

# A Nietzschean critique of liberal eugenics

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## ABSTRACT

Ethical debates about liberal eugenics frequently focus on the supposed unnaturalness of its means and possible harm to autonomy. I present a Nietzsche-inspired critique focusing on intention rather than means and harm to abilities rather than to autonomy. I first critique subjective eugenics, the selection of extrinsically valuable traits, drawing on Nietzsche's notion of 'slavish' values reducible to the negation of another's good. Subjective eugenics slavishly evaluates traits relative to a negatively evaluated norm (eg, above-average intelligence), disguising a harmful intention to diminish the relative value of that norm. I then argue there is no objective form of eugenics on the Nietzschean ground that abilities are not valuable intrinsically; they are valuable only if one possesses the relative power to exercise them. Abilities frustrated by conflict with other abilities or environment are harmful, while disabilities that empower one's other abilities are beneficial. Consequently, all forms of eugenics are subject to the prior ethical critique of subjective eugenics.

## INTRODUCTION

Fox defines liberal eugenics succinctly as '(1) voluntary, (2) individualistic and (3) state-neutral' (Fox, p3).<sup>1</sup> According to its proponents, individuals have the right to use developing genetic technologies to select their children's traits. Debate about the ethical status of liberal eugenics tends to focus on two key issues: first, the ethical status of the means employed and, second, the ethical consequences of eugenic practice for both the selected individual and society at large.<sup>2-6</sup> For example, Buchanan argues eugenic enhancement would promote productivity, while Fenton argues for the benefits of cognitive enhancement.<sup>7,8</sup> In the critical discussion of ethical consequences, the focus has been largely on its consequences for autonomy, weighing parents' reproductive rights against potential harm to the autonomy of eugenically selected children.<sup>9</sup>

This paper presents a Nietzschean critique of liberal eugenics. To readers unfamiliar with the extensive literature on Nietzsche's relation to eugenics, this source of inspiration for an argument against eugenics may be surprising. I should clarify that I will not be making exegetical claims about Nietzsche's personal views of eugenics. I am building an independent argument from aspects of his moral psychology that are not directly related to the topic of eugenics, so I will not suggest that Nietzsche either would or should support my argument. Although I believe the Nietzschean views at issue do, everything else being equal, strongly favour my antieugenic argument, there are unique features of his philosophy that might justify his reaching a different conclusion, not the least of which is his radical critique of morality, one which sometimes

borders on a strong moral antirealism that might not necessitate seeing the intention to harm, the focus of my argument, as a moral wrong.

My critique will focus on liberal eugenics' ends rather than its means, on intention rather than consequence and on intended harm to abilities rather than to autonomy. There are a number of advantages to this shift of focus. By leaving to one side criticisms of eugenics' technological means, we can avoid difficult and unfruitful disputes about human nature and the role of natural reproduction in that nature.<sup>10-13</sup> By focusing on intention, we escape the necessity of speculating about the costs and benefits of eugenics. By avoiding the topic of autonomy, we also avoid sticky metaphysical disputes about the nature of human identity and free will.<sup>14</sup> Finally, because I will focus on the intention to harm abilities, a morally problematic intention under any plausible ethical theory, my argument will not presuppose—as so many arguments about eugenics do—either a consequentialist or deontological ethical framework.

This approach also addresses my intuition that ethical concern about eugenics is never based only in concern for the well-being of specific individuals affected, but also in concern about our own moral character. Even if eugenics has no harmful external consequences, it may still be morally harmful to the participant. Many have experienced the sentiment, for example, that they would not want to be 'the kind of person' who would engineer a 'designer baby.' This feeling of 'what would such actions say about me?' suggests that worry about harm to our own moral character may be part of our general uneasiness about the topic. Few have focused on the moral consequences for the eugenic subject in this way. A notable exception is Sandel, who argues eugenics may harm its agents by diminishing their sense of 'giftedness,' their acceptance of the limits of human power, enhancing an ethically dangerous drive for mastery.<sup>15</sup>

My argument will draw on the work of Nietzsche, specifically, his critique of certain forms of evaluation as 'slavish' in their reactionary foundation on the negation of others and his theory of human flourishing as based in the power to exercise abilities relative to internal and external resistance rather than on possession of abilities simply. A full explication and defence of these Nietzschean points is beyond the scope of this essay, so my argument will rely on their general plausibility as basic premises rather than on an extended exegesis and defence of Nietzsche's views. The first claim, that an evaluation of goodness can disguise a negation of another's good, I take to be uncontroversial. The second claim (to be used against 'objective' eugenics) that well-being depends on power to exercise ability which is conditional on resistance from other



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abilities and environment is perhaps more disputable. However, because the objective eugenicist claims the moral authority to directly shape the physiological nature and future of another human being, the burden of proof falls largely on the eugenicist's end. So, if Nietzsche's view provides a plausible reason to doubt the basic assumptions of objective eugenics, it will serve its argumentative purpose without independent defence.

I will argue that the liberal eugenicist's intention to enhance or improve a single individual or group must include, with either logical or practical necessity, a disguised, unacknowledged intention to harm—that the intended forms of enhancement at issue in liberal eugenics are all of a negative, comparative form in which enhancement is seen in relation to a devalued norm, making the intent to enhance one individual or group at the same time an intention to diminish the others on whom the comparison depends

Note that this claim leaves open the possible moral justifiability of non-liberal eugenics. My charge is that the aim of enhancing only some includes the aim of doing so at the expense of others, so any eugenic enhancement intended for all persons—or, alternately, intended to equalise advantages among persons—could avoid the charge. My critique is also aimed only at the perfectionist use of liberal eugenics, which aims at enhancement or improvement of an individual's value or well-being. This leaves open the possible moral justifiability of the use of eugenics for medical treatment rather than enhancement. For example, it may allow the eugenic selection of a 'saviour sibling' who can safely provide tissues to save the life of another sibling (Wilkinson, p49).<sup>16</sup> This exception, however, does not harm my claim against liberal eugenics generally, since I do not think a consistent liberal eugenics, with its individualistic and voluntaristic emphasis, could consistently approve its use only in cases of medical treatment.

My critique will include both subjective forms of liberal eugenics, in which traits are selected on the basis of their extrinsic value to the selector, and objective forms, which select on the basis of traits deemed intrinsically valuable or harmful to all persons. I will begin by arguing that one form, comparative-value eugenics, necessarily involves an intention to harm others. I will then argue that all subjective forms fall into this category, and so share this intent to harm. Finally, I will argue against the possibility of an objective form of liberal eugenics based in judgments of objectively valuable or harmful traits and conclude, consequently, that all forms of liberal eugenics are of the subjective, comparative-value form and vulnerable to the criticism that they intend harm.

### Intent to harm as comparative subjective devaluation

I will begin with a few points of clarification about the scope of the thesis. I argue, first, that only liberal eugenics is morally questionable on the grounds that it includes an intent to harm. This is because, as I argue in the final section, all liberal eugenic selection is ultimately based in comparative value: the desire to enhance the value of one's own children over and against others. So my argument is not intended to apply to cases where genetic technologies might universally introduce, protect or eliminate traits, such as the genetic production of immunity to disease or the genetic prevention of disabilities. In such cases, the intention is to preserve or produce a relative equality of ability and well-being across the population, rather than to increase the comparative well-being of some individuals at the expense of others.

In the final section, I will also argue that non-liberal forms of eugenics face a distinct problem in their questionable claim that some abilities are objectively valuable. However, because

an ability's objective disvalue may, in some cases, be equally or more uncertain, it can be morally permissible to non-liberally select them, provided they are not chosen, as in liberal eugenics, on the basis of comparative value: intended to benefit some individuals over others. For example, if we developed a technology to genetically eradicate deafness, it would be mistaken to assume the ability to hear is intrinsically valuable and that, consequently, this would be a certainly good outcome. But it would be equally mistaken to assume it would be a certainly bad outcome. Moreover, in non-liberal eugenics, the prevention of deafness would not be intended to advantage some individuals over others. So, there is no reason to consider it morally questionable on the grounds that I am considering in this essay: as intention to harm. That is also why my argument also does not call into question *non-eugenic* attempts to universally enhance the health and well-being of the species by creating, for example, cancer treatments or vaccines for viral diseases: we cannot reject them on the grounds that they are certainly harmful, nor on the grounds that they intend, as I will argue liberal eugenics does, to benefit some over others. Medical enhancement is sometimes permissible not because it is 'objective' but because it is not 'liberal.' The goal is not to enhance the child over and against others but to equalise distribution of an ability of objectively uncertain value or equally prevent a disability of objectively uncertain value.

So, the denial of objectively valuable traits does not by itself entail that non-liberal eugenics is morally questionable, though non-liberal eugenics does raise moral issues about consent. For example, would we be morally justified in requiring eugenic procedures to eliminate a disability such as deafness, even if it is not objectively disvaluable and some might find it valuable in certain contexts, such as family identity or membership in the deaf community? This question is beyond the scope of my paper, which targets only liberal forms of eugenics precisely because I believe they can be evaluated without resolving intractable questions about moral autonomy or the metaphysics of identity. So, I will raise the issue only as it applies indirectly to the case of liberal eugenics. Rejecting the objective value of traits serves that case by depriving liberal eugenicists of their last support: individuals choosing to enhance their own children cannot pretend their intentions are morally irrelevant by appealing to the objective value of the traits they select.

Second, I will argue that liberal eugenics is morally troubling only because it intends harm, not that it does harm or increase the chances of harm. Even if genetic enhancement has no harmful effect whatsoever, it is morally questionable simply because it includes an intention to instrumentally use others as a means to improve my own child. I try to comparatively improve my children over and against others, using a decrease in the value of others to relatively increase my own child's value. This may be a surprising claim, since instrumental relationships usually involve directly acting on others, while in eugenics only the enhanced individual is directly acted on. However, I argue that liberal eugenics intends harm in only one narrow sense: harm to an individual's perceived value in my eyes or others'. I will refer to this as an intent to devalue traits or persons, to harm others by decreasing their perceived value to me or others. No other kind of harm as at issue.

This is part of the subjectivity of the liberal form of eugenics: it selects on the basis of individual preferences and so, regardless of its consequences, involves an attempt to increase the subjective value of the child to the selector. For example, if I genetically select beauty in my children, it might be according to my own criteria, even if they will be perceived as less beautiful to others. Or I might select according to social standards, so they

will be perceived as more beautiful to others, even if they will seem less beautiful to me. In the second case, however, I am still selecting on the basis of a subjectively-determined value: I believe it's valuable for my child to be perceived as beautiful by others, for example, because it may be beneficial to their self-esteem or practically advantageous or secure some other further good I would like my child to have.

Notice that in the second scenario others need not be harmed at all, since their comparative beauty may not decline on their own or others' standards. Likewise, when I select a rare trait in my child—say, green eyes—for its value to me, this in no way implies an actual devaluation to themselves or to others. After all, they might not share my admiration for green eyes or for rarity. So, I should stress that the morally worrisome intention to harm when devaluing another need not be an intention to devalue others in their own eyes or society's. It's a devaluation in my eyes, which is the relevant criterion for what counts as harm to me—and so as my intention to harm.

What matters, then, for our purposes, is not whether I in fact harm anyone, nor whether I make people perceive themselves to be harmed. What matters is whether I intend to make them comparatively less valuable to me, which will often, but not always, overlap with making them comparatively less valuable in others' eyes. So I am not claiming that eugenic selection will lead to changes in values and norms that will actively marginalize or objectively harm members of a deselected outgroup. That is a possible consequence, but my focus is on what liberal eugenics does to the attitudes and character of the selector and from the selector's point of view, in keeping with my focus on intentions, not consequences. What kind of person does it encourage us to be? What kind of attitude does it encourage us to have toward our own children in contrast to others' children?

This is, of course, only an intention, and toward a very narrow and admittedly modest kind of harm, so we might ask why it should be morally troubling at all. First, I make no claims about the degree to which liberal eugenic selection is morally questionable. Second, I do not presuppose any foundational ethical theory. It is uncontroversial that an intention to even modest harm, particularly in the form of instrumentally using other children to increase the value of my own, is morally unacceptable from a deontological standpoint. But it is also morally concerning from any ethical point of view. On my argument, liberal eugenics encourages character traits of excessive partiality and competitiveness characterised by moral indifference toward others, a troubling implication for both virtue ethicists and consequentialists. Consider, by analogy, the moral worry we feel when we see an overly competitive parent at a sporting event shouting to their child to demolish the other team. Even apart from our concern for the psychological impact on their child, there is something troubling about the excessively partial and competitive attitude it expresses: a desire for their child's success that includes a distinct indifference to the well-being of others, even if it doesn't actively cause them harm.

I would characterize the difference between acceptable and excessive degrees of partiality and competitiveness this way: it is morally acceptable to intend to make my children competitive, to make them able players in our various social games, capable of winning in various ways and on various occasions. It is not, however, morally acceptable to do so by intending to make others' children less or non-competitive, creating a game in which others are incapable of winning to comparable degrees. The willingness to increase my child's competitiveness by reducing that of others is the principal criterion of excess, of moral indifference to others. Something like this is what

people have in mind when they call for a 'level playing field' in the competitive spheres of social life: it is not a rejection of partiality and competitiveness, but of deep, insurmountable inequalities in ability that decisively eliminate anyone from the game in advance. Excessive competitiveness is, in other words, the desire to eliminate the very condition of authentic competition: the existence of worthy challengers. My claim, then, is a fairly modest one: the intentions of liberal eugenicists are morally worrisome to a non-trivial degree in their promotion of intentional attitudes of *excessive* partiality and competitiveness on behalf of their own child over and against others. But that is not to say particular cases of liberal eugenics are deeply unethical or always so to the same degree.

Finally, I will argue that the comparative devaluation of traits and persons is a morally problematic intent to harm only in the context of liberal eugenics. In this regard, it is helpful to underscore that many forms of evaluative preference are morally neutral, involving no intention to harm. Consider, first, our ordinary evaluative attitudes toward loved ones. To love someone is to *compare and prefer* them to others: to appreciate, admire, or care about them *more* than others. All such evaluation is comparative and partial. But to merely have an evaluative preference is not to intend harm. The key difference in eugenic selection is that rather than simply appreciate another's value I attempt to increase it by relatively decreasing others': I make my child worthier of my appreciation than they would have been, while I make others comparatively less worthy of my appreciation than they would have been.

Imagine if you were to rank everyone you know from most to least valuable to you. To raise your own child's rank, you must necessarily demote another's. This devaluation isn't a second, distinct intention added to the first but one and the same: to intend to move one person up the ranks when comparatively valuing just is one and the same thing as intending to move others down. Again, this might intend only a minor harm. But it is quite different from merely comparing, preferring, and appreciating the value people already have to me: I intend to change their value to someone's relative detriment, and that is why it is, unlike morally neutral forms of evaluative preference or partiality, an intention to harm.

Notice too that this isn't an empirical inference about the selector's thought process, but a logical point about the structure of comparative evaluation: to raise one person's comparative value to me is necessarily to lower another's. I will refer to this feature, which applies only to comparative evaluation, as the logical criterion of intent to harm, which can be determined by a universalisation test: if every parent enhanced their children in the relevant trait to an equal degree, so that possessing the trait would give my child no advantage over others, would it harm the value of the trait to me? Would it frustrate the very reason I wish to eugenically select it? Rather than speculate about individuals' thoughts, this criterion identifies an entire category or form of evaluation that one simply cannot participate in without being logically required to also devalue. To find one person more beautiful, intelligent, talented, etc is logically inseparable from finding another less so, and to intend to make one person comparatively more valuable to me is inseparable from intending to make another less so.

Here, however, we might worry that my argument goes too far. Every parent rightly attempts to improve their children and so increase their value in their own eyes. Does it follow that they intend harm in a morally worrisome way? Here again I would underscore that the intention to harm only appears in the specific context of eugenic selection. That context includes

three important elements. First, eugenic selection guarantees successful enhancement. Second, it guarantees a high degree of enhancement. And, third, there is little motive for eugenic selection outside of the context of social competition.

It is laudable and necessary for parents to wish to increase the value of their own children in their own eyes. For example, I might read to my children every night in order to increase their intellectual skills. Why would it be morally more worrisome if I genetically created those skills instead? The answer is that if I require a guarantee that my children will be enhanced to such a high degree that they will be much more valuable in some respect than potential competitors, then my intention is no longer simply to enhance my children but to enhance them comparatively, over and against others. In short, the need for specifically eugenic means is strong evidence of an intention to harm, while non-eugenic means of enhancing one's children need not involve such intent. If I desire to improve a trait in my child simply, non-eugenic means will suffice. The only reason I require eugenic means is if I am not simply interested in my child's value, but in my child's value compared to others.

Notice that my point here is not that eugenic means of enhancing children increase the likelihood of consequent harm. The issue is still one of intention rather than consequence, and parents certainly can intend comparative harm when using non-eugenic means of improving their children. The point, however, is that with non-eugenic means, we must determine case by case whether our intentions are questionable. In contrast, the desire or need for eugenic means is by itself is a reliable indicator of intention to harm, so we can conclude that the practice is morally questionable generally, not just in individual cases. For where there is no intention to harm there is no need or incentive for liberal eugenics. If I want my child to have traits or abilities that I deem valuable, such as beauty, talent, or intelligence, non-eugenic means will achieve that to at least some degree, providing my child a share in that perceived good. But if I demand a genetic guarantee of a comparatively high degree of that trait, then we can reasonably conclude that I intend more than just my child's share in that good.

Drawing on the distinction I made earlier about excessive partiality: I can make my children competitive by non-eugenic means, but to also ensure that others' children are non-competitive, I require eugenic means. By analogy, I can cheat in an athletic competition without using performance-enhancing drugs. But there is no reason for the guaranteed and high degree of advantage provided by performance-enhancing drugs other than to create an unfair advantage, so we can reasonably suspect its users of that intention and conclude that the practice is morally questionable generally. Just as performance-enhancing drugs specifically cater to athletes who do not simply want to be competitive but to prevent authentic competition, liberal eugenics is a technology of improvement that specifically caters to those who do not simply want their children to have a share in the good, but who want their children to have a greater share at the expense of others. It caters not to parents who want their children to be competitive, but parents who want to prevent competition, creating games their children are designed to win in advance. It is, then, morally questionable as a whole, rather than on a case-by-case basis, not because it does greater harm but because it more directly promotes the intention to harm.

In the final part of the essay, I consider cases that are not clearly cases of comparative evaluation. In such cases, my logical test of intent to harm is not sufficient, so instead I will apply what I call the practical criterion of intent to harm, which can be determined by a practical exclusion test of whether the trait

is valued only for its own sake or also for comparative value: would I be satisfied if this trait were enhanced in every child but my own? If so, then I clearly value the trait for its own sake: to see its promotion in any child satisfies my intention, even if it does not advantage my own child at all. If, however, the answer is no, then this is sufficient evidence that the selector's intention, while it may not be entirely reducible to comparative evaluation, still includes comparative evaluation and so includes an intention to harm.

### Comparative-value, subjective eugenics

By comparative-value eugenics, I mean the selection or deselection of traits that are valued on the basis of negative comparison to the traits of others. Negative comparative values are, in Nietzsche's language, 'slavish' in form, disguising intentional harm to others as the improvement of one individual. By a slavish mode of evaluation, Nietzsche means any conception of the good that is equivalent to the negation of a more primary evaluated evil or bad trait or type. A slavish value, then, disguises intent to harm as intent to benefit. One 'improves' a person or humanity by eliminating traits and the types that bear them, rather than by preserving or cultivating independently existing, positive traits and types. Although Nietzsche uses the language of 'master' and 'slave' both descriptively to indicate the social-political origins of distinct kinds of morality and rhetorically to indicate the superiority of one to the other, for my purposes, I will only be applying his position descriptively. That is, whatever one thinks of the value of 'slavish' forms of morality in their content, they are distinguished above all by conceptual dependency on other values. To affirm the slavish conception of the good is logically inseparable from devaluing the noble conception of the bad, one cannot raise one value without necessarily decreasing the other.

So, when I argue that liberal eugenics, because based in comparative evaluation, is slavish, I am not arguing, as Nietzsche does about slavish morality, that it leads to human decline or consequent objective harm. I am arguing only that it is inseparable from devaluation of others. As Nietzsche describes this contrast:

While every noble morality develops from a triumphant affirmation of itself, slave morality from the outset says No to what is 'outside,' what is 'different,' what is 'not itself'; and *this* No is its creative deed. This inversion of the value-positing eye—this *need* to direct one's view outward instead of back to oneself—is of the essence of *ressentiment*: in order to exist, slave morality always first needs a hostile external world; it needs, physiologically speaking, external stimuli in order to act at all—its action is fundamentally reaction. The reverse is the case with the noble mode of evaluation: it acts and grows spontaneously, it seeks its opposite only so as to affirm itself more gratefully and triumphantly—its negative concept 'low,' 'common,' 'bad' is only a subsequently-invented pale, contrasting image in relation to its positive basic concept—filled with life and passion through and through—'we noble ones, we good, beautiful, happy ones!'<sup>17</sup>

Comparative-value eugenics is slavish because it selects traits valued relative to a norm and, consequently, traits that are enhanced by devaluing the norm, harming the relative value of those traits in everyone else. For example, parents selecting for intelligence, beauty, or talent do not intend to improve their child simply (eg, equating intelligence with quantitatively better memory), but in a comparative way—for example, intelligence as memory superior to that of the average child.

Buchanan calls these ‘positional’ and ‘zero-sum’ goods but argues that not all eugenically selected traits are of this kind (Buchanan, p10).<sup>7</sup> Since Buchanan’s argument defends eugenics on consequentialist grounds, he argues only that eugenically selected traits can be non-positional goods in the sense of having beneficial social effects. However, my argument focuses on the intentions of the eugenic agent, not the consequences of their actions, so I will argue that the liberal eugenicist does not *intend* selected traits as non-positional goods, even if they can be so in effect, and that the intending of non-positional goods is an intention to harm, which is morally problematic regardless of consequence. My argument does not, however, address the question of the moral seriousness of such intent, since I am only concerned with the moral, not legal, status of eugenics. It may be a minor moral failing, not sufficient reason to legally forbid it.

Consequently, comparative-value eugenics promotes comparative traits that are equivalent to the diminishing of the same comparative traits in others. To select for intelligence in my own child is to manipulate the norm of intelligence, in turn lowering the relative intelligence of others. In doing so, my intent is to harm: to reduce the abilities of others’ children as a means to promoting my own child’s abilities—an ethically unacceptable end.

### Aesthetic-value, subjective eugenics: traits valued for rarity or distinction

It might be argued that some traits are valued for their own sake on the basis of personal taste, independent of their possession by others and, consequently, they don’t intend relative harm to others. For example, to select for a child’s musical ability or blue eyes does not require deselecting these traits in other children. This form of aesthetic-value eugenics appears to be based directly in personal taste rather than in social comparison.

However, aesthetically selected traits are in fact based in comparative values. Such traits are usually valued in one of three ways: for their rarity in comparison with the norm, their identity with the selector, or directly and for their own sake. Traits valued for their rarity are clearly comparative. For example, I might choose an unusual shade of green eye color for my child in order to enhance her sense of individuality or her social status. As a general test of comparative value, we can ask: if every parent of every child eugenically selected the same trait to the same degree, would it affect the trait’s value? If yes, then the value is comparative. This is clearly the case in traits valued for rarity: if every child is born with the same eye color, it is no longer valuable as a source of distinction or uniqueness.

A critic might object that although such values are comparative, they’re not negatively comparative, thus include no intent of harm. Their value depends on difference from the norm, not superiority to it. For example, by selecting my child’s unusual green eye color, I don’t prevent others from sharing it, as I do when I select comparatively greater intelligence, beauty, or talent. Nor do I need to think other eye colors are less valuable. This seems true of many aesthetic traits: I can appreciate my child’s distinctive height, hair color, physical features and personality traits without excluding others from holding similar traits or thinking them less valuable.

However, any trait valued for its rarity is necessarily valued in a negative relation to the common: without an underlying devaluation of the common (analogous, in Nietzsche’s discussion of slavish values, to the more primary evil according to which the good is negatively defined as not-evil), rarity does not add any value to the trait. Consequently, to select for valued rarity is to negatively manipulate the norm, to select against the value of the

traits possessed by others. In our example, when parents select an eye colour for its rarity, they devalue, not other eye colours as such, but their commonness, thus intending to harm the value of those who possess them.

Nor is this an accidental consequence. To eugenically select a trait for its rarity is to intentionally produce and extend the extremes according to which the average is measured, thus making variations closer to the norm less distinctive and diminishing their value (or harming them from my own perspective of the value of rarity). Again, this is not accidental, not a side effect, but the essence of what I am selecting. In my example: for people to find my child’s eye-color striking is equivalent to their finding every other child’s eye-color less remarkable. I am intentionally diminishing the value of others’ traits; consequently, it is an ethically unacceptable intention to harm.

### Aesthetic-value, subjective eugenics: traits valued for group identity

Now, what about traits valued not for rarity, but because they are shared by the selector or the family? For example, I might choose for my child to have its mother’s striking red hair or grandfather’s dimples, as characteristic family traits I want to preserve. In such cases, traits are valued because they promote one’s family or group identity. Some may argue that such promotion of family identity is neither comparative nor negative, a benefit to one’s child that intends no harm to others. As in the case of rarity and commonness, there is no intrinsic reason to value difference less than identity. However, once again, the valuation of the trait presupposes the devaluation of its contrary: to value identity presupposes the devaluation of difference. A group identity consists not just of traits shared by a group, but shared more or less exclusively, in contrast to an excluded out-group.

We can again apply our test of universalizing the trait to see if it is valued in a comparative way. For example, if everyone in a family is over six feet tall, they can select this trait to promote familial identity only if those outside the family are not on average over six feet tall. The trait’s value to family identity depends on a more primary devaluation of the norm. In other words, the evaluation of traits based on identity is ultimately just another form of the evaluation of traits for their rarity: in this case, the rarity of a group’s shared traits rather than an individual’s.

Consequently, the same criticism applies: the value of distinction is based in the devaluation of the commonness of the norm, and the attempt to enhance distinction is an intention to diminish the relative distinctiveness of those closer to the norm. The devaluation of other identities—whether other families, cultures, nationalities or races—is not an accidental outcome of the promotion of shared identity, but its essence: one produces it through the exclusion of an out-group.

Consider the frequently debated case of Sharon Duchesneau and Candace McCullough, a deaf lesbian couple who chose a sperm donor with a family history of deafness in order to have a deaf child.<sup>9</sup> The disagreement over this case usually centres on the question of whether, in doing so, they harmed their child. My argument, in contrast, suggests that even if no harm is in fact done to anyone, the parents have intended harm to others: their intention to benefit their child by selecting for deafness is an intention to make their child comparatively more valuable than others through similarity to themselves, an intention that is comprehensible only given the devaluation of difference from themselves. Note that the point is not that they happen to value others less than their child or themselves, but that they intend to cause others to become relatively less valuable, since the value at issue is comparative: the intended increase to the child’s value

is identical to the comparative decrease in others through the contrast of dissimilarity.

It might be objected that this intention does not include a universal devaluation of non-identity, but only that of the non-identity of their own child. They are committed only to the view that their own child's value is increased by this similarity, not that the value of others is decreased by their comparative dissimilarity. But this objection overlooks the fact that the question is one of intent, and so the question of value is the subjective value of the trait in the selector's view, not the trait's real value to others. If the parents value their child more for sharing their deafness, then they must view children who lack this valued trait as comparatively less valuable.

I am assuming, of course, that at least part of what motivated the couple's decision was a desire to have a child like themselves in important ways. This is surely not the only motive. They likely thought the trait of deafness was advantageous to the child, perhaps promoting a sense of belonging in her family and in the deaf community. But we must not be naïve about the implication of a perfectly normal and excusable degree of human vanity: they must, as surely any parent does, have a desire to see themselves in their child, to promote in their child traits that affirm their own lives and world, and this desire was surely a substantial part of their decision. There is certainly nothing wrong with parents taking pleasure in the child's similarity to themselves and even valuing them more because of it. But to actively produce that similarity is another matter. There is nothing wrong with disvaluing difference, or disvaluing others at all—to value is to make an exception, to place one person or thing higher than another. What is ethically problematic is the intention to actively decrease another's value, the voluntary attempt to cause a person to become comparatively less valuable in one's own eyes, in order to increase another's. To enjoy my child's similarity to myself implies no intention to harm, but to seek to produce it does.

Consequently, to select traits because they are shared is, once again, to intend harm to the value of everyone else's traits. In promoting familial identity, I devalue non-identity while actively attempting to increase the non-identity of my child's traits with those of the larger community; I increase family identity at the expense of, through intended harm to, social identity, and familial bonds through the intended diminishment of greater social bonds.

### **Aesthetic-value, subjective eugenics: intrinsically valued traits**

The final way in which one might aesthetically value a selected trait is for its own sake, rather than for its rarity or similarity. This form of evaluation seems to involve no comparison at all. Using our universalisation test: if I value a trait for its own sake, such as, say, musical ability, I can consistently will that every child possess it, and I will value that talent even if everyone else shares it—even, in fact, if others possess a greater share.

However, while this is true in principle, it is highly unlikely in practice. Eugenic selection will always be informed by knowledge of the norm. When I choose musical ability, I know that it is a distinguishing trait that increases my child's value to me and to others relative to the norm. I choose the trait knowing it is not the norm. Consequently, although I am partially motivated by a non-comparative value, I am not only motivated in this way. I know that, as musical, my child is more valuable to me than a non-musical child and that, as musical, she has more value to others, since others enjoy music but not everyone has that talent.

Because I know that the intrinsically valued trait also has extrinsic, comparative value, I will not value it only for its own

sake, but also for its comparative aesthetic values: its superiority to lesser identical traits, its rarity, and its identity to my own traits or tastes. As a variation of our universalisation test, we might ask: would someone who aesthetically values musical ability for its own sake be willing to accept its genetic selection in everyone *except* their own child? The nearly universal existence of musical ability should satisfy their appreciation for music's intrinsic value, while the exclusion of their child ensures the value is not based in negative comparison. I think the answer is clearly no: aesthetic eugenics already presupposes an interest in benefitting one's own child alone, and so already implies an interest in the comparative value of one's own child relative to others.

Consequently, the previous criticisms of comparative aesthetic evaluation will apply to these cases, as well. My selection of the trait will include an innocuous intention to produce the trait for its own sake, but it will also include a harmful intention to produce the trait for its negative, comparative value to my child at others' expense. If I select for musical talent, it's because I want my child to be musical and I want not every child to be so and I want others who are musical to be less talented than my child. Correspondingly, my intention is both to independently benefit my child *and* to comparatively benefit her through the diminishment of the norm.

### **Against objective eugenics: the contingent power value of abilities**

We can now turn to forms of eugenics that are supposedly based in objective evaluations of traits. The defender of an objective eugenics must assert there are traits valuable to any person, regardless of their character, circumstances, or goals. For example, Fox's 'theory of enhancement' endorses a non-liberal form of objective eugenics in which we have a moral obligation to eugenically promote 'natural primary goods: heritable mental and physical capacities and dispositions that are valued across a comprehensive range of diverse and viable life plans' (Fox, p11).<sup>1</sup> Dekker's 'theory of neutral enhancement,' in contrast, allows for the eugenic selection of such 'neutral' traits, but 'forbids the use of genetic technology if parents wish to use it to give their children goods that are useful for only certain plans of life' (Dekker, p92).<sup>18</sup>

The most likely candidate trait is good mental and physical health, or the proper functioning of basic human abilities. Good health allows individuals to more effectively pursue their unique goals, yet it does not infringe on freedom because it consists of abilities the individual may freely refrain from exercising. Therefore, some argue, health is an objectively valuable trait, which we have an ethical obligation to promote by any means, including eugenics.

Good health is the most plausible candidate for an objectively valuable trait because it is broad enough to include the usual suspects for objectively valuable and disvaluable traits. For example, Fenner's lengthy list of conditions that 'should be eliminated whenever requested and possible,' such as spina bifida, sickle-cell anaemia, Down's syndrome, blindness, deafness and immunodeficiency seems, if correct, to fall under the broader category of objective harm to health broadly construed (Fenner, p24–25).<sup>19</sup> Most items on Fox's list also fit into the larger category of health: 'absence of disability, resistance against disease, physical mobility and coordination, visual and auditory perception, short-term and long-term memory, verbal and spatial reasoning, general cognitive capacity,' while those that do not—'behavioural characteristics such as reflectiveness, impulse control, novelty seeking, and the capacity to abide

adversity’—seem less plausible as objective goods (Fox, p11).<sup>1</sup> Although Buchanan offers a number of candidates arguably distinct from health understood as merely proper functioning of basic abilities (enhanced cognitive capacity, longevity, youthfulness, and enhanced immunity to disease), they are—rightly, I think—presented not as objective goods but as conducive to social productivity (Buchanan, p8).<sup>7</sup> They are good in their social effects when universally promoted, not intrinsically good for every individual.

The Nietzschean critique of such objective approaches to eugenics is deceptively simple in its strongest form, namely: ‘There are absolutely no moral facts.’<sup>20</sup> I take this to include objective value of the kind asserted by the objective eugenicist, since it grounds a moral obligation to allow or require eugenics. Nonetheless, it is a questionable claim, especially given the plausible case that we have considered for the value of health. Is the obligation to promote the health of every person not a ‘moral fact’?

Nietzsche’s response is that no trait is always valuable or beneficial to every person, since the value of a given ability or disability is conditional: the same ability or disability may be beneficial or harmful to different individuals under different conditions. Nietzsche views the self as an organisation of drives: abilities of different strengths that demand and give satisfaction through their exercise. Well-being depends, not on which drives one possesses, but by their power, one’s ability to exercise them. The power of an ability, in turn, depends on two conditions: first, the relation of that ability to all other abilities and, second, the relation of that ability to the individual’s situation or environment.

Consequently, an ability is valuable or contributes to well-being only if it is powerful in relation to one’s other drives and to the external world. As Nietzsche describes it, we feel free and capable only if we are equal to and able to act in the face of both internal and external obstacles: ‘Freedom of the will’—that is the expression for the complex state of delight of the person exercising volition, who commands and at the same time identifies himself with the executor of the order—who, as such, enjoys also the triumph over obstacles, but thinks within himself that it was really his will itself that overcame them. In this way the person exercising volition adds the feelings of delight of his successful executive instruments, the useful ‘under-wills’ or under-souls—indeed, our body is but a social structure composed of many souls—to his feelings of delight as commander.’<sup>21</sup>

If, on the other hand, an ability is thwarted by internal or external conflict, then it is a source of unhappiness. Indeed, as Koch notes, social science research shows that ‘adults who as a result of accident or disease develop a diminished set of defining characteristics typically report a generally positive sense of life and life quality,’ and there is a growing consensus in the literature ‘that physical limitations may be experientially balanced (or outweighed) by an increasingly satisfying relational world of enriched essential and condition relationships with family and friends’ (Koch, p710).<sup>22</sup>

Consider the example of a child with a passion and talent for music. This ability has value, it enhances the well-being of its owner, only if, first, it does not frustrate the individual’s other passions and, second, it is not frustrated by the individual’s environment. Contrary cases are easily imagined for both conditions. In the case of other passions, a child with distinctive abilities in both academics and athletics might experience them as incompatible: time devoted to exhausting physical exercise and constant athletic training might leave little time or intellectual energy for study. Given the necessity of sacrificing

the development of one ability for the other, the child might reasonably begin to see the sacrificed ability as an annoyance, a source of dissatisfaction rather than a means to happiness. In the case of environment, a moderately ambitious, musically talented child born into a family of extraordinary talent and ambition, sent to a music school of extraordinarily talented and ambitious students, might well be miserable, always failing to measure up to the expectations of her parents and always failing to equal the success of more talented peers.

This example also shows why a disability may be beneficial rather than harmful to an individual’s well-being. Where two abilities conflict, preventing the full development and exercise of both, a disability actually heightens the contrary ability. In our example, a physical disability that makes a child unable to pursue an athletic talent might make her better able to pursue her academic talents, thus increasing the power of that ability relative to other abilities.

Wilkinson makes a related point in his discussion of Duchesneau and Candace McCullough’s selection of a deaf child: ‘While deafness closes down some options, it opens up others; for example, good relations with other members of the deaf community’ (Wilkinson, p64).<sup>16</sup> These sorts of examples, however, tend to stress a cost–benefit claim, weighing advantage against disadvantage, whereas I wish to stress that an ability can, in cases of powerlessness, itself be a disadvantage rather than outweighed by other disadvantages. In such cases, its loss or lack need not be outweighed by another distinct gain.

Of course, our original example of good health is a tougher case. For this example, let’s consider Nietzsche’s own case. Throughout his adult life, Nietzsche suffered from a variety of crippling ailments that left him nearly blind and often bedridden. Yet, in his final writings, he repeatedly expresses gratitude for his poor health. It forced his early retirement, providing greater time and intellectual freedom for his work; it forced him to abandon Germany in search of a better climate, liberating him from the influence of an intellectual and cultural atmosphere he found stifling; and by preventing him from working continuously for extended periods, it inspired stylistic innovation, forcing him to express his ideas in short, dense aphorisms.<sup>23</sup> Nietzsche plausibly concludes that, without his illness, his greatest philosophical accomplishments would have been impossible. And this provides us with a plausible possible case in which the objective definition of eugenic value is false: no trait, not even health, is intrinsically valuable or harmful.

This does not, remember, mean that ordinary attempts by parents to promote the well-being of their children should count as intent to harm. Nietzsche’s family sought to promote his general health and Nietzsche himself, despite his recognition of the indirect benefits of his poor health, spent much of his adult life moving from place to place in search of a climate that would relieve his symptoms. Indeed, it remains a possibility that good health might have enabled him to accomplish even greater things than he in fact did. Perhaps, all things considered, the disadvantages of his ill health outweighed the benefits.

The point, rather, is that this is uncertain: we simply do not know if a trait is valuable or disvaluable for everyone or if it is more valuable than its absence, so we cannot justify their selection or deselection on that ground alone. And in the case of subjective eugenics, we cannot justify their selection or deselection at all, since, as I will argue further in the next section, to demand the technological guarantee of a eugenically selected trait presupposes an intention to harm the relative power of other traits, even when they are unknown.

## Probabilistic objective eugenics as negative, comparative value

Of course, the absence of objective criteria for eugenic improvement does not, by itself, give us reason to ethically reject eugenics. Because we cannot be certain whether a candidate trait for selection or deselection will be beneficial or harmful, we have no reason to prefer natural to eugenic reproduction—either one could benefit or harm the child. Indeed, the defender will say we must prefer eugenic methods as the more objective, if not certain, method to increase human well-being, since we can better predict the value of traits based on probable estimations of the child's circumstances, common human traits, and probable genetically inherited traits.

It is true that eugenic selection can, on Nietzschean grounds, increase the chances of a child's well-being. However, having determined that the traits to be selected are not, in fact, objectively valuable ones, we return to the dilemma of subjective eugenics. Qualities such as good health, often claimed to be objectively valuable to all, are instead subjectively valuable and, as we've seen, valuable only relative to their power in an individual subject. They are, consequently, valued through negative comparison and, consequently, share the problem of intended harm that plagues subjective eugenics.

Consider the case of selecting for a child's academic ability. We saw that the child's ability is valuable relative to her other abilities and relative to her environment. In the latter case, to promote her musical ability in relation to her environment is to promote relative, greater-than-average ability and comparatively diminish the relative abilities of others. In the former case, to promote her musical ability is to diminish any other abilities she will possess—in our example, to diminish the power of her athletic abilities.

Consequently, any attempt to promote an ability's power relative to environment will likely be through intended harm to the same ability in others. And any attempt to promote its power relative to other abilities is an intention to harm those abilities. This is true even given our ignorance of what those abilities will be. For example, in choosing to create my child as an excellent pianist, I am intending to diminish the actual counter-abilities that she will one day possess. If my child will have both musical and athletic ability, by enhancing her musical ability I will diminish her athletic ability (remembering, of course, Nietzsche's claim that enhancement is measured by relative power, not ability alone). I do not need to know that she will have athletic talent, only that she will have other talents. I do not need to know what they will be in order to know that by enhancing one, I will relatively diminish the others. Therefore, I intend relative harm to those unknown abilities.

Dekker has provided a particularly vivid example of such a conflict: a couple who adore Castrato opera genetically engineer a child suited for the profession of Castrato singing (Dekker, pp94–95).<sup>18</sup> The son, however, turns out to long for a Don Juan's life, a capacity prevented by his parents' choice. For Dekker, this exemplifies the illiberality of liberal eugenics as the imposition of a single conception of the good on the child.

Of course, this kind of argument is not decisive because such limits are not directly 'imposed'—either because the son is not identical to the merely possible son they would have had without eugenic intervention or, more simply, because many other eugenically selected traits promote a conception of the good without

necessitating it, leaving the child's autonomy intact. For my purposes, however, we need only note that the parents *intended* to diminish the son's *real* alternative capacities, in this case the ability to be the next Don Juan. That they could not do so in fact, since a prevented, thus non-existent, ability cannot strictly be harmed, has no bearing on the argument about intention.

I conclude that since we cannot promote an ability without knowingly—however unclearly—diminishing other abilities, the burden of proof lies with the eugenicist: it can be ethically justified to intentionally harm the power of an ability only if we can prove that the promotion of this ability will increase the child's well-being, which we have seen cannot be certain. Liberal eugenic intervention, even when possibly beneficial, cannot be justified because it requires active intention to harm abilities without certainty that this harm will be compensated by the benefits of the eugenically selected ability.

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