

## **ARE 'EX-ANTE' ENHANCEMENTS ALWAYS PERMISSIBLE?**

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Frances Kamm distinguishes between changes or enhancements that are made before a child exists (ex ante changes) and those that are made once a child exists (ex post changes), and she argues that ex ante changes do not show disrespect or, as Michael Sandel would put it, lack of love, for a person, since the person does not yet exist (Kamm, 16-17).

Kamm gives several examples to support this claim. In one, call it the Lover Case, she points out that when we love another adult, X, but before we actually come to love X, we may be interested in X because X has various properties such as kindness, intelligence, artistic ability, etc. However, she argues that it is not morally problematic to seek out such attributes as long as it is the particular person that we end up loving and not the person's set of properties. In another, call it the Philosopher Case, she remarks that although philosophers should be motivated to get a job in order to do philosophy, it is not wrong for a philosopher to choose between possible jobs on the basis of other desirable properties such as higher salary or better location. From these examples, Kamm infers

that before a particular person exists, “it is permissible to think more boldly in terms of the characteristics we would like to have in a person” and “the search for properties other than the basic ones in a child” is not wrong (Kamm, 17, 18).

Kamm seems correct that some ex ante enhancements are permissible. However, I do not believe that all are. In particular, it is important to distinguish between ex ante enhancements that are morally neutral and those that are morally dubious. I shall argue that the latter ones are morally objectionable even if the persons do not yet exist. To see this, consider a modified version of Kamm’s Lover Case. Suppose instead that we are initially interested in X, only because X has a lot of money or only because X can provide us with valuable insider information about, for, example a government (suppose we are a spy). But let us imagine that we then come to fall in love with X, despite the fact that initially we only view X instrumentally (for X’s money or for X’s capacity to offer us important information). Even if we end up loving X, I believe that this relationship is tainted because of our initial morally dubious motivation. By ‘tainted,’ I mean that our wrong will remain until, for example, we apologize to X for having the wrong motivation initially. I submit that this is so, even if it is the case that if we had not had our initial morally dubious motivation, we would not have met X and we would not have developed this loving relationship.

Or, consider a modified version of Kamm’s Philosopher Case. Suppose the philosopher, Y, instead chose a particular job because Y coveted the Departmental Chair’s partner. Even if Y subsequently gives up this desire and comes to appreciate the particular department because of the excellent opportunity to do philosophy, Y, in my view, would still have acted wrongly, owing to Y’s initial morally dubious motivation.

Similarly, in a case in which someone, Z, sought some morally dubious ex ante enhancement or change in a person who does not yet exist, even if Z subsequently changes his mind and comes to love the child, Z would have still acted wrongly because of Z's initial morally dubious motivation. For example, suppose someone seeks to sex-select a female child with the aim of selling her into prostitution, call this the Prostitution Case. Even if this person subsequently comes to love the child, this person would have still acted wrongly in light of the person's initial morally dubious motivation to sell the child into prostitution.

Kamm may point out that she has qualified her position. In particular, she says that the ex ante characteristics sought should "not be bad for the person who will have them and [should be] consistent with respect for persons" (Kamm, 17). She gives an example, call it the Self-Deceiver Case, in which an individual is created to ensure that the individual would be self-deceived about awful truths. According to Kamm, creating such a person would be "inconsistent with taking seriously that one is creating a person, an entity worthy of respect" (Kamm, 17).

Kamm seems to be implying that some characteristics are morally undesirable, that having these characteristics undermine one's worth as a person, and that therefore creating these characteristics via ex ante means makes such ex ante changes objectionable. For example, in the Self-Deceiver Case, Kamm seems to be suggesting that the predisposition to self-deception is a morally undesirable trait and having it undermines one's worth as a person. Therefore, creating this predisposition via ex ante means makes ex ante changes of this sort objectionable. I believe however that this is not the real problem.

First, take the Self-Deceiver Case; it is worth pointing out that some people are naturally genetically predisposed to 'self-deception,' assuming that self-deception genes also exist in nature. Surely, we would not want to claim that these individuals who are naturally predisposed to self-deception are not persons worthy of respect. If so, why should we believe that an individual created via ex ante means to be predisposed to self-deception would not be a person worthy of respect? To use another example from the disability literature, if a naturally disabled individual is and should be a person worthy of respect, why should such an individual created via ex ante means not be a person worthy of respect? Lest it leads to confusion, let me note that I am not suggesting that there is nothing wrong with creating a disabled person intentionally especially if it is done via ex ante means. Rather, I am suggesting that if there is something wrong with such an act, it is not because the person created has these characteristics.

In addition, some characteristics are morally neutral yet certain ways of bringing about these characteristics through ex ante means are still morally objectionable (Liao, 2005). For example, consider again the Prostitution Case. In this case, there is clearly nothing wrong with having the characteristic of being female. On Kamm's view, there should not therefore be anything wrong with such ex ante changes, since being female per se is not 'inconsistent with taking seriously that one is creating a person, an entity worthy of respect.' Yet, there still seems to be something wrong with the Prostitution Case. If this is correct, Kamm's qualification does not get at the heart of the problem with this kind of enhancement.

Kamm might reply that the difference between a naturally occurring morally undesirable characteristic and one that is created artificially through ex ante means is that

in the latter case, the individual would not have, for example, the predisposition to self-deception, except for the ex ante enhancement procedure. Given this, so the argument goes, the individual can complain that she was not treated as a person worthy of respect as a result of ex ante changes. But if this is Kamm's response, it would involve a measure of confusion (Parfit, 1984, 358-359).<sup>1</sup> It is true that in ex post enhancements, an individual is already present. Given this, an individual can complain about ex post changes, since she could have been otherwise, namely, she could have been what she was before the ex post changes. In ex ante enhancements, on the other hand, an individual comes into existence at the same time when ex ante characteristics are put in place. In other words, the same individual would not have existed if the ex ante characteristics had not been present. Given this, the individual cannot complain that she could have been otherwise, because if the ex ante changes had not taken place, she would not have existed. So, if there is anything wrong with this kind of ex ante enhancements, again it cannot be because of the characteristics created.

As the modified Lover and Philosopher Cases and the Prostitution Case illustrate, the wrongness of these cases lies instead in the morally dubious motivations of the agents. Indeed, in the Prostitution Case, what is morally objectionable is not that a female child is created; instead, it is that the person seeking the ex ante change had a morally dubious motivation, namely, he aimed to create a female child in order to sell her into prostitution. Kamm's Lover and Philosopher Cases are not subject to this objection because being interested in someone initially because that person is kind or being interested in a particular philosophy job because it pays better are not morally dubious motivations.

I have argued that some ex ante enhancements are morally wrong, owing to the dubious motivations of the agents. But what kind of wrongs are these? Without trying to settle this matter here, I identify three possibilities. One is that this is a harmless wrongdoing (Parfit, 1984). That is, it is a wrong even though no one is harmed. Supporters of this possibility might argue that the individual created via ex ante means cannot complain that she was harmed, because she would not have existed otherwise, assuming that her life is worth living.

Another possibility is that this wrong involves wronging a type instead of a token (Kumar, 2003). On this view, an individual who seeks to have a child by ex ante means takes on the role of a caretaker, which comes with certain expectations such as that the caretaker would promote the well-being of the child. On this view, someone who plans to have a child but who does not plan to fulfill the expectations involved in being a caretaker (e.g. by intending to sell the child into prostitution) wrongs the child as a type, whoever the individual who comes to instantiate the child as a token may be.

A third possibility may be that this wrong involves a wrong that harms a relationship and then indirectly the particular individuals in that relationship. For example, as the modified Lover Case shows, although two people can benefit from a morally dubious beginning – in the sense of coming to love one another – that relationship may be harmed as a result of the morally dubious beginning, which in turn harms the individuals involved.

In conclusion, ex ante enhancements are not always permissible and sometimes can be morally wrong. The wrongs are however not the result of the characteristics created, but instead lie in the motivation of the agents.

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<sup>i</sup> It involves what Derek Parfit calls the 'non-identity problem.'