Ruptured formalism

The challenge of bioethics and the limits of moral formalism

Konstantinos Kavoulakos

When one of the most famous living philosophers takes a stand on certain moral dilemmas that arise from the current boom in developments in the biosciences, it is natural that it should provoke great interest – all the more so as the pressure grows to find a reasonable orientation for society in the face of the gigantic technological power which contemporary science does not cease to feed.1 Contrary to what one might expect, Jürgen Habermas’s book *The Future of Human Nature*2 does not give a formula for rules that ought to govern the biotechnological manipulations of the human genome which are already feasible or which may become feasible in the future – even if this might have been what the author ultimately intended to do.2 Anyone hoping to find definitive answers to urgent problems in this book is on slippery ground, since it is clear that we are not dealing with any ‘determinant judgement’ – that is, with the application of firmly founded general principles to particular moral dilemmas. On the contrary, we are dealing with a ‘reflective’ search which aims to find the general principle that could guide the way we deal with the particular problems which motivated the search. Habermas sets out from the intuition that not all types of manipulation of human nature ought to be allowed, and looks for those general ethical reasons for which certain manipulations ought to be out of the question. As one might expect in such cases, the ‘solutions’ offered are controversial, but this does not mean that they are also theoretically indifferent. On the contrary, it is precisely because of the ‘reflective’ nature of Habermas’s attempt that it is of great interest to all those who puzzle over the formalism of the discourse ethics that Habermas formulated in the early 1980s.3

The limits of postmetaphysical formalism

Habermas’s discourse ethics is a product of the attempt to formulate a cognitivist moral theory of a Kantian type based on the philosophy of intersubjectivity. It is based on the idea of analysing the necessary conditions of a highly demanding communicative process, analysing, in other words, the normative conditions of *practical dialogue*, and on demonstrating that the content of these conditions entails a principle of universalization which provides the criterion for the discovery of morally right rules within moral discourse.4 Following the formalism of Kantian ethics, ‘procedural’ discourse ethics strictly divides morality (*Moralität*) from ethical life (*Sittlichkeit*), morality (*Moral*) from ethics (*Ethik*), universal norms (*Normen*) from values (*Werte*) which are tied up with a certain form of life, the right (*Richtige*) from the good (*Gute*), justice from the good life, and the deontological from the evaluative. According to Habermas’s own formulation, ‘ethical formalism is incisive in the literal sense: the universalization principle acts like a knife that makes razor-sharp cuts between evaluative statements and strictly normative ones, between the good and the just.’5 This is how ‘the scope of application of a deontological ethics’ is defined: ‘it covers only practical questions that can be debated rationally, i.e. those that hold out the prospect of consensus. It deals not with value preferences but with the normative validity of norms of action.’6 What is interesting in his contribution to the debate surrounding bioethics is that Habermas is now forced to overturn this strict distinction and to abandon his refusal to deal with ethical–evaluative issues, with the result that certain issues that the formalistic perspective managed to lay aside come to the surface once again. The book begins with familiar Habermasian

claims: in the age of pluralism of world-views (2) and postmetaphysical thinking it is impossible to define ontologically or metaphysically a model of the good life to which all the members of society could then be aligned. The consequent ‘justified abstention’ from making judgements about the content of a community or an individual creates a certain gap in postmetaphysical morality, a deficit which is characteristic of Kantian deontological theories: the lack of motivations for ethical and political action (4), which are usually determined by the individual’s identification with a particular community or with a particular ethical world-view. Habermas once again stresses the view that philosophical ethics has nothing substantial to say about this deficit: ‘Theories of justice that have been uncoupled from ethics can only hope that processes of socialization and political forms of life meet them halfway’ (4). But then he takes a novel step. He poses the question, ‘why should philosophy shrink back from matters that psychoanalysis, for example, believes it can deal with?’ (5), namely to elucidate our intuitive understanding of the ‘clinical characteristics’ of a ‘successful’ life. Of course, the philosophical conception of ethics (the criterion of the good life) which Habermas has in mind can only be based on a highly formal ‘value’, which is formulated in reference to Kierkegaard: it concerns ‘being-able-to-be-oneself’ (Selbstseinkönnen), being able to define one’s own self-understanding (5). Such an ethics does not, of course, provide ‘thick descriptions’, since it ‘judges the existential mode, but not the specific orientation, of individual life-projects and particular forms of life’, thus satisfying ‘the conditions of a pluralism of worldviews’ (11). Be that as it may, it is clear that by now Habermas recognizes the need to connect autonomous discourse ethics with a ‘suitable’ and sufficiently formal ‘ethical self-understanding’ (ethisches Selbstverständnis), which practical philosophy ought to elucidate as far as possible.10

Nevertheless, Habermas’s next step overturns even this moderate stance on the question of a philosophical theory of ethics, in favour of a more radical approach. He now suddenly discovers the existence of limits on ‘justified abstention’ concerning judgements about the content of ethical self-understanding in cases when what is at stake is the self-understanding of the human species as a whole. The vital importance of the debate over whether the manipulation of human nature should be ethically regulated or whether we can proceed ‘arbitrarily according to subjective preferences whose satisfaction depends on the market’ (12) leads Habermas literally to rupture his formalism.

This postmetaphysical abstention runs up against its limits in an interesting way as soon as questions of a ‘species ethics’ arise. As soon as the ethical self-understanding of language-using agents is at stake in its entirety, philosophy can no longer avoid taking a substantive position. (11)

For those familiar with Habermas’s theoretical modesty over the past twenty years, this (albeit marginal) abandoning of formalism comes as a great surprise. Who would have expected statements like ‘today the original philosophical question concerning the ‘good life’ in all its anthropological generality appears to have taken on new life’ (15) to come from Habermas’s pen?

**Biotechnological implementation, eugenics and the ‘ethics of the human species’**

We are dealing, then, with an attempt to lay the philosophical foundations for handling important bioethical issues; an attempt which, despite the fact that it sets out from specific dilemmas that have to do with the implementation of certain genetic technologies, nevertheless seems to exhibit a very high level of abstraction. This is because, according to Habermas, in order to have a chance at success, the public discussion around bioethics must encompass a wider perspective and must take place before the developments actually become feasible (18–19). Therefore, while Habermas refers to specific issues – for instance the procedure of Pre-implantation Genetic Diagnosis (PGD), which provides a diagnosis of all the genetic defects an embryo brought about by artificial fertilization is likely to have, before it is implanted in the womb; and research on human embryonic stem cells which are thus ‘consumed’ (verbrauchende Embryonenforschung) – in reality it soon becomes clear that Habermas does not deal with such cases by isolating them in order to evaluate them in themselves. Instead, he considers them as steps in a more general, gradual process of ‘auto-transformation of the species’ (21), because they are techniques which pave the way to a ‘positive eugenics’, in other words to our being able to choose our children’s desired genetic characteristics (19).

It is interesting that Habermas does not exclude the possibility of a ‘negative eugenics’, despite the fact that he considers the boundaries between positive and negative eugenics to be ‘fluid’ (19), and seeks their normative regulation. Thus, the use of genetics should not be ruled out a priori in cases where it might prevent considerable harm (e.g. incurable or especially serious diseases), so long as a ‘clinical attitude’ is adopted in such interventions, and we can reasonably presuppose...
the consent of the person the embryo will become, thereby having *a communicative, not an instrumental relation* to him (43, 52, 63). So, the criterion Habermas introduces in order to distinguish positive and negative eugenics is essentially the ‘attitude’ under which the particular intervention is carried out.

The correct application of this criterion is of utmost importance for the success of Habermas’s theoretical project, since the difficulties we face when trying to distinguish ‘therapeutic’ biotechnology from techniques which aim at the ‘improvement’, the ‘strengthening’ or even the ‘aesthetic enhancement’ of a patient, encourage liberal supporters of eugenics to seek the greatest possible freedom in their implementation. Applying this criterion, Habermas claims that in the case of PGD the ‘conditional’ creation of embryos betrays a tendency to objectify them for the sake of their parents’ ‘preferences’, since there is no clear criterion for what a ‘problematic life’ might mean (i.e. a life which deserves to be destroyed before it is born), while the case of research on embryonic stem cells promotes a clearly unacceptable instrumentalization of human life, since it makes the idea of their exploitation at will less and less problematic (68–72).

Concerning the above analysis, one can first of all question the necessary connection between the two techniques under discussion and a future of ‘positive eugenics’. For instance, it is not a convincing argument that PGD constitutes a ‘new quality’ concerning the ‘choice’ of the embryo, given that until today it has been implemented only in cases where the parents have a history of particularly serious hereditary diseases, something which is already true in the case of prenatal diagnosis in normal pregnancies (and the corresponding decision to abort). PGD essentially replaces prenatal diagnosis in exceptional cases. Of course, we cannot rule out that the test will be (ab)used to choose between artificially produced embryos, even in cases where this would not be absolutely necessary. In any case, ‘selection’ is already implemented in human reproduction by contraceptives, artificial fertilization, and prenatal diagnosis, so that Habermas’s is a ‘slippery slope argument’.12

Furthermore, so long as (following Habermas) one doesn’t give absolute value to unborn human life (similar to that which discourse ethics naturally gives to the life of moral persons), then it is questionable whether the appeal to ‘the ethics of the human species’ will suffice to lay aside the projection of the benefit which would follow from research on embryonic cells in order to fight severe diseases. The arguments concerning the (controversial) status of unborn life (which can also be graded according to phases of development) can, in principle, be combined with an evaluation of utility, without such evaluations being necessarily linked with the acceptance of positive eugenics.13 Habermas himself seems to be compelled towards such a point of view, since he finds negative eugenics acceptable. In his book, however, he does not get into detailed discussion about the various forms therapeutic biotechnology might take, which may include research on embryonic stem cells, adult stem cells, stem cells taken from embryos artificially produced for research purposes, taken from abortions, or ‘leftovers’ from exosomatic fertilization and so on, with all the special ethical features each case might present.14 Nevertheless, even if the analysis Habermas gives of these specific cases is less than wholly convincing, it would be a mistake to take this as nullifying his reflections in general.

Despite the fact that he sets out from particular dilemmas, the question Habermas poses is much wider: why does the prospect of positive eugenics go against our deeply held moral intuitions? Why does it provoke reasonable ethical unease despite the utopian promises of scientists, technocrats and supermodern prophets about longer life expectancy, a decisive victory against incurable diseases, creation of supermen, and so on? On what could we base the demand for a ‘moralizing of human nature’ (23), given that its universally binding religious ‘resanctification’ is impossible (24)? Habermas believes it to be in vain to give prenatal life absolute value based on the model of respect for ‘human dignity’ that we owe to moral persons; since, as it became clear from the discussion on abortion, it is impossible to give a universally binding definition of when an embryo is considered to become a member of a community of persons who have human rights (31–2), and thus from which point we owe respect to its dignity, to the extent that such judgements depend on ethical evaluations (36). In reality, the realm of rights and respect for moral persons comes into play at the point where there is (at least potential) mutuality and communication, and therefore, for Habermas, a human being enters this realm at the point of birth.

Of course, one soon finds that the criterion ‘birth’ that Habermas uses, based on the idea that ethical life begins at the moment when communicative interaction becomes possible, and relations based on symmetrical rights and duties are set up, is just as problematic as any other; since a more ‘lenient’ theorist might point out that ‘interaction’ (especially with the mother) begins well before birth, and a paradox also ensues since premature babies will be ‘privileged’ in their being
recognized as persons who have moral rights. On the other hand, a ‘stricter’ theorist using the same criterion could set the boundary at, for example, around two years after birth, since it is then that the communicative faculties are fully formed, not at birth or even months after. Contrary to Habermas’s reasoning, this difficulty in applying the ‘communicative’ criterion to determine the moment a human being enters the world of ethically regulated behaviour actually encourages a conservative commentator like Robert Spaemann to emphasize the necessity of recognizing the absolute value of prenatal human life. Be that as it may, for Habermas it is clear that protecting human nature before birth must be based on something other than the principle of respect for ‘human dignity’, given that this can only apply among free and equal subjects.

We have now reached the nucleus of Habermas’ argument: that the universal morality of human rights and the principles of freedom and equality are ‘embedded’ in the wider context of a ‘species ethics’ (Gattungsethik) (40). Habermas now undertakes to clarify theoretically our moral intuitions, which are offended at the prospect of ‘liberal eugenics’ (the marketized custom-building of human offspring according to parents’ wishes) (19, 48–9). The implementation of this kind of eugenics would lead, according to Habermas, to a transformation in the ‘ethical self-understanding of the species’ (ethisches Selbstverständnis der Gattung) (40), which, until now, allowed the formation of the appropriate ‘framework’ for the constitution of moral agency. In other words, the danger in putting positive eugenics into practice highlights the fact that humans have a self-understanding which is characteristic of moral persons. This self-understanding is based on the idea that there is a discernible distinction between the made and the grown. It is based on the (until now) unquestioned presupposition that all moral agents possess the bodies they are ‘given’ by chance or nature (and so, neither they, nor their parents, nor anybody else can be held morally responsible for these bodies), and with this physical nature they enter the realm of culture and moral responsibility, which is also the realm of (potential) symmetry among free and equal subjects. Both these components of the ‘ethical self-understanding of the species’ are violated in cases of intervention into the genetic material of an embryo which will later become a moral person. Why is this?

First, because the knowledge that someone else has ‘programmed’ my body will most likely affect my self-understanding as an autonomous subject who deserves respect, impeding my identification with my body as a stable point of my identity against its social definition (59–60). Therefore prenatal intervention into my physical nature will probably overturn a fundamental anthropological precondition of my moral freedom, since ‘we experience our freedom with reference to something which, by its very nature, is not at our disposal’ (58). Here Habermas links his thoughts on natural conditions of the individual’s moral freedom (the body being the absolute source of actions and aspirations, which cannot be controlled by anyone else) with the concept of ‘natality’, which was introduced by Hannah Arendt in order to connect the ‘new beginning’ that is the natural fact of birth, with our ability to make ‘new beginnings’ within the framework of cultural life. Second, the manipulation of my physical nature by my parents irreversibly damages my chances of ever acquiring a relationship of equality with them through the conscious undertaking of moral responsi-
could even be considered a duty. Thus the formalist morality of autonomy doesn’t conflict with practices of positive eugenics, but on the contrary demands them. Bioethical questions are not abstract problems of ‘humanity’, but problems of a developed liberal (capitalist) society based on formalist normativity. Rejecting positive eugenics as a positively evaluated content of social life must therefore rest on a material criterion beyond liberal formal equality.

Conceptual ambiguities

By introducing his theory of ‘species ethics’, Habermas takes an important step in distancing himself from the formalism of discourse ethics. As much as he might see his project as a contribution to a public discussion, it is clear that his aim is nothing less than the binding ‘moralizing of human nature’, based on a strong positive evaluation of keeping its integrity intact. In other words, prepersonal human life is not to be thought of as one value among many others (67), because it has a ‘specific weight of its own’ (71):

Participants in this discourse whose contributions rely on standard ways of weighing competing goods … seem to be out of step. It is not that unconditional existential rigor, as set against the weighing of interests, would be a priori superior to the balancing of interests. But many of us seem to have the intuition that we should not weigh human life, not even in its earliest stages, either against the freedom (and competitiveness) of research, or against the concern with safeguarding an industrial edge, or against the wish for a healthy child, or even against the prospect (assumed arguendo) of new treatments for severe genetic diseases. (68)

Habermas realizes that logocentric and formalistic discourse ethics could not support such a ‘moralizing’ and so tries to give an especially exalted position to the good of human nature’s integrity, considering it a constitutive condition of the ‘self-understanding of the species’, without which the reproduction of post-conventional morality and modern democratic politics would be most problematic. In the end Habermas himself admits that to adopt a restrictive attitude towards the free development of techniques that meddle with human nature presupposes that we want the communicative cultural formation-process, as we know it today, to remain untouched (72), that we want to be a ‘member of a community that requires all its members to show equal respect for every other member and to be responsible in their solidarity with all of them’, in other words that we want the autonomous morality of the free and equal (73).

In the above enumeration of what we must want in order to decide in favour of restrictions on the instrumentalization of human nature, there appears to be an identification of the conditions of the ‘cultural formation-process’ and the conditions of an autonomous, postconventional morality. Therefore the decision not to want the normative framework of modern societies could only mean its replacement by ‘systemic’ or ‘biotechnological’ mechanisms of steering and coordinating human action (92). Habermas repeats the ethnocentric fallacy which characterizes his whole theory concerning social rationalization. He considers the emergence of autonomous morality and democratic principles to be at the highest level in the unfolding process of universal (anthropologically determined) structures of rationality, and respect for the integrity of human nature to be a precondition of upholding this level of rationality, and he therefore tends to interpret this ethical value as the ‘ethics of the human species’. In this way Habermas presents as anthropological a category that, within the framework of a more hermeneutic practical philosophy, should be considered historical. It is noteworthy that while he refers constantly to ethics (Ethik), Habermas never once in his book uses the conceptually similar term ‘ethical life’ (Sittlichkeit), perhaps because with its historical connotations it would immediately create the suspicion that what is presented as an ‘anthropological value’ is probably historically determined.22

Nevertheless, the tension between the anthropological and the historical perspective can be felt within the text. After explaining that the desirable form of life for individuals as well as communities is determined by evaluative concepts which vary according to the given culture and the personal or collective history (38–9), Habermas continues:

The questions raised, in contrast, by our attitude toward prepersonal human life are of an altogether different calibre. They do not touch on this or that difference in the great variety of cultural forms of life, but on those intuitive self-descriptions that guide our own identification as human beings – that is, our self-understanding as members of the species. They concern not culture, which is different everywhere, but the vision different cultures have of ‘man’ who – in his anthropological universality – is everywhere the same. (39)

Though it may seem that he has ensured, at least rhetorically, the universality of the ‘self-understanding of the species’, just a few lines later Habermas contradicts himself by accepting the obviously more plausible view that such images of man are ‘of course …
plural’, while ‘cultural forms of life are bound up with systems of interpretations that explain the position of humanity in the universe and provide the “thick” anthropological context in which the prevailing moral code is embedded’ (40). After such an admission, what remains is only the ‘historicist’ connection of a particular self-understanding with the autonomous normative-practical structures of the modern age. At some points in the text, Habermas really seems to claim this, sticking throughout, of course, to anthropological phraseology:

Like the great world religions, metaphysical doctrines and humanistic traditions also provide contexts in which the ‘overall structure of our moral experience’ is embedded. They express, in one way or the other, an anthropological self-understanding of the species that is consistent with an autonomous morality. (40)

The very use of the term ‘self-understanding’ (Selbstverständnis) indicates the historical-hermeneutical nature of such anthropological views. As is clear from this passage, we are dealing with a historically constructed image of man and not (as he claims in the previous passage) with a transhistorical image of ‘man’.

The ‘ethical self-understanding of the species’ is thus a part of a ‘cultural tradition’, without which modern moral consciousness would be impossible.23 One wonders what point there remains in maintaining the much-debated ‘priority of justice over good’ after Habermas’s admission that ‘the abstract morality of reason proper to subjects of human rights is itself sustained by a prior ethical self-understanding of the species, which is shared by all moral persons’ (40). If it is a historically and culturally determined ethics (in Charles Taylor’s terms, a ‘hypergood’) that constructs our self-understanding and thus explains why we should want the morality of reciprocal recognition between free and equal subjects, and our corresponding democratic political principles, then the differences between Habermas and his communitarian critics start to fade away.24

Precisely because of his fear of retreating into relativism and communitarianism, Habermas turns – without avoiding certain ambiguities – towards the unhistorical perspective of the ‘species ethics’. Thus the mere facticity and particularity of the ‘values of our community’ are contested only by an abstract anthropological determination of the human species, which leaves the historical emergence of biotechnology within a specific social reality theoretically uncomprehended. However, there still remains the fact that Habermas recognizes the responsibility of philosophy to enter the controversial realm of ethical life, in order to try to clarify some acute questions for the sake of practically orienting society.25 Thus the way is paved towards a less formalistic, historical-hermeneutic approach to modern normative structures and their fate.

From the ethics of the species to ecological ethics

Let me conclude with a few thoughts that go one step beyond the apparent ‘turn’ Habermas makes in the face of the challenge set by bioethics. Let us presume that Habermas is right to place autonomous morality and the democratic ideals of the modern age in a wider framework of ethics, which commands respect for the integrity of human nature, an integrity which, in the end, must be unnegotiable against any intention to instrumentalize it for any other purpose (e.g. the freedom of research, the development of the national economy, even the prospect of improving health, etc.) (68).26 Such a strict moralizing of human nature cannot but affect our stance towards nature in general. This would require, however, a much more radical reorientation, since it goes against Habermas’s own logocentric and anthropocentric prejudices, which have so far led him to downgrade nature, seeing it as a simple object of exploitation by human beings.27 Of course, such a project of reorientation has to face being identified with a complete abandonment of our anthropocentric, rational and scientific world-view in favour of, for example, a biocentric ‘religion’ or a controversial dialectical philosophy of nature. I have the supporters of ‘deep ecology’ in mind28 and the rival ‘dialectical naturalism’ of Murray Bookchin.29 The first ‘school’ tends to obscure the relationship between ecological problems and social relations, and often ends up in a mystic deifying of earth with political extensions ranging from controversial to dangerous, while the second leads to a unified approach to nature and society alike, deducing objective ‘rules’ about the one from the other (evolution, tendency toward greater complexity and subjectivity, etc.). But perhaps these are not the only options. If I’m right, Habermas’s attempt to reevaluate human nature provides us with some alternative avenues for a more general ethical reflection.

First of all, the criterion for an undistorted self-understanding does not necessarily need to be limited to the relationship with our bodies. This overlooks the countless links that bind our body to the environment. It is also possible to accept the existence of a continuity between body and environment, without...
falling into some paganistic, pantheistic conception of a deeper unity among all entities. This continuity is self-evident within the framework of a ‘holistic self-conception’, which would take into account how humans are interwoven and coexist with nature. Once we have agreed that the formation of an ‘undistorted self-understanding’ is a valuable thing, it is unclear why we ought to have such a narrow conception of nature that it should extend only so far as the external boundaries of our individual organism. If the modern ‘image of humanity’ has separated humans from nature, or even considered them to be in a hostile, competitive relationship with nature, maybe the time has come to replace this image with one that places more emphasis on our links with nature, and the possibility of ‘communicating’ and ‘cooperating’ with it, without necessarily retreating into an overly romantic ideal of a ‘complete reconciliation’ with nature. Besides, the continuity between internal and external nature can also be supported negatively by recognizing the fact that the will to dominate, which is expressed in visions of positive eugenics or human cloning, is nothing but the culmination of a more general tendency to objectify and instrumentalize nature, a tendency which has definitely played a significant role in modern technological and scientific developments and in the mutilation of nature to which it leads. This can be seen even by those who hold reservations about the necessary internal connection between the development of the processes of ‘enlightenment’, the intensifying of the domination over external nature and the increase in the oppression of internal nature, as this connection has been analysed by Habermas’s forerunners. Habermas himself describes the merger of the theoretical stance with the perspective of the technician in modern empirical science, and the unfolding of a gradually intensifying objectification of nature which culminates in the self-objectification of human nature (81–6). Certainly, apart from conceptual analysis, what we also need here is an increased sensitivity to the exploitation of nature (like the one Habermas holds concerning the exploitation of human nature); we need the ability to hear the often silent cries of pain we have induced and continue to induce.

Second, having broadened Habermas’s scope in this way, it becomes obvious that freedom in the modern world is possible only within a framework of an ecological democracy of free and equal citizens. Those who are committed to the universal emancipatory ideals of the modern age cannot but also support the preservation of nature’s integrity. Indeed, if the choice in favour of mutual moral recognition of free and equal subjects is connected to a deeper acceptance of our finite, vulnerable and corruptible nature and the attempt to deal with the suffering which stems from this (33–4) – in other words, if it is connected with the consciousness of our mortality – then the ethos of a free and democratic society will first and foremost be an ethos of self-limitation in all the dimensions of social and political life. And as such, it is completely incompatible with the project of rational domination over internal and external nature, in the way this was constituted and applied in our capitalist modernity – alongside and in competition with the powers which struggled and continue to struggle for the realization of a free and democratic society.

Translated by A. Orosz

Notes

1. The phenomenal dynamic of modern bioscience is stressed not only by the supporters of its unbridled development but also by its enemies. For instance, Jeremy Rifkin considers the technological revolution of our age to run so deep that it heralds the ‘end of the industrial age’ and the beginning of a new civilization, that of the ‘biotech century’. See Jeremy Rifkin, The Biotech Century: Harnessing the Gene and Remaking the World, Jeremy P. Tarcher/Putnam, New York, 1999, ch. 1.

2. Despite the explicit claim that the main text of the book is ‘quite literally … an attempt, seeking to attain more transparence for a rather mixed-up set of intuitions’ (22), it is clear that Habermas’s aim to define the general outlines of an ‘ethics of the human species’ (Gattungsethik) is exceptionally ambitious (this is why the title of D. Birnbacher’s book review is particularly apt: ‘Habermas’ Ambitious Evidentiry Goal’: ‘Habermas’ ehrgeiziges Beweisziel’, Deutsche Zeitschrift für Philosophie, vol. 50, no. 1, 2002, pp. 121–6).


5. Ibid., p. 104.

6. Ibid.


8. See also Habermas, ‘Discourse Ethics’, p. 109.

9. In order to judge the ‘success’ or ‘failure’ of a particular life-history, one obviously needs a ‘measure of normality’, a substantial criterion, on the basis of which we can identify the ‘pathological’. As in psychoanalysis, we are faced with the same problem in social philosophy when we wish to criticize the ‘pathology’ of a (collective) form of life. See Axel Honneth, ‘Pathologien des Sozialen. Tradition und Aktualität der Sozialphilosophie’, in Das
Andere der Gerechtigkeit, Suhrkamp, Frankfurt am Main, 2000, pp. 54–69.


11. See, for example, John Harris, ‘Is Gene Therapy a Form of Eugenics?’ in Helga Kuhse and Peter Singer, eds, Bioethics: An Anthology, Blackwell, Oxford, 1999, pp. 165–70. In the same volume, Nicholas Agar (to whom Habermas refers) questions the point of distinguishing between therapeutic genetic engineering and eugenics, given that the concept of disease itself is so fluid, in order to prepare the ground for an argument in favour of positive choice of the characteristics of human individuals. See Nicholas Agar, ‘Liberal Eugenics’, in ibid., p. 173.


13. See ibid., pp. 119–20. In the ‘postscript’ that was included in the English edition of the book Habermas undertakes to reply to Siep’s criticism (95–100), without, in my opinion, managing to provide anything further to what can already be found in the main essay of the book.


17. See, for example, Agar, ‘Liberal Eugenics’, pp. 172–3.


19. Ludwig Siep points this out very clearly. In his opinion, what is certainly violated by positive eugenics is the principle of equality, as it applies to issues of social equality. See Ludwig Siep, ‘Moral und Gattungsethik’, pp. 112–13. However, such issues do not fit well with Habermas’s formalist moral perspective. This is probably the reason why he does not discuss them at all.

20. The short references to the visions of futurologists and science fiction writers who envisage the future fusion of man and machine or our marginalization by intelligent robots (41) contribute to the dramatization of the dilemma between moral regulation and systemic integration, between communication and the self- instrumentalization of the species.


23. Edward Skidelsky (lead reviewer of the New Statesman) identified this dimension clearly: ‘The spectre of genetic engineering forces liberalism to acknowledge its ethical and religious origins.’ Edward Skidelsky, ‘Divine Creation’, New Statesman, 31 March 2003, p. 49. Similarly Ludwig Siep: ‘Questions concerning the identity of the species are evaluative questions of an evaluative anthropology which in turn presuppose an evaluative “worldview”. It is within these axes that the interpersonal ethics of autonomy is “embedded”, so much in the sense of “suitability” … as in the sense of a possible justification as to why we want to see ourselves as moral beings.’ Ludwig Siep, ‘Moral und Gattungsethik’, p. 116.

24. For the priority of the good over the right, see Charles Taylor, Sources of the Self: The Making of the Modern Identity, Harvard University Press, Cambridge MA, 1989, Part I. See also Taylor’s criticism of Habermas, which focuses on the ‘priority of the right over the good’: Charles Taylor, ‘Language and Society’, in Axel Honneth and Hans Joas, eds, Communicative Action: Essays on Jürgen Habermas’s ‘The Theory of Communicative Action’, MIT Press, Cambridge MA, 1991, pp. 23–35. See also Habermas’s reply in which he defends his initial position: Jürgen Habermas, Justification and Application: Remarks on Discourse Ethics, trans. C. Cronin, Polity, Cambridge, 1993, pp. 69–76. Feeling the danger of retreating into the communitarian position, Habermas explains in the ‘Postscript’ that his argument wants to show that only one particular ethics of the human species can be harmonized with our autonomous morality, but that, despite this, the latter’s validity does not depend on this ethics, but on the ‘reservoir of rational reasons’. For the sake of ‘justification’ we again simply have to suppose that this reservoir just ‘exists’ in a vacuum.

25. This tendency, which is justified by the pressing questions brought about by technological developments, pervades the text: ‘The new technologies make public discourse on the right understanding of cultural forms of life in general an urgent matter. And philosophers no longer have any good reasons for leaving such a dispute to biologists and engineers intoxicated by science fiction’ (15).

26. In the case of manipulating genetic material (of humans or of other living organisms), one could question the very attempt to weigh costs and benefits, since it is practically impossible to calculate all or even a significant part of its consequences, given that in the foreseeable future we will be able to appreciate only a fraction of the interdependencies which will determine the final outcome. This highlights the limitations of any consequentialist approach to such matters. See Urs Thurnherr, Angewandte Ethik, Junius, Hamburg, 2000, pp. 43–52.

27. See the critical reconstruction of Habermas’s views on


30. One example of an attempt to overcome the dualisms of modern philosophy and science with non-religious arguments is the ‘philosophy of organism’ by Hans Jonas. See Hans Jonas, *Das Prinzip Leben*, Insel, Frankfurt am Main, 1994. The question remains, of course, how we can go from the ‘ontological’ formulation of a ‘continuity’ between human and non-human living beings to evaluative judgements. Jonas’s suggestion sets out from the ‘self-affirmation of the living organism’ in the pursuit of goals and self-preservation; he then links ‘is’ and ‘ought’, deducing the ‘principle of responsibility’ that should guide humans, who are the only living creatures capable of conscious action. See Hans Jonas, *Das Prinzip Verantwortung*, Versuch einer Ethik fuer die technologische Zivilisation, Insel, Frankfurt am Main, 1979, ch. 4. The classical utilitarian position bases our duties towards animals on their ability to suffer (something they share with humans). This view has been rejuvenated by Peter Singer. Peter Singer, ‘All Animals Are Equal’, in Kuhse and Singer, eds, *Bioethics*, pp. 461–70. But there have also been other suggestions; for example, Ludwig Siep attempts to formulate a ‘holistic’ normative framework for bioethics, based on the ancient Greek concept of ‘cosmos’, which he modifies so that it does not conflict with the contemporary scientific worldview or with autonomous morality. See Ludwig Siep, ‘Eine Skizze zur Grundlegung der Bioethik’, *Zeitschrift für philosophische Forschung* 50, 1996, pp. 236–53. See also Skirbekk’s use of discourse ethics to support a framework for ethically grading nature from humans to inorganic matter, without completely abandoning anthropocentrism, in Gunnar Skirbekk, ‘Ethischer Gradualismus: jenseits von Anthropozentrismus und Biozentrumus?’, *Deutsche Zeitschrift für Philosophie*, vol. 43, no. 3, 1995, pp. 419–34.


