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The Clone Wars

Progressives may recoil at neoconservative bioethics—but they haven't offered an alternative paradigm.

THE CASE AGAINST PERFECTION: ETHICS IN THE AGE OF GENETIC ENGINEERING BY MICHAEL SANDEL • BELKNAP PRESS • 2007 • 162 PAGES $18.95

I recently presented an undergraduate class with this quotation: "Some day we will realize that the prime duty, the inescapable duty of the good citizen of the right type is to leave his blood behind him in the world, and that we have no business to perpetuate citizens of the wrong type." Most of the students attributed the quote to Adolf Hitler, and none guessed its actual author, Theodore Roosevelt. Seen through the prism of the Holocaust, "progressive eugenics" seems more like an unimaginable oxymoron, rather than the mainstream science policy of social progress that it was to so many early-twentieth-century reformers. Although Margaret Sanger did not apply her views to specific groups and abhorred Nazism, "planned parenthood" included the opportunity to reduce the transmission of undesirable traits through sterilization; in some cases, mental institutions sterilized retarded and mentally

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ill patients. And the deep imprint of these policies lives on: Several states have only recently issued formal apologies for all those thousands of lesser types they sterilized. Eugenic public-health practices rival Prohibition as the greatest success-turned-disaster in the history of American progressivism—all the more so because its history has been largely forgotten.

Liberalism is commonly understood as a willingness to throw off tradition and consider reforms that work to the end of advancing human rights. But progressivism connotes a more aggressive commitment to improvement. This impulse lay behind the enthusiasm for eugenics of many science-oriented progressives 100 years ago, amid the rush of excitement about the social implications of Darwinism. Today, there is similar excitement about the promise of biotechnology, with the important difference that there is now vastly greater understanding of underlying mechanisms, a raft of diagnostic capabilities, some capacity to manipulate genetic endowment, and the prospect of much greater control ahead. It is not just a question of who should give birth, but how. Such technologies promise to make great progress against genetic disease and birth defects. But if ensuring the predominance of the "best types" is not the goal, then what is? What is the modern progressive view of biotechnology? Considering their history, this is not a problem for progressives to take lightly.

Set against the progressive conundrum is a flurry of thinking on the right, particularly in neoconservative circles, about the ethical implications of biotechnology. The University of Chicago's Leon Kass has been writing about the issue for decades—it was he who, in the early 1970s, first began serious inquiry into the ethics of human cloning—and it was little surprise to see him and his compatriots dominate George W. Bush's Council on Bioethics in the early twenty-first century. By and large, however, Kass's circle has concerned itself with the dark portents of the modern life sciences, so much so that it offers little guidance to those who see at least some progressive potential in biotechnology.

Given the vast gulf between progressive and conservative thinking, then, the time is ripe for a philosopher to take on the issues of biotechnology. And in *The Case Against Perfection*—a short book that is really one lengthy essay on ethics and genetics followed by a shorter essay on embryonic stem cell research –Harvard's Michael Sandel does just that, attempting to develop a new position on biotechnology, one that, like Sandel himself, is not easily identified as either left or right. A former member of the President's Council on Bioethics, Sandel is uniquely well suited for this task, and to challenge the left to gets its bearings on the brave new biology.

Sandel is perhaps best described as a civic communitarian. His early work received attention as a within-the-liberal-family critique of John Rawls: As against

Rawls' famous "original position," Sandel emphasizes the intractability of actual historical and social ties that mainstream liberalism often downplays. his political philosophy valorizes a society built around the virtues associated with production, rather than the self-centeredness of consumption. What, then, does his notion of a republican community have to offer a progressive take on biotechnological innovation, and how does it differ from the neoconservative position?

Although conservative, or more precisely neoconservative, thinking is currently held to be in acute disarray, on the issue of bioethics neoconservative writers are vastly more coherent and comprehensive than are progressives themselves. In the lead are think tanks, academics, and, perhaps most visibly, several influential voices on the Council on Bioethics, including Kass.

As opposed to both traditional conservatives, who have little to say about values in science, and religiously oriented conservatives, whose trepidations are familiar to anyone who has seen "Inherit the Wind," the neoconservative critics of modern biology have a clear and straightforward message, one deeply informed by the experience of the cruelties the previous century wrought as well as by ancient wisdom. In a word, that message is hubris. They fear that while previous episodes of Promethean ambition have had dire but reversible consequences, emerging biotechnologies are so powerful that, by putting the nature of humanity in fallible and perhaps malicious hands, they threaten the very foundations of human dignity. The precise consequences are not always stated—and may not be predictable—but we all know how the road to hell is paved.

On the left, matters are more muddled. At the extremes, some activists fear that the vulnerable will either be exploited or left behind by those who have access to genetic improvement, while "transhumanists" welcome the opportunity the new technologies presents to deliberately shape the next stage of human evolution. In general, though, especially among classically oriented liberals, the tendency has been to depreciate the uniqueness of genetic interventions, whether the negative eugenics of genetic screening or the positive eugenics of selection for desirable traits, in favor of a class-based economic analysis. The familiar argument is that tennis lessons, math tutoring, and college-admission tests already seek to improve individuals or otherwise sort out the superior and lesser types, advantages closely tied to economic class. Even creepy appeals for the purchase of eggs from Ivy League undergraduates with certain scholastic and physical credentials are not, in the standard liberal account, different in kind from old-fashioned upper-class trawling for a "suitable" mate.

According to this storyline, the limits of interventions, genetic or not, are only reached if they inhibit a child's autonomy-based right to an "open future,"

a life direction that has not been determined by others. In effect, this is the left's response to the misdeeds of its eugenic past. Some, like the University of Wisconsin's Alta Charo, also hold the explicitly libertarian view that scientific inquiry is a form of speech, and that it is therefore entitled to the usual protections against censorship. They decry the alarmist science-fiction predictions used by those they view as anti-science, and they urge more care in hewing closer to what is reasonable and away from worst-case scenarios. By and large, this moderate left leans toward toughening the regulatory regime while wanting to protect scientific freedom. Such classically liberal positions are widely held, but they seem, to their critics at least, more a willingness to let whim, professional ambition, and market forces determine the course of humanity than an earnest attempt to come to terms with deep moral challenges. And, needless to say, they tell us little about what to do in the case that, in fact, one of the worst-case scenarios becomes reality.

If the new biology is indeed our destiny, we need to take it seriously, anticipate the consequences, and learn from our prior eugenic embrace.

Those progressives who believe these liberal views of biotechnology are inadequate include groups who identify with the "green" movement, whose philosophical roots are therefore kin to European leftists like Ulrich Beck. They fear a future dominated by wealthy families who can afford "designer babies," whose expensive prenatal alterations give them an added edge over their poorer fellow humans, further driving a wedge between the haves and the have-nots. And, despite the different philosophical presuppositions of these left-wing commentators from the New Right, their ultimate concern about the biotechnological threat to humanity is quite similar. Still others, including many on the left and the right (erstwhile neocon Francis Fukuyama is an interesting case in point), see no practical alternative to a regulatory regime, in spite of their misgivings about the prospects that regulation can adequately cope with what may be barely perceptible long-term trends rather than short-term risks.

These categories, however, only capture some progressives; by and large, the movement has yet to grapple with the overall issue. The most noteworthy attempt, Bill Clinton's National Bioethics Advisory Commission, reached a consensus that human reproductive cloning should not be permitted, due to the risks to the fetus and the mother. On a philosophical level, this was something of a dodge: Had it not been for the known problems reproductive cloning presents mammals, it is not clear that the Clinton commission would have agreed on anything. Compared with the sometimes apocalyptic but nevertheless stridently

serious language of neoconservative bioethics, such risk-benefit analysis seems a green-eyeshade approach to deep philosophical problems.

In the absence of a more philosophically thick progressive alternative, the President's Council on Bioethics clearly set the agenda for such discussions in the first Bush term. Created in the wake of, and primarily in response to, the controversy over the use of human embryos in stem cell research, the Council struck many bioethicists—a largely progressive fraternity—as a gift to right-wing ideologues and a missed intellectual opportunity. But at the end of the day, while the Council's leadership did not accomplish all that the president's conservative base may have wished, it did give secular, conservative bioethical voices far more visibility than they had before, and in doing so paved the way for a coherent conservative approach to bioethical questions.

The debate between the left and right over bioethics—or what passes for a debate—provides the background for *The Case Against Perfection*. And while specialists may find that Sandel's account fails to mine the extensive literature on ethics and genetics, he elegantly retraces much of that debate of the past several decades in order to derive a new approach to bioethical dilemmas. Sandel's sensitivity to the stem-cell issue has been enriched by his close relationships to both Kass and the distinguished biologist Douglas Melton, a sober advocate and practitioner of human embryonic stem-cell research. Indeed, his position between those two informs much of his writing on the issue. Where Melton is currently researching replacement pancreatic cells (an important weapon in the fight against Type 1 diabetes) and has developed his own embryonic stem-cell lines that are, thanks to Bush, ineligible for federal research funding, Kass steadfastly takes the opposite position, warning that such research indulges scientific arrogance and pushes the moral envelope beyond societal acceptance.

Though Sandel believes that work like Melton's should go forward, he is also wary of those who would give Melton free rein—though not because of a Kassian science-fiction scenario. Much of Sandel's approach to bioethics revolves around an Aristotelian appeal to the ends of human activities as indicators of appropriate limits on their modification. Thus he distinguishes between sport (for example, Olympic Greco-Roman wrestling) and spectacle (a WWE smackdown), where the former refers to excellence through effort and the latter to shock and awe. However fascinating one might find the home run–hitting capacities of bodies souped up with steroids, we should not confuse that with the game played by Babe Ruth. This is not an argument for prohibiting spectacle but an observation about the way excesses can distort an activity, and the need to distinguish the two.

Moreover, Sandel finds the standard autonomy-based, liberal view—which contents itself with assurances of an open future and the advancement of human equality through genetic interventions—lacking the depth the subject requires. After all, Jürgen Habermas argues that direct genetic manipulation fails the liberal test precisely because it violates the principles of autonomy and equality: Parents can shape their children's futures to an unacceptable degree. Sandel agrees, but thinks more is needed to understand the transgression of hyper-parenting. Drawing on the theologian (and fellow Council member) William May's notion of the "unbidden" as a special lesson of parenthood, he contends that if parents are in a position to choose more traits for their children, they will be excessively responsible for their children's fate. If children fall short, then, it is because their parents failed to make the right investment in some constituent of their design. No one would be self-made or expected to be. My limitations would be due to someone else's failure to outfit me completely or correctly. Sandel would therefore seem to draw a bright line between research with a therapeutic aim and cosmetic (if that's the correct word) procedures meant to enhance a perfectly normal child.

Sandel does, however, betray some bias toward Kassian pessimism by arguing that a society in which the contingency of talents is lost would also be one in which we will lose sympathy for those who are not so favorably endowed: "Perfect genetic control would erode the actual solidarity that arises when men and women reflect on the contingency of their talents and fortunes." This perhaps goes too far; human solidarity has long been in short supply, in spite of the pervasively accidental nature of our abilities. Would matters be markedly worse in a world rife with genetic remedies? Why wouldn't we be more, rather than less, inclined to human solidarity when it is so clear that one's inadequacies are not necessary or permanent, that our flaws are biologically based rather than the result of weakness of will or the evil eye? If all of us could, in principle, be genetically "improved," those less fortunately placed might elicit our sympathy as having been failed by those (their parents, their genetic engineers, or whomever) responsible for their design.

Of course, this whole way of thinking smacks of science fiction more than science, and it is fair to ask if public policy should be developed in light of anxieties that follow from only one of many possible distant futures. When I was growing up we were all supposed to be zipping around in flying cars by now. The technical capacity is there, but Jetson-mobiles just don't pay off. The same might turn out to be true of much genetic manipulation. Who can tell?

One experiences a sort of whiplash when one reaches the last part of this slim volume, an essay on the embryonic stem cell research debate. The grave consequences

of mucking around with human reproductive capacities are often closely associated with the concerns Sandel expresses earlier in the book about the eugenic road we might be traveling. However, it is hard to see how his approach to this particular issue has been informed by the cautionary position he presents in his first essay. Sandel rejects the view that embryos are persons, though he allows that they are special and therefore that the research should only proceed according to a strict regulatory regime. Using leftover embryos to produce pluripotent stem cells is consistent with this position, he concludes, and he insists that such a policy would not "necessarily" lead to "embryo farms" and other abuses. Yet what concerns the critics is not the inevitability of embryo farms but their empirical possibility. What exactly is meant by the term "embryo farm" is not clear, but those who object even to the use of excess embryos after donation by their progenitors surely fear the prospect that fertility clinics would themselves come to be seen as acres of convenient embryos. And they worry that somatic cell nuclear transfer (SCNT) or "cloning for research" would be made more likely if any permissive policies at all are installed concerning embryos, regardless of their location or destiny. In this they may well be correct, but it is not clear whether Sandel would find SCNT abusive or not.

One may not be persuaded that Sandel's complex position is coherent. But his may ultimately be the least-worst position currently available. While neoconservatives find the entire drift of the new biology disquieting, preferring to put matters in the hands of wise counselors rather than ambitious scientists and voracious biocapitalists, Sandel is more disposed to seek a natural balance in the context of particular cases. He plays Aristotle to Kass's Plato. Nevertheless, at the end of the day the implications of Sandel's traditionalism are not so far from that of Kass and other neoconservatives. Neither would leave science or the industrial interests behind them to their own devices. Both are deeply suspicious of the rise of consumer genetics.

Though Sandel is more permissive than the neoconservatives with regard to the domains that science may legitimately enter, presumably he would admit some intractable ambiguity in the appropriate moral response to the biotechnological questions that face us. As Aristotle warns the reader in his *Ethics*, one should not expect more precision in the analysis than the subject matter permits. Nonetheless, by integrating May's ideas of the "unbidden" and "giftedness" into a novel anti-liberal framework, Sandel poses an important challenge to contemporary progressives who have failed to grasp the importance of the emerging biopolitics. He helps us appreciate the central point that neoconservatives have championed: that if the new biology is indeed our destiny, we need to take it seriously, anticipate the consequences, and learn from the prior life-denying eugenic embrace. **D**