

Habermas, Jürgen. *The Future of Human Nature*. Translated by Hella Beister, Max Pensky, and William Rehg. Cambridge: Polity, 2003. Pp. viii+127. \$45.95 (cloth); \$14.95 (paper).

This book is of particular interest for two sorts of reasons. For those interested in bioethics, it contains a genuinely new set of arguments for placing serious restrictions on using prenatal genetic technologies to “enhance” offspring. And for those interested in Habermas’s moral philosophy, it contains a number of new developments in his “discourse ethics”—not the least of which is a willingness to engage in applied ethics at all.

The book comprises three essays: a broadly metaethical essay on the relationship between “morality” (as a matter of universalistic deontology) and “ethics” (as a matter of communities’ or individuals’ critical self-clarification of their values); the core essay on issues of genetic manipulation and selection (“The Debate on the Ethical Self-Understanding of the Species,” together with a “Postscript” discussing objections from Thomas Nagel, Ronald Dworkin, Thomas McCarthy, and Ludwig Siep); and an important lecture on “Faith and Knowledge,” delivered a few weeks after September 11, 2001, which proposes a dialogical and respectful model of the relationship between believers and unbelievers within secularizing modernity. I shall focus here on the discussion of bioethics developed in the first two essays.

Part of what makes Habermas’s position interesting is that his reasons for viewing genetic manipulation and screening as impermissible (except to prevent disease and serious impairment) have nothing to do with claims about religion, prepersonal life, or the “natural.” Some of the reasons for his concern will be familiar, such as the expansion of inequalities and the risks of unpredictable harms from implementing new technology without adequate testing. But his central, genuinely original argument is that the decision to shape a future person’s identity through prenatal genetic intervention threatens the freedom and equality to which all persons are entitled as a birthright. More specifically, Habermas’s thesis is that although some forms of genetic manipulation and screening are morally permissible (those that prevent debilitating

diseases), enhancement-oriented practices entail an asymmetrical relationship of influence between generations that threatens those future persons in their status as free and equal moral agents; that this asymmetrical influence is a new development; and that its problematic character is best understood not in terms of a violation of norms of interpersonal morality but rather in terms of an “ethical” orientation of humans as humans toward who they are and want to be.

Habermas’s starting normative assumption is that the respect human beings owe each other entails respect for persons’ equal and symmetrical freedom to choose and shape their own destinies. Thus, to the extent to which parents can and do program their children’s destiny genetically, this core normative principle is violated. Three objections immediately spring to mind: (1) that genetic screening and manipulation can never shape a person’s destiny in the requisite sense, (2) that these asymmetries are nothing new but simply an extension of standard forms of parental influence, and (3) that if the problem with genetic influence lies with its asymmetrical character, then it is unclear why *any* genetic screening is permissible.

Regarding objection 1: Habermas’s talk of influencing a child’s future career via prenatal “genetic programming” sounds biologically naive, and his tendency to discuss cloning and preimplantation diagnosis in one breath suggests an understanding of the taxonomies of genetic intervention that falls short of the level of scientific sophistication currently expected of bioethicists. For his argument to work, however, all he actually needs is not that there be a gene for, say, being a brilliant lawyer but only that there be genetic interventions that generate physical features that channel a person toward certain life choices. Take the (not implausible) case of preimplantation screening for physical height. As Habermas acknowledges in other cases, even if parents succeeded in causing their son to be very, very tall—in the hope that he become an exceptional basketball player—it is still open to the son to select a different path, for example, as part of the developmentally typical “adolescent crisis.” But in a way, this freedom is a bit like the “freedom” to reject a so-called sexual offer (career advancement in exchange for sexual favors): the fact that the opportunity can be turned down does not eliminate the perniciousness of having been put in the situation in the first place. The violation lies in being forced into an impossible position.

A very tall friend of mine once had a T-shirt made that says, “Yes, I really am 7’ 3”—and NO, I DON’T PLAY BASKETBALL.” He was sick of his conversations with strangers or first-time acquaintances being monopolized by discussion of his height. In the case of my friend, this is an unfortunate circumstance of fate and chance. But imagine that his height was his parents’ doing in much more than the usual sense. The aggravating experience of others presuming to know that he is a basketball player would then be an external imposition that he cannot escape. It is a concern with this sort of framing of a person by others that lies at the heart of Habermas’s concern with libertarian attitudes toward genetic enhancement.

Before I return to the other two objections, a bit more needs to be said about Habermas’s argument. Habermas sometimes writes as if the central issue were one of psychological harm, frequently speculating about how the discovery

of having been subjected to genetic programming would leave a person feeling. But this way of running the argument not only represents just the sort of consequentialism that Habermas has always opposed but also relies on highly speculative empirical claims. After all, there is likely to be as much variation in how a person responds to learning of being subjected to genetic programming as there is to learning that one was conceived by artificial insemination.

The real key to Habermas's argument is that human personhood and moral agency presuppose certain modes of relating to oneself that are threatened by the asymmetrical way in which genetic enhancements would presumably work. Thus, instead of taking up and then extending familiar normative concerns about unequal opportunities or the criteria for moral personhood, Habermas believes that the emerging technologies of genetic enhancement demand genuinely new arguments, and he proposes to focus on the effects of genetic programming on whether the agent can consider herself free and equal—effects, that is, regarding what one might call the reflexive attitudinal preconditions for moral agency. “According to this model, eugenic practices, while they are not *directly* intervening into the genetically modified person's spheres of free action, might well harm the status of the future person as a member of the universe of moral beings” (79). In particular, knowing that one's life had been viewed by one's parents instrumentally—as their project—makes it hard to see oneself as on equal footing with them or even as the author of one's own life history. This is an intriguing proposal, but much of what Habermas has to say is more suggestive than fully worked out. For example, Habermas needs to do more to address the tension already mentioned between empirical claims about how people are psychologically affected by these genetic practices and more metaphysical claims about the way in which certain practices and relationships affect a person's normative status. Sometimes he seems to be claiming that people will have psychological difficulties thinking of themselves as self-determining or free and equal; at other times, it seems as if no amount of psychological resilience could prevent the loss of status. The dilemma is that unless we think of the one-sided instrumentalization of a child's genetic inheritance as reflected in the child's actual subjective experience, it is hard to see why it is such a pressing moral concern, but the more the wrongness is tied to felt suffering, the harder it is to say anything categorical about the wrongness of genetic enhancement, as Habermas wishes to do. This is a fundamental challenge facing attempts to draw normative conclusions from philosophical reflections on the nature of human personhood (what the Germans term *Anthropologie*)—a tension, incidentally, that also plagues recent discussions over whether self-esteem depends psychologically or constitutively on relations of mutual recognition.

The mention of *Anthropologie* brings us back to the second objection mentioned above, the question of whether genetic technology introduces an asymmetry that is really so distinct and new. For even if one grants Habermas's point about how programming a child's future undermines the reflexive attitudinal preconditions for full moral agency, one might still wonder whether the real threat doesn't lie instead with ordinary parenting practices. Relentless training in sports, language, or music seems to be at least as powerful an instrument of this pernicious influence as is genetic “programming”—and far more widespread. Habermas recognizes the concern, and his reply here is intriguing. He

grants that, in a sense, “positive” eugenics and early childhood training (as well as various forms of indoctrination) lie on a continuum of practices by which a person is subjected to “alien determination” (*Fremdbestimmung*) by her parents. The difference, he argues, lies in the way genetic “programming” moves the site of identity contestation beyond the reach of those being programmed. In the familiar case of parental attempts to instill certain traits and attitudes in children—or even to condition their bodies—it is open to the children (and is often an important developmental dimension of adolescence) to take issue with their parents about whether to retain those traits and attitudes and, in many cases, to modify or eliminate them. By contrast, Habermas suggests, “genetically fixed ‘demands’ cannot, strictly speaking, be responded to” (51). The idea seems to be that no matter how profoundly difficult it may be to undo the effects of one’s upbringing or how impossible it may be to alter one’s childhood circumstances, the struggle to (re)claim one’s life history and one’s subjectively lived embodiment (Habermas here notes a debt to Helmuth Plessner) occurs in the same intersubjective space in which parents exercise sociocultural influence. By contrast, the genetic programming of a child’s height operates within a domain of natural causation entirely removed from the mode of contestation that characterizes, say, a contentious family therapy session.

The more Habermas bases his critique of the perniciousness of genetic manipulation and selection on asymmetries between generations, however, the more pressing the third objection becomes: doesn’t this argument entail that even life-saving, misery-reducing forms of genetic intervention ought to be prohibited? Habermas believes he can avoid this implication by arguing that concerns about asymmetry dissolve if we can anticipate the subsequent consent of the person whose suffering is being prevented. According to Habermas, what is different in permissible cases of genetic interventions is the motivating attitude: in place of the instrumental attitude of parents using their offspring to fulfill their own dreams, we find the defeasible anticipation of consent that is characteristic of an urgent care doctor treating an unconscious patient (52).

There are serious problems, however, with this part of the argument. To begin with, it starts to look as if the whole innovation of focusing on asymmetry is actually superfluous, since anticipated consent turns out to be all that matters. More seriously, I think, Habermas seems unaware of the floodgates he is opening, in part because he seems to underestimate the extent to which genetic enhancements are motivated by genuinely good intentions. If the only real constraint on genetic screening and manipulation is that an intervention be accompanied by “the clinical attitude of the first person toward another person—however virtual—who, some time in the future, may encounter him in the role of a second person” (52), then it is hard to see any but the most extreme cases of perverse experimentation being excluded.

The appeal to anticipated consent also points to an issue likely to be raised by those familiar with Habermas’s moral theory: the question of how to understand our obligations vis-à-vis *potential* persons. Like contractarians and Kantians more generally, Habermas faces difficulties accommodating the intuition that we might have obligations toward potential persons. The difficulty is particularly pronounced in the case of Habermas’s “discourse theory of morality,” since it construes the moral point of view in terms of processes of deliberation among

all those affected by the norm at issue which the participants consider in the deliberative process to be open, fair, and inclusive. Future generations do not fit neatly into this deliberative process, nor do prepersonal humans. Moral norms adjudicated in such discourse clearly affect their interests, but they cannot themselves participate in the discourse. In the past, Habermas and other “discourse ethicists” have tried to address this worry by introducing “advocatory discourses.” But this move threatens to undo a distinctive, appealing feature of Habermas’s moral theory: the pragmatist insistence on the innovative, critical, unpredictable discourse generated by actual participants in discourse and the refusal (contra Rawls, in particular) to rely on hypothetical representatives.

In *The Future of Human Nature*, Habermas ventures a different strategy, focused on expanding what he calls the “ethical” domain, which differs from the “moral” domain in being a matter of a community’s articulation of its core values and conception of the good. Previously, Habermas distinguished “ethical-existential” and “ethical-political” domains, as a matter of who an individual or a community, respectively, is and wants to be. In the present book, Habermas makes the remarkable move of introducing the category of the “species-ethical,” which is supposed to be the domain of questions raised by the human species as a whole about the question of what it is to be human. This theoretical move extends further steps Habermas had already taken in speaking of ethical solidarity within the global community.

According to Habermas, it is at the level of species-ethics that we can answer the question, somewhat indirectly, of what we owe to those potential persons whose genetic makeup we will soon be (and, in part, already are) in a position to influence. The idea is that it is a fundamental value, connected with the idea of what it is to be a free and equal person, that one not view others’ life trajectories as at one’s disposal. This *Unverfügbarkeit* of human beings (confusingly translated here as “nondisposability”) is not something that can be demanded within moral discourse, for it forms the condition for the possibility of participating at all. According to Habermas, just as the question “Why be moral?” cannot be answered in terms of moral obligations to be moral—but only in terms of an account of why it makes sense, given who one is and wants to be, for one to care about being moral—so our concern for ensuring that future persons’ status as free and equal moral participants is not compromised is ultimately to be found only in an account of what we view as distinctively valuable aspects of being human.

It must be said that this idea of “ethical” values clarification at the level of the species is perhaps the most speculative idea in a book that is characterized by an innovative élan and a significant number of promissory notes. For it is entirely unclear, to begin with, how this species-ethics is supposed to generate the individual obligations demanded by the gravity of genetic interventions or how we are supposed to imagine this process of reflection and self-clarification occurring on a global scale—assuming that Habermas still wishes to avoid the model of deducing values along the lines of monological and metaphysical *Anthropologie*. At the same time, this may turn out to be the metaethical move that is forced on defenders of Kantian moral theory when confronted with the real and urgent issues of the status of future generations. Every system of philosophical ethics has issues it handles well and issues that it handles awkwardly.

For Kantians and contractarians, the issue of what we owe potential persons may be the sort of issue where one is willing to accept the account only because the theoretical package of which it is a part is preferable to competing packages. Whether or not he has succeeded in providing the most convincing answer to the question, however, it is greatly to Habermas's credit that he has squarely faced this issue, despite the fundamental challenge it poses for discourse ethics.

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