

The new (liberal) eugenics

Nicolae Sfetcu

February 12, 2019

Sfetcu, Nicolae, "The new (liberal) eugenics", SetThings (February 12, 2019), MultiMedia Publishing (ed.), URL = <https://www.setthings.com/en/the-new-liberal-eugenics/>

Email: nicolae@sfetcu.com



This article is licensed under a Creative Commons Attribution-NoDerivatives 4.0 International. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nd/4.0/>.

This is a partial translation of:

Sfetcu, Nicolae, "Evoluția și etica eugeniei", SetThings (26 ianuarie 2018), MultiMedia Publishing (ed.), DOI: 10.13140/RG.2.2.27933.41449 URL = <https://www.setthings.com/ro/e-books/evolutia-si-etica-eugeniei/>

The new (liberal) eugenics

Despite the Nazi horrors, in 1953 the new eugenics was founded, when Watson and Crick postulated the double helix of DNA as the basis of chemical heredity. (Hutton 1978) In 1961, scientists have deciphered the genetic code of DNA, laying the groundwork for code manipulation and the potential building of new life forms. After thirty years from the discovery of the DNA structure, the experimenters began to carry out the first clinical studies of human somatic cell therapy. (Robertson 1985)

In 1978 Repository for Germinal Choice was created, a sperm bank created in 1978 with the idea of collecting sperm from Nobel laureates, other brilliant people and athletes at the Olympic level. (Sara 2014)

Since the 1980s, genetic engineering has been widely used to genetically modify organisms and foods.

The practice of prenatal genetic tests identifies genes or unwanted genetic markers. Parents can choose to continue pregnancy or give up the fetus. In *Eugenics*, Sara Goering highlights that once the preimplantation genetic diagnosis occurs, potential parents can choose to use in vitro fertilization and then test early embryonic cells to identify embryos with genes they prefer or avoid. Because of concerns about eugenics, genetic counseling is based on a "non-directive" policy to ensure respect for reproductive autonomy. The argument for this counseling service is that we should balance parental autonomy with child's autonomy in the future. (Sara 2014) Specialists have not yet given a clear answer to the question of whether these practices should be considered eugenic practices, or if they are moral practices.

It is now possible to diagnose several genetically induced diseases. Some diseases result from a defect in a single gene, while others involve several genes. Screening for genetic abnormalities is a relatively simple process, based on a genetic profile, genetic information that may affect the choice of a marriage partner, and pregnancy monitoring. Decisions taken in these cases have eugenic implications. (Harding 2012)

The new eugenics supports the use of reproductive and genetic technologies to improve human characteristics and capabilities according to parents' preferences without state intervention. The term "liberal eugenics" was invented by the bioethicist Nicholas Agar, but since 2000 the term "libertarian eugenics" is preferred in the idea of a minimal state intervention. (Agar 2004)

Advocates of liberal eugenics highlight four main differences of the new eugenics compared with the past eugenics: it is individual and private (without State interference), it is optional, it presupposes pluralism of value (diversity), and the quality of science.

Dov Fox, professor of law at the University of San Diego, argues that the state should mandate secure, effective and functionally integrated genetic practices. (Fox 2012)

The United Nations International Bioethics Committee supports liberal eugenics, which should not be confused with the ethical issues of eugenics movements in the 20th century, but the objectors argue that the idea of human equality disappears, and discrimination and stigmatization is allowed against those who do not want or have no financial opportunity. (International Bioethics Committee 2015)

Critics of the new eugenics are based on current practices such as prenatal testing and selective abortion, as well as futuristic options such as improvement and design. Prenatal tests followed by selective abortion send a negative message: "It is better not to exist than to have a disability." (Saxton 2000) The negative message is harmful and can be considered a form of discrimination. This expressionist argument applies equally to the use of pre-implantation diagnosis. (Sara 2014)

Other critics, such as Bennett, are considering whether an appeal to impersonal or nonperiodic damage can remove us from the problem of non-identity without resorting to disturbing social justifications for an obvious individualist eugenics: "If a project is not interested in the welfare of particular people but in creating what those proposing this project believe is the best world possible, then this is exactly what eugenics is—promoting social and not personal goods. (Bennett 2009)

The utilitarian approach considers that the correctness and the mistakes of an action are determined by the usefulness of its consequences. If benefits are distributed to genetically disadvantaged or genetically engineered people, it is not important for utilitarian as long as the good is obtained. (Harding 2012)

Rawls objects to the utilitarian approach. Because birth inequalities and natural assets are not deserved, Rawls states that compensation is needed, proposing a theory of justice that exploits the inherent differences of individuals and uses them for the benefit of all, Rawls' principle of difference. (Rawls 2005) The principle of difference does not attempt to eliminate inequalities, but rather functions to minimize inequalities through increases.

Another issue of biomedical ethics, especially about genetic screening, is confidentiality. There is significant potential for third parties to misuse the genetic information of an individual. These third parties include employers, insurance companies and the state. Genetic testing can enable individuals and organizations to obtain an individual's genetic profile, identify their genetic vulnerabilities, and use information in interests contrary to the individual. The eugenic effects of such abuse are considered by John R. Harding Jr. (Harding 2012) to be similar to what is sometimes described as "social Darwinism." For this reason, some commentators claim that such information should be protected by law.

Among the most fervent opponents of genetic engineering and its eugenic implications are Christian theologians, especially Roman Catholics. Their main argument is that technology should not be used to overcome God's intentions. Arguments are the holiness of marriage, love, and the purpose of sex in procreation. Genetic engineering reduces the status of human beings from that of God's greatest creation to that of an object. (Tribe 1973)

Another moral/religious argument is that genetic engineering implies inherent judgments about the relative value of different lives - a judgment that critics claim is immoral in itself. There is also a fear that society's perception of genetic perfection will serve to ostracize other less fortunate members. (Jacobs 1977)

The arguments for regulating the use of genetic engineering, such as abortion arguments, focus on privacy. Parents should have constitutional privacy when deciding on procreative choice, contraception and abortion. If an infertile couple wants a child, the legislator should not prohibit the use of a breeding technology.

Supporters of genetic engineering even use the fear of eugenics to support their case. Southern California University Law Professor Alexander Capron believes that trying to ban a technique that will have some beneficial uses will surely lead to new eugenics in which someone or a group will decide which of the diseases will be treated and unwilling. (Capron 1985) Finally, it is claimed that the right to abortion implies an inherent right to engage in negative eugenics.

Moral arguments for the use of genetic engineering focus on the question whether there is an obligation to rescue a child if he needs medical care before birth. (Friedman 1981)

Opponents of genetic engineering claim that a fetus has rights that should be sustained. The argument is that life begins at conception and that all constitutional rights should assist the conceived child. The fact that the fetus is genetically different from his mother attests to his separate status. (King 1979) Referring to a moral personality capacity, (Rawls 2005) the argument is that life begins at conception and that all constitutional rights should assist the child conceived. (Wurmbrand 1986)

Jonathan Anomaly states that the primary principle is that a citizen may be required to submit a procedure if the cost to him is trivial compared to social benefits. (Anomaly 2017)

Michael Ruse asserts that thinkers often move away from naturalist ethics because of the belief that it leads to good co-operation and reduces righteousness to a mechanical process. Biological "altruism" can never be supposed to be authentic altruism. This concern is based on half truth. True morality, in other words, the behavior that most people or all people can share is

moral, lies in preparing to do "just" work at a personal cost. As outlined, human beings do not calculate the ultimate effect of each act on the survival of their own genes or those of their close relatives. They are more than replicating genes. They define each problem, weigh options and act in a manner consistent with a well-defined set of beliefs - with integrity, honor and decency. People are willing to suppress their desires for a while, in order to behave correctly. (Ruse and Wilson 1986)

Bibliography

- Agar, Nicholas. 2004. *Liberal Eugenics: In Defence of Human Enhancement*. 1 edition. Malden, MA: Wiley-Blackwell.
- Anomaly, Jonathan. 2017. "Defending Eugenics." SSRN Scholarly Paper ID 2848702. Rochester, NY: Social Science Research Network. <https://papers.ssrn.com/abstract=2848702>.
- Bennett, Rebecca. 2009. "The Fallacy of the Principle of Procreative Beneficence." *Bioethics* 23 (5): 265–73. <https://doi.org/10.1111/j.1467-8519.2008.00655.x>.
- Capron, Alexander Morgan. 1985. "Unsplicing the Gordian Knot." In *Genetics and the Law III*, 23–35. Springer, Boston, MA. https://doi.org/10.1007/978-1-4684-4952-5_3.
- Fox, Dov. 2012. "The Illiberality of Liberal Eugenics." SSRN Scholarly Paper ID 1072104. Rochester, NY: Social Science Research Network. <https://papers.ssrn.com/abstract=1072104>.
- Friedman, JM. 1981. "Significance of Genetic Diseases." In *Genetic Screening and Counseling: A Multidisciplinary Perspective: Proceedings of a Conference on Genetic Screening and Counseling*. Springfield, Ill: Charles C Thomas Pub Ltd.
- Harding, John. 2012. "Beyond Abortion: Human Genetics and the New Eugenics." *Pepperdine Law Review* 18 (3). <https://digitalcommons.pepperdine.edu/plr/vol18/iss3/3>.
- Hutton, Richard. 1978. *Bio-Revolution: DNA and the Ethics of Man-Made Life*. 1st edition. New York: New American Library - Mentor Books.
- International Bioethics Committee. 2015. "Report of the IBC on Updating Its Reflection on the Human Genome and Human Rights." <http://unesdoc.unesco.org/images/0023/002332/233258E.pdf>.
- Jacobs, S. B. 1977. "A Religious Response to Tay-Sachs Disease Screening and Prevention." *Progress in Clinical and Biological Research* 18: 75–80.
- King, P. A. 1979. "The Juridical Status of the Fetus: A Proposal for Legal Protection of the Unborn." *Michigan Law Review* 77 (7): 1647–87.
- Rawls, John. 2005. *A Theory of Justice*. Harvard University Press.
- Robertson, John A. 1985. "Genetic Alteration of Embryos." In *Genetics and the Law III*, 115–33. Springer, Boston, MA. https://doi.org/10.1007/978-1-4684-4952-5_11.
- Ruse, Michael, and Edward O. Wilson. 1986. "Moral Philosophy as Applied Science." *Philosophy* 61 (236): 173–92. <http://www.jstor.org/stable/3750474>.

Nicolae Sfetcu: The new (liberal) eugenics

- Sara, Goering. 2014. "Eugenics," July.
<https://plato.stanford.edu/archives/fall2014/entries/eugenics/>.
- Saxton, Marsha. 2000. "Why Members of the Disability Community Oppose Prenatal Diagnosis and Selective Abortion." 229823. 2000.
<https://repository.library.georgetown.edu/handle/10822/522840>.
- Tribe, Laurence H. 1973. "Technology Assessment and the Fourth Discontinuity: The Limits of Instrumental Rationality." Eweb:5066. June 1973.
<https://repository.library.georgetown.edu/handle/10822/765574>.
- Wurmbrand, Marcia Joy. 1986. "Frozen Embryos: Moral, Social, and Legal Implications."
Southern California Law Review 59 (5): 1079–1100.