

about. "For example, the human right of not being tortured springs from the importance of freedom from torture for all." And the ethical demand is not just for the would-be torturer to desist, but for other persons to consider how torture can be prevented and what they themselves should reasonably do toward that end.

Bentham regarded natural rights as false legal pretensions. A modern law-centered view that's more accepting of the idea of human rights sees them as "laws in waiting." But for Sen, human rights are not just the basis for new legislation; they can also influence public opinion and prompt agitation on their behalf. In monitoring abuses of human rights, for example, Amnesty International and other watchdog groups promote the *cause* of human rights.

Only a freedom important enough to justify obliging other people to consider

what they can do to advance it can become the basis for a human right, Sen maintains. And those other people must plausibly be able to make a difference.

Some contemporary thinkers accept the general idea of human rights but reject the inclusion of so-called economic and social rights, such as a common entitlement to subsistence or health care, because the institutions needed to fulfill those rights may not yet exist in many societies. But this, Sen argues, only indicates the need to work toward changing the circumstances that prevent such rights from being realized.

The ultimate test of the validity of claimed human rights, he says, is whether they survive uninhibited, informed discussion and scrutiny, not merely in one society but "across national boundaries." As Adam Smith once wrote, ethical scrutiny requires examining moral beliefs from "a certain distance."

## SCIENCE, TECHNOLOGY & ENVIRONMENT

### *Seed Money*

"Procreative Compounds: Popular Eugenics, Artificial Insemination, and the Rise of the American Sperm Banking Industry" by Cynthia R. Daniels and Janet Golden, in *Journal of Social History* (Fall 2004), George Mason Univ., 4400 University Dr. MS 3A2, Fairfax, Va. 22030-4444.

You have a better chance of getting into Harvard than of becoming a sperm donor. That's because sperm donation has evolved into a multimillion-dollar industry with an eagle eye for quality control.

Sperm donors and their "donations" are subjected to stringent testing and screening. At most banks, men must be between 21 and 35 years old, between 5'8" and 6'2" tall, and meet weight targets. Adopted men or those with a family history of certain diseases (nearly 100 are listed) are disqualified. Would-be donors also are nixed if they've had sex with another man, with a woman who has had sex with a bisexual man, or with more than a specified number of partners.

But donor recipients seek more than health safety assurances, write Daniels and Golden, professors of political science and history, respectively, at Rutgers University. Most U.S. sperm banks (there were 28 in 2001) produce glossy catalogs lush with vir-

ile-looking models and donor resumé's that provide SAT and GRE scores, educational attainment, musical ability, social characteristics (e.g., "quietly charismatic"), religion—even, in some cases, handwriting samples, hat size, and favorite pet.

From the beginning, consumers and the medical establishment have seen artificial insemination as a way to build a better baby. The first known case in which a donor's sperm (as opposed to a spouse's) was used occurred in 1884, when a Philadelphia physician chloroformed a woman he was treating for infertility, under the pretext of performing minor surgery, and inseminated her with the sperm of his supposedly best-looking medical student. By the 1930s, however, artificial insemination had become a quasi-respectable practice widely reported in medical journals.

With the introduction of cryopreservation, first employed in the cattle industry in

the 1950s, sperm could be frozen and then thawed for use. Public acceptance came slowly, but when cases of HIV transmission were reported in the 1980s and '90s, cryopreservation became a necessity, as it allowed sperm to be kept "on ice" until it tested clean.

Currently, tens of thousands of children are conceived in the United States each year with semen purchased from sperm banks. At companies such as California Cryobank, the samples are stored in numbered and color-coded vials: white caps for Caucasian, black for African American, yellow for Asian, and red for "all others." Donors who best match the ideal Euro-American standard are most desired. Yes, consumers are disproportionately white, but even within other racial and ethnic categories, the most marketable donors are fair, tall, and slender.

With the birth of sperm banks, power to select donors shifted from the paternalistic physician to the consumer who paid for the product. What troubles Daniels and Golden is that the business has proven a breed-



*Sperm banks store their wares in tanks of liquid nitrogen, cryogenically preserving the samples at -196 degrees Celsius.*

ing ground for "popular eugenics," and heritable traits are often lumped with those that aren't—such as religion or a Ph.D. Today, sperm banks dangle the prospect of a kid with the genetic right stuff to run fast, ace math, and go to Sunday school.

When artificial insemination was still a dirty little family secret, doctors sought sperm that would produce a child who looked like the presumed proud papa, or at least like a relative. No more. Tall, blond donors produce dozens of children, but the 4'7" man need not even apply: Nobody wants the little guy to father Little Johnny.

## *Is Evolution Over?*

"Are We Still Evolving?" by Gabrielle Walker, in *Prospect* (July 2004), Prospect Publishing, 2 Bloomsbury Pl., London WC1A 2QA, England.

As humans continue to advance, their evolution may be grinding to a halt. Natural selection works by picking and choosing among millions of random mutations that occur in each generation, favoring those individuals who bear traits conducive to survival and punishing those with less desirable traits. But we have molded our environments to such an extent that natural selection may have nothing left to work with, observes Walker, a British science writer.

All that's necessary to get everyone's genes on a level playing field is for people to be able to grow up and reproduce, claims geneticist Steve Jones, of University College,

London. And modern technical and cultural developments have assured precisely that. In Britain, a baby who reaches six months of age today has a nearly 100 percent chance of surviving to adulthood. Only 150 years ago, about half the babies born in London died before they reached puberty.

Nature has lost its power to select, Jones argues, and even if certain diseases or conditions, such as obesity, cut a few years off the end of our lives, "evolution won't notice," because we're already past childbearing age. Some in his camp worry that, without the ability to weed out problem mutations, we won't merely cease to evolve, we'll start ac-