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Coercion in Bioethics

Jess Hasken

Human enhancement – the ability to use technology to change our bodies and minds – is a rapidly growing and fascinating field with important social implications. With new technologies come new questions. When athletes take steroids to increase muscle mass, or students take drugs such as Adderall and Ritalin to improve academic performance, their actions have significant ethical implications.

In response to these new ethical considerations, two polarized camps have emerged. On one side, there is the Transhumanist camp, which advocates wide availability of and broad use of technology to expand human capacities. Conversely, the Bioconservatives view such use of technology and medicine as dehumanizing and oppose its use to enhance human capabilities on moral and social grounds. Both positions hold that an essential component of human dignity stems from individual choice. Each argues that the other eliminates this choice through coercion.

Under the Transhumanist scenario, enhancement technologies are readily available, and the choice not to partake in enhancing practices may put an individual at a social disadvantage. Individuals who want to compete academically, athletically or professionally may find they need to use methods of biological enhancement.

On the other hand, Bioconservatives, who support global bans on enhancement technologies, also eliminate individual choice. By eliminating choice, both arguments coerce individuals to behave a way they might otherwise not.

While both Bioconservatives and Transhumanists condemn the other's position as coercive, the claim of coercion fails to provide a clear and convincing criticism of either Bioconservatism or Transhumanism. This paper will define human enhancement and coercion in the context of this discussion; explain separately how Bioconservatives and Transhumanists use the concept of coercion; and demonstrate how coercion is used improperly as a critique of enhancement.

I. Defining Human Enhancement

Eric T. Juengst defines enhancement as, “interventions designed to improve human form or functioning beyond what is necessary to sustain, or restore, good health.”¹ A human enhancing technology is, by this definition, one that augments living processes,

¹ Juengst, Eric. “Can Enhancement Be Distinguished from Prevention in Genetic Medicine?” *Journal of Medicine and Philosophy* 22. No 2.

rather than sustains them. This definition of enhancement requires a clear distinction between treatment and enhancement, and can be understood to put treatment technologies in a completely different category from enhancement technologies. The later discussion of coercion will show how such a distinction plays upon normative assumptions that are continually in flux. There are subtle differences in the way that Bioconservatives and Transhumanists change the definition of human enhancement in order to support their positions. These changes will be examined further in the sections titled “Transhumanists on Enhancement” and “Bioconservatives on Enhancement.”

II. Defining Coercion

Like truth, fairness, and good, the meaning of the philosophical term coercion is largely dependant on the scholar discussing it. In 1979, Martin Gunderson commented on the divisive nature of scholarly work concerning the issue of coercion.

“There is nearly universal agreement that coercion is an evil. Even when it is necessary to avoid a greater evil or to attain some good, it is still a necessary evil. There is also nearly universal agreement that, other things being equal, one ought not to exercise coercion. Here the agreement ends. There is little agreement about just when coercion is justified. More surprisingly there is little agreement about what coercion is.”²

Even so, some commonalities can be roughly drawn across philosophies and philosophers. Modern philosophy, (particularly the work of Kant, Locke, and Hobbes) seems to have securely established three basic criteria for coercion.³ First, it requires a relationship between two people: the coercer and the coerced. Second, there is an act of coercion on the part of the coercer. Third, there is action taken on the part of the coerced in response to the coercion.

This second criterion is the aspect that is generally considered an evil. This is because, “coercion is typically thought to carry with it several important implications, including that it diminishes the targeted agent's freedom and responsibility, and that it is a (pro tanto) wrong and/or violation of right.”⁴ It is obvious that both Bioconservatives and Transhumanists view coercive acts as an evil, as they both use it as an objection to the other's theory. However, they do not agree on what exactly a coercive act is. There are distinct differences in the way that Bioconservatives and Transhumanists define coercive acts. These definitions will be laid out in the following two sections: “Transhumanist framework for identifying coercion” and “Bioconservative framework for identifying coercion.”

² Martin Gunderson. Threats and Coercion. *Canadian Journal of Philosophy* Volume iX, November 2, June 1979.

³ Scott Anderson, “Coercion.” *The Stanford Encyclopedia of Philosophy*. 2006. Metaphysics Research Lab, CSLI, Stanford University. 30 November 2006. <http://plato.stanford.edu/entries/coercion/>

⁴ IBID

2.2 Transhumanist Framework for identifying Coercion.

Robert Nozick attempted to create a non-moral system for identifying coercion and in doing so created a frame for discussing coercion from the Transhumanist perspective.⁵ He argued that an act is coercive if and only if:

1. Person A aims to keep Person B from choosing to perform action X;
2. A communicates a claim to B;
3. A's claim indicates that if B performs X, then A will bring about some consequence that would make B's X-ing less desirable to B than B's not X-ing;
4. A's claim is credible to B;
5. B does not do X;
6. Part of B's reason for not doing X is to lessen the likelihood that A will bring about the consequence announced in (3)⁶

Overall, these criteria focus the analysis of coercion on how the coercee is affected by the coercer, rather than on what the coercer does, and what is required for him to do it successfully. This perspective is an important one for the Transhumanist claim that Bioconservatism is coercive and thus invalid.

2.3 Bioconservative Framework for Identifying Coercion

Alan Wertheimer rejected the idea that a non-moral standard for coercion could be established and instead argues for a moralized baseline approach.⁷ According to Wertheimer, only threats coerce, but not all threats do. To identify which threats coerce he presents two-pronged test for whether or not a proposal constitutes a coercive threat.⁸ The first test depends on whether the coercer indicates that, if his proposal is refused, he will make the coercee worse off than the coercee ought to be. Wertheimer believes that this is usually understood as a question of whether the coercer suggests a violation of the coercee's rights.⁹ Yet, a mere threat is not sufficient to ground a claim that it coerces anyone; the threat may be wrongful but also trivial. Wertheimer's second requirement mandates that the choice forced upon the coercee be such that she has no reasonable choice but to consent. Wertheimer realizes that consent requires a contextually specific, moralized judgment.

Bioconservatives and Transhumanists use these frameworks of coercion to critique the others positions. These critiques will be examined further in the sections titled "Criticism of Transhumanism: Coercion" and "Criticism of Bioconservatism: Coercion."

⁵ Nozick, Robert (1969). "Coercion." In *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel*. Edited by Sidney Morgenbesser, Patrick Suppes, and Morton White. (New York: St. Martin's Press): pp. 440-472.

⁶ Ibid pp. 441-445

⁷ Anderson, from Wertheimer, Alan. *Coercion*. Cambridge: Cambridge University Press. 1987.

⁸ Wertheimer, chapters 2, 12, and 14

⁹ Anderson, from Wertheimer p. 217

III. Coercion in Transhumanism

This section will explain the Transhumanist position on human enhancement, why it is coercive in general, and specifically, why it is coercive through conformity and competition. The Transhumanists hold that human enhancement technologies should be made widely available in order to ensure personal liberty. This view is coercive based on the Bioconservative framework for coercion, particularly in regards to competition and conformity.

3.2 *Transhumanists on Enhancement*

A Transhumanist approach to enhancement relies on two basic suppositions: first, that the choice to use enhancements is informed and fully voluntary; and second, that if choice is restricted, we deny the individual the values of self-reliance, personal achievement and autonomy. Providing the individual with easy access to enhancements is key in allowing this autonomy, as is ensuring that the practices and procedures are affordable.

From these suppositions, Transhumanists argue that one should allow applied science and other rational methods to improve human functioning, make it possible to increase human health-span, extend our intellectual and physical capacities, and give us increased control over our own mental states and moods regardless of whether there is abnormal functioning or illness present.¹⁰ For a Transhumanist, the potential for “deeply valuable and humanly beneficial uses” of enhancement technologies outweighs the consequences and hazards that such technologies might have.¹¹ It is possible that such enhancements may eventually make us “post-human beings” with physical, intellectual and emotional capabilities far exceeding current possibilities. The wisest approach to these technologies, on this view, is not to ignore them, but rather to “embrace progress, while strongly defending human rights and individual choice, and taking action specifically against concrete threats.”¹²

3.3 *Criticism of Transhumanism: Coercion*

Bioconservatives use Wertheimer’s baseline approach to identify coercion in Transhumanism. Using his two-pronged test, they first ask if the Transhumanist indicates that, if his/her proposal is refused, he will make the recipient worse off than the recipient ought to be. Next, they show that the choice is forced upon the coercee such that he/she has no reasonable choice but to consent.

Answering this first question depends on a complicated theory of coercion which compares the parallel structure of conditional threats (If you don’t do X than this bad thing y will happen to you) and conditional offers (If you do X this thing Y will happen to you) and denies that there is a clear distinction to be made between them. As such, Bioconservatives argue that the Transhumanist offer of choice is a coercive offer. David Zimmerman is the preeminent proponent of the argument that threats and offers can both be used coercively. For Zimmerman, there is a distinct possibility that the offerer

¹⁰ N. Bostrom 2003. The Transhumanist FAQ, v 2.1. *World Transhumanist Association*.

¹¹ N Bostrom 2005. In Defense of Posthuman Dignity. p 203.

¹² Ibid

actively hinders the coercee from obtaining a situation that would be better than the situation that the offerer proposes.¹³

To clarify, Zimmerman uses the example of an individual stranded and destitute on an island. In his scenario, another person comes along and proposes to employ the individual for a life-sustaining pittance. Since the pittance is an improvement over the “pre-proposal” situation, the proposal counts as an offer. However, if the destitute individual is unable to obtain better conditions solely because the employer actively prevents him from leaving the island (perhaps, by preventing the building of boats), then the offer should be considered coercive.¹⁴ In this scenario, the best option for the coercee is presumably leaving the island. Since the job offered prevents the individual from building an escape boat it is considered a coercive act.

Returning to baseline Wertheimer’s approach, Zimmerman argues that the appropriate baseline for examining the offer is the “state of affairs that the recipient would face in the absence of special interference by the offerer...if relative to this baseline the offer is less favored, then it should count as coercive.”¹⁵ This theory is useful in examining enhancement technologies when one considers enhancement technologies such as cosmetic surgery, Botox, and breast implants. Such practices saw a 175% growth rate in the 1990s alone.¹⁶ According to the American Society for Aesthetic Plastic Surgery 1.5 million Americans spent \$8.2 billion on cosmetic surgery in 2005.¹⁷ Leon Kass Links this to complicity with harmful social norms. Imagine that woman A is a member of society with low self-esteem who is unhappy with her body. Enhancement technologies offer her the opportunity to “fix” parts of her body. She takes the offer and has something fixed, only to find that she still unhappily compares her body to others’. She finds herself in the same situation as the individual who remained trapped on the island. Bioconservatives claim that like “cosmetic surgery, Botox, and breast implants, the enhancement technologies of the future will likely be used in slavish adherence to certain socially defined and merely fashionable notions of “excellence” or improvement, very likely shallow, almost certainly conformist.”¹⁸ This is a less desirable end when compared to the Bioconservative baseline that values the “natural” state of human existence.¹⁹ Zimmerman would argue that this conformity to social conceptions of beauty creates situations in which there are many enticing offers of enhancement but that put the consumer in a position that is worse off than they might have otherwise been, thus satisfying Wertheimer’s first criterion for coercion.

Zimmerman’s position also addresses Wertheimer’s second criterion for coercion by arguing that the consumer cannot reasonably refuse offers of enhancement due to

¹³ Zimmerman, David. “Coercive Wage Offers.” *Philosophy and Public Affairs* 10:121-145. 1981.

¹⁴ Anderson, from David Zimmerman “Taking Liberties: The Perils of ‘Moralizing’ Freedom and Coercion in Social Theory and Practice.” *Social Theory and Practice* 28: pp. 577-609. 2002.

¹⁵ Ibid

¹⁶ Ciaschini, Michael. MD. *The History of Plastic Surgery*. [tp://www.emedicine.com/plastic/topic433.html](http://www.emedicine.com/plastic/topic433.html). Last updated Jan 18 2005.

¹⁷ American Society for Aesthetic Plastic Surgery. Plastic Surgery Statistics. <http://www.resource4cosmeticsurgery.com/topics/plasticsurgerystatistics.html>. June 2006

¹⁸ Kass, Leon. “Ageless Bodies, Happy Souls: Biotechnology and the Pursuit of Perfection”, presented at the Ethics and Public Policy Center, Washington, DC, January 9, 2003. Taken from *The New Atlantis* online archive: <http://www.thenewatlantis.com/archive/1/kass.html>. October 15, 2007

¹⁹ Little, Margaret Olivia. "Cosmetic Surgery, Suspect Norms, and the Ethics of Complicity." In *Enhancing Human Traits*.

either imbalances in bargaining power, historical injustices, or the fulfillment of deep desires. The following discussion of conformity and competition in a Transhuman world will illustrate how the Bioconservative position meets Wertheimer's second criterion by showing that, in this world, the coercee has no reasonable choice but to consent.

3.4 Conformity

Though enhancements might be beneficial, when placed within a society they could have coercive effects on people who don't really want the enhancement. In the *New York Times* on November 27, 2006, six letters to the editor were dedicated to the issue of using drugs such as Ritalin to alter children's behavior. One reader wrote, "Anecdotal evidence about the high percentage of children treated with Ritalin and other prescription drugs suggest that we may be overmedicating."²⁰ Overmedicating in this instance means that not all children who are using such drugs have a medical illness that would require that treatment. This in itself would not present a problem for the Transhumanists; however one must question the freedom of choice that parents and children have. As Lawrence Diller, a physician who practices behavioral developmental pediatrics reminded readers, "Any sociologist or anthropologist looking at America's child-rearing practices today will tell you that children's compliance will be learned by interacting with parents, or will be achieved chemically- no matter how many drugs or side effects it takes."²¹ The concern then is with the sliding scale that measures compliance. As more and more children find themselves medicated, the standard for what is expected changes and parents might find themselves medicating their children in order to keep up socially and academically with little Johnny down the street. Thus the conformity inherent in the Transhuman world coerces individuals to pursue an artificial standard rather than a "natural" one.

3.5 Competition

Offers made from a position of superior bargaining strength are very likely to be exploitative and are designed to increase the offerer's competitive advantage. Coercion, as defined in the previous section, is used to create or maintain one's competitive advantage. This goes beyond the "better off / worse off" distinction of the baseline approach, in that it examines the power relationships that occur when there are radically different bargaining strengths.²²

Imagine a society where good grades put an individual at a competitive advantage. Consider the following example:

A biotechnology firm is offering a procedure which will increase an individual's brainpower by 25%. Having an increased brainpower means having superior intellectual bargaining power and puts one at a competitive advantage.

²⁰ Blau, Jessamyn. "Using Drugs to Alter Kids' Behavior" *New York Times*. November 27, 2006 Section A. p24.

²¹ Diller, Lawrence. "Using Drugs to Alter Kids' Behavior" *New York Times*. November 27, 2006 Section A. p24.

²² Anderson from Joan McGregor. "Bargaining Advantages and Coercion in the Market." *Philosophy Research Archives* 14: pp. 23-50. 1988-89.

So, individuals are coerced into having the procedure in order to maintain a competitive advantage. In this example, the Bioconservative assumes that because enhancements are seen as useful in making people “better,” they also make those who are enhanced more powerful. Thus, the biotechnology firm has the competitive advantage over all individuals in that it has the ability to create the trait useful for bargaining power.

The coercive nature of competition also implies that for one party to coerce another, the weaker party is dependent in some way on the thing the stronger party is bargaining with. In the example, it is brainpower. In the case of coercion relating to enhancements, individuals who are “enhanced” may become more powerful due to increased intelligence, strength, etc. As such, the non-enhanced individual may become dependent on them. The Transhuman world enhances not only humans but also competition to an extent that the coerced has no reasonable choice but to consent.

3.6 Case Study

Physical exertion in sports is one of the purest forms of competition between individuals. There seems to be an inherent human desire to see who can run faster, hit harder, or jump higher than the rest. Yet along with the World Series, Olympics and Tour de France come allegations of steroids, blood doping and other “illegal” procedures that make the game unfair. A Transhumanist would argue that simply removing all of the restrictions on drug use in sports would level the playing field and promote autonomy of choice for athletes. Warren P Fraleigh created the following examination of the Transhumanist proposal. He hypothesized that if there are no restrictions or rules against the use of performance enhancing drugs by consenting adult athletes that:

- i. Many athletes will choose drug use, and some physicians and trainers will supply them.
- ii. Sports performance will improve.
- iii. Many athletes will be harmed and in some cases that harm will negatively affect their loved ones.
- iv. Some athletes will not use drugs and some trainers and physicians will not supply them.²³

Fraleigh wants to conclude that the choice to use performance-enhancing drugs is not fully voluntary because athletes who choose not to use them are at a competitive disadvantage.

Martin Gunderson continually raises the concern that since athletes voluntarily take up a sport, they are not really coerced into taking performance-enhancing drugs. Dan Brock points out, “In many valued human activities, the means of acquiring the capacities required for the activity are part of the very definition of the activity, and transforming them transforms, and can devalue, the activity itself.”²⁴ While the

²³ Fraleigh, Warren P. “Performance Enhancing Drugs in Sport: The Ethical Issue.” *Journal of the Philosophy of Sport*, vol. 11, pp. 23-29, 1984

²⁴ Brock, Dan. “Enhancement of Human Function: Some Distinctions for Policymakers” in *Technologies for the Enhancement of Human Capacities*, ed. E. Parens. Washington DC: Georgetown University press, 1998.

Transhumanist argues that this transformation levels the playing field, the Bioconservative argues that this transformation alters it.

Choosing to play a sport is independent from choosing the methods of preparing for it. Once the choice to play a sport is made, the athlete should theoretically be able to choose for him or herself the methods of training for that sport. Once the playing field has been altered, athletes are compelled to adapt to the new model. If the field has been changed because other athletes are taking performance-enhancing drugs, then in order to compete, athletes are effectively coerced into using performance-enhancing drugs.

Fraleigh acknowledges this coercion in his arguments. “The use of performance-enhancing drugs by the individual is morally wrong because it changes the nature of the contest without agreement and exerts coercion on others to inflict self harm.”²⁵ For those who would otherwise be dissuaded by the negative side effects, this is particularly important in that it would force them to damage their body and health. It is at this point that the point about the voluntary nature of performance-enhancing drugs becomes even weaker. The athlete who is coerced into taking performance enhancing drugs does so in a manner that is informed, yet not voluntary, in order to keep up with the competition.

IV. Coercion in Bioconservativism

In contrast to the Transhumanist desire for easy access to enhancements, the Bioconservatives hold that human enhancement technologies should not be used for anything other than restorative treatment. This view is coercive based on the Transhumanist framework for coercion, particularly in regards to the legislation of morality. This section will explain the Bioconservative position on human enhancement, why it is coercive, and will illustrate this through a study of normalcy.

4.2 Bioconservatives on Enhancement

For the Bioconservatives, there is an important distinction between treatment and enhancement. Treatment restores an ill or diseased individual to their normal level of functioning. Enhancement uses medical technologies to augment normal levels of functioning. For example, a cancer patient should be given a treatment to return him to his normal level of functioning, but the same treatment should not be given to an athlete to enhance her performance in a sport.

Bioconservatives believe that enhancements may infringe upon “deeply valuable and beneficial” aspects of humanity, which cannot be currently identified. One of the central concerns is that human enhancement technologies might be “dehumanizing.” The major worry is that these technologies might undermine our human dignity.

Tied up in the Bioconservative viewpoint are other conservative political and moral convictions, which have created a growing trend towards opposing stem cell research, abortion, human genome research, etc. The Bioconservative gauntlet, when thrown, would prohibit any of these things from happening and punish those who perform and participate in such technologies.

²⁵ Fraleigh 27

4.3 Criticism of Bioconservatism: Coercion

According to the Transhumanists, Bioconservatives are coercive because they legislate morality. Below I will demonstrate how Nozick's framework clarifies how Bioconservatives coerce through legislation and why Transhumanists think this form of legislation is an abuse of power.

The Transhumanists implement Nozick's frame to demonstrate how the Bioconservatives use law to coerce individuals against enhancement. They posit:

1. Bioconservatives aim to keep a given citizen (Citizen B) from choosing to use enhancement technologies;
2. Bioconservatives communicate a claim to Citizen B, through legislation;
3. The Bioconservatives' claim indicates that if Citizen B chooses to use enhancements, then Bioconservatives will bring about some consequence that would make Citizen B's use of enhancements less desirable to Citizen B than Citizen B's not using enhancements;
4. The Bioconservatives' claim is credible to Citizen B;
5. Citizen B does not use enhancements;
6. Part of Citizen B's reason for not using enhancements is to lessen the likelihood that the Bioconservatives will bring about the consequence announced in (3)

For the Transhumanist, the Bioconservative is coercive in that it explicitly identifies consequences for action X (using enhancement technologies) in written legislation.

When taken at face value, the argument of coercion in Bioconservatism seems to imply that laws are always coercive and necessarily always evil. However, it is important to note that law itself is not the issue here. It is well established that law is an acceptable coercive force when used properly. For instance, in a discussion of the nature of (human) law, Aquinas claims that "the notion of law contains two things: first, that it is a rule of human acts; secondly, that it has coercive power."²⁶ The State's enforcement of law has created a distinctive understanding of the use of coercion, either through the use of force or through punishments meted out to lawbreakers. Work of philosophers like Aquinas, Hobbes and Kant illustrated that the State's use of coercion is a necessary part of the State's function in preventing private acts of violence and coercion, and punishing the failure to keep agreements.²⁷ While these theories are different, they share common beliefs. Namely, that coercive power and necessity is associated with the executive power of the State's ruler and the ruler's use of punishment in conformity with the law. Kant

²⁶ Anderson from Aquinas, Thomas. *The Summa Theologica of St. Thomas Aquinas*, Second and Revised Edition. Translated by Fathers of the English Dominican Province. (1920 [1273]). Online Text is available at <http://www.newadvent.org/summa/>. ST: I.II Q96 A5.

²⁷ Ibid; Thomas Hobbes. *Leviathan*. 1651. Online text is available at <http://www.gutenberg.org/dirs/text02/lvthn10.txt>; Immanuel Kant. *The Metaphysics of Morals*. Translated by Mary Gregor. New York: Cambridge University Press. 1996[1787] p 26 [AK 6:232]; John Locke. *Two Treatises of Government*. In *The Works of John Locke, A New Edition, Corrected*. Vol. V. London 1823 [1689].

makes it clear that coercion hinders freedom just like violation of a person's rights. But coercion can be used to prevent other violations, and thus may be justified on the grounds that it counts as a hindrance to freedom. "Right and authorization to use coercion therefore mean one and the same thing,"²⁸

The Bioconservative identifies enhancement technologies as dehumanizing and debasing, thus violating a right to human dignity. Like Kant, the Bioconservatives would admit that enhancement regulation is indeed coercive, but to a necessary degree for the protection of human dignity. In regards to the Bioconservative fear of the loss of human dignity, Kass writes,

"[This fear] lies not in the fact that the assisting drugs and devices are artifacts, but in the danger of violating or deforming the deep structure of natural human activity. In most of our ordinary efforts at self-improvement, either by practice or training or study, we sense the relation between our doings and the resulting improvement, between the means used and the end sought... In contrast, biomedical interventions act directly on the human body and mind to bring about their effects on a subject who is not merely passive but who plays no role at all. He can at best *feel* their effects *without understanding their meaning in human terms*. Thus, a drug that brightened our mood would alter us without our understanding how and why it did so—whereas a mood brightened as a fitting response to the arrival of a loved one or an achievement in one's work is perfectly, because humanly, intelligible. And not only would this be true about our states of mind. All of our encounters with the world, both natural and interpersonal, would be mediated, filtered, and altered."²⁹

The above Bioconservative claim that enhancements are debasing and dehumanizing is based on a moral judgment, not a scientific one. Because of this, critics of Bioconservatism hold that it is not proper for the State to use its coercive power to legislate morality. So, the reason the Bioconservatives are coercive is not in that the claim that is being made is a legal one, but rather that the claim is a moral one.

The criticism then occurs in the definition of what is necessary coercion. John Stuart Mill proposed a more expansive method for evaluating coercion than did those mentioned above. Mill identifies two types of coercive power, which can be used to control a populace: physical force in the form of legal penalties and the moral coercion of public opinion. From that he asserts:

"...one very simple principle...that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. ... [An individual] cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise."³⁰

This excerpt illustrates a key point of contention between the Bioconservative and Transhumanist arguments: the concern of the precise nature of self-protection. The

²⁸ Kant p. 26 AK 6:232

²⁹ Kass 2003

³⁰ Mill, John Stuart. *On Liberty*. Vol. XXV, Part 2. The Harvard Classics, Edited by Charles W. Eliot. New York: P.F. Collier & Son. 1909-14 [1859]. Ch 1.

Bioconservatives claim that global bans on enhancements protect not only an individual's physical self but the essence of 'selfhood.' This argument turns upon the moral belief that it is wrong to change one's 'selfhood'. Using the reasoning illustrated by Mill, the critic responds that to legislate morality in such a way is inherently wrong, regardless of the issue.

Thus, an examination of Nozick's framework clarifies how Bioconservatives coerce through legislation. The work of Mill is useful in defending the claim that Bioconservatives are coercive because they legislate morality. Transhumanists think this form of legislation is an abuse of power and the following discussion of normalcy will help clarify the reasons why.

4.4 The coercion of normalcy

The Bioconservative is then charged with the task of identifying what is "normal" for the purpose of the treatment/enhancement distinction.³¹ They are then obligated to legislate and enforce this conception of normality. Transhumanists argue that creating a definition for normalcy is inherently coercive because "normal" is a subjective state of being. Defining normal stigmatizes defects, makes it difficult for people with a defect to refuse treatment, and suppresses expression in a way that assumes everyone wants to be normal.

Bioconservatives assume everyone wants to be normal. Doing so creates a benchmark for the treatment/enhancement distinction and a preferred state of operating. According to Anita Silvers, the distinction between treatment and enhancement assumes that to "promote equality of opportunity we must create a system that restores inferior individuals to average competence"³² She views a commitment to equalizing opportunity through "normalizing the functionality of those who have disabilities" as coercive.³³ For instance, the controversial surgical technology used to treat profound deafness in adults and children as young as age two known as cochlear implantation has raised criticism from the deaf community. "Some focus on how implants reinforce pathological views of deafness rather than views of Deaf life as independent, promising, and emotionally fulfilling. Other criticisms concern the child's autonomy and relate to the complex and sometimes painful history of deaf-hearing social dynamics (e.g., the oppression of sign languages). Hearing people sometimes find it difficult to appreciate these Deaf community views and the occasional vehemence with which they are expressed."³⁴ Thus, Cochlear implants have a coercive effect on the deaf community.

Many critics of Bioconservatism worry that defining normal stigmatizes defects. According to Susan Bordo, "There is a...system operating here, which depends upon our perceiving ourselves as defective, and which will continually find new ways to do this. That system— and others which are connected to it, generating new technologies and areas of expertise organized around the diagnosis and correction of 'defect' — is masked by the rhetoric of personal empowerment."³⁵ The Bioconservative relies on this supposition to

³¹ Parens, Eric. "Is Better Always Good?" Hastings Center Report; Jan/Feb98. Vol. 28 Issue 1. PS1, 20p.

³² Anita Silvers, "A Fatal Attraction to Normalizing: Treating Disabilities and Deviations from Species-Typical Functioning," In *Enhancing Human Traits*

³³ Parens 5

³⁴ Zak, Omar. "Psychological Risks in Childhood Cochlear Implantation." 2005. <http://www.zak.co.il/deaf-info/old/psych-risk.html>. 9 December 2006.

³⁵ Bordo, Susan. "Braveheart, Babe, and the Body: Contemporary Images of the Body." In *Enhancing*

distinguish between what should and should not be treated. Once the ‘defect’ has been alleviated treatment should stop, at which point any actions taken become enhancement and reprehensible.

Identifying normalcy and coercing individuals into conformity fundamentally affects natural and perceived differences in society. Eric Daniels worries that we should assume that different individuals have different capabilities and traits. He posits using the same measurement of normalcy for everyone would entail undermining our “fundamental commitment” to preserving differences and promoting the health of populations whose normal functioning takes on different shapes.³⁶ The Bioconservative claims that regulatory bans protect the natural difference of individuals and ignores the difference that could be created in society by those who use safe enhancements. For example, in contemporary society there are a number of cosmetic enhancements as well as a socially accepted standard of beauty. Michael Jackson is infamous for his regular use of cosmetic enhancements to achieve his own standard of beauty. In doing so he has created for himself a standard independent of societal pressures.

The assumption of homogenization is consistent in Bioconservative literature, particularly that of Silvers and Daniels. They automatically reject the prospect that enhancements could create a more diverse population. These theorists assume that enhancements will continue to perpetuate the same norms. Their theory is blind to the possibility of an individual wanting to be faster, stronger, taller for themselves and not in order to compete. There is nothing to prevent different people with different interests, capabilities, and traits from opting for different kinds of enhancement.³⁷ If it is true, as Parens claims, that we do have a “fundamental commitment to preserving differences,” then enhancements can also be used to preserve this difference. In fact, if individuals have the freedom to choose their level of functioning, one could imagine a world where people are respected for their autonomy of choice rather than pitied for the misfortune of their condition. Transhumanism then contains no formal threat of sanctions while Bioconservatism is dependent on sanctions to operate.

Thus, the Bioconservatives attempt to enforce a standard of normality stigmatizes defect, makes it difficult for people with an defect to refuse treatment, and suppresses expression in a way that assumes everyone wants to be normal. This attempt is coercive based on the Transhumanist framework for coercion, particularly in regards to the legislation of morality.

Conclusion

Returning to Gunderson’s discussion of coercion, we remember that coercion is an evil and that both sides agree on this point. Through the discussion of conformity and competition, it became clear that a Transhuman world is coercive because it threatens social censure and ridicule if an individual doesn’t use enhancement to conform to

Human Traits: Conceptual Complexities and Ethical Implications. Ed. Erik Parens. Washington, D.C.: Georgetown University Press

³⁶ Norman Daniels. “Determining ‘Medical Necessity’ In Mental Health Practice.” Hastings Center Report 24. No 6., Parens cites extensively as basis for his thoughts.

³⁷ Greg Taylor, personal communication.

artificial conceptions of beauty and achievement. Likewise, through the above examination of the manner in which the treatment/enhancement distinction requires a definition of normalcy, it is clear that Bioconservatism is coercive in that it requires individuals to conform to a standard of normality. Bioconservatives threaten individuals with sanctions if they don't conform. Simply because both sides claim the other is coercive does not make it a valid way to distinguish these two arguments. Bioconservatives are coercive through the Transhumanist framework and vice versa, but in the discussion of what exactly coercion is they argue over and around one another. Because of this, we cannot examine the issue of human enhancements through the frame of coercion. Instead we must use a different litmus test like harm or fairness.

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