

# BETTER HUMANS OR A BETTER WORLD? ON BACCARINI'S VIEW OF PERMISSIBLE ENHANCEMENTS

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## ABSTRACT

In ch. 2 of *In a Better World*, E. Baccarini claims that certain genetic interventions (additive enhancements and treatments) are permissible, whereas suppressive enhancements are impermissible. He connects these claims to an ideal of fair equality of opportunity, understood as a public reason. In this note, I make two points. First, an ideal of fair equality of opportunity in a post-genomic society commits us to the view that certain genetic interventions are *prima facie required*, not simply permissible. Second, a non-discriminatory or affirmational view of disability makes some suppressive enhancements permissible, at least if reproductive freedom is assumed.

## KEYWORDS

Enhancement, fairness, equality of opportunity, Rawls, disability.

## 1. INTRODUCTION

Elvio Baccarini's *In a Better World* is a brilliant and thought-provoking contribution to a still developing but increasingly relevant debate<sup>1</sup>, as well as a wonderful piece of rigorous and path-breaking applied political philosophy. The book has three main merits. First, despite dealing with various topics, it is unified by a consistent justificatory procedure, essentially based on Baccarini's interpretation of Rawls' methodology of public reason (presented in ch. 1). Second, it is a much-needed enlargement of Rawls' perspective on distributive justice. Baccarini applies Rawls' ideas to future people, as well as to people who, due to their bodily conditions, may be unable to act as full-

<sup>1</sup> As (Buchanan 2013, 11) points out, the debate on enhancement and genetic engineering is no more than 20 years old.

fledged and active members of a society understood as a cooperative system. In so doing, Baccarini widens the scope of Rawlsian justice, while remaining within a broadly Rawlsian framework.<sup>2</sup> Third, Baccarini explores a fruitful alternative to the main previous attempt to extend Rawls' view of justice to health – i.e. to Norman Daniels' *Just Health Care* and *Just Health* (Daniels 1985; 2007). In Baccarini's volume, we find two departures from Daniels. First, whereas Daniels focusses mainly on health as normal functioning and on the impact that health inequalities can have on the opportunity to function as free and equal citizens, Baccarini connects the value of having fair opportunities to enhancements, i.e. to genetic interventions bringing people beyond statistically normal functioning. Daniels claims that “by keeping people functioning normally, we protect their range of opportunities.” (Daniels 2007, 21) Baccarini claims that sometimes enhancements – i.e. giving people better functioning – can give them a fairer range of opportunities.<sup>3</sup> Second, and relatedly, Daniels insists much on the “social determinants of health” and gives a Rawlsian account of which inequalities are legitimate in so far as these factors are concerned.<sup>4</sup> But his account turns on the difference principle and on the metrics of Rawls' primary goods. Baccarini gives an alternative account, entirely grounded on equality of opportunity as a public reason and not strictly limited to a primary goods metrics.<sup>5</sup>

These features of *In a Better World*, and especially its intriguing first chapter, would deserve a long and careful discussion. Unfortunately, I have neither the competence nor the room to engage in such a discussion. Fortunately, though, I share many of Baccarini's methodological points. As a consequence, in what follows I deal with a narrower, but hopefully still interesting, topic in the book – i.e. with Baccarini's view about the justification of genetic interventions, presented in chapters 2 and 3 of *In a*

2 See (Baccarini 2015, 8). From now onwards, references to (Baccarini 2015) will be given parenthetically in the main text, by page numbers only. A similar attempt to widen the scope of Rawlsian justice has been made by (Daniels 1985; 2007). I stress the differences between *In a Better World* and Daniels' work below in the main text. See also (Buchanan et al. 2000; Kollar and Loi 2015; Loi 2011; 2012; 2013).

3 See (Daniels 2007, 14, 20–1, 27–8, ch. 2, 149–55). See also (Buchanan et al. 2000, 72, 98–9; Buchanan 2013, 3–4, 41–2; Daniels 1985; Loi 2013; ms.).

4 See (Daniels 2007, 92–100).

5 See ch. 1, and 68.

*Better World*.<sup>6</sup> Baccharini puts forward a detailed view of how to justify genetic interventions, to both their future recipients and to society in general. His general idea is that genetic interventions are justified – they are *permissible*, at least – when they give their recipients fairer opportunities, as compared to other citizens or to the pre-intervention situation, and that, at least in the long run, the diffusion of justified genetic interventions will not produce unjust distributions. The core idea is that (some) genetic interventions are permissible, and of special moral importance, because of their instrumental value in promoting equality of opportunity.<sup>7</sup> Baccharini's view is a version of an anti-anti-enhancement theory, i.e. one of those views articulating reasons in favour of specific kinds of genetic interventions.<sup>8</sup> Baccharini declares legitimate certain genetic interventions, i.e. those aimed at adding talents and traits, and those with therapeutic purposes. In what follows, I shall challenge these specific judgements – I shall argue that the interventions that Baccharini regards as merely *permissible* are *prima facie* required, and those that he regards as *impermissible* might be sometimes permissible.

I devote § 2 below to reconstructing the details of Baccharini's view on this topic – and the first aim of this note is to check whether this interpretation of chapters 2 and 3 of *In a Better World* is accurate.<sup>9</sup>

In the rest of the paper, I raise the following three general objections.

1. It is unclear why Baccharini claims that certain genetic interventions are merely permissible – at least if 'permissible' means that certain genetic interventions are simply *not impermissible*, i.e. that there are no reasons against them, and they are to be left to individual, unregulated choices. Baccharini's commitment to a principle of fair equality of opportunity (on

6 Here, I assume that Baccharini's arguments, and mine, can be applied to whatever intervention is usually regarded as a 'genetic intervention'. But for illustrations of what a genetic intervention could be, see (Buchanan et al. 2000, 6–9; Loi 2011, chap. 2).

7 On the connection between genetic interventions and equality of opportunity, see (Buchanan et al. 2000, 14, 16–8, 65–76; Kollar and Loi 2015; Loi 2011, chap. 6; 2012).

8 See (Buchanan 2013, 13–4). *In a Better World* contains no detailed discussion of the recent anti-enhancement literature, with its focus on issues about the essence of human nature, the supposed destructive consequences of enhancement, and so on. For an overview, see (Buchanan 2013, chap. 1; Loi 2011, chap. 1).

9 Notice that Baccharini's focus is rather specific – it concerns the interests of prospective agents as free and equal citizens, and distributive justice within a 'post-genomic society' (Baccharini does not use this label to denote societies where genetic interventions are widespread. For this usage, I am indebted to Loi 2011, 110).

whose details I say more below) cannot but ground the conclusion that some genetic interventions are *prima facie* required – i.e. that there are at least *sufficient* reasons in favour of them, even though these reasons can be overridden by stronger contrasting reasons (for instance, by reasons related to liberties, incentives, and so on).<sup>10</sup>

Baccarini might be wary of declaring certain genetic interventions required because this move can lead to claiming that they should be forced upon individuals, and this can go against basic liberties, thereby eliciting the worry of an eugenic drift.<sup>11</sup> On the other hand, if certain genetic interventions are not indifferent, but rather morally important in some way, it might be difficult to keep ourselves off the realm of obligation. Then, either all that Baccarini shows is that certain genetic interventions are not *impermissible*, or he should conclude that they are – at least in certain cases – *prima facie* required.

2. Baccarini measures the amount of fair opportunities that the recipients of permissible genetic interventions should achieve against two baselines – the social and the natural level of opportunities. Both baselines create problems.

3. Baccarini presupposes a certain view of what is to be disabled – sometimes he says that disabilities are generally or universally seen as undesirable, sometimes he says that any disability is (or provokes) a loss in well-being. These views have (at least) the following problem: They fail to take into account, and indeed deny, affirmational and first-personal views of what disability is and of why, when, and how it should be addressed, as well as a challenge raised by disability rights movements – known as the 'expressivist challenge'.<sup>12</sup> However, a view of disability as mere difference can support the claim that certain suppressive enhancements are permissible, if parents should have the freedom to affirm their condition by transmitting it to their offspring. Then, it seems that Baccarini's claim that certain suppressive enhancement are impermissible can be challenged.

10 On how and why reasons in favour of enhancement can be overridden by reasons relating to liberties in a broadly Rawlsian framework, see (Loi 2011, 123–5; Kollar and Loi 2015, 36).

11 On eugenics, see (Buchanan et al. 2000, chap. 2; Defanti 2012; Goering 2014; Lifton 2016; Loi 2011, 46–51).

12 See references in § 4 below.

## 2. ENHANCEMENT AS ENCHANCEMENT

In developing his view of the justification of genetic interventions, Baccharini distinguishes between

- I. genetic interventions aimed at curing conditions universally understood as undesirable – call them *treatments* –, i.e. “those genetic interventions that are needed in order to eliminate a class of impairment and disabilities that everybody agrees are undesirable [...], disabilities that everybody reasonably prefers not to have”, conditions that are “disabilities independently of the social and political situation (even though social policy may reduce their effects)” (61-63), and
- II. genetic interventions directed at traits whose possession is not universally understood as undesirable – call them *proper enhancements* (from now onwards, simply *enhancements*).<sup>13</sup>

A further distinction comes in within enhancements. Baccharini separates

- a. *additive* enhancements, i.e. the ones which add a trait to the stock of the recipients' endowments, *without* suppressing or silencing other related or unrelated traits,

from

- b. *suppressive* enhancements, namely those whose effects consist in silencing, or canceling, a trait in the genetic patrimony of the recipients, for instance by blocking the expression of some genes.<sup>14</sup>

Assuming these distinctions as his background, in ch. 2 of *In a Better World* Baccharini defends the following general claim:

*Justified interventions* Genetic interventions are justified to their recipients **i.** when they constitute treatment, **ii.** when they constitute *enhancements*, i.e. when they gives their recipients fair chances or opportunities to pursuit valuable goals (*enhancement claim*).

Justified interventions happen, Baccharini suggests, when their recipients are protected “from unfair opportunities and unjustified restrictions of freedom” (63), when they are helped “in order to have fair chances compared to those of others” (67) and compared to “natural coincidence”, and when the influence of their parents on their life prospects is reduced as much as possible. This does not happen with suppressive enhancements, i.e. when

13 On the distinction treatment/enhancement, and on the definition of 'enhancement', see (Buchanan et al. 2000, 71–4, 101, ch. 4; Buchanan 2013, 23–4, 26–7, 41, 43, 57; Juengst and Moseley 2016, § 1.1.; Parens, Hanson, and Callahan 1998).

14 See 57, 58-61. Baccharini does not use the labels 'additive' and 'suppressive'. I devised them for clarification. On different kinds of enhancements, see (Buchanan 2013, 25–6, 38–44).

genetic interventions will suppress some talents or values of their recipients. For this reason, suppressive enhancement are *impermissible*.<sup>15</sup>

Additive enhancement are not *strictly required*, but *merely permissible* – prospective agents have no default right to each and every available enhancement, or to the greatest available amount of enhancements. What future agents can claim is to have their chances not decreased in comparison to a baseline constituted by the chances that other agents already have, or that the recipients could have had without enhancement, if subject to the free operation of nature. This view is stated in the following passage:

There is no possibility of legitimate complaint if the agent's opportunities are not reduced, even if she is not helped to improve the opportunities she would prefer. [...] Even though individuals have the right to be helped in order to have fair chances compared to those of others, nobody has the right to get everything that she wants. Parents, and society as a whole, have the duty to give their children and to future members at least fair chances – comparable to that of other people: but not everything each child, or each future member of society, may desire (67).

Baccarini is here assuming the following view of when an increase of opportunities is fairness-enhancing:

*Baseline claim* The fair opportunities of the recipients of genetic interventions are promoted when the recipients have an amount of opportunities that go beyond the baseline constituted by *normal* opportunities – i.e. by the chances that other (enhanced or not enhanced) agents have in that society, or by the chances the recipient would have enjoyed had the intervention not been performed, assuming the normal operation of nature. To put it otherwise, the recipients' amount of opportunities is to be considered with regard to the *social* and *natural* level of opportunities, in a given society.

The enhancement claim (claim **ii.** of *Justified interventions*) amounts to saying that enhancements are permissible when, as a consequences of them, their recipients would have the same or a greater level of opportunities than the social or the natural level of opportunities. *Justified interventions* puts a lower and an upper limit to permissible enhancements: no enhancement bringing people below the social and the natural level of chances is permissible, no enhancement bringing them (too much) above that level is required.<sup>16</sup>

<sup>15</sup> Cp. (Buchanan et al. 2000, 170–2; Davis 2009; Feinberg 1980).

<sup>16</sup> Of course, this should not be read too strictly. It is not the case that there is a specific level of opportunities that is neither smaller nor greater than the fair level – i.e. the level which is fair as compared to the social and natural level. It is plausible that there is a layer, blurred

Baccharini seems to regard treatments as *prima facie* required – i.e. as generally required, absent countervailing considerations. He seems to have one main ground for this view. He makes reference to the relative urgency of treatments addressing generally undesirable conditions, emphasizing that people in this predicament have less well-being than others. For instance, for “severely cognitively impaired” people, Baccharini claims, there is no option to have, or to enhance, their capacity to form and revise a conception of the good. In their case, what justice requires is the satisfaction of their current needs – not “those needs related to a possible mutated condition in virtue of genetic intervention”. From this Baccharini draws the following conclusion:

it is wrong to say that the most pressing intervention is rendering [severely cognitive impaired people] able to form, follow and revise a conception of the good when this actually has not got any meaning for them due to their severe cognitive impairment. [...] For them, welfare is the major issue. [...] Improving welfare is what we must do” (73, 78).<sup>17</sup>

*Justified interventions*, then, implies that

- a. additive enhancements, which will be predictably valued, or not disvalued, by their recipients, are *permissible*;
- b. treatments are *prima facie required*;
- c. suppressive enhancements are *impermissible*.

*Justified interventions* is put forward in the following passage:

Imagine that parents have decided that the child is going to be a fashion model, but she prefers to be a basketball player. The denial of this opportunity as a result of parental choice is a good reason for her to say that they have done her an injustice. This injustice could have been avoided by simply leaving the determination of the features of the future citizen to natural coincidence, kept within the limits of the framework established by the choice of society. In this case, at least, she would have had a chance (not reduced by anybody) to have the desired talents, and her future would not have been determined by another person's will. [...] The interested future citizen will have no cause to protest because the range of choices relevant to her is not restricted in relation to what she has had through natural coincidence. [...] It is possible to enhance the physical potentialities of an agent in order to make a Michael Jordan out of him,

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and wavering, as well as contextually determined, within which the chances that an agent has are regarded as fair. See the concept of “normal opportunity range” in (Daniels 2007, 43–6) and the idea of a “genetic minimum” in (Buchanan et al. 2000, 81–2, 126–49).

<sup>17</sup> However, Baccharini acknowledges a distinction between impairments and disabilities, and the idea that removing impairment through genetic intervention is not always the best, or the only, strategy.

provided that we do not deprive the person of other potentialities that she has. [...] If there is a reason to think that some people would not welcome having Michael Jordan's features (even if by this they do not lose potentialities they would have without the intervention), then the intervention is not legitimate, in my view. [...] (58-9, 61, 68).

When genetic interventions constitute enhancements their recipients would have public reasons to value, or not disvalue, them. Genetic interventions will be reasonably chosen, or endorsed, when they constitute an enrichment of the range of options their recipients will be able to handle. The many the chances ensured by a given genetic intervention, the stronger the reasons to choose it (see 131). This makes certain genetic interventions justified in a public reason framework.<sup>18</sup> Justification of enhancement, though, does not ground requirements. Unlike treatments – which in some cases can be strictly required –, enhancement are optional, merely permissible. We should produce a *better world* – i.e. a world with less disadvantages and fair opportunities. But this does not necessarily entails making *better humans*.

### 3. EQUALITY OF OPPORTUNITY AND BASELINES: PERMISSIBLE OR PRIMA FACIE REQUIRED ENHANCEMENTS?

*Justified interventions* is the idea that additive enhancements are permissible because they contribute to giving their recipients fair opportunities – whereas suppressive enhancement are impermissible because they detract from their recipients' opportunities. This idea connects additive enhancements with a general obligation to protect equality of opportunity – indeed, the permissibility of certain enhancements derives from the fact that these interventions are the only, or the best, means to give their recipients equal opportunities to be active, free and equal citizens. The fact that these interventions contribute to promoting equal opportunities constitutes a

<sup>18</sup> Baccarini's justificatory procedure comes in two steps, reversed in my main text. First, he assumes a public reason framework, i.e. he insists that only public reasons can support acceptable justifications within the pluralist setting of contemporary liberal-democracies (ch. 1, 131). Then, Baccarini singles out a particular group of public reasons, which can support certain specific genetic interventions – i.e. the fact that the latter constitute enhancements and that they would be valued by prospective agents, regarded as free and equal citizens (cp. 53, 56, 57). In the main text, I focus on the second step – viz. on the specific public reasons that Baccarini arrays to claim justifiability for certain genetic interventions. On different ways to consider reasons in favour and against certain genetic interventions, see (Buchanan 2013, 58–60). Cp. also (Green 2007).

public reason for them. <sup>19</sup> *Justified interventions*, then, rests on the following argument:

*From equal opportunities to legitimate additive enhancements*

1. Sometimes, additive enhancements promote fair opportunities.
2. There is a general obligation to promote fair equality of opportunity.

Then,

3. When 1. is true, additive enhancements are permissible.

However, if there is a general obligation to promote fair opportunities, when genetic interventions are the only, or the best, means to do so, it seems that recourse to them should be at least *prima facie required* (i.e. required, absent stronger countervailing considerations), and not merely permissible (i.e. indifferent, or simply left to individual choices). As a consequence, *justified interventions* should be emended. It should say that additive genetic interventions are *prima facie required*, not merely *permissible*. The argument above should be emended, too, in the following way:

*From equal opportunities to prima facie required additive enhancements*

1. Sometimes, additive enhancements promote fair opportunities.
2. There is a general obligation to promote fair equality of opportunity.

Then,

- 3\*. When 1. is true, additive enhancements are *prima facie required*.<sup>20</sup>

My first objection to Baccharini's general view of permissible enhancements is as follows: If additive enhancements are justified by appealing to equality of opportunity, then they should be *prima facie required* – i.e. they should be

<sup>19</sup> The principle of fair equality of opportunity that Baccharini assumes cannot be Rawls' fair equality of opportunity principle, for reasons explained at length in (Loi 2011, 110–123; Kollar and Loi 2015, 37–44). Here, I am not interested in giving a precise formulation of the principle Baccharini presupposes in ch. 2 of *In a Better World*, even though I think it can be close to the revision of Rawls' fair equality of opportunity principle adjusted to a post-genomic society that is defended in (Kollar and Loi 2015, 42–44; Loi 2011, 120–3; 2012, 65–73). My use of the *Argument from Moral Arbitrariness* below presupposes this kind of revised Rawlsian principle of fair equality of opportunity.

<sup>20</sup> For statements of similar versions of this argument, see (Daniels 2007, 29–30). On the differences between Daniels' argument and the application of a Rawlsian ideal of fair equality of opportunity to a post-genomic society, see (Kollar and Loi 2015, 44).

implemented as a matter of justice when they are the only, or the best, means to ensure fair opportunities to their recipients.<sup>21</sup>

It is not clear to me why Baccarini avoids committing himself to this conclusion. A reason for his hesitation may be the following.<sup>22</sup> If additive enhancements are regarded as *prima facie* required, then prospective agents may have a right to the best possible additive enhancement. As said in § 2 above, Baccarini insists that nobody has a default right to the best possible set of enhancements. People cannot complain for not having the widest range of opportunities. They can complain only for culpable departures from the level of fair opportunities. Then, only a certain level of additive enhancements is required.<sup>23</sup> Baccarini's theory is not a maximizing view of enhancements.<sup>24</sup>

The reasoning above entirely rests on establishing the level of fair opportunities. Baccarini assumes that the level of fair opportunities is to be measured against two baselines – the social and the natural level of opportunities in a given society.

Consider the following

*Argument from moral arbitrariness*

1. Moral arbitrariness:

A given feature is morally arbitrary when

- a. it creates a comparative disadvantage for a given individual, and
- b. its very existence and its (disadvantageous) outcomes are not under the control of the disadvantaged individual.

2. Unfairness:

A given feature is *prima facie* unfair when

- a. it is morally arbitrary, and
- b. its very existence and outcomes are both
  - i. causally dependent on unfair social circumstances and institutions, and

21 A discussion of the alternative between merely permissible and required enhancements, from which I took some inspiration, is in (Buchanan et al. 2000, 19, 96–98, 101, 127, 152–4; Buchanan 2013, 10, 13, 16–7, 28, 60–1).

22 Another reason can derive from worries of the eugenic implications of conceding that some enhancements are *prima facie* required; see § 1 above.

23 Baccarini would say “permissible”. I use this stronger formulation for reasons connected to the objection stated above in the text.

24 An instance of this kind of view is defended in (Savulescu 2001).

- ii. liable to be redressed, or even nullified, through social policies.<sup>25</sup>

The argument above suggests that misfortunes can be injustices when they interact with unfair social circumstances, thereby giving rise to “naturally caused inequalities” (Nagel 1997, 305), in at least two ways: unfair social institutions exacerbate the disadvantages produced by natural differences, and the ensuing unfairness is not adequately compensated, or mitigated, by social policies.

Applied to most historical and present contexts, the *Argument from Moral Arbitrariness* implies that most natural talents are unfair, because they are morally arbitrary and they are both dependent on unfair social factors and liable to be altered through social policies. In many of our societies, then, natural talents are not natural goods, because they are liable to be altered through social policies. The standard distinction between social and natural goods becomes blurred, in such sort of cases.<sup>26</sup>

Natural talents, then, become proper objects of social justice – i.e. the impacts of the natural lottery should be assessed in the light of justice, and sometimes they should be rectified, or compensation should be given to those who are disadvantaged by nature. When society is able to control genetics, letting it unchecked means letting it prey of potentially unjust social arrangements. An analogy with health care may be established: the latter can be needed to counter disadvantages derived by pathologies, for the same reasons for which resources should be redistributed to counter disadvantages due to the social lottery. Likewise, genetic interventions can be needed to counter disadvantages derived by the genetic make-up. Then, fair equality of opportunity *prima facie* requires giving the best available enhancements to anyone similarly situated. When genetic interventions are possible, distributive justice requires altering the natural assets, and not only redistributing social goods: “what can be said of being born with a silver spoon in your mouth also goes for being born with golden genes” (Nagel 1997, 309).<sup>27</sup> Sticking to the natural baseline amounts to keeping moral arbitrary factors untouched. In a world of massive enhancements, a persons with *merely* natural endowments has reasonable grounds for complaining. The reference to the natural baseline in Baccharini's argument is potentially

25 Cp. (Nagel 1997).

26 Cp. (Buchanan et al. 2000, 18, 83; Daniels 2007, 58; Nagel 1997). On the conceptions of nature and human nature assumed, and often naively taken for granted, in many debates about enhancement, see (Buchanan et al. 2000, 86–95; Buchanan 2013, 6–8).

27 For a rebuttal of Nagel's view, see (Fox 2007).

contradictory with the spirit of his commitment to fairness. Closeness to the natural baseline cannot block legitimate complaints.

Once that genetic interventions become available, justice may require them, because they can be the only, or the best, means to prevent unfair results.<sup>28</sup> If certain genetic interventions are the only, or the best, means to ensure to all citizens the same capacity to actively participate in social cooperation as free and equals, administering them could well be a positive requirement in a just society, as well as having them could be a positive right for prospective agents. Accordingly, certain genetic interventions – not only mere treatments, but at least additive enhancements – will be *prima facie* required by fair equality of opportunity.<sup>29</sup>

This conclusion creates further puzzles. Baccarini sets an upper limit to permissible genetic enhancements, as said in §2 above. Nobody has the right to whatever enhancement she could desire. Accordingly, there is no unlimited license for parents to search for the best offspring, and no future people could complain for not having had further enhancement, if their range of opportunities is fair. This is a barrier to concluding that there is a right, and a duty, to massive and never-ending enhancements – to a sort of liberal, and unbridled, eugenics.<sup>30</sup>

However, consider two points. First, I claimed that when the range of opportunities of a future person is predictably lower than the fair level, then enhancement of this person is *prima facie* required to ensure fair equality of opportunity. Second, in a scenario of widespread additive enhancements, the social level of opportunities increases across time, for obvious causes – the social and network benefits of enhancements, the positional bootstrapping of widespread enhancement (i.e. the fact that in a world of enhanced non-enhanced have radically decreased opportunities), and so on. In this future predictable scenario, lacking certain enhancements would amount to being disabled today. A continuous race for ever-progressive enhancements will become normal.<sup>31</sup> Then, it might be argued that, at some time in a

28 For statements of various versions of the *Argument from Moral Arbitrariness* applied to genetic enhancement, see (Buchanan et al. 2000, 17–18, 82–4; Daniels 2007, *passim*, but especially 13–4, 20–1, 27, 44–5; Kollar and Loi 2015, 40–2; Loi 2011, 121–2).

29 Partially similar arguments are in (Buchanan 2013, 51–3, 57; Kollar and Loi 2015; Loi 2012).

30 See (Buchanan et al. 2000, chap. 5). For a view of enhancement as a matter of freedom, and a plea for liberal eugenics, see (Agar 2004).

31 On the increase of social levels of enhancement and on the dynamics of social and network benefits, see p. 81 of *In a Better World*, and (Buchanan et al. 2000, 79–80; Buchanan 2013, 48–9). For the race for enhancement scenario, see (Buchanan et al. 2000, 2–3; Loi 2013). For

predictable future, the search for the best baby will no longer be impermissible – indeed, it will be required. This is a further consequence of the main premises of Baccharini's view – i.e. of his commitment to an ideal of fair equality of opportunity, and of his reliance on a social baseline against which establishing the fair range of opportunity.

Then, the baselines against which Baccharini establishes the level of fair opportunities for prospective agents are both flawed. The natural baseline is morally arbitrary, whereas the social baseline is destined to rapidly increase, and it cannot set any upper limit to permissible enhancements.

Let's take stock. In this section, I made the following claims. First, if the ground for admitting additive enhancements is their contribution to giving fair opportunity to their recipients, then these kinds of enhancements cannot simply be permissible – they are *prima facie* required. Second, there is no lower and upper limits to required enhancements, because any reference to a natural level of initial endowments amounts to letting untouched morally arbitrary factors and in a post-genomic society the social level of initial talents will be ever increasing.

#### 4. EXPRESSIVIST AND AFFIRMATIONAL CHALLENGES: ON THE SUPPOSED IMPERMISSIBILITY OF SUPPRESSIVE ENHANCEMENT

Baccharini claims that suppressive enhancements are impermissible, because they detract from the stock of opportunities of prospective agents. In this section, I claim that this view can be challenged. My starting point is Baccharini's view of disability. As said, Baccharini assumes that disability is a condition generally understood as undesirable, and that it involves a loss in terms of well-being. He rightly notices that this does not necessarily entail the claim that “a life with a disability [...] is not a valuable life [...]”. According to Baccharini,

Human beings with disabilities deserve respect, and frequently admiration for the heroic attempts to compensate their disability with huge effort, or for other merits. However, it is undeniable that these human beings would have greater opportunities and would avoid a great amount of suffering in their life by not having the disability (62-3).

This way of seeing disability has several problems. First, the distinction between treatments and enhancements, assumed throughout ch. 2 and 3 of

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more nuanced, and less optimistic, accounts of the race for enhancement scenario, see (Bognar 2012; Mehlman and Botkin 1998).

*In a Better World*, is considered by many a controversial one.<sup>32</sup> Second, Baccarini joins together two different, and often contrasting, views of disability – one is a kind of social constructionist view (disability as an unwanted condition), the other is a version of the well-known bad-difference view (disability as a cause of well-being losses).<sup>33</sup> It might be the case that Baccarini here implicitly relies on two different principles: equality of opportunity and prevention of harm – the first regulating enhancements and the second regulating treatments. (This is not clearly stated in the volume, though.)<sup>34</sup> Finally, there is a general problem with what has been called the morality of inclusion, i.e. an awareness that who is and who is not disabled is very often determined by social circumstances and socially-driven natural circumstances. As a consequence, no conception of disability can be taken for granted – neither a welfarist, nor a fixed social constructionist view. Disability is likely to be a body-related social disadvantage, and there is a general duty of justice to frame the most inclusive cooperative scheme, with the aim of minimizing exclusion deriving from impairments, as well as to administer genetic interventions aimed at enhancing participation.<sup>35</sup>

Here, I shall not be concerned with the issues above. I am rather interested in a different, but related, source of doubt. Baccarini seems to allow that genetic interventions aimed at curing disability, or even at discarding it before birth, are permissible, if not *prima facie* required. (I should confess that I failed to grasp Baccarini's precise view on the alternative between claiming that these interventions are required and claiming that they are permissible).

Three challenges have been made against such a view. First, it might be claimed that existing disabled persons can feel insulted, or discriminated, when they realize that they live in a society where their condition – a condition often being identity-fixing and constitutive for them – is understood as a disease to be eradicated in future people. Some disabled people have reacted to the claim that these genetic interventions should be admitted or even incentivized with feelings of outrage and resentment. These people feel the permissibility of disability-discarding genetic interventions as *expressing* a hostile and discriminatory attitude towards their personality

32 See, for instance, (Buchanan 2013, 26–7) and other references in n. 13 above.

33 For an extended criticism of these notions of disability, see (Barnes 2016). My treatment here is largely inspired by Barnes' work.

34 Cp. (Buchanan et al. 2000, 18–9, 99–100, ch. 6).

35 See (Buchanan et al. 2000, 20–1, 79, ch 7).

and their deep identity. Call this the *expressivist challenge* to disability-discarding genetic interventions.<sup>36</sup>

Moreover, both views of disability mentioned above – disability as an unwanted condition and disability as a loss of well-being – can be rejected. Many of those who take seriously the expressivist challenge, especially many activists of the disabled rights movements, put forward a different view of disability – a neutral view, where disability is not an unwanted condition or a bad difference, but rather it is a *mere* difference. The mere-difference view of disability amounts to saying that being disabled does not necessarily involve suffering an unwanted condition or a loss of well-being. Rather, being disabled simply means having a minority body, i.e. a different body.<sup>37</sup>

Some people also claim that being disabled can be a matter of pride, and of affirmation, as the disability condition has its unique goods or its specific and peculiar experiences, such that the prospect of being 'freed' from disability is not necessarily, nor always, and possibly never, a positive prospect for the disabled people. Call this way of seeing disability the *affirmational challenge*.<sup>38</sup>

Finally, some disabled people have built on the mere-difference view specific reproductive freedom claims, in the name of which they ask to intervene on the genetic endowment of their future offspring in order to select their specific disability onto their child. The best known case is a lesbian deaf couple who tried to select a deaf kid.<sup>39</sup> The thought here is that, if deafness is not a loss of well-being, nor is it a generally unwanted condition, but it is rather an identity-fixing and a meaning-enhancing existential condition, then reproductive freedom can license prenatal selection of deafness. Let's call this the *suppressive enhancement challenge*.

These matters are rather complex, and I have no room here for a minimally exhaustive treatment of them. However, the following line of reasoning can be drawn from the three challenges listed above. Genetic interventions aimed at discarding disabilities can express a discriminatory attitude towards presently existing disabled people. The idea that these interventions are admissible presupposes a view of disability as an unwanted condition or a loss of well-being. By contrast, a non-discriminatory attitude, and the personal testimony of many disabled people and activists, presuppose an affirmational view of disability as mere bodily difference. If

36 See (Asch 1999; Glover 2006, chap. 1; Holm 2008; Parens and Asch 2000; Wendell 1996).

37 Cp. (Barnes 2016, chaps. 1, 3).

38 Cp. (Barnes 2016, sec. 2.2.).

39 See a discussion of this case in (Glover 2006, 5–6).

reproductive freedom is assumed, this view makes suppressive enhancements permissible, contrary to what Baccharini affirms in ch. 2 of *In a Better World*.

My (rather provisional) conclusion in this section is this. The idea that suppressive enhancements are impermissible makes sense in many cases. However, there are circumstances in which this idea collides with a non-discriminatory view of disability. Then, either a path to reconcile the impermissibility of suppressive enhancements with a non-discriminatory view of disability is found, or some cases of suppressive enhancement should be declared permissible.

## 5. CONCLUSIONS

In ch. 2 of *In a Better World*, Baccharini claims that certain genetic interventions (additive enhancements and treatments) are permissible, whereas suppressive enhancements are impermissible. He connects these claims to an ideal of fair equality of opportunity, understood as a public reason.

In my comment above, I made two points. First, an ideal of fair equality of opportunity in a post-genomic society commits us to the view that certain genetic interventions are *prima facie* required. Second, a non-discriminatory or affirmational view of disability makes some suppressive enhancements permissible, at least if reproductive freedom is assumed.

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