

Comparative Arguments and Ethical Analysis: Selective Abortion and Eugenics

Argumentos comparativos y análisis ético: aborto selectivo y eugenesia

Argumentos comparativos e análise ética: aborto seletivo e eugenia

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Abstract: the article aims to ethically evaluate selective abortion and eugenics, as well as to analyze the practical feasibility of comparing both terms to legitimate, or not, the prohibition of this form of interruption of pregnancy. To this end, the concept of “abortion” will be studied, emphasizing the notion of “selective abortion”. Likewise, the concept of “eugenics”, its origins, objectives, and consequences will be explained. Next, several arguments comparing selective abortion with eugenics will be presented, along with possible counterarguments. Finally, the inviolability of human life, the humanity of the fetus, and the ethical viability of the so-called “liberal eugenics” will be explained. Concludes that, because eugenics is not a homogeneous concept, comparing it with selective abortion to delegitimize its legality or ethical viability is not feasible.

Keywords: selective abortion; eugenics; reproductive freedoms; human life.

Resumen: el objetivo de este artículo es valorar éticamente el aborto selectivo y la eugenesia, así como analizar la viabilidad práctica de comparar ambos términos con el fin de legitimar, o no, la prohibición de esta forma de interrupción de embarazo. Para este fin, se estudiará el concepto de “aborto”, con un énfasis en la noción de “aborto selectivo”. Del mismo modo, se explicará el concepto de “eugenesia”, sus orígenes, objetivos y consecuencias. Seguidamente, se presentarán varios argumentos que comparan el aborto selectivo con la eugenesia, así como posibles contraargumentos. Por último, se expondrá la inviolabilidad de la vida humana, la humanidad del feto, la viabilidad ética de la llamada “eugenesia liberal”, y se concluirá que, debido a que la

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eugenesia no es un concepto homogéneo, compararla con el aborto selectivo con el fin de deslegitimar su legalidad o viabilidad ética no resulta algo factible.

Palabras clave: aborto selectivo; eugenesia; libertades reproductivas; vida humana.

Resumo: o objetivo deste artigo é avaliar eticamente o aborto seletivo e a eugenia, assim como analisar a viabilidade prática de comparar ambos os termos com o fim de legitimar, ou não, a proibição dessa forma de interrupção de gravidez. Para esse fim, será estudado o conceito de “aborto”, com ênfase na noção de “aborto seletivo”. Da mesma forma, será explicado o conceito de “eugenia”, suas origens, objetivos e consequências. Em seguida, serão apresentados vários argumentos que comparam o aborto seletivo com a eugenia, assim como possíveis contra-argumentos. Por fim, será exposta a inviolabilidade da vida humana, a humanidade do feto, a viabilidade ética da chamada “eugenia liberal” e concluir-se-á que, devido ao fato de a eugenia não ser um conceito homogêneo, compará-la com o aborto seletivo para deslegitimar sua legalidade ou viabilidade ética é inviável.

Palavras-chave: aborto seletivo; eugenia; liberdades reprodutivas; vida humana.

1. Introduction

With the legalization of voluntary termination of pregnancy in several countries in the Spanish-speaking community, such as Argentina in 2020 and Colombia in 2022, and its recent constitutionalization in France in 2024, abortion is an issue that has divided societies. One of the most controversial forms of abortion is the so-called Selective Abortion, which consists of the voluntary termination of a pregnancy of a fetus that presents anomalies. This form of abortion has been classified by some thinkers and scholars as eugenic for several reasons and, therefore, as something unethical that should be banned.

However, the notion of eugenics might be from time to time very blurred, and hence, also the reasons why it is unethical and why selective abortion is something eugenic. Therefore, it is crucial to delimit this concept and its ethical viability, especially in its most recent forms, to analyze the plausibility of the claim that selective abortion must be prohibited due to its eugenic characteristic. Thus, this paper aims to analyze selective abortion and eugenics in order to evaluate the ethical viability of both concepts, as well as the efficacy and usefulness of their comparison.

For this purpose, old and recent works concerning eugenic movements and selective abortion, which permit the assessment and contrast of different perspectives for this debate, will be selected and analyzed. Moreover, for the methodology of this work, the comparison between selective abortion and eugenics will be itemized in three main arguments that justify this relation and the consequent prohibition of this termination of pregnancy. The three

arguments will be exposed and analyzed. After their exposition, they will be evaluated and counterargued. Finally, with the evaluation of these three arguments, this comparison, among its plausibility to evaluate the legal status of selective abortion, will be considered and assessed.

The paper will be divided into the following parts. First, both terms will be developed. The concept of Abortion, along with selective abortion, will be defined and explained. Secondly, the concept of Eugenics, its origins in Francis Galton, its history and development, different forms for its application, and its downfall after the Nazi regime, will be studied and analyzed.

In the next section, some arguments that seek to compare the two terms will be analyzed, this is, the coercion argument, the loss of freedom argument, and the ableist argument. Special attention will be paid to the work of Jorge Nicolás Lafferrière, as well as some arguments exposed by Michael Sandel and Catalina Devandas.

Next, different counterarguments that can be made to the three arguments mentioned above will be explored. For this purpose, the main emphasis will be on the so-called Liberal Eugenics, its origins, characteristics, objectives, and differences with other eugenic movements. Next, the limits of reproductive freedoms, and the defense of any form of human diversity, will be discussed.

Finally, a final ethical evaluation of selective abortion and eugenics, along with the viability of comparing them, will be performed. Therefore, the inviolability of human life, the humanity of the fetus, and various criticisms against liberal eugenics will be analyzed. Consequently, a final assessment of the feasibility of the comparison between selective abortion and eugenics will be drawn.

2. Selective Abortion and Eugenics

To understand the complexity of these two concepts and the magnitude of the comparisons that involve them, the task of defining abortion and eugenics, the different types of abortion that exist, the roots of the eugenic movements, and how they manifest in several countries, is crucial. Moreover, the basis of the comparisons between selective abortion and eugenics, focused on coercion, loss of freedom, and ableism, will be studied and analyzed.

2.1 Definition and Forms of Abortion

The World Health Organization (WHO) defines abortion as any termination of pregnancy, spontaneous or induced, prior to 20 weeks gestation or of a fetus weighing less than 500 grams (Hoffman et al., 2008, p. 137). This definition may vary depending on the laws of each country. However, a general definition could be the termination of pregnancy before the fetus is born or has

the capacity to survive outside the woman's womb. Currently, the viability of a fetus outside the womb is estimated to range around 22 weeks (Romanis, 2018).

Inside this notion, a distinction can be made between spontaneous abortion and induced abortion. Spontaneous abortion occurs naturally and without medical intervention, while induced abortion is practiced through medical intervention (Carti et al., 2022). The reasons for carrying out an induced abortion can be very varied, ranging from economic reasons to the simple desire not to become a parent. However, among the possible reasons to request an induced abortion, three are the ones that stand out the most.

The first reason is because the pregnancy is the result of sexual abuse. Therefore, the abortion of a fetus that is the product of this crime can be called Rape-Related Abortion. The second reason is that the pregnancy poses a risk to the life and health of the pregnant woman. Hence, his kind of abortion can be called Therapeutic Abortion. Finally, the third reason is that, after a prenatal diagnosis, it is observed that the fetus has an illness or disability that makes it very difficult or impossible for it to live a fulfilled life. The abortion that is justified for this reason is called Selective Abortion, and it is the type of abortion that will be discussed in this paper.

Recently, some countries in the Spanish-speaking community such as Argentina and Colombia have legalized voluntary termination of pregnancy (Menéndez, 2020) (Casas, 2022). Likewise, this year France has declared abortion as part of its constitution (Soto, 2024). Both legalizations and constitutionalization include selective abortion. However, some opponents against abortion, such as Jorge Nicolás Lafferrière, lawyer and professor of law at the Universidad de Buenos Aires in Argentina, claim that selective abortion supposes a eugenic practice, and therefore immoral, because it violates the right to life of a human being, and it supposes discrimination against those who possess disabilities (Lafferrière, 2021). Similarly, some Spanish-speaking media have argued that selective abortion should be unconstitutional because it implies genocide against disabled people (Martín, 2023), or that it promotes the idea of “eliminating imperfect beings” (Fiallo, 2023). Even, the Vatican has declared that selective abortion is part of a “culture of death” (Martínez-Bordiú, 2024).

However, are these claims true? Is selective abortion eugenic? If it is, then, is it an inherently immoral practice? Has this comparison practical viability for the illegalization of this kind of induced abortion? To answer these questions, it is required to analyze the meaning, origin, and history of eugenics.

2.2 Eugenics. Meaning and History

The term Eugenics comes from the Greek term *Eugoniké*, (*ευγονική* written in Greek), meaning “good origin” or “good birth”. This notion was intended to capture the idea of using scientific knowledge to improve the human species through selection in genetic inheritance and reproduction.

Literature referring to eugenics can be traced back to Plato's time. However, the eugenics movement took shape from Charles Darwin's theory of evolution and Gregor Mendel's genetics (Wikler, 1999). The concept of eugenics was coined by Darwin's cousin, the British polymath and anthropologist Francis Galton, who was influenced by his work *The Origin of Species*, published in 1859. Galton explains the concept of eugenics for the first time in his work *Inquiries into Human Faculty and its Development*, published in 1883, which defines eugenics as:

That science of improving stock, which is by no means confined to questions of judicious mating, but which, especially in the case of man, takes cognizance of all influences that tend in however remote a degree to give to the more suitable races or strains of blood a better chance of prevailing speedily over the less suitable than they otherwise would have had. (Galton, 1883, p. 25)

The influence of Galton's ideas was almost immediate. Darwin declared himself persuaded by the eugenic arguments of his cousin, and Galton attracted many students willing to learn about the notions of eugenics. Eugenic societies were formed in several countries, such as the Racial Hygiene Society in Germany in 1905 or the Eugenic Education Society in the United Kingdom in 1907, in which Galton was an honorary member. At the same time, different political parties from different countries, and with varied ideologies, were also seduced by Galton's ideas, since eugenics was seen as the science whose application could solve different social problems such as poverty or delinquency (Wikler, 1999).

However, the way in which eugenics was implemented varied widely among the different countries that adopted it. Some focused more on a positive model of eugenics, which pretended the reproduction of individuals possessing desired characteristics, aiming to give rise to eminent offspring (Saleeby, 1909, p. 172). Others, on the contrary, implemented a negative model, which pretended the cease or reduction of the reproduction of those individuals possessing deficient features, aiming to eradicate possible evils that could harm society (p. 172). Countries such as the United States followed, in certain instances, a positive model of eugenics, while others, such as the Nordic countries, preferred a negative model (Wikler, 1999).

While the positive model of eugenics was limited to mild measures, such as family subsidies to promote the reproduction of the fittest, the negative model used more coercive methods, such as sexual segregation, or involuntary sterilization, to avoid the propagation of undesirable genes (Wikler, 1999). However, both positive and negative models could coexist in the same State. The United States came to implement both models (Wikler, 1999).

Unfortunately, eugenics was also embraced by the Nazi government, which often equated the concept of eugenics with the term Racial Hygiene (Ranisch, 2019). In the name of eugenics, the Nazis carried out various projects,

such as the Lebensborn project, which consisted of integrating children from Nazi-occupied areas into homes selected by those in charge of the German eugenic program. More than 8,000 children were enrolled in Lebensborn houses as a result of this plan (Ranisch, 2019). Another example is Aktion T4, which consisted, supposedly, of a program of euthanasia, but it was indeed a policy of eradicating people with disabilities or handicaps considered incurable (Friedlander, 1995, pp. 67-68). As a result of this program, between 1940 and 1945, around 70,000 individuals were assassinated with lethal gas (Ranisch, 2019).

After the Holocaust and the end of World War II in 1945, the term eugenics was forever tarnished. The Nazis had presented themselves as the most consistent eugenicists, attempting in this way to mark a uniform line of the movement. This caused the term to be rejected, and many eugenic societies stopped using the word “eugenics” in their names (Wikler, 1999).

2.3 Comparisons Between Selective Abortion and Eugenics

Nowadays, the concept of eugenics is often used as an epithet to disqualify ideological adversaries or certain medical practices, such as selective abortion. Several arguments attempt to equate this form of termination of pregnancy with Galton's term. Three of them will be discussed below, namely the coercion argument, the loss of freedom argument, and the ableist argument.

2.3.1 Analyzing the Coercion Argument

The first argument links selective abortion with eugenics based on the coercion with which eugenics was exercised. In other words, this form of abortion can be a weapon used by a violent and coercive doctrine. In fact, it can be argued that abortion was a eugenic method used by Nazi Germany because, although in the majority of cases, abortion was forbidden during the Nazi period, it was allowed for “racial purposes” or if a member of a couple had “impure blood” (David et al., 1988).

Those who defend this argument emphasize that eugenics does not necessarily require an authoritarian State to exercise coercion, but has also other more subtle means. Sometimes eugenic practices were carried out by non-governmental organizations or by certain groups influenced by the parameters of certain cultures. Some scholars call this phenomenon Communitarian Eugenics (Buchanan et al., 2000, p. 177).

Examples of this were The Better Babies and The Fitter Family Contests, carried out in the United States in 1908 and 1920 respectively. These were fairs and events, organized by private entities, which served to instruct people in eugenics, as well as to do family competitions and to reward those who presented a more “fit” family, paying special attention to characteristics such as physical and mental health (Gershon, 2019). These events, simultaneously,

reinforced stigmas against certain races or groups, as well as pseudoscientific ideas (Ranisch, 2019). Thus, eugenics, even if not implemented by an authoritarian state, still presented serious moral and ethical problems because, among other things, coercion and authoritarianism towards the population could be exercised beyond the boundaries of the state, or by a non-authoritarian state.

Currently, one of the most relevant forms of non-authoritarian eugenics is the so-called Liberal Eugenics, which claims that parents should be free to decide, through bioengineering, whether to have offspring with desirable traits or not, with little or no intervention by the State. One of the first precedents of this eugenics is the so-called *Genetic Manifesto* of 1939, which advocated for academic research to analyze desirable heritable traits and to make the technologies to obtain these traits affordable for the average citizen, allowing them in this way to have the best possible offspring voluntarily (Crew et al., 1939).

Decades later, these ideas were more developed in the work *The Ethics of Genetic Control. Ending Reproductive Roulette*, published in 1974 by the American bioethicist Joseph Fletcher. In this work, different methods for obtaining the desired offspring, such as voluntary sterilization, cloning, or genetic modifications, are discussed. Finally, the concept of liberal eugenics appears for the first time in 1998, in the article "Liberal Eugenics", published by the Australian philosopher Nicholas Agar. It could be argued that this new eugenics is a form of positive eugenics, because it promotes the production of offspring with desirable characteristics, rather than preventing individuals with undesirable traits from reproducing.

Proponents of liberal eugenics consider this new eugenics to be an antithesis of the forms of eugenics seen in the 20th century, and thus an ethically acceptable eugenics. However, scholars such as Lafferrière argue that although in liberal eugenics individuals seem to have control over their reproduction, there are still subtle forms of coercion that condition and determine their reproductive choices (Lafferrière, 2022).

Lafferrière claims that considering prenatal diagnosis in countries where abortion is legal, or admitted in case of severe fetal malformations, physicians might see themselves pressured to systematically offer studies about the condition of the offspring, even without any indication to do so, because they fear a complaint of malpractice from the parents. This is because, in countries with free abortion, parents can ask for this information and sue the physicians for malpractice if they do not provide it. Therefore, under this threat, physicians routinely offer prenatal studies and when a disease or disability condition is detected, systematic abortion is performed (Lafferrière, 2022).

Similarly, when the most relevant medical and scientific organizations adopt criteria on standards of health care, they create conditions to pressure parents towards certain reproductive options, because the recommendations of

these organizations become the standards of action to be followed by health professionals, who end up offering parents methods such as selective abortion. Lafferrière points out that this is what has happened with institutions such as the American College of Obstetricians and Gynecologists, which recommend, he claims, selective abortion (Lafferrière, 2022).

On the other hand, institutions such as insurance companies might be able to exert some coercion too. Here, pressure could be exerted if these companies attempt to exclude from their offers children who were born with diseases or disabilities that were avoidable through prenatal diagnosis or other offspring selection mechanisms (Lafferrière, 2022).

Finally, the market, guided by profit interest and demand preferences, could also exert pressure against parents to make them have offspring with certain traits. In this way, the market would pass the weight of eugenic decisions to the individual choice of parents and, in general, to the desires of customers (Lafferrière, 2022).

Therefore, Lafferrière considers that due to these points of coercion, which go from the market and health institutions to parents, and from parents to medical professionals, the differences between liberal eugenics and authoritarian forms of eugenics are diluted, producing in this way a subtle but effective form of coercion that has selective abortion as a method for eugenic purposes. In this sense, Lafferrière highlights that in countries with free abortion, such as the United Kingdom, Australia, China, or the Netherlands, 90% of embryos or fetuses presenting Down syndrome after prenatal diagnosis are aborted (Lafferrière, 2022) (Hill et al., 2017).

Thus, to discourage selective abortion and liberal eugenics, Lafferrière proposes measures such as the recognition of the human being as a person from conception, the protection of the inviolability of human life, the regulation of preimplantation genetic diagnosis, measures against genetic discrimination, and the coverage of the right to health (Lafferrière, 2022).

2.3.2 Analyzing the Loss of Freedom Argument

The second argument links selective abortion with eugenics because of the loss of reproductive liberties caused by the eugenic goals pursued by certain entities. Proponents of this argument often present concern with the principle of Procreative Beneficence (PB), formulated by the Australian philosopher Julian Savulescu.

According to Savulescu, PB refers to the idea that future parents are morally obliged to have the best possible offspring in order to give them the best possible life or, at least, a life as good as that of other individuals. In other words, Savulescu argues that certain genetic characteristics might affect our quality of life and, therefore, it might be necessary for parents to make use of the genetic

information they possess for their reproductive decisions and, based on this information, modify or select the embryo that has the best chance of having the best possible life (Savulescu, 2001).

According to Lafferrière, PB could mean making use of selective abortion if the fetus possesses genetic characteristics that may prevent it from having a life as good as the life of the existing individuals. This, consequently, could mean a loss of freedom for the parents, who are forced to follow certain patterns to have the “best possible offspring” (Lafferrière, 2021).

Proponents of PB argue that this principle is about moral obligations, not legal obligations. However, Lafferrière considers that, due to the methods of coercion discussed above, the distinction between moral and legal obligations is just an illusion (Lafferrière, 2021). PB is, according to Lafferrière, a slippery slope, which would lead to the approval of all kinds of biotechnological applications oriented to model human life. At the same time, it could lead to the emergence of a society in which any undesirable characteristic of a child is understood as the result of negligence coming from the parents (Lafferrière, 2021).

Reproductive freedom, according to Lafferrière, is one of the most fundamental personal freedoms, and it must be exercised based on practical rationality. In this freedom, he argues, there must be respect for the originality of the transmission of life through sexual union, which guarantees objective conditions, devoided of human control and manipulation. This is what, according to Lafferrière, ensures that life is transmitted with the gratuity and gift that the dignity of the human person demands (Lafferrière, 2021).

One thinker who seems to agree with this perspective is the American philosopher Michael Sandel. According to Sandel, to have individual freedom, the individual must start from an origin that is not at anyone's disposal. In other words, Sandel claims that to see ourselves as free beings, we must be able to attribute our origins to a beginning that eludes human disposition. Therefore, if parents seek to select offspring with certain traits, dominating in this way the mystery of birth, then parenthood as a social practice governed by norms of unconditional love might corrupt (Sandel, 2007, p. 82).

The desire of parents to control birth by selecting the best future offspring might cause, according to Sandel, a problem of humility. Parenthood, he argues, is a school for humility, because the fact that parents want to take care of their future children, but at the same time do not know what kind of child they will have, provokes them to be open to the spontaneous and the unexpected. However, a world where parents can choose the kind of offspring that they want would be a world inhospitable to the unexpected and spontaneous, and thus a world where there is less chance and more choice. This, Sandel argues, could lead to a decrease in humility in parents (Sandel, 2004).

Therefore, selective abortion, according to these arguments, would lead to the reduction of many freedoms. These could range from the impossibility of having the desired child because of the imposition of certain traits in society, to the reduction of the freedoms of the new individual because he or she has a selected origin.

2.3.3 Analyzing the Ableist Argument

The third argument links selective abortion to eugenics because of the possible consequence that its legalization produces a greater rejection of disabled people. In this way, it could reinforce the dangerous message that the lives of people with handicaps are “lives not worth living”, and that it would have been better for society if these individuals had never been born.

Selective abortion among PB, argues Lafferrière, could affect the dignity of persons with disabilities, as well as their fundamental rights. Dignity, according to him, is that which expresses excellence in the being and, therefore, an ontological reality of the human person. This dignity involves two principles: respect for the inviolability of life and the originality of the transmission of human life (Lafferrière, 2022). Therefore, if PB is defended, then the dignity of these persons may be seriously damaged by presenting traits considered undesirable.

Those who defend PB argue that this principle does not imply defending the idea that the lives of disabled people are not worth living. They consider, on the contrary, that it is necessary to adopt a certain conception of well-being, and then, to identify the causes that influence the achievement of that well-being in certain circumstances and, based on that, to apply PB (Savulescu & Kahane, 2009, p. 288). Similarly, they also argue that it is better to bring someone into the world without disabilities because of “impersonal reasons” (Savulescu & Kahane, 2009, p. 610). In other words, it is considered that if we have to choose between bringing into the world an embryo that presents anomalies and one that does not, then we should choose the second option, not because it does not have anomalies, but because it is expected to have a better life. However, Lafferrière argues that the message that this may send to people with disabilities is harmful because selective abortion, he argues, implies the elimination of people with disabilities (Lafferrière, 2022), linking this practice in this way with the practices of the negative eugenics of the 20th century.

Lafferrière's concern about how selective abortion may affect people with disabilities, as well as its alleged relationship to eugenics, is also present in the Costa Rican lawyer Catalina Devandas, who also points out that when selective abortion is debated, those who defend the rights of disabled people worry that bioethical analyses of this form of pregnancy termination might serve as a basis for justifying new forms of eugenics. This is because, she argues, the aggregate effect of many individual choices is likely to produce eugenic outcomes. This, in turn, may provoke a general decrease in social acceptance of disabled people, as well as in human diversity (Devandas, 2019).

Devandas claims that when the bioethical debate about the moral permissibility of using a particular form of intervention to prevent or treat disability is addressed, the quality of life and worth of people with disabilities is at the same time judged. In other words, she warns that what is being debated is the impact of a handicap on an individual's life versus the ethical, and sometimes economic, cost of performing a particular intervention. As a result, when issues such as selective abortion are debated, those advocating for the rights of the disabled are often forced to justify the worth and existence of these people (Devandas, 2019).

At the same time, the legalization of selective abortion may result in fewer people with disabilities being born. Thus, Devandas notes that, because of this, some people fear that social support for individuals with disabilities may be reduced, as well as public funds allocated to help them (Devandas, 2019).

Therefore, to combat the ableist discrimination that selective abortion might cause, Devandas believes that it is crucial to visualize disability as part of human diversity, as well as to change the paradigm of how people with disabilities are conceived. This change, she argues, must go from a medical model to a human rights model of disability. In this way, the central point of the disability problem would be outside the individual and inside society, and social barriers would be recognized as the main obstacles that these people face (Devandas, 2019).

On the other hand, Devandas also considers that it is important for States to allow the participation of persons with disabilities when discussing the adoption, implementation, and evaluation of laws and policies that directly affect them. Similarly, States should also allow the participation of persons with disabilities in national bioethics committees (Devandas, 2019). In this way, our approach to the selective abortion debate could be more accurate.

3. Answering the Comparisons Between Selective Abortion and Eugenics

After the study of the three main arguments that compare selective abortion with eugenics, whether these arguments point to any correct relationship between these two concepts will be analyzed. Likewise, whether these arguments effectively point to any intrinsic evil within selective abortion or eugenics will be studied.

3.1 Answering the Coercion Argument. Why is Liberal Eugenics Different?

Previously, Lafferrière claimed that eugenics, even if it is not implemented by an authoritarian state, can exercise several forms of subtle coercion to produce offspring with certain traits through selective abortion. These forms of coercion

can be exercised by medical or scientific organizations, insurance companies, or the market itself. Even current eugenic movements such as liberal eugenics, which is exercised by individuals themselves, would not have a very different outcome compared to the forms of eugenics seen in the past.

However, I believe that liberal eugenics, in addition to being exercised by individuals, presents two other differences compared to the other eugenic movements. These two differences, from my perspective, can make liberal eugenics less coercive, and therefore also more ethically viable.

Firstly, there is the consideration of the environment. Many eugenic movements in the 20th century defended Lamarck's notion of inheritance, which argues that parents genetically transmit to their offspring characteristics acquired during their lifetime (Wikler, 1999), or the notion of Genetic Determinism, which argues that our phenotypic characteristics are all originated from our genes (Agar, 2004, p. 27). Currently, both notions about the origin of traits have proven to be incorrect, due to a bad comprehension about how genetics works and the little importance given to the environment. However, liberal eugenics supports the so-called Interactionist Conception, which argues that both genes and environment are essential for the development of traits. Therefore, those who defend this new eugenics argue that both genetic and social influences are equally important for the development of an individual, although they may contribute differently (Agar, 2004, p. 71).

Secondly, there is the consideration of a pluralistic perspective on how to achieve Human Eminence, understood as "individual fitness". The eugenicists of the 20th century used to defend a monistic view for achieving human eminence, and hence, there was only one way to obtain it, which required specific physical and psychological characteristics. For example, Galton in his work *Kantsaywhere* argued that the eminent man has good qualities in talent, behavior, and bodily vigor, while the eminent woman has good qualities in health, beauty, style, nobility of heart, as well as good domestic qualities (Galton, 1910, p. 56). As it can be appreciated, this perspective on human eminence is rather simple, superficial, and sexist. However, liberal eugenicists, such as Agar, argue that there is not just one way to become an eminent individual, but several, and therefore, it is not necessary to have specific physical or psychological characteristics or to live in a particular environment. On the contrary, different genetic and social combinations can serve that purpose (Agar, 2004, pp. 100-103).

This wide range of possible ways to achieve human eminence, added to the importance given to the environment, could lead to a reduction in the coercion exercised by different institutions. This is so because liberal eugenics does not directly indicate who is a fit individual and who is not, but rather it depends on the genetics of each individual, the environment in which he or she develops, as well as the life path chosen. Therefore, since there is no single model

for "fit individual", but multiple, as well as diverse ways to achieve eminence, the coercion exerted by different entities could be reduced.

On the other hand, as Lafferrière pointed out earlier, some sectors, such as the insurance industry, could exert social pressure if they try to prioritize their interests by refusing to offer services to individuals who present some handicaps that were avoidable through prenatal diagnosis. This form of coercion is important because it could mean not only a reduction of solidarity in the population presenting certain traits (Sandel, 2004) but also the possibility of creating genetic ghettos (Buchanan et al., 2000, p. 326). Therefore, to avoid this form of coercion, it is necessary to protect the genetic privacy of individuals.

However, as some authors have already pointed out, protecting this privacy can be complicated, since sometimes an individual's genetic information can be deduced from a family medical history (Buchanan et al., 2000, p. 327). Therefore, I believe that such medical history should be protected too (Hernández, 2023, p. 176), as well as the decision of women to opt for selective abortion, and the decision of physicians to opt for conscientious objection. Defending the legality of selective abortion should not only involve defending those who are in favor of its use, but also the rights of physicians who choose to assist or oppose this process.

However, the physicians's right to conscientious objection should never overshadow the right of pregnant women to terminate a pregnancy. Therefore, physicians who counsel women in these situations have the duty of presenting all possible information in a clear and accurate way. This includes all the possible options that pregnant women can take, as well as the possibilities of the future being for having a happy and worthwhile life (Gould, 2020).

In addition, I also consider the necessity to defend universal healthcare, because insurance companies will look after their interests more than the interests of the customers (Hernández, 2023, p. 176). Liberal eugenics does not declare which economic system to follow (Agar, 2021). This last point is a crucial turning point when deciding how to apply methods such as prenatal diagnosis or selective abortion at the social level.

It remains to see what happens in countries where this form of abortion is legalized. In these countries, as noted above, the birth rate of persons with disabilities is quite low. This may lead one to think, as Lafferrière seems to point out, that in these countries there are forms of coercion so that future individuals will never be born if they possess traits considered undesirable. However, some studies show that this reduction may be due to non-coercive factors.

A study conducted in 2015 in Norway, a country that has legalized selective abortion, indicated that when a pregnant woman receives the news that the fetus has impairments, she may react in very different ways. Some felt as if their body had been invaded, others absolute shock because they had already

been mothers of several healthy children, and others felt alienated concerning the fetus (Risøy & Sirnes, 2015). Among those who decided to abort, some did it because the anomalies detected, such as Edwards Syndrome, were incompatible with life, and they wished the fetus not to suffer, while others took this option although the anomaly was compatible with life, like the Klinefelter Syndrome, which generated to some of them self-criticism about their ethical convictions.

However, one highlight of this study is that, in many cases, when women talked about their experiences and reasons to abort, they used different narratives about various terms, such as being a “good mother” or a “good abortionist”, “sacrifice” and “self-sacrifice”, as well as whether the abortion is performed in favor of the fetus or not. The study also highlighted differences in how the decision was made because, while some women wished to make this decision without the pressure of some familiars, others wished to include their partner or family to feel less weight on their shoulders (Risøy & Sirnes, 2015).

As it can be seen, the reasons behind selective abortion tend to be very subjective and personal. These reasons are not necessarily related to coercive acts by third parties, or to a desire to prevent the emergence of certain characteristics in society. At the same time, it has also shown that liberal eugenics, unlike other eugenic movements, might not necessarily present forms of coercion. Therefore, I consider that the argument comparing selective abortion with eugenics based on coercion is very fuzzy and imprecise.

3.2 Answering the Loss of Freedom Argument. What Limits our Reproductive Liberties?

As it was noted above, liberal eugenics does not point at any specific physical, psychological, or environmental characteristic as “fit” or “unfit”, but rather that an individual might become eminent in multiple ways. Thus, PB could become in certain instances blurred, or even subjective, since having the best possible offspring will depend on their genetics, as well as the environment in which they will develop, or how both genetic and environmental factors will interact with each other.

Moreover, it could even happen that the ideal environment for a specific genotype does not exist so, in this case, having the ideal offspring will depend on which environmental factors are valued as more or less beneficial (Buchanan et al., 2000 p. 298). Similarly, different individuals may have to coexist in the same environment, which is beneficial for the genotype of some and, at the same time, detrimental to others, so it would be necessary to evaluate which group to benefit and which to harm and on the basis of which criteria (Buchanan et al., 2000, p. 299). At the same time, and as it was mentioned before, the rights of those who

are against processes such as selective abortion must be protected. This last point would completely undermine PB.

I agree with Lafferrière that reproductive freedom is one of the most fundamental freedoms of the human being, so it must be based on rational principles and be respected. However, unlike him, I do not consider that to respect this freedom it is necessary to respect the originality of the transmission of life by sexual union. On the contrary, I argue that the need to respect this originality may provoke a loss of liberties in the reproductive field, especially for women's autonomy. Traditionally, concepts like freedom and autonomy have been understood from the perspective of the dominant group in society. Therefore, the complexity of individuals, as well as their social, cultural, and economic status, in particular in those who have been oppressed for issues such as gender, ethnicity, or sexual orientation, has been rarely taken into consideration in the elaboration of those terms, especially in the reproductive scope (Belli & Suárez, 2021).

According to the American philosopher John Robertson, reproductive freedom is that set of freedoms in activities and choices related to procreation (Robertson, 1986). This freedom should contemplate the capacity to make several choices such as being able to decide whether or not to have children, with whom, when, how many, etc. (Buchanan et al., 2000, pp. 209-212). Taking into account this definition of reproductive freedom it is possible to deduce that, with the prohibition of abortion and selective abortion, the capacity to choose freely whether to be a parent or not will be seriously affected (Hernández, 2023, p. 174). Also with these prohibitions, as history has proved, the social position of women could be affected because their experiences regarding abortion, and how credible are they, might not be taken into consideration because of the formation of prejudices against their gender. Thus, the prohibition of abortion might affect not only reproductively, but also epistemologically (Martínez, 2023).

On the other hand, the argument of humility defended by Sandel could mean leaving human reproduction in the hands of a reproductive roulette. This reproductive roulette is, according to authors such as Fletcher, something that should end if such a possibility exists. Parents should always have the right to refuse prenatal diagnosis, and also selective abortion. However, they should also be worthy of this option. This is so because, argues Fletcher, controlling our reproduction and not leaving it to chance is a humane act because, in this way, the children who come into the world will be truly chosen (Fletcher, 1974, p. 168).

Nevertheless, although I believe that control over human reproduction is important, I claim that it should not be absolute. In order to limit it, I defend the use of the so-called Natural Primary Goods, formulated by Dov Fox, professor of Law at the University of San Diego. According to Fox, these goods are those characteristics that are useful for any kind of life, such as immunity against

diseases, resistance against injuries, absence of disabilities, good memory, etc. (Fox, 2007). I consider that, among these traits, those that are directly related to health are the ones that should be supported the most. Therefore, characteristics such as a good immune system are more defensible than good memory or intelligence (Hernández, 2023, p. 181).

Aborting a fetus because of race or sex is, therefore, an ethically questionable action, since these characteristics do not, or should not, have any relevance for the increase or decrease of possible ways of life. However, if the presence or absence of a characteristic intrinsically means more or less ways of life for the future offspring, like a physical or psychological handicap, then there should be the possibility of debating whether it is ethically correct, regarding that trait, to ensure or prevent it in the future offspring and by what means.

Hence, selective abortion does not diminish the freedoms of individuals but, on the contrary, it may increase them. At the same time I argue that, if we consider the arguments of Fletcher and Fox cited earlier, liberal eugenics could also increase the liberties of individuals. Moreover, the defense of selective abortion or liberal eugenics does not necessarily imply support for PB. Thus, I believe that the argument that compares selective abortion with eugenics based on a lack of freedom for individuals is also biased.

3.3 Answering the Ableist Argument. Is All Diversity Good?

Authors like Lafferrière might argue that although liberal eugenics does not stand out, in principle, any genetic or environmental characteristic in specific as desirable or undesirable, if the defense of natural primary goods is taken into account, then it can be concluded that this new eugenics does defend the existence of objective genetic traits that could move future individuals away from eminence, such as traits related to diseases or disabilities. Therefore, future individuals classified as sick or disabled could be considered as “lives not worth living” and will be condemned to never be born through selective abortion. In this way, the diversity in human society could be endangered, and tolerance for those who are different could be reduced in the future.

I agree that it is important to protect human diversity and fight against ableist discrimination. The life of a person with disabilities can be a life worth living. Moreover, as I have already said in another work, persons with disabilities can become eminent individuals within the parameters defended by liberal eugenics if they have the correct environment for their individual development, and even have a better life compared to ordinary individuals (Hernández, 2023, p. 178).

However, although it is desirable to protect human diversity, it is not correct to protect it at any cost (Sparrow, 2015). Consider, for example, Tay-Sachs disease, which affects the brain and causes physical and mental problems. People with this disease usually die at the age of 5 years (Anzilotty, 2020). Thus,

preserving such a trait for the sake of diversity is a questionable thing to do (Ranisch, 2019). Therefore, contrary to what Devandas argues, it is not always feasible to take into account the perspective of those with diseases or disabilities when debating laws or medical practices related to them.

On the other hand, I believe that when debating the life of a future being with disabilities, the question to be asked is not whether the life of an individual with such characteristics is a worthwhile life or not. Rather, the question should be "How many possibilities has a person with handicaps for having a fulfilled life, and how many possibilities has that person without handicaps for the same thing?" (Hernández, 2023, p. 178).

The environment indeed plays a crucial role in whether the life of someone can be fulfilled or satisfactory. However, the presence or absence of disabilities also plays an important role in the opportunities of life that a person has. Therefore, although I do not defend PB, I agree with Savulescu that those characteristics that increase or decrease the chances of a good life for future individuals are a good reason for selection.

In addition, it should be noted that, although Devandas opposes liberal eugenics because, she claims, it may lead to an increase in ableist discrimination, she is not against the legalization of selective abortion. On the contrary, Devandas believes that solutions against ableism should not compromise the right of women, including those with disabilities, to decide whether or not to continue their pregnancies. According to her, abortion bans have proven to be ineffective, and harmful to women (Devandas, 2019).

Devandas's argument can be visualized if we check the data provided by WHO. When abortion is illegal, women often resort to clandestine abortions. This can mean a health risk or even death to them, especially in developing countries. According to WHO, in countries where abortion is more restricted, only 25% of abortions are safe, while in countries where abortion is widely legalized, almost 90% of abortions are performed under optimal conditions (World Health Organization, 2022). Similarly, WHO also estimates that in developed countries, 30 of every 100,000 unsafe abortions result in the death of the pregnant woman, while in underdeveloped countries, this number rises to 220 of every 100,000 (World Health Organization, 2021).

Devandas' perspective, therefore, clashes with Lafferrière's on the legality of abortion. Both agree that selective abortion can be used as a discriminatory weapon, and thus, as something proper of eugenics. However, while Lafferrière visualizes selective abortion as something intrinsically discriminatory because, supposedly, it ends with the lives of disabled persons, Devandas considers that this discrimination is not intrinsic but extrinsic. In other words, Devandas considers that there is ableist discrimination in selective abortion not because of selective abortion itself, but because of the prevailing ableism in society, and hence, when a woman decides to submit herself for prenatal testing, she should

be given accurate and objective information, not only about the risks and limitations of prenatal testing but also about the life with the condition being tested. Thus, when discussing selective abortion, Devandas believes that to deal with this issue it is more effective to analyze the prevailing enabling discrimination in society than to seek to ban it (Devandas, 2019).

As it can be seen, some arguments claim that ableism is not necessarily part of the essence of selective abortion. At the same time, it can be considered that liberal eugenics is not ableist either. This eugenics is against diseases and disabilities, but not against those who suffer because of them (Hernández, 2023, p. 177). The distinction between the future individual and the disability must necessarily be made when evaluating bioethical problems such as selective abortion, although it is true that sometimes making this distinction can be difficult, especially when the handicap is not physical, but psychological (Mertes & Segers, 2019). Moreover, as it will be developed later, it can be difficult or questionable to conceive the characteristic of individuality in something like a fetus.

4 Are Selective Abortion and Eugenics Ethical?

Having analyzed the three main arguments comparing selective abortion with eugenics, it has been observed that neither coercion, the loss of freedom, nor ableism seem to be essential in this form of pregnancy termination and, at the same time, none of these features seem to be essential in certain variants of eugenics such as liberal eugenics. Therefore, the question about the ethical viability of selective abortion, as well as eugenics, arises. To analyze this question, the inviolability of human life, the humanity of the fetus, and the ethical feasibility of liberal eugenics will be discussed.

4.1 Human Life as Something Inviolable

Opponents of selective abortion, as well as abortion in general, usually start from the premise that the fetus is a human being from conception because it has a unique and unrepeatable DNA, which leads them to conclude that abortion is murdering. Likewise, they defend that human life has an intrinsic value and, therefore, is inviolable (Lafferrière, 2022). However, the inviolability of human life can be questioned.

From time to time, fetuses present diseases and anomalies that cause so poor living conditions that non-existence is preferable to existence (Buchanan et al., 2000, p. 233). The aforementioned Tay-Sachs disease might be an example of this. A newborn carrier of this disease will certainly have a short life which, moreover, he or she will not be able to enjoy. Therefore, it can be argued that in such cases abortion is morally right since the act of giving birth to an individual with this characteristic is harmful to the individual himself (Feilberg, 1994).

However, there are cases in which individuals, despite being born with a handicap, such as Down syndrome or Klinefelter syndrome, can have a happy and worthwhile life. In these cases, it would not be correct to argue that giving birth to such individuals would be prejudicial to them because the alternative, abortion, implies their non-existence (Feilberg, 1994). This issue might remind the non-identity problem, formulated by the British philosopher Derek Parfit in which, when facing a dilemma, different actions could imply the existence or non-existence of individuals (Parfit, 1984). One way to solve the non-identity problem could be, according to Parfit, to choose the option that gives rise to the existence of individuals with better conditions, if and only if, the same number of individuals will exist in both options (Parfit, 1984). However, this solution is not applicable in selective abortion, since in one option there will be an individual with handicaps while in the other there will be no individual, so the number of individuals in both options is not the same.

On the other hand, it could be attempted to justify the ethical feasibility of selective abortion employing the violinist's dilemma, formulated by the American philosopher Judith Jarvis Thompson, or through the *McFall v. Shimp* case. Firstly, in the violinist's dilemma, you have been kidnapped by a society of musicians. You are now in a bed, next to a famous unconscious violinist. The violinist suffers from a kidney disease, and you are the only one who has a blood type compatible with his. Therefore, your circulatory system has been connected to his. If the doctors disconnect you from the violinist, then he will die. They say that, in principle, you must be connected to the violinist for 9 months to save his life and that, on the other hand, disconnecting you from him prematurely would be immoral because human life has intrinsic value and is, therefore, something inviolable (Thompson, 1971). Thompson argues that being willing to spend 9 months connected to the violinist to save his life would be a heroic act. However, what would happen if instead of 9 months it were 9 years or the whole life? (Thompson, 1971).

Secondly, *McFall v. Shimp* was a court case that occurred in Pennsylvania, United States, in 1978. Robert McFall was a 39-year-old asbestos worker who suffered from Plastic Anemia and needed a bone marrow transplant to save his life. McFall's cousin, David Shimp, was the only compatible donor found, but he refused to donate his bone marrow. Therefore, McFall sought to force Shimp through an injunction. However, Judge John P. Flaherty Jr. denied McFall's request, arguing that although Shimp's refusal to donate a part of his body is immoral, the court would not force him to do so because the right to life of a person cannot violate the bodily autonomy of another one (Ingram, 2021).

Both the violinist's dilemma and the *McFall v. Shimp* case show that the right to life is not absolute. However, these cases can only justify selective abortion in a limited way. Those who oppose abortion could argue that both Shimp and the kidnapped person are innocent beings and, therefore, they are not to blame for the violinist's or McFall's condition, whereas a pregnant woman,

unless she has been a victim of rape, is partially responsible for having a fetus inside her, so these two cases could only justify abortion or selective abortion in case of rape. Until now, the premise that the fetus is a human being from conception because it has a unique and unrepeatable DNA has been maintained. However, this premise, as it will be seen now, is questionable.

4.2 Questioning the Humanity of the Fetus

Firstly, it is not true that all humans have a unique and unrepeatable DNA, because the DNA of two identical twins is practically the same. The zygote, before nesting, which occurs between the first and second week after conception, has the capacity to divide and give rise to twins or more individuals (Rosenau, 2018). Even, zygotes can fusion with other zygotes, provoking in this way the emergence of babies born with two DNAs at the same time (Friedman, 2014). Thus, it is not convincing to treat zygotes as humans, because humans cannot divide or fusion themselves.

On the other hand, the genetic information that the fetus possesses is necessary to be a human being, but insufficient. The future being needs a uterine environment, as well as nutrients and antibodies provided by the pregnant woman, to develop and finally be born (Zuccarello et al., 2022). Thus, without this new information, the future being would never be able to be born, and then, the characteristic of individuality in fetuses is something questionable, which can move them away from the notion of "human" (Kornblihtt, 2018). Therefore, from what moment can the future being be considered as a human being? Authors such as Fletcher claim that this question will never have an agreed answer, due to the diverse perspectives on what constitutes the beginning of a human life, ranging from the first heartbeat, extrauterine viability, or simply when it is born (Fletcher, 1974, p. 139).

Currently, in the scope of bioethics, it is possible to find several scientific articles that defend the beginning of humanity from conception (Navas, 2020) (Lafferrière, 2021), from the moment of nesting (Conversesacatalunya, 2020) or up to the twelfth week of gestation (Redacción Querétaro, 2019). Thus, it can be concluded that there is no universal consensus about the humanity of the fetus. It is possible to argue that this impossibility of consensus is because the concept of "human" is not a scientific concept, but a philosophical one, and it is more related to belief, religion, or spiritual reasons. Therefore, from a perspectivist viewpoint, both those in favor and against abortion are right depending on how the concept of "human being" is defined, as well as the essence of humanity.

Therefore, because of the impossibility of a consensus on the humanity of the fetus between the different current perspectives inside the scope of bioethics, I believe that it would not be fair to forbid abortion or selective abortion because it is not murder objectively, but only from certain perspectives. Therefore, women should be free to act regarding abortion according to their own

perspectives. This means legalizing abortion at least up to a certain point of gestation, preferably before the fetus can feel pain.

Some studies indicate that because of not having a developed spinal cord yet, fetuses do not feel pain until even after 20 weeks of gestation (Ramírez de Castro, 2013). However, more recent studies claim that there is evidence that fetuses can feel immediate pain from nervous system functions from approximately 12 weeks, despite not being fully developed by then (Derbyshire & Bockmann, 2020). Therefore, I consider that this time frame for abortion, if there are no adverse conditions, is more or less reasonable.

As it can be seen, the legalization of selective abortion, and abortion in general, might be ethically viable within certain parameters. Therefore, it remains to see the ethical viability of eugenics, especially liberal eugenics.

4.3 Is Liberal Eugenics an Ethically Viable Form of Eugenics?

As it was noted earlier, far from being a homogeneous movement, eugenics has had a great diversity of forms, ranging from authoritarian eugenics, such as the eugenics of the Third Reich, to eugenics that promotes, supposedly, desirable traits through family competitions, such as the eugenics of the United States in the 20th century. Certainly, there are forms of eugenics that must be rejected for being essentially authoritarian or discriminatory against certain sectors of the population. However, it has also been observed that there is a variant of eugenics, called liberal eugenics, which has neither authoritarian nor discriminatory features.

This new eugenics, however, is not free from critics. Firstly, the German philosopher Jürgen Habermas argues that liberal eugenics, by giving parents the possibility of having offspring with the traits they desire, even through genetic engineering, might provoke problems of identity and autonomy in the future individuals (Habermas, 2001, p. 277). This is so because the new beings, once they are aware that they are individuals selected or genetically modified for having certain physical or psychological traits, will hesitate about if they are born or created, and hence, they could feel that they are not the owners of their history, and even reject their genetic modifications, and then ask their parents for a justification for their actions.

Secondly, the Japanese-American political scientist Francis Fukuyama also criticizes the possibilities that liberal eugenics can offer. According to Fukuyama, if parents have the possibility to select the traits of future offspring at will, then this could provoke a utilitarian world in which human traits are classified in terms of whether they produce pleasure or pain. This, Fukuyama argues, could imply a drastic reduction in the diversity of human nature (Fukuyama, 2000, p. 173).

Thirdly, the Japanese-American philosopher Donovan Miyasaki claims that, inside liberal eugenics, there is an intention to harm others. This is so

because, according to him, parents who seek to select or modify their future offspring can do it not for the sake of the offspring, but for having a better offspring than the rest, and thus give rise to unfair social competition (Miyasaki, 2021).

These are some criticisms that have been raised against liberal eugenics. Nevertheless, just as there are plausible criticisms, it is also possible to elaborate counterarguments. Firstly, concerning Habermas, to prevent the selection of characteristics that could affect the autonomy and individuality of future individuals, I consider that only those traits that fall into the notion of natural primary goods, especially those related to health, should be promoted. In this way, a wider fan of different kinds of life, as well as a bigger fan of possible paths for the desired kind of life, could be guaranteed. Similarly, it is essential, when selecting traits, that parents should not focus on their own interests, but on the interests that future offspring might have eventually (Buchanan et al., 2000, pp. 161-162).

Secondly, concerning Fukuyama, the reduction of the diversity of human nature caused by a utilitarian vision does not have to happen by necessity. This is so because the concepts of pleasure and pain are very complex and they can be understood in several ways. Even inside utilitarianism, there are different ways of understanding them. For example, Jeremy Bentham argues that the different forms of pleasure and pain differ in quantity but not in quality, (Bentham, 1780, p. 31) while John Stuart Mill argues that pleasure and pain can indeed differ in quality, being the intellectual pleasures superior to the physical ones (Mill, 1861, p. 19).

Thirdly, unlike Miyasaki, I consider that the intention behind liberal eugenics is not to harm through the enhancement of some individuals over others. On the contrary, as authors like Buchanan have said, the intention is to improve the human species by utilizing science and technology, but beyond that, the equality of opportunities among all human individuals, as well as equal access to genetic engineering (Buchanan et al., 2000, p. 16).

Therefore eugenics, at least the liberal one, could be ethically defensible as well as selective abortion. Hence, because of the ethical viability of both concepts, the usefulness of comparing them regarding the illegalization of selective abortion must be considered.

5. The Efficiency of the Comparison

Eugenics, as it can be seen, was not a homogeneous movement. Therefore, making a comparison between a form of abortion and eugenics may not be very feasible at first sight. The concept of eugenics is very broad and many laws, as well as reproductive methods, can fall under this umbrella. This at the same time explains the many comparisons that have been made with this term (Ranisch, 2019). Even because of its wideness, authors such as Diane Paul argue

that although there is, supposedly, an agreement for rejecting eugenics, it is not clear what eugenics itself is (Paul, 1994). Therefore, if there is no consensus about what eugenics is, then it becomes really hard to clarify if it is intrinsically immoral or not.

If eugenics is understood as something authoritarian, like the Racial Hygiene in Nazi Germany, then it is true that it is a doctrine that must be rejected. However, as this paper has shown, this way of understanding eugenics is very limited because neither liberal eugenics, nor other forms of non-authoritarian eugenics such as eugenics in the United States, would fall under this umbrella (Ranisch, 2019). All this indicates that usually, the conventional idea that people have about eugenics is characteristic of only a few manifestations of it. Similarly, comparisons with eugenics usually suggest that we are dealing with a homogeneous movement, which is not true (Ranisch, 2019).

The three arguments analyzed before that compare selective abortion to eugenics can be dismantled, and do not serve to legitimize the illegalization of this form of termination of pregnancy. However, other types of comparisons between the two terms are still possible. It could be argued that, even if there is no eugenic intentionality, the aggregate effect of the individual actions of each woman to abort fetuses that present handicaps may result in the formation of a population with a low percentage of individuals suffering from some anomaly. In this way, it could be argued that selective abortion is part of a kind of “negative liberal eugenics”.

However, such an argument is problematic because, if we follow this rule, many interventions in human reproduction could be considered eugenic as well (Ranisch, 2019). Even banning abortion, which would be the opposite of legalizing it, could be considered as something eugenic if it has, for example, the effect of making certain ethnicities, considered by some as possessing desirable traits, remain in time and increase their number of individuals.

Therefore, I argue that selective abortion, as well as eugenics, could be ethically defensible depending on the methods and laws applied, as well as the objectives to be considered. Thus, comparing selective abortion with eugenics, in order to discredit the legality of the former, might be something unprecise and ineffective, and does not contribute solidly to this debate.

6. Conclusions

This paper has focused on the comparison between selective abortion and eugenics, their practical feasibility in the ethical and legal scope, as well as in an ethical evaluation of both concepts. To this end, the concept of abortion and selective abortion have been analyzed, as well as the history of eugenics, emphasizing the so-called “liberal eugenics”. Likewise, the main arguments comparing selective abortion with eugenics, this is, the coercion argument, the loss of freedom argument, and the ableist argument have been studied.

It has been concluded that neither of these arguments is essentially applicable to either selective abortion or eugenics. For this reason, it has proceeded to examine the ethical viability of both. To this end, the inviolability of human life, the humanity of the fetus, and the ethical viability of liberal eugenics have been analyzed. Finally, the efficacy of comparing selective abortion with eugenics has been examined.

Because of the wideness of the concept of eugenics, and the possible ethical feasibility of both eugenics and selective abortion, it has been concluded that comparing eugenics with selective abortion, in order to legally discredit the latter, is not something plausible. Comparisons between the two concepts often come from comparing selective abortion with some specific eugenic movements such as the racial hygiene of Nazi Germany, or from thinking that eugenics was a homogeneous movement. However, these assertions are not true.

Throughout this paper, I have not attempted to present selective abortion as a recommendation for those who are hesitant to exercise maternity or paternity in the event of giving birth to a baby with an anomaly. On the contrary, I have tried to defend it as a legal option, along with others, for pregnant women if they wish so. Likewise, I have not tried to put an end to the ethical debate on selective abortion, but rather to dive into it. The accessibility of different women to be able to terminate their pregnancies or the different methods of abortion have remained outside the scope of this work.

At the same time, eugenics, including liberal eugenics, presents important ethical challenges to be considered. In this work, several issues have been studied, such as the identity of future individuals, the creation of a utilitarian world, and some possible bad intentions that parents might have. However, the various enhancement technologies that can function as methods to produce offspring with desired traits, such as cloning, CRISPR, artificial wombs, or preimplantation genetic diagnosis, as well as the ethical dangers of their use, remain to be analyzed. My desire is, if possible, to explore these issues in future publications.

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