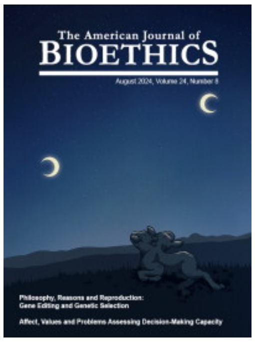

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Reasons, Persons, Eugenics and an Argument in Favour of Gene Editing

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In a recent paper, Jeff McMahan and Julian Savulescu (2024) focus on the position taken by some that while the genetic editing of embryos has potential benefits, the risks involved mean that it should not be sanctioned in human beings and, if we wish to avoid particular genetic traits, embryo selection after preimplantation genetic testing should be the preferred method of doing so. McMahan and Savulescu reject this position and suggest that not only do we have strong moral reasons to prefer gene editing over embryo selection for these purposes, but we also have reasons to overturn non-directive counseling and apply pressure on people to accept genetic editing for both the removal of genetic "disorders" and to enable genetic enhancements. They argue that to do otherwise would be to harm particular individuals and reduce general levels of welfare through a lack of exploration and application of genetic editing techniques more generally (McMahan and Savulescu 2024). Following Parfit, they argue that we have both person-affecting and "impersonal" reasons, what they call the Two-Tier View, to prefer and promote gene editing over embryo selection (Parfit 2017).

On the surface person-affecting reasons for using gene editing rather than embryo selection do seem to be persuasive. As McMahan and Savulescu argue:

> "editing out" a genetic disorder is, in one respect, morally better than selecting an embryo that does not have that disorder. This is because editing out the disorder would be better for the subsequent person, whereas selecting the unaffected embryo would not be (McMahan and Savulescu 2024, 15).

Embryo selection does not increase the welfare of any particular person, given that selection is *between* embryos and thus the choice is *between two different* embryos who, if chosen, will be brought to birth in the only condition they can be. Genetic editing of embryos, however, does seem to have the potential to change the welfare of a particular individual given that if the embryo was implanted without editing it may have different characteristics than the same embryo after editing has occurred. Thus, given that we should probably do what we can to improve the welfare of particular future individuals who will be brought to birth we appear, based on person-affecting considerations, to have reasons to encourage the use of gene editing of embryos.

However, this conclusion rests on a number of assumptions that would need to be explored and defended in much more detail to make a compelling argument here even on this relatively straightforward point of person-affecting or welfare-effective reasoning.

The first of these assumptions that this conclusion relies on is that genetic editing results in the same person being born as would have happened without editing. Given that accepting this conclusion depends on establishing that we are likely to have increased the welfare of a particular person, we would need to establish that (a) this particular person could have been born without genetic editing and (b) that the process of genetic editing will not change the identity of the person who results from the edited embryo. It has been argued that in practice genetic editing is more like embryo selection in that embryos chosen for editing are likely to be brought to birth only as edited embryos or not at all (Sparrow 2022, 10). On this basis, while it would be possible for an embryo to be born both in an edited and non-edited condition, in practice this is extremely unlikely to happen. As a result, the conclusion that genetic editing would definitely change the welfare of a particular person is one that could be contested just on these practical grounds.

In terms of identity, it does seem that in some cases (perhaps with minor changes such as changes to eye colour) we might be able to edit the genome of a

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particular embryo without changing the fundamental genetic identity of that embryo and the person that embryo will become. However, we can also think of instances where gene editing could strongly be argued to change the identity of the person that embryo becomes. We can imagine genetic editing to remove the extra chromosome for Down syndrome or even other conditions such as deafness or achondroplasia that those living with these conditions often see as an integral and important part of their own personal identity. While this might not justify prohibiting the use of genetic editing on these grounds, in many of these and other cases it will not be clear that this process is a person-affecting or welfare-affecting process given there is a strong argument to suggest that the person who is created will be an essentially different person from the person who would have developed from the unedited embryo. If this is the case, then this process is much more analogous to embryo selection than is supposed by McMahan and Savulescu.

The second assumption, when it comes to these conclusions based on person-affecting reasons for promoting genetic editing is that there is a clear and objective measure or consensus of what the “best” life consists of and therefore that we can move toward attempting to produce these best or at least better lives through genetic editing (Parker 2007). While there will be those who argue that we have a moral obligation to either remove some conditions or “enhance” other lives by genetic editing, when we consider the testimony of existing individuals, it may not be clear whether what is intended to enhance the quality of someone’s life actually will do so. In our society, unconscious bias means that generally non-disabled people’s assessment of other people’s lives, particularly those with conditions viewed as disabling tend to be inaccurately negative (Albrecht and Devlieger 1999). If we ask individuals with conditions that might be targeted for removal such as deafness, autism, Down syndrome, achondroplasia, hemophilia, etc., whether they value their own lives and how they self-evaluate the quality of their lives, then these assessments are very much on par with the assessments of individuals who do not have these characteristics (Lin et al. 2009; O’Hara et al. 2021) indicating no decrease in self-reported intrinsic welfare (Lin et al. 2009). Even with conditions that we might feel fairly convinced that a person might be “better off” without like cystic fibrosis (CF), there will be many individuals who challenge this assessment of their lives with CF as “worse” (Sufian and Garland-Thomson 2021). Genetic editing, of course, carries unpredictable risks. While McMahan and Savulescu are convinced that the benefits of removing a condition like CF would be such that they outweigh any risks of gene editing, this is a difficult position to justify as there will be a real possibility that genetic editing may create complications that individuals could view as having a worse impact on their welfare than CF (McMahan and Savulescu 2024, 10).

While these assumptions made to justify their conclusions based on person-affecting issues remain unresolved, there is, I suggest, a more fundamentally problematic and serious issue that is raised by their use of impersonal considerations to justify their conclusions. Using the example of CF McMahan and Savulescu explain that:

> while there is a strong impersonal reason to select an embryo without the gene for CF, there is an even stronger person-affecting reason to edit this gene out in an embryo that has it, assuming that that embryo will later give rise to the existence of the same person either way. This is intuitively plausible, and supports the Two-Tier View (McMahan and Savulescu 2024, 13).

So, as well as arguing that we have strong person-affecting reasons to genetically edit our offspring, McMahan and Savulescu also argue that we have other reasons, that is impersonal reasons, to choose embryos without these conditions. They argue this on the basis that this is “intuitively plausible” as this fits with the intuitive feelings of discomfort many of us have about choosing to implant an embryo with a disability. If we have these feelings and they cannot be explained by person-affecting concerns then, it is argued, that this must be based on something else to explain why this choice is, as they suggest, “morally wrong.”

Arguments from impersonal considerations focus not on individual welfare but typically on an impetus to increase cumulative totals of positive welfare in populations by creating a “better” society with “better” people with higher welfare in it (Bennett 2009). The argument here might be that even if we cannot be sure that genetic editing will have person-affecting benefits (as is the case with embryo selection), according to this Two-Tier View, we have impersonal reasons to promote both embryo selection and genetic editing to improve the welfare of future generations.

However, this idea of impersonal considerations in the context of future lives and future generations is notoriously plagued by difficulties (Bennett 2014). Any aim to increase cumulative totals of well-being is highly counter-intuitive as we appear to be motivated by something other than the welfare of individuals. If we take this motivation seriously it also implies an obligation to reproduce as much as possible and this is reflected in McMahan and Savulescu's paper where they argue that there is "a moral reason to cause a well-off person to exist rather than not cause anyone to exist" (McMahan and Savulescu 2024, 13). A duty to reproduce as much as possible is difficult to justify not only because no sense can be made of benefitting a person who previously did not exist, but also because of the infringements of autonomy that this would entail for those who are expected to bear these children and the decrease in individual welfare that would be risked by any substantial increase in the population.[1] McMahan and Savulescu attempt to dodge these difficult implications of impersonal considerations by taking this dual approach and insisting that "the person-affecting reason is stronger and simply displaces the impersonal reason" (McMahan and Savulescu, 2024 11). Presumably arguing that if actions motivated by impersonal considerations cause individuals to be worse off than they could have been then they should be avoided. It is not clear how this would work in terms of a duty to reproduce that is implied by the application of impersonal reasons as this is not explored in the paper, but if person-affecting reasons displace impersonal reasons then this would seem to have the potential to undermine the use of these impersonal considerations completely leaving only a focus on person-affecting considerations and thus no justification for the promotion of supposedly welfare enhancing non-person affecting choices such as embryo selection or non-person affecting genetic editing.

The problems with arguing from impersonal considerations, whether part of a Two-Tier View or not, are significant. Justifying this approach is highly problematic and usually focused on attempting to explain the widespread intuitive response many of us have to choices to bring to birth a disabled life when a non-disabled life could be brought to birth instead. However, rather than having to employ the difficult concept of impersonal considerations, I have argued that any feeling of unease about these choices can be explained by other considerations such as a tendency to conflate person-affecting considerations with comparative notions of harm and benefit (Bennett 2009, 2024). Or further, the fact that there are extremely pervasive and well-established social norms that assume that living with conditions considered generally to be disabilities leads to "bad" lives and living without these conditions leads to "good" lives even though self-assessments of quality of life do not necessarily bear this out (Sufian and Garland-Thomson 2021).

Whether I am right or wrong about this we need to be very careful about basing policy that infringes reproductive autonomy on anything but the intrinsic welfare of individuals, or person-affecting considerations. This is because suggesting we have reasons to avoid bringing to birth individuals with "disabling" conditions based on impersonal considerations, is to argue that while any life that is an overall positive experience for the person experiencing it is an ethically acceptable life to create in terms of person-affecting concerns, it is still unacceptable to create these lives if a "better" life could be created instead.

Being concerned that the lives we are creating do not meet a particular standard, not based on the intrinsic value the individual who will experience that life puts on it, but based on other concerns is not only practically but also fundamentally problematic. Any argument that condemns reproductive choices based on an external judgment of others' lives rather than the intrinsic value of these lives to those who experience them, will be left wide open to accusations of eugenics of the worst kind. Ideas of what is the "best" human life that are based on something else than whether a life is likely to be of positive value to the person who lives it are always going to be difficult to justify and difficult to distance from the idea of authoritative, negative eugenics. While considering the welfare of future people is important, we must make sure that our approaches really do promote individual intrinsic welfare rather than external subjective judgements of acceptable welfare and eugenic visions of a particular notion of a "good life."

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[1] What Parfit referred to as the 'Repugnant Conclusion' (1987, 388).

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A Disability Critique of the Comparative View

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In "Reasons and Reproduction: Gene Editing and Genetic Selection," McMahan and Savulescu (2024) contest the common notion that embryo selection is a morally better way of avoiding genetic conditions than gene editing by invoking the comparative view. The comparative view contends that to benefit or harm a person is to do what is better or worse for that person. Since one cannot harm a person by causing that person to exist, the authors argue that gene editing of an affected embryo is better for the person who develops from the embryo because it enables them to exist without a genetic condition considered seriously harmful. The authors invoke a range of conditions to illustrate their points. In doing so, they repeatedly make reductive assumptions about what constitutes "a serious impairment" and demonstrate an equally reductive understanding of the relationship between genetic impairment and quality of life. As four disabled scholars with expertise in bioethics, disability history, and genetics, we challenge genetic reductivism and argue that debates about gene editing and genetic selection should integrate the perspectives and experiences of those living with genetic conditions.

In framing gene editing and genetic selection, McMahan and Savulescu rely on ahistorical hypotheticals about disability instead of consulting the actual lived experiences of disabled people and the critical perspectives of disability studies scholars. The omission of disabled people's lived experiences is wrong because able-bodied people tend to underestimate disabled people's quality of life compared to people with disabilities themselves (National Council on Disability 2019). Much evidence indicates that people with disabilities report having a good or excellent quality of life (Goering 2008). Yet, the ableist expectation that disabled lives are inevitably tragic, necessarily unbearable, and perhaps not worth living at all underpins the kinds of arguments McMahan and Savulescu put forward. Such a persistent claim from consequentialist philosophers suggests that no one can reach a universal standpoint that transcends the particularities of their own socially-located perspective. Beyond the academic and philosophical implications, stubbornly entrenched ableist assumptions about the low quality of disabled lives have too often undergirded discriminatory medical treatment decisions, such as when physicians have used disability as a criterion to deny treatment (Guidry-Grimes et al. 2020).

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