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The Old Eugenics and the New

EUGENICS WAS A MOVEMENT of large ambition—to improve the genetic makeup of the human race. The term, which means "well born," was coined in 1883 by Sir Francis Galton, a cousin of Charles Darwin, who applied statistical methods to the study of heredity.[1] Persuaded that heredity governed talent and character, he thought it possible "to produce a highly gifted race of men by judicious marriages during several consecutive generations."[2] He called for eugenics to be "introduced into the national conscience, like a new religion," encouraging the talented to choose their mates with eugenic aims in mind. "What nature does blindly, slowly, and ruthlessly, man may do providently, quickly, and kindly. . . . The improvement of our stock seems to me one of the highest objects that we can reasonably attempt."[3]

The Old Eugenics

Galton's idea spread to America, where it fueled a popular movement in the early decades of the twentieth century. In 1910, biologist and eugenic crusader Charles B. Davenport opened the Eugenic Records Office in Cold Spring Harbor, Long Island. Its mission was to send fieldworkers into prisons, hospitals, almshouses, and insane asylums across the country to investigate and collect data on the genetic backgrounds of so-called defectives. In Davenport's words, the project was to catalog "the great strains of human protoplasm that are coursing through the country."[4] Davenport hoped such data would provide the basis for eugenic efforts to prevent reproduction of the genetically unfit.

The crusade to rid the nation of defective protoplasm was no marginal movement of racists and cranks. Davenport's work was funded by the Carnegie Institution; Mrs. E. H. Harriman, widow and heir of the Union Pacific railroad magnate; and John D. Rockefeller, Jr. Leading progressive reformers of the day rallied to the eugenic cause. Theodore Roosevelt wrote Davenport: "Some day, we will realize that the prime duty, the inescapable duty, of the good citizen of the right type, is to leave his or her blood behind him in the world; and that we have no business to permit the perpetuation of citizens of the wrong type."[5] Margaret Sanger, pioneering feminist and advocate of birth control, also embraced eugenics: "More children from the fit, less from the unfit—that is the chief issue of birth control."[6]

Part of the eugenic program was hortatory and educational. The American Eugenics Society sponsored "Fitter Families" contests at state fairs around the country, alongside the livestock competitions. Contestants submitted their eugenic histories and underwent medical, psychological, and intelligence testing, and the fittest families were awarded trophies. By the 1920s, eugenics courses were offered at 350 of the nation's colleges and universities, alerting privileged young Americans to their reproductive duty.[7]

But the eugenics movement also had a harsher face. Eugenics advocates lobbied for legislation to prevent those with undesirable genes from reproducing, and in 1907 Indiana adopted the first law providing for the forced sterilization of mental patients, prisoners, and paupers. Twenty-nine states ultimately adopted forced-sterilization laws, and

more than 60,000 genetically "deficient" Americans were sterilized.

In 1927 the U.S. Supreme Court upheld the constitutionality of sterilization laws in the notorious case of *Buck v. Bell*. The case involved Carrie Buck, a seventeen-year-old unwed mother who had been committed to a Virginia home for the feeble-minded and ordered to undergo sterilization. Justice Oliver Wendell Holmes wrote the opinion for the eight-to-one majority upholding the sterilization law: "We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices. . . . The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind." Referring to the fact that Carrie Buck's mother and, allegedly, her daughter were also found to be mentally deficient, Holmes concluded: "Three generations of imbeciles are enough."[8]

In Germany, America's eugenic legislation found

an admirer in Adolf Hitler. In *Mein Kampf* he offered a statement of the eugenic faith: "The demand that defective people be prevented from propagating equally defective offspring is a demand of the clearest reason and, if systematically executed, represents the most humane act of mankind. It will spare millions of unfortunates undeserved sufferings, and consequently will lead to a rising improvement of health as a whole."[9] When he seized power in 1933, Hitler issued a far-reaching eugenic sterilization law that drew praise from American eugenicists. The *Eugenical News*, a publication of Cold Spring Harbor, published a verbatim translation of the law and proudly noted its similarities to the model sterilization law proposed by the American eugenics movement. In California, where eugenic sentiment ran high, the *Los Angeles Times* magazine published an upbeat account of Nazi eugenics in 1935. "Why Hitler Says: 'Sterilize the Unfit!'" ran the buoyant headline. "Here, perhaps, is an aspect of the new Germany that America, with the rest of the world, can little afford to criticize."[10]

Ultimately, Hitler carried eugenics beyond sterilization to mass murder and genocide. By the end of World War II, news of the Nazi atrocities con-

tributed to the retreat of the American eugenics movement. Involuntary sterilizations declined in the 1940s and '50s, though some states continued to perform them into the 1970s. In 2002 and 2003, after journalistic investigations brought past eugenic cruelties to the public's attention, the governors of Virginia, Oregon, California, North Carolina, and South Carolina issued formal apologies to victims of forced sterilization.[11]

The shadow of eugenics hangs over today's debates about genetic engineering and enhancement. Critics of genetic engineering argue that human cloning, enhancement, and the quest for designer children are nothing more than "privatized" or "free-market" eugenics. Defenders of enhancement reply that genetic choices freely made are not really eugenic, at least not in the pejorative sense that term conveys. To remove the coercion, they argue, is to remove the very thing that makes eugenic policies repugnant.

Sorting out the lesson of eugenics is another way of wrestling with the ethics of enhancement. The Nazis gave eugenics a bad name. But what exactly was wrong with it? Is eugenics objectionable only insofar as it is coercive? Or is there something

wrong with even noncoercive ways of controlling the genetic makeup of the next generation?

FREE-MARKET EUGENICS

Consider a recent eugenics policy that stops short of coercion. In the 1980s, Lee Kuan Yew, the prime minister of Singapore, was worried that well-educated Singaporean women were producing fewer children than less-educated ones. "If we continue to reproduce ourselves in this lopsided way," he said, "we will be unable to maintain our present standards." Subsequent generations, he feared, would become "depleted of the talented."[12] To stave off decline, the government instituted policies to encourage college graduates to marry and have children—a state-run computer dating service, financial incentives for educated women to bear children, courtship classes in the undergraduate curriculum, and free "love boat" cruises for single college graduates. At the same time, low-income women who lacked a high school degree were offered $4,000 as a down payment on a low-cost apartment—provided they were willing to be sterilized.[13]

Singapore's policy gave eugenics a free-market twist; rather than force disfavored citizens to undergo sterilization, it paid them to do so. But those who find traditional eugenic schemes morally abhorrent are likely to be troubled by Singapore's voluntary version as well. Some might object that the $4,000 inducement is akin to coercion, especially for poor women with limited life prospects. Others might object that even the love-boat cruises for the privileged are part of a collectivist program that intrudes on reproductive choices that people should be free to make for themselves, without the heavy hand or watchful eye of the state. (The policies were reportedly unpopular among women, who resented being urged to "breed" for Singapore.)[14] But eugenics is also objectionable on other grounds; even where no coercion is involved, there is something wrong with the ambition, be it individual or collective, to determine the genetic characteristics of our progeny by deliberate design. These days, this ambition is less likely to be found in state-sponsored eugenics policies than in procreative practices that enable parents to pick and choose the kind of children they will have.

James Watson, the biologist who, with Francis Crick, discovered the double-helix structure of

DNA, sees nothing wrong with genetic engineering and enhancement, provided they are freely chosen rather than state-imposed. And yet, for Watson, the language of choice coexists with the old eugenic sensibility. "If you really are stupid, I would call that a disease," Watson recently told the *Times* of London. "The lower 10 per cent who really have difficulty, even in elementary school, what's the cause of it? A lot of people would like to say, 'Well, poverty, things like that.' It probably isn't. So I'd like to get rid of that, to help the lower 10 per cent."[15]

A few years earlier, Watson had stirred controversy by saying that, if a gene for homosexuality were discovered, a pregnant woman who did not want a homosexual child should be free to abort a fetus that carried it. When his remark provoked an uproar, he replied that he was not singling out gays but asserting a principle: women should be free to abort fetuses for any reason of genetic preference—whether testing showed the child would be born dyslexic or lacking musical talent or too short to play basketball.[16]

Watson's scenarios pose no special challenge to pro-life opponents of abortion, for whom all abortion is an unspeakable crime. But for those who do

not subscribe to the right-to-life position, Watson's scenarios raise a hard question: If it is morally troubling to contemplate abortion to avoid a gay child or a dyslexic one, doesn't this suggest there is something wrong with acting on eugenic preferences, even where no coercion is involved?

Or consider the market in eggs and sperm. Artificial insemination allows prospective parents to shop for gametes with the genetic traits they desire in their offspring. It is a less predictable way to design children than cloning or preimplantation genetic diagnosis. But it offers a good example of a procreative practice in which the old eugenics meets the new consumerism. Recall the ad that appeared in some Ivy League college newspapers, offering $50,000 for an egg from a young woman who was at least five feet, ten inches tall, athletic, without major family medical problems, and with a combined SAT score of 1400 or above. More recently, a Web site was launched claiming to auction eggs from fashion models whose photos appeared on the site—at starting bids of $15,000 to $150,000.[17]

On what grounds, if any, is the egg market morally objectionable? Since no one is forced to buy or sell, it cannot be wrong for reasons of coercion.

Some might worry that hefty prices would exploit poor women by presenting them with an offer they could not afford to refuse. But the designer eggs that fetch the highest prices are likely to be sought from the privileged, not the poor. If the market for premium eggs gives us moral qualms, it shows that eugenic concerns are not put to rest by freedom of choice.

A tale of two sperm banks helps explain why. The Repository for Germinal Choice, one of America's first sperm banks, was not a commercial enterprise. It was opened in 1980 by Robert Graham, a eugenic philanthropist dedicated to improving the world's "germ plasm" and counteracting the rise of "retrograde humans."[18] His plan was to collect the sperm of Nobel Prize–winning scientists and make it available to women seeking donors, in the hope of breeding supersmart babies. But Graham had trouble persuading Nobel Prize winners to donate their sperm to his bizarre scheme, and so settled for sperm from young scientists of high promise. The sperm bank closed in 1999.[19]

By contrast, California Cryobank, one of the world's leading sperm banks, is a for-profit company. It has no eugenic mission.[20] Dr. Cappy Rothman, cofounder of the firm, has nothing but dis-

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

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

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

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

Liberal Eugenics

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

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

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

The legal philosopher Ronald Dworkin also defends a liberal version of eugenics. There is nothing wrong with the ambition "to make the lives of future generations of human beings longer and more full of talent and hence achievement," Dworkin writes. "On the contrary, if playing God means struggling to improve our species, bringing into our conscious designs a resolution to improve what God deliberately or nature blindly has evolved over eons, then the first principle of ethi-

cal individualism commands that struggle."[24] The libertarian philosopher Robert Nozick proposed a "genetic supermarket" that would enable parents to order children by design without imposing a single design on the society as a whole: "This supermarket system has the great virtue that it involves no centralized decision fixing the future human type(s)."[25]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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