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Communicative Freedom and Genetic Engineering*

by
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[The humanization of nature] . . . is to be understood in three ways. First, the human being humanizes nature; that is, he transforms it into what is self-serving for himself and thereby creates, in an interknitting of the transformation of nature and the development of the human personality which requires more exact clarification, the cultural shaping of his nature. Second, the human being humanizes nature within himself in the course of the long civilizing process that has been engaged in by the human species. Lastly, the human being himself is a humanization of nature, being an upstart out of the animal kingdom; in the human being nature becomes humane.

Axel Honneth and Hans Joas¹

The biotechnological revolution unleashed by both the prodigious advances in information systems and the convergence of science and technology over the last century, thus giving rise to what is now called “technoscience,” has raised a series of questions that pertain to our most fundamental beliefs about human nature. These questions have in turn cast doubt on the nature of political modernity. The biotech revolution has allowed us directly to intervene in the processes of the production of biomass and bioplasm. While most of humanity’s phylogenetic history has been lived as toilers of the land, growers of crops, always entailing an industry of breeding, cross-breeding, selecting, nurturing and preserving plant and animal diversity, it is only in the last century that what was haphazard and always at the mercy of the inclemencies of the chaotic patterns of weather could be industrialized. This industrialization of agriculture in the second half of the twentieth century was called the green revolution. This revolution, so pronounced the agro-business of the industrialized nations, would spell the end of famine and the beginning of an age of crop superabundance. No children would go hungry in the age of industrialized agriculture. In tandem, although not visibly related, the same century saw the trans-national use of medicine to eradicate pestilence, plagues, and epidemics. We forget that the last century’s human cruelty was matched by the blind and devastating fury

of microbes and viruses, some of which were only eradicate by trans-national efforts (small pox, influenza, malaria, cholera, etc.). Societies became populations to be carefully tended to and monitored by the biopower of the health state; the state became the general doctor of society. Medicine became socialized, normalized, politicized, and highly scienticized, precisely because its benefits had to be maximized and its costs minimized. Both medicine and agriculture, and in concomitantly animal husbandry, have undergone unprecedented processes of scienticization and industrialization (i.e., techno-science) with the introduction of “bio-informatics.”

What bio-informatics allows us to do is to take to a higher level the industrialization of agriculture and the socialization of medicine: both have been turned over to a new conceptual paradigm and a new technological regime. Life is information, and this information itself is manipulable, spliceable, re-writeable, translatable, and, in the end, commodifiable. The biotech revolution entails the informatization of life, and the commodification of all information, and thus the commodification of all forms of life. Life is information, information is a commodity, a commodity is an object of exchange, defined by exchange value; life, then, becomes defined by an exchange value, no less nor more important than any other type of information that might be produced and accumulated by the bio-tech trans-nationals that oversee the production of life in the age of biotechnology.

This brief characterization of the biotech revolution allows us to get an idea of the kind of questions it has raised about our human essence: as living beings are we equally reducible to information as any other form of bioplasm in the biosphere? Can we dispossess our genetic information as we dispossess our information profiles that our “smart” MasterCard and Visas carry embedded in their microchips and magnetic strips? Should we not seek to remove crippling congenital diseases? Should we not make publicly available genetic screening kits that allow us to make more informed decisions about what kind of children we would like to give birth to? And, if we can allow, and in fact urge, the generalized use of genetic screening tests and devices (just as we allow pregnancy tests and morning after pills over the counter), why should we not also allow genetic enhancing techniques that seek not only to remove the dysgenic but also actually select the eugenic? Can we really discern the boundary between negative and positive eugenics in other than purely cultural conventions that recognize the arbitrariness of the decision not to excise from one’s genotype certain characteristics and potentialities? These questions, until very recently only countenanced in the

realm of the purely speculative and the sole commerce of science fiction, already give an indication how questions about “our human nature,” presage questions about our political modernity. If our human nature is so malleable, so disposable to our unalloyed will, is human dignity then an anachronistic notion? And if there is no human dignity, on what grounds can we advocate the respect and preservation of human rights? If political modernity is the marriage of freedom and reason, in which they are in a perennial dialectical tension, but in which the freedom of individuals is at the mercy of instrumental goals of creators and engineers, and reason is held hostage to a technological might, then is not this very political modernity in jeopardy? In making ourselves our own creations, are we not also endangering our most important project: the project of political modernity, in which the freedom of the many is balanced with the freedom of the individual, in which negative and positive freedom are precariously balance in a political freedom obtained through democratic self-legislation?²

It is this group of questions about the fate of our nature and the project of political modernity that are the heart of Jürgen Habermas’s recent book: *The Future of Human Nature: On the Way to a Liberal Eugenics?* This book, published toward the end of 2001, shortly after Habermas had received the Peace Prize of the German Association of Booksellers, is made up of two texts. The first one is a short lecture that Habermas gave on the occasion of receiving the Dr. Margrit-Egnér Prize given to him by the University of Zurich in 2000. The second text, which makes up three-quarters of the book, is based on the re-worked Christian–Wolff Lecture that Habermas gave on the 28th of June 2001, at the University of Marburg. The first lecture carries the telling title of “*Begründete Enthaltensamkeit: Gibt es postmetaphysische Antworten auf die Frage nach dem ‘richtigen Leben?’*” which may be translated as “Justified Abstinence: Are there Postmetaphysical Answers to the Question What Is the ‘Correct Life?’” The second text is titled “On the Way to a Liberal Eugenics? The Debate Concerning the Ethical Self-Understanding of the Species.” I linger over the titles of the chapters, because they already tell us much about Habermas’s argumentative goals: on the one hand, to argue for a self-limitation, or abstinence, in the face of the possibilities opened up by genomics and genetic engineering, notwithstanding the inability to provide postmetaphysical answers to the question about “what is the correct, or right, way of life?” On the other hand, Habermas wants to develop arguments that reject an already operative and taken-for-granted form of liberal eugenics that is based on the primacy of negative rights, which furthermore and most importantly threatens to undermine the very nature of

political modernity because it unwittingly leads to an alteration of the ethical self-understanding of the species.

These are two argumentative fronts that are related to two general principles in Habermas's discourse: ethics and his notion of deliberative democracy—that modern postconventional moral theories must be, and can only be, oriented by a deontological and cognitivist construal of moral norms, and that political rights admit, and require, rational justification, which is matched by, albeit not equivalent to, moral norms—i.e., both moral norms and political rights have a normative dimension grounded in the societal differentiation of value spheres (the aesthetic, the scientific, the political, and the moral).

In this essay, however, instead of seeking to reconstruct all of Habermas's arguments, and whether they withstand scrutiny, I will attempt to recover the conceptual core of Habermas's intuitions. I take it that many of Habermas's arguments in this book will shock both sympathetic and contrarian critics of his philosophical stance. They will shock his sympathetic critics because Habermas seems to be retreating from his hitherto unflinching defense of a deontological approach to moral questions, and they will shock contrarian critics because Habermas seems to be acquiescing to pressures to acknowledge the corporeality of ethical agents and to the entwining of questions of the good life with questions of the just life. I am less interested here in determining the extent of Habermas's retreat from his deontological views, and his ceding to quasi-Aristotelian and neo-Hegelian perspectives on questions of ethics and morality. I would like to reconstruct, and perhaps rescue, Habermas's intuitions in terms of seven main arguments, or steps. In a final section, I will use Habermas contra Habermas to develop a different, although not inimical, line of argumentation with respect to PGD and genomics.

I

Habermas's text is extremely rich, and filled with suggestive digressions. For this reason I would like to focus on seven arguments which I will proceed to list in a way that does not necessarily follow the order of presentation in the printed text, but which I think captures the logic of argumentation. *First,*

pre-implantation genetic diagnostics (PGD), and any form of genetic engineering, undermines, nay it is a direct affront to, our notions of bodily integrity. Both PGD and genetic engineering transform what is given to us by nature, into what is manufactured by us, or what we grant to ourselves in terms of a technology. In this way, our bodily integrity is undercut; for our bodies, which were given to us by the lottery of nature, become something we grant to ourselves in terms of production.

Second, both PGD and genetic engineering contribute to the collapse of the distinction between *having a body* and *being a body*, and in this way, our relationship to personal identity, and thus to moral identity and autonomy, has been undermined. To be a body is not the same as having a body, and it is precisely their non-convergence that allows us to accomplish our personal identities. We are our bodies, but they do not exhaust us, since we are always more than our bodies. Genetic manipulations fuse being a body and having a body, for the body that we have is the body that we give ourselves: intention and product became one.

Third, in so far as both our bodily integrity, and our personal identities are undermined, so is our freedom. Freedom is grounded in not just symbolic, or reciprocal, recognition by others, but also by the preservation and recognition of our bodily integrity. Freedom of the person is freedom of their corporeality, i.e., freedom is a dual recognition, namely of the person as a communicative co-subject, but also as a bodily, corporeal being. Insofar, then, as both my bodily and personal identity are undermined, so is my freedom.

Fourth, my freedom is further undermined as my right to an open future is foreclosed by both PGD and genetic engineering; in other words, any kind of genetic manipulation is a foreclosing of an undetermined future due to the lottery of nature. If we can design human beings, then we, allegedly, are also determining their future, and in this way, their freedom to be what they would make of their life is undercut.

Fifth, insofar as the freedom of future human beings is in question because of our genetic manipulation and intervention, both their and our moral identity is in question: theirs, because they would not have a ground on which to construct their moral autonomy—for this would have been preempted by our closing of their future; and ours because we would have treated other human beings, even if only future ones, as means and not as ends, as objects and not

co-subjects. Future generations would have become slaves to our instrumental choices, and we would have become slaves of our technological might which has vitiated any kind of moral restraint or abstention. Genetic manipulations and interventions challenge the moral identity of contemporary humanity as well as that of future human beings.

Sixth, such a challenge to our present and future moral identities means that we are stepping over an intolerable moral vacuum because not even cynicism has a place in a world in which anything is possible precisely because it is within our power.

Seventh, and finally, insofar as we have failed to raise the kinds of moral questions that we have been discussing, and insofar as we have acquiesced to the *fait accompli* of technologically-driven social revolutions, we have failed to fulfill our responsibility to and for future generations, and in this way, we might have irreparably broken the continuity between generations that guarantees the preservation of civilizational accomplishments. Future generations will look back at us with disbelief and resentment. Future generations might begin to think themselves as a different species, not only because of what we might have done to them in terms of optimizing them to the point that they might no longer resemble us, but precisely of what we did to them that they themselves would not do to their moral counterparts.

In the face of these challenges, Habermas offers three counter-arguments. In the face of the gravity of the kinds of challenges that genetic intervention entails, a purely deontological and post-metaphysical standpoint does not suffice, for it is the very future of the human species that is at stake. In this case, we must ascend to an *ethics of the species* [*Gattungsethik*], in which we depart from the fundamentals of the human species, and not from the procedural standpoint of the adjudication of moral norms. In this case, it is a matter of the preservation of those conditions that render morality possible, namely bodily integrity and moral identity. An ethics of the species can guide us in the near moral vacuum opened up by the prospects of boundless genetic manipulation and optimization. Related to an ethics of the species is the ethical grounding of the moral point of view. That is, prior to a commitment to the abstract, universalistic, deontological justification of moral norms, we must opt for an ethical stance toward humanity. In other words, the standpoint of justice is posterior to an ethical standpoint that is oriented by substantive values, that is material values: namely corporeal integrity and moral identity. And thirdly, in the face of a possible collapse, or demise, of

the project of political modernity, a political act of self-determination must be taken that rejects all genetic manipulation. Such an act is not a mere political fiat, but an ethical self-affirmation in the form of a political act: political will at the service of ethical self-preservation. In this way, liberal eugenics is rejected in the name of political modernity. Grounded, or justified abstention and self-limitation are not a retreat behind modernity, but a very affirmation of the project of political modernity. And the debate about the ethical self-understanding of the species is not anti-modern speculation, but precisely a debate about the very prospects of freedom and reason in an age of unrivaled commodification of humanity.

II

NOW THAT I HAVE GIVEN a sympathetic reconstruction of Habermas's main arguments, I would like to assess whether they are defensible, even in terms of his own sources and presuppositions. PGD and genetic engineering are no more affronts to bodily integrity than are any other kind of medical interventions, such as pacemakers, synthetic organs, prostheses, the inoculations of vaccines, the introduction of fluoride in potable water, the close scrutiny of levels of vitamins, fats, proteins in foods, and the Surgeon General's prescription of certain minimal levels of nutrition. One may argue that these medical interventions do not modify our "bodily integrity" in the way that genetic engineering does, because they are not aimed at design, but merely "fixing," or healing. But are not following: diets, visiting the doctor regularly, receiving vaccines and getting operated to receive implants or to have tumors removed, forms of design?

Perhaps what is at issue is that we might be altering the germ-line, that is, the entire human genotype, in such ways that its acquired, or eliminated, traits can be passed on. But then, this is a different issue than a matter of whether bodily integrity has been affronted. The issue is whether we have a right to pass on and impose on our descendents traits we selected for ourselves but in which future generations were not taken into account. It is not clear that genetic engineering represents a qualitatively new order of engineering, one that puts in question the very foundations of human identity. There is indeed a higher level of risk because we may be introducing into or removing from the human genome traits whose presence or absence is not clear. In Hans Jonas's view, there are two elements of genetic engineering that make it different from other forms of engineering: that experiment is the act—for we

are experimenting with life—and, that the changes might have an irreversible character.³ These two characteristics, however, have less to do with the fact that is in engineering and more than it pertains to the biological; for anything having to do with organisms is *ipso facto* a modification of their being, and an irreversible act.⁴

On another level, we are talking about the bodily integrity of non-existing human beings, people who have not yet been born and who would grow up, and be socialized, in their engineered bodies. What is the relationship of these yet to be humans to their bodies, in contrast to our own relationship to our bodies? I can say that if someone came along and took one of my organs or limbs without my consent, my bodily integrity would have been shattered, even if I would still remain myself, although now in an altered sense. On the other hand, I have the right, of course, to “donate” one or many of my organs. In the former case, damage to my symbolic identity is devastating, because it is un-voluntary. In the latter case it is minimal or non-existent because it is self-willed. Is having been genetically engineered like having one’s organs stolen, or given extra-organs or super-organs? Yet, what if I had been born with a faulty kidney, or a very weak heart, or a misshapen limb? What would my relationship to my body have been? What is the difference between having one’s body altered before consciousness, before we acquire and build up a unique identity, and having it altered after acquiring that consciousness? Even if I had one of my limbs, even one of my senses (let us say vision) removed or damaged beyond repair after having acquired a certain identity, I could still re-constitute my personal identity to deal with the damage done to my bodily integrity. It is a unique characteristic of humans that their identities are not corporeal, but symbolic, and that this symbolic identity is negotiated, maintained, avowed or refused on almost a daily basis. Genetic engineering does not alter these metaphysical questions.

Here we have already touched the second point. PGD and genetic engineering no more contribute to the fusion of “being a body” and “having a body” than anything else we have done or can do to our selves as corporeal entities. Even genetically-engineered humans would have to assume responsibility for their existences, no matter how closely we may have engineered their bodies. Their freedom would never be impaired, even if their horizon of choices has been altered. So long as human life continues to be biological life, and so long as this biological life assumes the form of a metabolic organism, there will always exist the gap between being a body, and having a body. All organisms, where being organic means establishing a

metabolic self-sustenance, have a dual relationship to their material substance. As Hans Jonas puts it: they are “dependent on the availability of this substance, the organism is nonetheless independent of matter’s particular identity. Its own functional identity does not coincide with the substantial identity of its material components, which nevertheless constitute it completely at any given moment.”⁵ Only after the next evolutionary step has been taken, in which consciousness gets uncoupled from its biological substratum, will the abyss between *Leib* (being a body) and *Körper* (having a body) be bridged,⁶ and when this breakthrough takes place, the issue of genetic engineering will be moot, for we would have begun a new age in which the living would have become mechanical, and the mechanical would have become living (the cyborg, of which recent nanorobots are their primordial zoa).⁷

Human freedom will remain a mystery, or one of those perennial philosophical questions about which future philosophers will still be wondering. Only the most extreme form of genetic determinism can be a point of departure for thinking that the freedom of future humans will be impaired or constrained. But genetic determinism is ideology. There is no gene for human freedom. In fact, in light of Habermas’s own understanding of communicative freedom, freedom is something we are socialized into. Freedoms, both negative and positive, are social achievements, preserved and assured by institutions that relate to corporeal integrity, but are not reducible to it. The freedom of future genetically-engineered humans will be determined not by their genes, but by the kinds of political institutions we develop and which they inherit.

For similar reasons, we must reject the idea that genetic engineering entails a closing of the open future of genetically-modified humans. Human futurity—or “natality,” to use Hannah Arendt’s expression—is related to human freedom; in fact, human freedom is the ability to initiate, to begin anew, and to be a beginning for a new action. Action is the social counterpart of natality.⁸ Future generations would still have to assume charge of their existences, live out their freedoms, and engage in action. But, we might object, is knowing that one has been genetically engineered not a burden, knowing too much, in such a way that like Oedipus, we are led to bring about our own fate. Is not human freedom based on a basic ignorance about what is fated to us? But do we not all, regardless of whether we have been genetically enhanced or not, suffer under the burden of knowing both too much and too little? Only if we subscribe to an extreme form of determinism

can we accept that genetic modifications entail the closing of the open future of genetically engineered humans.⁹ Genetic engineering or not, the question whether action is determined, and our choices pre-established, will remain a perennial metaphysical problem.

The moral identity of future generations is not more in danger because of our genetic optimizations than it is because we are extinguishing biodiversity, irreparably transforming the biosphere, exhausting sources of potable water, and failing to make provisions for renewable resources for future generations, and most directly determining, because we failed to prevent genocide, and from closing the gap between the poor Third World and the wealthy “First World.” For the distance between future genetically-enhanced generations and us is less than that between the poor of the world and the average citizen of industrialized nations. Note, for instance, that the income differential between the fifth wealthiest and fifth poorest was 30 to 1 in 1980, 60 to 1 in 1990, and 74 to 1 in 1995. In just over forty years, this differential has more than doubled. Biotechnology, unsupplemented by genetic engineering, can only increase these disparities. The rupture in moral identity from generation to generation is inevitable, and in fact a necessary condition of the very moral formation of humanity. Every human being must negotiate from year to year, decade to decade, his moral portrait. Analogously, cultural life-worlds can only persevere to the extent to which they allow for the processes of cultural transmission to be submitted to the a dual processes of rejection and acceptance. The moral identity of future generations is something that they will negotiate in light of their own tasks, some of which they would have inherited from us and some of which they will impose on themselves.

Would our own moral identities have been severely damaged either because we had made a choice to pursue genetic engineering, or because we failed to even undertake public deliberation of its possible adverse consequences? Is humanity, as such, at any given moment, morally accountable for its identity? Is humanity, as such, at any given moment, capable of been ascribed a moral identity? Humanity is embodied in a heterogeneity of societies—societies that are formed by particular types of cultural life-worlds, which are, in turn, horizontally and vertically shot through with heterogeneity. At most, we may be able to speak of the morality of particular societies, and even then, this putative moral identity is not given *a priori*, but is a topic of deliberation. Habermas himself has argued this in the context of the *Historikerstreit*. And as he put it in his Sonning Prize acceptance speech, “Beyond guilt that can be ascribed to individuals, however, different contexts can mean different

historical burdens. With the life forms into which we were born and which have stamped our identity we take on very different sorts of historical liability (in Jasper's sense). For the way we continue the traditions in which we find ourselves is up to us."¹⁰

The moral burden for the possibly disastrous effects of genetic engineering cannot be foisted on humanity per se, but are liabilities that only certain contemporary societies have taken on. And even when these liabilities can be attributed only to particular societies, it is up to their citizens to evaluate and take up these moral burdens through a public debate. It is here where I see the strength of Habermas's public intervention concerning the possibly disastrous effects of PGD and genetic engineering, namely by urging us to engage in a broader, more deliberate discussion about the benefits and hazards of a seemingly qualitatively different form of engineering that may alter the very nature of humanity.

We have no less stepped over a moral abyss for thinking that we may be optimizing ourselves through genetic engineering than for having failed to do enough, or anything at all, for the growing disparity between the poor and the rich. One may argue, in fact, that while the former is actually a function of our moral scruples, the latter is a failure of our moral nerve. At the same time, no matter how much deliberation we bring to the question of genetic modification of the human genome, future generations will assuredly challenge our own moral self-presentation. And it is in this question that is always the prerogative of our contemporaries and future humans to challenge our moral self-presentations and portraits that sustain the vitality of cultural forms of life.

Finally, we cannot know in advance whether our acts of omission or commission with respect to genetic optimization of the human species will be a failure or fulfillment of our duty to future generations; for it is not clear yet that the benefits are greater or less than the hazards. To close paths for future biotechnological developments would certainly be a failure of our responsibility to future generations. To have abstained deliberately from allowing irreversible changes to take place is perhaps the minimal duty to allow our descendents to have the prerogative to repeal and recall such self-imposed limitation. As Eric Lander, director of the genome center at MIT's Whitehead Center, phrased it: "I would have a ban in place, an absolute ban in place on human germ-line gene therapy. Not because I think for sure we should never cross the threshold, but because I think that is such a fateful

threshold to cross that I'd like society to have to rebut the presumption someday, to have to repeal a ban when it thought it was time to ever try something like that."¹¹ This minimalist ethics of self-limiting abstention is the very least we can do for future generations. And neither a philosophical anthropology nor an ethics of the species are necessary to ground it.

III

THE TRANSITION TO A postmetaphysical paradigm in thinking, we can argue along with Habermas, was augured and brought about by intra-philosophical, and intra-intellectual, logics of transformation: from identity thinking to procedural reason; from the philosophy of consciousness to the linguistic turn; from the exorbitant claims of *theoria* to the deflationary rethinking of philosophy *qua* its redefinition as a helper of the social and natural sciences.¹² This very transition, however, must also be understood in terms of historical experiences: the discovery of the New World, the Reformation, and the concomitant confessional wars, and the discovery of historical cultures, and above all, the discovery of humanity as an object of study (ethnography and anthropology).¹³ A postmetaphysical orientation in thinking is not only a conceptual imperative, but also the product of world-historical experiences that have rendered all cultures equally close to the universal, and thus, equally distant from universalistic claims (in the way that Kant and Hegel once hoped to argue).¹⁴ I want for the moment to focus on two central lessons learned from this transition to a postmetaphysical orientation in thinking and the life world. The first one is the recognition of the need to respect cultural differences, and hence the need to move from a substantivist, i.e., metaphysical and ontological, to a proceduralist construal of reason.

Proceduralist reason does not prejudge whether a particular embodiment of reason is more or less rational than those from which we think or reason ourselves (again as Kant, Hegel, and even Marx presupposed). A postmetaphysical understanding of reason means that reason is understood in terms of norms of justification and adjudication, that is, practices of reason giving and testing. In as much as reason is procedural, it is also situated and embedded in historical contexts of praxis and tradition. One may argue then that procedural reason is post-Eurocentric or anti-ethnocentric, and in this way seeks a dialogue not just among the disciplines and sciences, but also among cultures and traditions. Procedural reason opens itself up to the

transcendental from within, and not from the *sub specie aeternitatis* standpoint of universal reason. The second lesson has to do with the launching of the project of political modernity, which by many accounts is still underway, and still in the process of being clarified. As was intimated early on, the project of political modernity has to do with the attempt to dialectically balance the claims of reason with the claims of freedom. Another way of saying this would be to claim that freedom must be legitimated through a process of rational deliberation, and that this deliberation is only possible if humans have been empowered by political liberties. Political power has authority because it is deliberated; it has been rationally enacted. And this power is at the service of the political liberties of citizens. In the name of freedom we can always contest power, and power requires that it be legitimated, lest it turn tyrannical, and thus a refutation of freedom: reason and freedom meet in a precarious balance.

An attempt to ground a political response to the challenges of PGD and genetic engineering on an ethical self-understanding of societies, and, furthermore, to attempt to justify a political act that rejects genetic engineering in the name of an ethics of the species are two argumentative moves that betray these two central lessons. On the one hand, to ground an ethical response to the challenges presented to us by genomics in terms of an ethics of the species, the acceptance of which is the precondition for the proceduralist and cognitivist postconventional morality that is the hallmark of modern societies, means that we have retreated behind the post-Eurocentric, or anti-ethnocentric aspect of postmetaphysical reason. The argument for the acceptance of an ethics of the species masks the imposition of a Western understanding of what is essential to be human. There is no need to rehash here the plurality of cultural perspectives on what makes humans distinctive, or non-distinctive, from other living species. It truly would be disastrous in an age of dialogical cosmopolitanism, or what Walter Mignolo has called “critical cosmopolitanism”¹⁵ to smuggle under the mantle of an ethical imperative an ethnocentric blackmail: either you are moral, by accepting our ethical values, and reject genetic engineering, or you are not, because you reject our ethical values, and thus you cannot know ascend to the moral, and thus are doubly written off from the moral register. Such ultimatums and threats to be blacklisted are redolent of the worst forms of Eurocentrism. In an age in which globalization movements from below, such as feminism, peace, anti-nuclear weapons, environmental and green movements, have emerged from a trans-national, post-nationalist, and trans-cultural syncretistic consciousness, such theoretical gestures create dissonance.

On the other hand, the response to the challenges posed by genomics cannot be properly met with ethical tools, but political tools. An ethical articulation of genomic challenges obfuscated their legal and political character. What is at stake is a balance between the communitarian rights of societies, and the negative rights of citizens. An ethical presentation of the issues involved in genomics threatens to conceal the dimensions related to the negative rights of citizens to determine their own “correct life.” It is these negative rights that Habermas glosses over when he invidiously convokes the name of a liberal eugenic followed by a question mark (as he does in the subtitle of his book). We may understand the Hippocratic Oath as a response to the judgment nature passed on us, and the death we unleash on each other. Life for the human being is not just a metabolic process. It is, above all, a social activity. If metaphysics is born with graves, as Jonas has written so beautifully, justice was born with the question of life: its preservation, sustenance, and growth. For the human being, life is a question of justice: the right to life, before it is a right to the “correct form of life” is a right to life itself. This right to life, is what is at the heart of the universal declaration of human rights.

The benefits granted by reproductive technologies and genomics were developed precisely to enhance this right to life. But, at the same time, we can neither say what the content of that life should be, nor can we dictate how that life should be led and lived. For this reason, the dominion over the living, and life, is a negative, non-prescriptive type of bio-power. So long as everyone’s right to life is ensured and protected, the way that life is lived, and the form that life takes, cannot be controlled, prescribed, or proscribed. And it is this self-constrained and abstemious biopower of political modernity that explains the simultaneous, and seemingly disparate tendencies in contemporary modern culture, namely the simultaneous acceptance of the culture of self-optimization with the culturalization of disability; i.e., just as we are understanding of peoples desire to want to prevent the transmittal of genetic mayhem, we also are equally understanding of the desire to nurture life not marked as diseased, but as challenged and requiring of our care and solicitude.¹⁶ A culture in which disability is seen as culture, and not solely as disease to be eradicated, is perhaps the epitome of what Habermas has so eloquently defended in most of his work: communicative freedom. In communicative freedom injurability (dependency) and integrity (autonomy) are synthesized into political autonomy.¹⁷ For this reason, justice is the other side of solidarity, as Habermas himself has argued: freedom and compassion, liberty and dependency are entwined in our political project of modernity.¹⁸

And it is this communicative freedom that an ethics of the species and a political self-affirmation of political modernity motivated by an ethical perspective put in jeopardy.

Notes

* Review of Jürgen Habermas, *Die Zukunft der menschlichen Natur. Auf dem Weg zur einer liberalen Eugenik?* (Frankfurt am Main: Suhrkamp, 2001).

1 Axel Honneth and Hans Joas, *Social Action and Human Nature* (Cambridge, UK: Cambridge University Press, 1988), pp. 9-10.

2 For my reading of political modernity see Albrecht Wellmer, *Endgames: The Irreconcilable Nature of Modernity. Essays and Lectures* (Cambridge, Mass: The MIT Press, 1998), chapter 1: "Models of Freedom in the Modern World (1989)," pp. 3-38.

3 See Hans Jonas, "Biological Engineering—A Preview," in Hans Jonas, *Philosophical Essays: From Ancient Creed to Technological Man* (Chicago and London: The University of Chicago Press, 1974), 141-167; for Jonas's contrast between general engineering and biological engineering, see pages 142-46.

4 Leon R. Kass, who was named director of the Council on Bioethics by U.S. President George W. Bush, argues that genetic engineering is qualitatively different from other forms of engineering because, first, it alters the germ-line; and second, it creates a new capacities and norms of health and fitness. The first concern, as I will argue, is perhaps the strongest aspect of this line of argumentation. The second concern is the weakest, for from generation to generation the capacities and norms of humans have changed. Prolonged life expectancy, fertility drugs, socialized healthcare, and new reproductive technologies are unhinging our expectations about when and what human can do. At the same time, new diseases have began to proliferate: breast cancer, heart disease, STDs, HIV, obesity and diabetes. See Leon R. Kass, "The Moral Meaning of Genetic Technology," in *Commentary*, September 1999, pp. 32-38.

5 Hans Jonas, "Evolution and Freedom: On the Continuity among Life-Forms," in Hans Jonas, *Mortality and Morality: A Search for the Good after Auschwitz* (Evanston, Illinois: Northwestern University Press, 1996), pp. 59-74, quote on page 66.

6 Habermas relies on Helmut Plessner's distinction between *Leib* and *Körper*, and in general in his phenomenological philosophical anthropology. See the discussion of Plessner, and Habermas's debts to his, particularly in his pre-communicative turn works, in Axel Honneth and Hans Joas, *Social Action and Human Nature* (Cambridge: Cambridge University Press, 1988).

7 See Edith Kurzweil, *The Age of Spiritual Machines* (New York: Viking, 1999). According to Kurzweil, this new evolutionary step will be taken by the year 2099, a mere 77 years from now; see page 280 in his cited book. This might sound overly optimistic, but then again, a mere 77 years ago we did not have computers, had not landed on the moon, nor had the notion that organic life could be understood in terms of chains of information.

⁸ Hannah Arendt, *The Human Condition* (Garden City, New York: Doubleday Anchor Books, 1959).

9 See the wonderful essay by P.S. Greenspan, "Free Will and the Genome Project," in *Philosophy and Public Affairs*, Vol. 22, issue 1 (Winter, 1993): 31-43. Greenspan, however, thinks that genetic engineering does present a challenge to our notion of freedom as self-control, virtue as an attainment, and consequently to the idea of moral character as an achievement: "What it [genetic engineering] may seem to threaten is the *value* we place on freedom as self-control, insofar as it makes out the exercise of self-control as indirect in the sense of being mediated by something other than the agent's thought processes and their natural behavioral consequences." (42) On the grounds of Greenspan's own discussion about free will, however, I fail to see how successful self-control does not remain a challenge, a hurdle, a leap of faith even for the most genetically-optimized beings.

10 Jürgen Habermas, "Historical Consciousness and Post-Traditional Identity: The Federal Republic's Orientation to the West," in Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historian's Debate* (Cambridge, Mass: The MIT Press, 1989), pp. 249-267, quote on p. 251.

11 Eric Lander quoted in Ralph Brave, "Governing the Genome," *The Nation*, December 10, 2001, p. 3. Printed from <http://www.thenation.com>, on 12/12/01.

12 See Jürgen Habermas, *Postmetaphysical Thinking: Philosophical Essays* (Cambridge, Mass.: The MIT Press, 1992), chapter 3, pages 28-53.

13 See J. H. Elliott, *Spain and its World 1500-1700* (New Haven and London: Yale University Press, 1989), especially chapter III: "The Discovery of America and the Discovery of Man."

14 See Enrique Dussel, *Ética de la Liberación en la época de la globalización y la exclusión* (Madrid and Mexico: Trotta, 1998), especially the introduction.

15 Walter D. Mignolo, "The Many Faces of Cosmo-polis: Border Thinking and Critical Cosmopolitanism" in *Public Culture*, Vol. 12, No. 3 (Fall 2000): 721-748.

16 See Eva Feder Kittay, *Love's Labour: Essays on Women, Equality, and Dependency* (New York: Routledge, 1999).

17 As Habermas has written: "The person develops an inner life and achieves a stable identity only to the extent that he also externalizes himself in communicatively generated interpersonal relations and implicates himself in an ever denser and more differentiated network of reciprocal vulnerabilities, thereby rendering himself in need of protection. From this anthropological point of view, morality can be conceived as the protective institution that compensates for a constitutional precariousness implicit in the sociocultural form of life itself. Moral institutions tell us how we should behave toward one another to counteract the extreme vulnerability of the individual through protection and considerateness. Nobody can preserve his integrity by himself alone. The integrity of individual persons requires the stabilization of a network of symmetrical relations of recognition in which nonreplaceable individuals can secure their fragile identities in a *reciprocal* fashion only as a members of a community." See Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran P. Cronin (Cambridge, Mass: The MIT Press, 1993), p. 109.

18 Jürgen Habermas, "Justice and Solidarity: On the Discussion Concerning 'Stage 6,'" in *The Philosophical Forum: A Quarterly*, Vol. XXI, Nos. 1-2 (Fall-Winter 1989-90): 32-52.