

In Defence of State Directed Enhancement

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ABSTRACT *This article considers the ways in which a liberal society ought to view the potential to cognitively or physically enhance children. At present, the dominant approach in the literature is to leave this decision to parents. I suggest that the parental choice approach is often inadequate and fails to account properly for the interests of children and wider society in enhancement decisions. Instead I suggest that the state should play a greater role in determining when, and how, to enhance. To make this case, I compare the case of enhancement with existing practices of education, an area in which the state already plays a significant role. Finally I suggest that some concerns with a statist approach are not as serious as has been argued.*

Introduction

One of the most significant debates in contemporary bioethics concerns the permissibility of human enhancement. Recent developments suggest that humans will soon have the potential to enhance significantly many physical and cognitive capacities in young children.¹ This article begins with the assumption that at least some enhancements are permissible.² It addresses the separate question of who should decide whether to enhance a child and in what ways. A dominant view within the literature suggests that parents should control enhancement choices. I term this the ‘Parental Choice’ view of Enhancement control (PCE).³ PCE is the core claim of the ‘liberal eugenics’ project defended most forcefully by Nicholas Agar, who writes that:

On the liberal approach to human improvement, the state would not presume to make any eugenic choices. Rather, it would foster the development of a wide range of technologies of enhancement ensuring that prospective parents were fully informed about what kinds of people these technologies would make. Parents’ particular conceptions of the good life would guide them in their selection of enhancements for their children.⁴

On Agar’s view, there are two important restrictions on parental freedom. One is that parental decisions cannot reduce the total amount of ‘real freedom’ that their children possess. Following Amartya Sen, real freedom is defined in terms of a capabilities approach.⁵ Agar writes that ‘A person whose collection of alternative functionings is greater than another’s is freer than that other person.’⁶ The second restriction is that enhancement decisions cannot directly contribute to existing unjust prejudices in society. For instance, Agar argues that parents cannot choose to have white children if this is likely to increase problems faced by racial minorities.

Agar suggests that PCE can be justified without appeal to any contested notion of what kinds of lives are valuable or worth pursuing. He writes that ‘the distinguishing

mark of the new liberal eugenics is state neutrality about the good life'.⁷ PCE is thus consistent with a version of the principle of liberal neutrality on which state actions are freestanding from disputed questions of the good.⁸ This view is associated with theorists such as John Rawls and Charles Larmore.⁹

Agar's view has received some important critical scrutiny, most notably by Robert Sparrow who writes that:

Liberal eugenicists confront the horns of a dilemma. They may allow parents the freedom to act on their own assumptions about these matters [conceptions of the good], with the consequences that the options available to children will be significantly determined by their parents and that future distributions of life plans will be strongly influenced by existing ideas about the nature of the good life. Alternatively, they may require the state to protect the future wellbeing of children against their parents, at the cost of placing controversial decisions by the state at the heart of the 'new' eugenics.¹⁰

However, Sparrow argues that despite the problems with PCE, it is still the most appropriate way for a liberal society to make enhancement choices given the greater problems with the statist view. I argue that Sparrow is wrong to think this, and, instead, I defend a statist alternative. Further, I suggest that state regulation of enhancement can permissibly be premised on achieving an ideal of what constitutes a good and flourishing person. My account is thus perfectionist in the sense defined by Joseph Chan: 'perfectionism is the view that the state should promote valuable conceptions of the good life'.¹¹ Following the most influential liberal perfectionist, Joseph Raz, I assume that one important component of the good life is personal autonomy.¹² For Raz, autonomous agents must meet three conditions 'they must possess certain mental capacities, they must have an adequate range of valuable options, and they must enjoy independence from coercion and manipulation'.¹³ The practical implication of this view is that enhancement choices will be subject to much stricter regulation than those envisioned by PCE. I also argue that it implies a duty for the state to fund some enhancements. Finally, I suggest that in some cases the state ought to require that children receive enhancement even if this goes against their parents' wishes.

1. Education, Enhancement and Upbringing

To make the case for a statist control of enhancement, I will compare the ethical issues raised by enhancement with those raised by education. I assume that given the moral and functional similarities between education and enhancement, principles which apply to one area should be assumed to have some salience in the other unless some good reason can be found to show why this should not be so.

This analogy is suggestive in the light of the debate between PCE and the statist alternative. In particular, it is significant that liberal democracies mandate that children attend school, provide a direct provision of education and operate a system in which the state controls the content of the curriculum. I will suggest that the reasons which justify these policies justify a similar series of policies in the case of enhancement.

2. Problems with Parental Choice

As noted above, I will highlight serious concerns with PCE by comparing this policy with a similar set of principles that apply to the upbringing of children. I will refer to these principles as the parental choice view of upbringing (PCU). According to PCU, parents should be able to make all significant choices on behalf of their children until such time as the children are able to make decisions for themselves. As with PCE, this view does not allow parents to reduce the real freedom of their children, nor does it allow them to act in such a way that they directly contribute to the creation of social problems. PCU would lead to a wide diversity of institutions catering to children's upbringing. This would include expensive private schooling and many different schools run by faith organisations. PCU would also lead to many children being schooled at home. Under PCU, these institutions would be generally free of state regulation. In this section I will briefly outline these issues and show why dealing with each will often require state intervention, and why a similar concern might arise with PCE.

2.1. *Equality of Opportunity*

A serious concern with the world created by PCU is that children of wealthy parents would enjoy a superior education compared to less fortunate children, leading to them having better employment opportunities. Many might see this situation as unfair, since it implies that many children are disadvantaged due to factors outside of their control. This worry can be captured by the principle of fair equality of opportunity (FEO) as defended by John Rawls.¹⁴ This holds that considerations such as a student's race, class or gender should have no bearing on their employment prospects. The only relevant issues for competition over valuable jobs and social offices ought to be an individual's natural talent.

Several authors have offered problems with Rawls' account.¹⁵ One prominent objection to FEO is that it seems vulnerable to the levelling down objection. Developed by Derek Parfit, this holds that in any case where equality is seen as intrinsically valuable there is some reason to favour worlds in which no one benefits relative to a more unequal one. In the case of FEO, it appears that a state committed to equalising opportunities has a powerful reason to restrict the opportunities of those who are more fortunate in their natural talents. This could be achieved by sabotaging their schooling to ensure they received poor quality teaching. Crucially, there would be some reason to favour these policies even if restricting the opportunities of the fortunate made no difference at all to the life chances of the unfortunate. Thus, the state would have achieved equality only by creating a dead-weight loss.¹⁶ Parfit suggests that this objection can be rebutted by abandoning egalitarian principles in favour of the priority view, which holds that it is morally valuable to give priority to the interests of the worst off, but that benefits to better off people are always valuable. This prioritarian view yields a plausible view of education policy explored by Gina Schouten.¹⁷

While the debate between egalitarianism and prioritarianism is significant for the best distribution of educational advantages (or enhancements), in one respect these latter cases are different from more standard advantages such as money or health. This is because educational advantages are, in large part, positional goods and gain their value via their place in a competitive ranking. The value of a degree from a prestigious university is dependent on the number of other students with similar or better degrees.

Harry Brighouse and Adam Swift suggest that this aspect of educational advantage provides a powerful reason to create equality of education rather than merely give some priority to the worst off.¹⁸ This is because a world in which the worst off get a reasonably good education (by current standards) but wealthy individuals get one that is significantly better in all respects is still one in which the worst off will predictably lose out.¹⁹

Agar is sensitive to this concern, and suggests that the state should try and restrict enhancement choices made merely to garner positional advantage. However, he does not think this ought to restrict the enhancement of intelligence because it is both a positional good and an intrinsic benefit. He writes, 'Those who want to use enhancement technologies to boost the IQs of their children do prepare them for some winner-takes-all competitions, but they can also point to many competitions that do not reward only the winners. The brightest may get the best jobs but those who are slightly less intelligent also get good jobs.'²⁰

While this point is important, it underplays the importance of the positional goods argument. The point is that where a good is positional, even if it is also an intrinsic benefit, benefiting one person harms the interests of others. A better response to goods which are both positional and intrinsically valuable is to increase them in an equal manner, allowing all to gain the benefit and none to lose position.

Another important feature of the education case is societal benefits that may be garnered from equality. In brief, it seems plausible to think that a society in which each knows her position in society is determined by her own efforts would be much more conducive to relations of mutual respect than one in which a favoured class has advantages merely because of birth. One could imagine a highly troubling society in which enhanced children went on to become wealthier and spent this money on their own children, who would then themselves tend to go on to be successful. While this society might have formal equality of opportunity between the enhanced and non-enhanced, in the sense that Rawls terms 'careers open to talents',²¹ it would surely be a deeply problematic society for those with egalitarian or democratic sensibilities. Taken together, the fact of positional goods and these social concerns are sufficient to show that equality of opportunity does have value in societies like ours, even if the levelling down objection shows us that we have no *intrinsic* reason to prefer reducing the opportunities of the more fortunate. This kind of consideration tells against Agar's view that the slightly less enhanced still get good jobs, just not the best, since it implies a class of careers forever out of bounds to those from some social backgrounds.²²

These alternative accounts of educational fairness have been explored in the enhancement debate by Oliver Feeney who defends a principle of strict equality of opportunity.²³ One worry with this view, raised by Colin Farrelly, is that an egalitarian approach to enhancement would imply either a very expensive and probably unfeasible program of funding free enhancement for all or banning most uses of enhancement. Instead, Farrelly suggests that the state should permit enhancement but use taxation to funnel the additional revenue gained from higher productivity into benefits for the worst off.

In part, this debate rests on how far idealised political theorising ought to stray from feasibility constraints. One could hold the view that in the ideal world enhancement should be distributed in an egalitarian fashion, but in our world only a range of less egalitarian distributions are possible. However, worries about feasibility cannot ever justify PCE as Agar and others describe it if the general arguments for equality of opportunity are sound. This is because there are many cases in which the state can

feasibly (and relatively cheaply) create a fairer distribution than that created by PCE. This would be true if treatments were both difficult to conceal and difficult to perform (thus decreasing enhancements done by non-sanctioned providers). It is also true whenever the state can plausibly fund a program of free enhancement financed by general taxation.

Therefore, concern with equality of opportunity justifies offering free education to poorer children. It also justifies a series of actions to mitigate the effects of parental wealth on life chances. Since enhancement is both positional and has important social connotations these similar arguments justify state provision of useful enhancements to poorer children funded by taxation, and the banning of enhancements which cannot be provided to all whenever this is feasible.²⁴

2.2. Parental Control and Manipulation

Another concern about the world created by PCU is that parents will have extensive control over the lives of their children. In a world organised along PCE lines, parental control would extend to selecting elements of their child's genome and deciding whether they will possess biomechanical enhancements. While it is unobjectionable to claim that parents should have significant influence over their children's lives, there must come a point at which this control becomes too extensive and children's lives become dominated by their parent's wishes and concerns.

In the case of education, worries about parental influence are generally addressed by a principle requiring that children be raised to be autonomous. Eammon Callan suggests that there is consensus on some version of this principle amongst liberal treatments of education.²⁵ However, there has been significant disagreement over the justification and strength of this principle. One important distinction is between those who defend a child's autonomy as intrinsically valuable and those who defend it on instrumental grounds. The intrinsic view holds that children's autonomy is a valuable feature of their lives, and should be protected for this reason alone. A strong version of this argument suggests that only choices made autonomously are ever valuable, and hence some measure of autonomy is a prerequisite of having a flourishing life.

In contrast, an instrumental defence of autonomy does not rely on a close connection between autonomy and flourishing. Instead, the core claim of this view is that being autonomous increases the chances of children ending up in a life in which they will flourish. This account of education is deployed by theorists such as Brighouse, Arneson and Shapiro.²⁶ This instrumental defence of autonomy is the one adopted by Agar in his support of PCE. He writes that 'expanding a person's real freedom expands the range of functionings available to him. This means that those with real freedom are more likely to be able to successfully pursue their distinctive life plans.'²⁷

Therefore, on this view, one important reason to be concerned about parental influence is that a child who rejects their parents' plans may be ill suited to the life-plan they eventually endorse. This reason provides the justification for the requirement that parents do not reduce their children's real freedom. Agar writes that:

The difference between selecting a life plan and raising its probability is a significant one. Were prospective parents to be able to choose their child's life plan then they could justify equipping her with the specific set of capabilities

required for that plan. If they can only raise the probability that a life plan will be chosen, they must make provision for the eventuality of their child's rejecting their choice. This is to say: they must respect their child's autonomy.²⁸

At its core, Agar's defence of children's autonomy rests on an empirical claim about enhancement technology, which he suggests will only be able to raise the probability of children selecting a given way of life. Parents will never be able to choose *for* their children. One problem with this response is that Agar underestimates the potential for parents to select values for children because he concentrates solely on the efficacy of genetic interventions. While it may well be true that such technology will never be able to determine someone's character and life choices, it is far from the only means open to parents to shape their children's characters. Future technologies might provide all manner of biomedical interventions applied after birth, and of course parents already possess substantial control over their children's lives.

Further, Agar's arguments provide a faulty philosophical foundation for the importance of autonomy. After all, complete manipulation is at least conceptually possible and Agar's view appears to give us no reason to object to it. Nor does it offer reasons to object to successful instances of manipulation that might have gone awry at an earlier stage so long as the (now heavily manipulated, possibly down to the genetic level) child does not reject the view into which they have been manipulated. This implication of Agar's view seems perverse. Intuitively, a case where a child has been so successfully manipulated that they do not even consider the possibility of rejecting the way of life into which they are inculcated, and whose life is set from birth or soon after, is a case of lost autonomy.

This worry can be rebutted by embracing an intrinsic view of the importance of autonomy. In Razian terms, children designed by their parents to follow a certain path (and later educated such that they would pursue it) would not be the author of their own lives. What this case suggests is that autonomy requires a certain kind of independence: 'You are sovereign as against others not because you get to decide about the things that matter to you most, but because *nobody else* gets to tell you what purposes to pursue, you would be their subject if they did'.²⁹

Therefore, there is strong reason to reject the purely instrumental defence of autonomy, though of course it is important to recognise the instrumental benefits of having more possible options. This has important implications for debating the limits of parental choice. On my view, one highly significant goal of enhancement and education should be to promote a child's prospective autonomy by developing the relevant capacities and opening up an adequate range of genuinely valuable alternatives. In education, this goal would justify a number of actions that would go beyond PCU. For instance, the state would be justified in controlling the curriculum to ensure that all children had a chance to learn skills valuable in the labour market. This would often (though not always) be true even if parents objected.

It is perhaps more difficult to see how enhancement technology might promote autonomy in ways that go beyond opening up options, but there are some plausible interventions that might be possible. For instance, most accounts of autonomy note the importance of critical thinking, which might be promoted by increases in intelligence. In addition to critical reasoning, autonomy requires a number of other personal characteristics. For instance, being autonomous requires a degree of courage to challenge others' views and perhaps a certain curiosity to motivate self-investigation of issues. All of these

characteristics are ones which have a plausible genetic influence, and hence ones which might be promoted via genetic intervention or enhancement, and might form the basis of a program of enhancement which goes beyond PCU in order to both safeguard and promote children's autonomy.

2.3. *Missed Opportunities*

The third problem with PCU is that many children will not receive an adequate education, even though their parents could have provided it. On the PCU view, parents have no legal obligation to ensure their children receive education. Of course, in many cases we assume that parents have a strong desire to promote the interests of their children, and thus that they would make adequate provision for their children even without a state mandate. However, our experience suggests that this would not always be the case. In some cases, parents might decide not to educate their children. A much-discussed example amongst educational theorists is the Supreme Court case of *Wisconsin v. Yoder* (henceforth *Yoder*).³⁰ In this case, Amish parents wished to withdraw their children from state education, a choice eventually approved by the court. This decision was widely criticised, often on the grounds that the children's interests had been unduly set back.

While this kind of freedom might be a feature of some versions of PCU, Agar and others might suggest that no analogous worry is present in PCE. After all, Agar specifically considers cases such as *Yoder* and argues that the parents' choices were misguided and violated the real freedom restriction. However, I believe Agar mischaracterises the case, and that it is not true that the real freedom restriction is sufficient to block parental choices.

Recall that the real freedom restriction holds that:

. . . it does not require that parents use enhancement technologies to expand their children's real freedom, or to have children who have greater real freedom than those they would otherwise have had. Instead, it demands only that they do not, in their pursuit of their eugenic visions, reduce their children's real freedom, or have children with less real freedom than those they would otherwise have had.³¹

I believe that this restriction is under specified, and that it can block the Amish request only on the basis of assumptions about the relevant alternatives which are as yet undefended. To show this, suppose (very crudely) that there are only 3 options available to the children in question, each of which has a corresponding score of 'real freedom'.

These choices are:

- i) life in the Amish community: 20;
- ii) no education at all: 10;
- iii) attending high school: 30.

Agar's arguments rely on the fact that moving children off a path in which they are going to high school towards the Amish path will involve a reduction of their real freedom. However, it is also true (merely by stipulation in this example, though I believe it to be plausible claim) that moving children into an Amish upbringing would increase their real freedom relative to a world in which they received no education whatsoever.

What this example shows is that to understand the ‘real freedom’ restriction, we must have an understanding of the baseline of analysis. If we assume that the baseline is having no education, then the Amish parents are increasing the real freedom of their children; they are simply not increasing it by as much as they could do by sending them to school. The suggestion that parents must send their children to high school requires assuming that this option is the baseline. It is natural to take the high school path as the baseline in the *Yoder* case since other laws required sending the children to school, but these laws and policies have independent justification and cannot be defended merely in terms of the real freedom restriction.

The relevance of this discussion to PCE is that it shows that many of Agar’s arguments depend on the claim that the relevant baseline is one in which children receive no enhancement. This baseline underlies the claim of advocates of the PCE who argue that parents should be free to enhance their children so long as they do not reduce the amount of real freedom the children would have relative to the amount they would have had without enhancement. In many circumstances, this may well be the most plausible baseline. At present, enhancement technologies are expensive and of limited effectiveness in many cases. This makes a policy of state mandated enhancement highly expensive and ill judged. However, there is no reason to think that this will be true indefinitely. Imagine a society in which many enhancements were widely available and relatively inexpensive. The result is that most individuals do have some enhancements, and these enhancements increase their real freedom in various ways by opening up ways of living that would otherwise be unavailable to them. It might still be true in this society that many would prefer not to enhance, and their decision would be protected by PCE, since not enhancing does not, obviously, reduce a person’s real freedom relative to the amount they would have without enhancement.

The problem for Agar is that this choice seems analogous to that of the Amish in *Yoder* which he wished to condemn. Of course, there are many distinctions one could draw between these cases. We might suggest that enhancement is more personal than education, or appeal to some version of the unnatural quality of enhancement relative to education. However, suggesting a dis-analogy between the two cases would appeal to similar arguments used by opponents of enhancement, which advocates of PCE wish to disavow.³² If one accepts the basic premise that enhancement and education are morally similar, then under certain circumstances the decision not to enhance looks precisely like the decision not to educate. Those same arguments which justify a state mandate to educate would apply in this case, and a state mandate goes beyond the requirements of PCE.

2.4. *Harm to Wider Society*

A final problem with PCE is that in many cases the state has good reason to wish to overrule parental choices in order to advance legitimate social goals, for instance creating a tolerant society. There are difficult issues involved in determining precisely how biotechnology might make individuals more tolerant, but in this section I merely highlight that liberal eugenics faces a moral problem in that it appears to rule out the promotion of tolerance and other morally valuable qualities.

Agar considers the issue of tolerance because of the danger posed to his project by various racial and sexual prejudices. The problem is that, in current societies, many

parents would face a temptation to engineer their children such that they conform to dominant sexual preferences or are part of a privileged race or gender.³³ Agar believes that using biotechnology to alter a child's race, gender or sexual preference for this goal can be permissibly restricted even by a liberal state committed to parental freedom. His reason is that allowing parents to make these choices would make the situation of prejudice worse, and hence harm existing members of disadvantaged groups as well as future children who are not engineered to avoid being a member of such groups. Similarly, the state has a legitimate interest in there not being a gender imbalance, which might create serious societal problems. However, even if accurate, Agar has only shown why enhancement technologies might avoid becoming part of the problem of intolerance. This is a deeply limited aim because, as I will go on to discuss, these technologies may well be capable of providing solutions to prejudice via the promotion of an attitude of tolerance.

The timid nature of Agar's proposals is not merely incidental to his view, but stems from deep features of PCE. The reason for this is that many individuals who grow up with intolerant attitudes do so because of the influence of their parents. Therefore, to the extent that the promotion of tolerance might be served by genetic enhancements, we have no reason to believe that the children whom society would most like to become more tolerant will become so via parental choice.

This problem of liberal eugenics is highlighted via the experiences of liberal societies of promoting tolerance through education. It is well documented that children become more tolerant if they attend schools that are mixed in terms of ethnic and social background.³⁴ Many parents would see this as a good reason to send their children to a mixed school, and would certainly not resist doing so on the basis that it was mixed. However, the research cited above suggests that, in the standard case, the children of these tolerant parents would already be in an environment conducive to raising tolerance. The children we would be most concerned about are children raised by more intolerant parents, but these are precisely the parents whom we would expect to resist the use of schools to promote tolerance. In important past cases it has thus only been possible to achieve the goal of toleration by overruling parental objections.³⁵

3. The Statist Alternative

The above discussion highlighted several problems with PCE, and suggested remedies which might be taken to ameliorate these difficulties. Taken together, these suggestions form the basis for an attractive alternative set of principles for the governance of enhancement that is decidedly more reliant upon state authority than writers like Agar, Sparrow and Habermas believe is justified.

- i) *Funded*. Many kinds of enhancement technology may well need to be state funded and free at the point of use to citizens in order to address issues of equality of opportunity.
- ii) *Banned*. A perfectionist account will ban many more types of enhancement than PCE. Enhancements will be banned if they i) threaten equality of opportunity by giving advantages to wealthy children that cannot be compensated for by other means, or ii) threaten children's autonomy by dramatically raising the probability of

them pursuing a way of life favoured by their parents, or iii) if they would tend to increase the chance of children pursuing ways of life which are less valuable than those they otherwise would do.

- iii) *Mandatory*. A perfectionist account holds that in some cases enhancements might be mandatory; parents would be required to allow their children to have certain enhancements just as the state requires inoculations or requires school attendance.

This specification of the statist alternative is necessarily vague. Importantly, it does not specify either the level of funding, or the costs that should be applied to people who either perform enhancements which are banned or fail to perform mandatory ones. This level of specificity is not needed to defend the view at this stage, and specifying these issues will raise a number of difficult problems of technology, availability of state funds and the possibility of enforcement.

However, it is important to note two possibilities which I do not defend. First, I do not suggest that all possible useful enhancements should be funded by the state regardless of the costs. New technologies provide one way of boosting cognitive capacities, but there are other ways of doing so. Moreover the education of children is only one role of government and it is one which competes with others for funding. There can clearly be cases when a possible enhancement is valuable, but too expensive. In such cases, my argument from equality of opportunity suggests restricting this technology until it is available to more than simply the wealthy. Second, I do not claim that parents who fail to perform mandatory enhancements or perform illegal enhancement should thereby lose all rights over themselves or their children. Of course, making something mandatory implies imposing costs on those who do not do so, but individuals retain important rights. The statist view need not, and indeed must not, imply such obviously objectionable actions as forcibly aborting unenhanced foetuses.

4. Concerns with a State Based Approach

Above I sketched the outline of a statist account of enhancement control. In this section I address two of the most serious concerns that have been raised against this view in the literature by Sparrow and others. These concerns are: 1) the state intrusion problem and 2) the disrespect of parents problem. I will suggest that both of these problems can be addressed.

4.1. The State Intrusion Problem

The possibility of greater state involvement in enhancement is discussed by Sparrow, who considers this route as one of the ways to respond to the problems present in the current project of liberal eugenics. However, Sparrow eventually argues that Agar and other liberal eugenicists should reject the statist approach and that while there are problem with the current account of liberal eugenics the statist/perfectionist account I am suggesting has even more serious troubles. He writes that:

If . . . we insist that the state should guard the wellbeing of future citizens against their parents, then liberal eugenics does not look all that different from

a more traditional eugenics. It will rely on the regulative authority of the state, and do so in the service of non-neutral assumptions about the relative merits of different life plans.³⁶

However, the statist can respond to this problem. Although Sparrow is correct that, in one respect, a state-driven liberal eugenics will be similar to more traditional eugenics, he is wrong to suggest that this is a deep problem for this account. Although a liberal eugenics program of the kind I advocate has one feature in common with objectionable eugenics programs in the past — namely, the promotion of a non-neutral account of human flourishing — it also has many distinguishing features that render it unobjectionable. Specifically, my view promotes an account of human flourishing tied to tolerance and personal autonomy, whereas, for example, the Nazi program of propaganda tried to promote a view of human flourishing based on militaristic ideals and the intrinsic superiority of a master race.

To illustrate, consider the following example. The state Freedonia is a liberal democracy, but in the past was ruled by a deeply objectionable Fascist party which ran an education system based on mandatory attendance at schools teaching a deeply racist view of the world. Freedonia currently has an education policy relying entirely on parental choice. All children are home-schooled by their parents, who are free to make whatever choices about the curriculum they like. Given that Freedonia is a pluralistic society, this educational arrangement implies a very diverse range of early years' experiences for children. However, this policy comes under criticism on the basis that it is failing many children. Many citizens believe, quite rightly, that some parents' choices about education are based on faulty values or beliefs. As such, concerned citizens complain that many children are being inculcated into a belief system which is deeply detrimental to those children's long term interests. Further, they complain that many parents are simply mistaken about basic aspects of history and science. They therefore propose to create a national curriculum, through which the state will create guidelines on appropriate beliefs and values for children, and a state-run school system which mandates that all children attend a state-run institution to learn the curriculum.

Now imagine that a citizen of Freedonia objects to the proposal to create a state-run school system on the basis that this proposal does not look very different from the education policies of the previous Fascist state. After all, he argues, both would involve the state in the education of children and both would involve the state teaching children some views which were different from those held by their parents. However, while there may be legitimate concerns with the specifics of the school curriculum (or with the very idea of school curricula), to suggest that the mere fact that the proposed education system is state run makes it equivalent to the earlier Fascist system, is obviously misguided. While it would be true that both standard liberal education systems and those of fascist states rely on non-neutral opinions about science, history and values, this does not seem a particularly salient objection to the proposal in Freedonia or to current practice in existing liberal democracies. We can imagine that the older Fascist education system was run to promote a militaristic worldview, encouraging boys to see themselves as soldiers and girls as providers of future soldiers. Further, science lessons in this state might well be based on a deeply misguided racist view of biology. In contrast, the liberal state school system will emphasise the importance of personal choice, as well as a respect

for diversity, and teach mundane (and true) scientific principles. These differences in educational content seem to vastly outweigh the importance of the similarities of the form of the system.

While this comparison is obviously somewhat crude, the problems I have raised with PCE are precisely those which might be raised with a policy of home-schooling all children, an extreme version of PCU. Current liberal societies reject this policy in favour of a statist view. There are many possible problems with the statist account, and perhaps good reason to prefer one with more parental choice, but the mere fact of state involvement does not seem a particularly serious worry and certainly not one that evokes valid comparisons to the profoundly pernicious eugenics efforts of some past states.

4.2. The Disrespect of Parents Problem

Another worry with a state based view of enhancement control can be called the Disrespect of Parents Problem. The idea is that it disregards any role for parents in the formation of their children. While it is true that many of the problems I have outlined for PCE stem from its over-reliance on parental choice, it is not true that this implies the statist alternative has no room for parents. This is because there is a justification for parental involvement in children's upbringing and decisions about enhancement that is compatible with the perfectionist account. This justification begins by recognising that the relationship with parents is the core of most children's experiences, and is a relationship which provides unique and highly beneficial support to children as they develop. A perfectionist account which promoted capacities like intelligence or sporting prowess, but ignored this relationship, would thus be extremely deficient on its own terms.

The most prominent elaboration of the value of families is provided by Brighouse and Swift, who investigate the 'relationship goods' created and sustained by families. These goods include the loving attention of an adult carer, taken to be essential to children's emotional development, a sense of continuity with the past, and security provided by a single stable carer. Children's interest in these goods is powerful, and as such according to Brighouse and Swift the state has reason to foster and protect family units. Significantly for the argument of this article, Brighouse and Swift also believe that children's interests in these goods justifies allowing parents to shape the values of their child, since doing so will better enable the parent-child relationship to produce the valuable familial goods they describe. They write that:

. . . it is hard for us to imagine that two people can maintain intimacy without having some distinctive enthusiasms and interests in common. These shared enthusiasms provide for the interactions which to a considerable extent constitute the intimacy of the relationship and allow for the relationship to be pursued in a way that is not constantly self-conscious.³⁷

From this it follows that it is in children's interests to allow parents to shape their values and pursuits, even if these pursuits are not intrinsically better than the alternatives. In the case of genetic choices, or other enhancements, this gives a reason to allow parents to make many different choices about which specific capacities to enhance. For instance, suppose (probably wrongly) that it were only possible to enhance either a set of sporting capacities or a gift in music. Also suppose that music and sports are each things that could lead to the realization of genuine and important human goods. It may be true that

in some impartial sense there is no reason to prefer one enhancement to the other. However, the fact that sports would allow a series of shared interest with a parent may provide a decisive reason to think it is (likely) to be more valuable to a specific child. Since a parent will obviously know their own life-plans, and the likely life-plans of the child, much better than anyone else, there are thus powerful perfectionist reasons to allow a large degree of parental choice. The difference between parental choices on my account, as opposed to the standard PC view, is that they are limited by a requirement to make actually valuable choices about enhancements, and not to infringe their child's autonomy understood in a fuller sense than Agar allows.

Conclusion

There is, undoubtedly, a serious worry with the idea that the state ought to have a role in choosing what sorts of people there should be, right down to their genetic code. One aspect of this worry is the horrendous history of past eugenics projects. Against this, I have argued that it is not the mere fact of state involvement which was problematic, but rather the content of those states' policies. Modern states already play an expansive role in the raising of children, and do so without being thought of as the inheritors of any terrible instances of state indoctrination of pernicious beliefs. Another aspect of the worry is the thought that the state might impose one view about what is best on all others. Julian Savulescu writes that: 'As rational people we should all form our own ideas about what is best. But to know what is the good life and impose this on others is at best overconfidence-at worst arrogance.'³⁸ This kind of concern might be taken to be a problem for the perfectionist and statist view I have defended, but in fact it constitutes an endorsement of it. Properly understood, the belief that rational people should form their *own* idea of what is best requires the promotion of autonomy and, if liberals really believe that the imposition of ideals on others is objectionable arrogance, then we have reason to want to raise a tolerant citizenry. Designing policies to promote tolerance, autonomy and opportunity above parental objections is not illiberal, but is in fact the outcome of a deep commitment to liberal values. Therefore, I concur with Agar that 'the addition of the word "liberal" to "eugenics" transforms an evil doctrine into a morally acceptable one' but disagree with him over which liberal values are key to this transformation.^{39,40}

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NOTES

- 1 Note that the article is concerned solely with enhancements made to existing children. This excludes some technologies which might be thought to 'enhance' unborn children such as sperm selection. It does this to avoid philosophically difficult issues of personal identity, since enhancement via sperm selection might be thought to create an entirely different person. However, on many plausible responses to the non-identity problem, the arguments of this article would suggest some reasons to be sceptical of allowing parents to control pre-birth enhancements as well.
- 2 To be more precise, I assume that some enhancements beyond those plausibly described as merely treatments are permissible.

- 3 In addition to Agar, Robert Sparrow correctly attributes some version of the PC view to writers such as Alan Buchanan, Norman Daniels and Julian Savulescu. The PC view is also held by Jürgen Habermas who writes: 'It virtually goes without saying that decisions regarding the genetic composition of children should not be submitted to any regulation by the state, but rather should be left to the parents' (J. Habermas, *The Future of Human Nature* (Cambridge: Polity, 2003), p. 76).
- 4 Nicholas Agar, *Liberal Eugenics: In Defence of Human Enhancement* (Oxford: Blackwell, 2004), 5. 5
- 5 Amartya K. Sen, *Commodities and Capabilities* (Oxford: Oxford University Press, 1985).
- 6 Agar op. cit., p. 104.
- 7 Agar op. cit., p. 146.
- 8 There is a wide array of anti-perfectionist views, many of which appeal to importantly different accounts of political neutrality. Given the target of this article, I confine myself primarily to Agar's view and the anti-perfectionist arguments consistent with this (and which would support PCE if accurate).
- 9 John Rawls, *Political Liberalism*, exp. edn. (New York: Columbia University Press, 2005); Charles E. Larmore, *The Morals of Modernity*, Modern European Philosophy (Cambridge: Cambridge University Press, 1996).
- 10 Robert Sparrow, 'Liberalism and eugenics', *Australasian Journal of Philosophy* 89,3 (2011): 499–517, at p. 500.
- 11 Joseph Chan, 'Legitimacy, unanimity and perfectionism', *Philosophy and Public Affairs* 29,1 (2000): 5–43, at p. 5.
- 12 Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1988).
- 13 *Ibid.*, p. 206.
- 14 John Rawls, *A Theory of Justice*, rev. edn. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), pp. 83–89.
- 15 See Richard J. Arneson, 'Against Rawlsian equality of opportunity', *Philosophical Studies* 93,1 (1999): 77–112; and Matthew Clayton, 'Rawls and natural aristocracy', *Croatian Journal of Philosophy* 1,3 (2001): 239–259.
- 16 Derek Parfit, 'Equality and priority', *Ratio* 10,3 (1997): 202–221 at p. 211.
- 17 Gina Schouten, 'Fair educational opportunity and the distribution of natural ability: Toward a prioritarian principle of educational justice', *Journal of Philosophy of Education* 46,3 (2012): 472–491.
- 18 Harry Brighouse & Adam Swift, 'Equality, priority, and positional goods', *Ethics* 116,3 (2006): 471–497.
- 19 Adam Swift, *How Not to Be a Hypocrite: School Choice for the Morally Perplexed Parent* (London: Routledge, 2003).
- 20 Agar op. cit., p. 130.
- 21 Rawls 1999 op. cit., p. 57.
- 22 This argument does not suggest that improving the productivity of some can never be justified if it undermines fair equality of opportunity, only that there is some cost to the losers even if their jobs are adequately paid because of the range of careers no longer available to them.
- 23 Oliver Feeney, 'Equality of whom? A genetic perspective on equality (of opportunity)', *Res Publica* 12,4 (2006): 357–383.
- 24 One possible objection to this view is that parents might be permitted to advantage their children in ways that are less than optimal from a social perspective; for instance, reading bedtime stories might create inequalities. I respond to this thought below.
- 25 Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy*, Oxford Political Theory (Oxford: Clarendon Press, 1997).
- 26 See Harry Brighouse, *On Education* (Oxford: Routledge, 2006); and Richard Arneson & Ian Shapiro, 'Democratic authority and religious freedom: A critique of *Wisconsin v. Yoder*' in I. Shapiro (ed.) *Democracy's Place* (Ithaca, NY: Cornell University Press, 1996).
- 27 Agar op. cit., p. 104.
- 28 *Ibid.*, p. 126.
- 29 Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009), p. 34.
- 30 *Wisconsin v. Yoder*, 406 U.S. 205 (1972).
- 31 Agar op. cit., p. 104.
- 32 This kind of parity underlies Agar's principle that 'if we are permitted to produce certain traits by modifying our children's environments then we are also permitted to produce them by modifying their genomes': Agar op. cit., p. 113.

- 33 A more difficult case is engineering people to have a certain quality for purely instrumental reasons. For instance, one might engineer children to be heterosexual simply because there will be more possible partners for them. I leave this issue aside.
- 34 A useful set of data is offered in Amy Gutmann, 'Civic education and social diversity', *Ethics* 105,3 (1995): 557–579.
- 35 (Sometimes via the court system as in *Brown v. Board of Education*, 347 U.S. 483 (1954).)
- 36 Sparrow op. cit., p. 515.
- 37 Harry Brighouse & Adam Swift, 'Parents' rights and the value of the family', *Ethics* 117,1 (2006): 80–108, at p. 93.
- 38 Julian Savulescu, 'Deaf lesbians, "designer disability", and the future of medicine', *British Medical Journal* 325 (2002): 771–773, at p. 773.
- 39 Agar op. cit., p. 135.
- 40 I'd like to thank members of C.E.L.P.A at the University of Warwick, and participants at a workshop at the University of Leeds. In particular, I'd like to thank Matthew Clayton, Kimberley Brownlee and Matt Matravers.