

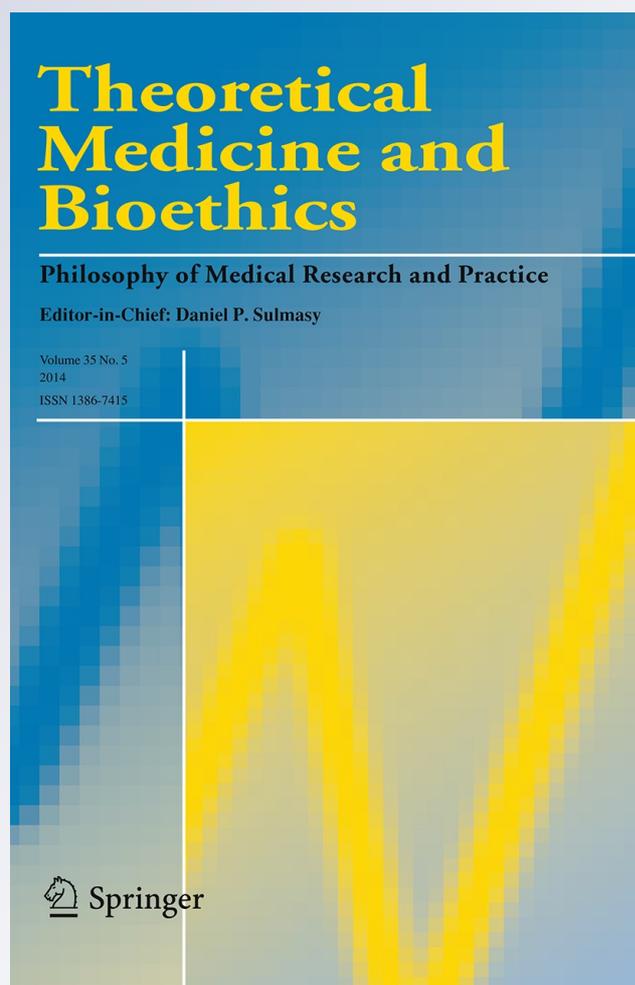
*From species ethics to social concerns:
Habermas's critique of "liberal eugenics"
evaluated*

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Theoretical Medicine and Bioethics
Philosophy of Medical Research and
Practice

ISSN 1386-7415
Volume 35
Number 5

Theor Med Bioeth (2014) 35:353-367
DOI 10.1007/s11017-014-9308-2



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From species ethics to social concerns: Habermas's critique of “liberal eugenics” evaluated

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Published online: 19 September 2014
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Abstract Three arguments of Habermas against “liberal eugenics”—the arguments from consent, responsibility, and instrumentalization—are critically evaluated and explicated in the light of his discourse ethics and social theory. It is argued that these arguments move partly at a too deep level and are in part too individualistic and psychological to sufficiently counter the liberal position that he sets out to criticize. This is also due to limitations that prevent discourse ethics from connecting effectively to the moral and political domains, e.g., through a discussion of justice. In spite of these weaknesses, Habermas's thesis is of major relevance and brings up neglected issues in the discussion about eugenic reproductive practices. This relevance has not been duly recognized in bioethics, largely because of the depth of his speculations of philosophical anthropology. It is argued that Habermas's notion of the colonization of the lifeworld could provide the analytical tool needed to build that bridge to the moral and political domain.

Keywords Habermas · Liberal eugenics · Discourse ethics · Colonization of lifeworld · Consent · Reproduction · Rationality

Introduction

The aim of this paper is to critically analyze and interpret Jürgen Habermas's contribution to the debate about genetic enhancement [1] and place it in the context of his general theory. I focus on his criticism of “liberal eugenics” and evaluate

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three main arguments he employs in his text against that position.¹ I call them the consent argument, the responsibility argument, and the instrumentalization argument. Although I find fault with these arguments, I argue that his position and approach deserve greater attention than they have received in bioethics. I maintain that one of the reasons why Habermas's attempt to influence the bioethical discussion has not been more successful is that he has not linked his speculative arguments clearly enough to the moral-political domain, which has been at the core of his philosophical project. As a consequence, his "anthropological argument" moves partly at a too deep level and is also in part too individualistic and psychological to sufficiently counter the liberal position that he sets out to criticize. Although there are limits internal to Habermas's discourse ethics to make such a move to the political domain, I argue that his social theory has analytic tools that could be used for this task.

In order to appreciate Habermas's contribution, it is of major importance to understand at which level of reasoning he intends to proceed, and why. Before I discuss the three arguments, I find it necessary to discuss briefly his communicative ethics and classification of practical argumentation. If this is not done, his position will be too easily swept aside as obscure and irrelevant for philosophical bioethics. John Harris, for one, has referred to Habermas's argument as "mystical sermonising." According to Harris, Habermas "does not simply take the argument 'deeper,' he takes the debate to a depth that neither rationality nor evidence can reach" [2, p. 288]. Harris's remark about rationality in this context is noteworthy because Habermas's entire philosophical project can be seen as an attempt to explain and differentiate the notion of rationality. As I will show, this also plays a major role in his contribution to the bioethical discussion. Understandably, however, this point will be beyond the reach of those who read this particular text of Habermas in isolation from the general bulk of his theoretical work.²

Ethics and morality

Habermas's communicative ethics is characterized by emphasis on the formal conditions for practical discourse. In practical discourse, participants are preoccupied with the rightness of norms that regulate human interaction and to deem whether they are worthy of recognition or not. According to Habermas, it is not the task of moral philosophy to argue for the substantive conclusions of practical discourse—this is left to the participants themselves—but only to explain the conditions for reaching those conclusions in a fair way [5]. In light of this, it was surprising not only *that* Habermas chose to contribute to the bioethical discussion of reproductive technology, but also *how* he did it. His essay is not a critical analysis of the conditions of bioethical discourse from a procedural perspective, but shows

¹ The term "libertarian" would be more appropriate than "liberal" for this reproductive policy because of the strong *laissez faire* emphasis of its proponents which is in sharp contrast with political liberalism.

² Matti Häyry discusses Habermas thoroughly and contrasts his position with other authors, such as Harris, but does not take into account the radically different notions of rationality that these authors employ in their reasonings [3, 4].

more substantial concerns for the problematic implications that “liberal eugenic” practices may have for human life.

Habermas distinguishes between ethics and morality, whereby the former refers to classical questions of the “good life” and the latter to generalizable norms that regulate human interaction, which he refers to as questions of justice. Paradigmatic ethical questions are “What kind of life is best to live?” “What kind of person should I strive to be?” As is evident from these questions, ethical concerns are characteristically closely related to questions of identity—who we are and who we want to be. They can arise both in the context of a particular life project of a person or a unique cultural form of life. Habermas refers to the former as ethical-existential questions and the latter as ethical-political questions. In both cases, they are formulated from a first person perspective, singular or plural, related to attempts of ethical self-understanding and value clarification of an individual or a social group [6].

Important though they are, these must not be confused with properly moral questions in Habermas’s sense that deal with the rightness of norms which regulate human interaction. As Habermas puts it, moral philosophy “does restrict itself, by and large, to the questions of justice. In particular, its aim is to clarify the moral point of view from which we judge norms and actions whenever we must determine what lies in the interest of everyone...” [1, p. 3]. On this view, moral questions are necessarily detached from the first person perspective and phrased in the impersonal mode of what one ought to do or observe as a moral being. As said before, Habermas’s discourse ethics has focused on the task of clarifying the conditions for practical discourse about moral norms where the participants themselves must come to substantial conclusions.

This provides a necessary background for the argument in the essay “The Future of Human Nature,” which falls neither into the category of ethical nor moral reasoning as outlined above. It is not an ethical argument because Habermas is not concerned with issues relating to individual or collective self-understanding. He agrees with Rawls that the “issues of the good life” must be left for individuals and citizens to decide in light of their own abilities, aspirations, and value-orientations. In a pluralistic and post-metaphysical world, philosophy has no longer the authority to argue for a right way to live. Neither is Habermas concerned in the essay with a type of issue that he assigns to the moral domain. He is not dealing with conflicts about norms that are amenable to rational agreement in the interest of all—or at least, he chooses not to frame the issue in those terms. Instead, he analyzes it in terms of the “ethical self-understanding of the species” that is threatened by certain uses of reproductive genetic biotechnology. How does he arrive at this conclusion and account for it?

The very notion of “ethical self-understanding” shows that for Habermas the issue is ethical rather than moral. But it is ethical in a different way from both the “ethical-existential” and the “ethical-political” mentioned above. The reason why philosophy leaves “ethical-existential” questions to psychology or psychoanalysis is that they call for the therapeutic task of enabling the person to overcome obstacles in the way of living the life she wants to live. It is up to the individual person to choose the specific orientation of her life project within the ramifications of justice.

The role of philosophy in this context is to account for the general mode of “being-able-to-be-oneself” without orienting that in any particular direction, which in a pluralist world must be a personal decision. According to Habermas, this post-metaphysical ethical task was initiated by Kierkegaard who analyzed the formal conditions for existential freedom and responsibility. In this way, it deals with ethical-existential issues without violating “the conditions of pluralism of world-views” [1, p. 11].

In light of this argument, Habermas invites a comparison between Rawls’s moral notion of “primary goods” and Kierkegaard’s ethical notion of “being-able-to-be-oneself.” The former describes the social goods necessary for one to reach one’s life projects, whatever they may be [7, pp. 90–94]. The latter analyzes the existential conditions for projecting one’s life, whichever orientation one’s life projects may take. Interestingly, from this perspective, the existential-ethical becomes prior to the moral because it is concerned with the very conditions of being able to have life projects of one’s own in the first place. And it is when *this* peculiarly human possibility is threatened that the conditions for the post-metaphysical ethical neutrality of philosophy no longer applies. According to Habermas, “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” [1, p. 11].

I will attempt to clarify Habermas’s arguments for this crucial claim of philosophical anthropology below. But the strategy of his approach, so to speak, is to demonstrate the dangerous implications of “liberal eugenics” for the foundations of liberal thought or what we could call our moral self-understanding as citizens of a liberal society. The Rawlsian position of the plurality of world views—which implies that in a just society, it should be left to individuals to decide for what kind of life to aim or to choose their “pursuit of happiness”—is indirectly at stake if the ethical self-understanding of language-using agents is under threat. And paradoxically, this very heart of the liberal society, Habermas argues, could be crushed by what he labels “liberal eugenics.”

Liberal eugenics

Habermas characterizes “liberal eugenics” in terms of four main features. The first is a radical extension of the procreative liberties of individuals, which Habermas, drawing on Nicholas Agar [8], describes in a rather striking way: “In liberal societies, eugenic decisions would be transferred, via markets governed by profit orientation and preferential demands, to the individual choice of parents and, on the whole, to the anarchic whims of consumers and clients” [1, p. 48]. While the old style authoritarian eugenics imposed eugenic policies upon the population, violating the procreative liberties of individuals in the name of public health, the new style “liberal eugenics” gives individuals maximum leeway for their reproductive choices. As Habermas points out, “liberal eugenics” is only compatible with political liberalism if it does not unfairly affect the opportunities of individuals to project their lives.

Another characteristic feature of “liberal eugenics,” according to Habermas, is that it would be legitimately restricted only if it could be shown that it would “harm the rights of an existing person” [1, p. 77]. This criticism has also been voiced by Onora O’Neill who argues that the interests of the prospective child are considered too narrowly from the liberal point of view, which concentrates on the moral rights of individuals [9]. O’Neill emphasizes that the difference between positive and negative reproductive rights, like contraception and abortion—not to mention other individual rights, like the right to movement and expression—is that it “aims to bring a third party—a child—into existence” [9, p. 61]. Along similar lines, Habermas points out that while “liberal eugenic” practices “would not harm the rights of an existing person,” they “risk to reduce the status of a future one” [1, p. 77].

The third characteristic of “liberal eugenics” mentioned by Habermas is that it refuses “to accept the distinction between therapeutic and enhancing interventions” [1, p. 19]. Though difficult to draw clearly and frequently criticized, this distinction has served well as a guiding idea in the discussion about genetic intervention.³ One way to articulate it is the argument from “species typical functioning” used by Norman Daniels [11]. It is both the goal of medicine and a matter of just health care to maintain and restore such normal functioning but not to enhance human abilities beyond that. Even though Daniels and his co-authors admit that the distinction is problematic, they argue that “there is good reason to think that many enhancements will pose serious problems not posed by treatments” [10, p. 154]. By refusing to honor this distinction, the spokespersons of “liberal eugenics” leave “the choice of the goals of gene-modifying interventions to the individual preferences of market participants” [1, p. 19]. In this way, they give individual liberty a priority over equality which will unfairly affect the life opportunities of the citizens [12].

The fourth distinctive feature of “liberal eugenics” to be found in Habermas’s text is that it conflates the effects of socialization upon an individual with an optimizing intervention in the set of natural endowments. It is hard to see this as a part of “liberal eugenics” except as one of the supporting arguments for a radical extension of procreative liberties of individuals. As such, this point plays a considerable role in Habermas’s main arguments against “liberal eugenics.” It is now time to turn to them directly. I divide them into three main groups that I call (1) the consent argument, (2) the responsibility argument, and (3) the instrumentalization argument. I will discuss and evaluate each of them briefly.

The consent argument

The appeal to hypothetical individual consent is the core of Habermas’s response to the last two characteristics of “liberal eugenics,” i.e., the refusal to accept a significant difference in this context between therapeutic and enhancing interventions on the one hand, and between eugenics and socialization on the other hand. The thrust of the argument with respect to the therapy-enhancement distinction is

³ For a detailed discussion of this distinction, see [10, ch. 4].

that while one could justifiably assume consensus for therapeutic gene manipulations, since they are intended to obtain the “goal of avoiding evils which are unquestionably extreme and likely to be rejected by all” [1, p. 43], the same could not be said about genetic enhancement. This does not imply that individuals who have been subjected to genetic enhancement could not be just as content with the result as those who underwent genetic therapy. To the contrary, Habermas explicitly says that the latter could be quite compatible with “the ethical freedom to lead a life of one’s own,” provided that the individual appropriates the expectations associated with the genetic modification “as aspirations of his own and sees the individual talents as opportunity as well as an obligation to engage in effort of his own.” The problem, Habermas argues, stems from the fact that “we cannot rule out the possibility of *dissonant* cases” [1, p. 61].

The dissonance in question would arise between the intentions of those who decided the desirable characteristic and the aspirations of the individual endowed with it. It is important to note that for Habermas, this implies that the problem is the parental *expectation* linked to the enhancement, not the genetic *trait* itself. In this context, Habermas emphasizes the distinction between socialization and genetic programming. The former, he argues, “proceeds only by communicative action” [1, p. 61], brought in by “the medium of reasons” that the individual can “respond to and retrospectively break away from” [1, p. 62]. A genetic program, on the other hand, “is a mute and, in a sense, unanswerable fact” from which the individual cannot liberalize herself through self-reflexive insights. Habermas does not say that the individual is confronted with the genetic trait as a mute and unanswerable fact—that would entail a naïve genetic determinism. It is “the genetic programming,” that is, the parental intentions engrained, as it were, in the person’s body, that constitutes this facticity. In the case of dissonance, enhancing eugenic interventions would “reduce ethical freedom insofar as they tie down the person concerned to rejected but irreversible intentions of third parties, barring him from the spontaneous self-perception of being the undivided author of his own life” [1, p. 63].

Here is the core of Habermas’s disagreement with the proponents of “liberal eugenics,” who argue that genetic programming must not unduly restrict a person’s choice of life plan. In the words of Nicholas Agar, the aim of “liberal eugenics” is to equip the person-to-be with better prospects of carrying out a life plan, “no matter what life plan she opts for” [8, p. 179]. It is Habermas’s contention that from a liberal point of view, it is an indefensible risk to allow enhancing genetic programming, which formulates life purposes for a future person from a third person perspective, i.e., the parents’ own preferences which the person-to-be might reject. This would be a “specific type of paternalism” [1, p. 64], which is incompatible with political liberalism, “because the selection of desirable dispositions cannot be a priori dissociated from the prejudgment of specific life-projects” [1, p. 66].

Again, such genetic programming would presumably only be paternalistic if the future person were to disagree with it and not identify with the expectations and make them his own. But this is a double-edged move for Habermas to make in the defense of the conditions for liberal society. Let us imagine that a part of the genetic programming would be to make people more docile and compliant and less likely to reject the life-projects that their parents want them to undertake. Against this, it

could be said that the consent under discussion is a hypothetical consent that is made on behalf of a future person. This is clear in the cases of genetic therapeutics, i.e., “the prevention of extreme and highly generalized evils” where, as Habermas puts it, we “may have good reasons to assume that the person concerned would consent to the eugenic goal” [1, p. 63]. Do we have good reasons to assume that future persons would consent to being submissive to their parent’s preferences regarding their life projects? There is no way to answer this question clearly and it shows that the appeal to consent in this context is too weak to defend liberal thought against the intentions of “liberal eugenics.” It needs to be argued that making future persons more submissive to their parent’s preferences regarding their life projects is contrary to liberal thought, regardless of whether they would consent to it or not.

The justification of these genetic policies cannot be made dependent on an envisioned actual consent or dissent of the individuals in question. Presumably, the consent or dissonance would be tied to psychological experience of a future person. But as Joel Anderson has argued, this presents Habermas with the following dilemma: “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” [13, p. 818]. The responsibility argument has similar flaws.

The responsibility argument

The responsibility argument is related to the consent argument in so far as Habermas characterizes cases of dissonance partly by a damaged feeling of responsibility on the part of the genetically modified person. As is clear in the following key passage, the responsibility argument refers both to the status of the designer and the designed. I will limit my response to the effects on the responsibility of the designed: The designer “changes the initial conditions for the identity formation of another person in an asymmetrical and irrevocable manner.... But as the designer makes himself the *co-author of the life of another*, he intrudes—from the interior, one could say—into the other’s consciousness of her own autonomy. The programmed person ... may feel the lack of a mental precondition for coping with the moral expectation to take, even only in retrospect, the *sole* responsibility for her own life” [1, pp. 81–82].

It is interesting to see how this argument is impregnated with existential terminology, and it is tempting to evaluate it from that perspective. As I noted above, Habermas referred to Kierkegaard’s existential analysis of the conditions for freedom and responsibility as the appropriate kind of ethical discourse in a post-metaphysical world and pluralistic society. In light of this, we must understand Habermas’s rather surprising use of existential language. An author who has always emphasized that individuation takes place through a process of socialization in an intersubjectively shared lifeworld [14, p. 199; 1, p. 34], now speaks about the individual as the author of his own life, expected to take sole responsibility for it. If we follow through this reasoning consistently from an existential perspective, it becomes another double-edged sword in the camp against “liberal eugenics.”

Habermas argues that in the cases of dissonance, the future person will experience the intentions of the genetic intervention as an “alien determination” [1,

p. 89] and will be robbed of the responsibility to shape her life in her own way. In the language of Jean-Paul Sartre, the genetic makeup of an individual is part of what constitutes the facticity to which each person is bound to respond and thus endow with meaning and significance. Sartre's theory of existential freedom implies that this act of responding to elements of one's facticity is fully the individual's own responsibility and all attempts to evade it are examples of bad faith. From this perspective, the intentions of the genetic programming play no significant role because the individual's condition has "meaning only in and through my project" [15, p. 53]. In this way, the individual inevitably transcends the facticity of her situation, and it is a test of her moral integrity to acknowledge that. In Sartre's existential scheme, there can be no such thing as "irreversible intentions of third parties," barring the individual "from spontaneous self-perception of being the undivided author of his own life" [1, p. 63], as Habermas phrases it. If the individual experiences the intrusion of the designer in the "consciousness of her own autonomy" [1, p. 81], it is due to her own interpretation. The existential individual is condemned to freedom in this manner, and accordingly, she is the sole author of the significance of her own life.

Although this shows how existential ideas can be turned against Habermas's thesis, it does not undermine it. The fact that an individual inevitably gives meaning to his experience has no significant bearing on its moral dimension. Although I am responsible for how I react to being robbed on the street, it does not change the fact that I have been wronged. A designed individual will surely respond to and give meaning to his genetic programming, but he is nevertheless faced with "this sort of framing of a person by others" that may be unjustifiable [13, p. 817]. As in the case of consent, Habermas describes the issue in psychological terms of consciousness of responsibility. But he also argues more objectively that once genetic programming has been introduced, each person can "regard her own genome as the consequence of a criticizable action *or omission*" [1, p. 82]. While this could be characterized as an exercise in bad faith, it can also be said to place persons in a position that we have good reasons to avoid.

Moreover, Habermas does not draw on Sartre's existentialism and explicitly says that the "ethically conscious conduct of life should not be understood as narrow-minded self-empowerment" [1, p. 10]. In fact, he seems to choose Kierkegaard explicitly because of his emphasis—contrary to Sartre's existentialism—on the dependency of the individual on "a power beyond our control" [1, p. 10]. In line with post-metaphysical thinking, however, he makes it clear that this power cannot be theologically understood and speaks instead of the "*logos* of language [that] embodies the power of the intersubjective, which precedes and grounds the subjectivity of speakers" [1, p. 11]. From this perspective, the linguistically embodied individual is condemned to meaning in the sense of Merleau-Ponty [16, p. 19], rather than to freedom in the Sartrean sense and is at best no more than a co-author of his own life. It is crucial, nevertheless, that the other co-author is not another person who has the life project of the individual at her disposal, but something that constitutes "a power beyond our control." This, I believe, is what Habermas has in mind when he says that we have to reflect deeper. But those

reflections lead him not into structures of the *logos* but to the natural conditions for human agency.

The instrumentalization argument

Here, I come to the heart of Habermas's argument, against which every particular other move that he makes needs to be understood. This argument also enables us to connect Habermas's position on eugenics to the bulk of his theoretical position. Throughout his career, Habermas has been preoccupied with the Aristotelian distinction between *poiesis* and *praxis* or labor and interaction. Whereas in the former, one employs some efficient means to have desired effects upon an object, in the other, interaction is symbolically mediated to facilitate communication between subjects that can come to mutual understanding. The process of labor or creation thus follows instrumental rationality, i.e., choosing efficient means to reach a chosen end, while communicative interaction properly proceeds in terms of an exchange of reasons between free equals.

Habermas's task in his discourse ethics has been to clarify the conditions for communication between equals to take place free from domination (*Herrschaftsfrei*). This he has mainly done in his theory of universal pragmatics, but also in his works on communicative competencies and democracy. In the essay under discussion on the future of human nature, Habermas delves even deeper into the conditions for the possibility of communicative interaction between moral equals. He calls it "the natural foundations for the self-understanding of responsibly acting persons" [1, p. 75]. Negatively put, the condition is that one person should not be "at another's disposal," subjected to an "instrumentalizing attitude" by another who manipulates his genetic makeup in accordance with the former's own wishes or desires. In so doing, the future person who is to become a moral equal is subjected to a mode of *poiesis* in a process of creation that is steered by the preferences of another. In this way, the "initial conditions for the identity formation" [1, p. 81] of the created person are changed. The only way to avoid this instrumentalization of the person is a hands-off policy in this context and to let nature take its course, except where the individual's basic life opportunities might be violated by genetic illness that could be avoided by negative eugenics.

As before, Habermas psychologizes the issue, now by his understandable emphasis on intentions associated with the genetic programming: "the only thing that counts for the psychical resonance of the person concerned is the intention associated with the programming enterprise" [1, p. 63]. This ties in with the consent argument, which implies that a future person will be faced differently with the "clinical attitude" behind therapy than with the "optimizing attitude" engrained in enhancement. This, however, is difficult to substantiate. The genetic interventions under discussion imply actions or policies that need to be justified regardless of the attitudes and intentions associated with them.

This brings me to the core of the instrumentalization argument, which builds on the contingency of conception and birth. Not only must our creation not be at the disposal of some other persons; it needs to be beyond human disposal altogether.

The paradox of freedom is that it must be won from natural conditions that are not of our own or anyone's choice. And now Habermas describes the conditions for our agency in objective terms: "We experience our own freedom with reference to something which, by its very nature, is not at our disposal. The person, irrespective of her finiteness, knows herself to be the irreducible origin of her own actions and aspirations" [1, p. 58]. In light of this passage, we should interpret Habermas's existential words about the individual being the sole author of his life. It is not to be understood in the Sartrean spirit of the sovereign subject in the realm of transcending significance but negatively as not being deprived of the natural contingency of conception and birth. This constitutes the facticity from which we gradually carve out our own life projects, radically situated both in our natural fate or bodily existence and in the dense fabric of language and socialization.

The practice of framing a person in terms of another's preferences is instrumentalizing insofar as it makes an individual the means to another's desired end, thereby conditioning the worth of that person by that end. This is an important and interesting argument, but the problem is that for practical discussion, it has remained "too deep" and speculative. As has been pointed out, it is "necessarily so," appealing to our imagination, without being "merely speculative" [17, p. 35]. Habermas explicitly says that his essay is an attempt "to attain more transparency for a rather mixed set of intuitions" [1, p. 22]. The choice of the word "transparency" is rather unfortunate here because Habermas's theoretical articulation of the problem is far from clear. His text, even more than usual, is dense and opaque, which may be excusable partly given the nature of the difficult subject matter. Moreover, his attempts to bridge the anthropological argument about species ethics and the mundane moral sphere through the arguments of consent and responsibility are not successful, and are, in part, too individualistic and psychological, as I have argued.

My contention is that for Habermas's argument to be more convincing and to better substantiate his critique of "liberal eugenics," there is a need to bridge more explicitly the anthropological argument and the moral-political concerns of discourse ethics. The problem is not, as Habermas says, that "we still have not reflected deeply enough" [1, p. 75], but rather that his speculations have not been linked clearly enough to the socio-political domain. Doing so would clarify and strengthen his internal criticism of "liberal eugenics," which was the occasion of his paper.

Bridges to the moral-political domain

The substantial conclusion of Habermas's argument in his essay about the future of human nature is that genetic enhancement policies should not be permitted. He defends this position on liberal grounds without buying into some basic presuppositions of the liberal tradition that have created blindspots in its reasoning. Habermas refers to this as "the Lockean liberal tradition [which] foregrounds the protection of the individual legal person's freedom of choice against the state, and," he continues, "views threats to this freedom primarily in vertical dimension of the

relation of private members of society to state power” [1, p. 76]. When “the new freedom of choice opened up by genetic technologies” is fleshed out exclusively in terms of this position, the sole emphasis is laid on individual reproductive rights against the interfering state while other important aspects recede in the background. Habermas summarizes these aspects in terms of “misused social power—which private persons can exercise in the horizontal dimension of their relation with other private persons” [1, p. 76].

Translated into the concepts and categories of Habermas’s discourse ethics, a primary liberal objective is to protect the personal sphere, in which individuals make ethical-existential decisions about their life projects, from illegitimate state interference. For the spokespersons of “liberal eugenics,” reproductive liberty is an integral part of this ethical freedom through which private persons express their preferences and realize their life projects. This liberty was crudely violated by authoritarian eugenic policies prevalent in the first half of the 20th century. Habermas’s aim is to show that if procreative liberty is as drastically extended as the spokespersons of “liberal eugenics” want, protection of human liberty is also at stake in the interpersonal horizontal dimension. Since these reproductive practices might affect the natural conditions of human autonomy by changing them from the grown to the made, they affect the interest of all of us. The explicit intention of furthering reproductive liberty and enhancing future persons could thus have the “unintended consequence” [1, p. 77] of undermining the pillars of liberal community by damaging the conditions for moral agency. Therefore, they are no longer rightly restricted to the personal domain of ethical-existential choices but must be seen to be of grave moral-political concern [18, pp. 14–15].

In the terminology of Habermas’s discourse ethics, this means that these are matters of justice, and since the interests at stake concern future persons, they can be said to be a matter of intergenerational justice. In light of this, one wonders why Habermas does not appeal to his own discourse ethics, such as the Principle of Universalisation (‘U’) which states the condition for validity of norms: “All affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone’s* interests” [5, p. 65]. What is at issue in the case of eugenic practices, both therapeutics and enhancement, is “the satisfaction of *everyone’s* interests.” By taking this approach, questions of fair entitlements of each and every one of us would be raised instead of speculations about possible consent and discontent of a future person. On the basis of the Universalisation principle, it might be argued that genetic enhancement programming could not be acceptable to all because of the risk it places on the ethical freedom of individuals. There is no comparable risk of infringement of freedom in the case of negative eugenics or therapeutics, even though one could imagine possible dissonance between therapeutic prevention and life plans of a future person (e.g., a person whose deafness had been cured but desires to belong to the deaf community of her parents [19, pp. 63–66]). In any case, preventing future persons from undergoing evils that severely restricts their life opportunities is a matter of fairness. Genetic enhancement, on the other hand, is more likely to have “the effect of increasing inequality” [12, p. 10].

The reason why Habermas does not take this route is, presumably, that discourse ethics emphasizes reasoning among the participants themselves in practical discourse who need to come to a conclusion regarding which norms have universalizable interests. It is set up as a procedural argument, prescribing the normative core of practical discourse that the participants themselves must then undertake. Future persons, however, cannot participate in dialogue which may partly explain why Habermas takes the issue to a deeper level of explicating the fundamental values of a species capable of assuming responsibility for itself. This concerns the very status of the moral agency presupposed in the principles of discourse ethics, the ethical self-understanding of the species, the basis of freedom and responsibility. This speculative approach rests heavily on intuitions regarding “the deontologically protected core of a future person” [1, p. 87], which is at risk of being undermined by genetic manipulation. In evaluating genetic policies, we should think of them becoming normal procedures. That would lead to a “dedifferentiation of the fundamental distinction” [1, p. 46] between the grown and the made, and we would thus subject future generations to weaker conditions of human agency than we have enjoyed.

It can certainly be argued that we don't know whether these unintended consequences will take place or not. But one way to demonstrate tendencies to this effect is to observe the objectives for which genetic enhancement is envisioned in the bioethics literature. This requires a separate investigation. Hans-Jörg Ehn and Diana Aurenque [20] have analyzed suggestions for procedures to solve moral and social problems by increasing altruism and reducing tendencies to violence through biological or genetic means. In the terminology of Habermas, these could be seen as striking examples of the “colonization of the lifeworld by systems,” a process that he has been analyzing and resisting throughout his career [21, pp. 318–373]. This process can be characterized by prevailing tendencies to extend the means and logic inherent to instrumental rationality to the domain of communicative interaction where it does not apply. It is characterized by “the penetration of forms of economic and administrative rationality into areas of action that resist being converted over to the media of money and power because they are specialized in cultural transmission, social integration and child rearing, and remain dependent on mutual understanding as a mechanism for coordinating action” [21, p. 330].

While discourse ethics does not enable Habermas to analyse genetic enhancement in light of “the colonization of the natural by the just” [10, pp. 82–84], his own colonization thesis provides him with an analytical tool that could plow new grounds in the discussion. If genetic enhancement programs were analyzed in terms of colonization of the lifeworld, it implies shifting the perspective from the philosophical justification of legitimate social relations to social-theoretical explanation of social pathologies [22, p. 720]. Such analysis would, for example, focus on how power works in the horizontal dimension of human relations, briefly alluded to by Habermas in *The Future of Human Nature* [1, p. 76]. This would bring the effects of money, market, and consumer choices facilitated by “liberal eugenics” into the center of attention. The new reproductive technologies combined with genetic programming fueled by preferences in the private sphere provide good examples of how the lifeworld is subordinated to the imperatives of the market.

In this particular context, the effects, or unintended consequences, would be twofold: social and individual. The social effects of attempts to deal with complex social pathologies have been well described by Ehni and Aurenque: “It is evident that such explanations would oversimplify the social and institutional context in which these problems generate and do not describe the related phenomena sufficiently” [20, p. 230]. The intention to combat social evils and moral problems by genetic manipulation demonstrates an attempt to technically master phenomena that are largely rooted in complex patterns of social pathologies, i.e., maladies that need to be dealt with as social and cultural tasks. These roots of the problems would remain unaffected, and might possibly be exacerbated, by employing the means of a steering mechanism in the domain of moral norms, values, and communication. This is one way in which even the best intentioned genetic programs could undermine our efforts to deal with pressing social problems in appropriate ways. As Ehni and Aurenque argue, there is a high chance that they would create new ones insofar as they undermine moral agency [20, p. 231].

Genetic efforts based on such a “category mistake,” i.e., employing technical solutions to isolated parts of problems that need to be dealt with by political and pedagogical means, could even be more disastrous in the field of family planning and child rearing. The very mentality indicated by the wish to genetically modify a child on the basis of one’s own preferences for a desired product should raise signals of warning in a liberal society. Habermas puts these concerns in terms of the question whether eugenic decisions will have consequences for “the well-being of the future child” [1, p. 77]. There has been a tendency to ignore this classical principle of child protection in the discourse that has been dominated by rights of parents to make reproductive decisions guided by their preferences. Questions of parental responsibility have faded into the background.⁴ The well-being of future children provides an important normative standard against which macro colonization processes can be evaluated.

When described in these terms, one can better see the kinds of mundane concerns that are behind Habermas’s deep arguments. He is defending the communicative sphere of upbringing and education against the rationality of “markets governed by profit orientation and preferential demands” [1, p. 48], which is a consequence of “liberal eugenics.” Attempts to discuss his position on the basis of particular arguments related to individual consent and responsibility or an unclear difference between therapy and enhancement, in isolation from his overall philosophical project, are understandable, but they risk missing the main point of Habermas’s concern. To twist the words of John Harris, the pedagogical and cultural dimension is one where instrumental rationality fueled by preference satisfaction should not dominate; it needs to be cultivated by the methods of communicative reason, which facilitates mutual recognition and respect for the child as a unique natural creature. The concerns voiced by Habermas in his essay on the future of human nature relate to basic questions about what kind of society we want to build and what kind of human relations we should cultivate. The kind of bioethics that is restricted to evaluating the soundness of individual arguments, and does so primarily from the

⁴ For important exceptions to this, see [9, 23].

perspective of calculative reasoning of the satisfaction of individual preferences, will inevitably miss the significance of such questions and is all the poorer because of it.

Acknowledgments An earlier draft of this paper entitled “Genetic Fairness: Political, not Anthropological” was read at an international bioethics workshop, *Habermasian bioethics: A new paradigm?* At the University of The West of Scotland, Paisley Campus, in May 2011. A draft of this paper was read at a department seminar of the Institute of Philosophy, University of Bergen, in November 2013. I thank the Institute for research facilities while the paper was written and the University of Iceland for funding my sabbatical. I also thank Páll Skúlason and Jørgen Pedersen for helpful comments on the manuscript.

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