



John A. Ryan and the American Eugenics Society

A Model for Christian Engagement in the Age of “Consumer Eugenics”

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Abstract

As global markets generate new genetic services that threaten traditional conceptions of the human person, theologians and religious ethicists are tasked to address what has been called “consumer eugenics,” a value-shaping, entrepreneurial phenomenon with eugenic qualities. One scholar who dealt with similar challenges during the period of the “old eugenics” a century ago was Monsignor John A. Ryan, who defended traditional views of the person against the encroachments of science and the power of markets to break down moral barriers. Ryan’s willingness to confront early eugenicists both as an academic economist and a proponent of Catholic social teaching offers a model for Christian engagement today.

Keywords: John A. Ryan, consumer eugenics, human genetics, bioethics, Catholics social teaching

Introduction

In September 2016, news broke that a scientist at the Karolinska Institute in Sweden was editing the genes of healthy human embryos for research purposes. That announcement was followed by an even more startling report: the birth of a child in the United States with the genetic traits of *three* different parents. The Food and Drug Administration (FDA) had attempted to prevent such possibilities by banning a procedure called cytoplasmic transfer in 2001. However, in this case, a team of American doctors skirted FDA prohibitions by performing a similar technique, mitochondrial replacement therapy (MRT), at a clinic in

Mexico. The Jordanian parents involved sought this procedure because the woman carried a mutation in her mitochondrial DNA associated with a horrific disease called Leigh's Syndrome. In its advanced stage, Leigh's Syndrome can force parents to suction the lungs of the suffering child on an hourly basis; previously, the disease had caused the deaths of two of the couple's children. However, after the success of the MRT procedure, the couple's newest child was born in New York City with no genetic signs of this terrible disorder (Kolata).

New genetic treatments, such as the one to address Leigh's Syndrome, are appearing with remarkable speed; yet they also spawn concerns about the *pace* of change in human genetics. In 2018, Chinese researcher, He Jiankui, announced that he had gone against the overwhelming opinion of the scientific community that germline therapies, which genetically alter not only individuals but also their future descendants, should not be conducted until more research and deliberation can take place. The Chinese scientist gene-edited twin girls for HIV resistance using a technique called CRISPR (Clustered Regularly Interspaced Short Palindromic Repeats). CRISPR enables the precise editing of DNA with such simplicity that an industry has developed to supply CRISPR mail-order kits that allow nonprofessionals to conduct gene-editing experiments on various organisms in the privacy of their homes (see Odin).

These announcements bring the impact of the global economy on humanity's genetic future more fully into view. Technological innovation is combining with market incentives in a global system that can lead to cures for long-incurable, and often horrific, genetic diseases. However, those developments also reveal that government restrictions on even morally and legally controversial treatments have little effect in the highly fragmented, asymmetric regulatory structure that exists for human genetic services. The absence of international regulatory agencies *with teeth* is enabling development of a dynamic global marketplace that allows genetic scientists to "compete" by conducting research in jurisdictions with the least regulation possible. That structure, or lack thereof, raises the specter of genetic determinism.

American Christian churches face a dilemma of their own concerning involvement in these debates that have obvious implications for traditional understandings of the human person. The church's rigorous participation in debates over abortion rights, the death penalty, and stem-cell research, among others, suggests that they should be equally inspired to participate in deliberations over what is often described as "consumer eugenics" or the "new eugenics," to distinguish it from the "old eugenics" movement of the early twentieth century. The term "consumer eugenics" is used to emphasize the ground-up, market-centered nature of this phenomenon. It presents a different kind of challenge from eugenics movements of the past because the potential goods that may result from genetic treatments are so enticing, and the free-market dynamic that guides their development rewards innovation, entrepreneurship, and other qualities that most Americans perceive as good.

The economics of human genetics is unique, however, in that potentially monumental externalities associated with genetic advances are largely unknown. One senses that we are tinkering with a vastly complex genomic equation that almost certainly will impact more than just those consumers who participate in markets for genetic services, and those impacts will extend beyond mere biology into social and moral structures. Consumer eugenics threatens what political philosopher Michael Sandel (2004) sees as three fundamental qualities critical to

preserving social morality: humility, responsibility, and solidarity. For Sandel, certain practices in human genetics could destroy appreciation for “the gifted quality of life [that] constrains the Promethean project and conduces to a certain humility. It is in part a religious sensibility. But its resonance reaches beyond religion” (2004). The elusive nature of this threat is found in the promise of genetic technologies to tackle diseases and disabilities that have proven incurable through conventional medicine. Yet, delineating disease and disability from genetic limitation may prove crucial to preserving the essence of what it is to be human.

Almost a century ago, the scholar-theologian Monsignor John A. Ryan understood the challenges eugenics entails. Ryan recognized not only the infringement of science upon traditional views of the human person but also the power of markets to break down traditional social and moral barriers. University of Notre Dame professor William Bolger identified the source of Ryan’s unique abilities: his professional identity as both economist and moral theologian. That distinctive combination enabled Ryan to speak authoritatively on how both eugenic and economic practices infringed upon human dignity and reshaped social morality. Ryan lived in an era when serious questions arose whether Christian virtue could coexist with the values and practices of a market-driven society, and a time when cultural elites led both state and civil society institutions in efforts to “improve” humanity through selective breeding programs, involuntary sterilization laws, and other means. Ryan countered those efforts by challenging what he considered the “pseudo-science” on which the old eugenics was based by drawing on natural law principles within the body of Catholic social teaching. His sensitivity to the moral consequences of market behavior and willingness to engage early eugenicists on their own terms, in particular, through his participation in the Committee on Cooperation with Clergymen of the American Eugenics Society, offer a model for Christian engagement today with a truly new eugenics in which motivations have evolved from the quest for racial purity to the desire for genetic advantage.

What Makes the New Eugenics “New” and “Eugenic”?

Some scholars insist that what many are calling the new eugenics does not actually constitute a eugenic movement because of the voluntary nature of participation in markets for genetic services and the absence of state coercion. They accuse those who see things differently as confusing human genetics with eugenics. Yet similar confusion also was present in the period of the old eugenics. Institutions such as the Dwight Institute of Human Genetics at the University of Minnesota and the Cold Springs Harbor Laboratory, along with their patrons that included a who’s-who list of prominent American philanthropists like Andrew Carnegie, John D. Rockefeller, and Wycliffe Draper, commonly used language that conflated eugenics with human genetics (Paul: 123). This commingling of terms may have had a nefarious purpose all its own: to sanitize eugenic aspirations with the more palatable language of genetics and thus gain broader public acceptance. According to Diane Paul, “with the exception of the American Cancer Society and the U.S. Public Health Service, virtually all the sponsors of human genetics had eugenic motivations” (123). But what exactly made their efforts *eugenic* and how do those motivations relate to developments today?

Certainly, an element of coercion must be present in any cultural phenomenon labelled eugenics. Yet, the source of coercion does not necessarily have to be a state institution. Genetic counseling is becoming a major American industry. According to the U.S. Bureau of Labor

Statistics, the projected growth of genetic counselors between 2018 and 2028 is expected to be around 27 percent, much higher than the average growth rate for other occupations. Paul notes an element of coercion is built into the practice of genetic counseling, which only adds to coercion that takes place in the counseling between women and their physicians in that “doctors are trained to be directive,” and “the fear of malpractice suits provides a strong incentive to promote the use of tests” (131). In cases where a pregnant woman refuses to take a genetic screening test and has a child with a genetic birth defect, “how does a doctor prove that the refusal was well informed? It is legally safer [for the physician] if she takes the test” (Paul: 131). The rapid expansion of genetic services is fueling a concurrent explosion of genetic testing. In some cases, states such as California through its Prenatal Screening Program are supplementing the expansion of screening services in the private sector, leading philosopher Arthur Caplan to voice concern that the state is encouraging women whose children are found to have certain defects to terminate their pregnancies and, thus, lessening the state’s responsibility for caring for those children post-birth (Paul: 132).

Michael Sandel sees commodification of the human body, as in the marketing of eggs and sperm, as a principal element of the “new” or what he calls “liberal eugenics,” where consumers act “on eugenic preferences, even where there is no coercion involved” (2007: 72). For Sandel, this desire of parents for evermore athletic, intelligent, and beautiful offspring is an example of what happens when “the old eugenics meets the new consumerism” (2007: 72). It is the very offering of genetic services in ways that commodify the human body toward definite ends that make practices eugenic, whether government coercion is involved or not. In describing the practices of California Cryobank, for example, a for-profit sperm bank that is highly selective in accepting only 3 percent of donor applications and that emphasizes advanced education, height (over six feet), blond hair and brown eyes because that is what consumers want, Sandel says, “What, after all, is the moral difference between designing children according to an explicit eugenic purpose and designing children according to the dictates of the market? Whether the aim is to improve humanity’s ‘germ plasm’ or to cater to consumer preferences, both practices are eugenic insofar as both make children into products of deliberate design” (2007: 74-75).

While the new eugenics does not project a collective vision like that of its predecessor, it promotes social ideals that result from the cumulative transactions in genetic markets and their value-shaping consequences. For some, however, like libertarian philosopher Robert Nozick, the obligation of anticipating and addressing such consequences is negated by the absence of any centralized decision-making body in determining the genetic traits of future human beings (Sandel 2007: 77). For others, like Sandel, that distinction is less important. Thus, as opposed to the old eugenics, the new, more liberal eugenics “is not a movement of social reform but rather a way for privileged parents to have the kind of children they want and to arm them for success in a competitive society” (Sandel 2007: 78). That goal resembles the aims of the “positive” eugenic ideology in the early twentieth century represented by fitter family contests and other “breeding” competitions. These ostensibly progressive ambitions complemented negative eugenic goals, which resulted in involuntary sterilization and anti-miscegenation laws, and led to some of the most egregious civil rights abuses in American history.

Exactly when the old eugenics gave way to the new is somewhat unclear; however, the year 1981 provides some interesting clues in trying to arrive at that determination. In that year,

the last legal forced sterilization is said to have taken place in the state of Oregon; also, in that year, the first successful in vitro fertilization (IVF) took place in the U.S. While IVF and eugenics are two different phenomena, the former helps enable the latter by encouraging the use of preimplantation genetic diagnosis (PGD) to screen embryos for defects, sex selection, etc., and it represents a major infusion of genetic services into the global economy. The total value of the IVF industry was estimated at \$17.05 billion in 2018 and is projected to grow to \$30.5 billion by 2026 (Ameri Research). Pew Research estimates that around 33 percent of American adults either have used fertility treatments of some kind, often involving IVF, or know someone who has used them (Livingston). The growth and normalization of this market are powerful indicators that this emerging industry, and its eugenic propensities, are here to stay.

The new consumer eugenics is thus “new” in the sense of being a bottom-up, market-driven phenomenon that requires no coercion by state or other formal institutions. Coercive pressure results from genetic counseling and other medical practices, and from peer pressure forged by fellow consumers as they target genetic enhancements within their familial groups. It is “eugenic” in that the cumulative determinations of consumers in these markets ultimately tier to one goal: the genetic improvement of human beings. One would hope religious thinkers could provide a counter-vision to soften the rationalism and perfectionism that undoubtedly is reshaping human values as new services emerge from these markets. History, however, provides little support for that conviction.

Ministerial Activism in the Old Eugenics Movement

Perhaps the darkest stain on the history of American Christianity owes to its role in propagating eugenics policies and practices in the first half of the twentieth century. Christian leaders held prominent places as public intellectuals and social thinkers (Vanhoozer and Strachan); however, their association with eugenics, and attempts to provide religious sanction for it, undoubtedly contributed to their subsequent loss of stature. Participation in the movement took various forms, from preaching the ideology and its associated themes of race purity, race suicide, and phrenology, to active participation in the many eugenics-themed voluntary associations around the country, to the publication of essays in journals such as *Eugenics* and *The Eugenics Review*.¹ Clerical involvement offered an air of respectability to a movement that resulted in gross abuses of human rights.

Eugenics promotion was part of a much broader ministerial activism that characterized the early twentieth century. Religious leaders participated in labor movements, civic associations, social service ministries, prison reform, and other kinds of civic involvement in attempts to transform American society. An energetic postmillennialism that dared conceive of a “kingdom of God on earth” inspired this predominantly Protestant enterprise. One of its major figures was the Baptist theologian and preacher Walter Rauschenbusch, who ministered

¹ The Very Reverend W. R. Inge, writing in one of several articles he authored for *The Eugenics Review*, voices disappointment that the movement had failed to energize religious advocates to the extent he imagined; yet, “religious people as a rule are willing to accept eugenic principles, provided they are fortified by long tradition.” Moreover, “for [the Christian], as for the eugenicist, the test of the welfare of a country is the quality of the human beings whom it produces” (257-58, 262).

to the immigrant poor in the Hell's Kitchen section of Manhattan. Rauschenbusch espoused an "immanent" theology that envisioned God working alongside his people: "All history," Rauschenbusch stated, "becomes the unfolding of the purpose of the immanent God who is working in the race toward the commonwealth of spiritual liberty and righteousness" (12; quoted in Evans: 79). Ray Stannard Baker, a noted journalist in the Age of Progressivism, observed that American Christianity could galvanize myriad reform movements at that time into a comprehensive "social awakening" (Evans: 78). Christianity was about more than simply saving souls – it could serve society by attempting to solve complex cultural problems.

Intense Christian activism, inspired and buttressed by advances in the social sciences, was tempted to excess by an inordinate faith in the power of human reason. God's guidance, when reinforced by scientific method, was a powerful force that could lead to the eradication of cultural problems – some old and some new – whose causes were thought to be largely hereditary. In this respect, the eugenics movement was a logical, though often racist and wildly utopian, response to the convergence of theological and scientific currents of the day.

A review of the upstart *Annals of Eugenics*, by the zoologist and eugenicist S. J. Holmes of the University of California, appeared in the journal *Science* in 1926. Holmes lauded the scientific rigor and objectivity of the new journal. He quoted the "very reasonable position" of contributors Karl Pearson and Margaret Moul that immigration should be restricted to "only those who can give us, either physically or mentally, what we do not possess or possess only in inadequate quantity" (232). Holmes then turned to the authors' data showing the contamination of Anglo stock by Jewish immigrants: "When it comes to bad tonsils and adenoids, heart disease, defective teeth, diseases of eyes and ears, and in fact most physical characters except stature and weight, the Jewish population is inferior to the average of the Gentiles" (232). The proliferation of such science in the early twentieth century and its odious advocacy by men of the cloth contributed to state abuses that, excepting slavery, were unparalleled in American history.

The ministers and theologians most heavily involved in the eugenics movement belonged overwhelmingly to mainline Protestant denominations. Of the membership comprising the Committee on Cooperation with Clergymen (CCC), a subgroup of the American Eugenics Society (AES), Sharon Leon observes that there were two Reform rabbis (Louis Mann and David de Sola Pool) and two Catholic priests (Ryan along with John Montgomery Cooper); the remainder were persons she describes as "Protestant luminaries." Presbyterian minister Rev. Henry S. Huntington, whose brother Ellsworth was a well-known geologist and eugenicist, presided over the committee (Leon: 8). Many Protestant ministers were absorbed in a broader push to purify humanity. Churches and associated organizations were compelled to add their own initiatives to complement curricular additions of eugenics-related subjects in the nation's schools and the sponsorship of popular competitions like "Fitter Family Contests" at fairs throughout the country. The CCC sponsored a "sermon competition," in March 1926, that rewarded pastors who seamlessly integrated Protestant millennial theology with eugenics ideology (Leon: 15-16). A passage from the winning sermon by Rev. Phillips E. Osgood of Minneapolis reveals the tone sought by the CCC: "The Refiner of humanity claims our cooperation. The dross must be purged out; the pure gold of well-born generations is the goal of the process" (11; quoted in Leon: 16). Ministers across many denominational groups

contributed, yet despite widespread marketing of the contest in religious publications, Leon notes there is no evidence of Catholic priests participating during its three-year run (17).

Christian support for policies associated with the old eugenics seems odd given eugenics' basis in theories that often incriminated segments of the Christian population itself. Sean McCloud notes that psychologists and sociologists attempted to explain scientifically how "certain religious beliefs and practices naturally attracted certain races and classes of people" (34). This was especially true in accounting for differences between urban and rural Christians in the U.S. According to McCloud, eugenicists who relied on social science to support their claims, such as Warren Wilson and Edmund Brunner, "suggested that the best racial 'stock' had left the country for the city, leaving 'morons' and other 'inadequate' and 'less favored' individuals who were attracted to emotional, ecstatic religious practices" (35). Much like Eastern elitists and their disdain for rapturous frontier Christians during the Second Great Awakening, eugenicists believed that revivalism and its emotive religious practices appealed uniquely to bucolic "morons." Given these attitudes, one suspects that rural Christians would have strongly opposed the eugenics movement. Among Protestants, however, except for some fundamentalists like William Jennings Bryan, and certain fringe Pentecostal denominations in which the races mixed freely, one finds little evidence of resistance (Wilson: 165-68).

It was not just rural Protestants who were labelled inferior by eugenicists, however. American Catholics were among those groups deemed "cacogenic" based on ostensibly scientific analysis of their member populations. For Ellsworth Huntington and Leon Whitney, such analysis involved counting the representatives of different denominations in a "*Who's Who* volume of prominent Americans" to determine the "most and least intellectual" religious groups (McCloud: 38). Such crude assessments led to a ranking order of denominations that put Unitarians at the top and Pentecostals, Mormons, and Roman Catholics near the bottom. Huntington and Whitney offered three possible reasons for the cacogenic nature of the Catholic faith. To begin, Catholicism, much like Pentecostalism, seemed to attract members motivated primarily by emotion rather than reason, an unfortunate collective trait that hindered the production of leaders. Second, the Catholic Church tended to cling even to its "poorest and weakest" parishioners while the upper-crust Protestant churches informally, but effectively, allowed its intellectually challenged members to simply "drift away" from the flock. Finally, Huntington and Whitney singled out the doctrine of priestly celibacy, which channeled the brightest American Catholic minds away from science and toward the priesthood. Vows of celibacy limited priests' contributions to American progress by terminating the genetic lines of the most intelligent Catholics (McCloud: 39).

Catholics declined to participate in the sermon contest and often were targets of eugenicists, but some Catholic clergy were not entirely opposed to the movement's agenda. "Positive" eugenic principles, including the duty of the well born to breed with vigor, coincided with the programs of eugenics societies and commonly were supported by some Catholics. Archbishop Patrick J. Hayes of New York, for example, found common cause with a local eugenics conference on this issue, yet he was adamant that "negative" practices, such as sterilization and birth control, were unacceptable for Catholics (Moran Hajo). Two academics, Fr. Stephen M. Donovan of the Franciscan House at Catholic University of America (CUA) and Theo. Laboure, OMI, a scholar in San Antonio's Diocesan Seminary, argued for "punitive sterilization" for certain criminals. They contended that, in the words of

Christine Rosen, “heredity was *the* crucial factor in transmitting insane and criminal traits” (48; emphasis added). Rosen also identifies a British priest, Fr. Thomas Gerrard, who attempted to develop a “Catholic eugenics” by locating a principal source of gene purity in the heredities of saints (50-51). The great majority of American Catholics, however, both lay and clerical, opposed the movement in spirit, if not in action. Ryan himself became firmly convinced that forcible sterilization was unacceptable in all situations after the publication of Pius XI’s *Casti Connubii* in 1930 (Curran: 90). Of all Catholics who actively engaged eugenics in this period, Ryan and anthropologist John Montgomery Cooper, a faculty colleague of Ryan’s at the CUA, were most steadfast in opposition and comprehensive in their condemnation.

What made Ryan and Cooper distinctive among religious leaders and theologians who were engaged in eugenics-related issues was that they used both Catholic moral theology and science in countering the claims of eugenics supporters. Indeed, they challenged this “supposed science” on its own terms and reinforced their criticisms with the aid of Catholic social principles. An accomplished anthropologist who focused principally on Native American culture, Cooper responded authoritatively to the attempts by eugenicists to construct ranking orders of races. Regarding the science of such efforts, he stated, “Neither the cultural nor the psychological evidence, as it stands today, is, when submitted to detailed critical analysis, sufficient or even near-sufficient to establish with any scientific probability the superiority of Nordics or of any other racial group” (20-21; quoted in Leon: 25). In fact, Leon’s article takes its title from Cooper’s description of an AES program proposal that, among other things, would limit immigration in the U.S. only to those who could score above the median of Americans on intelligence tests. Questioning the science and objectivity behind this proposal, Cooper described the plan as “hopelessly entangled in Nordic pre-suppositions” (quoted in Leon: 28). Ryan took the same approach, working to debunk eugenics as science while also pointing to violations of human dignity using the principles of Catholic social thought.

The Formation of Ryan’s Social Philosophy

As an academic economist, Ryan’s scholarship undoubtedly shaped his negative views toward eugenics. Ryan was particularly sensitive to how market outcomes can divide a people and to the need for collective guidance in certain kinds of social decision making. Capitalism’s limitations in these critical areas led him to call for a wider distribution of social goods to enable more universal human flourishing. Regarding material goods, he had both practical and philosophical reasons to expand profit sharing and other means of distributing capitalism’s bounty more broadly: “A society in which the majority of the workers were owners of capital, as well as wage-earners, would be an infinitely more progressive and more enlightened society than either Socialism or modern capitalism” (1920: 394). Thus, the goal for Ryan’s advocacy of a broader distribution of capital was more than simple fairness; it was a means to self-actualization, not merely for individuals but for institutions as well. He believed that a wider distribution of goods could expand opportunity for all and inspire a culture that is more than the sum of its parts, both in solving society’s problems and in directing its resources to ends desired by an enlightened multitude rather than an industrial elite. Society would necessarily function more harmoniously, and perhaps more efficiently, if greater numbers of citizens were educated and invested in outcomes that benefit all. Denying workers participation in profit-

sharing and similar arrangements perpetuated their dependency and amounted to an un-American “denial of opportunity,” which contradicted the nation’s “Democratic genius.” If allowed to continue, such injustice threatened the rise of socialism through political destabilization (Ryan 1920: 385-86).

Ryan’s belief in the importance of *opportunity* for the stability and proper functioning of democracy underscores the relevance of his social thought to contemporary debates over human genetics. Genetic enhancement may one day enable competitive advantages denied to some because of their lack of material resources; thus, disparities in opportunity may rise to new levels. While medical professionals and research scientists focus on the potential eradication of diseases, enhanced production of agriculture, and other perceived goods of genetic technologies, ethicists and theologians must begin to explore how emerging markets for genetic services will impact social structures, and particularly the impacts to what Amartya Sen calls “capabilities and functionings” (74-76). In some cases, the affordability of genetic services will affect the most fundamental of opportunities – the *opportunity to live* – as some will be able to afford genetic treatments that others cannot. In other cases, opportunity may someday mean knowing the available treatments and resources necessary to enhance life prospects by modifying an individual’s physical, intellectual, or emotional characteristics. As Felipe E. Vizcarrondo has stated, “The new eugenics, although based on science, continues to pursue the same goal as the old eugenics, the development of a superior individual and the elimination of those considered inferior” (239). The potential for a consumer-driven revolution in human genetics to radically alter equality of opportunity and, in so doing, to reconfigure the justice equation demands attention from ethicists, theologians, and social scientists to prepare for the likely development of *new forms* of injustice.

Early influences who helped shape Ryan’s approach to social issues included James Cardinal Gibbons, Archbishop John Ireland of St. Paul, Bishop John Lancaster Spalding, the noted economist Richard T. Ely, and, most important, the popes who laid the foundation for modern Catholic social thought: Leo XIII and Pius XI. From Spalding, Ryan learned to perceive the encroachments of materialism on American society and the potential damage. In his autobiography *Social Doctrine in Action*, Ryan quotes Spalding from one of Ryan’s favorite books, *Education and the Higher Life*:

Is the material progress of the nineteenth century a cradle or a grave? Are we to continue to dig and delve and peer into matter until God and the soul fade from our view and we become like the things we work in? To put such questions to the multitude were idle. There is here no affair of votes and majorities. Human nature has not changed, and now, as in the past, crowds follow leaders. What the best minds and the most energetic characters believe and teach and put in practice, the millions will come to accept. The doubt is whether the leaders will be worthy – the real permanent leaders, for the noisy apparent leaders can never be so (28; quoted in Ryan 1941: 29).

Spalding’s question whether materialism can expand to a degree such that “we become like the things we work in” perplexed Ryan throughout his life and has interesting implications for consumer eugenics. Ryan remained concerned that both the *pace* of progress and the constant battles that it inspired between revolutionaries and traditionalists could eventually obscure the

needs of the human soul altogether. He concluded that with that rise in obscurity inevitably will come the decay of our humanity (Ryan 1917).

Ryan's relationship with Ely is perhaps most interesting for our purposes. In Ely, Ryan unquestionably admired a thinker who was among the founders of a distinctly American school of economics. The University of Wisconsin professor was one of Ryan's principal mentors, a founder of the American Economic Association, an advocate of the Social Gospel, and a staunch opponent of the *laissez-faire* economics – popular at the time – against which Ryan was a fellow adversary. Ryan quoted Ely in his autobiography that “the doctrine of *laissez-faire* is unsafe in politics and unsound in morals,” and he agreed with Ely's description of the state “as an educational and ethical agency whose positive aid is an indispensable condition of human progress” (1938: 136; quoted in Ryan 1941: 50).

Ryan and Ely's common opposition to *laissez-faire* led the two men to another source of agreement: the need for an “ethical school” of economics. According to Ely, this school would “apply ethical principles to economic facts and economic institutions, and test their value by that standard.” The goal was to achieve symmetry between the economic system and other segments of culture to balance progress across all aspects of human experience: “Political economy is thus brought into harmony with the great religious, political, and social movements which characterize this age; for the essence of them all is the belief that there ought to be no contradiction between our actual economic life and the postulates of ethics” (Ely 1889: 128-29; quoted in Ryan 1941: 51). Those points of agreement between Ryan and Ely positioned both among the “cultural lag” theorists of the day and helped create a lasting bond between them. Parsing out their *ethical* differences, while somewhat more difficult, helps expose those core principles that led to a marked division between the two men concerning eugenics.

While not as actively supportive of eugenics as other Protestants, such as the Social Gospeler Josiah Strong, Ely more than implicitly supported the movement from his position as a notable academic and public intellectual. He was singularly influential in bringing one of his former doctoral students at Johns Hopkins, the sociologist and eugenicist Edward A. Ross, to the University of Wisconsin in 1906. The university at that time was a hotbed of eugenics theory, including contributions by the school's president, Charles Richard Van Hise (Jones Miller). A geologist by training, Van Hise's book, *The Conservation of Natural Resources in the United States*, contained a section on “The Conservation of Man Himself,” which asserted that America had awakened to the limits of its resources and must entrust their care to those most qualified. According to Van Hise, the old individualism of the nineteenth century was no longer self-sustaining, but the evolution of the human species across millions of years had led to a miraculous moment in time where proper management of natural resources would “make possible to billions of future human beings a godlike destiny” (379). That destiny was possible, however, only so long as every man “shall surrender his individualism so far as is necessary for the good of the race. He who thinks not of himself primarily, but of his race, and of its future, is the new patriot” (378). Thus, for Van Hise, American natural resources extended to the very racial characteristics of the nation itself.

As for Ely's “religious” credentials, none other than Walter Rauschenbusch identified the Wisconsin professor as one of “three men who were pioneers of Christian social thought,” the others being Washington Gladden and Josiah Strong (1912: 9; quoted in Ryan 1991: 523).

Yet Ely was not strictly Protestant in the sense of the others. He was one of the few Protestants to genuinely appreciate Catholic social thought as a whole, heaping praise upon the encyclicals of Leo XIII and Pius XI and identifying the “sound economics in these products of the wise old Vatican.” Moreover, he complimented the encyclical tradition in a way that might serve as an indictment of Protestant shortcomings that contributed to failures regarding eugenics:

The merit of the encyclicals of the Catholic Church is that they stand for the whole body of Roman Catholics. This gives them a wide and spacious house in which to move about; it is a house with metes and bounds, and not the whole wide world to roam about in; the Ten Commandments still hold (1938: 94-95).

Ely believed the encyclical tradition provided a compendium of thought grounded in a theological tradition that had stood the test of time. That tradition addressed cultural changes inspired by technology, ideology, and social movements in ways that Protestant fideism and scriptural adherence alone could not.

For Ely, as for Ryan, the common denigration of the state by those like Herbert Spencer, who pushed his views on liberty to the point of “philosophical anarchy,” represented a new threat (1903: 401). Ely understood the potential for state abuse but believed government action was necessary to advance the good society. Ely’s book, *Studies in the Evolution of Industrial Society*, was dedicated to Supreme Court justice Oliver Wendell Holmes, who penned the infamous line “three generations of imbeciles are enough” in his *Buck v. Bell* opinion (274 US 200 [1927]), which upheld the constitutionality of forced sterilizations for institutionalized persons. Ely was more ambiguous than Holmes about extreme measures to prevent the “unfit” from procreating. Ely believed that societal adaptations were accomplishing the decline of such persons naturally. He included a section in his book titled “Social Progress and Race Improvement” in which he contended that, beyond medical and other “positive” eugenic adaptations that were making people fitter than ever before, the “degenerate classes” were in natural decline because of state-instigated social changes. Ely thought that three things were combining to advance humanity. First, the principle of “modern penology,” that criminals should be incarcerated “until thoroughly reformed,” restricted their ability to reproduce. Second, the institutionalization of “paupers and [the] feeble-minded” accomplished the same purpose. And, finally, a dramatic increase in state regulations sought to ensure the physical, mental, and emotional quality of marriages (1903: 173-81). As for his more hardline beliefs, Ely acknowledged the existence of certain incurables whom the state should manage, and he voiced qualified support for social scientists who contended that the “hopelessly lost and lapsed should not be allowed to propagate their kind” (1891: 407).

Ryan could not agree with Ely’s comment in so far as it implied accepting state action to remove undesirables from the gene pool. He certainly accepted Ely’s anti-Spencerian doctrine regarding the potential abuses of liberty, stating society is “something more than an abstraction, something more than the sum of its component individuals. And its function is not simply to guarantee equal liberty to all its members, in the sense of Immanuel Kant and Herbert Spencer” (1996: 166). State intervention is necessary when private transactions in markets excessively concentrate market power that limits free competition. Markets also need state intervention when private enterprise’s outcomes might undermine a society’s

fundamental values. Ryan quotes Pius XI from *Quadragesimo Anno*: “It is rightly contended that certain forms of property must be reserved to the state, since they carry with them an opportunity of domination too great to be left to private individuals without injury to the community at large” (quoted in Ryan 1933: 55). While Ryan understood the danger of state control, he believed that the distribution of certain kinds of property – genetic property seems a consummate example – made possible manipulations that transcended questions of economic right and threatened social justice. The state, however, should defer to institutions such as the church, and government employees should give way to private-sector workers in all cases except where the latter had proven unable to do the job (Preston: 36-37). Despite this deference, for Ryan the state remained an essential institution in society’s pursuit of the good.

Regarding their common advocacy of an “ethical school” of economics, both Ryan and Ely recognized the need for a common set of principles external to systems of political economy that could help discern the moral correctness of economic action. Yet Ryan’s characterization of Ely’s *Protestant* source of ethics underscores a critical difference that likely contributed to their divergence concerning eugenics. Ryan noted Ely’s “insistence upon the obligation of Christian teachers and believers to bring *their* religious principles into *their* economic practices and relations” (1941: 52; emphasis added). Ryan’s description conveys the more individualized Christian ethics of Ely’s Protestantism vis-à-vis his own Catholic tradition. The statement suggests that no body of thought, no collective doctrine exists to guide the development of ethical principles; only individual economics teachers or practitioners and their ethics, however derived, or not, from religious tradition or conviction, are brought to bear on economic issues. Regarding early twentieth-century eugenics, it has been shown that American Protestantism, with few exceptions, was at best indifferent and at worst supportive of eugenic programs and practices. Absent a continuous tradition of social thought and ethical development, Protestant attitudes harmonized with the conclusions of social science and the rising rationalism of the day, in supporting the eugenics movement to the extent it seemed consistent with their wider values. Ely certainly exemplified that tendency.

Ryan’s Pragmatism and the “Inductive” Natural Law Approach

Ryan drew criticism for straddling the fence between moral theologian and social reformer, often allowing practical politics to decide which side to take. He was chided, for example, for standing against fascism *only to an extent*, preferring it to communism because it at least acknowledged the church as a legitimate institution. He was also criticized for his unwillingness to speak out against the concordat between the Vatican and Mussolini’s fascist government. Still, he strongly opposed propaganda that promoted the hyper-efficiency of the fascists and appealed to many American apologists (Miscamble: 527-30). Ryan reasoned regarding the concordat that, by recognizing the church’s authority to a certain extent, Mussolini’s government conceded at least some limitation on state power (Miscamble 1990: 534). Right or wrong, such pragmatism for a Catholic priest was, for some, unbecoming. In fact, his dissertation took a similar approach, building on Leo XIII’s call for a “living wage” in *Rerum Novarum* and translating it into a policy prescription for the American economy. Some Catholic ethicists, such as Charles Curran (86-89), argue that Ryan undercut his position as moral theologian to enhance his credibility more broadly as a social reformer.

The increasingly complex cultural issues of Ryan's day required of the ethicist an exceptional work ethic. He criticized writers of ethics manuals who were content to offer platitudes but unwilling to do the heavy lifting. A society experiencing rapid growth not only in production but also in the moral hazards and externalities to economic action required considerable intellectual investment by ethicists in myriad social and technological developments. Furthermore, ethical prescriptions required extensive analysis of on-the-ground conditions. Gaillardetz sums up Ryan on this issue: "proximate moral principles could not be derived in a moral vacuum because rational human nature itself is not lived out in a vacuum" (116). Yet the difficulty was that proximate principles must remain consistent with the general moral precepts of his religious tradition. According to Gaillardetz, "Ryan preferred to argue from human nature rather than from revelation or a more abstract concept of natural law, not because he did not accept these sources, but because he was committed to discourse in the public realm where discussions of sin and grace would be of little value" (117). Ryan's adoption of "the perfection of human personality" paradigm so prominent in his day among theologians such as Reinhold Niebuhr and Paul Tillich testified to that emphasis. He perceived natural law through human nature and viewed nature as experiential even more so than rational or spiritual. Hence, Gaillardetz describes Ryan as an early "revisionist" who helped set a course for "recasting the natural law tradition in the light of new insights in both personalist philosophy and the social sciences" (119).

Ryan's natural law revisionism can instruct twenty-first century society on the potential ethical consequences of advances in human genetics. Ryan *began* with Catholic moral doctrine and then used the tools of social science to uncover new insights into the human person. His approach demonstrated the church's relevance to contemporary debates and insisted, according to Gaillardetz, "that the church must enter into public discourse on a much broader range of socio-economic issues and must be unafraid to make concrete proposals, defending them in terms to which all people of good will might assent" (119). For the contemporary church that is attempting to find its voice in debates about the rapid expansion of human genetics, Ryan's balanced commitment to both natural law and science offers a theoretical path forward. His approach could also help energize Catholic activism in other issues where society needs to hear the church's moral voice to counter value changes that accompany technological development and market exchange.

A Catholic Perspective on the New Eugenics

Ryan was indeed swimming against the stream vis-à-vis many of his contemporaries in the early twentieth century. Most were swept up in the progressivism of the age that rationalized collective actions in the interests of progress that today seem egregious. Ryan belonged to the so-called "historical school" of economics, whose members included Ely, Simon N. Patton, and John R. Commons. Yet he could never fully embrace his colleagues' approach to combatting the economic determinism that accompanied the spirit of the age because they ignored any substantive moral ground for economic life. While all members of the historical school believed that human beings, as Ryan put it, "compose economic society" rather than being determined by it, his Catholic faith required that he also draw from sources beyond economics to morally ground a system that could get lost in its rationalistic and materialistic suppositions (Preston: 28). For example, Robert Preston notes that Ryan's goal

for labor reform “was deduced from his moral interpretation of God’s purpose for the earth, man’s possession of certain rights, and man’s dignity as a human being” (33). His starting point was Christian morality from which he derived social goals and then “used the social sciences to translate his moral goals into precise standards” (34). That formula offered a fundamentally different approach to that of the emerging social sciences of the day that, intentionally or not, often served to promote a dehumanizing rationalism.

Perhaps the most salient of Ryan’s ideas to consumer eugenics was his recognition of how quickly and dramatically economic behavior can reshape social values. It was an aspect of capitalism of which he was always wary and led to his insistence that Catholic social thought was indispensable to the moral sustainability of market-based social orders. Ryan openly questioned whether new advances in material conditions were always good in promoting the flourishing of individuals broadly conceived. And he was concerned about the moral and “expectational” consequences of those changes. Starr takes on Ryan’s perspective in speculating how he would have viewed the extraordinary developments that took place in the twentieth century:

What was the “new economic gospel of consumption” in the 1920s became the status quo of the second half of the 20th century, as the long wave of product innovations (television, large and small household appliances, microwave ovens, videocassette recorders, personal computers, cell phones, satellite TV, etc.) turned novelty into something expectable, and rising real incomes made “optional consumption” into integral aspects of material life (17).

Ryan sensed the social and moral imbalances resulting from revolutions in both production and consumption happening during his lifetime. His advocacy for a living wage was not intended solely as economic policy to elevate those on the lowest rungs of the income ladder. He sought just distributions in order to help everyone recognize that all citizens have certain responsibilities for the well-being of the society and that those responsibilities go beyond maximizing one’s self-interest. He also understood that “conspicuous consumerism” is built into our economic infrastructure with not only material but also moral consequences (Starr: 19). As we advance today toward forms of conspicuous consumption capable of changing our genetic makeup, Ryan would understand the moral urgency of this development and the indispensability of Catholic social thought for dealing with it.

In *A Better Economic Order*, Ryan articulated three ethical principles that he believed were necessary to help prevent the kind of moral drift in modern economies witnessed in the early twenty-first century. Those principles are relevant to notions of “genetic property rights” that are forming dynamically – with little ethical and theological reflection – in markets worldwide. The first “is that the earth and its potentialities belong to *all members* of the human race without distinction” (1935: 148; emphasis added). To Ryan, this principle presupposed a view of moral equality that itself served as a basis for natural rights. Human beings are ends not means, and as such, all have “equal claims to sustenance from the bounty of the earth” (1935: 149). His second principle is that “men are morally obliged to use the goods and opportunities of the earth in accordance with the laws of justice and charity” (1935: 149). For Ryan, this principle corresponds not only with the concept of Christian stewardship over nature but also with

Aristotelian wisdom: “it is better to have property private, but make the use of it common” (1935: 150-51). Ryan’s third principle is that “industrial society is an organism, every part of which is subordinate within certain limits to the whole and is obliged to promote the well-being of the whole. Neither political nor economic society is a mere collection of individuals” (1935: 153). These last two principles insist that, though one’s genetic material may seem the most intimate of property rights, all persons have an interest in it because an unimaginably complex genetic equation binds together humanity. Not only the biological but also the social, legal, and moral consequences of actions in new markets for genetic services will shape us in unknown ways.

The idea that every part of society is obliged to promote overall well-being implies an *intentionality* to advance the social good. Efforts to secure monopolies seem obvious violations of Ryan’s principle. In cases of monopolizing genetic property, actions by pharmaceutical and genetics companies are pushing the envelope in their pursuit of profits. Although the U.S. Supreme Court determined, in June 2013, that Myriad Genetics’ patenting of two genes related to breast and ovarian cancer is unconstitutional, Robert Nussbaum notes that companies can still monopolize genetic *data* despite the ruling. In its testing of the two genes, BRCA1 and BRCA2, Myriad Genetics gained valuable information concerning natural variations related to cancer. Myriad created a database containing that information but has asserted its claim over the information as intellectual property. Consequently, doctors must enter into a financial arrangement with Myriad or have only limited permission to assess variations in the two genes to learn how they relate to their own patients. Even though the American Medical Association calls those limitations on the dissemination of medical data “unethical,” companies still attempt to monopolize information to reap the associated profits (Nussbaum). Ryan’s third principle speaks directly to that kind of behavior by positing that every subordinate segment of society is obliged to advance the well-being of the whole, not simply look out for its own interests.

Given the information asymmetries and possible cultural impacts associated with the human genetics industry, the potential consequences of monopolistic behavior are greater than simply elevating prices above what they would be under a competitive market model. They also include the potential for large corporate interests to restrict access to critical genetic therapies. And due to technical sophistication, the relatively high cost of genetic services, and discrepancies regarding insurance coverage of those services, it is likely that, at least initially, such concentration of market power will strongly favor some groups’ participation over others (Daar).

The Ryan Model for Religious Participation in Public Deliberation

In 1929, the journal *Eugenics* asked Ryan to comment on the possibility of using eugenics methods to restrict immigration. He responded as both social scientist and moral theologian, leaving no doubt where he stood: “I have decided that I am unable to comply with the invitation; for I regard the project of picking out immigrants on the basis of eugenic guess-working theories as not only futile but positively harmful.” He goes on to say that he knows of no empirical tools capable of such an undertaking and expresses his belief that “prospective immigrants” should not be subjected “to the standards and prejudices of pseudo-science” (quoted in Leon: 27). Ryan’s position on eugenics as “pseudo-science” showed courage. Even

the mainstream scientific journals of the day were overwhelmingly positive about the potential of eugenics both to limit immigration and control procreation by “undesirables.” Ryan provided an alternative perspective grounded in science and reinforced by Catholic moral theology. Early twenty-first century society needs that combination of disciplinary perspectives to address the development of new eugenic practices, most of which are more alluring than the eugenics Ryan opposed.

Yet, even if gifted academicians with value-shaping religious commitments in the mode of John Ryan emerge, the intense liberalism of contemporary society seems to have eroded avenues for interdisciplinary participation. The siloization of disciplines tends to exclude voices that should be included in debates with broad cultural implications. Government thus becomes the sole institution for providing some oversight; yet, as has been seen, even state institutions seem incapable of regulating developments as genetic services emerge in the private sector. But such an attitude is defeatist given American history; it dismisses the nation’s traditional commitment to direct citizen participation. Consumer eugenics challenges traditional religious conceptions of the human person. Yet, it may also provide an opportunity to revisit past structures that enabled greater citizen participation and the exercise of human imagination to develop new structures that undoubtedly are needed given the complexity of challenges ahead. Such a movement is in keeping with the best of American traditions. The philosophy of citizen involvement and deliberation has not changed, but the practicality of methods that can be implemented consistent with that philosophy in a mass, technological society *has*. Nancy Roberts observes how society has become less deliberative over time as traditional outlets, including “party involvement, voluntary associations, and membership in advisory and advocacy groups,” have faded and a distinct movement in favor of indirect participation developed “as professional staffs are hired and citizens become dues-paying members who substitute money for time” (340).

Religious institutions have unique obligations to participate in debates over human genetics because they have distinct missions and values capable of humanizing what otherwise likely will become exercises in pure reason as market imperatives are pursued in the interest of progress. “Social technology,” which Roberts defines as “designing and managing large groups of people for deliberative problem solving and decision making” (341), will be hard pressed to keep up with genetic technologies. But developing and exercising such social technologies to encourage citizen participation has other advantages that Roberts categorizes as “developmental,” “educative,” “therapeutic and integrative,” “legitimizing,” and, ultimately, “protective of freedom” (323).

Religious groups must reengage the eugenics conversation, acknowledging past transgressions but defending their rightful claims in defense of the human person. Some groups appear ready to take up the mantle, but faith communities lack a united voice, which limits their effectiveness. The Roman Catholic encyclical *Dignitas Personae* and “A Social Statement on Genetics, Faith, and Responsibility” by the Evangelical Lutheran Church in America (ELCA) both address new technologies in the context of church teachings. Yet, the “Church and Ecumenical Statements on Bioethics and Biotechnology” webpage produced by Globethics.net and the World Council of Churches illustrates how fragmented those voices are. Just navigating the countless religious groups, issues, and position statements contained on the page is dizzying, and it symbolizes the fragmentation of religious voices on this issue.

American religious groups need an ecumenical movement for direct engagement with both government leaders and the scientific community. Ironically, the need for such a movement suggests, in some respects, the role of the Committee on Cooperation with Clergymen in the early twentieth century. And church representatives must approach issues of human genetics from more than theological and ethical perspectives. Scientists, economists, public administrators, and other professionals with meaningful religious commitments can help enhance the credibility of religious involvement.

Conclusion

In her provocative book, *The New Eugenics: Selective Breeding in an Era of Reproductive Technologies*, Judith Daar observes the expansion of insurance coverage to more people to fund various forms of assisted reproductive technology (ART). Simply extending the availability of ART, however, may tend to overlook ethical questions that only will be compounded as researchers add screens for genetic “defects” and develop techniques to deal with them. As the science develops, a genetic limitation today may well become a defect tomorrow, and the ability to address perceived defects will become market imperatives rather than moral ones. If insurance becomes available to more people, ART will become normalized, accelerating its use as the market grows and consumers accept the values associated with the technology.

This description is not intended to cast ART as inherently immoral but rather to illustrate the unreflective process by which value change occurs in a society where technological advance and market decision-making outstrip collective moral voice in determining bioethical and other moral standards. In this case, ART’s normalization will mark the point where the real ethical questions begin. Yet, ethicists often avoid fundamental issues by preferring those more readily addressable empirically. Daar, for example, largely deals with class divisions that prevent some groups from accessing ART, even as she acknowledges that making these technologies widely available “will not end the new eugenics. It will simply dissolve the first barrier, affordability, and make the other social and cultural barriers more pronounced” (quoted in Hoffman: 677). The Catholic conception of personhood as transcendent not functional is one cultural barrier that is likely to become more pronounced, irrespective of whether Catholic social thought can truly influence the direction of the ART industry. Law professor Allison Hoffman, in a review of Daar’s book, criticizes the final chapter for “its lack of focus on [the] interrelation between social norms and their evolution and the new eugenics movement” (677). In fairness, Daar is far from alone in targeting those ethical issues that are more easily subjected to empirical analysis at the expense of more profound moral questions.

As a social scientist himself, Ryan would recognize injustice in the availability of ART that Daar describes. As a Catholic moral theologian, however, he likely would be more concerned with emphasizing the ethical consequences of a technology (ART) that his church consistently criticizes as interfering with natural procreation processes. Although Ryan’s natural law approach has been described as “inductive,” as an ethicist he still believed in “first things first” – society must deal with the root causes of social problems before it can turn to prospective solutions illuminated by scientific analysis. He combined a unique set of talents characterized by Notre Dame historian Aaron Abell as “the ability to combine economics and ethics into a virtually new science of social justice” (128). The division between practical economics and moral theology is especially problematic in the context of emerging markets for human genetic

services. We are not dealing solely with issues of efficiency in these markets. Rather, we must try to strike a delicate balance between delivering services to provide effective treatments that enhance human well-being and overstepping boundaries that endanger fundamental values.

Ryan's theory of natural law recognized the validity of concerns for both society and the individual, and in so doing it provided a safeguard against the drift to relativism that modernity encourages (Gaillardetz: 110-11). That pragmatic quality and its sense of balance are vitally important if the church is to involve itself in the new eugenics debate and offer a legitimate competing vision to that emerging from laboratories around the world. No development of recent memory has the potential to bring the interests of individuals and those of society into greater conflict as technologies spawned by new markets work toward "human perfection." The dynamism of markets has the potential to provide genetic services with alarming speed, yet the relatively slow pace of theological and moral responses seems plodding by comparison and, where they exist, are often as fragmented as the liberal order in which they originate.

The qualities that made Ryan's voice distinctive in debates over old eugenics practices and abuses are needed as we enter even murkier waters concerning which genetic manipulations to permit, especially where there is no clear direction of how not to permit them. Abell noted that "throughout his career [Ryan] was not only an academician but also an avowed propagandist, a ready controversialist, a veritable crusader for liberty and justice" (130). The ethical challenges of genetic developments require more than academic studies and policy analyses to stave off potential injustices. Soon, we may be called to limit genetic therapies that are technologically feasible and that may be critical to the well-being of individuals in many cases, to achieve a greater moral good. Ryan understood as well as anyone of his generation the tradeoffs in such decisions, and he observed in Catholic social teaching a pillar capable of steadying society to engage the challenges.

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