

HABERMAS AND THE QUESTION OF BIOETHICS

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Abstract. In *The Future of Human Nature*, Jürgen Habermas raises the question of whether the embryonic genetic diagnosis and genetic modification threatens the foundations of the species ethics that underlies current understandings of morality. While morality, in the normative sense, is based on moral interactions enabling communicative action, justification, and reciprocal respect, the reification involved in the new technologies may preclude individuals to uphold a sense of the undisposability (*Unverfügbarkeit*) of human life and the inviolability (*Unantastbarkeit*) of human beings that is necessary for their own identity as well as for reciprocal relations. Engaging with liberal bioethics and Catholic approaches to bioethics, the article clarifies how Habermas's position offers a radical critique of liberal autonomy while maintaining its postmetaphysical stance. The essay argues that Habermas's approach may guide the question of rights of future generations regarding germline gene editing. But it calls for a different turn in the conversation between philosophy and theology, namely one that emphasizes the necessary attention to rights violations and injustices as a common, postmetaphysical starting point for critical theory and critical theology alike.

I. INTRODUCTION

In 2001, Jürgen Habermas published a short book on questions of biomedicine that took many by surprise.¹ To some of his students, the turn to a substantive position invoking the need to comment on a species ethics rather than outlining a procedural moral framework was seen as the departure from the “path of deontological virtue,”² and at the same time a departure from postmetaphysical reason. Habermas's motivation to address the developments in biomedicine had certainly been sparked by the intense debate in Germany, the European Union, and internationally on human cloning, pre-implantation genetic diagnosis, embryonic stem cell research, and human enhancement. He turned to a strand of critical theory that had been pushed to the background by the younger Frankfurt School in favor of cultural theory and social critique, even though it had been an important element of its initial working programs. The relationship of instrumental reason and critical theory, examined, among others, by Max Horkheimer, Theodor W. Adorno, and Herbert Marcuse and taken up in Habermas's own *Knowledge and Interest* and *Theory of Communicative Action* became ever-more actual with the development of the life sciences, human genome analysis, and genetic engineering of human offspring. Today, some of the fictional scenarios discussed at the end of the last century as “science fiction” have become reality: in 2018, the first “germline gene-edited” children were born in China.³ Furthermore, the UK's permission to create so-called “three-parent” children may create a legal and political pathway to hereditary germline interventions summarized under the name of “gene editing.”

1 Jürgen Habermas, *The Future of Human Nature* (Polity Press, 2003).

2 Habermas, *The Future of Human Nature*, 125, fn. 58.

3 Up to the present, no scientific publication of the exact procedure exists, but it is known that the scientist, Jiankui He, circumvented the existing national regulatory framework and may have misled the prospective parents about existing alternatives and the unprecedented nature of his conduct. Yuanwu Ma, Lianfeng Zhang, and Chuan Qin, “The First Genetically Gene-Edited Babies: It's “Irresponsible and too Early””, *Animal models and experimental medicine* 2, no. 1 (2019); Matthias Braun and Darian Meacham, “The Trust Game: Crispr for Human Germline Editing Unsettles Scientists and Society”, *EMBO reports* 20, no. 2 (2019).

In this article, I want to explore Habermas's "substantial" argument in the hope that (moral) philosophy and (moral) theology become allies in their struggle against an ever-more reifying lifeworld, which may create a "moral void" that would, at least from today's perspective, be "unbearable" (73), and for upholding the conditions of human dignity, freedom, and justice. I will contextualize Habermas's concerns in the broader discourse of bioethics, because only by doing this, his concerns are rescued from some misinterpretations.

II. NEW FRONTIERS OF TECHNOLOGY AND THE RESPONSE OF BIOETHICS

Technological utopias regarding the control — and creation — of human life are closely tied to modern rationality, entailed in the imagery of the *homo faber* of the technological revolution. Over the last few decades, a debate emerged whether it is possible to envision a "liberal", or rather "libertarian" eugenics, namely to develop and permit reproductive technologies that give individuals the choice to have or not to have children with particular health issues or dispositions to genetically caused diseases. Biomedical ethics departs insofar from the traditional medical-ethical model as it often responds to the overlapping segments of medical research and clinical practice. Counseling individuals in prenatal decision-making, for example, is regarded more in view of the transmission of genetic information and medical prognoses than in view of the crisis counseling methods applied, for example, in counseling of pregnancy conflicts.⁴ The effect of this transformation of medical interaction is that patients are considered as autonomous decision-makers who lack medical information but do not require advice in their practical-moral decisions.

By now, liberal bioethics is dominated by this approach that prioritizes patients' rights, ignoring almost completely the social cultural, and economic contexts and mediations of individual actions.⁵ The culture of emphasizing individual autonomy may not account for the precarious — asymmetrical — relationship between doctors and patients, and it easily overlooks the vulnerability of a person or a couple facing difficult medical decisions. Feminist bioethics especially has critiqued this emphasis on autonomy, arguing that it ignores the relatedness and interdependency of persons, promoting instead an ethics of care that attends to interdependency, and a feminist ethics of justice.

The life sciences are linked to multiple private companies, the pharmaceutical industry, and the economic organization of healthcare facilities are good examples of the blurring lines of healthcare provisions and marketing of goods to consumers.⁶ This is not different in the field of reproductive medicine: the global Assisted Reproductive Technologies (ART) market generated revenue of \$22.3 billion in 2015 and is expected to reach \$31.4 billion by 2023.⁷ ART therefore exemplify one area that Habermas has described as the colonization of the lifeworld, i.e. the domination by an instrumental rationality that obeys the rules of commodification rather than communication.⁸ With the new methods of genetic modification, hereditary alteration of the human embryo that changes the DNA of all future generations has become feasible and is currently discussed in national and international advisory committees. The history of racism, eugenics,

4 Cf. Hille Haker, *Ethik der genetischen Frühdiagnostik. Sozialethische Reflexionen zur Verantwortung am Beginn des menschlichen Lebens* (Mentis, 2002).

5 One example may suffice: In the US, women of color are more likely to be poor, more likely to be maltreated in hospitals, more likely to be refused necessary reproductive care, and more likely to die during childbirth than white and Latino women. Yet, these disparities are rarely addressed in liberal bioethics literature on reproductive medicine. Cf. Tyan P. Dominguez, "Adverse Birth Outcomes in African American Women: The Social Context of Persistent Reproductive Disadvantage", *Social Work in Public Health* 26, no. 1 (2011); Sandra Lane, *Why Are Our Babies Dying? Pregnancy, Birth, and Death in America* (Routledge, 2015).

6 Medical sociologist Peter Conrad argues that the transformation of the 'traditional' medicine to a market-oriented medicine is the most striking feature of modern medicine. Peter Conrad, "The Shifting Engines of Medicine", *Journal of Health and Social Behavior* 4, no. 6 (2005); Peter Conrad, *The Medicalization of Society: On the Transformation of Human Conditions into Treatable Disorders* (Johns Hopkins Univ. Press, 2008).

7 Cf. Hille Haker, "A Social Bioethics of Genetics", in *Catholic Bioethics and Social Justice: The Praxis of Us Healthcare in a Globalized World*, ed. Therese Lysaught and Michael McCarthy (Liturgical Academic Press, 2018).

8 Jürgen Habermas, *The Theory of Communicative Action* (Heinemann, 1984), Vol. I, Part IV.

and crimes committed in the context of reproductive medicine is forgotten or ignored,⁹ and the scientists' enthusiasm is thinly veiled by their assertion that they are aware of their responsibility.

At the turn of the century, the philosophers Allen Buchanan, Dan Brock, Norman Daniels and Daniel Wikler offered a “moral framework for choices about the use of genetic intervention technologies” that has shaped the debate since then.¹⁰ In the course of their book, they try to show that only a deontological, liberal moral framework that corresponds with the three principles of reproductive autonomy, harm-prevention, and justice offers an adequate ethical answer to the new possibilities of genetic interventions. The authors embrace the above-mentioned moral neutrality of physicians' or any professional in the healthcare system regarding prospective parents' decisions, yet argue that morally speaking, parental liberties are limited by their obligation not to harm their offspring. In order to define “harm” of offspring, they apply a functional understanding of health and disease as defined by Christopher Boorse.¹¹ According to this functional model, a harmful condition is the absence of “general-purpose natural capacities” that enable a person to carry out “nearly any plan of life.”¹² These natural capacities are “capabilities that are broadly valuable across a wide array of life plans and opportunities typically pursued in a society like our own.”¹³ Disease is understood as “an adverse deviation from normal species function,”¹⁴ calling for ‘beneficial’ genetic intervention if that is technically possible. As is the case in Boorse's concept,¹⁵ the embodied experience of illness, it seems, is translated — and translatable — into the objective language of disease. But such a translation disregards, as Habermas argues in *Between Naturalism and Religion*, the “unbridgeable semantic chasm between the normatively charged vocabulary of everyday languages in which first and second persons communicate with one another about something and the nominalistic orientation of the science specialized in descriptive statements.”¹⁶ Buchanan et al. conclude their reflection on liberal eugenics with the statement that parents are *morally* obliged to intervene in cases where ‘deviations’ could be treated medically, or where it is probable according to medical diagnosis that future children will not cross the threshold of a minimal quality of life. As for public health policies, the authors call for policies of harm-prevention and enhancement that “encourage prospective parents to avoid the birth of persons with serious disabilities.”¹⁷ The avoidance of future children with certain health issues, they claim, is not only compatible with the moral recognition of actual persons of disability but also justified from the perspective of social justice that must attend to the (future) welfare of children.

For a superficial reader, Habermas's argumentation against liberal eugenics resembles the position of religious critics of reproductive medicine, brought forward, for example, by the Vatican in its often-quoted Encyclical *Donum Vitae* from 1987. The Catholic Church's position was highly influential in the regulation of ART in many countries, rendering it an interesting case of the role of religion in the public sphere. Here, however, I am only interested in the reception of Habermas's text that could be seen in the vicinity of the Catholic position. In the encyclical, John Paul II had emphasized the “gift” of procreation over against the “making” of children through ART:

The child has the right to be conceived, carried in the womb, brought into the world and brought up within marriage: it is through the secure and recognized relationship to his own parents that the child can discover his own identity and achieve his own proper human development. [...] The tradition of the

9 Keith Wailoo, Alondra Nelson, and Catherine Lee, *Genetics and the Unsettled Past: The Collision of DNA, Race, and History*. *Collision of DNA, Race, and History* (Rutgers Univ. Press, 2012); Sheldon Krimsky and Kathleen Sloan, *Race and the Genetic Revolution: Science, Myth, and Culture* (Columbia Univ. Press, 2011).

10 Allen Buchanan et al., *From Chance to Choice: Genetics and Justice* (Cambridge Univ. Press, 2001), 14.

11 Christopher Boorse, “A Second Rebuttal on Health”, *The Journal of Medicine and Philosophy* 39, no. 6 (2014); Christopher Boorse, “Health as a Theoretical Concept”, *Philosophy of Science* 44, no. 4 (1977).

12 Buchanan et al., *From Chance to Choice*, 168.

13 Ibid., 174.

14 Ibid.

15 Christopher Boorse, “On the Distinction between Disease and Illness”, *Philosophy & Public Affairs* 5, no. 1 (1975).

16 Jürgen Habermas, *Between Naturalism and Religion* (MIT Press, 2008), 206.

17 Buchanan et al., *From Chance to Choice*, 184.

Church and anthropological reflection recognize in marriage and in its indissoluble unity the only setting worthy of truly responsible procreation.¹⁸

Habermas would certainly agree that being recognized by parents is a condition for the child's "proper human development." Perhaps one could even demonstrate psychologically that parents see their children as a sign of their love. *Donum Vitae* makes an additional move, however, claiming that the good of the family, understood as self-giving love, contributes to the good of civil society, which requires the stability of families for its own flourishing. The objectification that is a necessary part of ART threatens not only the future child's wellbeing but the whole moral order:

No one may subject the coming of a child into the world to conditions of technical efficiency which are to be evaluated according to standards of control and dominion. *The moral relevance of the link between the meanings of the conjugal act and between the goods of marriage, as well as the unity of the human being and the dignity of his origin, demand that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses.*¹⁹

Here, technical efficiency is contrasted with the conjugal love, and human dignity is inserted as the "unity" and "dignity of his origin." In other contexts, Habermas famously demanded that theological reasoning is "translated" into secular reasoning, and one could say that in this section of *Donum Vitae*, the theological text already makes this effort, arguing with the developmental conditions, anthropology, and the common good of society. The separation of the good and the just is not as easy as Habermas argues, because *Donum Vitae* claims that neither the individual nor society can flourish without the family that is based on the self-giving love of spouses. Yet, with its ontological interpretation of marriage as only a form of self-giving love, and the teleological structure of reproduction, *Donum Vitae* represents a metaphysical thinking that Habermas argues modern philosophy *cannot* embrace: the theological-normative claim entails a comprehensive concept of the good that is rooted in divine love, enabling the self-giving love and solidarity of human beings. Habermas seems to allude to such a metaphysical understanding of Christian theology when he juxtaposes it to his own postmetaphysical philosophy — but this depiction ignores the critique of the theological anthropology and ontology that John Paul II (and also Joseph Ratzinger, for that matter) represents, from within theology. Habermas is familiar, for example, with German Catholic theologian Johann Baptist Metz' critique of this metaphysical theology, and he is aware of Metz' reinterpretation of Christian reason as "anamnestic reason."²⁰ The *new political theology*, Metz argues, is sensitive to historical experiences, which Christian theology ought to interpret in light of the biblical ethics and the *eschatological proviso* that Metz interprets in conversation with early critical theory, especially Walter Benjamin and Theodor W. Adorno. In the discussion of faith and reason, Metz would have provided Habermas with a postmetaphysical-theological approach that differs considerably from the one that then Cardinal Ratzinger defended in their conversation. Unfortunately, Habermas does not engage with the works of critical social and political (theological) ethics. For the reception of theology in bioethics one should note that not only philosophers but also (feminist) theologians have long raised their critique of the underlying (gendered) understanding of self-giving love that orients John Paul II's "theology of the body." This critical reception is rarely mentioned when "religious bioethics" is dismissed as "metaphysical" or "comprehensive" visions, which immunizes liberal bioethics against any critical assessment that may be raised from critical theology. While Habermas, unfortunately, often reduces theology to providing an ultimate source of meaning, rituals for existential experiences, the

18 Congregation of the Doctrine of Faith, *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day*. (*Donum Vitae*) (Roman Curiae, 1987), II, A, 1.

19 Congregation of the Doctrine of Faith, *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation*, II,B,4c. My emphasis.

20 Johann B. Metz and Johann Reikerstorfer, *Memoria Passionis: Ein provozierendes Gedächtnis in pluralistischer Gesellschaft* (Herder Verlag, 2011); Johann B. Metz, *Im Dialektischen Prozess der Aufklärung: 2. Teilband. Neue Politische Theologie: Versuch eines Korrektivs der Theologie* (Herder Verlag, 2016).

motivation to act morally, and the communitarian belonging that enables solidarity,²¹ for most liberal bioethicists, a dignity-based ethics merely demonstrates the *irrationality* of certain traditions unless it is translated into (liberal) autonomy.²² For all these reasons it matters to clarify what Habermas actually argued for and against in his essay.

Habermas's book was quickly viewed as an attack on the freedom of individuals to make reproductive choices, while his central concerns about the risk that reification of human life and human beings threatens the *self-identity* of a future child and the *conditions of morality* that are based on mutual recognition and respect were mostly dismissed. John Harris, an outspoken proponent of genetic enhancement and a prominent bioethicist in the UK who continuously attacks "religious arguments" that he reduces to the sanctity of life, called his essay "mystical sermonizing" that was taking "the debate to a depth that neither rationality nor evidence can reach."²³

III. THE FUTURE OF HUMAN NATURE

Obviously, Habermas begins his essay at a different point than Buchanan et al. who argue for the moral justification and political-legal permission of genetic diagnosis, genetic therapy, and human enhancement in the name of human freedom, avoidance of harms, and justice. But Habermas's essay also differs from a theological position with which he otherwise shares the insistence on the inviolability of human dignity. Habermas's concern is whether the "colonized lifeworld" will, in the future, still encompass the moral view at all. He quotes Adorno who famously coined his own response to the "good life" negatively, as *minima moralia*, allowing only for "reflections from damaged life." This, Habermas holds, is the melancholic status quo of the disenchanting life-world. In his essay, he puts it this way: in the "rubble" of normative models of the good life, the philosopher finds the plurality of competing models, restricted to properly frame the rules of justice and a political order, within which the multitude of visions can be pursued. The problem with this entry point to the discourse on biomedicine is that it may well capture the role of *philosophy* — but it certainly does not capture the utopian enthusiasm of *science* that is associated with the new technologies of genetic interventions.

Whereas Adorno reflects the political and social catastrophes of the 20th century, the biomedical sciences seem to be rather unaffected by them, in spite of the fact that the World Medical Association imposed regulations on medical research in the wake of the heinous and criminal medical experiments conducted by Nazi physicians, but also by medical scientists in the US.²⁴ It is striking how similar the "old" and "new" utopias of overcoming the felt constraints of human nature are. Take, as a rather arbitrary example, William Winwood Reade's enthusiasm regarding the prospect of science in the mid-19th century:

A time will come when Science will transform [the bodies we now wear] by means which we cannot conjecture, and which, even if explained to us, we could not now understand, just as the savage cannot understand electricity, magnetism, steam. Disease will be extirpated; the causes of decay will be removed; immortality will be invented. *Finally, men will master the forces of Nature; they will become themselves architects of systems, manufacturers of worlds. Man then will be perfect; he will then be a creator; he will therefore be what the vulgar worship as a god... the humans of the future 'will labour together in a Sacred Cause: the extinction of disease*

21 Jürgen Habermas, *An Awareness of What Is Missing: Faith and Reason in a Post-Secular Age* (Polity Press, 2010); Habermas, *Between Naturalism and Religion*.

22 Ruth Macklin, "Dignity is a Useless Concept: It Means no more than Respect for Persons or Their Autonomy", *British Medical Journal* 327 (2003).

23 John Harris, quoted in Vilhjálmur Árnason, "From Species Ethics to Social Concerns: Habermas's Critique of "Liberal Eugenics" Evaluated", *Theoretical Medicine and Bioethics* 35, no. 5 (2014).

24 As is well known, horrific medical experimentations did not end with World War II, Nazi eugenicists became the leading human geneticists in Germany until a generational change in the 1970s, and the racial undercurrent of international genetic research was also never made transparent. Cf. Peter Weingart, Jürgen Kroll, and Kurt Bayertz, eds., *Rasse, Blut und Gene: Geschichte der Eugenik und Rassenhygiene in Deutschland* (Suhrkamp Verlag, 1986). For the US history, cf. Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (University of California Press, 1986). Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (Pantheon Books, 1997).

and sin, the perfection of genius and love, the invention of immortality, the exploration of the infinite, and the conquest of creation.²⁵

The same enthusiasm is found in the books and articles of the trend-setting promoters of enhancement in Silicon Valley, and numerous liberal bioethicists today embrace the new genetic techniques as a step towards overcoming nature. Take, as an example, Julian Savulescu:

Enhancement is a misnomer. It suggests luxury. But enhancement is no luxury. In so far as it promotes well-being, it is the very essence of what is necessary for a good life. There is no moral reason to preserve some traits—such as uncontrollable aggressiveness, a sociopathic personality, or extreme deviousness. Tell the victim of rape and murder that we must preserve the natural balance and diversity. [...] When we make decisions to improve our lives by biological and other manipulations, we express our rationality and express what is fundamentally important about our nature. And if those manipulations improve our capacity to make rational and normative judgements, they further improve what is fundamentally human. To be human is to be better.²⁶

Likewise, John Harris asks rhetorically what can be “bad” about something that is so obviously “good”:

If, as we have suggested, not only are enhancements obviously good for us, but that good can be obtained with safety, then not only should people be entitled to access those goods for themselves and those for whom they care, but they also clearly have moral reasons, perhaps amounting to an obligation, to do so.²⁷

Habermas does not attend to the historical continuity in the declared discontinuity of “liberal eugenics.” Instead, searching for a path that is neither grounded in a metaphysical understanding of human nature nor in scientific naturalism, he is interested in Kierkegaard’s concept of existential freedom. This concept is neither reducible to liberal autonomy in Buchanan et al.’s sense nor to the theological selfless and self-giving love that the Vatican claims as self-ideal and model of the good life both for one’s personal life as well as for society. Instead, Habermas inquires how, in view of the multiple factors that determine one’s existence, the individual self is still “able-to-be-oneself”²⁸. For Habermas, Kierkegaard paves the way to an existential ethics that may be seen as the heir of the metaphysical-theologically virtue ethics of Christian ethics. The disintegration, fragmentation, and the “self-induced objectification” is Kierkegaard’s starting point for the subject’s reflective self-relation. To “gather” and “detach” oneself, to “gain distance” from oneself, to “pull” oneself out of the scattered life and to “give” oneself and one’s life “continuity and transparency” are not pre-determined but tasks of freedom any subject must engage with: one must choose one’s own identity, one must speak for oneself, and one must give an account of one’s actions and ultimately, one’s life.²⁹ Embracing this task of giving meaning to one’s life, contrasted to the mere mastering of one’s life by pursuing goals that increase the scope of one’s individual autonomy, the modern subject becomes an “editor” or, as Habermas has it, the “author” of one’s life: responsible for oneself and “to the order of things in which he lives.” While Kierkegaard adds the *responsibility* “to God,” Habermas emphasizes that for Kierkegaard, faith offers *consolation* in its promise of salvation.

From Habermas’s postmetaphysical standpoint, the chasm between faith and reason is unbridgeable; the subjective experience of the believer who acknowledges that she, “by relating herself to herself relates

25 Winwood Reade, Christopher Coenen explains, was an explorer of Africa and a freethinker who had fairly close contact with Charles Darwin and who called himself his disciple. He published a popular world history in 1872. Cf. Christopher Coenen, “The Earth as Our Footstool: Visions of Human Enhancement in 19th and 20th Century Britain”, in *Inquiring into Human Enhancement*, ed. Simone Bateman et al. (Springer, 2015), 189. (My emphasis in quote).

26 Julian Savulescu, “Genetic Interventions and the Ethics of Enhancement of Human Beings”, *Gazeta de Antropologia* 32, no. 2 (2016).

27 John Harris, *Enhancing Evolution: The Ethical Case for Making Better People* (Princeton Univ. Press, 2010), 35. Quoted in: Simone Bateman and Jean Gayon, “The Concept and Practices of Human Enhancement: What Is at Stake?”, in *Inquiring into Human Enhancement*, ed. Simone Bateman et al. (Springer, 2015), 31.

28 Habermas, *Between Naturalism and Religion*, 13. In the following, page numbers for the quotes from this book are put in parentheses.

29 Habermas, *Between Naturalism and Religion*, 6f. Judith Butler’s Adorno Lectures echo this task, although Habermas critiques her turn to the “crypto-theological” ethics of responsibility by Levinas who departs from the Kantian egalitarian framework of morality in favor of a “triadic, asymmetrical relation.” Habermas, *Between Naturalism and Religion*, 204, fn. 19.

to an absolutely Other to whom she owes everything,” (9) is no option for the non-believer. Postmetaphysical reason cannot turn to theology but is restricted to discerning meaning in the theory of intersubjectivity and communicative action. Reflecting on both, philosophy *can*, however, show that while freedom is not an unconstrained capability, and the subject certainly not “in control” of its own history, it is also not rendering the individual powerless and “unfree.” For postmetaphysical philosophy, human existence does not allude to a creator God but still maintains the structure of a ‘given’ existence that must be appropriated retrospectively; postmetaphysical reason translates the metaphysically grounded normative claims into the “binding force of the justifiable claims” which interacting subjects “claim towards one another” (10). Hence, language that “precedes and grounds the subjectivity of speakers” reveals “more a transsubjective power than an absolute one.” (11)

For postmetaphysical philosophy, this means that its task is not only to reinterpret the meaning of life but also the freedom of the (moral) self. Like Habermas, Horkheimer and especially Adorno were skeptical of any metaphysical grounding of the meaning of life; Adorno especially withdraws to the analysis of the aporia of reason: utopian visions — or salvation and redemption — are impossible after the historical abyss of the Shoah. Turning to the relationship between utopia and ideology, Habermas claims that utopian visions may find rescue in art and aesthetic experiences, but this potential of the aesthetics must not obscure the risk of ideologies in politics. Habermas, in contrast, argues that the linguistic structure of intersubjectivity already entails the ‘moral grammar’ of freedom and justice that is a condition for one’s ethical life as well as for morally justifiable action. Yet, he agrees with Adorno and the early critical theorists in his *Theory of Communicative Action* insofar, as it is not at all clear whether communicative action “wins” against instrumental reason: when practical reason is reduced to instrumental reason, reification concerns the subject, too, potentially transforming one’s self-relation to mere self-control.³⁰

Habermas emphasizes the *dialectic* of givenness and autonomy, which requires the acknowledgment of the force of something beyond the self’s control (language is a case in point), while at the same time acknowledging the task of the subject to give an account of one’s life to oneself and to others. Today, the question is whether our present will in the future be seen as the point at which the self lost any interest in Kierkegaard’s question of existential ethics, so that one does not engage any longer in the task of being oneself, and regresses to a self that is merely interested in being in control. The liberal framework that guides the reproductive technologies is too weak to resist the reductive understanding of freedom as self-mastery, taking instrumental reason yet one step further, namely to the control of human life’s beginning and its biological constitution. Clearly, Habermas sees such a step as a threat to the *moral identity* of a postmetaphysical subject: when the “ethical self-understanding of language-using agents is at stake in its entirety” (ibid.), philosophy cannot be constrained to merely attend to the *rules*. It must take a position that is itself “ethical” or “substantial,” though it is neither *merely* existential-ethical nor *merely* communitarian.

With this, *The Future of Human Nature* radically questions the enthusiastic embrace of freedom and the assumed obligation regarding genetic modifications of future children. Habermas stresses that he is not speaking as a cultural critic who opposes the advances of scientific knowledge. Rather, he claims, he is “simply asking whether, and if so how, the implementation of these achievements affects our self-understanding as responsible agents.” (12). His reflection is anything but a “mystical sermonizing.” Likewise, any attempt to welcome Habermas as the lost and newly-found son of Christian theology would be futile: all he asks is whether it is still possible to speak of mutual recognition and respect when one party is “manufactured” rather than “grown.”

IV. DIGNITY OF HUMAN LIFE AND HUMAN DIGNITY

Habermas draws a distinction between the understanding of dignity of human life and human dignity or, in his words, between indisposability (*Unverfügbarkeit*) and inviolability (*Unantastbarkeit*). The former

30 Habermas, *The Theory of Communicative Action*, Vol. I, Part IV.

reflects the moral inhibition to (merely) *dispose* over human life, because it has an “integral value for an *ethically* constituted form of life as a whole.” (35) Rather than reflecting an ontological status, this understanding of dignity connects the pre-personal life before birth and the dead to the embodied life of human beings. The second understanding of dignity, human dignity, constitutes as strict inviolability; it only applies to born and living human beings, because they are the ones who are addressed in the second-person standpoint that is inherently aimed at mutual recognition.³¹ Why does this distinction between the conditional dignity of human *life* and the unconditional dignity of the *human being* as a living person matter? In the discussion about abortion Habermas clarifies why he believes both sides, i.e. those who argue for the unconditional dignity of the human embryo and those who argue that human embryos are biological material with no moral relevance, are wrong: “both sides, it seems, fail to see that something may be ‘not for us to dispose over’ and yet not have the status of a legal person who is a subject of inalienable human rights as defined by the constitution.” (31).

Apart from the limit cases of abortion and embryo research, selection, or modification, there is agreement that human beings are to be respected for their own sake, i.e. as “persons in general, as a part or a member of his social community (or communities), and as an individual who is unmistakably unique and morally nonexchangeable.” (35). Together with this fundamental respect, human dignity constitutes moral and legal rights that must be granted to every member as a requirement of a just society. The same protection does not hold in the strict sense for human life, even though the sense that it should not be completely disposable rests upon the broad understanding of dignity. Habermas takes his argument further, however, and it is this step that may well be considered a “substantial,” i.e. ethical rather than a moral statement. The moral emotions of “disgust,” “vertigo,” or “revulsion” (39) allude to the slipping ground under our feet, now that the characteristics associated with the human species as we know it — genetic make-up, mortality, life-span, intelligence, growth, emotions etc. — become the object of technical interventions.³² The cultural-ethical respect, dignity of human life, which Albert Schweitzer had called the respect for life (*Ehrfurcht*) although Habermas does not refer to him, prevents reification: seeing ourselves as “ethically free and morally equal beings guided by norms and reasons” is only possible when the *continuity of life* is not disrupted by the disposability (*Verfügbarkeit*) of human life at certain stages. But, critics have asked, why should we be concerned about genetic interventions if they alleviate suffering and increase human capabilities? Is the anthropological “vertigo” only the effect of the new, the unknown, which our experience must adapt to before it is considered the new normal?

One concern about genetic interventions into a future human being is the irreversibility of the actions even if they are regarded as necessary, good, or essential for a good life. Whatever will be developed as a “gene editing” tool will affect a particular embryo and future child, but also all future offspring, with multiple ramifications such as the reproductive freedom of the next generation and their potential health risks.³³ The medical risks may not be known for decades to come, and if it should turn out that the so-

31 The English language does not capture the point adequately: *unverfügbar* marks a limit to human instrumental actions; (biological and nonbiological) material, in contrast, is disposable as a means to ends. Since human life cannot be entirely separated from an emergent or a deceased human being, it falls into a different category that Habermas tries to discern in non-ontological, yet ethical terms. Because of the continuity of human development, human life has intrinsic value, although it does not meet the standard of the principle of intersubjective, reciprocal recognition that is captured in the *inviolability*, *Unantastbarkeit* that is reserved for the dignity of the *human being*, as stated in the German Constitution.

32 John Zhang, the founder of the company Darwin Life, expects a big market for spindle nuclear transfer (originally a technique to replace mitochondrial DNA but potentially a way to “rejuvenate” eggs of women whose chances to have child through IVF are limited by their age). But not only this: “Zhang’s breakaway plans don’t stop at spindle nuclear transfer. He says a future step will be to combine the technique with editing genes, so that parents can select hair or eye color, or maybe improve their children’s IQ. ‘Everything we do is a step toward designer babies,’ Zhang says of Darwin Life. ‘With nuclear transfer and gene editing together, you can really do anything you want.’” Emily Mullin, “The Fertility Doctor Trying to Commercialize Three-Parent Babies”, last modified June 13, 2017, <https://www.technologyreview.com/s/608033/the-fertility-doctor-trying-to-commercialize-three-parent-babies/>.

33 Because the effects of germline gene editing must be examined over several generations, the future children need to be monitored throughout their lives to receive data on the safety and risks of the procedure. Among others, these children will be advised to procreate through ART to reduce adverse possible genetic alterations that may only express in their own offspring.

called off-target effects are more serious than foreseen in the animal studies, a simple “reset” will not be possible. Habermas, however, is not concerned with these medical-ethical questions. Instead, he claims that the irreversibility concerns our bodily and mental *integrity*. As we have seen, the Vatican interprets “integrity” as “unity,” but for Habermas, it is the capability of “being oneself” in Kierkegaard’s sense of embodied freedom as the task to give an account of one’s life. Genetic modifications, Habermas argues, go beyond the impact parents have on their children through education because they may well destroy the dialectic of the specific heteronomy of one’s origin — specific because *ethically* undisposable (*unverfügbar*) to anybody — and the necessity of retrospective self-appropriation of one’s life story. *Therefore*, they may violate the right to bodily and mental integrity.

Habermas’s argument is easily conflated with a protective stance regarding the natural basis as such, but this is not the case, as the reference to Kierkegaard clarifies. As for everyone else, it matters that future children are not only vulnerable as human embryos but throughout their lives. Autonomy “is a precarious achievement of finite beings who may attain something like ‘strength,’ if at all, only if they are mindful of their physical vulnerability and social dependence.” (34) Future children may conform with their parents’ decisions and be grateful for their foresight, but they may also disagree with their parents’ decision. Although Habermas himself warns against an over-dramatization, he also asks whether the *post factum* knowledge of the “de-differentiation of the distinction between the grown and the made intrudes upon one’s subjective mode of existence.” (53) From the second-person standpoint of the prospective parents, a human being *is anticipated* in the cellular organism, emerging in the process of individuation. From the third-person standpoint of either biology or philosophical anthropology, one can say that human beings do not first have “non-human” life that takes a “leap” at a certain point into human life. Human beings emerge as a result of their biological and genetic developmental program just as animals emerge from *their* biological and genetic program that gives them their specific shape. Human beings are indeed influenced somatically by multiple ‘environmental’ factors, beginning with the epigenetic influences during pregnancy and ending with the social and cultural influences after birth. They never transcend their biological condition, yet the bodily functions become a part of their embodied personal identity. “Giving an account of oneself” does not only require the retrospective integration of intersubjective, social, and environmental influences, it also requires the integration of the dialectic of one’s biological and genetic bodily material and one’s sense of embodiment.

The problem with Habermas’s argument is that it speculates about the ethical self-understanding of a future child, and it is in fact not clear why one’s biological origin should be more relevant than the positive or negative effects of one’s formation after birth — notwithstanding the necessary assumption of continuity of one’s life. Together with the continuity of one’s life, “authorship” and “authentic aspirations” (59) *only* rest upon the affirmation of one’s existence — otherwise the consenting future child who affirms, for example, the parental health-related decisions would suffer as much from a damaged self-identity as the one who disagrees with the choices made. Heteronomy is a well-known fact of every life, and “authorship” does not mean that the dialectic of givenness and self-appropriation that defines freedom stops when one narrates one’s life. Many life stories, fictional and non-fictional, recount the devastating consequences of parental and social disciplining, and psychoanalysis, among others, has shown convincingly that this formation is neither necessarily reversible nor non-somatic. The heteronomy of one’s beginning does not necessarily intrude into the task of becoming and being oneself. Yet, as Judith Butler has shown — and the vast literature on life narratives supports this — the self is necessarily “opaque,” “precarious,” and often confronted with experiences of ruptures.³⁴ Retrospective consent or dissent concerns both science-driven

Of course they can “opt out” of such monitoring once they can make their own decisions — but they will then be faced with the same questions of responsibility regarding the health of their offspring as their parents, however *because* of the parents’ decision in the past.

34 Judith Butler, *Giving an Account of Oneself* (Oxford Univ. Press, 2005). Cf. my interpretation of the shifts in autobiographical and fictional life stories in modern literature, analyzed in view of the question of moral identity: Hille Haker, *Moralische Identität. Literarische Lebensgeschichten als Medium ethischer Reflexion. Mit einer Interpretation der “Jahrestage” Von Uwe Johnson* (Francke, 1999).

and culture-driven scenarios, and therefore, the ability to give an account of oneself may not be more threatened by the genetic interventions than by many other beginnings that a future child will never have consented to. Quite to the contrary, the dialectic of freedom creates a narrative paradox: one cannot give a “true” account of one’s life, yet one must create a certain “continuity and transparency,” as Kierkegaard held. One’s integrity rests upon the moral integration of multiple opaque, yet “undisposable” experiences and one’s responses to them over the course of one’s life. One narrates one’s story in *multiple* ways, depending on one’s different audiences, without telling false stories.³⁵ Moreover, one’s account may well change over time, so that the conformity with parental decisions may shift depending on one’s own experiences.

Habermas seems to be unsure of his claim himself. Hence, he connects it to the relationality of any self-identity. For the defenders of liberal eugenics, “enhanced” genetic traits are as objective a good as naturalness is for the Catholic Church. Both sides refer to a good that they consider rational, a result of human freedom; they only differ on the concept of freedom. In Habermas’s version, however, liberalism must refrain from endorsing comprehensive visions of the good unless there is a consensus that can be presupposed, as is the case, he holds, in the treatment of diseases, independent of the techniques that are used. With this, Habermas agrees that health-related genetic modification, even germline gene editing, may be responsible, while he questions that enhancement is an obligation as Savulescu and Harris hold. According to Savulescu, however, it expresses “our rationality” and “the very essence of what is necessary for a good life.”

When parents make decisions for their children, present or future, they need to take the asymmetry of the parent-child relation into account. Habermas therefore asks whether the knowledge of having been partly programmed precludes the self from entering into reciprocal relationships:

Our concern with programming here is not whether it will restrict another person’s ethical freedom and capacity of being himself, but whether, and how, it might eventually preclude a symmetrical relationship between the programmer and the product thus ‘designed.’ (65)

Hence, what is first presented as an argument of self-identity is now reframed in the language of intersubjectivity. Because parent-child relations are asymmetrical, they increase the vulnerability of the one party, the child, to the injury or harm by the other, the parents.³⁶ As M. Junker-Kenny has argued, parents walk a fine line as the caretakers of their children, and as moral agents who must respect any other person’s dignity in the above-mentioned definition, they must anticipate their child’s future autonomy in their actions:

Adults accompanying children’s ‘social birth’ have to walk a tight line between respect for their difference and respect for their dependence. In both, they have to be able to distinguish between their own desires and hopes, and the reality of the other.³⁷

If the very first stages of human life require a certain respect for the dignity of human life but do not constitute the strict respect for the dignity of the human being—how can parents then “walk the tight line” in this situation? And should they not be supported in their decisions by laws and regulations that at least provide the framework for their decisions? The regulative idea behind health-related interventions, Habermas claims, is to provide the future child with a healthy life, and this is part of the anticipated communicative action that a parent or, for that matter, a doctor can assume (52). According to this regulative idea, in the case that genetic interventions, especially the techniques of gene editing, can be used for therapeutic purposes, the consensus of the future child may be assumed. But from a medical-

35 For the importance of this aspect of narrating life in modern literature cf. my interpretation of Johnson’s novel, Hille Haker, “Das Selbst als eine Andere: Zur Konstruktion moralischer Identität in den Jahrestagen von Uwe Johnson”, in *Johnson-Jahrbuch Bd. 12*, ed. Michael Hofmann (Akademie Verlag, 2005).

36 Cf. a more thorough argumentation in *Ethik der Genetischen Frühdiagnostik. Sozialethische Reflexionen Zur Verantwortung am Menschlichen Lebensbeginn*. Hille Haker, “Eine Ethik der Elternschaft”, in *Kinderwunsch und Reproduktionsmedizin: Ethische Herausforderungen der technisierten Fortpflanzung*, ed. Giovanni Maio, Tobias Eichinger and Claudia Bozzaro (Alber, 2013); Hille Haker, *Hauptsache gesund? Ethische Fragen Der Pränatal- und Präimplantationsdiagnostik* (Kösel, 2011).

37 Maureen Junker-Kenny, “Genetic Enhancement as Care or as Domination? The Ethics of Asymmetrical Relationships in the Upbringing of Children”, *Journal of Philosophy of Education* 39, no. 1 (2005): 12.

ethical perspective, the question is also whether there are alternatives that are less intrusive — or alternatives that require parents to refrain from having a genetically related child, as would be the case if they opted for sperm or egg donation that do not require genetic modification. The current debate reduces these options to the “no alternative” cases, which seem to be so rare or constructed for the purpose of the argument that it surprises how quickly the bioethics community — either the academic debate or the policy advisory groups in several countries — have embraced the argumentation that genetic modification is medically warranted, perhaps even beyond therapeutic interventions: the US National Academy of Science, for example, in only two years shifted “from *forbidden* until criteria are met, to *permitted* if criteria are met—even though the criteria have not yet been agreed upon.”³⁸ Habermas does not address the question whether, in therapeutic scenarios, parental desires to have a genetically related child trump the future rights of children not to be exposed to unknown health risks and to their own reproductive freedom. But I would hold that his argument is stronger when these conflicting rights or interests are confronted: the symmetry of the relation may not be threatened because of the genetic modification *as such*, but it may well be threatened by the judgment that parental preferences (in this case to have a genetically related child or a particular child with certain genetic traits) are considered a right while the future children’s rights (to their own health and to their own reproductive autonomy) are dismissed as either controllable in the future or outright irrelevant. The above-mentioned theological understanding that parental love must include a notion of *self-giving* can be transformed into an argument that parents must at least anticipate their future children as vulnerable agents, equal to their own vulnerable agency — agents who will have to live with the decisions their parents have made for them. From this perspective, I cannot see how parents can want their children to be subjected to unforeseeable health risks and to a potentially life-long monitoring for the sake of scientific oversight that includes the strong recommendation to use ART in their own reproductive decisions. The future children’s right to the same freedoms that parents claim for themselves, not the assumed difference between genetic and social influences, ought to inform parental decisions.

Ultimately, the new technologies establish a new *regime* of what Foucault called “biopower”, with agents subjecting themselves voluntarily to its inherent rationality. Moreover, the reference to reproductive autonomy conceals the fact that parents do not define the parameters of genetic modifications: scientists who are as interested in their research as they may be in couples’ reproductive autonomy, e.g. private reproductive clinics such as Zhang’s “Darwin Life” who enthusiastically embrace the “designing” of human beings, or research institutions decide what ought to be genetically modified. In short, the idealized sovereignty of parental agency is embedded in a web of scientific practices, which entails social evaluations that span from the ideal of “normal functioning” human beings to the good of genetically modified human beings. The experience of infertility or genetic susceptibility to disease, however, is a reminder of the limits of mastering our bodily functions, as couples entering ART know all too well. Practical rationality, in its necessary link to existential and moral identity, requires that social *and* scientific practices see human beings not just as living machines but as embodied moral agents.

The ethical concept of human dignity, I hold, responds to the vulnerability of human beings, i.e. to the contingency of one’s body and bodily life, to the vulnerability to (moral) injuries and (moral) harm as well as to the social dependence (33f).³⁹ Human dignity is *constitutive* for the moral world that rests upon the

38 Braun and Meacham, “The Trust Game: Crispr for Human Germline Editing Unsettles Scientists and Society”, 1, (My emphasis). The NAS formulation in 2015 read: “not allowed as long as the risks have not been clarified,” and in 2017: “allowed if the risks can be assessed more reliably.” (quoted Braun and Meacham, “The Trust Game: Crispr for Human Germline Editing Unsettles Scientists and Society”, 1).

39 The concept of vulnerable agency not only entails the susceptibility to frailty and moral harms but also to structural injuries that heighten the first two elements. On the other hand, vulnerability is connected to a positive, constitutive *openness* to experiences that are beyond one’s control, rendering the moral self at the same fragile and open to transformations through the encounters with others and the world. Hille Haker, “Vulnerable Agency: A Conceptual and Contextual Analysis”, in *Dignity and Conflict: Contemporary Interfaith Dialogue on the Value and Vulnerability of Human Life*, ed. Jonathan Rothschild and Matthew Petrusek (Notre Dame Univ. Press, 2020).

mutual recognition and respect of equals, independent of the members' actual capabilities. Together with, not against Christian theology, philosophy reminds us that vulnerable agency involves, at least in part, opening up to one's own receptivity and affectability by another being whose very life one cannot control. This is certainly *not* an argument against autonomy or against ART, but it shifts the understanding of freedom from instrumental rationality to the realm of communicative action. Yet, I conceive this practice differently than Habermas. In my view, his mistake is that he too quickly narrows it to normative considerations. Vulnerable agency, as I understand it, means an *openness* to the other, to being *affected* and *addressed* by the other, and the aim of addressing and affecting others through one's own actions. This receptivity is relevant theologically, too. Johann Baptist Metz reminds Christians of theology's own understanding of being addressed. In a letter to Habermas from 2009, Metz explains that for him, the question of 'being' must be seen through an anthropological understanding: being human means "to have been addressed."⁴⁰ Faith is not a private religious experience but an experience of being the unexchangeable, unreplaceable addressee who is called to respond, first and foremost to the suffering other or those who need one's attention most urgently and/or directly.⁴¹ With Kierkegaard, Habermas thinks of Christian faith as self-constitution that *originates* in God or the Divine, but I agree with Metz that faith means the openness to having been *addressed*, and not (merely) the metaphysical or transcendental condition of one's being-oneself. This theological concept of addressability can inform the ethical understanding of responsibility as response-ability that precedes and grounds the concept of accountability. Addressability (*Ansprechbarkeit*) and response-ability (*Antwortfähigkeit*) are the foundations for the *reasonability* of taking the moral perspective — even though it cannot ultimately be proven philosophically. To be sure, this does *not* solve the normative problem of a morally right action, or at any rate not without further mediations. But it may pave the way to the acknowledgment of the anticipated mutual recognition that ultimately defines moral responsibility in general, and parental responsibility in particular.

Prospective parents never set the agenda of their interaction with each other and/or their future child alone. Cultural, social and medical frameworks mediate prospective parental imaginations, and scientists regularly announce the technical possibilities publicly, emphasizing their scientific successes. In calling the decision to give birth to a child with a particular, perhaps dis-abling health condition *irresponsible*, bioethics may, however, only echo the self-understanding of a society that is threatened by persons who do not seem to fit into the mainstream understanding of "normal *social* functioning" when scientists speak of the *biological* 'normal species functioning' as an ethical threshold. My concern is that this culture, backed by utilitarian and liberal bioethics alike, will create the grounds for an extended heteronomy, misrecognition, and extended injustice rather than fostering a culture of autonomy, recognition, and justice.

In the postscript to the English translation, Habermas assumes that the astonishment with which his book was met especially in the US is due to the different traditions and cultures of liberalism in the US and in Europe, and certainly in Germany. This may be the case. In the US, millions of people — and women especially — are denied reproductive healthcare services, with the indifference or explicit support of Christian communities and the Catholic Church. Bioethics, which must indeed aim at responding to those who are structurally most vulnerable to suffering and moral harms, cannot be separated from a social and political ethics. It must critique approaches that may emphasize the freedom of the individual but forget that for many, freedom is indeed "a precarious achievement of finite beings."⁴² US bioethics, including both liberal and Christian bioethics, has long been indifferent to its own history and its continuing social *and* racialized injustice, and instead emphasized an autonomy that is out of reach for many groups.⁴³ In the US, the discrepancy between liberal values and principles and the political and legal

40 Johann B. Metz, *Gott in Zeit: Gesammelte Schriften* Vol. 5, ed. Johann Reikerstorfer (Freiburg im Breisgau: Herder Verlag, 2017), 106.

41 Cf. Metz and Reikerstorfer, *Memoria Passionis*.

42 Habermas, *Between Naturalism and Religion*, 34.

43 Karla F. C. Holloway, *Private Bodies, Public Texts: Race, Gender, and a Cultural Bioethics* (Duke Univ. Press, 2011); Shawnee Daniels-Sykes, "Code Black: A Black Catholic Liberation Bioethics", *Paper presented at the Journal of the Black Catholic*

denial of basic rights, including the right to healthcare, is striking. The unjust healthcare system affects people who live in poverty and/or are the working poor, people of color, women, and sexual minorities to a much higher degree than all other groups. For many of those individuals falling into these groups, the question of hereditary modification is most likely out of question. Public health policies — the issue Buchanan et al., among others, are addressing in their book — must attend to the context of these other reproductive injustices when promoting just access to ART and genetic enhancement of one's offspring. Obviously, it is too simple to merely point to other injustices when grappling with justice in the area of reproductive health services; but bioethicists can also not simply ignore these underlying health injustices in the very context they address. Hence, from a European perspective one may be instead surprised about the (liberal) surprise that Habermas is concerned about the future of human freedom and dignity when genetic enhancement is promoted as a good for the human species. The defenders of enhancement are not concerned about *discerning* what “good” means in the ethical (and moral) understanding, and how the deliberation of the “right” can even enter the deliberation. If successful, I am not sure whether the “moral void” that Habermas fears as a future, has not already arrived.

For social and political ethics, existing structural vulnerabilities, harms, and injustices must orient public policies. Freedom may well be understood as the transcendental condition of morality; or it may be understood, as Habermas has it, in intersubjectivity terms. From a justice-oriented perspective, however, freedom must be spelled out further, namely as liberation from the unfreedom of oppressive structures and discrimination. Clearly, it is not easy to discern the best possible actions and policies in the context of ART and genetics. But today, this task calls for a new beginning of the relationship of philosophy and (Christian) theology. Informed by critical and moral theory, they are well able to discern and critique a scientific (as well as ethical) understanding that pursues a comprehensive vision of the good which it justifies only rhetorically: what is *called* “good,” e.g. genetic enhancement, cannot be “bad.” In future conversations, it will matter most *which* ethical or moral tradition and *which* theology one refers to, because perhaps the real threat today is that both disciplines are at risk to forget which questions they forget to ask.⁴⁴ Habermas reminds his readers that scientific and medical reification of human life may create new heteronomies, and as of today, his concerns have not lost their actuality.

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