I. MORAL STATUS, MORAL EQUALITY, AND THE PROSPECT OF ENHANCEMENT

*Moral Equality Assumption:* All who have the characteristics that are sufficient for being a person have the same moral status. (347)

Six Claims: (pp. 349-50)
1) In a world in which some are enhanced and some are not, the concept of human rights, far from being obsolete, would be even more important than it is now.
2) The idea of a moral status higher than that of persons is dubious, given a plausible understanding of the notion of moral status; so the prospect of enhancement does not present a serious threat to the Moral Equality Assumption.
3) Even if we grant the dubious assumption that the emergence of beings with a moral status higher than that of persons is possible, the emergence of post-persons would not extinguish whatever rights the unenhanced have by virtue of being persons.
4) Given the history and persistence of racism, there is a serious risk that the enhanced would treat the unenhanced as if they had a lower moral status, even if they do not.
5) Even if enhancements did not create human beings with a higher moral status, or a mistaken perception of unequal moral statuses, they might result in a conflict of legitimate interests between the enhanced and the unenhanced, and a just accommodation of these conflicting interests might involve restrictions of some of the rights of the unenhanced.
6) The possibility that enhancements could manate such a two-tiered system of rights is a serious moral cost that ought to be taken into account in our decision regarding the pursuit of enhancement technologies.

*Modes and Types of Enhancements.* (350-51)
Mode = method of enhancement. Type = specific phenotypic advantages.

II. ENHANCEMENT, HUMAN NATURE, AND HUMAN RIGHTS

*Target View:* Concern that enhancements might create individuals with higher than human moral status, and that this might lead to a diminishment of normal human beings. (Kass, Fukayama, Annas)

*Do we need a conception of Human Nature?* (McMahan claims not… Buchanan will employ a non-essentialist conception created for the task at hand.)

*Claim:* Human nature is a set of characteristics (1) that most beings that are uncontroversially human have at this point in biological and cultural evolution (and have had throughout what is uncontroversially thought to be human [as opposed to prehuman] history); (2) that are relatively recalcitrant to being expunged or significantly altered by education, training, and indoctrination; and (3) that play a significant role in explanations of widespread human behavior and in explanations between humans and other animals. (353)
‘…in the past, evolution has produced new kinds of beings, including human beings, and enhancement biotechnologies of the future may be able to produce similar changes, if not on their own, then in combination with evolutionary changes.” (353)

**Two Questions:** (354)
1) If enhancement did result in posthumans, what implications would this have for the concept of human rights: Would it make the concept obsolete, as some have claimed; and if it did, would this be a moral catastrophe, as they have intimated?
2) Could the emergence of posthumans result in there being a moral status higher than persons, and an ejection of the widely held moral equality assumption?

**Two Functions of Human Rights Rhetoric:** (355)
1) “…conveys the idea that possession of these rights does not depend on their being recognized in law.”
2) “…signals inclusiveness or universality, by implying that these rights are not limited to any subset of human beings.”

“…the rights we now have as human persons reflect the way we are now: not just our biological characteristics, but also the interests we have and the threats we now face, given the sorts of institutions we live under. If there are nonhuman persons, then presumably the conditions for a decent life for them are different, and to that extent their rights will differ also. If enhancement changed us sufficiently, then at least some of the rights we now call human rights might not apply to us and other rights might apply. So, in that sense, enhancement could perhaps lead to the obsolescence of human rights—if no (mere) human beings remained.” (356)

**The Importance of Human Rights in a World of Humans and Posthumans** (357)

Buchanan notes (357) that the concept of human rights is a “threshold” concept, not a scalar one. All who possess the relevant capacities to a threshold level also possess the rights in question.

**Comparison with people from developed v. less developed nations:** “In a world in which gaps in economic development have resulted in some being enhanced (in some respects) while others are not, human rights discourse is of critical importance for two reasons. First, it conveys the idea that individuals have basic entitlements that ground duties on the part of others, regardless of whether those individuals are ‘enhanced’ or not. Second, it is now widely thought to encompass the notion that these basic entitlements include access to the resources (such as education) that are needed for participating effectively in the processes of development—for becoming ‘enhanced’.” (358)

**III. THE IDEA OF A HIGHER, ‘POST-PERSON’ MORAL STATUS** (351)

**The question:** Could enhancements produce post-persons—beings with a higher moral status than the moral status of persons?

“In contrast with the concept of posthumans, it is not clear whether the concept of post-persons makes sense. Merely augmenting the characteristics of make a being a person doesn’t seem to be the sort of thing that could confer higher moral status.” (359)

**Suppose there were three moral statuses:** (359-60)
Different Moral Statuses Versus Variable Moral Considerability (360)
A Distinction: **Interest views** v. **Respect views** concerning the basis of moral status.

**Interest Views:** Moral status of an individual depends on how much ‘good’ its life involves.

**Respect Views:** All beings that possess certain capacities have an intrinsic moral worth that in some sense confers *inviolability*.

“On the respect-based view, it makes sense to say that even though the characteristics that constitute the capacity that confers moral status admit of degree, once one has the capacity, having those characteristics to a higher degree is morally irrelevant. In contrast, if having a good is what confers moral considerability, then having a higher good or being capable of greater well-being should always be relevant to how one is treated.” (361)

**Can We Imagine Beings with a Higher Moral Status Than That of Persons?** (362)
Buchanan notes that on a respect-based view, beings with more, ‘higher’ or different capabilities or interests from our own would not thus have ‘higher moral status.’

**Loss of Status in the face of a Superior Alternative?** (363)
Still, when tragic choices must be made, individuals with ‘higher’ capabilities or interests might ‘win out’ against merely ‘normal’ individuals. (Consider a trolly case with mere persons on one track and post-persons on the other!)

**Inviolability and the Moral Status of Persons** (364)
Buchanan notes that the mere fact(?) that post-persons have additional capabilities and interests does not show that their lives count more.

A **“Modest Conclusion:”** (366) “…at least on one plausible understanding of the view that personhood confers inviolability, namely the threshold view, the emergence of post-persons (assuming we can make sense of the idea) would not in itself diminish the status of persons.”

“For a utilitarian there are no differences in moral status properly speaking; there is only a gradation, a continuum of beings with lesser and greater capacities for well-being and harm, and sacrificing some beings for the sake of others further along the continuum is always in principle not only permissible, but even required.” (367)

The Contractualist Respect Based View Differs in two ways: (367-8)
1) Regards ‘moral standing’ as a threshold, and thus fits better with our intuitions about standing.
2) “Denies that the most fundamental requirements concerning how we ought to treat persons depend on their capacity for well-being.” (368)

**A Practical Worry** (369) George Annas: “…improved posthumans would inevitably come to view the ‘naturals’ as inferior, as a subspecies of humans suitable for exploitation, slavery, and even extermination.”

**Putting the Practical Worry in Perspective** (370)
Two thoughts: (1) We have to some extent overcome similar prejudices in the case of race and disability, and post-humans might do as well as we. (2) Posthumans might, because of moral enhancements, do substantially better than we have.

IV. EQUAL MORAL STATUS, DIFFERENT RIGHTS

**Question:** Could biotech enhancements result in a two-tiered system of rights, even if it did not produce a class of beings with a higher moral status than that of persons? (371-2)

**Enhanced Cooperators (372)**
Suppose enough future people are enhanced that the “dominant cooperative framework” of society is “profoundly transformed” so that the unenhanced become, in effect, “disabled.”

“If the gap between the enhanced and the unenhanced were great enough, the unenhanced would not be able to participate at all in the mainstream economy or the most important political processes or both. They would be like young children who, although capable of playing the extremely simple card game “Go Fish,” are unable to play Bridge and find themselves in a venue in which the bridge players are able to determine what game will be played.” (374)

Buchanan notes that people with disabilities may sometimes find themselves in analogous situations.

**Equally Legitimate Interests, Unequal Rights (376)**
Enhancements, even if they did not diminish the moral status of the non-enhanced, might result in a two-tiered system of rights.

**Equal Moral Status, Different Rights? (368)**
Might we need a new theory of rights to clarify our concept of status?

**Is a Hierarchy of Rights Compatible with Public Recognition of Equality? (379)**
“…the concern that enhancement could actually produce beings with a higher moral status and the Practical Worry that enhanced beings would act as if they possessed a higher moral status, even if they did not, are not as crisply distinct as first appears. The commitment to equal moral status, if it is to be sincere and realistic, must take into account the facts, including the facts of moral psychology that determine the conditions under which the idea of equal moral status can be realized.” (379)

**Equal Political Participation Rights and Equal Moral Status (379)**
**Question:** Would post-persons “take charge” of us, and run our lives?
**Response:** This Platonic view has well known objections, and enhanced moral capabilities of post-persons would in no way justify this kind of Platonism.

V. CONCLUSION
“If biomedical enhancements produced a sharp division between simple cooperators and complex cooperators, the result could be that individuals with the same moral status would have different rights.” So even if the moral equality thesis is not undermined by enhancement technologies, they might still pose a threat to the ideal of equality.
EQUAL OPPORTUNITY AND MORAL STATUS


EQUAL OPPORTUNITY AND GENETIC INTERVENTION (1995)

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