Contra Habermas and Towards a Critical Theory of Human Nature and the Question of Genetic Enhancement

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Any ethical treatment of liberal eugenics and of biotechnology in general must presuppose, if not explicitly expose, an understanding of biology in general and of human biology in particular. Critical Theory distinguished itself as, amongst other things, a philosophically guided, cross-disciplinarily oriented expression of the social and human sciences that understood the enterprise of knowledge as a practical human pursuit that could not hide behind a veil of neutrality but rather had to expose and defend its guiding normative commitments. Scientific knowledge could not be construed as a neutral instrument to use or abuse but rather as itself already structurally embedded and implicated in the social reproduction of a society or specifically poised to stand in a reflective and critical relationship to it. How we understand what it means to be human is a normatively structured and norm constitutive enterprise no matter what level of analysis is undertaken. A normative stand on biotechnology is *ipso facto* a normative stand on what it is to be human, that is, an 'anthropology' in the philosophical sense.

In a recent book entitled *The Future of Human Nature*, Jürgen Habermas has, for the first time despite a large and extensive oeuvre, directly addressed questions concerning biology, biotechnology and the prospects of liberal eugenics. Rather, however, than extending the Critical tradition into this timely domain, Habermas (even if contrary to cursory appearance) has retreated from the anthropological perspective of his earlier work and rather set forth a thin neo-Kantian based ethics of abstention that swallows and regurgitates the media-hyped jargon of genetic programming holus-bolus. Where unconditional condemnations of reproductive technologies have previously been predicated upon 'metaphysical' criteria, as for example in the case of the Roman Catholic Church, Habermas' goal and presumed achievement appears to have been that of arriving at comparable conclusions on 'post-metaphysical' grounds (a phrase that is peppered throughout the text). But the cost of matching the metaphysically-based *categorical* rejection of liberal eugenics on the grounds of a putatively post-metaphysical argument is, for Habermas, the need to embrace a preformationistic jargon of 'genetically programmed individuals' and yet in so doing entering into a paradoxical and ultimately untenable relationship with exactly those anthropological presuppositions that his entire argument must depend upon. In order to best elucidate the sense in which Habermas has retreated from the Critical tradition and the very different kinds of considerations it might have led him

to, I will attempt to first explicate the unavoidable anthropological dimensions of Critical Theory and then provide a schematic reconstruction of Habermas' oeuvre in terms of its changing anthropological orientation. Finally, I will address the question as to whether Habermas' retreat from Critical Theory, for the sake of an unconditional dismissal of liberal eugenics, has provided a cure worse than the disease, and point in the direction of an alternative standpoint still in tune with the intentions of the Critical tradition.

What would constitute being within the 'Critical tradition'? In his early 'Remarks on Philosophical Anthropology', Max Horkheimer suggested that 'there is no formula that defines the relationships among individuals, society, and nature for all time'.[1] Under the heading of 'nature' Horkheimer surely meant to include the nature within, as well as the nature without, given that the primary purpose of his essay is to eschew the intentions of a philosophical anthropology that would seek to secure a fixed norm with which to guide human life. Critical Theory was conceived as a normative enterprise, but one that, to use Thomas McCarthy's words, seeks to derive its normative standpoint by way of an on-going, 'dialectical interpenetration of philosophy and empirical research'.[2] The empirical sciences that Horkheimer and company contemplated drawing upon were, of course, the social sciences. But if, in fact, even the elements of our nature within stand in a contingent relationship to those social, institutional and interpretive forces and factors which are inseparable from the means by which individuals become formed and informed, then why wouldn't the biological sciences also merit a place at this table? After all, either it is the case that the meaning and significance - or function if you prefer - of biological parts is susceptible to entering into causally reciprocal relationships with social, developmental and self-interpretative processes, or it isn't. However Horkheimer and company might have been inclined to answer this question, the biology of their time would hardly have lent itself to an easy inclusion into Critical Theory. The very sense of what it meant to be biological became shaped in the late nineteenth century precisely within a context in which race and intelligence, as well as class and criminality, were being 'scientifically' reinterpreted as exactly that which was *not* susceptible to social, developmental and interpretive influence. What came to be the twentieth-century meaning of the *biological*, and likewise of *race* and *intelligence*, took shape together and coordinately. This is not to say that biology was ever wholly univocal, nor that there wouldn't have been discordant voices around, but simply that at the level of biology as an empirical enterprise there wouldn't have been much for Critical Theory to work with. *But this is also to say that the exclusion of the empirical object domain of inner nature from the purview of Critical Theory was itself a contingent and by no means an in-principle necessary state of affairs*.

That this state of affairs has changed, that the molecular revolution in biology has come to disclose an empirical object domain that *can* be construed as susceptible, even radically susceptible, in its developmental meaning to contextual contingences even at the social and interpretive levels is an

1. Horkeimer's immediate target was Max Scheler. Max Horkheimer, *Between Philosophy and Social Science: Selected Early Writings*, Cambridge, MA, MIT, 1993.

2. 'The Idea of a Critical Theory and Its Relation to Philosophy,' in Seyla Benhabib, Wolfgang Bonß, and John McCole (eds), *On Max Horkheimer – New Perspectives* Cambridge MA, MIT, 1993.

emerging realization that has sometimes been referred to as a 'new epigenesis'[3] and has led to major new insights into the nature of evolutionary change.[4] This is not to deny that the attention of the public media has continued to be beguiled by the latest (and invariably short-lived) announcement of the discovery of a new preformationistic 'gene-for' some human attribute whether it be language, fidelity, belief in god, or homosexuality. In fact, the biological 'axis' of preformation versus epigenesis - understood simply as the idea that biological form and attributes are largely pregiven at the time of conception versus the idea that form and features are acquired sequentially and contingently being open to and dependent upon the influence of developmental context - has defined much of the conceptual possibility space of contending anthropologies ever since the origins of anthropology as a discipline during the Enlightenment.

The year 1772, in particular, was a pivotal year for the calving off of anthropology from philosophy. It was the year that Platner issued his influential *Anthropologie*[5] which attempted to wed the physiological and the psychological in one fell swoop and thus set the stage for the emergence of a strictly empirical anthropology. It was also the year that Herder wrote his famous *Essay on the Origin of Language* and it was the year that Kant taught his inaugural course in Anthropology.[6] The significance of Herder's thinking for subsequent anthropological reflection was highlighted by the twentieth-century philosophical anthropologist Arnold Gehlen. In his 1940 *magnum opus*, *Man: His Nature and Place in the World*, Gehlen declared that 'Philosophical Anthropology has not progressed significantly since Herder. His is in essence the same approach I wish to develop using the tools of modern science'.[7] But what was this approach? 'Herder achieved,' Gehlen told us, 'what every philosophical anthropology, even those which are founded on a theological conception of man, is dedicated to achieve - to view man's intelligence in the context of his biological nature, the structure of his perception, action, and needs, that is, to view "the overall determination of his powers of thought within the total complex of his senses and of his drives (p75)"'. Herder located the condition of possibility of human language and thought not in a new instinct or adaptation, but first of all in weakness and underdevelopment.[8] Lack of physiological specialization for a specific environment, and lack of an acute and ecstatic responsiveness to any particular set of external stimuli constitute the conditions for the requisite level of detachment that is required to enable humans to engage in a kind of internal attention. Lack of specialization, lack of strong adaptive coupling to any particular set of conditions at birth - just those factors that cause humans to be comparatively weak and vulnerable from the outset - are the conditions of detachment that allow humans to be selective in their attention and to cultivate an interiority.

There is of course no reason to think that an 'interiority' would begin with hominids and for all intents and purposes we may best assume that some kind of interiority is co-extensive with all of life. What Herder targets

3. See Lenny Moss, *What Genes Can't Do*, Cambridge, MA, MIT, 2003, and Evelyn Fox Keller, *The Century of the Gene*, Cambridge, MA, Harvard, 2001.

4. Mary Jane West-Eberhard, *Developmental Plasticity and Evolution*, Oxford, 2003, and Kirschner and Gerhart, *The Plausibility of Life*, Yale, 2005.

5. Ernst Platner, *Anthropologie für Ärtzte und Weltweisen*, Dukishe Buschhandlung, 1772.

6. See John Zammito, *Kant, Herder and the Birth of Anthropology*, Chicago, 2001.

7. Arnold Gehlen, *Man, His Nature and Place in the World*, New York, Columbia University, 1988.

8. Herder's essay can be found in English translation in *On the Origin of Language – Two Essays*, Chicago, University of Chicago, 1966.

is the relationship of interiority to detachment. The progressive removal of an organism from a fixed niche for which it is specialized and to which it is finely attuned results in an interiority that is increasingly capable of undertaking its own self-formation. Detachment results in vulnerability, but also in a potential space of subjective openness to both the nature within and the nature without. The space of subjective openness can and must become formed, and it does so in a social context. The condition of possibility of language and culture is that level of detachment that allows for interiorities to express themselves and in so doing to inform themselves. Herder refers to this new kind of internal attention as *Besonnenheit*. Through *Besonnenheit* subjectivities take shape through the mutuality of their self-expression with other subjectivities. Language, art and other expressive practices are thus the self-defining, self-constituting features of those collectivities Herder refers to as a people or a *Volk*. I will follow Charles Taylor's lead in referring to Herder's model as the 'expressivist anthropology'.[9] Herder's anthropology does not meet the demands for moral universalism that Kant required, but neither is it devoid of all normativity. A space of undetermined interiority is an affective space, a space of feeling. Feelings, as Taylor tells us, are 'modes of awareness, their thought content is internal to them'.[10] Normativity emerges in Herder's expressivist anthropology in the form of authenticity. The realisation of freedom is to be found in the reflective clarification of the implicit vision of one's self and its expression in language and art. Herder's anthropology is not abiological, but neither is it biologically deterministic. Nor is it non-normative; rather, the normative thrust of Herder's anthropology is such as to lead him, not to a universalistic morality, but rather toward being a progenitor of cosmopolitan multiculturalism.

By the 1770s Herder was well acquainted with, and highly influenced by, the epigenesis biology of Caspar Friedrich Wolf, whereas Kant was still far more influenced by eighteenth-century preformationism.[11] Anthropology for Kant was a normative project, but one which could not find all of its normative resources from within the realm of formative self-expression. Kant's departure from Herder's anthropology, and from his own earlier views, had little impact upon the subsequent history of anthropology, but a lot to do with the problems, prospects and intentions of future Critical Theory. For Kant the essence of what it is to be human is very much of the essence, and the essence of being human is not just expressive authenticity, but perfectibility.[12] Stated in perhaps its strongest terms by Frederick Van de Pitte, 'All of Kant's philosophy is ordered to a single purpose: by means of analysis of the essential principles of human nature, it discloses his proper destiny and indicates how he must work towards its fulfilment'.[13] But Van de Pitte can't possibly mean just an analysis of empirical human nature. Human nature is a work in progress whose subsequent progress must be guided by a reason which nature could not have provided in advance. Nature provides the initial conditions. Human perfectibility must take place through pedagogy, development and history, and yet to do so it must be guided by a reason which in transcending its own context cannot understand itself as

9. 'The Importance of Herder', in Charles Taylor, *Philosophical Arguments*, Cambridge, MA, Harvard, 1995.

10. Charles Taylor, *Hegel*, Cambridge, Cambridge University, 1975, pp18-23.

11. For further discussion of Kant's reading of, and relationship to, the preformationism/epigenesis debate in eighteenth-century biology see Phillip Sloan's articles 'Preforming the Categories: Kant and Eighteenth-Century Generation Theory and the Biological Roots of Kant's A-Priori,' *Journal of the History of Philosophy* 40, (2002): 229-253, and 'Kant and Epigenetic Embryology: The Implications for his Post-1790 Philosophy' (unpublished manuscript, 2003).

12. Allen Wood, 'Kant and the Problem of Human Nature' in Brian Jacobs and Patrick Kain (eds), *Essays on Kant's Anthropology*, Cambridge, Cambridge University, 2003.

13. Frederick P. Van De Pitte, 'Introduction' in Immanuel Kant's *Anthropology From a Pragmatic Point of View*, Carbondale, IL, Southern Illinois University, 1996, pxix. For a more extensive discussion of this claim see Frederick Van de Pitte *Kant*

a product of that nature, and yet at the point of that realisation becomes taken up in such nature and thus transformative of that nature.[14] It is the nature of human reason to transcend the limits of its own social developmental context and strive for the greater good of human moral destiny, but in so doing human reason cannot account for itself theoretically in terms of that material context whose duty it is to criticise and transform. For Herder, to embrace the truth of anthropology is first of all better to know and celebrate the unity of human being in the diversity of the forms that humanity takes and presumably to be committed to the goods of human flourishing. For Kant to embrace the truth of anthropology is to be duty-bound to its realisation as a historical destiny.[15] Finding a path by means of which reason can unite the anthropological immanence of Herder with the context transcendence of Kant surely has much to do with the aims of subsequent social/philosophical thought up to and perhaps culminating in Critical Theory.

Where Herder's expressivist anthropology of the *Volk* took root and gained further articulation in nineteenth-century linguistics, hermeneutics, philology, folklorism and so on, it did not make it into the twentieth century intact. Herder, the epigenesist, unlike Kant, rejected the notion of race. His concept of a *Volk* was based in commonality of language and practice and the biology of underdetermination. By the 1880s the idea of the *Volk* had become racialised just as biology was re-turning toward preformationism. This became conceptually, and ideologically, concretised in what I will refer to as 'Weismann's prism.' August Weismann, a leading German Darwinist with strong eugenicist sympathies, postulated, on a largely speculative basis, an ironclad separation between the cells of the body and the cells of the germ line.[16] By the 1800s the idea of the *Volk* became diffracted through Weismann's prism. From one side, then, emerges the ray of biology, or nature, now preformationistically construed as race, and, on the other side, that of non-biological nurture. For race to be an interesting category in tune with eugenicist assumptions, it had to bring with its passage through the germ line moral and intellectual attributes. Anthropology, the empirical discipline, had meanwhile become largely obsessed with explaining human differences on the basis of race. The very concept of culture that we are now so familiar with, that is to say culture, not as *Bildung*, not as cultivation, but as the sum total of the practices and linguistic patterns of interpretation of some human community, did not exist prior to 1895 when it was first introduced by Franz Boas, with the explicit intention of providing a non-racialist, non-preformationist basis for understanding human difference.[17] Boas, programmatically, returned to the *Volksgeist* tradition,[18] but what he could reconstitute on this side of Weismann's prism could no longer be the anti-dualist philosophical anthropology of Herder and Humboldt. Now that biology was identified with Weismann's germ line and preformationism, the cultural anthropology founded by Boas and his students Alfred Kroeber, Margaret Mead, Ruth Benedict, Robert Lowie, Edward Sapir, Ashley Montagu et al,[19] could only be the study of that which emerges from the 'nurture' side of Weismann's prism. (It is precisely

as Philosophical Anthropologist, The Hague, Martinus Nijhoff, 1971.

14. Thomas McCarthy 'On the Way to a World Republic? Kant on Race and Development' in Lothar Waas, (ed.), *Festschrift zum 65.Geburtstag von Karl Graf Ballestrem*, Duncker and Humblot, Verlag, 2005.

15. Allen Wood, *Kant's Ethical Thought*, Cambridge, Cambridge University, 1999.

16. For a biological critique of Weismann's view see Leo Buss, *The Evolution of Individuality*, Princeton NJ, Princeton University, 1987.

17. Carl Degler, *Search of Human Nature – the Decline and Revival of Darwinism in American Social Thought*, New York, Oxford, 1991.

18. Matti Bunzl, 'Franz Boas and the Humboldtian Tradition: From *Volksgeist* and *Nationalcharakter* to an Anthropological Concept of Culture' in George Stocking (ed), *Volksgeist as Method and Ethic – Essays on Boasian Ethnography and its German Anthropological Tradition*, Madison, WI, University of Wisconsin, 1996.

19. Degler op. cit., chapter 4.

this program, identified as the Standard Social Sciences Model, which, now taken out of the context of its anti-racialist intentions, is routinely excoriated by Stephen Pinker and his fellow evolutionary psychologists.[20]) American cultural anthropology, likewise, continues to be largely conditioned by this fissure and not necessarily more aware of the source of its origins than its biologistic critics. Anthropology, understood non-dualistically, philosophically and with normative intent, has been largely limited in the twentieth century to an often-marginalised German pursuit, reaching, perhaps, its explicit high-water mark with Gehlen.[21] Which brings us to Habermas, for whom Gehlen was a teacher and an important influence.

What I hope has become suggestively tempting is the idea that Critical Theory inevitably, and I suspect distinctively, involves an attempt to bring together some version of an expressivist anthropology with a somehow naturalised, or detranscendentalised, universalizing normative arrow, or in other words some reunion of Herder and Kant. We can glimpse this in a very quick and easy way by just thinking of Habermas' construal of the ethical and the moral, with the former being the heir to the expressivist tradition and the latter the heir to the transcendental tradition.[22] But I want to explore the path that Habermas has taken toward bridging the chasm between these, culminating in a critique of Habermas' latest standpoint.

In *Knowledge and Human Interests*[23] Habermas brings strong context-transcending normativity into the realm of an expressivist anthropology in the following ways. Using Hegel and Marx, rather than Herder, as his points of departure, Habermas is already focused on the reflective self-disclosure of the self-formation of the species as a whole, and not just that of a particular Nation or a *Volk*. What the anthropological justification for this move would have to be is that his analysis is aimed at such a basic level that the structures that it reveals would be common to all and any particular *Volksgeist*. Herder's anthropology of detachment opens up the space of subjective self-formation with its capacity for *Besonnenheit* - self-directed, self-attention. But however detached from a particular context before the fact, humans are no less dependent upon procuring their material means of survival from nature, nor are they any less dependent upon social coordination - on the contrary. Marx had already used the material basis of reproduction as the overarching basis for normatively reconstructing the self-formative dynamics of the species. Marx used one 'transcendental' need as his point of departure, but neglected another. Habermas adds the realm of social understanding in the interest of social coordination as a parallel dimension, that is to say, that of *interaction*, to that of Marx's orientation toward survival through instrumental action, that is to say, *labour*. In addition Habermas adds an independent overarching interest in the self-reflective release from unnecessary constraint, or in other words, emancipation, that cross-cuts the other two. Habermas thus brings context-transcending normativity into the free space of detached human subjectivity by giving it (quasi)transcendental structure along two perpendicular axes and one cross-cutting horizontal

20. Stephen Pinker, *The Blank Slate*, New York, Viking, 2002; and John Tooby, Leda Cosmides 'The Psychological Foundations of Culture,' in Jerome Barkow, Leda Cosmides, John Tooby, *The Adapted Mind – Evolutionary Psychology and the Generation of Culture*, Oxford, Oxford University, 1992.

21. See Axel Honneth, and Hans Joas, *Social Action and Human Nature*, Cambridge, Cambridge University, 1988 especially Chapter Two 'Anthropological Foundations of Social Action'.

22. Jürgen Habermas 'On the Pragmatic, the Ethical, and the Moral Employments of Practical Reason', in Jürgen Habermas *Justification and Application*, Cambridge, MA, MIT, 1995.

23. Jürgen Habermas, *Knowledge and Human Interests*, Boston, Beacon, 1968.

axis (a pattern that is repeated after his linguistic/communicative turn). In order to do the requisite reconciliatory work, these structures, which take the form of cognitive interests, can be neither fallbacks to natural necessity nor putatively noumenal commands of reason. Rather they are formal structures of self-formation that reveal in human self-formation and to human self-formation its own realm of immanent normativity. The behavioural system of instrumental action is tethered to material need, *but not to any particular way* of fulfilling material need. It serves to disclose an indeterminate realm of objectivities as knowledge normatively structured under the aspect of human interest in fulfilling material need, that is to say, within an interest in possible technical control. On the opposite side of this vertical partition, Habermas, seeking to supplement Marx's category of labour with his own category of *interaction*, locates a cognitive interest in mutual understanding which becomes expressed and embedded in the normative rules and structures of shared language games. Again, some level of normativity generated from within the self-formative praxis of naturally detached yet obligately social creatures is envisaged. But it is at the level of what I have referred to as the cross-cutting horizontal axis where the relationship of Habermas' cognitive interests to the legacy of the expressivist anthropology is most intimate and interesting. Reason in the expressivist anthropology begins in that turning into itself and onto itself of that interiority no longer bound to any particular exteriority or style of existence. In reflection, reason emerges in self-understanding of its self-formative emancipation from natural determination. *Reason as self-reflection upon self-formation is thus just a continuation of the anthropological logic of detachment.* Habermas' emancipatory interest would appear to be implicit in the detached, self-constituting animal at its most intimate level. Reflection knows itself to be emancipatory because it discovers itself in its own self-formative agency, and in so doing emancipates itself from any possible dogmatism of natural consciousness. That is, in reflection the detached, undetermined interiority finds the ungrounded, grounds of its own existence. The emancipatory cognitive interest is thus attendant upon all reflective undertakings of reason upon its own conditions whether in instrumental or interpretative domains. Both the philosophies of the natural sciences and those of the historical/hermeneutic sciences thus constitute stages of reason reflecting upon itself and it is Habermas' intent to bring these undertakings to a reflective awareness of themselves as such. Habermas has referred to this work as his anthropology and not for no reason. Where however the thesis of cognitive interests built normative structure into an expressive anthropology while expanding the Marxist dialectic of species self-formation to include the ethical dimension of intersubjective understanding and ethical learning, it did not ultimately provide the conceptual resources that Habermas required for elaborating a neo-Kantian moral, political and legal theory.

With his linguistic turn away from cognitive interests and towards unavoidable pragmatic presuppositions of communicative action as his new normative touchstones, Habermas moved his theoretical centre of

gravity further away from the expressive anthropology and closer to a transcendental standpoint. But in so doing Habermas did not jettison a developmentally contingent framework for a preformationistic alternative. Neither communicative competences nor degrees of decentredness in one's evaluative standpoint are inscribed in DNA. While moving away from the trappings of an idealist paradigm of reflection and toward an intersubjectivist framework as the vehicle of species self-formation, Habermas recovered a developmentalist outlook in his Piaget-inspired, empirically oriented, model of the epigenesis of the tacit structures of communicative competence and of higher stages of ego-autonomy and moral cognitive development.[24] This may be a far cry from the *völkisch* or Romantic associations of an expressivist anthropology, but it is only by virtue of still being able to bring together his strong universalizing claims about justice and morality with an epigenesist account of how these are achieved that Habermas was able to have anything interesting to say about when and why they are *not* achieved, *vis-a-vis* his psycho-sociological account of systematically distorted communication. In his communicative-theoretic framework the two vertical axes of labour and interaction are now replaced by communicative claims to truth and rightness respectively. The cross-cutting horizontal axes of emancipatory interest is now replaced by the distinction between mundane interaction and discourse, where the latter is understood as a reflective thematization of a truth, rightness (or authenticity) claim latent in the former. In both cases the possibility of a critical move that may reveal and disable some unnecessary constraint is latent in the everyday conditions of existence but in the latter case the reflective move is always communicatively, and thus intersubjectively, mediated. Whether the move to discursive denial or redemption of communicative validity claims captures all of the anthropological insight of his earlier emancipatory reflection, however, remains an open question.

In his recent work, *The Future of Human Nature*, Habermas appears to have jettisoned the expessivist tradition entirely and become an heir to the preformationistic legacy of Weismann's germ line. In place of the free space of an unformed interiority, we have frank talk about genetic programming. What's at issue is suddenly no longer the challenge of human self-formative, self-perfection, but the choice between being randomly programmed versus being deliberately programmed. The crux of moral autonomy seems to have shifted from the undamaged development of autonomy to one's untampered-with endowment at birth. Habermas speaks here as if something he calls the ethical self-understanding of the species was no longer an ideal to be historically and developmentally strived for, but somehow a *fait accompli* that now only needs to be protected. In order to issue a strong categorical injunction against pre-natal genetic intervention, Habermas has had unconditionally to cut his ties with the entire legacy of philosophical anthropology. Anything short of this would have required that he introduce further distinctions with respect to the hypothetical prospect of genetic intervention. If the expressivist tradition of philosophical anthropology is at least partially correct, and I

24. Habermas' multi-layered developmentalism can be found in many places – for an early and characteristic expression of it, see 'Moral Development and Ego Identity' in Jürgen Habermas *Communication and the Evolution of Society*, Boston, Beacon, 1979.

would argue on the basis of current biomedical research that it is,[25] then a genetic intervention which could plausibly be described as an enhancement (if such should prove to be possible) would have to further human detachment, underdetermination, developmental flexibility and potential openness to the world. And yet Habermas doesn't even countenance such a possibility.

Habermas' argument for a post-metaphysical, and yet categorical, indictment of any form of liberal eugenics turns on a dichotomistic formulation which he appears (but only appears) to be deriving and adapting from the anthropological philosophy of Helmuth Plessner. Habermas attempts to distinguish between the 'nature we are' which we receive by chance and what in our freedom as human beings we choose to make of it - what stand we take on who we are. The crux of his argument is that hitherto we all stood as equals with respect to the contingency of that nature which at once we *are* and yet act in our freedom to *dispose over*. What is crucial is that we take ourselves to be the sole agents responsible for making ourselves. For Habermas this presumption is paramount to human morality because 'we can only take part in the moral language game under the idealizing presupposition that each of us carries the sole responsibility for giving ethical shape to his or her own life … '[26] The very possibility of undamaged moral agency is, by this formulation, predicated upon an *anthropological self-understanding*. One must both take oneself to be the author of one's actions and one must take oneself to be the equal of all others in relation to one's self-formation, in order to partake of a moral relationship with any other. But does Habermas' dichotomy between a genetically programmed nature (which in the future may no longer be 'naturally' given) and an existential self that can steer the ship of nature by its own autonomous lights, adequately grasp the anthropological basis of human morality, or for that matter does it even make sense?

Habermas ostensibly finds his model for a distinction between the contingent nature that we are and that freedom to choose what to make of ourselves, from Plessner's account of the peculiar 'excentric positionality' of human beings. The aim of Plessner's anthropology was to find a mind/body neutral language that could, in terms simultaneously empirically and phenomenologically meaningful, locate human beings amongst the continuum of living organisms and yet also pick out the differentia of their organismic being. Plessner comes to see what he takes as being distinctive about the 'positionality' of the human body and its modes of expression. When for example we blush or shiver, the body that *we are* expresses itself. But when we speak (or engage in any form of intentional expression) we dispose over our body and 'use it' for our expressive purposes. (Famously, for Plessner, laughing and weeping are the forms of expression that result from an overtaxing and breakdown of the balance between these different 'positions').[27] Likewise we live both as a body, reaching out to the world for our needs and drawing back into our embodied centredness (as others animals do) and yet we also locate ourselves, as if from without, as a body amongst others, as a body in objective space, a body that we can take a third person attitude toward and

25. See Lenny Moss, 'From Representational Preformationism to the Epigenesis of Openness to the World? – Reflections on a New Vision of the Organism', *Annals of the New York Academy of Sciences* 981, (2002): 219-229; *What Genes Can't Do*, op. cit., chapter 5.

26. Habermas, *The Future of Human Nature*, op. cit., p92.

27. Helmuth Plessner, *Laughing and Crying – a Study of the Limits of Human Behavior*, Evanston, IL, Northwestern University, 1970.

put to *our* use. Early in Habermas' text he suggests that 'Helmuth Plessner's phenomenological distinction between "being a body" and "having a body" becomes surprisingly current: the boundary between the nature that we "are" and the organic endowments we "give" to ourselves disappears'.[28] The idea that there is an anthropologically-basic balance between bodily standpoints identified by Plessner that is a hallmark of our humanity and yet which would become jeopardized by pre-natal genetic intervention sets the pattern for Habermas' entire polemic. But there are grounds to worry whether this formulation makes any sense at all. What would it mean for the distinction between the body that we are and that body that we have and dispose over to become blurred? Upon some inspection we may ask whether Habermas has failed to see what the relationship between these standpoints has to be and whether such a shortcoming runs throughout his argument.

28. *The Future of Human Nature*, op. cit., p14.

What would have to be lost or undermined for Habermas' worry about blurring to be redeemed? What enables humans to enjoy the distinctive experience of 'having a body' is what is distinctive about the organic human body. It is, to draw on language from the anthropological tradition, the enhanced level of 'detachment' of the organic human body that results in the distinctive (we assume) phenomenology of *excentricity*. Habermas speaks as if the instrumentalizing standpoint of the body we have threatens to colonize the body that we are. Plessner's body that we are is not 'the organic body' but a phenomenological standpoint. Our 'organic body' is what makes both standpoints possible. Could genetic tampering with our organic body disrupt this? Could it result in a loss of 'having a body'? To lose the capacity to dispose over one's body - that is to say, to use it to communicate and perform in a cultural world would be to fail to be human by any measure - clearly this is not what Habermas has in mind. Alternatively, would it be possible to become nothing but a body that we dispose over? Certainly not in the phenomenological sense that Plessner speaks of. To do so would require experiencing every physiological function of the body as something that we deliberately dispose over, such as breathing, heartbeat, digestion, thermal regulation, and so on. Again this is not a meaningful worry. If the point of departure for the distinction that Habermas' whole argument turns upon makes no sense on the phenomenological grounds for which it was intended it is possible that upon closer examination it never does hold up thereafter either.

Let's return to the formulation of the nature that we are (which has become susceptible to alien intervention by way of prenatal genetic 'programming') and our freedom to dispose over and existentially choose what to make of ourselves. Habermas is clear and adamant in holding that an anthropological self-understanding is a categorical condition for the possibility of undamaged moral subjectivity. We can only act morally if we take ourselves to be the agents of our own natures and on an ontologically equal footing with all other human agents. Should we find ourselves to be pre-determined by another and all the more so should we encounter another (such as parent) with whom we experience an irrevocable ontological asymmetry (because they 'programmed'

us and not vice versa) then said conditions of moral agency have been forever compromised. What runs through, and is at the crux of, Habermas' entire argument is an entirely unquestioned commitment to a most pervasive and crass genetic preformationism. But the problem is not merely one of substituting a caricature of human biology for the genuine article but goes to the internal consistency of his argument itself. The argument *depends* on the idea that we are composed of genetically programmed traits and dispositions that, unlike the contingencies of upbringing and environmental context generally, are 'irrevocable'. To the extent that we are such beings we could not possibly have the wherewithal to existentially grasp our contingent inheritance 'in our freedom' because we wouldn't have such freedom, but worst of all, if we were to be convinced by Habermas and others that we were such 'genetically programmed beings' we would sacrifice exactly that anthropological self-understanding that really is a prerequisite of mature moral subjectivity. Where on earth, one must wonder, does Habermas think this capacity for freedom would come from if our nature was one of preformationistic genetic programming (whether by nature or the IVF clinic)? With his covert eschewing of the legacy of philosophical anthropology, has Habermas regressed into a Kantian dualism of the Newtonian body and the Noumenal will? Conversely, if as the anthropological tradition has long held, it is precisely our organic composition in its indeterminacy, developmental openness to the world, and detachment from fixed natural norms, that enables (but does not guarantee) the disposing over ourselves and capacity to appropriate our legacy and take a stand on who we mean to be then the prospects of liberal eugenics cannot be categorically judged and dismissed with hands scot-free of the grime of biological particulars. Rather than Habermas's neo-Kantian *formula for all time*, a Critical Theory of biotechnology must recover its anthropological dimension and bring the practical and discursive domains of the life sciences into the ambit of its *on-going dialectical interpenetration of philosophy and the empirical research*. Messy as it may be, genetic interventions which may (or may not) contribute to the furtherance of developmental flexibility and 'the freedom to choose who we are' must be judged contextually as well as normatively and critical theory must enter into the interpretive horizon of this arena first hand. That even the object domain of molecular biology may provide critical resources in understanding the nature of human self-formation is becoming more evident with for example early indications that humans differ most saliently from chimpanzees genetically, not on the basis of the evolution of new genes so much as on the basis of the loss or inactivation of 53 chimpanzee genes.[29] This model of the evolution of human beings is described in the research literature as 'the less is more' hypothesis.[30]

By dignifying prefomationistic slogans with the voice of his hitherto well earned authority, Habermas has done more damage to the anthropological self-understanding requisite to moral autonomy than any good which his apparent attempt to make 'post-metaphysical' common cause with religious opponents of liberal eugenics could ever have accomplished.

29. Wen-Hsiung Li and Matthew Saunders, 'The Chimpanzee and Us', *Nature*, 437, (2005): 50-51.

30. Maynard Olson, 'Molecular Evolution '99 – When Less is More: Gene Loss as an Engine of Evolutionary Change', *American Journal of Human Genetics* 4, (1999): 200-28.