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Looking for the Kernel of Truth in Sandel's *The Case Against Perfection*

Sandel'in 'Mükemmeliyet'e Karşı Argümanlar'ındaki Doğruluk Payının Sorgusu

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Abstract: In his book, *The Case Against Perfection*, Michael J. Sandel has offered several reasons against biomedical human enhancements that would apply to all such enhancements. However, his views have been subject to forceful objections by Frances M. Kamm. The aim of this paper is to evaluate Sandel's position in light of his response to Kamm's critique to determine and articulate what, if anything, is worth preserving in Sandel's account in future thinking about enhancements.

Keywords: Human enhancement, personhood, Michael J. Sandel, Frances Kamm.

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Introduction

Thanks to rapid advances in the biomedical sciences, it will be possible to advance many more aspects of human biology in the near future. As our understanding of human genetics expands, using pre-implantation genetic diagnosis it will be possible not only to select for embryos free of more diseases, but also select ones with desirable traits.[1] Genetic engineering will enable even more direct intervention with the genetic makeup of future generations and ourselves. It will be possible to determine and alter our and our offspring's genetic makeup. [2] Genetic engineering will also make it possible to produce traits that do not currently exist. For instance, it might be possible to increase human muscle function and intelligence and strengthen human immune systems beyond their current range. By slowing down the cellular ageing process, human life can be radically extended. New pharmaceutical products can improve memory, mood, concentration, and athletic performance.[3]

What is the moral status of the application of emerging biomedical knowledge in genetics, neuroscience, pharmacology and physiology to enhance particular human behaviors, traits or features? Which enhancements are morally permissible? Are there enhancements that are morally required? These are questions we are going to have to squarely face in the future. Current philosophical reflection on these questions can prepare us for these future challenges. It can also guide current research policies. If there are enhancements that are morally impermissible, we may need to ban research on them, and if there are enhancements that are morally required, we may want to encourage them. Questions about enhancements are theoretically interesting too. Thinking about enhancements requires reflection on questions such as the grounds of moral status, the

[1] It is already possible to determine whether embryos have the genes for diseases such as cystic fibrosis, sickle cell disease, and Huntington's disease.

[2] In fact, He Jiankui, of the Southern University of Science and Technology in Shenzhen, China, has recently claimed to have successfully edited the genes of twin baby girls to make them resistant to HIV infection leading to outrage in the scientific community (Normille 2018).

[3] Again, there are already several drugs that offer enhancements in addition to their therapeutic use such as Ritalin, Prozac, Provigil, which allows people to go without sleep for longer periods of time, and Modafinil, which enhances memory. These drugs were developed for therapeutic purposes, but they also serve as enhancers (Bostrom & Sanbderg 2009, p. 331).

nature of well-being, our responsibilities towards future generations, the rights and duties of parents, personhood, and the moral significance of human nature.

We have the broad outlines of a liberal consensus on the conditions under which enhancements are permissible, which I shall present in the next section. However, as Sandel rightly argues, the liberal consensus fails to address the sense of unease many people feel when they consider enhancements. When we contemplate a future where "designer babies" are commonplace, and people routinely take prescription drugs to manage their cognitive lives and capacities, we feel a deep unease. It is at this point that Sandel's arguments against enhancements in *The Case Against Perfection* are relevant. Sandel's diagnosis is that the language of autonomy, fairness, and individual rights, which is the vocabulary of liberalism, fails to help articulate this unease. We should, instead, think about "the moral status of nature, and about the proper stance of human beings toward the given world" (Sandel 2007, p. 9). Insofar as we feel an unease when we contemplate enhancements, which the liberal position fails to capture, we need to consider Sandel's arguments with care.

Kamm has offered a forceful critique of Sandel's arguments. In response, Sandel has argued that Kamm's critique misses the point of his argument and presented a restatement of his views. In this paper, I will use one of the arguments Sandel offers in the restatement of his position as a springboard. I am critical of Sandel's arguments and think that Kamm shows he fails to establish the moral impermissibility of enhancements. Nevertheless, I shall seek to demonstrate in section 4 that his account contains the materials to articulate our unease on enhancements. I shall argue that unconditional openness to enhancements is incompatible with personhood and our resistance to certain enhancements is due, in part, to the fact that they would result in a loss of identity.

1. The Liberal Position

The liberal position on enhancements emphasizes five basic considerations: fairness, autonomy, individual rights, risks, and efficiency.[4] Let

[4] For helpful overviews see (Baylis and Roberts 2000; Buchanan, Brock, Daniels & Wikler 2000; Savulescu & Bostrom, 2009; Buchanan 2011).

us begin with risks. We need to be confident that the enhancements we are employing are safe. This can only be determined by experiments on human subjects. In order to be justified, experiments on human subjects need to have a reasonable risk-benefit ratio. When the alternatives under consideration are the certainty of a serious illness and an experimental procedure that can either cure the patient or make them even worse-off, the risk-benefit ratio can often be in favor of the experimental procedure. However, when the alternatives we are considering are normal functioning and an experimental procedure that may produce enhancements or harm the individual, the risk-benefit ratio is rarely likely to be in favor of the experimental procedure.[5] Therefore, ethical requirements of research on human subjects will impose more stringent restrictions on research on enhancements than on research on therapeutic procedures. In addition to the risks of the procedure, there is the risk that the procedure, even when successful, turns out to be harmful. For instance, we might develop a drug that enhances short-term memory, but discover that enhanced short-term memory interferes with other cognitive tasks.[6] Or consider an intervention that makes the population more altruistic. While this may seem like a moral improvement, altruism may not be an evolutionarily stable strategy.[7] In such a case the altruistic population can easily be taken over by a few selfish and aggressive agents thereby bringing about a morally bad outcome.

Routine violations of individual rights were one of the core evils of past eugenic programs. The wrongness of past eugenic practices was not only due to their mistaken empirical assumptions and their racial and class biases but also due to their coercive nature. Forced sterilization, which was employed by most, but not all, eugenic programs, is a horrible violation of reproductive freedoms. Another mistake of past eugenic practices was their imposition of a single vision of the good life on the population. Eugenics programs sought to promote a certain kind of person as the ideal. Instead of a centralized and coercive eugenics program, there should be individual freedom (Agar 1998; cf. Savulescu & Kahane

[5] Daniels offers this argument but seems to intend it to establish a much stronger conclusion than the one I have presented here (Daniels 2009, p. 38).
[6] This example is due to (Daniels 2009, p. 39).
[7] For a discussion of evolutionarily stable strategies and altruism see (Axelrod 1990).

2009). People should be allowed to decide the genetic enhancements they would like for their offspring or for themselves. There should be, as Nozick puts it, a "genetic supermarket" where individuals are free to choose, within certain moral and legal limits, the traits they would like in their children without imposition about which traits are desirable (Nozick 1974, p. 315).

The prospect of a genetic supermarket gives rise to worries about fairness. Wouldn't such a market ingrain existing inequality further? The rich would be able not only to offer better education and better care for their offspring, but also a better set of genetic traits. Therefore, there needs to be measures to counteract this prospect. Considerations of fairness also require making some interventions freely available. People's life prospects can be improved significantly by altering their genetic endowments. Genetic engineering can be used to bolster the prospects of people who would otherwise be at a disadvantage and promote equality of opportunity.

Considerations of autonomy and welfare figure prominently when we reflect on the traits parents are permitted to select for their children. It is presumed that the parents will act in the best interests of their child. However, when that proves, uncontroversially, not to be the case, measures to protect the child's interests need to be taken. Even when parents are aiming to act in the best interests of their child, their choices ought to be constrained by concern for the child's autonomy. As Buchanan and his co-authors point out, parents have a duty to respect the child's right for an "open future" (Buchanan, Brock, Daniels& Wikler2000 ,p . 170.(That is, parents have a duty to help their offspring develop their capacity for practical reason and to develop skills and capacities necessary for carrying out a wide array of life plans.

Finally, we should consider whether the enhancements are efficient. Some goods are positional: their value for the individual who possesses them depends on how one compares to others. For instance, in many societies, being tall seems to be a natural good that confers various social benefits. If one parent takes measures to make sure that their offspring is tall, this confers a benefit to the offspring. If, however, all parents take such measures, then their action is self-defeating, because it is not one's

absolute but relative height that confers advantages. Insofar as parents are interested in their children's height only for its competitive advantage their action will be self-defeating (Sandel 2007, p. 18). So, when considering specific enhancements, we ought to consider whether it is an effective means for the ends it is meant to serve.

The question of the effectiveness of enhancements raises another point that is worth mentioning. Whether some trait counts as an enhancement or a disability sometimes depends on how a society is organized. In certain cases, it may be more effective or more just to alter the organization of society rather than seeking to alter the physical constitution of individuals. When that is the case, social changes are preferable.

I would like to register two qualifications about my account of the liberal consensus on enhancements. Firstly, when one looks more closely at these different goals and constraints, and different kinds of enhancements, there are several value conflicts and hard choices. (For instance, how should we balance the reproductive freedom of individuals with concern for their offspring's welfare and autonomy when they come into conflict?) Therefore, even though the broad contours of a liberal account are available, it is not yet fully-worked out. As a corollary of this, there is much disagreement about how the specific concerns I have mentioned ought to be developed and what their comparative weights ought to be. I should also mention that not all liberal political philosophers subscribe to this account. For instance, Habermas seems to think that all genetic enhancements violate the autonomy of children (Habermas 2003, p. 63).

For my purposes, the relevant facts about the liberal position on enhancements are that these are the concepts the liberal framework brings to the table, and it does not see something wrong with all enhancements as such. Under certain conditions, enhancements can be morally permissible and even morally required.[8]

2. Sandel's Argument and Kamm's Objection

The liberal account seems to me to be correct, as far as it goes. Nevertheless, it misses something significant. There is an unease which, as

[8] For the argument that some enhancements are morally required see (Harris 2009; Savulescu & Kahane 2009). For a critical discussion of these views see (Sparrow 2009).

Sandel argues, the liberal account fails to address. Sandel's account might rectify this. According to Sandel,

> [T]he deepest moral objection to enhancement lies less in the perfection it seeks than the human disposition it expresses and promotes. . . The problem is in the hubris of the designing parents, in their drive to master the mystery of birth. . . [This disposition] deprives the parent of the humility and enlarged human sympathies that an openness to the unbidden can cultivate. (Sandel 2007, p. 46).

His later elaboration of this point makes it clear that the attitude he finds problematic is a stance towards the world. Parents who genetically engineer their child and people who enhance themselves partake in it:

> [E]ugenic parenting is objectionable because it expresses and entrenches a certain stance toward the world –a stance of mastery and domination that fails to appreciate the gifted character of human powers and achievements, and misses the part of freedom that consists in a persisting negotiation with the given. (Sandel 2007, p. 83).

Sandel's objection to enhancement, then, seems to be that it expresses a desire for mastery that is objectionable.

Kamm's thoughtful discussion of an earlier presentation of Sandel's arguments, begins by making pertinent distinctions between the different ways mastery can be desired. She observes that we can desire mastery as a means, or as an end in itself. Furthermore, when we desire mastery as an end in itself, it can be our only end, or one end amongst many others (Kamm 2005, p. 5).

When we desire mastery as a means for a good end, this is compatible with an appreciation of things outside our own will. It is not the case that such mastery "leaves us with nothing to affirm or behold outside our own will" as Sandel claims (2007, p. 46). After all, our interest in mastery is for ends which we affirm and behold. Desire for mastery as an end can also be compatible with "an openness to the unbidden" provided that mastery is one end amongst others. We would still be happy to receive goods that came without our efforts. Finally, even when the desire for mastery is one's sole end in life, this would not be enough to establish the impermissibility of conduct based on this desire. Kamm offers the follow-

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ing example to illustrate this point. Suppose there is a scientist who works on finding a cure for congenital blindness. His only motivation for carrying out this research is to achieve mastery over nature. Would this fact about his motivation make his action impermissible? This scientist may not be admirable, but his action is certainly permissible (Kamm 2005, p. 7).

3. Rethinking Sandel's objection

Following Kamm, we have looked at different ways one can desire mastery and seen that none of them can ground Sandel's conclusion that enhancements are morally wrong. Sandel offers a brief response to Kamm's objection that can help us understand Sandel's concerns better. According to Sandel, Kamm misunderstands his position. He is not claiming that the social costs of enhancements outweigh the benefits. Neither is he claiming that the people who make use of enhancements "are necessarily motivated by a desire for mastery, and that this motive is a sin no good result could possibly outweigh" (Sandel 2007, p. 96). Rather he is concerned with enhancement as "habit of mind and way of being" (Sandel 2007, p. 96). Neither the vocabulary of autonomy and rights, nor the calculation of costs and benefits can capture this worry.

Sandel thinks there are two major moral stakes. First, enhancement threatens human goods embodied in important social practices such as "norms of unconditional love and openness to the unbidden, in the case of parenting; the celebration of natural talents and gifts in athletic and artistic endeavors; humility in the face of privilege, and a willingness to share the fruits of good fortune through institutions of social solidarity" (Sandel 2007, p. 96). Second, the desire to change our nature involves a mistaken "orientation to the world that we inhabit, and the kind of freedom to which we aspire" (Sandel 2007, p. 96). Changing our natures is not "an exercise of freedom" but is actually "the deepest form of disempowerment", because we are "changing ourselves to fit the world, rather than the other way around" (Sandel 2007, p. 97).

The first problem Sandel identifies in his restatement of his view, which was also present in his first account, does not seem very promising for two reasons. The first reason is that these concerns *can* be incorpo-

rated into a cost and benefit analysis provided we do not take a too reductive view of costs and benefits. The second reason is that his argument rests on the dubious assumption that chance would not play a role in a world where enhancements are commonplace. For instance, Sandel claims that the well-off owe something to the less advantaged because the talents they have are not totally the results of their own doing and is a result of the "genetic lottery". The better off's sense of owing to the worse off, their sense of solidarity, is due to their recognition that their circumstances are partly due to fortune. Consequently, "perfect genetic control would erode the actual solidarity that arises when men and women reflect on the contingency of their talents and fortunes" (Sandel 2007, p. 92). This argument rests on the mistaken assumption that in a world of perfect genetic control, how people fare would not reflect luck. However, two equally endowed people could fare differently given other elements in life that are beyond their control. Similarly, even if parents could determine the genetic makeup of their children down to every detail, this would not amount to perfect control of their child's phenotype which is also influenced by the environment. Genetics is not everything. Chance would still play a role in a world where people had perfect genetic control (Buchanan 2011, p. 134). There would still be room for dispositions that Sandel values.

The second problem Sandel identifies seems more promising, because I think it is, at heart, a concern about personhood and identity, despite Sandel's positing of it in terms of freedom. Interpreting the concern Sandel identifies as one about personhood can explain why the vocabulary of rights and autonomy or cost-benefit analysis fails to articulate the unease Sandel identifies. Rights and autonomy are rights and autonomy of persons, and for that reason assume an account of persons. Insofar we are talking of costs and benefits for persons, talk of costs and benefits also assumes an account of persons.

Recall the second worry expressed by Sandel: Changing our natures is not "an exercise of freedom" but is actually "the deepest form of disempowerment", because we are "changing ourselves to fit the world, rather than the other way around" (Sandel 2007, p. 97). What is wrong with this attitude can be appreciated by looking at a serious problem with the

account of prudence provided by Philip Bricker. According to Bricker,

> On the one hand, prudence directs: Make the world conform to your preferences! On the other hand, prudence directs: Make your preferences conform to the world! These two principles of prudence are not independent of one another but represent two facets of a single phenomenon; they must be jointly coordinated by the agent so as best to achieve the prudential goal, the maximal satisfaction of preferences. (Bricker 1980, p. 382)

An agent fully committed to the maximal satisfaction of their preferences—whatever they happen to be—and did not discriminate between the two maxims of prudence put forth by Bricker, would be hard to identify as a person. They would be what Rawls aptly calls a "bare person". Such persons, Rawls observes, "are ready to consider any new convictions and aims, and even to abandon attachments and loyalties, when doing this promises a life with greater overall satisfaction, or well-being" (Rawls 1999, p. 382-3). To see the full implications of Bricker's view, consider the following hypothetical due to Arneson: I can give you a pill that will immediately change your tastes, so that instead of your current aims, desires and commitments, you will "desire only casual sex, listening to sectarian religious sermons, mindless work, and TV watching". You are also assured that taking this pill will increase your level of lifetime satisfaction (Arneson 2006, p. 15). According to Bricker's account, we should take this pill. I take this to be an effective *reductio* of Bricker's account.

My aim is not to score a point against desire-satisfaction theories of welfare, or to argue that they are wedded to a picture of the person as a bare person. My point is that our conceptions of ourselves and others as persons requires us to view certain aims, commitments, and values we have as, in some sense, unrevisable.[9] Therefore, we have an aversion to conforming *all* of our aims, commitments, and preferences to the world. A person who was willing to make such revisions would not have an identity.

We have seen that someone who had no qualms about changing any of their aspects to fit the world would be someone who does not have an

[9] For an enlightening discussion of the relationship between unrevisable commitments and identity see (Frankfurt 1988).

identity. Clearly, then, Sandel is onto something when he claims that changing ourselves to fit the world entails a form of disempowerment. In certain cases, when we effect such changes, we are losing ourselves. It is difficult to imagine a deeper form of disempowerment.

The observation that having an identity entails viewing some of our commitments and preferences as essential is not enough to secure the conclusion that Sandel wants. One obstacle in its way is that, it is people's aims, commitments and values rather than their physical attributes that is essential to their identity. The second obstacle is that we do not think of all of our aims, commitments and desires as essential. We recognize ourselves as the same person even when some of them have been replaced by others. Even if there is a way of overcoming the first obstacle and establishing that our sense of identity requires us to view some of our physical features as unrevisable, we cannot establish this for *all* of our features. Therefore, even if the first obstacle is dealt with, we will end up with a weaker conclusion than the one Sandel seeks. Namely, *some* enhancements are off the table for us. This not to say that they are morally wrong. Rather, they are changes we cannot contemplate making.

If some of people's current physical features–independently of their effects on their mental lives–were essential to their identity, there would be an obvious reason not to enhance those features. This is a difficult claim to establish. Let us assume that it is *only* people's aims, commitments, and values that is constitutive of their identity. Would there still be reasons against certain enhancements? There are such reasons. After all our mental life has a physical basis and altering that physical basis may alter our commitments and desires. Suppose, for instance, that you are considering whether you should take a pill that will raise your IQ to a level beyond the existing human range. You might legitimately worry that such a transformation of your mental capacities would alter your commitments and desires. Things you found deeply gratifying before the transformation may leave you cold. You might find that, after the transformation, it is thinking about the intricacies of number theory rather than playing with your daughter that gratifies you deeply. In such a case, you would have a reason not to take the pill. You would, in general, have reason not to make enhancements to your physical features or mental

capacities that you can reasonably expect will result in the loss of commitments and desires you see as constitutive of yourself. Which enhancements would have such an effect will, of course, vary from person to person.

Pushing a concern with identity to the fore when articulating our unease with enhancements also offers a way to reformulate Sandel's worries about solidarity. Recall that according to Sandel, enhancements undermine solidarity, because solidarity depends on "a lively sense of the contingency of our gifts" (Sandel 2007, p. 91). As people become responsible for how they fare thanks to enhancements, there is less room for solidarity. As I argued, this argument does not work, because even in a world where enhancements were commonplace, there would be many factors, which individuals cannot control, that affects how they fare.

There is, however, another way in which enhancements can undermine solidarity. Solidarity rests on a shared identity: one enjoys solidarity with people with whom one identifies with in a morally significant way. This shared identity may be inclusive –as in the case of solidarity with the whole of humanity—or it may be exclusive-as in the case of solidarity among people from the same locality. It can also be based on a variety of factors such as shared class position, shared experiences or shared vulnerabilities. Whatever this shared basis of solidarity happens to be, it needs to relate in morally significant ways to people's identities. To the extent that enhancements undermine these bases of shared identity, they can directly undermine solidarity. Moreover, the willingness to treat all aspects of oneself as revisable, which is one the dispositions Sandel is wary of, is incompatible with solidarity since solidarity depends on a firm commitment to act jointly with and share in the fate of the group one belongs to. Someone who has no firm commitments and acts in accordance with Bricker's maxims of prudence is not suited for solidaristic relationships.

Conclusion

In this article, I have conceded that, as Kamm argues, Sandel fails to establish the moral impermissibility of enhancements. Nevertheless, I have argued that he offers insights, which I have tried to develop in terms

of identity and personhood, that can guide our thinking about enhancements. Articulating Sandel's worry as one about identity and personhood clarifies the grounds of our unease in the face of enhancements that the liberal account cannot capture. It also explains why cost-benefit analysis, or the language of rights and autonomy fails to articulate our unease. However, this account does not establish that all enhancements are morally impermissible, or that everyone has reason to avoid the same enhancements.

Finally, I would like to point out one worry this argument leaves untouched. The account I have offered says nothing about enhancements on future generations. It assumes the existence of people with given identities. Perhaps, we might try to extend this argument to cover the case of genetic engineering of our offspring by arguing that we ought to make sure that our offspring share some of our concerns, which we view as essential to our identity. Whether such an extension is plausible and whether it is compatible with respecting the autonomy of our offspring is a further question.

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Öz: Michael J. Sandel, *The Case Against Perfection* adlı kitabında insanları tedavi etmeyi değil onları geliştirmeyi amaçlayan tıbbi ve genetik müdahalelere karşı itirazlar sunmaktadır. Sandel'in görüşleri Frances M. Kamm tarafından kuvvetle eleştirilmiştir. Bu makale Sandel'in görüşlerini Kamm'ın itirazlarına verdiği cevap ışığında yeniden değerlendirmekte ve Sandel'in görüşlerinde bu konuda düşünürken hala yol gösterici unsurlar olup olmadığını araştırmaktadır.

Anahtar Kelimeler: Biyomedikal geliştirme, kişilik, Michael J. Sandel, Frances Kamm.