

LIBERAL PERSPECTIVES ON MORAL ENHANCEMENT

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ABSTRACT

Baccarini's excellent treatment of the political and societal implications of various uses of enhancement technologies is grounded in the Rawlsian tradition. This short discussion focusses on one kind of enhancement—moral enhancement—and examines three different versions of liberal views with regards to moral enhancement, perfectionist liberalism, political liberalism, and liberal equality. It is argued that perfectionist versions of liberalism would consider society-wide moral enhancements a legitimate policy option as long as they are so modest that they do not impede autonomy or pluralism. Political liberalism, in contrast, cannot support society-wide enhancements because it is grounded on respect for persons—persons, that is, which might not share a single comprehensive doctrine. Political liberalism cannot generally oppose individual moral enhancements, whereas perfectionist liberalism could support state-driven enhancements while suppressing severe forms of individual enhancements. The third view, Dworkin's liberal equality, is also opposed to state-driven moral enhancements. While it is perfectly fine to try to convince people to change their ethical views, ethical choices must not be restricted politically. The discussion of three versions of liberalism shows that there is no easy answer to the political virtues or vices moral enhancement technologies.

KEYWORDS

Moral enhancement; perfectionist liberalism; political liberalism; liberal equality; autonomy; democratic theory

In his book *In a Better World? Public Reason and Biotechnologies* Elvio Baccarini discusses a very wide range of issues concerning biotechnological changes of humans from the point of view of John Rawls's idea of 'public reason' (Baccarini 2015). Roughly, the idea of 'public reason' is that public policies are legitimate only when they can be rationalized through a certain kind of reasons, namely reasons that all citizens can reasonably be expected to accept under conditions of equal liberty (cf. Rawls 2005; Baccarini 2015, chap.

1). Baccharini's book, thus, takes a perspective that is mostly absent from discussions of biotechnologies in applied ethics, which are solely concerned with moral questions, focusing on individuals and their actions. The use of some of the emerging biotechnologies, however, also has, or would have, political implications. Baccharini's book is an excellent treatment of such political implications prompted by the ample challenges of biotechnologies.

My short discussion cannot do justice to Baccharini's ambitious project of bringing Rawlsian ideas to bear on biotechnological issues. I shall focus on just one aspect of this rich book, namely on the discussion of biomedical *moral* enhancements (Baccharini 2015, chap. 6; see also Baccharini 2014). Proponents of moral enhancement propose very different things. Some, such as Tom Douglas, make the very modest claim that voluntary moral desirability enhancements—biomedical interventions that augment the moral desirability of character traits, motives, or conduct—are often permissible (Douglas 2015; Douglas 2008). Others, such as David DeGrazia, argue that such moral enhancements are often desirable (DeGrazia 2014). Still others, most prominently Ingmar Persson and Julian Savulescu, argue that it is imperative to pursue the development of such enhancements (Persson and Savulescu 2014; Persson and Savulescu 2012; Persson and Savulescu 2013; Persson and Savulescu 2015).

Some of these claims clearly target the individual, but some also expand into the political sphere (cf. Sparrow 2014; Paulo and Bublitz 2016; Schlag 2016; Wiseman 2016). Most arguments for moral enhancement start from the assumption that every change that helps people conform to widely accepted moral rules—and, thus, to show good behavior—is desirable. Since moral insight and moral motivation tend to contribute to such conformity, changes in moral insight and moral motivation are desirable. Even on this simplistic picture, there are at least three levels of moral enhancement that deserve attention separately: the enhancement of insight (or beliefs), motivation, and behavior. There are at least two further levels of moral enhancement that are currently not sufficiently separated, namely the enhancement of a consenting individual and moral enhancement as a policy (suggested or compulsory). Following Persson and Savulescu, Baccharini adds the question whether research into moral enhancement should receive public funding. Many proponents of moral enhancement start their arguments by discussing enhancements of consenting individuals that help them to overcome dispositions they themselves regard as obstacles to what they really want; the conclusions, however, often play on the policy level. That is, they start from the

easiest case and draw conclusions for the most problematic level of moral enhancement.

The current debate on moral enhancement is still very much focused on the effectiveness of the proposed enhancements (Are there reliable means to make people morally better?), the concept itself (What does “making people morally better” even mean?), and on its compatibility with common understandings of freedom (cf. Beck 2015; Raus et al. 2014; Harris 2011; Harris 2012; Powell and Buchanan forthcoming). Baccarini very ably outlines these discussions, but then broadens the debate significantly when he investigates the implications of moral enhancement for the political realm, for the hard cases, so to speak. In what follows, I will briefly discuss how different forms of liberalism would conceptualize the problems the use of moral enhancement technologies would bring for the political sphere. The discussion is, thus, inspired by Baccarini’s Rawlsian take on the issue, but looks for liberal arguments for and against moral enhancements beyond ‘public reason’.

POLITICAL AND PERFECTIONIST LIBERALISM

Most views in the liberal tradition of political philosophy rely heavily on the individual, its participation in the political process, its individual interests, and its decisions on private and public matters. These views not only emphasize respect for persons, they are built on it. An important debate within the liberal tradition is the one between political liberalism and perfectionist liberalism. Perfectionist liberalism is a version of liberal thought that bases political principles on comprehensive doctrines about human life, both in the social as well as in the private sphere (Nussbaum 2011, 5). A prominent proponent is Joseph Raz (Raz 1986; Raz 1988). In contrast, political liberalism, famously championed by John Rawls, is a version of liberalism that is not built on such comprehensive doctrines (Rawls 2005). The main difference between the two versions of liberalism is whether or not ethical pluralism is considered an uncontested value. Perfectionists assume that it is and draw a line between ethical pluralism, autonomy, and liberalism; political liberals deny this assumption. The value of pluralism is rationally contested, as a view on the major world religions shows. Political liberals, thus, face a harder task when arguing for a certain conception of political morality and societal organization. Whereas perfectionists can design a society that best promotes their respective comprehensive doctrines, political liberals can only rely on a very small basis, namely a kernel of assumptions reasonable persons can accept despite

their differences regarding comprehensive doctrines (one of which is the value of pluralism).

Perfectionist liberalism assumes to be standing on solid ground and finds it easier to justify serious policy measures that might cause fierce opposition by minority groups. It is a liberalism by and for a certain group of people—namely those who value autonomy and pluralism (which might be rejected by, say, devout Christians). In Raz's words: 'it is the function of governments to promote morality. That means that governments should promote the moral quality of the life of those whose lives and actions they can affect... I wish to propose [an understanding of the harm principle], according to which it is a principle about the proper way to enforce morality. In other words I would suggest that the principle is derivable from a morality which regards personal autonomy as an essential ingredient of the good life, and regards the principle of autonomy, which imposes duties on people to secure for all the conditions of autonomy, as one of the most important moral principles' (Raz 1986, 415). Along these lines, perfectionists might feel relatively at ease to administer moral enhancers, if this seems to be an option feasible to protect their values. But, at first glance, two limitations seem to be obvious: autonomy and pluralism. These are perfectionist liberalism's grounding values. Where moral enhancement impedes either of these, perfectionists would presumably oppose the measure. Therefore, perfectionists could well live with many modest forms of moral enhancement that contribute to (or at least do not undermine) their values. But they would oppose moral enhancements that either call into doubt individual autonomy, or that yield too homogeneous a society.

However, one uncertainty remains—perfectionists seem to share a crucial belief with some proponents of moral enhancement, namely that '[a]utonomous life is valuable only if it is spent in the pursuit of acceptable and valuable projects and relationships. The autonomy principle permits and even requires governments to create morally valuable opportunities, and to eliminate repugnant ones' (Raz 1986, 417). And further, '[t]he ideal of autonomy requires only the availability of morally acceptable options... A moral theory which recognizes the value of autonomy inevitably upholds a pluralistic view. It admits the value of a large number of greatly differing pursuits among which individuals are free to choose' (Raz 1986, 381). It is, thus, not just any form of autonomy that grounds perfectionism; not every autonomous act is equally sacred. Valued are only those autonomous acts that are of instrumental importance for the pursuit of a limited range of options for a good life—and these limitations are again based on autonomy. They are legitimate if and only if they are necessary to protect the autonomy of other

people affected by the act, which is determined by the harm principle. Autonomy is thus conditional on the choices people make. 'A murderer who was led to his deed by the foreseen inner logic of his autonomously chosen career is morally worse than one who murders because he momentarily succumbs to the prospect of an easy gain' (Raz 1986, 380). Yet, what exactly determines the moral worth of people's choices remains somewhat unclear.

Perfectionists such as Raz are in a strange position with respect to the option of moral enhancement as a policy measure. Governments ought to promote the moral lives of their citizens, as long as this promotion remains non-coercive. Governments thus must not use coercive moral enhancement measures, even if this would promote overall morality or autonomy or pluralism. Yet, a perfectionist government could advocate for the voluntary administration of moral enhancers; it seems that they could also promote to intensify research into the prospects of moral enhancement technologies.

In contrast, political liberalism's grounding notion is respect for persons, which is inspired by the Kantian idea of dignity, i.e. of how to treat and regard persons (cf. Larmore 2005). It is because of this notion that proponents of political liberalism cannot rely on contested comprehensive doctrines. Neither can they rely on powerful values when deliberating about policy measures such as society-wide moral enhancements. Political liberals agree that disagreements about value, unlike scientific disagreements, remain contested—there simply is no factual matter or anything else that could be removed easily such that the disagreement about value would vanish. Disagreement about values is a fact, I should add, under conditions of freedom. Where freedom is suppressed, agreement is possible. This is probably what some proponents of moral enhancement policies have in mind. Persson and Savulescu (2014), for instance, argue for certain limitations of freedom and society that would not satisfy the Rawlsian understanding of a free society. Moreover, the proponents of moral enhancement cannot rely, as they do from time to time (see, e.g., DeGrazia 2014), on the Rawlsian notion of an overlapping consensus. Doctrines that, like some versions of moral enhancement, do not accept basic ideas such as respect for persons cannot be part of the overlapping consensus. In that context Rawls (Rawls 2005) specifically mentions doctrines that reject democratic freedoms, which some proponents of moral enhancement seem to put in jeopardy.

The flip side of this notion of respect for persons is that political liberals can hardly oppose the individual use of moral enhancement, for example when a criminal offender agrees to being treated in return for a shorter sentence. Political liberals cannot even rely on autonomy as an untouchable

value. Some people decide not to live lives that are in any strong sense autonomous—they might decide to follow a religious leader, a family patron, or they might enhance themselves morally to a degree that deeply changes their beliefs, intuitions, or reasoning. Another matter is the moral enhancement of the competent judges whose job it is to reason about the basic structure of a well-ordered society. These judges are competent because they show certain skills, not because they have certain moral beliefs. If they would be morally enhanced in a substantial sense the whole procedure would lose its point (for a discussion of non-substantial enhancement in a similar setting see Schaefer and Savulescu 2016).

Summing up, in perfectionist versions of liberalism, society-wide moral enhancements are considered a legitimate policy option as long as they are so modest that they do not impede autonomy or pluralism. Political liberalism cannot support society-wide enhancements because it is grounded on respect for persons—persons, that is, which might not share a single comprehensive doctrine, not even regarding the value of autonomy. The upshot is that political liberalism cannot generally oppose individual moral enhancements, whereas perfectionist liberalism could support state-driven enhancements while suppressing severe forms of individual enhancements.

The upshot might look confusing. What it should encourage, though, is the insight that moral enhancement on the various levels mentioned above are not isolated measures, but need to fit into a broader picture that includes political philosophy, in particular the influential contemporary political philosophies, two of which I have just sketched. As these two liberal political philosophies give quite different responses to the question of moral enhancement, I shall briefly explore a third liberal view, namely Ronald Dworkin's liberal equality, which has been developed to combine insights from perfectionism as well as from political liberalism.

DWORKIN'S LIBERAL EQUALITY

Dworkin set himself the task to overcome political liberalism's detachment between individuals' personal normative beliefs and the political sphere they are supposed to support in a liberal vein while, at the same time, not following the perfectionists in presupposing certain substantial values that are reasonably contested. His model is one that emphasizes continuity between personal ethics and politics. A good political philosophy must cohere with a personal ethics. It is for this reason that the principles of Dworkin's well-known

early political morality mirror the basic ethical principles as developed in his late work.

Dworkin contends that we do not value democracy as a function of majority rule (Guest 2012, 114 ff.; Dworkin 1986; Dworkin 2011, 364 ff.). It is not a mere statistical readout of what people want. Instead, we treat it as a value. In his understanding of political morality, democracy is the form of government, the set of political structures and practices, that recognizes two basic principles—that each person must be treated as of equal objective value, and that each person must be treated as being herself responsible for determining the measures for and pursuing success in her own life. Democracy is a value if it yields a distribution of political power that promotes these two principles, because this would best limit coercive state interferences with private lives. And only this would respect the authenticity of peoples' lives

It is clear that his view of democracy is ultimately aimed at the protection of individuals of equal moral worth; political structures are made for the people, not vice versa. Such a rights-based view is quite far from a consequentialist view that thinks in instrumental terms about ideal states, where it is perfectly conceivable to contemplate about changing citizens through biomedical means in order for them to conform to this ideal. Dworkin is as far from an instrumental understanding of democracy as one can be. For example, the right to free speech is a right that protects the speaker to speak her mind; it is not based on the instrumental need of the public to gather as many information as possible in order to make the most informed decision.

What, then, is Dworkin's idea of a democratic system that is best suited to achieve these goals? It is a democracy that follows three main principles, participation, stake, and independence, which together form his 'partnership conception' of democracy (Dworkin 2011, 382 ff.). The participation principle demands a certain say in community affairs, which shall not be restricted by assumptions about merit or ability. This principle grounds the protection of free speech and of other political liberties. The principle of stake requires a form of reciprocity between the citizens and those in power that makes it meaningful for the former to regard the community as theirs. That is, the powerful must respect the people as equal instead of showing partisanship or prejudice. The principle of independence demands that government leave it to the individual how to think about politics and ethics. It is the individual's right (and responsibility) to form her ethical and political convictions and to live up to these; the principle of independence prohibits the state enforcement of morality and thereby protects privacy. Democratic government must not interfere with a person's convictions or judgments, and neither with her living

after these convictions or judgments (obviously in the usual boundaries of the rights of others). Only when government provides this kind of independence it can reasonably expect people to take their collective responsibility seriously. And, as the late Dworkin has argued, the citizens need such a government in order to live a good life. It is precisely because the personal ethical and the social political sphere are interrelated that Dworkin believes that people will support liberal democracy.

Dworkin's conception of personal ethics mirrors some of the values and principles touched upon in his political philosophy. In defending his 'challenge model' of ethics against the 'impact model' he asserts that ethical value does not lie in the impact (or consequences) something has. The best consequences are ethically meaningless when they were brought about by a person who does not truly endorse the action as when she has been forced into doing this or that. '[I]t is performance that counts, not mere external result, and the right motive or sense is necessary to the right performance.' Ethically valuable actions must be genuinely endorsed; 'endorsement must be genuine, and it is not genuine when someone is hypnotized or brainwashed or frightened into conversion. Endorsement is genuine only when it is itself the agent's performance, not the result of another person's thoughts being piped into his brain' (Dworkin 2002, 269). Dworkin would, thus, not only oppose state-driven moral enhancements. He even argues against non-medical paternalistic means that would amount to a limitation of options from which to choose how to live one's life. It is perfectly fine to try to convince people to change their ethical views. But ethical choices must not be restricted politically (Dworkin 2002, 272 ff.). What is ethically valuable is that people live by the ethical values they regard as right for them—this value cannot be achieved by choosing from a restricted list of options others regard as valuable.

As this brief discussion has shown, liberals of different stripes have different arguments for and against the use of moral enhancements. This is probably not surprising. But it reiterates the point, made in the introduction to this article, that the political implications of the use of moral enhancements deserve much more attention than they have received in the debate so far. Baccarini's excellent treatment of the issue is one of the rare and valuable exceptions.

BIBLIOGRAPHY

- Baccarini, Elvio. 2014. 'Public Reason and Moral Bioenhancement'. *Ethics & Politics* 17 (2): 1027–41.

- . 2015. *In a Better World? Public Reason and Biotechnologies*. Rijeka: University of Rijeka.
- Beck, Birgit. 2015. 'Conceptual and Practical Problems of Moral Enhancement'. *Bioethics* 29 (4): 233–240.
- DeGrazia, D. 2014. 'Moral Enhancement, Freedom, and What We (Should) Value in Moral Behaviour'. *Journal of Medical Ethics* 40 (6): 361–368.
- Douglas, Thomas. 2008. 'Moral Enhancement'. *Journal of Applied Philosophy* 25 (3): 228–245.
- . 2015. 'The Morality of Moral Neuroenhancement'. In *Handbook of Neuroethics*, edited by Jens Clausen and Neil Levy, 1227–49. Springer Netherlands. doi:10.1007/978-94-007-4707-4_92.
- Dworkin, Ronald. 1986. *Law's Empire*. Cambridge, MA: Harvard University Press.
- . 2002. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.
- . 2011. *Justice for Hedgehogs*. Cambridge, MA: Harvard University Press.
- Guest, Stephen. 2012. *Ronald Dworkin*. 3rd ed. Stanford: Stanford University Press.
- Harris, John. 2011. 'Moral Enhancement and Freedom'. *Bioethics* 25 (2): 102–111.
- . 2012. 'What It's Like to Be Good'. *Cambridge Quarterly of Healthcare Ethics* 21 (3): 293–305.
- Larmore, Charles. 2005. 'Respect for Persons'. *The Hedgehog Review* 7 (2): 66–76.
- Nussbaum, Martha C. 2011. 'Perfectionist Liberalism and Political Liberalism'. *Philosophy and Public Affairs* 39 (1): 3–45.
- Paulo, Norbert, and Christoph Bublitz. 2016. 'Pow(d)er to the People? Voter Manipulation, Legitimacy, and the Relevance of Moral Psychology for Democratic Theory'. *Neuroethics*, 1–17. doi:10.1007/s12152-016-9266-7.
- Persson, Ingmar, and Julian Savulescu. 2012. 'Moral Enhancement, Freedom and the God Machine'. *The Monist* 95 (3): 399–421.
- . 2013. 'Getting Moral Enhancement Right: The Desirability of Moral Bioenhancement'. *Bioethics* 27 (3): 124–131.
- . 2014. *Unfit for the Future: The Need For Moral Enhancement*. Oxford; New York: Oxford University Press.
- . 2015. 'The Art of Misunderstanding Moral Bioenhancement: Two Cases'. *Cambridge Quarterly of Healthcare Ethics* 24 (1): 48–57. doi:10.1017/S0963180114000292.
- Powell, Russell, and Allen E. Buchanan. forthcoming. 'The Evolution of Moral Enhancement'. In *The Ethics of Human Enhancement: Understanding the Debate*, edited by S. Clarke, Julian Savulescu, and C.A.J. Coady. Oxford; New York: Oxford University Press.

Raus, Kasper, Farah Focquaert, Maartje Schermer, Jona Specker, and Sigrid Sterckx. 2014. 'On Defining Moral Enhancement: A Clarificatory Taxonomy'. *Neuroethics* 7 (3): 263–273.

Rawls, John. 2005. *Political Liberalism*. New York: Columbia University Press.

Raz, Joseph. 1986. *The Morality of Freedom*. Oxford; New York: Oxford University Press.

———. 1988. 'Autonomy, Toleration, and the Harm Principle'. In *Justifying Toleration*, edited by Susan Mendus, 155–75. Cambridge: Cambridge University Press.

Schaefer, Owen, and Julian Savulescu. 2016. 'Procedural Moral Enhancement'. *Neuroethics*. doi:10.1007/s12152-016-9258-7.

Schlag, Stefan. 2016. 'The Tragedy of Biomedical Moral Enhancement'. *Neuroethics*, 1–13. doi:10.1007/s12152-016-9284-5.

Sparrow, Robert. 2014. 'Egalitarianism and Moral Bioenhancement'. *The American Journal of Bioethics: AJOB* 14 (4): 20–28. doi:10.1080/15265161.2014.889241.

Wiseman, Harris. 2016. *The Myth of the Moral Brain: The Limits of Moral Enhancement*. Cambridge, MA: MIT Press.

GENETIC INTERVENTIONS AND JUSTICE

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ABSTRACT

In his book *In a Better World? Public Reason and Biotechnologies* Elvio Baccharini employs public reason argument to justify legitimate use of genetic interventions. According to his argument policies of genetic interventions are legitimate if and only if they (i) correct generally recognized genetic impairments and disabilities; (ii) add talents without removing other talents; and (iii) enhance given or added talents without removing any other. In my discussion I find third requirement problematic. But, even if there is suitable public reason answer to this worry I believe that it still has problems connected to justice of such policies if they will be only affordable to higher classes of society. I claim that in these circumstances we have good reasons to ban such interventions. I try to argue that this ban is not the form of levelling down objection; that these policies will endanger social bases of self-respect and that we have good reasons to believe that if such technologies are available the scope of distributive justice changes to include distribution of talents.

KEYWORDS

Elvio Baccharini; genetic interventions; genetic enhancement; self-respect; levelling-down objection; distributive justice

It is a great privilege to have an opportunity to discuss Baccharini's book *In a Better World? Public Reason and Biotechnologies*.¹ This book, concerning issues it raises, is a pioneering work. Here we have many biotechnological topics (such as genetic interventions, cloning, extension of human lifespan, and bioenhancement) evaluated from the point of view of public reason liberalism in one place. It is thus a great contribution to bioethics and to political philosophy. It also presents how these two areas greatly overlap and enrich each other. In this paper, I will focus mainly on political philosophy. Baccharini's book presents answers of liberal theory to possible (and probable)

¹ Baccharini, E. (2015) *In A Better World? Public Reason and Biotechnologies*. University of Rijeka, Rijeka. All page references in parenthesis refer to this work.

developments in biotechnologies. I believe this is very important because it reaches to the core of liberal conceptions of justice, of what liberal conception of justice takes as given, what it strives to change and what it considers a part of its own ideal. What I have in mind are what Rawls following Hume calls circumstances of justice – scarcity of natural resources and a fact of permanent pluralism (Rawls 1999, 109-110). Thus, we have to arrange just world in circumstances where we have to distribute goods that are limited and we have to do it by respecting deep and irreconcilable disagreement on values. Baccharini's book shows in what way these two facts should be distinguished. The fact of scarcity of natural resources is given, but if possible it should be overcome. For this purpose, we use and develop biotechnologies, to overcome some inner limitations of our given nature. But, the fact of pluralism is not something that should be overcome. In contrast to natural limitations, fact of pluralism is a part of ideal liberal theory. No matter how strongly we strive to overcome scarcity in natural resources, we should always keep in mind that this has to be worked out by respecting pluralism of conceptions of good to which persons in this world of abundance will adhere to.

For this reason, Baccharini decides to justify policies that allow or forbid use of biotechnologies by the idea of public reason. It requires that in justifying policies and laws we should appeal only to political values that can be presented as public reasons and to forms of reasoning found in common sense. Also, according to Baccharini, we can, in certain circumstances, use scientific beliefs even if they are considered to be controversial in a sense that there is no full scientific consensus on their truth (18). This strikes me as one of the important contributions of this book to Rawlsian public reason view because this issue – place of science in public justification – has not been much discussed.

Baccharini's great contribution to discussion about public reason is his account of wide scope of public reason. According to this view, we should use public reason view of justification "to all decisions on public laws and policies and not solely to constitutional essentials" (14). In his approach, he also accepts certain elements of Colin Farrelly's and Jonathan Wolff's contextualism. They emphasize that when defending certain policies, philosophers should take actual beliefs of agents seriously, as well as empirical data and all other important details that can help us start from where we are and not from a certain set of ideal circumstances. This implies, I believe, that we can use public reason justification to justify particular policies in actual circumstances which are usually very far away from just basic structure of society. In other words, it seems to me that Baccharini accepts a view according

to which we must justify lower level policies in line with public reason even though higher level institutional scheme (basic structure) is not arranged according to the principles of justice (I have in mind primarily the difference principle or some other principle of economic reciprocity). This view distinguishes him from other public reason liberals. For example, John Rawls drew a parallel between public reason and principles of justice. They are both selected under the veil of ignorance and so there is no point in separating them. Furthermore, Rawls thought that public reason should apply only to constitutional essentials and matters of basic justice, allowing that in ordinary politics we can appeal to more perfectionistic values. Another important philosopher in Rawlsian public reason tradition, Jonathan Quong, argues the same as Baccharini, that public reason justification applies to ordinary politics as well (Quong 2011). However, contrary to Baccharini, he holds that principles of justice must be justified first by the same political values that give content to public reason. He defends public reason in circumstances of ideal constituency of fully reasonable citizens abstracting from beliefs of actual citizens. Thus, even though Quong goes further than Rawls in widening the scope of public reason, the first step in his justificatory structure is basic structure and description of citizens to whom such justification is directed. Baccharini's approach, by following Farrelly and Wolff, bypasses idealization of citizens in well-ordered society but also a requirement to arrange the basic structure according to principles of justice first, in order to apply public reason justification. In other words, Baccharini's approach is that we can have requirements of public reason in actual social arrangements and defend public reason as part of well-ordered society. This approach has some appeals in context of issues he raises. When confronted with new technological possibilities, we must find theoretical apparatus of justifying new policies. We simply do not have time to change the basic structure. And if the best justification is public reason justification, then Baccharini tries to use it in approaching these new issues. In discussing most biotechnological issues, it is evident that his approach has certain advantages over discussions of such issues in ideal circumstances. However, this should be a critical discussion, so I will focus on one issue where I do not believe his approach has advantage over the approach that focuses on the arrangement of basic structure first and only after basic structure is justly arranged, on particular policy. The issue I have in mind is discussion of legitimacy of possible technologies of genetic intervention (GI) and genetic enhancement (GE).

First, I will briefly present possible general problem for Baccharini's approach which I think can be presented in the form of the *problem of the*

second best. Then, I will focus on certain worries I have with Baccarini's discussion of legitimacy of GE/GI policies.

Baccarini's approach, as already said, takes one element, that is, public reason justification, to be operative, without first satisfying another requirement usually taken to go with it, and that is a requirement of just basic structure. There is a possible danger that this approach could take a form of the problem of the second best – "The problem of the second best, in general terms, is the fact (when it is one) that when one number of desiderata is not satisfied, the other desiderata are no longer appropriate" (Estlund 2008, 190). As an example of this problem, we can take Rawls's discussion of taxation. Rawls argues for avoiding income taxation and instead adopting expenditure tax (Rawls 2001, 161). But his argument should be clearly understood in context of well-ordered society where the difference principle is satisfied at a level of basic structure primarily by dispersion of wealth and property. Accepting his argument in actual circumstances in which basic structure is not arranged according to the difference principle would bring even more injustice than there is now. This is the reason why we should not apply the difference principle to every policy in isolation but "to meet the difference principle once the whole family of policies is given" (Ibidem). It seems to me that this can be problematic when applying requirements of public reason primarily concerned with pluralism of conceptions of good as one aspect of egalitarian liberal theory in situation in which social arrangement is far from satisfying distributive justice as another aspect of egalitarian liberal theory. Of course, this is the case only if the policy we are trying to justify has impact on both pluralism and egalitarianism. Policies concerned with GI/GE are precisely that kind of policies. Thus I believe that if we focus solely on public reason argument in order to justify such technological interventions and conclude that this policy is justified even in our actual circumstances, we fall into the problem of the second best. We satisfy one desiderata of well-ordered society (public reason) but this can move us even further from the achieving well-ordered society, because other desiderata (egalitarian basic structure) are not satisfied. As already said, my worry with Baccarini's discussion of GE is that it can be presented as such problem.

First, I will raise some worries I have with justifying GE to its recipients. Baccarini's first aim is to justify GI to recipients of such technologies. This justification concerns only the idea of reasonable pluralism of conceptions of good. Namely, can GI endanger autonomy of a recipient in a sense of her capacity to form and revise her conception of good? I agree with Baccarini that parents do not have the right to prenatally manipulate their children in a sense

of making certain reasonable conceptions of good unavailable to them. For example, I believe Baccharini would agree that if there is a possibility that parents genetically (or hormonally) intervene in sexual orientation of their children, it should be forbidden because it directly influences an important aspect of autonomy of a future free and equal citizen. In this case it is better to be under the influence of natural lottery (which is outside of the scope of justice) than to be modelled by someone's perfectionistic reasons that are reasonable to reject (which can be a clear instance of injustice). It is important to note that Baccharini is not concerned with a question of what parents are morally justified to do or not to do to their children, but more importantly, with what is society obligated to allow or forbid by law that parents can do to its future citizens. I accept his answer to this question – “genetic engineering is legitimate if, and only if, it is used (i) in order to eliminate some generally recognised disabilities; and (ii) in order to add talents without eliminating other talents” (61). In this way we avoid drastic conclusion that everything that is given by natural lottery, including disabilities, should be respected, but we also do not intervene in changing what is given, but are simply adding new potentials. I agree with him that this is justified by public reason. If the ideal to which public reason strives is freedom in forming reasonable conception of good, then there is no reason to exclude intrapersonal expansion of available options by adding more talents or by removing obstacles of natural lottery in realizing desired conception of good, if the technologies should be available. It seems to me that what also follows from Baccharini's discussion is that he accepts the third requirement for legitimacy of genetic engineering as well, and that is that beside eliminating disabilities and adding talents it is also legitimate to (iii) enhance given talents or enhance added talents without eliminating other. I find it that he accepts this requirement because he also talks about “super-Jordans” and “super-Einsteins” (79). But, this third requirement can raise certain problems that former two avoid. Namely, what happens if parents decide to enhance desired added talent that will thus be much stronger than naturally given talents of the recipient? It seems to me that in this case recipient can complain that injustice has been done because she was modelled according to perfectionistic reasons of her parents. She was modelled because, in this case, talents were not simply added to expand options but they were rather formed according to someone else's desires and values.² Recipient can reasonably complain why *this particular* talent or trait

² Baccharini also points out, I think correctly, that we cannot make analogy between modelling we cannot avoid, such as choosing school or activities for our child, and modelling we can avoid, such as this one with GE technologies (66). Simply, in former case we cannot

(physical or psychological) was not only added but also considerably enhanced in comparison to other naturally given talents she got through natural lottery. This complaint is different from other possible complaints like “Why some other talent was not added?” because adding talents simply expands options and I agree with Baccarini that “nobody has the right to get everything that she wants” (67). But the case we are discussing is not adding something to natural lottery, it is intervening in it. So, we are not talking about the justification of omission, but of morally more important justification of doing something.

I believe this is particularly problematic for Baccarini’s proposal because he does not only refer to some set of primary goods which we can technologically manipulate, such as health, vigour, imagination and intelligence but also on extended list of more particular physical and psychological talents and traits (68). Can we enhance someone’s particular trait such as height without closing some options to him, for example to be a formula series driver or a jockey (and it is particularly problematic if prior to intervention he was not so tall)? The problem is even more serious if there is a psychological fact that we enjoy more, and thus prefer more, engagement in activities for which we are talented. (I do not claim that there is such connection, but it is not unreasonable to suppose there is). If this is the case, then by enhancing our talents, our preferences are also modelled by someone else’s desires. I believe that knowing that this has happened before we were born strongly influences our autonomy in a sense of forming our conception of good. It seems to me that reply cannot be that this is not a problem because in this case we actually do what we prefer. In other words, it is not important how we got our preferences because all we are aware of are our preferences and we are satisfied in realizing them. This cannot be a good answer because why not then allow parents to change sexual orientation of their children through genetic (or hormonal) intervention? Majority of people take their sexual preferences as given and try to realize them, no matter whether they are heterosexual or homosexual. But, as we have already seen, this kind of intervention cannot be justified by public reason. Thus, it seems that by accepting enhancement of added talents, Baccarini must provide an answer to this kind of worries.

But even if such GE can be defended in the face of reasonable pluralism by public reasons alone, still there is another problem which I mentioned above as the problem of the second best. Possible problem is that even if we justify GE in circumstances of reasonable pluralism, can this give legitimacy to such

avoid making decisions about child's name because someone must make the decision and the child is not suitable to do it. In the latter case we can avoid making such decisions.

policies in circumstances of actual societies marked by great socio-economic inequalities and inequalities of opportunities? Crucial fact is that such interventions will probably be “very expensive and accessible only to elite” (69). They will “probably increase existing social inequalities by increasing competitive advantage” (*Ibidem*). Nevertheless, Baccarini is opposed to banning GE for these reasons, and instead demands that such inequalities are dealt with by the regulations (70). As far as I understand, he does not consider regulations as first changing basic structure of society because then his discussion would be different. He does not say that equality of opportunity or the difference principle should be realized first and then GE allowed. Thus, it seems that regulations he primarily has in mind are instruments we already have – such as paying more tax when paying for GE, or maybe higher income tax for a person who has been genetically enhanced.³ Contrary to Baccarini, I do not think that these regulations are enough to allow GE only to the rich in actual circumstances. I will try to present certain problems that arise from his answers to these worries given in his book (ch. 3) and which are primarily focused on levelling down objection, self-respect, solidarity and finally on whether it satisfies the difference principle. One thing I have to note prior to the discussion is that I agree that genetic interventions aiming at removing genetic diseases or disabilities should be allowed if possible in actual circumstances even if only higher class could afford them. It would be cruel to the possible recipients of such interventions not to allow these interventions because other people cannot afford them. Thus, when I talk about genetic interventions I refer only to genetic enhancement of given or added talents. More precisely, what I have in mind is primarily enhancement of general cognitive abilities and faculties such as IQ or creativity.

Baccarini’s first reply to the argument for banning GE on the premises of social inequalities it raises is that egalitarians should be cautious not to fall in a trap of levelling down objection (70). Levelling down objection is directed against a claim that equality is intrinsically good. This objection claims that if equality is intrinsically good, then it can have implausible consequences. Namely, the situation in which everyone is equally worse-off is better than situation of inequality in which everyone is better-off but some group is even better-off than others. Baccarini is right in saying that egalitarians should be cautious of not falling prey of levelling down objection. We must keep in mind that egalitarianism makes sense only if it strives to more welfare for everyone

³ Of course, it is questionable whether this second measure is just because then we will have to categorize people in terms of their talents and then tax them and not solely on their input to social cooperation. Thus, I suppose Baccarini would not accept this second measure.

and not less. We care about equality precisely because more welfare is better than less and if more welfare for everyone demands certain inequalities, then these inequalities are justified. This kind of reasoning is also behind the difference principle.⁴ However, I do not see how levelling down objection affects argument against GE in actual circumstances. I do not see how allowing GE to the already rich and advantaged raises welfare of all, because this is the most important aspect for the plausibility of levelling down objection. Baccarini's answer is that we can think of consequences of GE as of "the development of economy, better management of society, as well as easier discoveries of cures for diseases" (81) which are benefits for everyone. But, I am sceptical about this answer. It is not clear if Baccarini is talking about a mere possibility of these consequences for everyone or about probabilities. If it is a mere possibility then we can confront it with another possibility – that the rich will have better products for themselves, the rich will have better management for their activities or better medicine for their diseases. This other scenario has even more empirical evidence so far. 1970's neo-liberal policies were directed toward a possibility that "raising tide will lift all boats" and that by opening new perspectives for already rich will have a spill-over effect to the less advantaged. After forty-five years of this kind of policies there is much empirical evidence that this simply did not happen (Piketty 2013; Barry 2005). Therefore I believe that relying on possibilities of new spill-over is very questionable. Maybe we can make it probable that optimistic scenario will be realized. We can socially direct the genetically enhanced to do things that will raise welfare of all. But this solution presents a different set of problems for justice. It can imply huge social interventions into autonomy of the enhanced to exercise their enhanced capabilities in socially desirable way. This is certainly something that public reason will not allow, but it also implies drastic change in the basic structure. Another way is to make educational environment such that the enhanced would have the best means for developing their talents. The best way to do this is that enhanced children are automatically enrolled in schools appropriate to their abilities (if it would be necessary at all, because if parents have money for GE they would supposedly have money for private schools). And this will most likely lead to strong social stratification, class division and social immobility.⁵ There are many other ways of raising IQ, for example, of actual children living in actual conditions, by

⁴ Difference principle requires that social and economic inequalities be arranged so as to maximize the share of primary goods (income and wealth, powers and positions of office, social bases of self-respect) that goes to the least advantaged members of society.

⁵ I say most likely because this happened already in UK when they tried to implement similar policies in 1940's and 1950's (Barry 2005, 115 – 116).

changing educational circumstances, so if our worry is having smarter citizens to make better society, then we should focus on these instruments and not on giving the already advantaged even more advantages (Nisbett 2009). Thus, I doubt that we can clearly see how banning GE in actual circumstances reduces welfare of everyone and thus presents levelling down objection. On the other hand, simply reducing more welfare to the already advantaged cannot be example of levelling down objection. This is something that egalitarians usually argue for when they discuss issues like private health care or private education.

There is also a good public reason argument for not allowing more welfare to the already advantaged. One of important political values that give content to public reason is fairness. It simply does not seem fair to allow even more advantage to a group that is already advantaged. Of course, for this argument to work it is important to talk of comparative advantage and I believe that higher cognitive ability certainly is a comparative advantage. It seems quite clear that better cognitive ability (and also knowledge by others of having this ability better than average) is a kind of good that strongly influences one's social standing. Thus, it is not true that if a certain group of people enhances their cognitive ability but leaves you at the same place as before their enhancement occurred, that your position has not been worsen. We must keep in mind that here we are not discussing outstanding individuals as in actual circumstances but substantial class of people that would be genetically enhanced and this class is defined by their material resources. In these new circumstances I believe that Brian Barry is right in saying that "commonplace view...that, as long as you stay in the same place materially, you cannot be made worse-off by falling further and further behind the majority of your fellow citizens"(173) is wrong. And we do not only have to take just material resources as important. Norms that define our social standing are of equal importance. Barry illustrates this with the effect of having good teeth (Ibidem). Barry says that "(u)ntil some point after the Second World War the alignment of people's teeth depended on the work of nature". With new, but expensive dental technology "rows of gleaming regular teeth became middle – class prerogative". The consequences were that "to be snaggle-toothed is to be looked down on." Thus, even though people who could not afford dentist did not change their behaviour after the discovery of new dental technologies, they have lost their social standing. I believe that in the context of GE, where it is possible that enhanced intelligence would become high-class prerogative, being "not intelligent enough" would become a sign of loss in social standing. It seems to me that cognitive ability is not a kind of good that you can provide

to one group of people, without making another worse-off. Thus, I believe that levelling down objection cannot be applied to this kind of objection.

Another problem, closely connected with the previous one is a problem of possible loss of self-respect. Baccharini rejects this consideration as problematic. I believe his rejection of this problem is in one instance correct, but problematic in another. It is certainly correct in saying that differences in natural talents and especially cognitive abilities by itself do not reduce self-respect. Many people do not lose sense of their self-worth by being aware that they are not as intelligent as Einstein, Turing or Eisenstein. Thus, I agree that problem of self-respect cannot be stated simply by saying that there will be huge differences in talents. But, there are two further questions that can have impact on self-respect – how do these differences occur and how are they regulated in social cooperation? Baccharini's reply to these worries is:

“(I) do not know of any indication that the redistribution of resources as part of public policies in the actual world is the cause of diffused loss of self-respect for those members of the population who are beneficiaries of these redistributions. Obviously, this is a matter of empirical research. Before formulating hypotheses for the possible new conditions, it would be necessary to have data about the actual situation” (73).

But, this reply raises certain problems. First we need a clear concept of self-respect if we are going to do empirical research. I believe that in Rawlsian political conception of justice, which is a political framework that Baccharini accepts, it is not easy to define that concept. Rawls wrote a lot on self-respect and changed his opinion on it, but in his latest formulation of political conception of justice he made it clear that it is not “an attitude toward oneself, but the social bases of self-respect that count as a primary good” (Rawls 2001, 60). Thus, self-respect is not an actual attitude we have and something we can empirically research, but a normative concept. Social bases of self-respect are not necessary conditions of self-respect, but rather something like determinants of self-respect. As Moriarty says, “(i)n their absence, people are much less likely to have self-respect, but it is not certain that they will not have it” (Moriarty 2009, 443). It is possible to find empirically that in racist society black people have strong sense of their self-worth (they can acquire it in church, family or other associations) but surely this will not tell us that social bases of self-respect exist in such society. So, it seems to me that we must approach the problem of self-respect as something more independent from

empirical findings.⁶ This is particularly important if we are concerned with policies that are about to drastically change perception of ourselves, and I believe that GE affordable only to rich is such policy.

In actual circumstances, losing self-respect because others have more talents is not connected to social bases of self-respect. We can say to a person who claims that she suffers from a loss of self-respect because others have more talents and that society should arrange it differently that she behaves irrationally. The reason is simply that these differences are not caused by the society but by natural lottery. The origin of differences in talents is outside of the scope of social justice. But, if we allow GE and if we know that only a certain group, that is already privileged, can afford it, then the situation changes. In this case it is not irrational to claim that loss of self-respect due to differences in talents is caused by social bases of self-respect. We have collectively decided that one group of citizens would be more talented or intelligent than another. Concerning cognitive abilities, this is happening even in our actual circumstances. There is body of evidence showing how much economic circumstances and educational opportunities influence cognitive abilities in early childhood (Barry 2005, ch. 5). If we consider this fact as unjust and if we consider that this can undermine social bases of self-respect (which I think is hard to refute even if these persons are not aware of it), then I think that this refers to GE even more.

Further, I do not agree with Baccharini that redistribution of material resources through taxes can solve problems caused by GE. Again, we must keep in mind that we are not any more talking about outstanding individuals but of substantial number of people who could afford such technologies. If we care about social efficiency (as we should), it would be rational to educate them for higher and more responsible social positions. It would simply be irrational to deliberately give certain important and responsible position to someone who we know is genetically and cognitively inferior to a candidate from cognitively superior group. It is easy to imagine that this group of people could acquire sense of superiority, and that another group of people could acquire sense of servility. This is not a mere speculation. Herrnstein and Murray wrote the well-known book *The Bell Curve* in which they claim that there is a strong correlation between social status and IQ because of assortative mating. Due to their habits, members of higher social groups had children only with other members of the same group. After a certain period,

⁶ But even in actual societies there are empirical findings on how the sense of self-respect of beneficiaries of redistribution is affected by how and for what reasons they receive these benefits (Rothstein 2010, 453 – 454).

sorting by cognitive ability occurred and that is an explanation why social status correlates with IQ. Herrnstein and Murray's explanation excluded environmental factors of difference in IQ. Now, even though there have been many discussions about accuracy of their findings, Brian Barry notes that this book is still popular primarily because it told the rich whites things they already thought about themselves but did not know how to say (Barry 2005, 234). This scenario becomes even more vivid in cases of GE because these people would know that they are smarter than others, because after all, their parents paid for it. Others would know that they are not as smart as them. Thus, they also know that they become beneficiaries of redistribution (cash compensation through taxes) because they are not intelligent (according to the new level of intelligence acquired only by the rich). This clearly looks like the case of buying the superiority and more respected and important social status. I believe that Rawls is therefore cautious in not presenting difference principle as only concerned by private material benefit. We should understand social bases of self-respect as primary good that constrains the circumstances under which material resources are transferred. Because of these reasons, I do not agree with Baccharini that cooperation in GE society will have "exactly the meaning of cooperation between Einstein, Jordan and Callas and average people in the actual world" (79). He further says that "they need(ed) somebody to provide them food (let's say farmers), to build the houses in which they live(d), policemen who care(d) about their security, etc" (Ibidem). It seems to me that this cooperation would not have the same meaning. In actual circumstances farmers, policemen etc., do not have reason to believe that it is (un)just that Einstein, Jordan or Callas have better talents than themselves. It is, on the contrary, the cooperation between free and equal citizens who share its benefits and burdens on the basis of their input which is significantly caused by natural lottery. But, in GE society they would be in important way determined to be farmers or policemen, or other service-providers to those whose parents could pay for them to be the genetic elite. This picture is similar to cooperation in aristocratic society even though lower classes are better paid and live in better material circumstances. It seems to me that they should complain about inadequate social bases of self-respect in such a society even if they are not aware of it.

I am also not certain whether this could be only a short-term problem that would influence only few generations of future citizens who would not be able to pay for GE. I believe there is no reason to be optimistic about solidarity and egalitarian stance of enhanced people in the future. In actual circumstances where there is no technology of enhancing cognitive ability, the best we can do

is to see the political attitudes of persons who have had an opportunity to develop their cognitive abilities in suitable environment. I think that it is reasonable to suppose that opportunity for good education is very important factor of such environment. Furthermore, the results of empirical research of political attitudes of highly educated Americans recently reported by Peter Levine are not very optimistic. His conclusion is that educated Americans are mostly liberal, but not egalitarian. Levine claims that “instead they are quite comfortable with their advantages, even as they endorse position (we can) call liberal” (Levine 2015). Surveys show that most highly educated Americans do not favour equality of opportunity strongly. We can suppose that situation is even worse with more demanding principles such as the difference principle. Similar findings are reported by Thomas Piketty when he cites research on attitudes of economic and educated elite in USA and Europe toward their merit and political issues (Piketty 2013, 417 - 418). He reports that they usually emphasize tolerance toward differences, but also their merit and effort in comparison to lower classes. And they do it despite all empirical evidence on importance of inherited wealth and social immobility. I do not see how this attitudes could change if genetically enhanced people came solely from a group that has such attitudes. Especially since their genes had been paid for in the same way as for their education and other social advantages. This is important reason why GE technologies should be allowed only if everyone has equal opportunity to use them, either if they would be free of charge in actual circumstances or available to everyone at reasonable prices after the basic structure of actual societies has been changed.

Finally, it seems to me that our understanding of what falls under the scope of distributive justice will be changed if GE technologies become possible. From the point of view of (egalitarian liberal) distributive justice it is equally morally arbitrary if a person is born into a higher social class or with more natural talents. From the perspective of justice, a person does not own all the wealth she was born into. Inheritance can and should be taxed with the aim of decreasing inequalities in wealth. However, situation is different with natural talents. In contrast to wealth, we completely own talents with which we are born. The reason is that our genes are not a question of justice, so it cannot be questionable whether it is just to be born with certain talents. The question for justice is only how do we employ our talents and how are products of our talents going to be distributed. But with GE technologies, genes and talents become more similar to wealth. Justice then becomes concerned not only with employment of talents and benefiting from them, but with just distribution of talents in the same way as it is concerned with just distribution of wealth.

Thus, principles of distributive justice like the difference principle do not apply to outcomes of talents but to distribution of talents. Of course, because freedom of personal integrity has a priority over difference principle, we cannot question ownership of talents. In this situation, a person would, just like nowadays, fully own her talents. But basic freedoms do not imply that, if GE technologies are available, parents have freedom to enhance their children irrespectively to distributive justice. In the same way as they do not have freedom to transfer all their wealth to them. And it is even easier to apply it to possible new distributive goods such as talents than to wealth, because distributing wealth in this point in history would demand policies many citizens would be against due to already accumulated wealth in private hands. With GE technologies we could have an opportunity for a clean start from the beginning. I do not see why we should start in a different way.

As I already mentioned at the beginning of this paper, I think that Baccarini's book is a huge contribution both to bioethics and political philosophy, especially when it comes to discussions of possible development of Rawlsian public reason liberalism. In this paper, I focused on just one topic from the book that I find problematic. On other issues Baccarini discusses I agree with his conclusions and therefore I did not mention them. I hope that worries raised in this paper will contribute to his further elaboration of this topic.

Bibliography:

Baccarini, E. (2015) *In a Better World? Public Reason and Biotechnologies*. University of Rijeka, Rijeka.

Barry, B. (2005) *Why Social Justice Matters?* Polity Press, Cambridge.

Estlund, D. (2008) *Democratic Authority. A Philosophical Framework*. Princeton University Press, Princeton.

Levine, P. (2016) "The most educated Americans are liberal but not egalitarian" <http://peterlevine.ws/?p=16810>. Accessed May 1, 2016.

Nisbett, R. E. (2005) *Intelligence and How to Get It. Why Schools and Cultures Count*. W.W. Norton & Company, New York.

Piketty, T. (2013) *Capital In the Twenty – First Century*. Harvard University Press, Cambridge Mass.

Quong, J. (2011) *Liberalism Without Perfection*. Oxford University Press, Oxford.

Rawls, J. (1999) *A Theory of Justice. Revised Edition*. Harvard University Press, Cambridge Mass.

- (2001) *Justice as Fairness. A Restatement*. Harvard University Press, Cambridge Mass.

Rothstein, B. (2010) "Happiness and the welfare state"; *Social Research: An International Quarterly* 77 (2): 441 – 468.