

The Importance of a Basic Presumption of Respect for the Natural

by Margaret Somerville

An issue challenging many in bioethics, particularly in relation to new reproductively and genetically technologies, is: Can we in a pluralistic, multicultural, post-modern, democratic, secular society find any consensus on the values that should govern the new science? In a secular society — one that does not base its shared values directly or even indirectly on religion — can we argue that some things that we could now do are inherently wrong and, therefore, ought not to be done? Can we establish without recourse to an external moral authority, whether God or an absolute monarch, that some things must not be done, no matter how much good could flow from them? Can a post-modern, secular, post-metaphysical society find a principle-based ethics? Or is our only option utilitarianism — a utilitarianism that is increasingly dominated by a combination of market forces and purely individual preferences, that is, “intense” material and moral individualism? In other words, is there any way other than a belief in a transcendent reality -- which is often expressed through religion -- or utilitarianism for establishing a shared societal ethics?

In religion “the criteria of ethical conduct derives from the very structure of reality itself, in which the created world is viewed as a sacred theophany of the divine”¹. The secular approach, that often comes to conclusions that are at odds with the religion-based approach, is to “seek to validate ethics on communitarian notions of reasonable behaviour or liberal notions of *laissez faire*”², using a situational ethics approach – nothing is absolutely right or wrong, it all depends upon the situation. What I will suggest in this paper is that reliance on a basic presumption of respect for the natural and Nature as a foundation for a shared societal ethics can provide a third approach which bridges the other two. Note that respect is not the same as non-interference. Respect requires, rather, that interventions in the natural and Nature be justified and many can be.

I recognize that there may be disagreement as to what constitutes the natural or Nature³ and therefore disagreement as to what must be respected. That is an important matter, but it is for discussion elsewhere. For the purposes of this paper it is only necessary to accept that these concepts are not contentless, that is, they have substance and that we can all agree on the nature of some of that substance, although we will not all agree on the nature of all of it. My goal is to establish where we can all agree, whether our moral and ethical beliefs are religiously or secularly based. In short, I hope to establish a shared moral base that will constitute a bridge between the sacred and secular, while recognizing that both still have separate existences. It should be kept in mind that a majority view – like a majority vote in a democracy – or even a consensus does not equate to morality. But a broad consensus among people who hold very different beliefs in relation to the proper source of morality is likely to come as close as we are able to a certainty of morality. It is also of the utmost importance to keep in mind that, like all concepts, that of the natural, and correlatively the unnatural, can be wrongly used or abused, for instance, in relation to justifying serious breaches of people’s human rights.

¹ M. Ali Lakhani -- personal correspondence, 27 May 2003.

² *Ibid.*

³ Except where indicated otherwise, in the remainder of this text I use the term “the natural” to include Nature.

Respect for the natural

Basing a shared ethics on a *prima facie* presumption of respect for the natural, can accommodate the religious beliefs of those who hold them, and is certainly not antithetical to such beliefs. Indeed, it is consistent with a religion-based approach to morals and ethics to the extent that Nature is seen as a reflection of the Creator and, therefore, to be respected. But it can also accommodate a secular, technoscience based worldview in that it does not require a belief in the supernatural and is not based on that. The goal of such an approach is not to assert that religion is irrelevant to morality or ethics, or that secular humanism is all that is required to establish ethics. It is rather to try to find a common starting point on which we can all agree, whether or not we are people of faith, in our search for the morals and ethics that should guide us as pluralistic, multicultural, multi-religious, secular societies.

I have proposed elsewhere⁴ two founding principles for a deontological approach to ethics in a secular society. They are profound respect for all life, especially human life, and deep respect for the human spirit. Respect for the natural can be seen as a common feature of these two principles or, perhaps, an even more fundamental principle which underlies both.

One stimulant of my thoughts about respect for the natural was a request to speak at a conference dedicated to exploring whether every pregnant woman should be offered delivery of her baby by caesarean section. Recent research has allegedly shown that elective caesarean section may be safer, in terms of avoiding some of the risks of childbirth, for both mother and child. Should we continue to work from a basic presumption in favour of natural childbirth in formulating our ethics and law – that is surgery is the exception and must be justified - or change to a presumption in favour of technological childbirth? Could exploring a concept of respect for the natural help to guide us in that decision?

Childbirth is an everyday situation and raises ‘everyday ethics’ questions. In contrast, *avant garde* science is raising *avant garde* ethical issues. Could exploring respect for the natural also help us to find ethics in such contexts? I address that question later in this article, in discussing the German philosopher Jürgen Habermas’s new book, *The Future of Human Nature*. In it Habermas seeks to establish a common morality that we can all accept, to govern the new reprogenetic (reproductive and genetic) technologies.

Probably as a result of the astonishing possibilities opened up by the new technoscience, there seems to be an increasingly prevalent view, especially among younger people, that the natural does not, in itself, deserve fundamental respect, such that contravening it requires clear justification. Pursuant to that view there is no natural law and no requirement to justify interfering with or even replacing the natural with the technological, for example, in human reproduction. Moreover, while many people might still agree with an approach based on a rebuttable basic presumption of respect for the natural, maintaining and applying it, in practice, might not be easy.

⁴ Margaret Somerville, *The Ethical Canary: Science, Society and the Human Spirit*, Viking/Penguin; Toronto, 2003, xiii-xiv.

We already have incremental and subtle changes that can be characterized as steps towards a post-human⁵ future, for instance, changes in how we perceive human identity. We used to see ourselves as an integral whole from birth to death -- perhaps missing a few parts from accidents or surgery. With transplants, we accepted a modular theory of human identity: Interchangeable Parts “R” Us. In the future, these parts could be enhancement technologies, for instance, genetic modification or computer chips implanted in our brains.

Our perceptions of our bodies have also changed as a result of technology -- for example, older people see cell phones as pieces of technology to be used; younger people see them as an extension of their ear. And physical enhancement of our bodies through cosmetic surgery and psychological modification through mood altering drugs are now regarded as routine, normal and beneficial. Vastly more invasive and radical technologies, such as dramatically enhancing human intelligence, are likely to be characterized as just further steps down these same paths and, therefore, it will be argued, are already ethically validated.

Then there are the current debates on the ethics of age retardation and life prolongation; some people even foresee physical immortality through technoscience. That might sound far-fetched, but no lesser person than Dr Leon Kass, chair of the (US) President’s Commission on Bioethics has taken it seriously enough to write a lengthy article setting out the arguments against radical life extension⁶. It is currently being proposed that it will be possible to prolong human life to around 150 years – including by retarding the aging process by extending the early and mid-life stages of the lifespan through genetic manipulation. We will be “young” until we are fifty and “middle aged” until at least one hundred. Needless to say, it will be difficult to persuade people not to seek such a goal. We all want to live with a high quality of life for as long as we can. But would that mean we will no longer be human? Kass argues that “human life without death would be something other than human”; consciousness of mortality gives rise to our deepest longings and greatest accomplishments⁷.

Moreover, the benefits promised by the new technologies are deeply seductive – they make the sirens of old look like amateurs, especially when risks are not emphasized⁸. The issue of life-prolongation and age-retardation is intentionally front and centre on the pro-technology agenda, because if, as we will be sorely tempted to do, we accept radical life extension, then why not cloning, designing our children, reproducing entirely artificially, enhancing our intelligence with computer chip implants or becoming cyborgs more generally, or eventually being superseded by robots that are infinitely more intelligent and durable than we are?⁹

The central question is: What ethics should govern these new technologies and how can we establish those ethics in societies such as ours? That brings us to an examination of Habermas’ approach to establishing a shared morality and the role that a presumption in favour of the natural and respect for it plays in his philosophy.

⁵ A future in which humans, as we know them, will have become obsolete and replaced by superior beings created through redesigning *homo sapiens* with technoscience such as genetics, artificial intelligence technology, robotics and nanotechnology (atomtech).

⁶ Leon Kass, “L’Chaim and Its Limits: Why Not Immortality?”, *First Things*, 2001;113:17-24.

⁷ Ibid.

⁸ See e.g. <www.Betterhumans.com>.

⁹ Rodney Brooks, *Flesh and Machine: How Robots Will Change Us*, Pantheon Books; New York, 2002.

Jürgen Habermas, “The Future of Nature”^{10 11}

In an in-depth analysis of the limits that ought to govern the creation of *in vitro* human embryos and interventions on them — whether to pass on life to them through technologies such as cloning, alter their genes, choose among them through pre-implantation genetic diagnosis (PDG), use them for research or to make therapeutic products — Habermas proposes a way in which we might construct a principled moral base for a 21st century secular society.

Matters which he sees as central to ethics include:

- The nature of embryos, of eugenics, of persons as compared with things, of parent-child bonds, and of moral community;
- The nature of selfhood and of relationships with others, including intergenerational relationships — both with our contemporaries and descendants;
- The nature of morality and how we construct it, of freedom, of secularization, of a post-metaphysical society and of the “good life” in such a society; and,
- The nature of science and the nature of Nature.

As mentioned previously, the new technoscience has faced us with unprecedented situations. Prime among these are our abilities to alter the essence of human life, itself — the human germ cell line — and, thereby, to design our descendants and to transmit human life other than through sexual reproduction. No other humans have ever held such powers in the palm of their collective human hand. In deciding what we may and must not do with these powers, our moral exploration must be at least as profound and creative as the scientific research which gave them to us. We need a richness of ideas, insights, and learning to respond wisely and courageously to arguably the most important issue of our times — the future of human nature.

People, who are religious and see a Supreme Being as the only valid source of morality and ethics, might object to Habermas’s approach on the grounds that it is secularly based and human-centered, not religiously based and God-centered. But while they have every right to maintain their own beliefs as to the foundation of morals and ethics, they cannot expect that others who do not share them will use them as their founding principles. The question then is whether we can find some form of shared ethic, despite our different beliefs. Understanding Habermas’s approach could help us to establish that. It could enable us to see where the beliefs of people who will only accept a secularly based societal morality and those of people who want a societal morality that recognizes a Transcendent Being are compatible and where not; perhaps identify shared positions when otherwise that would not have been possible; and, possibly, identify new arguments for certain moral or ethical positions that are acceptable to both groups. They are all steps towards finding a central core for a societal morality that we can all accept.

¹⁰ Jürgen Habermas, *The Future of Human Nature*, Polity Press; Cambridge, UK, 2003.

¹¹ An earlier, shorter version of this section was published in the *Globe and Mail* book review section. Margaret Somerville, “A morality for the genetic age”, *Globe and Mail*, May 5, 2003, D12.

Establishing a principled moral base...

Language — communication — is central to Habermas’s approach to developing a publicly shared morality. One way to describe the process through which this occurs is as “ethics conversation” or “ethics talk” which are the basis of “doing ethics”¹². It results in what Habermas calls a “species ethics”¹³. While I agree with the substance of the concept, I find the term “species ethics” alienating. It brings to mind Princeton philosopher Peter Singer’s concept of “speciesism” — that it is wrongful discrimination to differentiate between humans and other animals¹⁴. I would suggest that “human ethics” is a better term¹⁵. Moreover, this latter term has the advantage of allowing us to see more easily the inextricably interwoven relationship of human ethics, human rights and human responsibilities that together make up the cloth from which we can fashion a broadly shared human morality, that is, one that transcends, for example, the secular and religious, different religions, and national or ethnic origins.¹⁶ It is important to point out here that transcending these differences does not mean that they become irrelevant. Rather, the goal is to establish a moral structure that, even if it cannot accommodate them all, does not contravene them and, therefore, one that everyone can buy into.

It may be, however, that Habermas uses the term “species ethics” to communicate a central feature of his thesis, namely that the ethics which must guide us are to be found in human nature, itself. In other words, ethics is to be found *in* humans, it is an intrinsic element of being human and not simply an extrinsic set of rules or norms applied to humans. This approach to the basis for morality could be characterized as an expression of intense humanism or, at the other end of the spectrum, as affirming that morality emanates from a Divine Spirit within humans. But, in either case, it is recognition of the innate presence in humans of moral conscience.

Habermas finds morality situated in a linguistically structured form of life, the “communication through which we reach an understanding with one another about something in the world and about ourselves...”¹⁷. He sees this communication as the source of morality in that through it “we encounter a transcending power”¹⁸. But that power is neither supernatural nor mediated through religion. Rather, it emanates from a prior ethical self-understanding of the species which is shared by all moral persons — that is, from our understanding of ourselves. For Habermas that understanding is “neither revealed nor ‘given’”¹⁹ in some other way than through communication. But that does not exclude other people who are religious from seeing the source of that understanding as lying elsewhere. And for Habermas, it can only be won in a common endeavour.²⁰ It is the basis that he proposes for constructing a religion-free, neutral morality for a democratic society. The word “religion-free” raises questions. I take Habermas to mean that religion is not necessary to establish a basis for societal morality, and not that the religious beliefs of those who have them are to be excluded as a voice in the public square in

¹² Somerville, *supra*, note 4, 279-300

¹³ Habermas, *supra* note 9, 11, 37-44.

¹⁴ Peter Singer, *Animal Liberation*, (rev.ed.) Avon; New York, 1990.

¹⁵ Margaret Somerville, *Death Talk: The Case against Euthanasia and Physician-Assisted Suicide*, McGill-Queen’s University Press; Montreal, 2001, 327-343.

¹⁶ *Ibid.*

¹⁷ Habermas, *supra* note 9, 10.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 11.

²⁰ *Ibid.*

establishing that morality. Because the new reprognetics goes to the very essence of our human identity -- that is, to our self-understanding -- which is for Habermas the source of morality, it both threatens this basis for morality and vastly augments the need for morality to govern it.

Habermas's objections to genetic alteration of human embryos are related to his concept of ethical self-understanding and its function in establishing a moral base for society. The people who result from genetically altered embryos are disqualified from "an unconditioned participation in the language game of moral life"²¹, because they do not carry the sole responsibility for giving ethical shape to their own life and will not enjoy equal treatment with complete reciprocity of rights and duties with others, especially the people who "designed" them. These "rules" — of being able to take responsibility for one's own life and be an equal — are the basis of the "language game"²² that establishes morality. If we accept to play that game (and Habermas recognizes that we may not) some principles necessarily flow from that acceptance. They allow us to decide that some things are inherently wrong -- for instance, genetically enhancing embryos -- without needing to resort -- but not preventing those who wish to do so from resorting -- to religion or some other external moral authority to establish that.

Morality as a necessary environment for "being-able-to-be-oneself"...

Ultimately, we face the crucial question, which in contrast to past societies cannot be answered for a secular society by religion: Why should we be moral at all? In answering, Habermas refers to Kierkegaard's test of "being-able-to-be-oneself" to assess the success or failure of one's own life²³. The requirement for "being-able-to-be-oneself" is that each person must give their life continuity and transparency, and appropriate their own past in a life history with a view towards future possibilities of action. In doing so, the person "makes herself into a person who speaks for herself, an irreplaceable individual."²⁴ We must each make our life our own by responsibly taking possession of it. One is not able to be oneself, if one is designed by another. Moreover, one is not equal to the designer and, therefore, is not free. But to ensure that we are able to make our life our own and remain free — that is, to ensure that we are not genetically altered — we must have a shared morality that would protect us against such alteration. In other words, a morality is required if we are to remain human in the sense of what we presently understand that to mean.

In short, because of the contingency of their origins, genetically altered embryos would not be free to make their life their own and would not be equal to those who designed them. That would have major impact well beyond harm to the embryos themselves. For example, the genetic alteration of embryos would eliminate the very conditions on which democracy depends, because the founding principles of democracy are the liberty and equality of all citizens.

Moral limiting devices...

²¹ Ibid., 92

²² Ibid.

²³ Ibid., 5-11

²⁴ Ibid., 6

Without naming them as such, Habermas proposes some moral “limiting devices” to guide our decisions about the new technoscience. For instance, he invites us to “adopt the perspective of a future present from which we might someday perhaps look back on currently controversial practices”²⁵, and to be warned by what we could anticipate might happen. In short, he warns of the “slippery slope” dangers of reprogenetic technologies. A related concept is what he calls “assumed consent”²⁶ or an “anticipated no”²⁷: In intervening on human embryos we must be able to assume that whatever it is that we do to them, when they become personal life and able to decide for themselves, they would retrospectively consent to what we did, or, if we discard them, that the unborn person would have said no to the burden of suffering life would have entailed, that is, would have said “no” to life. The latter parallels the argument on which “wrongful life” cases are based, that life, itself -- that is having been born -- is a damage for which the child should be compensated. This is a controversial claim that the vast majority of courts have rejected.

It is very important to ask ourselves: What obligations do we owe to future generations if we are to hold human life on trust for them? If we are to act ethically towards future generations, what future-oriented limits should we impose on ourselves now? Habermas’s response is that our actions in using the new technoscience must not deprive future generations of life-fulfilling human experiences in terms of their capacities for self-actualization, a sense of autonomy and of personal freedom to realize their own selves and their own lives in the ways available to us.

One way to express Habermas’s view of the impact of the new genetics, were it to become the new eugenics, which it will unless we guard against it, is as a new form of slavery and the tyranny of others in the future by those in the past. In milder terms, we can express the same idea as a most serious failure to respect intergenerational equality. The use of these technologies by the present generation challenges the basic human rights of equality and freedom of future generations.

Human embryos...

Habermas refers to embryos as “pre-personal human life”²⁸ and, sometimes, as “conditional life”²⁹ — those embryos that, after being genetically tested, might be discarded as “unfit”. He steers a middle course between the view that an embryo is just another human cell (no different, for instance, from a skin cell or a cell from inside one’s nose), and the view that the human embryo is the earliest form of the human person and, as such, has the same moral status and deserves the same respect as the rest of us. His concept of the respect owed to pre-personal life seems similar to a third view, prevalent at present, namely, that the human embryo has a special moral status, but not yet the same status as the rest of us. His conclusions, however, as to the moral limitations that status would impose on us in dealing with human embryos, seem to be much more restrictive than those of most people who advocate this view.

²⁵ Ibid., vii

²⁶ Ibid., viii, 91

²⁷ Ibid., 97

²⁸ Ibid., vii, 32

²⁹ Ibid., 20

We must treat the embryo as the person it will become and not as a thing. That would rule out creating embryos just for research or for use as the source of therapeutic products, and the genetic alteration of embryos with one exception. Habermas distinguishes “a liberal eugenics, regulated by supply and demand”³⁰, which would encompass genetic enhancement of the human embryo, from a “negative eugenics” which would only allow treatment of a disease or disability from which the embryo suffers. He finds the latter morally acceptable under certain conditions (where the “anticipated consent” of the person the embryo will become can be assumed), but the former never so, from the perspective of either the enhanced individual, society, or the “ethics of the species”. He admits, however, that the boundaries between negative (avoidance of disease) and liberal eugenics (enhancement technologies) are blurred, as, often, is the distinction between therapeutic and non-therapeutic interventions³¹.

Habermas’s objections to eugenic enhancement practices are that they risk “harming the source of individual autonomy as well as the moral status of persons so treated”³²; they display attitudes of “*improvement* and the *reification* of prepersonal human life”³³; and they affect the parent-child bond in that the parents want the child only if it comes into the world “satisfy[ing] specific criteria for quality”³⁴. That attitude is to be compared with parents’ accepting the children they beget in a spirit of humility, and parents’ unconditional acceptance of their children as the primary characteristic of parental love. In other words, Habermas sees genetic enhancement of an embryo as a serious harm to the person that embryo becomes. In comparison, those, such as the transhumanists, who advocate such interventions, see them as of great benefit to the future person. Indeed, they see becoming post-human – no longer a human but a superior “species” – as the ultimate goal³⁵.

Habermas also refers to the embryo as a “potential person” and argues that it may not be for us to dispose over it and yet it may not have the status of a legal person with the corresponding rights³⁶. He says that there is no question that human life before birth has intrinsic value; there is an intuition that pre-personal human life is not simply something to be balanced with other competing goods³⁷.

“[M]any of us seem to have the intuition that we should not *weigh* human life, not even in its earliest stages, either against the freedom (and competitiveness) of research, or against the concern with safeguarding an industrial edge, or against the wish for a healthy child, or even against the prospect (assumed *arguendo*) of new treatments for severe genetic diseases. What is it that is indicated by such an intuition, if we assume that human life does not from the very beginning enjoy the same absolute protection of life that holds for the person?”³⁸

In short, even in its anonymous forms, human life possesses dignity and commands respect and we need concepts of both the dignity of human life, itself, and the human dignity of the individual. The issue is what protection is owed to pre-personal human life both for its own individual sake and for the sake of respect for human life, in general. That is where we do not

³⁰ Ibid., vii

³¹ Ibid., 19

³² Ibid., 96

³³ Ibid., 97

³⁴ Ibid., 98

³⁵ See, supra, note 8

³⁶ Habermas, supra, note 9,., 31

³⁷ Ibid., 43

³⁸ Ibid., 68

agree. But in deciding, the moral proposition that we use to decide such matters for society, in general, must be neutral with respect to various world views; equally good for everybody; and acceptable to all³⁹. Habermas seeks to establish such a proposition.

Respect for the natural...

Habermas makes a distinction between chance and choice, which is connected with and parallels that between nature and technology. He gives special status and respect to the natural, but sees this respect as under serious threat in human reproduction, because “[p]rocreation and birth are losing the element of natural uncontrollability that so far was essential for our normative self-understanding.”⁴⁰

“All the classical practices of cultivating, healing and breeding share a respect for the inherent dynamics of auto-regulated nature.”⁴¹ This is where the new genetic technologies differ. They allow us to convert nature into something we may control by technological means. Our respect for the inherent dynamic of the process of life as a practical concern, an “empathy or ‘resonant comprehension’ ... for the viability of organic life”, is an intuition that acts as a check on what we do.⁴² Habermas quotes the philosopher, Hans Jonas: “technologically mastered nature now again includes man who (up to now) had in technology set himself against it as its master.”⁴³ Jonas sees this self-empowering of man that is occurring now, as “the future bondage of the living to the dead”⁴⁴.

“Playing God”...

Habermas argues that phrases such as “‘partner in evolution’ or even ‘playing God’ are the metaphors for *an auto-transformation of the species* which it seems will soon be within reach”⁴⁵. We are experiencing a combination of neo-liberalism, Darwinism and free trade ideology which weakens the “socio-moral restrictions” placed on biotechnological progress⁴⁶. He confesses to his own difficulties in his “*attempt* [in his essay] to attain more transparency for a rather mixed-up set of intuitions... [that the] genetic foundations of our existence should not be disposed over”⁴⁷, if we are to retain our self-understanding as moral beings. The new genetics touches on the identity of the human species, the distinction between the grown and the made, and being the subject and the object of interventions⁴⁸. The self-understanding of a genetically programmed person would be different from our ethical self-understanding as members of the human species⁴⁹.

³⁹ Ibid., 3

⁴⁰ Ibid., 14

⁴¹ Ibid., 45

⁴² Ibid., 46-47

⁴³ Ibid., 47

⁴⁴ Ibid., 48

⁴⁵ Ibid., 21

⁴⁶ Ibid., 22

⁴⁷ Ibid.

⁴⁸ Ibid., 23

⁴⁹ Ibid.

A right to an unmanipulated genetic inheritance can be justified by understanding the biological foundations of personal identity as something not to be interfered with by others⁵⁰. Genetic manipulation is different in kind from other medical miracles — it alters the very essence of the nature of being human. We have physical experiences and moral experiences. Both are equally valid and important. Genetic intervention affects both. For another person to have control of our “inner nature” is to “change the overall structure of our moral experience”⁵¹. It shifts the line between chance and choice and affects self-understanding of persons in terms of being the authors of their own life histories and “recognize[ing] one another as persons of ‘equal birth’, that is, of equal dignity”⁵². Habermas does not come to this conclusion on the basis that the embryo enjoys full human dignity and is entitled to absolute protection of its life from the very beginning⁵³, as many religious people would do. Rather, he argues it from the basis of a future present, that is, of what the embryo will become and, therefore, what must not be done to it “if it is to have the freedom to become that and to interact with others as a free and equal person.”⁵⁴

Habermas rejects arguments that there is no difference between eugenics and other well-accepted practices, for example, education, in that both affect people’s attitudes and expectations⁵⁵. Such arguments function through dulling our moral intuitions about certain uses of the new technologies, often by putting the cloak of a non-controversial action, such as education or medicine, on a new and controversial technology and, in doing so, making us feel comfortable with that technology. One of Habermas’s important insights in rejecting the analogy between the alteration of the person resulting from cosmetic surgery — one of the examples he takes — and that resulting from genetic intervention, is that there is a difference in kind between “having a body” and modifying it, and “being a body” and modifying the essence of that being⁵⁶. The new reprogenetic technologies function in the latter kind of way, cosmetic surgery in the former.

Habermas’s essential objection to some uses of the new reprogenetic technologies is that they will change the self-perception of the person intervened on. “The realization that we were, in a past before our past, subjected to programming confronts us on an existential level so to speak with the expectation that we subordinate our being, our body, to our having a body”⁵⁷. In an arresting comparison that captures the world- and mind- altering power of reprogenetic technologies, Habermas refers to the disruption of our geocentric and our anthropocentric worldviews by Copernicus and Darwin, respectively, and then goes on to describe “a third decentration of our worldview, the subjugation of our body and our life to biotechnology”⁵⁸. For some people this represents a shift from a God-centered world view to a technology-centered one. But as we have come to see is true for Copernicus’s and Darwin’s contributions

⁵⁰ Ibid., 27

⁵¹ Ibid., 28

⁵² Ibid., 29

⁵³ Ibid., 31

⁵⁴ Ibid.

⁵⁵ Ibid., 49

⁵⁶ Ibid., 50

⁵⁷ Ibid., 54

⁵⁸ Ibid.

to knowledge, that need not be the outcome; it depends, rather, on how we view that knowledge.

Moving to a “we” perspective and protecting freedom...

Habermas identifies the ethically salient features of our “post-metaphysical” age⁵⁹: The pluralism of world views; spreading individualization — a switch from an inclusive “us” to a “me and us”; the complexity of our societies; and the focus just on justice. Justice and ethics have separated, in that justice is inclusive of all, but ethics is not any longer — it is my “right way to live”, not what is best for all⁶⁰. We need, he says, to move from an “us/them” to a “we” perspective from which we perceive one another as members of an inclusive community from which no person is excluded. In the past that was accomplished through a shared religion. Indeed, the word religion comes from *re ligare*, to bind together. Constructing an inclusive non-religiously based society requires that each person be seen as an end in themselves, inexchangeable as an individual; equal respect for every person; and that while we need generalized norms, we must allow scope for choosing and developing one’s own life project. People must be capable of saying no.⁶¹ Authenticity, the ability to be one’s self is at the base of being moral; genetic programming means that one cannot be one’s authentic self. In short, it would damage — or even destroy — our personal and ultimately societal moral base.

As well, Habermas continues, a sense of freedom depends on not being at the disposal of some other person — we must have a beginning we, or others, cannot control⁶². Genetic manipulation gives the past of a child power over its future. That can be compared with an approach in which we see genetics as our past and we take power over it. Genetic manipulation amalgamates what we are and what happens to us, whereas our birth as an un-interfered with human gives us the sense that we can always make a new beginning. A natural fate, a sense that our past before our past was not at human disposal, seems to be essential for our freedom⁶³.

In a postscript, in which he replies to some of the criticisms of his original essay, Habermas says that he has come to a clearer awareness of the unplumbed philosophical depths of the debate on the natural foundations for the self-understanding of responsibly acting persons. *The crucial question is the connection between the contingency of a life’s beginning that it is not at our disposal and the freedom to give one’s life an ethical shape*⁶⁴.

Damage to people’s freedom and equality has impact far beyond the individuals who suffer such losses. For instance, as mentioned previously, the essential pre-condition for democracy -- that all citizens must be free and equal -- could no longer be fulfilled.

⁵⁹ Ibid., 1

⁶⁰ Ibid., 3

⁶¹ Ibid., 56-57

⁶² Ibid., 75

⁶³ Ibid., 60

⁶⁴ Ibid., 75

Contrasting attitudes to rights...

Habermas observes a difference between Europe and America in relation to further developments in genetic technology. He says that in America the question addressed is how technological developments should be implemented, whereas in Europe it is whether further developments are permissible.

Americans have a “still unbroken trust in scientific and technological development”⁶⁵ and, Habermas says, Americans view the function of rights as being to recognize legal persons’ freedom of choice against the state. Rights are meant to protect against misused social power and on this version there is a strong resistance to the state ‘interfering’ with peoples’ rights to decide how they should reproduce and what kind of children they should reproduce. In contrast, in Europe rights held by individual subjects are seen as the “mirror image of an objective legal order which obliges state authorities to observe their duties to protect weaker or helpless parts of the society”⁶⁶. Because parents’ rights to make eugenic decisions would affect their children, the state has an obligation to restrict their decisions, to the extent that that is necessary to protect the well-being of future children. One could characterize this difference as reflecting a positivist legal stance in America as compared with a natural law one in Europe. What is allowed and prohibited under one or other approach can differ dramatically. In short, a basic presumption of respect for the natural (the natural law approach) as compared with starting from a “*tabula rasa*” (the positivist law approach) alters outcomes.

The American view results in an *adult-centered model* of reproductive decision-making and supports claims of absolute rights to reproductive freedom. Under this model how one chooses to use technology to achieve “collaborative non-coital reproduction” (which can include *in vitro fertilization*, pre-implantation genetic diagnosis, cloning, and, possibly in the future, making an embryo from two sperm or two ova) is no one else’s business, and certainly not the state’s to interfere with through law. In contrast, under a *child-centered model* of reproductive decision-making, which the European approach implements, the state has both a duty and a right to act as required for the protection of the well-being of the child. It is a further question to what extent the state should intervene in the new reproductive reality to protect the foundational (natural) requirements from which a shared morality can arise. It raises the complex and often difficult balance between the restriction of individual claims and fulfilling the needs of society – in this case to preserve the conditions that make society possible.

Habermas grounds the inherent wrongness of genetic intervention in the physical, mental and moral inviolability of the person who is interfered with, that is, in individual rights. Interestingly, claims by others not to be interfered with in using genetic technologies to reproduce — “absolute rights to reproductive freedom”⁶⁷ — are also grounded in individual rights. But in the latter case, it is the rights of the future parents that are being upheld, whereas in the former it is the rights of the future child.

⁶⁵ Ibid., 76

⁶⁶ Ibid.

⁶⁷ John A. Robertson, “Embryos, Families and Procreative Liberty: The Legal Structure of the New Reproduction”, (1986) 59 *Southern California Law Review*, 939

Although Habermas is clearly concerned to uphold respect for human life in general in the face of the new technoscience, his analysis focuses primarily on respect for the individual embryo as a future person. Exploring what holding the human germ cell line, itself, on trust for future generations as the common heritage of humankind requires, could add further insights into the limits, especially the natural ones, we should honour in our use of reprobogenic technologies.

Meaning of secularization...

In a final section called *Faith and Knowledge*, Habermas reflects on the terrorist attacks of September 11, 2001. In addressing the secularists and including himself in this group, he says, that we must have a self-reflection about what secularization means in our own post-secular societies, if we are to present a different image of the West to other cultures. “We do not want to be perceived as crusaders of a competing religion or as salespeople of instrumental reason and destructive secularization.”⁶⁸ We want neither a “disenchanted modernity” nor an “unsheltered modernity”. Both readings of modernity make the same mistake:

They construe secularization as a zero-sum game between the capitalistically unbridled productivity of science and technology on the one hand, and the conservative forces of religion and the church on the other hand. Gains on one side can only be achieved at the expense of the other side, and by liberal rules which act in favour of the driving forces of modernity.

This image is inconsistent with a postsecular society which adapts to the fact that religious communities continue to exist in a context of ongoing secularization. It obscures the civilizing role of a democratically shaped and enlightened common sense that makes its way as a third party, so to speak, amid the *Kulturkampf* confusion of competing voices.⁶⁹

Speaking to people of faith, he argues that “[r]eligious consciousness must, first, come to terms with the cognitive dissonance of encountering other denominations and religions. It must adapt to the authority of the sciences which hold the societal monopoly of secular knowledge. It must, last, agree to the premises of a constitutional state grounded in a profane morality.”⁷⁰ And both sides in this debate must recognize that reflection on either secularization or religion cannot be a process carried out by one side only or of one that is already come to a close.

In my view, Habermas gives insufficient weight and status to religious voices in the public square, especially in relation to establishing a moral base and ethics for society. There is a major difference between seeing the valid role of the secular as being to exclude religious considerations and that role being to ensure that all voices, including religious ones, are heard in the public square. The former is wrong, the latter is right. Moreover, the secular is presented as morally neutral, but that is not always correct. It can and often does have a certain moral or ethical agenda behind it. We need to be aware of the nature of that agenda, just as we should be aware of the agendas of religious voices, if we are to make wise decisions in relation to public policy.

⁶⁸ Habermas, *supra* note 9, 103

⁶⁹ *Ibid.*, 104

⁷⁰ *Ibid.*

Habermas proposes as a base for our societal decision making, in particular, in relation to reprobogenic technologies, “an informed commonsense which has found its place in the edifice of the constitutional state”⁷¹, that is, which has been enacted in law as the “religion replacement” for a secular society. As explained above, depending on what is meant here, this statement could also be challenged. He sees this informed commonsense as “a modern, natural law that feeds on religious resources [that] have long since become secularized”⁷². He is correct that, in a secular society, people must translate their religious beliefs into a secular language before their arguments have any chance of gaining majority support; that there should not be an unfair exclusion of religions from the public square; and that we should not sever the secular society from important resources of meaning⁷³. But that is very different from saying that religion is largely irrelevant or only relevant to the extent that it has become secularized. As he says, “democratic commonsense is not singular; it describes the mental state of a *many voiced public*”⁷⁴ and those voices must include religious ones. Habermas sees the all-pervasive language of the market as a countervailing force to hearing and acting on these voices, because it puts all personal relations under the constraint of an egocentric orientation towards one’s own preferences. In other words, he sees the market as an important source of the current “intense” individualism and societal narcissism. It would be interesting to explore the extent to which religious voices could be a countervailing force to these market pressures, a possibility that Habermas does not raise.

The human spirit...

Habermas shows how, in a secular society and without resort to a moral authority outside of ourselves as the human species, we can find a consensus that some things are inherently wrong. We can do this through understanding the full physical and non-physical (moral) essence of ourselves as human beings. For some of us that will include a spiritual or religious dimension. For others, it will not. One term for this moral sense or entity is the “human spirit”. It is the intangible, invisible, immeasurable reality that we need to find meaning in life and to make life worth living—that deeply intuitive sense of relatedness or connectedness to others, the world and the universe in which we live.⁷⁵ And for some people it goes further to include a sense of connection with a Transcendent Being, with the infinite and immortal. To destroy that essence, including through genetic manipulations, whether in relation to an individual person or humans, in general, is inherently wrong. In short, we need a profound respect for the natural, especially human nature.

We must search for a philosophy that we can all share and that can guide us morally and allow us to find meaning in life in a post-modern, post-secular, post-metaphysical world, in which science has revealed to us mind-altering knowledge about where we came from physically and how human life was constructed. Depending on how we view that knowledge, it will radically affect our worldview and future moral base.

⁷¹ Ibid., 108

⁷² Ibid.

⁷³ Ibid., 109

⁷⁴ Ibid., 108

⁷⁵ Somerville, *supra*, note 4, xiii-xiv

According to one view — that I call the *pure science* view — we are nothing more than “gene machines”: All aspects of our being and knowing can be attributed to genetic origins, whether solely or in interaction with the environment. If we can make an improved version of that “gene machine”, as some people argue we can with the new reprogenetic technologies, there is no reason to refrain from doing so. Under this view morality — to the extent that the view accommodates the idea that the “rules” governing our actions can be seen as human morality in any traditional meaning of that term — is mechanistically based. It sees logic, cognition and rationality as the only valid ways of human knowing.

The other view, which I call the *science-spirit* view, stands in awe and wonder at the knowledge that the new science has opened up — it deepens rather than obliterates our sense of awe and wonder at the reality of life and especially human life. A Japanese saying captures the essence of this view: As the radius of knowledge expands, the circumference of ignorance — our unknowing — increases. We are both amazed and humbled by what, as a result of our new knowledge, we now know that we do not know. In comparison with the *pure science* view, this view rests on a broader spectrum of ways of human knowing that include common sense, intuition, especially moral intuition, and “examined emotions”. For some people these ways of knowing that we use pursuant to this *science-spirit* view also include religion or at least a sense of the spiritual.

We have a deep moral intuition that each human life and human life in general must not be “disposed over” by others, that is, reified, treated as a commodity or thing. I have proposed elsewhere⁷⁶ that developing a concept of the “secular sacred” with respect to human life, its essence and transmission, could help us to understand and implement the obligations that flow from such a stance. Note, however, that the use of quasi-religious language, such as the word “sacred”, makes it easy for adherents of the *pure science* view to criticize such concepts. On the other hand, it offers opportunities for those who are religious to consider whether some of their values and beliefs can be expressed in such a way that their relevance and importance beyond the boundaries of a particular religion can be established.

Conclusion

We must comprehend *both our knowing and our unknowing* if we are to incorporate the new technoscience into our individual and collective lives in ways that enrich them not only physically, but also morally. The basic questions we must continue to address are who we are as humans and how we should understand ourselves. We are, at the least, moral animals and, as Habermas says, “[l]ife in a moral vacuum that not even the moral cynic would still recognize wouldn’t be worth living”⁷⁷. To avoid that vacuum, science and ethics must move forward together. Scientific “advances” without the accompanying ethical ones must be recognized for what they are — hollow victories⁷⁸. Somewhat ironically, the greater our advances in science the more profound must be our respect for the natural, if we are to retain our humanness and humanity.

⁷⁶ Ibid.

⁷⁷ Habermas, *supra* note , 94

⁷⁸ Somerville, *supra*, note 4, xv.

In the past we established a shared moral and ethical base on religion, often just on the tenets of one religion. That is not possible in our globalized world or our internally diverse societies. But finding a shared moral and ethical base is not optional; it is crucial to our survival physically and morally. The challenge is to find consensus in diversity and difference, and to retain the breadth, depth and richness of human knowing, including that which traditionally we all found, but now only some of us find, through religion.

I have long thought that to find a shared ethics we need poetry— indeed, the foundational books of the great religions attest to that – but we also need to experience personally the wonder of the natural and Nature. Writing in their journals, 11 year old Montreal students revealed that they had never climbed a tree and longed to do that and watch the sun set, or even walked in a field⁷⁹. They had no sense of connection with the natural world or of its fragility or preciousness. Indeed, they were fearful of nature. That is profoundly sad, but we should also be seriously concerned that they lack that sense of connection with Nature that engenders the deep respect for the natural required to protect some of our most important shared values. If so, the consequences could be devastating in the context of the new technoscience. Our response, however, should not be to wring our hands in despair but to help them to experience the wonder and awe of Nature. To do so is not just a moral undertaking, it is a moral necessity.

⁷⁹ Deborah Banks, “Mother Nature needs more city boys and girls”, *The (Toronto) Globe and Mail*, November 4, 2003, A22.