotransmitters in their brains. The existence of genetic risk factors for depression suggests that genes may play a role in determining the “base mood” of individuals. Selecting for—or manipulating—these genes might allow us to greatly improve the prospects of future individuals feeling happy. Even if happiness is defined as having one’s preferences satisfied, then it may be possible to promote happiness by shaping people (again, perhaps by altering their brain chemistry) so that they have lower ambitions and more easily satisfied preferences.<sup>20</sup> The only way Savulescu and Harris could avoid the implication that we are obligated to ensure that future generations are engineered for contentment and go through life suffused in a warm bath of serotonin, dopamine, and opioids would be to retreat to a more substantive account of well-being. If human flourishing consists in the satisfaction of those preferences that an ideal observer would rationally endorse, or in the achievement of various objective goods, then there will be less impetus to try to engineer people for happiness by manipulating their brain chemistry. However, any resort to a more objectivist account of well-being would require consequentialists to justify that account and would make their conclusions much more controversial; it would also open up the possibility that the value of these goods might ground an argument *against* enhancement. Yet in the absence of a richer and more plausible account of well-being than either Savulescu or Harris has yet provided, the genetic interventions required by consequentialism look very “Brave New World” indeed.<sup>21</sup>

These implications are, of course, contingent on the science advancing in certain ways. However, there are other perverse implications of a consequentialist approach to enhancement that could be realized with existing technologies. By its very nature, the argument for enhancement downplays the moral significance of normal human capacities. In particular, our reasons to reshape the capacities of future human beings do not stop at ensuring normal species functioning. This is, of course, what establishes the obligation to enhance, but it also means that the fact that some particular set of capacities is “normal” is no reason to settle for it. This, in turn, has unsettling implications for cases in which social circumstances interact with genes within the normal range of human variation, so that the genes correlate with reduced welfare.

The prospects for an individual’s flourishing will always be a function of interaction between genes and environment. Indeed, advocates for enhancement make much use of this fact; they typically argue that our obligation to manipulate genes is precisely the same as our obligation to manipulate the environment and arises for the same reason—out of a concern for the implications of our child’s phenotype for his or her welfare.<sup>22</sup> However, the consequentialist version of this argument does not easily allow a distinction between cases in which the environmental conditions that mediate the relationship between genetics and phenotypical impact on the organism are the result of social factors, and those in which they result from other processes. In many parts of the world today, prevailing social circumstances are likely to have a much greater impact on the welfare of individuals than are other environmental factors. When thinking

about which genes are best for our children, then, Harris and Savulescu’s argument implies that we should take these factors into account. Thus, for instance, in a racist society, where children born with particular racial markers—skin color, hair type, shape of nose and lips, presence or absence of an epicanthic fold, and so on—will have reduced life prospects, a proper concern for their children’s well-being requires that parents work to mitigate the impact of racism by altering the

group in order to avoid the destructive effects of racism.<sup>25</sup> Similarly, if there are genes that elevate the chance that an individual will be attracted to others of the same sex, then parents will be obligated to select against these genes in homophobic societies. While the prospect of identifying and selecting for (or against) genes for race or sexual preference might seem remote, so, too, does the prospect of eliminating the impact of entrenched racism and homophobia on individual well-being. Thus, in most of Europe, North America, and Australia, Harris and Savulescu’s argument would have parents choosing white male children who would grow up to be tall and (probably) blonde haired and blue eyed. When it comes to the sorts of people the consequentialist argument would have us choose to bring into the world, then, the ultimate conclusions of the new eugenics are remarkably similar to those of the old.<sup>26</sup>

Of course, it is always possible to adduce further consequentialist considerations, or perhaps even deontological side constraints, to explain why parents are not obligated to choose children who will be able to pass as members of privileged groups. Savulescu explicitly addresses this objection and suggests that we are obligated to respond to injustice with social rather than genetic interventions.<sup>27</sup> It is worth observing, though, that pointing to the social consequences of various eugenic policies is a risky argumentative strategy for advocates of the new eugenics. The new eugenics is, after all, supposed to be concerned with *individual* well-being—and, as we have seen, it will always be to an individual’s benefit to be born with the genetic markers of social privilege. As soon as we begin sacrificing the well-being of individuals for the sake of social goals, such as diversity, we are

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child’s environment, or by manipulating the genes associated with these markers, or both.<sup>23</sup>

Unfortunately, it will often be much easier to alter a child’s genetics than the social conditions that will shape the ultimate impact of their genetics. In particular, one “genetic condition” associated with reduced life prospects in many societies—the sex of the child—is easily shaped prior to birth using existing technologies such as sperm sorting, PGD, or ultrasound-plus-selective-termination. Where girls face reduced life prospects as a result of entrenched sexism, Harris and Savulescu’s arguments imply that parents are obligated to choose male children.<sup>24</sup> If it becomes possible to select for genes for skin color, then parents will have strong reasons to prefer a child with the skin color of the dominant social

firmly back in the territory of the old eugenics.

Even if a consequentialist account of the ethics of enhancement can avoid the repugnant conclusion that we should take social prejudices into account in our reproductive decision-making, this possibility is but one implication of a deeper dynamic within the consequentialist argument. As I will discuss further below, Harris and Savulescu tend to present the case for enhancement as though it opens up space for diversity and experimentation in relation to the character of future persons. However, the logic of a concern with improving the well-being of future persons points toward quite a different conclusion—that, in any given environment at least, there is a “best” genome, which parents are obligated to provide for their children.

Once we start to assess the consequences of being born with different genetic make-ups—and especially if we use such narrow metrics as “happiness” or “well-being”—then, in a given environment, of any two genomes, one will nearly always be better than the other. Harris and Savulescu’s approaches, with their emphasis on improving welfare, are premised on the idea that we can rank different lives according to the amount of welfare in them—and, therefore, that we can rank genomes-in-an-environment.<sup>28</sup> It will be rare indeed for two genomes to offer precisely the same prospects for welfare, and where this appears to be the case it will usually be the result of our lack of knowledge rather than an objective equality of genetic potential. Thus, even though there will often be reasonable disagreement about which is the best embryo to implant after PGD, there will almost always be a right answer to this question. The only objective grounds that might justify parents selecting different sorts of embryos will be in situations where children can be expected to grow up in different environments. For instance, because of variations in the level of ultraviolet radiation at different latitudes, parents should have

children with fair skin in countries near the poles, whereas near the equator they should have children with dark skin (setting questions about the impact of racism aside). In any given environment, however, parents will be obligated to choose the same genetics for their children.

Indeed, there is nothing in Savulescu’s argument to explain why parents’ obligations end at having the best child *they* can have—if by this Savulescu means the best of the genetic offspring they have managed to conceive via IVF.<sup>29</sup> Unless the biological children of rearing parents always have higher expected welfare than any (and every) other unrelated child the same parents might rear (perhaps because parents turn out to have an instinctual aversion to raising an unrelated child), there will often be cases where none of the embryos that a couple manage to create have life prospects as good as those of another embryo—for instance, a “surplus” embryo from an IVF program. If so, then they will be obligated to implant that other embryo. If there is an embryo available somewhere in the world with sufficiently “good” genes, then it might turn out that everyone has morally compelling reasons to have a child who is genetically identical. As I discuss below, Harris and Savulescu downplay this implication of their account by allowing that parents should not be censured if they fail to live up to their obligations in this regard. However, the fact remains that what all parents *should* do is aspire to have a child with the same genes.

The convergence of parental obligations on a “best” embryo is a function of the maximizing nature of (most) consequentialism. It would be possible to avoid this implication by adopting some sort of “satisficing” consequentialism (that is, a consequentialism according to which actions are justified only if they bring about a state of affairs that is “good enough”). As a number of other writers have observed, it seems ludicrous to suggest that we are obligated to

give our children the *best* chances in life; hardly any parents attempt that, let alone accomplish it.<sup>30</sup> However, the problem with limiting the obligations of parents to an obligation to have a child that is “good enough” is that we then need some plausible way of deciding what “good enough” is and explaining why parental obligations stop at this point. The notion of “normal human capacities” is one plausible place to draw this line; it is difficult to see that there are any others.<sup>31</sup> Once we set off on the project of human enhancement, it is hard to see where we could—or why we should—stop.

The ends of a consequentialist program of human enhancement are therefore likely to be much more radical than Harris and Savulescu allow.<sup>32</sup> However, the purported distance between the new and the old eugenics is supposed to be as much a matter of *means* as of ends. Let us now turn, then, to Harris and Savulescu’s accounts of the means appropriate to a “new” eugenics.

### Libertarianism

Utilitarianism, historically the most important form of consequentialism, originated as a radical philosophy dedicated to social reform. Many of the early utilitarians struggled for social and political change, believing that the greatest happiness of the greatest number could be achieved only by redistributing wealth and that the state was sometimes the only available mechanism to help us achieve important social goals. But Harris and Savulescu do not follow this example. Rather than advocate for a strong program of social engineering or legislation to bring about a world in which enhanced human beings have the best prospects for happiness and well-being, Harris and Savulescu defend the right of individuals to reject their conclusions. In particular, they deny that the obligations they identify are of such a nature as to justify the use of state power to try to ensure that

people meet them.<sup>33</sup> Savulescu even goes so far as to explicitly defend the rights of parents to choose children with disabilities.<sup>34</sup> As far as the appropriate role of the law in relation to enhancement goes, then, Harris and Savulescu are libertarians.<sup>35</sup>

The subtlety of the argument about enhancement that allows Savulescu and Harris to reconcile libertarian conclusions with a consequentialist approach is the fact that most foreseeable genetic enhancements are unlikely to be “person affecting.” If—as John Stuart Mill argued—the state is only justified in restricting individual liberty in order to prevent harm to others,<sup>36</sup> then as long as parents’ choices about which embryo(s) to implant result in the birth of people who have “lives worth living,”<sup>37</sup> decisions about who should be born will not warrant interference from the state *because they will not harm anyone*.<sup>38</sup> Because the decision about whether to employ an enhancement technology will affect who will be born, there is no individual who can legitimately complain about the decision by insisting that they would have been better off had it been otherwise.<sup>39</sup> This peculiarity about the consequences of decisions about genetic selection makes it possible for parents to have an obligation to increase the total utility in the world but—perhaps—for there to be no direct harm to any particular individual if they fail to do so. Thus, consequentialists can hold that parents “should” enhance their children, but deny that they should be required to do so by legislation or policy.<sup>40</sup>

### Tensions

This is all fine as far as it goes. However, according to Savulescu and Harris’s arguments, parents who fail to maximize the welfare of their

children are still doing something wrong. Let us be clear about this: Harris and Savulescu each argue that parents *should* have children with the best prospects. At the very least, it follows from Harris and Savulescu’s accounts that parents who fail to act on the morally compelling reasons that bear on their reproductive decisions should be condemned in private. Unless it can be shown that open moralism on this topic will generate

prospect is especially alarming if parents are obligated to have children with the genetic markers of social privilege, as I argued above.

Nor is the state the only organization with the capacity to shape the behavior of parents. Nongovernmental organizations and concerned citizens may also be able to influence parental decision-making. The “Eugenics Societies” that sprang up around the world in the early twentieth century encouraged fellow citizens to exercise reproductive choice responsibly and avoid bringing inferior specimens into the world, and they arguably had some success in shaping behavior.<sup>41</sup> While Harris and Savulescu would object to some of the societies’ educational and advertising materials and to some of their political goals, the basic mission of these societies—trying to convince people to have “fitter families”—is one they should approve of. Indeed, it seems that Harris and Savulescu should work toward the reinvigoration of these groups.

In a consequentialist framework, we acquire moral obligations not by virtue of being in particular roles or relationships, but rather by virtue of our causal power to bring about certain states of affairs containing more or less welfare. If I can bring it about that other parents have enhanced children, then I should. Presuming that social campaigns conducted by private citizens have some capacity to influence behavior, then we have an obligation to initiate, fund, and take part in them. Seen in this light, Savulescu’s efforts to promote enhancement in the public sphere follow inevitably from his philosophy and are, indeed, to be admired.

Furthermore, the consequentialist foundations of Harris and Savulescu’s arguments offer at best shaky support for the conclusion that we should

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resentment and make it less likely that people will meet their obligations, then they should also be condemned in public.

Moreover, even if Harris and Savulescu are right that parents should not be *coerced* to enhance their children, their arguments may still have policy implications. Not all of the policy instruments available to governments are coercive. States can encourage their citizens to do the right thing through education and advertising and by reshaping the incentive structures bearing on individual decisions by rewarding particular behaviors. These mechanisms fall well short of coercion. At the very least, then, Harris and Savulescu should be campaigning for a national “better babies” campaign that puts these noncoercive strategies to work. This

never coerce others in order to ensure that they have enhanced children. For a consequentialist, human rights are justified only insofar as they further well-being, and if the consequences that might be achieved by infringing a right outweigh the consequences of its infringement, then so much worse for the right and the interests it protects. Harris and Savulescu properly emphasize the weight of the interests that are protected by and that justify a right to reproductive freedom.<sup>42</sup> Historically, the consequences of trying to force people to have certain sorts of children have been disastrous, and there are good reasons to fear the consequences if we try again. However, it is also true that the consequences of coercion depend on the sort of coercion involved. Just as there are many noncoercive means of shaping behavior, so, too, are there many different means of coercion available, some very subtle. If the amount of welfare at stake in a particular enhancement is large, then some forms of coercion will probably sometimes be justified.<sup>43</sup>

Indeed, most societies already act on the assumption that some coercion is justified to protect the welfare of future generations. When it comes to the destruction of the environment, for instance, where decisions may not only affect the welfare of future generations but also affect *who* will be born,<sup>44</sup> the fact that our choices are not person affecting does not prevent us from concluding that regulation is appropriate. In some cases, the penalties for polluting the environment may be severe and may include substantial fines and even jail time. If we are prepared to jail people for threatening the welfare of persons not yet existing by polluting the environment, then it seems we should also be prepared to coerce people who threaten the welfare of future generations by failing to enhance them.

These subtleties are largely academic when it comes to the policy implications of the consequentialist argument for enhancement because existing individuals clearly can be

harmed by other people's decisions about enhancement. There are any number of social or economic mechanisms whereby the well-being of some affects the well-being of others, so that actions that affect the welfare of one group—even actions that do not harm them—may harm others.

Most obviously, in any society that acknowledges an obligation to provide for the welfare of its members and relies on taxation to achieve that goal, the welfare of each affects the welfare of all. Consequently, if parents choose to have children with lower expected welfare than other children they might have had, then they are imposing a cost on the rest of the community. If this cost is substantial enough, then coercion may well be justified in order to avoid it.

One might argue that the real source of the harm here is the redistributive taxation, and that rather than restrict the liberty of parents in order to keep them from imposing demands on others, we should instead restrict the scope of redistribution: we should deny that the unenhanced have any claim on the resources of other individuals. The shape of a just health care policy in a society in which enhancement is available is too large a topic to address properly here.<sup>45</sup> However, I will venture two brief observations about this line of argument.

First, it is one thing to deny that parents have a right to extra resources to compensate them for the low welfare of children they have chosen not to enhance, but it is quite another to deny that these children have a right to some social support. In a world in which enhancement was widely practiced, it would no more be the fault of the unenhanced that their welfare was lower than those around them than it is the fault of people born with genetic disorders today that they require additional resources to achieve the same well-being as those born "normal." Denying that society has an obligation to redistribute (some) resources to compensate for inequalities in welfare that result from

unevenness in the distribution of enhancements would therefore require a significant revision of our intuitions about the proper response to the existence of unchosen disadvantage.

Second, Harris and Savulescu's argument runs into difficulties in any society with a welfare state because a failure to enhance will then impose costs on others via the mechanism of redistributive taxation. Therefore, their libertarianism about reproductive decision-making is tenable only if we adopt a more comprehensive libertarian politics. Yet such a politics is even less compatible with Harris and Savulescu's consequentialism than is their laissez-faire attitude toward enhancement.

In any case, there are other ways in which decisions about enhancement of future people may harm others.<sup>46</sup> The presence of social and economic inequality often has significant implications for the quality of life of all citizens. There is some evidence that inequality in a society itself has bad consequences for the health of citizens, rich and poor alike.<sup>47</sup> To the extent this is true, parents who fail to enhance their children will harm other individuals. There are also less controversial and more everyday examples of the negative consequences of inequality. If enhanced individuals are at risk of mugging by desperate "normals" who have been locked out of social and economic opportunities by their lackluster genetic inheritance, if they must step over the sleeping bodies of normal individuals in the street on the way to their limousines, and if they must constantly refuse the entreaties of unenhanced children for aid and assistance, then enhanced individuals may have reason to rue the birth of normal children. Parents who continue to have normal children will impose these costs on their fellow citizens.

Finally, there are arguably cases in which the harms that result from others' failure to enhance their children are brought about by less political mechanisms. Consider a case modeled on the ethics of introducing a

childhood vaccination against an infectious disease. Imagine that selecting for some particular set of genes conveys resistance to a dangerous infectious disease; children with this enhancement are much less likely to catch the disease, but unfortunately they are not totally immune. This is precisely the sort of enhancement that Harris and Savulescu believe we would be obligated to provide to our children.<sup>48</sup> Yet the benefits of this enhancement will be entirely realized only if a sufficient number of parents adopt it. If only some children in the community can resist infection, then the disease may still become an epidemic and threaten the lives of those who have received the enhancement. The failure of others to enhance their children therefore imposes a risk—and a harm—on the rest of the community. If the cost of the enhancement is low, then the harm caused by failing to use it might justify a law requiring parents to enhance their children. Thus, there is at least one sort of case in which the flourishing of the community depends on parents' decisions about enhancements, yet the relationship is not mediated by social

and political institutions. Where this is the case, Savulescu and Harris's arguments risk licensing the use of coercion to secure enhancements in order to prevent harm to the community.

Nothing I have said thus far establishes that any particular form of coercion is justified in order to secure any particular enhancement for future generations. Our obligations to bring about improvements in welfare by enhancing future beings, and to avoid imposing costs on others by failing to enhance, must be weighed against the harms involved in frustrating the interests normally protected by the right to reproductive liberty.<sup>49</sup>

Perhaps parents' interests will usually win the day, as Harris and Savulescu maintain. However, as we have seen, there is no reason to believe that they always will, and indeed there is good reason to worry that they often will not, when "subtle" forms of coercion are at stake. The greater our obligation to enhance our children—or to put the same point another way, the more likely it is that enhancements will offer significant improvements

non-person-affecting enhancements in the first place.

### A Brave New World

The champions of the "new" eugenics are understandably anxious to dissociate themselves from the eugenic movements of the 1920s and 1930s. A close reading of Harris and Savulescu's work, however, suggests that they, at least, are less successful at distancing themselves from the old eugenics than they suppose. If parents acted on the obligation that Harris and Savulescu champion, then the result would be a world eerily similar to that dreamed of by previous generations of eugenicists. According to their accounts, in any given society parents should all aim to have the same sort of child, where the nature of this "best baby" is properly sensitive to the prevailing bigotry of the times. Harris and Savulescu's philosophy also implies that right-thinking people should engage in social campaigns to influence the reproductive decision-making of other citizens and encourage them to live up to their procreative obligations. Moreover, despite Har-

riss and Savulescu's gestures toward respect for individual freedom, their arguments place this freedom at the mercy of a calculation about consequences, which is a poor guarantor that the state will not be justified in coercing parents to have particular sorts of children to maximize welfare. In short, while the avowed motivations of the new eugenics may be new, the world its advocates would bring about turns out to be not all that different from that championed by the old eugenics.

Of course, as I observed at the outset, there are other advocates of a "new" eugenics, some of whom

There is a tendency for advocates of human enhancement to represent themselves—and perhaps also to see themselves—as the philosophical descendants of Voltaire, bravely defying the forces of irrationality and conservatism in order to reach the difficult conclusions that others dare not.

in expected welfare—then the more likely it is that this calculation will argue in favor of strongly encouraging or even coercing parents to choose enhanced children.<sup>50</sup>

There is, therefore, a profound tension between Harris and Savulescu's philosophical commitments and their own account of the policy implications of their arguments. Their consequentialism fails to support their libertarianism. Alternatively, their libertarianism can be maintained only at the cost of their theoretical commitment to maximizing welfare—the commitment that generates the obligation to pursue



disavow the consequentialism that drives Harris and Savulescu. Perhaps some of these other authors are better able to distinguish a new eugenics from the old.<sup>51</sup> It is certainly noteworthy, though, that two of the leading advocates of human enhancement fail in this project.

Moreover, it is hard to avoid the suspicion that the real cause of Harris and Savulescu's convergence on a not-so-new eugenics is deeper still and may infect the transhumanist project more generally. There is a tendency for advocates of human enhancement to represent themselves—and perhaps also to see themselves—as the philosophical descendants of Voltaire, bravely defying the forces of irrationality and conservatism in order to reach the difficult conclusions that others dare not.<sup>52</sup> They are encouraged in this by the religious overtones of the case made against human enhancement by conservative thinkers such as Leon Kass, Francis Fukuyama, and Michael Sandel.<sup>53</sup> My own assessment is that it is the market, not the church, that is the social force to be reckoned with today. The real danger posed by the development of effective technologies of human enhancement is not that religious conservatives will prevent couples from making use of these technologies, but that parents will eventually have no choice but to make use of them. Without them, their children will stand no chance of competing effectively in the world. Once enhancement becomes possible, refusal to adopt it will appear unreasonable; because the welfare of children is at stake, parents' failure to do "the right thing" will appear especially egregious.<sup>54</sup>

The advocates of enhancement may well represent the tradition of the Enlightenment, but as other critics have suggested, this tradition has a more problematic relation to human freedom than its adherents suppose.<sup>55</sup> In the eyes of those dedicated to achieving a more rational world, human nature is likely to appear as an obstacle to be overcome. Given the merit and importance of the goal, it

is all-too-tempting to conclude that force is justified to achieve it. Those who wish to advance a "new" or "liberal" eugenics will need to offer a more convincing account of why their goals do not justify coercive means than either Harris or Savulescu has provided to date.

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3. Agar, *Liberal Eugenics*, 3-16; A. Buchanan, "Choosing Who Will Be Disabled: Genetic Intervention and the Morality of Inclusion," *Social Philosophy and Policy* 13, no. 1 (1996): 18-46, at 18-19; D. Wikler, "Can We Learn from Eugenics?" *Journal of Medical Ethics* 25, no. 2 (1999): 183-94.
4. J. Harris, *Enhancing Evolution: The Ethical Case for Making Better People* (Princeton, N.J.: Princeton University Press, 2007).
5. The cover illustration of the hardcopy edition of this book—a muscled male arm, dressed in what appears to be Superman's blue costume, with the rising sun behind it—suggests that Harris is not unduly concerned about the historical resonances of his philosophical program.
6. J. Savulescu, "Procreative Beneficence: Reasons Not to Have Disabled Children," in *The Sorting Society*, ed. L. Skene and J. Thomson (Cambridge, U.K., and New York: Cambridge University Press, 2008); J. Savulescu, "In Defence of Procreative Beneficence," *Journal of Medical Ethics* 33 (2007): 284-88; J. Savulescu, "Genetic Interventions and the Ethics of Enhancement of Human Beings," in *The Oxford Handbook on Bioethics*, ed. B. Steinbock (Oxford, U.K.: Oxford University Press, 2006), 516-35; J. Savulescu, "New Breeds of Humans: The Moral Obligation to Enhance," *Ethics, Law and Moral Philosophy of Reproductive Biomedicine* 1, no. 1 (2005): 36-39; J.

Savulescu, "Procreative Beneficence: Why We Should Select the Best Children," *Bioethics* 15, no. 5 (2001): 413-26.

7. S. Grose, "Why We Should Cuddle Up to Designer Babies," *Canberra Times*, June 22, 2005; A. Denton, *Enough Rope*, Episode 187, September 29, 2008, ABC TV (Australia), transcript available at <http://www.abc.net.au/tv/enoughrope/transcripts/s2374638.htm>; M. Metherell, "Bring on the Super Humans," *Sydney Morning Herald*, June 9, 2005; J. Miles, "How Far Would You Go for the Perfect Baby? How Far Should Society Go in Allowing Genetic Manipulation to Produce Happier, Healthier and Physically Pleasing People?" *Townsville Bulletin*, June 18, 2005, 67; J. Maley, "We Could Radically Change the Nature of Human Beings (Interview with Professor Julian Savulescu)," *The Sun Herald*, August 10, 2008; "The Ideas Interview: Julian Savulescu," *The Guardian*, October 10, 2005, <http://www.guardian.co.uk/science/2005/oct/10/genetics.research/print>; J. Savulescu, National Australia Bank Address to National Press Club, June 8, 2005, Barton, Canberra, Australia, <http://www.asmr.org.au/MRW/NPCTRSC05.pdf>.

8. J. Harris, "The Survival Lottery," in *Bioethics: An Anthology*, 2nd ed., ed. H. Kuhse and P. Singer (Malden, Mass.: Blackwell Publishing, 2006); J. Harris, *Clones, Genes and Immortality: Ethics and the Genetic Revolution* (Oxford, U.K.: Oxford University Press, 1998), 223-25; J. Harris, *The Value of Life: An Introduction to Medical Ethics* (London and New York: Routledge, 1985), 21-22; Savulescu, "Procreative Beneficence: Reasons Not to Have Disabled Children," 51-53. In a 2009 article that appeared after this paper was submitted for publication, Savulescu and Kahane admit that the principle of procreative beneficence is a "maximising" principle but deny that it need rest on consequentialist foundations or that it is incompatible with deontological or virtue ethical approaches to morality; J. Savulescu and G. Kahane, "The Moral Obligation to Create Children with the Best Chance of the Best Life," *Bioethics* 23, no. 5 (2009): 274-90, at 283. However, the case they make is unconvincing. Neither deontology nor virtue ethics naturally admit maximizing principles of this sort; deontological frameworks will typically characterize our obligations with reference to principles that set out necessary standards rather than goods to be maximized, while virtue ethics is notoriously hostile to the idea that "more is always better." Moreover, if, as Savulescu and Kahane suggest here, the reasons provided by procreative beneficence can be outweighed or defeated by nonconsequentialist considerations, then—assuming that nonconsequentialist accounts of the ethics of reproduction may adduce such considerations—it is simply

unclear whether anything like an obligation to have “the best child” would appear in such accounts.

9. W. Glannon, “CQ Review: *Enhancing Evolution: The Ethical Case for Making Better People*, by John Harris,” *Cambridge Quarterly of Healthcare Ethics*, 17 (2008): 473-76, at 473. Harris’s homepage at the University of Manchester states that “John Harris has, throughout his career, defended broadly libertarian - consequentialist approaches to issues in bioethics,” [http://www.law.manchester.ac.uk/aboutus/staff/john\\_harris/default.htm](http://www.law.manchester.ac.uk/aboutus/staff/john_harris/default.htm), accessed October 5, 2010.

10. J. Cohen and G. Tomkin, “The Science, Fiction, and Reality of Embryo Cloning,” *Kennedy Institute of Ethics Journal* 4, no. 3 (1994): 193-203. If the technology to create germ cells from somatic cells via induced pluripotent stem-cells is realized, then this will further extend the potential of PGD by greatly increasing the number of embryos a couple can create.

11. D. Parfit, *Reasons and Persons* (Oxford, U.K.: Clarendon Press, 1984), 351-79.

12. The most high-profile and challenging attempts to make an argument along these lines is Jurgen Habermas, *The Future of Human Nature* (Cambridge, U.K.: Polity Press, 2003).

13. C. Farrelly, “Virtue Ethics and Prenatal Genetic Enhancement,” *Studies in Ethics, Law, and Technology* 1, no. 1 (2007): 1-13.

14. L.R. Kass, *Life, Liberty and the Defense of Dignity: The Challenge of Bioethics* (San Francisco, Calif.: Encounter, 2002), 267-68; E. Parens, “The Goodness of Fragility: On the Prospect of Genetic Technologies Aimed at the Enhancement of Human Capacities,” *Kennedy Institute of Ethics Journal* 5, no. 2 (1995): 141-53; M.J. Sandel, *The Case against Perfection: Ethics in the Age of Genetic Engineering* (Cambridge, Mass.: Harvard University Press, 2007).

15. A. Buchanan, “Human Nature and Enhancement,” *Bioethics* 23, no. 3 (2009): 141-50.

16. This is not to deny that such a decision raises serious ethical issues or that some writers have objected to the use of PGD to prevent the birth of children with disabilities. See A. Asch, “Prenatal Diagnosis and Selective Abortion: A Challenge to Practice and Policy,” *American Journal of Public Health* 89, no. 11 (1999): 1649-57; A. Asch, “Why I Haven’t Changed My Mind about Prenatal Diagnosis: Reflections and Refinements,” in *Prenatal Testing and Disability Rights*, ed. E. Parens and A. Asch (Washington, D.C.: Georgetown University Press, 2000); D. Kaplan, “Prenatal Screening and Its Impact on Persons with Disabilities,” *Clinical Obstetrics and Gynecology* 36, no. 3 (1993): 605-612; M. Saxton, “Disability

Rights and Selective Abortion,” in *Abortion Wars: A Half-Century of Struggle*, ed. R. Solinger (Berkeley and Los Angeles: University of California Press, 1997); S. Wendell, *The Rejected Body* (New York: Routledge, 1996). However, while there are good reasons to think carefully about what counts as “severe” disabilities or a “serious genetic disorder,” there is a broad consensus in the literature that the use of PGD to prevent the birth of children with such conditions is morally acceptable and significant support for the thought that it is morally obligatory; Buchanan, “Choosing Who Will Be Disabled.”

17. Harris, *Enhancing Evolution*, 8-9; Savulescu, “Procreative Beneficence: Why We Should Select the Best Children,” at 419.

18. Harris, *Enhancing Evolution*, 9 and 185.

19. *Ibid.*, 9.

20. Savulescu endorses engineering psychological character traits with the goal of improving individuals’ welfare; “Genetic Interventions and the Ethics of Enhancement of Human Beings.”

21. This argument is developed at more length in R. Sparrow, “Procreative Beneficence, Obligation, and Eugenics,” *Genomics, Society, and Policy* 3, no. 3 (2007): 43-59; and R. Sparrow, “Should Human Beings Have Sex? Sexual Dimorphism and Human Enhancement,” *American Journal of Bioethics* 10, no. 7 (2010): 3-12.

22. Agar, *Liberal Eugenics*, 111-120; A. Buchanan, D.W. Brock, N. Daniels, and D. Wikler, *From Chance to Choice* (Cambridge, U.K.: Cambridge University Press, 2000), 156-61; Harris, *Enhancing Evolution*, 1-7; Harris, *Clones, Genes and Immortality*, 171-74, 203; Savulescu, “Procreative Beneficence: Why We Should Select the Best Children”; Savulescu, “New Breeds of Humans,” 37.

23. Savulescu, “Procreative Beneficence: Reasons Not to Have Disabled Children,” 60-61.

24. I. de Melo-Martin, “On Our Obligation to Select the Best Children: A Reply to Savulescu,” *Bioethics* 18, no. 1 (2004): 72-83, at 81.

25. L. Cannold, “Reprogenetic Technologies: Balancing Parental Procreative Autonomy and Social Equity and Justice,” in *The Sorting Society*, ed. L. Skene and J. Thomson (Cambridge, U.K., and New York: Cambridge University Press, 2008).

26. It is true that in different social settings the ideal child will also differ. For instance, Harris and Savulescu’s arguments imply that parents in China should have children that instantiate Chinese ideals of health and beauty. However, this does not distinguish the new from the old eugenics; it has always been the case that eugenic ideals have had such local character.

27. Savulescu, “Procreative Beneficence: Why We Should Select the Best Children,” 424; Savulescu, “Procreative Beneficence: Reasons Not to Have Disabled Children,” 60-62. See also Savulescu and Kahane, “The Moral Obligation to Create Children with the Best Chance of the Best Life,” 288.

28. Savulescu, “Procreative Beneficence: Reasons Not to Have Disabled Children.”

29. The revised formulation of the principle of procreative beneficence offered in Savulescu and Kahane (“The Moral Obligation to Create Children with the Best Chance of the Best Life”) stipulates that the principle “assumes that the child created will be the reproducers’ biological child” (note 3, 274-75). However, the authors offer no defense of this stipulation.

30. Buchanan, Brock, Daniels, and Wikler, *From Chance to Choice*; Cannold, “Reprogenetic Technologies,” 70; Glover, *Choosing Children*, 54-55; M. Parker, “The Best Possible Child,” *Journal of Medical Ethics* 33 (2007): 279-83.

31. R. Sparrow, “Better than Men? Sex and the Therapy/Enhancement Distinction,” *Kennedy Institute of Ethics Journal* 20, no. 2 (2010): 115-44, at 122, 129-31.

32. Sparrow, “Should Human Beings Have Sex?”

33. Denton, *Enough Rope*; Harris, *Enhancing Evolution*, 72-85, 94-95; Savulescu, “Genetic Interventions and the Ethics of Enhancement of Human Beings” and “Procreative Beneficence: Why We Should Select the Best Children.”

34. J. Savulescu, “Deaf Lesbians, ‘Designer Disability,’ and the Future of Medicine,” *British Medical Journal* 325 (2002): 771-75.

35. Glannon, “CQ Review: *Enhancing Evolution*,” 273. In describing Harris and Savulescu as libertarians in what follows, I intend to characterize only their opposition to the use of state power to bring about enhancements and make no claims about their wider politics elsewhere.

36. Harris, *Enhancing Evolution*, 71-72.

37. J. Feinberg, “Wrongful Life and the Counterfactual Element in Harming,” *Social Philosophy and Policy* 4, no. 1 (1987): 145-78.

38. Glover, *Choosing Children*, 50; Savulescu, “Deaf Lesbians, ‘Designer Disability,’ and the Future of Medicine.” This is an important point on which Harris and Savulescu appear to part company—although I believe that this is more a matter of the language they prefer than a substantive disagreement. Harris insists that people can in fact be harmed by decisions that resulted in their birth, if they are born in a “harmed condition” (where a harmed condition is one that a rational person would prefer not to be in); J. Harris, *Enhancing Evolution*, 91-93; J. Harris, *Clones, Genes and Immortality*, 109-113. Harris also holds that individuals

are harmed if they are not enhanced—as it would be rational to prefer to have superior capacities. However, he denies that children who were born when other, better-off children might have been born are *wronged* by the decision that led to their birth, as long as they have “lives worth leading.” Moreover, he denies that parents should be required by legislation to avoid harming their children in this fashion, which suggests that the moral weight of this harm is, on his account, negligible. I have therefore chosen to follow Glover (*Choosing Children*, 25) and interpret Harris as claiming that choices about which individuals to bring into the world “harm” the resulting individuals only in a technical, nonstandard use of the term. To the extent that Harris wishes to maintain that people may be harmed by circumstances that also determine their identity, then the argument that coercion will sometimes be justified in order to prevent such harm will have that much more force.

39. Savulescu, “Deaf Lesbians, ‘Designer Disability,’ and the Future of Medicine”; J. Savulescu, M. Hemsley, A. Newson, and B. Foddy, “Behavioral Genetics: Why Eugenic Selection Is Preferable to Enhancement,” *Journal of Applied Philosophy* 23, no. 2 (2006): 157-71, at 162.

40. Harris, *Enhancing Evolution*, 72-85, 94-95; Savulescu, “Deaf Lesbians, ‘Designer Disability,’ and the Future of Medicine,” and “Procreative Beneficence: Why We Should Select the Best Children.”

41. D.J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (New York: Alfred A. Knopf, 1985); L.L. Lovett, *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890–1938* (Chapel Hill, N.C.: University of North Carolina Press, 2007); P.M.H. Mazumdar, *Eugenics, Human Genetics, and Human Failings: The Eugenics Society, Its Sources and Its Critics in Britain* (London and New York: Routledge, 1992); D.B. Paul, *Controlling Human Heredity, 1865 to the Present* (Atlantic Highlands, N.J.: Humanities Press, 1995); and W.H. Schneider, *Quality and Quantity: The Quest for Biological Regeneration*

*in Twentieth-Century France* (Cambridge, U.K.: Cambridge University Press, 1990).

42. Harris, *Enhancing Evolution*, 72-80; Savulescu, “Deaf Lesbians, ‘Designer Disability,’ and the Future of Medicine” and “Procreative Beneficence: Why We Should Select the Best Children.”

43. It might be possible to finesse the argument here and hold—as Harris and Savulescu apparently do—that we should always prioritize the welfare of existing persons over the welfare of future persons. However, there is a significant risk that any such attempt would make the consequentialist case for enhancement effectively collapse. Presumably the force of the claim that we have an obligation to enhance our children is that it will sometimes give us reasons to do things we would otherwise not be inclined to do. Yet if the welfare of future persons is always trumped by that of existing persons, then parents will never have reasons to change their minds about their reproductive decisions because their existing preferences—which would be frustrated were they to do something else—will settle the matter.

44. Parfit, *Reasons and Persons*, 361-64.

45. The most thorough and impressive investigation of this topic to date remains Buchanan, Brock, Daniels, and Wikler, *From Chance to Choice*.

46. Importantly, the mere existence of the option of enhancement may harm others by coopting them into a genetic rat race in order to secure access to important goods that include a positional component; Canold, “Reprogenetic Technologies.” This fact may ground an argument in favour of denying people access to enhancement in order to avoid establishing a destructive collective action problem—although this is controversial; Agar, *Liberal Eugenics*, 128-31; Buchanan, Brock, Daniels, and Wikler, *From Chance to Choice*, 182-87; Bostrom, “Human Genetic Enhancements,” 501-3; Glover, *Choosing Children*, 80-81. However, my interest here is in arguments that suggest people might be *required* to enhance their children.

47. R. Wilkinson, *Unhealthy Societies: The Afflictions of Inequality* (London: Routledge, 1996); R.G. Wilkinson and K.E. Pickett, “Income Inequality and Population Health: A Review and Explanation of the Evidence,” *Social Science and Medicine* 62 (1996): 1768-84.

48. Harris, *Enhancing Evolution*, 21-22; Harris, *Clones, Genes and Immortality*, 223-25.

49. This “right” will, of course, be only a useful fiction according to a consequentialist account of our obligations; Harris, *Clones, Genes and Immortality*, 257, and *The Value of Life*, xvi.

50. It should also be noted that there are some enhancement technologies that *would* affect persons, such as gene therapies, pharmaceuticals like hGH or modifinal, and cybernetic implants. Any obligation to employ such technologies would have much more dramatic implications for the extent to which we should respect the liberty of parents not to provide these to their children, as failure to provide these enhancements would directly harm existing persons. While Harris and Savulescu also believe that we should pursue such enhancements, discussion of the policy implications of this position is a matter for another paper.

51. Agar’s *Liberal Eugenics* is perhaps the leading candidate here.

52. After the cover illustration, perhaps the next most striking feature of Harris’s book *Enhancing Evolution* is its tone, which conveys its author’s obvious contempt for the arguments he is dismissing.

53. Kass, *Life, Liberty and the Defense of Dignity*; F. Fukuyama, *Our Posthuman Future: Consequences of the Biotechnology Revolution* (London: Profile Books, 2003); M. Sandel, *The Case against Perfection*.

54. Harris, *Clones, Genes and Immortality*, 238-39; Savulescu, “New Breeds of Humans,” 38.

55. Z. Bauman, *Modernity and the Holocaust* (Ithaca, N.Y.: Cornell University Press, 2000); M. Horkheimer and T.W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, trans. E. Jephcott (Stanford, Calif.: Stanford University Press, 2002).