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Primary Goods, Germ-Line Enhancements, and Children

Grant Maki

Introduction

Germ-line genetic engineering procedures may influence the lives of untold millions of people far into the future. These techniques change the genetic material that is passed on to offspring and thus have the potential to change the human race as we know it. Because the effects are so enduring, this powerful technique must be used with caution. We must decide how to ethically evaluate potential changes to the germ-line consistently and effectively so that future generations are not harmed.

I will show that a concept of traits that any rational person¹ would find desirable in themselves and others (whatever the situation), known as primary goods, is necessary to justify germ-line genetic enhancements. Without primary goods, a genetic engineer is in no position to determine which traits should or should not be passed on to future generations.² One must then create a list of universally acceptable primary goods and convincing evidence that germ-line genetic procedures will augment them.³ I will show that the strongest conception of primary goods not only fails to support germ-line enhancements, but provides a compelling argument against it.

¹ In lieu of a lengthy discussion on what is meant by “rational,” I will simply leave it at “one whose judgment is not compromised by duress, masochism, mental illness, etc.”

² Allhoff, 51.

³ Allhoff, Fritz. “Germ-Line Genetic Enhancement and Rawlsian Primary Goods,” *Kennedy Institute of Ethics Journal*, vol. 15, no.1 (March 2005): 50.

Primary goods are difficult to enumerate given the variety of unexpected situations a person may encounter in life. However, those making decisions as to which characteristics are transmitted to progeny would have to comparatively evaluate the desirability of different traits. These decisions must be made based on primary goods. Rawls' list of natural primary goods includes health, intelligence, and self-respect.⁴ While listing primary goods is controversial, those who have tried have always mentioned self-respect, which, as I will explain, is prerequisite to enjoying any other goods in life and is the most important primary good for Rawls.⁵

I argue that germ-line enhancements, far from promoting primary goods, will threaten them. I begin by making three assumptions about issues central to the discussion of germ-line enhancements. 1) I assume that germ-line genetic engineering will be capable of enhancing human traits. 2) I assume that the definitions of traits such as intelligence can be taken at face value. 3) I finally assume that germ-line enhancements will be distributed justly without prompting a treatment of distributive justice. For the purposes of this discussion I will assume an optimistic view of the potential of genetic engineering to enhance human traits. Only time will tell what is possible through genetic engineering, but at present it is useful to discuss the subject as if it will be nearly omnipotent, since that is the circumstance that grants the most compelling arguments in favor of germ-line enhancement.

The Argument

To undermine germ-line genetic enhancement on the ground of primary goods, I first consider their existence. The most significant criticisms of primary goods in philosophical literature do not argue against the existence of primary goods, but focus on their applicability to theories of political justice.⁶ Even those who question whether a person might reasonably refuse some if not most primary goods still feel that self-worth and autonomy are universally valuable.⁷

⁴ Rawls, John. *A Theory of Justice* (The Belknap Press of Harvard University Press, 1999), 54

⁵ Rawls, 386.

⁶ One forceful example is John Roemer's *Theories of Distributive Justice* which attacks the relationship between primary goods and utility, which Rawls implicitly takes as important to his theory of justice.

⁷ It bears mentioning that too much autonomy turns into stubbornness and restrictive, reactive thinking. An excess of self-respect, similarly, becomes arrogance or even delusions of grandeur. While it is foolish to suggest the germ-line enhancement of such traits, which are overly abundant in many people already, it is important to at least *preserve* self-respect and autonomy into the future.

Without a conception of primary goods, genetic engineers or parents could not justifiably choose which traits to pass on to offspring and which to eliminate. Fritz Allhoff argues that because germ-line enhancements will affect all future generations, we must only enhance those traits that are primary goods. Allhoff argues that it would be impermissible to enhance a non-primary good such as height because rational agents may prefer not to be tall, for instance, out of a desire to be inconspicuous in a crowd. Because rational consent is required for moral permissibility, it is impermissible to enhance traits that are not primary goods because future generations may not consent to them.

It is worth noting the difficulty of developing a list of primary goods beyond health (at least a base level)⁸ and self-respect. These two are, as far as I know, universally considered to be primary goods because they are prior to all other goods. One cannot enjoy or use one's intelligence or strength if one is bedridden or feels so worthless as to not view the use of one's own talents as useful or worthwhile. Other seemingly obvious goods, such as intelligence, are more difficult to justify. Intelligence is often considered an example of a good valued by all, but some people would defer intellectual enhancement because they reasonably feel that too much academic intelligence can interfere with spiritual understanding, or from a desire to live a contented simple life, thinking that in general it may be more difficult for highly intelligent people to enjoy simple pleasures in life because they are always troubling over larger issues. This is encapsulated in the phrase "ignorance is bliss."

Germ-line genetic techniques may pose a significant threat to the self-respect of future generations. Rawls defines self-respect as "a person's sense of his own value, his secure conviction that his conception of the good, his plan in life, is worth carrying out" as well as the confidence to do so.⁹ Embedded in this definition, and certainly prerequisite to its fulfillment, is a notion of self-worth, the sense of one's own value. Without a sense of one's own value, one cannot hold a secure conviction that one's plan in life is worth carrying out. Self-worth is not construed to mean arrogance, the belief that one's life plan is superior to the life plans of others, but merely that one's own

⁸ Jurgen Habermas suggests that "not even the highly general good of bodily health maintains one and the same value within the contexts of different life histories. Parents can't even know whether a mild physical handicap may not prove in the end to be an advantage to their child" in *The Future of Human Nature* (Polity Press 2003), 86.

⁹ Rawls, 386

conception of the good life is worth carrying out for oneself regardless of the various life plans that others may endeavor to fulfill.

This crucial aspect of self-respect, as the basis of all other primary goods, is seriously threatened by the prospect of germ-line genetic enhancement. Suppose a child is born whose parents opted to enhance his intelligence. Could this child help but extrapolate that, to some degree, his worth is based on that trait? We do not wish to say that a person's worth is based on their possession or lack of certain attributes. Yet, that child would have been a healthy baby had his parents not chosen to enhance his intelligence. This means that they valued an intelligent baby over an unintelligent one. The child may conclude that his worth lies, at least in part, in his genetically engineered traits (regardless of the impact of his environment on these traits). Therefore his worth seems to lie at least in part in the hands of a geneticist. The more available and widespread this type of enhancement becomes, the more traits are likely to be enhanced in each child, and the more each individual child is likely to identify genetically engineered traits as important to his or her identity. Each child is therefore more likely to base his or her own self-worth on characteristics that are at least partially in the hands of a human engineer. According to Jurgen Habermas, a person's "awareness would shift...from the performative attitude of a first person living her own life to the observer perspective which governed the intervention one's own body was subjected to before birth."¹⁰ Ultimately, the child is left to ponder whether he would be equally valuable and loveable were he not genetically enhanced. Unfortunately for the child, there seems to be reason to conclude that his value *does* lay at least partially in these enhanced traits, because his parents (or, improbably, the state, through his parent's tax dollars) presumably had to sacrifice money (which they most likely value) in order to obtain these enhanced traits.

The idea of a human craftsman influencing the traits of babies gives rise to another puzzling issue. Never before has a person been created to be a certain way. Germ-line enhanced children could struggle to view their talents as gifts in the traditional sense. Parents would have a baby genetically enhanced for their own specific reasons. Intelligence could no longer be viewed as gift that a child has: it instead becomes an attribute that he or she was made for. Such purposeful and direct human intervention in the makeup of a person could have drastic

¹⁰ Habermas 53

effects on a self-reflective adolescent's sense of self-worth. If the child is made to be a certain way, say she was given enhanced mathematical abilities, is she disrespecting her parents when she chooses to be a carpenter? If she chooses to be a mathematician despite her love of carpentry, is she disrespecting herself? Perhaps she is disrespecting herself as well if she chooses to be a carpenter, since she was designed to be a mathematician. Arguing along these same lines, Habermas adds that any germ-line genetic intervention done on a child "actually reduces the range of her future life choices" because they push a child a certain way without taking into account the unique circumstances that affect each person and make different choices more desirable.¹¹

Nobody supports parents who put too much pressure on their children to be a certain way. It is difficult for a child to develop a sense of self-respect when they are repeatedly told that they are supposed to behave in a manner that is at odds with what the child feels inside. Genetic augmentations may increase this problem significantly because genetic techniques are an entirely different kind of influence on a child with more profound effects on self-worth. A non-enhanced child could feel that her parents only value her because she is intelligent, but the enhanced child's parents valued her intelligence so much that they forcefully made it a part of her by changing her before she had a chance to refuse. A mother cannot control every environmental factor that contributes to her child's development, and such factors are not always her intention. A child will not likely suffer an existential crisis because his artistic mother raised him in an artistic setting while he had a mathematical mind. The mother, being the person she is, tried to raise her child as best she could. A child is more likely to be affected by the mother buying germ-line enhancements for a number of reasons: (1) the mother now has direct and complete control over the child's genetic influences, while she has only partial control over his environment;¹² (2) this control was acquired at a cost to the mother and (3) the child was never given the chance to rebel, even ineffectually. The importance of (3) cannot be understated. While environmental factors may have an equal or even greater role in shaping a child than genetics, the child can protest his environment as it affects him. While these protests may not effectively mitigate the effects of the environ-

¹¹ Habermas 80-86

¹² It is worth noting that, beyond parental nurturing and larger societal structures, a child can affect his own environment in a substantial way through choices in media consumption and peer groupings.

ment on the child, they allow him to declare his distaste and separate himself from his environment mind. At the very least, he can analyze his environment's effects on him and attempt to overcome them. Germ-line enhancements do not allow this important ontological separation to occur in the child's mind, and the knowledge that the parents paid for the procedure with the intention of creating a certain type of child only makes things worse, as the child must be objectively more valuable to the parents with the enhanced traits. In such a situation, declarations of unconditional love may seem unfounded.

Fewer people would most likely object if, given some significant number of years after birth to develop identity, rational moral agency, and life experience (probably sometime in adulthood), they were given the option to undergo somatic cell treatments to increase intelligence. Many people might take the treatment without reservation, but this case is profoundly different from germ-line enhancement. Here, a person with an already formed self-awareness is being given an option to enhance a specific trait. The person can consider their identity and how this decision might affect it. Ultimately, the person may decline the treatment if they feel it would be incompatible with their psyche. In the case of germ-line enhancement, no such consideration is possible.

Taken as a whole, germ-line enhancements will likely have a detrimental effect to the self-respect of the children affected by them. If self-respect is the ultimate primary good, germ-line enhancements can only be seen as a detriment to primary goods rather than a means of increasing their abundance. If primary goods don't exist, then germ-line procedures have no grounds upon which to be justified. Either way, the germ-line seems fairly untouchable.

Objections

Future generations cannot consent

In an attempt to side-step a discussion of primary goods, one may object that people born in future generations will not exist before they have their genetic material and therefore we cannot talk about their consent as it were, because they are not around to consent until they are given their genetic identity. This objection also says that people cannot reasonably object to the genetic material that defines who they are because they cannot object to themselves – without the genetic intervention, this objection suggests, a different person would have been born. While our progeny may not metaphysically be able to give

consent for our actions, the hypothetical consent of future generations is necessary for germ-line enhancements. Habermas stresses that “what solely matters here is not the ontological status of embryo but the clinical attitude of the first person toward another person—however virtual—who, some time in the future, may encounter him in the role of a second person.”¹³ Germ-line enhancements must be done for progeny and not for ourselves. It would be unethical to enhance our offspring’s clumsiness in hopes of watching our children bumble about the house and crash into walls in a humorous manner. Our children would not be pleased with the situation, and would not have consented to our decision to give them the genes that made it a reality. When we discuss the ethics of germ-line procedures, we are clearly considering the welfare of future generations long after their birth.

Primary goods are too stringent and genetic modification is comparable to environmental modification

Some scholars, such as Colin Patrick Farrelly, have argued that germ-line enhancements unrelated to primary goods may be permissible.¹⁴ Farrelly attempts to use a *reductio ad absurdum* to disprove the notion that germ-line enhancements ought to only affect primary goods by reasoning that it would be absurd to suggest that parents may only introduce changes to their child’s environment that any rational agent would accept. Farrelly certainly succeeds in suggesting an absurd scenario in which parents would be unable to sign their children up for baseball, for instance, because a rational agent could reasonably dissent to playing baseball. Habermas underscores the distinction wherein “the parents’ choice of a genetic program for their child is associated with intentions...without, however, providing the addressee with an opportunity to take a revisionist stand.” Habermas goes on to say that the situation of genetic enhancement may cause an existential crisis for the child, a crisis in which the parents would have difficulty consoling the child.¹⁵ The relationship between a parent and child, while lopsided, is not as unbalanced as that between a genetic engineer and a patient. The child may well refuse a parental suggestion such as baseball, and the parent may likely accept the child’s decision. In fact, one could plausibly argue that it is impermissible for parents to try to force

¹³ Habermas, 52

¹⁴ Farrelly, Colin Patrick. “Justice in the Genetically Transformed Society.” *Kennedy Institute of Ethics Journal*, vol. 15, no. 1 (March 2005): 96

¹⁵ Habermas, 51

children into unnecessary activities that the child clearly dissents to. At the very least, anyone can agree that excessive parental pressures are to be discouraged. Farrelly's analogy, then, seems to liken germ-line genetic enhancement at worst to a morally impermissible activity, and at best to poor parenting, which nobody can condone.

It is impossible to justify providing certain goods to all future generations without knowing whether or not they would consent. Since the only goods we can be certain of consent for are primary goods, it would be foolhardy to provide other goods that may not be met with consent, and may in fact be of detriment to the well-being of future generations.

Over-generalization of behavior

Some may argue that I have over-generalized my case regarding the ways in which genetically enhanced children will evaluate their own worth, and I partially agree. I do not think that every child will have certain specific thoughts, nor do I think that they will always occur in childhood. Many children might thank their parents for enhancing their intelligence, viewing it as a tool for success and nothing more. For some people, self-respect is a natural state of mind. Some people, however, would think more deeply about the implications of their enhanced status, as some people are more contemplative than others. I do not mean to say that germ-line enhancement will cause all people to lose all self-respect. I do mean to say that it may cause a significant number of people to struggle profoundly to muster up a feeling of self-respect. Simply because a number of people (be it a large or small number) would object to it, germ-line enhancement cannot be justified by primary goods.

Why not prohibit therapies as well?

It might seem that my argument becomes muddled when applied to genetic therapies, and I would agree. A base level of health is clearly a primary good, as without it one cannot enjoy other goods in one's life. Regardless of the feasibility of the enhancement/therapy distinction, those procedures identifiable as "enhancements" do not seem permissible, while some "therapies" may be. Treatments that target specific, objectively identifiable ailments that pose severe health risks (such as excruciating pain and death) may be treated through germ-line

genetic techniques¹⁶ because consent may be assumed from the primary good of a base level of health. This would certainly allow treatments for Tay-Sachs disease, but not for all handicaps or, say, a propensity to get mild headaches easily. The purpose here is not to draw a bold line that delineates all the permissible procedures from the impermissible ones, but to indicate the principles by which that line must be drawn, using procedures and procedure types by way of example.

Conclusion

Germ-line enhancement cannot be justified without presupposing primary goods, all of which presuppose self-respect, which is significantly undermined by germ-line genetic engineering for enhancement. Germ-line enhancements can not promise any major assistance to the proliferation of this primary good. In fact, such genetic augmentation will have an overall damaging effect on the self-respect of its patients. Given that self-respect is prior to all other primary goods, it is impossible for one who supports primary goods to support germ-line engineering. As the justification of germ-line enhancements is impossible without appealing to primary goods, no currently existing system of evaluating goods confer the right to choose characteristics for our progeny through a planned method such as germ-line genetic enhancement.

As a clarification of primary goods, it is useful to consider Rawls' notion self-respect as a reference to mental health. His definition of self-respect certainly describes a healthy mental state that is descriptive of people with robust mental health and is impossible to attain without a sturdy psyche. If we construe health, the other primary good, to cover mental disabilities such as schizophrenia that may not affect self-respect directly, it becomes evident that there are really only two primary goods; a base level of mental and physical health.¹⁷ In this streamlined view of primary goods, germ-line therapies are permissible if they strengthen the primary goods of base levels of mental and physical health, while other procedures do not enhance either primary good, but instead carry immediate and long-term risks to both.

¹⁶ Jennifer Feigl, in a presentation on December 12, 2005 at Macalester College.

¹⁷ It does not seem that improving mental health to the point of an eternally sunny outlook can be considered a primary good, as it can be objected to as an uncritical approach to the world. Analogous objections can be made about overemphasis on physical health, i.e. one might not desire a particular type of physical fitness. Therefore the primary goods are a base level of physical and mental health, such that one can pursue one's own ends in life.

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